

ANTI-CIRCUMVENTION INQUIRY 447

EXPORTS THROUGH ONE OR MORE THIRD COUNTRIES

Exporter Questionnaire

Product: **ALUMINIUM EXTRUSIONS**

From: THE PEOPLE'S REPUBLIC OF CHINA

Period of Inquiry: From 1 January 2015

Response due by: **30 November 2017**

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**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

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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 email 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.

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.

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 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

PUBLIC VERSION

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 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.

SECTION A

A-1 Identity and communication

Please nominate a person within your company who can be contacted for the purposes of this inquiry:

Head Office:

Contact person name: [REDACTED]

Position in the company: [REDACTED]

Address: [My Xuan B1-Conac Industrial Zone, My Xuan Town, Tan Thanh District, BR-VT Province, Vietnam](#)

Telephone: [REDACTED]

E-mail address of contact person: [REDACTED]

Factory:

Contact person name: [As above](#)

Position in the company: [As above](#)

Address: [As above](#)

Telephone: [As above](#)

E-mail address of contact person: [As above](#)

A-2 Representative of the company for the purpose of inquiry

If you wish to appoint a representative to assist you in this inquiry, provide the following details:

Contact person name: [Mr John Bracic - J.Bracic & Associates Pty Ltd](#)

Position in the company: [Director](#)

Address: [PO Box 3026, Manuka, ACT 2603](#)

Telephone: [+61 \(0\)499 056 729](#)

E-mail address of contact person: john@jbracic.com.au

A-3 Company information

1. What is the legal name of your business? What kind of entity is it (eg. company, partnership, sole trader)? Please provide details of any other business names that you use to export or sell goods.

Response: [The legal name of the business is Global Vietnam Aluminium Company Ltd., \(GVA\). GVA is a limited liability company. No other business names are used to export.](#)

2. Provide a diagram showing all associated or affiliated companies and your company's place within that corporate structure.

Response: Not applicable as GVA has is not a subsidiary company or parent company and therefore has no associated or affiliated companies.

3. Describe the nature of your company's business. Explain whether you are a producer or manufacturer, distributor, trading company, etc.

Response: GVA is a producer of aluminium billet and aluminium extruded products.

4. If your business does not perform all of the following functions in relation to the goods under inquiry, then please provide names and addresses of the companies which perform each function:

- produce or manufacture
- sell in the domestic market
- export to Australia, and
- export to countries other than Australia.

Response: GVA is a producer and an exporter of aluminium extrusions to Australia and other third countries. GVA does not sell any products on the domestic market in Vietnam.

5. Provide a copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities.

Response: Please refer to **Confidential Exhibit A-3.5 – Company profile**. Please note that GVA does not publish an Annual Report.

A-4 Further information

1. Provide any further information that you may consider is relevant to this inquiry.

Response: Please note that as verified during the recent dumping investigation into aluminium extrusions exported from Vietnam, GVA [REDACTED]. The export volume during that investigation period represented [REDACTED] metric tonnes.

Since 17 October 2016 when the Commission made the decision to impose provisional measures on exports from Vietnam, GVA's exports have been subject to a provisional duty rate of between 8.5% and 17.5%.

In these circumstances, it is illogical to consider that GVA would have engaged in the claimed circumvention, or had any interest in engaging in such practices. As GVA [REDACTED].

In any case, GVA has never purchased aluminium extrusions from China for re-export to Australia and therefore the circumvention claims are invalidated.

2. Provide any information you may be aware of about other parties that you may consider is relevant to this inquiry.

Response: GVA has no relevant information about the practices of other parties.

SECTION B EXPORTED GOODS

B-1 Exported Goods to Australia

Describe the goods you have exported to Australia during the inquiry period. Include specification details and model numbers as well as any marketing, technical and illustrative material that may be helpful in identifying, or classifying, the exported goods.

Response: During the inquiry period, GVA exported aluminium extrusions in various profiles in [REDACTED] finishes. Refer to the table below for further details.

[CONFIDENTIAL TABLE DELETED]

SECTION C SALES TO AUSTRALIA

C-1 For each customer in Australia to whom you shipped goods in the inquiry period, list:

- Contact person name
- Position in the company
- Address
- Telephone
- E-mail address of contact person



C-2 For each customer identified in C1 please provide the following information.

- (a) Describe how the goods are sent to each customer in Australia, including a diagram if required.

Response: All exports were produced, transported to the local port, loaded into the nominated vessel before being directly shipped to the corresponding customer. Refer to diagram below for details of export delivery.

[CONFIDENTIAL DIAGRAM DELETED]

- (b) Identify each party in the distribution chain and describe the functions performed by them.

