

Our ref: **ATH:BMC:20172476**  
Your ref:

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3 November 2017

Tim King  
Investigations 3  
Anti-Dumping Commission  
Level 35, 55 Collins Street  
MELBOURNE VIC 3000

**By Email: [tim.king@adcommission.gov.au](mailto:tim.king@adcommission.gov.au)**

Dear Mr King

**RCR International Pty Ltd**  
**Investigation into the alleged dumping of certain aluminium extrusions exported to Australia from the People's Republic of China by Guangdong Jiangsheng Aluminium Co., Ltd and Guangdong Zhongya Aluminium Company Ltd; and the Kingdom of Thailand.**

We refer to your letter of 19 October 2017 and email of 1 November 2017.

We are instructed that our client is willing to cooperate with the above investigation and that it has completed and returned Part A of the Importer Questionnaire to your office.

**Preliminary Affirmative Determination and imposition of securities**

We are instructed, in respect of any Preliminary Affirmative Determination (**PAD**) and the imposition of securities that may be made in relation to this investigation, as follows:

- 1 While the Commission in their Consideration Report number 442 has determined that the threshold to initiate an investigation has been met it acknowledges that the threshold to publish a dumping notice is higher. The investigation is ongoing and there has been no finding, as yet, that dumping has occurred.
- 2 Factors other than dumping which may have caused injury have not been ruled out, including:
  - (a) The factors specified under subsection 269TAE(2A) that the Parliamentary Secretary may have regard to when considering whether injury has been caused;
  - (b) Volume of imports from Malaysia which are not subject to anti-dumping measures;

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- (c) Cost profiles of the Australian industry; and
  - (d) Other factors which will be raised in submissions.
- 3 Measures have been in place in respect of this issue in other countries however, this is the first time this issue has been raised in respect of Thailand.
- 4 Our client has been importing the goods from their Thai supplier for 17 years without any issue.
- 5 Our client is willing to cooperate openly and transparently with the investigation.
- 6 Securities should only be imposed in circumstances where they are necessary to prevent injury being caused during the investigation.<sup>1</sup>
- 7 If securities were imposed our client would suffer significant disadvantage as the pricing of its goods would become uncertain having an adverse effect on its business operations.

The *Customs (Preliminary Affirmative Determinations) Direction 2015* permits the Commissioner to make either a PAD or to publish a Status Report setting out his reasons why a PAD was not made. In circumstances where no finding of dumping has been made, other factors which may have caused injury are yet to be considered and the adverse effects to our client we do not consider a PAD or the imposition of securities to be appropriate in this case.

## Responses to Parts B and C of the Importer Questionnaire

We note that our client's responses to Parts B and C of the Importer Questionnaire are required by 9 November 2017. We are instructed that our client will require additional time to complete Parts B and C.

We request that the timeframe for completion of Parts B and C be extended to 27 November 2017, being the date by which submissions in response to the Anti-Dumping Notice are to be made.

We are instructed that our client's reasons for its request for an extension are as follows:

- 1 Our client received the notification and Importer Questionnaire on 19 October 2017 and the import data relevant to Parts B and C of the Importer Questionnaire on 1 November 2017.
- 2 Our client is in the process of collating the relevant data to complete Parts B and C.
- 3 It has engaged the services of KPMG to assist in this process and to ensure the information is provided in the most accurate and efficient manner possible.

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<sup>1</sup> *World Trade Organisation Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, Paragraph 7.1(iii).

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- 4 It is our client's business practice to maintain detailed records, as such, there is a significant amount of data to collate.
- 5 It intends to work through this data as efficiently as possible however, due to the volume of the data, it will require additional time.

In light of the above we consider the extension of time requested to be reasonable and in the interests of efficient and effective cooperation with the investigation.

We look forward to your response.

Yours faithfully



Andrew Hudson  
Partner