



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

IMPORTER QUESTIONNAIRE

ANTI-CIRCUMVENTION INQUIRY 447

EXPORTS THROUGH THIRD COUNTRY

Product: ALUMINIUM EXTRUSIONS

From: THE PEOPLE'S REPUBLIC OF CHINA

Period of Inquiry: From 1 January 2015

Response due by: **14 November 2017**

Inquiry case manager: Jukka Mäntynen

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E-mail: operations2@adcommission.gov.au

Anti-Dumping Commission website: www.adcommission.gov.au

Return completed questionnaire to: Anti-Dumping Commission
Level 35, 55 Collins Street
Melbourne VIC 3001
AUSTRALIA
Attention: Director Operations 2



Australian Government
**Department of Industry,
Innovation and Science**

Anti-Dumping Commission

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CONDUCT OF THE INQUIRY

The Commissioner of the Anti-Dumping Commission (the Commissioner) announced in Anti-Dumping Notice 2017/137 that he initiated the inquiry on **16 October 2017**.

The inquiry will examine whether exporters of certain aluminium extrusions from China have engaged in the circumvention activity as outlined in section 269ZDBB of the *Customs Act 1901* (the Act) of exporting the goods to Australia from China through one or more third countries including Malaysia, Thailand, Indonesia, and the Philippines.

For the purposes of the inquiry, the inquiry period to determine whether anti-circumvention has occurred will be from **1 January 2015**.

After concluding the inquiry, the Commissioner will recommend to the the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)¹ that the original duty notice:

- (i) remain unaltered; or
- (ii) be altered because the Commissioner is satisfied that circumvention activities in relation to the original notice have occurred.

The Commissioner must maintain a public record of the inquiry. Documents included in the public record may be examined at www.adcommission.gov.au or at the Commission's office by contacting the case manager.

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry, no later than the close of business on **22 November 2017**, addressed to:

The Director
Operations 2
Anti-Dumping Commission
Level 35
55 Collins Street
Melbourne VIC 3001

Or by email to operations2@adcommission.gov.au.

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that the Commissioner is not obliged to have regard to a submission received after the date mentioned above if to do so would, in the Commissioner's opinion, prevent the timely placement of the statement of essential facts (SEF) on the public record.

The public record must contain, among other things, a copy of all submissions from interested parties.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or

¹ On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this investigation, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

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adversely affect those interests; or

- (ii) satisfy the Commissioner that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked '**FOR OFFICIAL USE ONLY**'.

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked '**PUBLIC RECORD**').

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable the Commissioner to report to the Parliamentary Secretary within the legislative timeframe. An SEF will be placed on the public record by 3 February 2018, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI of the Act. The SEF will set out the essential facts on which the Commissioner proposes to base a recommendation to the Parliamentary Secretary. The SEF will invite interested parties to respond to the issues raised within 20 days of the SEF being placed on the public record.

Report to the Parliamentary Secretary

Submissions received in response to the SEF will be taken into account in completing the report and recommendation to the Parliamentary Secretary.

A recommendation to the Parliamentary Secretary will be made in a report on or before 20 March 2018 (or such later date as the Parliamentary Secretary may allow).

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2428 or email operations2@adcommission.gov.au.

GOODS SUBJECT OF THE INQUIRY

The goods, subject of the inquiry (the goods), are:

Aluminium extrusions that:

- *are produced by an extrusion process;*
- *are of alloys having metallic elements falling within the alloy designations published by The Aluminium Association commencing with 1, 2, 3, 5, 6 or 7 (or proprietary or other certifying body equivalents);*
- *have finishes being:*
 - *as extruded (mill);*
 - *mechanically worked*
 - *anodized; or*
 - *painted or otherwise coated, whether or not worked;*
- *have a wall thickness or diameter greater than 0.5 mm;*
- *have a maximum weight per metre of 27 kilograms; and*
- *have a profile or cross-section fitting within a circle having a diameter of 421 mm.*

Table provides examples of the coverage of the goods and like goods (and intended end-use applications) and is being used for this investigation. Examples of the goods and like goods are outlined in columns 1 to 4 and non-subject goods are outlined in columns 5 to 7.