Response: All exports to customers listed at B-1 involved direct sales between the individual importers and GVA. As shown in the diagram above, no third party intermediaries or agents were involved in these export sales and no commissions were paid. All negotiations, ordering, selling, invoicing and payments are made between GVA and the respective importers.

- (c) Indicate whether the goods you exported to each customer in Australia were manufactured by you.

Response: GVA manufactured all of the goods which it exported to Australia.

- (d) If the goods you exported to Australia were not manufactured by you, indicate which country they were manufactured in and who they were manufactured by.

Response: Not applicable.

- (e) If the goods you exported to Australia were not manufactured by you, indicate please indicate if the goods are further processed, re-packaged, held under bond or are cleared through Customs to enter the economy of that your country.

Response: Not applicable.

- (f) Explain who retains ownership of the goods at each stage of the distribution chain. In the case of DDP sales, explain who retains ownership when the goods enter Australia.

Response: For exports with delivery terms [REDACTED].

- (g) Describe any agency or distributor agreements or other contracts entered into in relation to the Australian market (supply a copy of the agreement if possible).

Response: Not applicable. No such agency, distributor agreements or contracts exist in relation to GVA's exports to Australia.

- (h) Provide company and contact details of relevant agents, freight forwarders or logistics providers.

Response: Refer to contact details included in **Confidential Attachment 1** for [REDACTED]. For [REDACTED], contact details should be requested from relevant importers.

- (i) Explain in detail the process by which you negotiate price, receive orders, deliver, invoice and receive payment. If export prices are based on price lists, supply copies of those lists.

Response: GVA's prices are determined [REDACTED].

- (j) State whether your firm is related to any of its Australian customers. Give details of any financial or other arrangements (eg free goods, rebates, or promotional subsidies) with the customers in Australia (including parties representing either your firm or the customers).

Response: GVA is not related to any of its Australian customers.

- (k) Details of the forward orders to Australia of the goods under inquiry (include quantities, values and scheduled shipping dates).

Response: Please refer to **Confidential Exhibit C-2.f – Forward orders**.

In the worksheet entitled *Sales to Australia*, which is in the supplied *Excel* workbook entitled *Attachment 1 to Third Country Exporter Questionnaire*:

- list all purchases of final products for sales from your country and from foreign countries;
- list all shipments transaction by transaction to Australia of the goods under inquiry in the inquiry period. Provide this list in electronic format.

Response: Refer to **Confidential Attachment 1**.

In the worksheet entitled *Production and Purchases*, which is in the supplied *Excel* workbook entitled *Attachment 1 to Third Country Exporter Questionnaire*:

- provide a summary of your company's production and purchases of the goods.

Response: Refer to **Confidential Attachment 1**.

SECTION D IMPORTS FROM CHINA

D-1 Did you import any of the goods from China?

Response: No.

D-2 For each supplier in China from whom you imported goods in the inquiry period, list:

Contact person name

Position in the company

Address

Telephone

E-mail address of contact person

Response: Not applicable.

D-3 Were any of the goods that you exported to Australia imported from China? Do you make any alterations to the goods prior to sale?

Response: Not applicable.

D-4 If any of the goods that you exported to Australia were imported from China, indicate who the supplier is that you imported the goods from. State whether your firm is related to the supplier and give details of any financial or other arrangements.

Response: Not applicable.

D-5 If any of the goods that you exported to Australia were imported from China, indicate please indicate if the goods are further processed, re-packaged, held under bond or are cleared through Customs to enter the economy of your country.

Response: Not applicable.

**SECTION E
DECLARATION**



I hereby declare that **GLOBAL VIETNAM ALUMINIUM**

did, during the period of inquiry manufacture and export the goods under inquiry and have completed the attached questionnaire and, having made due inquiry, certify that the information contained in this questionnaire is complete and correct to the best of my knowledge and belief.



I hereby declare that.....(company)

did not, during the period of inquiry, export the goods under inquiry and therefore have not completed the attached questionnaire.

Name :.....

Signature :.....

**Position in
Company** :.....

Date :.....

SECTION F CHECKLIST

This section is an aid to ensure that you have completed all sections of this questionnaire.

Section	Please tick if you have responded to all questions
Section A – COMPANY STRUCTURE	<input checked="" type="checkbox"/>
Section B – EXPORTED GOODS	<input checked="" type="checkbox"/>
Section C – SALES TO AUSTRALIA	<input checked="" type="checkbox"/>
Section D – IMPORTS FROM CHINA	<input checked="" type="checkbox"/>
Section E – EXPORTER'S DECLARATION	<input checked="" type="checkbox"/>

Electronic Data	Please tick if you have provided spreadsheet
Sales to Australia	<input checked="" type="checkbox"/>
Production and Purchases	<input checked="" type="checkbox"/>