

27th November 2017

Director, Investigations 3
Anti-Dumping Commission
GPO Box 2013
Canberra, ACT, 2601

Email: investigations3#adcommission.gov.au

Dear Case Manager,

On behalf of our client Alpha Energy Pty Ltd (Alpha) we hereby acknowledge receipt of your letter dated 19th October which outlines an opportunity to provide a submission to the Anti-Dumping Commission in relation to Anti-Dumping Notice No.2017/144 (ADN 2017/144).

The ADN 2017/144 relates to the importation of Aluminium Extrusions (the goods) exported to Australia by a number of parties including [REDACTED] (the Supplier).

Alpha confirm that over the course of the investigation period they have imported a number of shipment from the Supplier which do not contain the goods as outlined by this notice. We will explain this statement in detail further in our submission.

Alpha confirms that the Supplier, [REDACTED] as per previous investigations undertaken by the ADC and the Australian Customs Service as the previous administrative body.

The investigative authorities throughout previous investigations, over the course of the last 8 years, it has been confirmed, inter alia, that the Supplier has not caused material injury to the local manufacturers of aluminium extrusions within Australia. The investigative bodies confirmed, through their actions of not imposing IDD or CVD, that the Supplier has complied with all international obligations and undertaken a process which has not caused material injury to the local industry within Australia.



Alpha's submission to this inquiry comprises two very specific areas of contention which we will outline below.

The first contention with regards to the products imported by Alpha is the matter of whether the goods are actually "Goods Under Consideration" as outlined in the dumping commodities register and as part of the documentation for the current investigation.

As background information Alpha has been importing the aluminium extrusions as part of a complete set which is utilised to mount solar panels on the roof of buildings, both commercial and residential, as well as being utilised to secure panels within solar farms to assist in providing renewable energy to the Australian market.

It is Alpha's position that the goods, as imported, are part of a complete kit for the mounting of solar panels and are therefore exempted from the dumping consideration. The "Goods Under Consideration" matrix outlines in column 5 that goods being "unassembled products containing aluminium extrusions" are Non GUC.

Further mentioned in Column 5 is "Kits that, at time of import, comprise all necessary parts to assemble finished goods." The kits imported by Alpha are complete kits which have all components to allow the necessary builder and/or technician to safely mount the solar panels to the roof of buildings. These kits include parts specifically manufactured for this purpose AND for the types of roof which the solar panels will be installed. Each kit changes the type of fittings based on whether the solar panel will be secured against a ceramic tile, aluminium, steel or other type of roof configuration.

In this type of example the solar panel mounting kit is therefore an integral piece of equipment made up of specific items which allow the solar panel to be secured in the optimum way to produce the maximum amount of renewable energy for the installation. Alpha are of the opinion the goods, as imported, are not subject to IDD nor CVD based on the goods, as imported.

Alpha request that the ADC investigate the matter of the goods being imported as part of a complete kit and reaffirm the previous position outlined in prior investigations that aluminium extrusions rail imported in a complete solar mounting kit is not subject to IDD and/or CVD.

The second contention on behalf of Alpha is the goods being imported are not causing material injury to the local manufacturer of aluminium extrusions.

The extrusions imported by Alpha from the Supplier do not cause material injury to the local manufacturer for the following reasons:



1. The goods imported are imported in quantities which would be negligible to the overall industry and therefore not commercially viable for the local manufacturer to produce. This is evidenced by the fact the manufacturer (Capral) who has lodged the submission with the ADC has refused the opportunity to produce the goods being imported by Alpha at the quantities required.

Capral was approached by Alpha to present a quotation covering the goods and were unable to manufacture the goods in the specifications, as imported, and with some structural changes were then unable to produce the goods in the quantities required as the cost of tooling and production would be uneconomical.

[REDACTED]

In our opinion the goods imported by Alpha from the supplier are negligible in the context of the investigation.

2. The price at which the goods are imported is greater than that which was quoted by Capral to produce the goods locally. [REDACTED]
[REDACTED], as stated in point 1, could not be committed to.

Given the price quoted by Capral it would be difficult to sustain an argument of material injury being sustained when Capral are setting a price which would appear to be less than the imported goods are actually being sold to the importer.

The position that Capral is being subject to material injury due to price suppression may actually be instigated by their own pricing and not due to pressure from external sources. That Capral [REDACTED] would provide evidence that the matters stated as being the material injury suffered could reflect the manufacturers own policy rather than market forces.

3. The price at which the goods are imported exceed that to which the local manufacturer would be subject to material injury. Whilst it is difficult to ascertain the normal value as the aluminium extrusion rail is not sold on the local Chinese market evidence from pervious investigations provide insight that the goods the Supplier are not dumped into the Australian market and are sold at a rate which does not cause material injury.

Evidence can be supplied to the ADC outlining the pricing achieved by the supplier, interim costs to manufacture and the price sold to Alpha [REDACTED]
[REDACTED]



Based on the above details of the goods imported by Alpha from the Supplier we state that there is no material injury sustained by the local manufacturer in relation to the goods imported by Alpha. We also contend that the goods, as imported by Alpha are not just Aluminium extrusions but are a solar panel mounting kit and are therefore excluded from Interim Dumping Duty (IDD) and Countervailing Duties (CVD) as they are clearly stated as not “Goods Under Consideration” within the ADC published data.

Should it be required by the ADC, Alpha can supply copies of documentation in relation to pricing and correspondence with both the Supplier and the local manufacturer as evidence of the detail contained in this submission.

Yours Faithfully

Brett Greedy

Director

CONFIDENTIAL