



17 February 2014

The Director
Operations 2
Anti-Dumping Commission
5 Constitution Avenue
Canberra ACT 2601

Review 229: Applicant's failure to comply with s.269ZJ(2)

This submission is made on behalf of Capral Ltd, a member of the Australian aluminium extrusions industry, in relation to Review 229 of certain aluminium extrusions exported to Australia from China by Alnan Aluminium Co Ltd (Alnan). We specifically refer to Alnan's failure to comply with s.269ZJ(2) of the *Customs Act 1901* (the Act) in relation to the public version of its response to the exporter questionnaire (REQ) dated 5 January 2014, which was uploaded to the electronic public record (EPR) on 10 February 2014.

We accept that a comprehensive REQ will necessarily contain commercially sensitive information, however s.269ZJ(2) mandates that a person providing confidential information must also provide a summary of that information "that contains sufficient detail to allow a reasonable understanding of the substance of the information." Alnan's REQ is almost entirely redacted on the basis of claimed confidentiality and provides zero understanding of company operations other than it manufactures aluminium extrusions by the standard extrusion process.

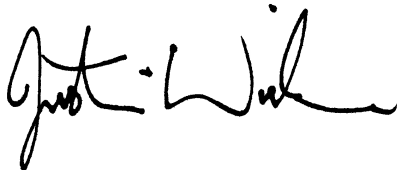
Many of the redactions appear to relate to information that would already be in the public sphere, or at least generally known in the aluminium extrusion industry in China, such as:

- pamphlets on Alnan's business activities
- whether Alnan operates in a special economic zone or similar area
- a broad understanding of Alnan's distribution chain
- differences between exported extrusions and those sold domestically, and
- general information about known preferential tax programs and grant schemes.

Non-Confidential – For Public Record

We acknowledge your file note that accompanies Alnan's REQ on the EPR, which states that you have requested Alnan to provide further information in relation to the redacted sections of the REQ. Should this further information not be forthcoming we urge the Commission to disregard Alnan's REQ in accordance with ss.269ZJ(5) and (6).

Last week it was reported that the Minister for Industry is working on a package of anti-dumping measures that includes legislation to reverse the onus of proof onto exporters in anti-dumping matters (Attachment A). In this case there is already a legislated onus on Alnan to provide a reasonable public version of its REQ. It is clear that Alnan has not discharged its obligation and it is imperative that the existing onus on exporters is vigorously enforced.

A handwritten signature in black ink, appearing to read 'Justin Wickes', with a stylized, cursive script.

Justin Wickes
Director

Coalition tightens dumping laws

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push up the retail price of the imports.
The moves mark a shift in the government's internal debate over help for food producers such as SPC Ardmona, as the Prime Minister rules out financial grants but accepts the case for trade assistance.

Industry Minister Ian Macfarlane is working on a package of "anti-dumping" measures that include legislation to reverse the onus of proof on foreign suppliers, speeding up penalties against them.

The Australian has been told the work is under way separately from a looming decision to penalise tomato importers found to have

dumped their products here, in a conclusion by the government's Anti-Dumping Authority last week.

In a shift in tone in the dispute over SPC, Mr Abbott yesterday applauded the company

for starting work to improve its workplace after he earlier named its union agreement as a factor in refusing its plea for \$25 million in federal aid.

Mr Abbott also sought to ease the Coalition's internal tensions by using question time to congratulate Liberal backbencher Sharnan Stone — his most vocal critic on the issue — for standing up for SPC.

Trade advocates are opposed to

reversing the onus of proof for overseas suppliers that do not co-operate in dumping investigations, seeing it as a form of trade protection because it would assume the companies were guilty.

Dr Stone spoke out against the federal cabinet decision on SPC yesterday in the closed-door meeting of Coalition MPs in Canberra, where Queensland Nationals senator Ron Boswell also praised the company and warned that if it closed, it could not be replaced.

Prominent Victorian Liberal Minister but called for action to reduce costs for producers, such as looking at the renewable energy

target that is blamed for pushing up electricity prices — triggering applause from her colleagues.

In a crucial response, Mr Abbott defended the cabinet decision in yesterday's party meeting but agreed with Dr Stone's criticism that the anti-dumping regime was too weak.

Mr Macfarlane's spokeswoman said the government was working to make sure the regime was "as robust and comprehensive as possible", and consistent with the World Trade Organisation's requirements.

Dr Stone told *The Australian* late yesterday it was "gratifying" that Mr Macfarlane was now urgently toughening the regime,

and she dismissed the fears about retaliation from trading partners.

"Let's test it and see — if we are the poor little pathetic scared people who always worry that someone might say 'Just a minute', then let's forget our anti-dumping regime and continue as before," Dr Stone said.

"But if we're going to be robust in making sure that we do stick by the rules, if we introduce reversal of the onus of proof measures that are consistent with the WTO, then I say 'Bring it on'."

Labor attacked the idea of changing the onus of proof when it was in government, warning that it would flout global trade agreements.