< GUC >				< Non GUC >		
1	2	3	4	5	6	7
Aluminium extrusions	Aluminium extrusions with minor working	Aluminium extrusions that are parts intended for use in intermediate or finished products	Aluminium extrusions that are themselves finished products	Unassembled products containing aluminium extrusions, e.g. 'kits' that at time of import comprise all necessary parts to assemble finished goods	Intermediate or partly assembled products containing aluminium extrusions	Fully assembled finished products containing aluminium extrusions
< Examples >						
Mill finish, painted, powder coated, anodised, or otherwise coated aluminium extrusions	Precision cut, machined, punched or drilled aluminium extrusions	Aluminium extrusions designed for use in a door or window	Carpet liner, fence posts, heat sinks	Shower frame kits, window kits, unassembled unitised curtain walls	Unglazed window or door frames	Windows, doors

Table 1 - The goods and like goods

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The goods are classified to the following tariff subheadings in Schedule 3 to the Customs Tariff Act 1995:

<i>Tariff code</i>	<i>Statistical code</i>	<i>Description</i>
7604.10.00	06	Non alloyed aluminium bars, rods and profiles
7604.21.00	07	Aluminium alloy hollow angles and other shapes
7604.21.00	08	Aluminium alloy hollow profiles
7604.29.00	09	Aluminium alloy non hollow angles and other shapes
7604.29.00	10	Aluminium alloy non hollow profiles
7608.10.00	09	Non alloyed aluminium tubes and pipes
7608.20.00	10	Aluminium alloy tubes and pipes
7610.10.00	12	Doors, windows and their frames and thresholds for doors
7610.90.00	13	Other

Table 2 - Tariff classifications of the goods

EXISTING MEASURES

Anti-dumping measures in the form of dumping and countervailing duties on aluminium extrusions exported to Australia from China were imposed on 28 October 2010 by the then Attorney-General.

On 28 October 2015, the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)² continued anti-dumping measures on aluminium extrusions exported from China in the forms of:

- interim dumping duties, except for exports by Tai Ao Aluminium Tai Shan Co Ltd and Guangdong Zhongya Aluminium Company Limited; and
- interim countervailing duties, except for exports by Tai Ao Aluminium Tai Shan Co Ltd.

On 22 June 2017 the Parliamentary Secretary imposed:

- dumping duties on the goods exported to Australia by the category of 'uncooperative and all other exporters' from Malaysia and countervailing duties on the goods exported to Australia by the category of 'non-cooperative and all other exporters' from Malaysia; and
- dumping duties on the goods exported to Australia from Vietnam.

Further details of the measures in place are available in the *Dumping Commodity Register* on the public record on the Commission's web site.

² On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this investigation, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

INSTRUCTIONS

Why you have been asked to fill out this questionnaire?

The Anti-Dumping Commission (the Commission) is responsible for assisting the Commissioner in conducting an inquiry into alleged circumvention activity.

The inquiry follows an application made by an Australian industry member manufacturing the goods. The application alleges that the goods are exported from China to a third country such as Malaysia, Thailand, Vietnam, Indonesia, the Philippines and Bangla Desh and then exported from that country to Australia, thereby avoiding the measures.

The Commission will examine your imports of the goods during the inquiry period to determine whether determine whether the prescribed anti-circumvention activity of export of goods through one or more third countries has occurred.

At the end of the inquiry a report will be provided to the Parliamentary Secretary. After considering the report and any other information that the Parliamentary Secretary considers relevant, the Parliamentary Secretary may leave the original notices unaltered or alter the original notices accordingly.

The Commission inquiry will be carried out under the provisions of the Part XVB of the *Customs Act 1901*.

Due date for response

You are requested to respond to this questionnaire and return it to the Commission within the time specified on the cover page. There is a statutory time limit imposed for the inquiry. The Commission may not be able to consider questionnaires received after the due date.

If you cannot lodge your questionnaire by the due date please advise the inquiry case manager as soon as possible.

Confidential and non-confidential submissions

You are required to lodge one confidential version (for official use only) and one non-confidential version (for public record) of your submission by the due date.

Please ensure that *each page* of information you provide is clearly marked either '**FOR OFFICIAL USE ONLY**' or '**PUBLIC RECORD**'.

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

Please note that Australia's anti-dumping and countervailing legislation requires that to the extent that information given to the Commission is claimed to be confidential or whose publication would adversely affect a business or commercial interest, the person giving the information must ensure that a summary of that information contains sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests.

The legislation allows that a person is not required to provide a summary for the public record if the Commission can be satisfied that no such summary can be given that would allow a reasonable understanding of the substance of the information. However, such a summary would add considerably to an interested party's understanding of information contained in a document.

As provided for in Australia's anti-dumping and countervailing legislation, all submissions are required to have a bracketed explanation of deleted or blacked out information for the non-confidential version of the submission. Note that if such an explanation is not

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provided, the Commission may disregard the information in the submission. An example of a statement to accompany deleted/blacked out text is:

[explanation of arrangements with customers].

If, for some reason, you cannot produce a non-confidential summary, please contact the inquiry case manager.

Verification of the information that you supply

The Commission may seek to verify the information provided in your submission. Where there is a large number of importers, the Commission may have to verify information from selected importers only. The purpose of a verification visit is to verify the information submitted in response to this questionnaire.

Some general instructions for preparing your response

When answering the questionnaire please carefully read all instructions. The Commission requires a response to *all* sections of this questionnaire. Please provide an explanation if a question is not relevant to your situation.

Answer questions in the order presented in the questionnaire. Please ensure that information submitted conforms to the requested format and is clearly labelled.

Identify source documents and advise where they are kept. During on-site verification you should be prepared to substantiate all the information you have submitted. Every part of the response should be traceable to company documents that are used in the ordinary course of business.

We recommend that you retain all work sheets used in answering the questionnaire, in particular those linking the information supplied with management and accounting records. This will help us to verify the information.

Clearly identify all units of measurement and currencies used. Apply the same measurement consistently throughout your response to the questionnaire.

Instructions on providing electronic data

It is important that information is submitted in electronic format.

Electronic data should be emailed or submitted on a CD-ROM, in *IBM/MS-DOS* format, or another operating system whose disk format is compatible with this *MS-DOS* version.

The data must be created as spreadsheet files, preferably in *Microsoft Excel*, or alternatively in an *Excel* compatible format (for example, *Excel* can normally access data in *Dbase* or as an *ASCII* file).

The *Excel* files must be compatible to the USA version.

If you cannot present electronic data in the requested format contact the inquiry case officer as soon as possible.

Further information

If you require further assistance, or you are having difficulties completing your response to this questionnaire, please contact the inquiry case manager. The Commission will need to know the reasons.

Please note that the Commission may identify further information needs in the course of the inquiry and may contact you again.

Part A – Company and overseas supplier information

A.1 Your company

Company Name	Concrete Formwork Technologies Pty Ltd
ABN:	47 169 116 205
Contact name:	[REDACTED]
Position:	[REDACTED]
Mailing address:	[REDACTED]
	[REDACTED]
Telephone:	[REDACTED]
E-mail address:	[REDACTED]

Describe the role of your company in the Australian market for aluminium extrusions – for example, buying or selling agent, importer/distributor, importer/wholesaler, importer/retailer or importer/end-user.



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A.2 Your overseas supplier(s) of the goods under inquiry

Please complete the below information for each of your overseas suppliers of aluminium extrusions (using a new box for each supplier).

Commodity:	Custom Designed Sideform Aluminium Extrusions
Supplier name:	[REDACTED]
Is the supplier the manufacturer? If 'no', please also answer question A.3 in relation to this supplier.	[REDACTED]
Country of manufacture	Thailand, Malaysia
Country imported from (where different to country of manufacture):	Thailand, Malaysia
Contact name:	[REDACTED]
Position:	[REDACTED]
Mailing address:	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
Telephone:	[REDACTED]
E-mail address:	[REDACTED]

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A.3 Overseas manufacturer(s) of the goods under inquiry

If the supplier(s) listed in your response to question A.2 above is not the manufacturer of the aluminium extrusions supplied, please complete the below for each manufacturer of the aluminium extrusions supplied (using a new box for each supplier).

Commodity:	Custom Designed Sideform Aluminium Extrusions
Supplier name (from A.2):	[REDACTED]
Manufacturer name:	[REDACTED]
Country of manufacture:	Thailand
Country imported from (where different from country of manufacture):	Thailand
Manufacturer contact name:	Unknown
Position:	Unknown
Mailing address:	[REDACTED]
	[REDACTED]
Telephone:	Unknown
E-mail address:	Unknown

Commodity:	Custom Designed Sideform Aluminium Extrusions
Supplier name (from A.2):	[REDACTED]
Manufacturer name:	[REDACTED]
Country of manufacture:	Malaysia
Country imported from (where different from country of manufacture):	
Manufacturer contact name:	[REDACTED]
Position:	[REDACTED]
Mailing address:	[REDACTED]
	[REDACTED]
Telephone:	[REDACTED]
E-mail address:	[REDACTED]

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A.4 Timing of proposed visit by the Anti-Dumping Commission (the Commission)

The Commission would like to commence visits to importers to verify the data submitted within import questionnaire responses and discuss the inquiry as soon as possible.

Please advise what dates are suitable to your company for this visit?

Please note that it may be helpful to consider the availability of key staff, such as your accountant, purchasing officer or sales staff.



Address for proposed visit (the address at which your accounting records are held):

Street address:	[Redacted]
	[Redacted]
Telephone:	[Redacted]

A-5 Further information

1. In the supplied *Excel* workbook entitled *Attachment 1 to Importer Questionnaire*, list all shipments transaction by transaction to Australia of the goods under inquiry in the inquiry period. Provide this list in electronic format.
2. Provide any further information that you may consider is relevant to this inquiry.
3. Provide any information you may be aware of about other parties that you may consider is relevant to this inquiry.

Please refer to confidential enclosures:

- a) Imports from China
- b) Imports from Malaysia
- c) Imports from Philippines
- d) Imports from other Countries