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4 December 2017

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

By Email: investigations3@adcommission.gov.au

Dear Sir/Madam

United Aluminium International Pty Ltd (UAI)
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
NON-CONFIDENTIAL VERSION

We refer to our previous correspondence and confirm we act for UAI.

We have already provided the RCR Submission on behalf of RCR.

We wish to reaffirm that our client will continue to cooperate with the ADC throughout the course of the Investigation and will provide the ADC with any further information or assistance it may require.

We submit that UAI is an "interested party" as defined in paragraph 269T(1)(b) of the Act on the basis that it exported the Goods during the Investigation Period and as such it is entitled to provide this Submission to the Commission pursuant to paragraph 269TC(4)(c) of the Act.

For the purpose of this Submission all defined terms have the meaning set out in the attached Schedule of Definitions.

1 Provision of Exporter Questionnaire

We **attach** a non-confidential version of the Exporter Questionnaire completed by UAI.

2 Purpose of this Submission

2.1 The purpose of this Submission is to express UAI's opposition to the views expressed in the Application that the Australian industry has suffered material injury from Thai

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exports which have been sold at artificially low prices through dumping practices which are therefore contrary to the Act.¹

2.2 Further, our client generally rejects the finding in the Consideration Report that there appear to be reasonable grounds for the publication of a dumping duty notice in respect of the Goods.²

2.3 UAI's reasons for these views are set out in the remainder of this Submission below.

3 Endorsement of the RCR submission

UAI has had the opportunity to review the RCR Submission and seeks to;

- (a) generally endorse the RCR Submission;
- (b) confirm that the comments by RCR regarding UAI and the RCR Goods are correct; and
- (c) specifically adopt the arguments set out in paragraph 2.2, 3.1, 3.2, 3.3, 3.4 (b) (e) (f) and 4, 5.3, 5.4, 5.5 and 6 as having equal application to UAI and the UAI Goods.

4 Additional submission by UAI

Without limiting the support for the comments in the RCR Submission (see above), our client has instructed us to make the following additional submissions.

- (a) UAI has been exporting to the Australian market for 17 years;
- (b) RCR has been the major customer of UAI although UAI has more recently been supplying to another customer;
- (c) during the period of exports to Australia, prices for the UAI Goods have been the subject of negotiations based on market considerations only with stable export volumes; and
- (d) most exports to Australia are of standard profiles, the same as those sold to the Thai domestic market.

5 Exemption of UAI Goods from any dumping or countervailing measure imposed as a result of the investigation

Even if the ADC concludes that there are reasonable grounds for the publication of a dumping duty notice in respect of the Goods, we submit that the goods exported by UAI should be eligible for exemption from any measures under paragraph 8(7)(a) of the *Customs Tariff (Anti-Dumping) Act 1975* (Cth) for the reasons expressed in the RCR Submission that the goods manufactured by the Applicant are not "like goods" or "directly competitive" with those exported by UAI.

¹ Application, pg. 26

² Consideration Report, pg. 2.

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6 Conclusion and recommendations

- 6.1 In conclusion we submit that the investigation ought to be terminated by the Commissioner for the reasons set out in this Submission, namely:
- (a) the UAI Goods are not “like goods” as they bear no physical, commercial, functional or production likeness to the Goods;
 - (b) the UAI Goods do not directly compete against the Goods as they are targeted at the DIY/DIFM small scale retail market; and
 - (c) Thai exports generally and UAI’s presence in the market specifically are negligible in comparison to Chinese imports and imports from other countries.
- 6.2 If the Investigation is not terminated as against Thailand or UAI, we submit that a separate normal value should be applied to UAI’s sales of the UAI Goods based on the actual data provided by UAI in its response to the Exporter Questionnaire.
- 6.3 If the Investigation is not terminated as against Thailand or UAI, we submit that a separate export price value should be applied to UAI Goods and the RCR Goods based on the actual data provided by RCR in its response to Parts B and C of the Importer Questionnaire.
- 6.4 Further, if measures are imposed we submit that an exemption should be granted for the UAI Goods as the UAI Goods are not “like goods” and are not directly competitive.

Our client looks forward to continuing to assist the ADC throughout the Investigation and we would welcome the opportunity to discuss any of the issues raised in this Submission further at the ADC’s request.

Yours faithfully



Andrew Hudson
Partner

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Schedule of Definitions

- (a) "**ABS**" means Australian Bureau of Statistics.
- (b) "**Act**" means the *Customs Act 1901* (Cth).
- (c) "**ADC**" means the Anti-Dumping Commission.
- (d) "**Applicant**" means Capral Limited
- (e) "**Application**" means the application made by Capral for the publication of dumping and/or countervailing duty notices - Aluminium Extrusions exported by Guangdong Jiangsheng Aluminium CO. Ltd, Zhongya Aluminium Co. Ltd of PR China, and all exporters from Thailand dated 29 August 2017;
- (f) "**AUD**" means Australian dollars;
- (g) "**Bunnings**" means Bunnings Warehouse;
- (h) "**DIBP**" means the Department of Immigration and Border Protection
- (i) "**DIY**" means do-it-yourself;
- (j) "**DIFM**" means do-it-for-me;
- (k) "**China**" means the People's Republic of China;
- (l) "**Commissioner**" means the Commissioner of the ADC;
- (m) "**Consideration Report**" means Consideration Report Number 442;
- (n) "**Department**" means the Department of Immigration and Border Protection;
- (o) "**Goods**" means the goods the subject of the Application, more particularly described in the Consideration Report as follows:

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2.3. The goods the subject of the application

Table 3 below outlines the goods as described in the application and their corresponding tariff classification.

Full description of the goods, as subject of the application
<p>Aluminium extrusions that:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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.
Further information
<p>The goods under consideration ("GUC") include aluminium extrusion products that have been further processed or fabricated to a limited extent, after aluminium has been extruded through a die. For example, aluminium extrusion products that have been painted, anodised, or otherwise coated, or worked (e.g. precision cut, machined, punched or drilled) fall within the scope of the goods.</p> <p>The GUC do not extend to intermediate or finished products that are processed or fabricated to such an extent that they no longer possess the nature and physical characteristics of an aluminium extrusion, but have become a different product.</p>

- (p) **"Importer Questionnaire"** means the completed Importer Questionnaire Submission from RCR;
- (q) **"Investigation"** means the investigation by the ADC in response to the Application;
- (r) **"Investigation Period"** means the period beginning 1 October 2016 to 30 September 2017;
- (s) **"Manual"** means the Dumping and Subsidy Manual published by the ADC in November 2015 which explains the practices used by the ADC in administering the anti-dumping and countervailing system;
- (t) **"RCR"** means RCR International Pty Ltd;
- (u) **"RCR Goods"** means aluminium extrusions imported by RCR from UAI which may be the subject of the Investigation;
- (v) **"RCR Submission"** means the submission by RCR to the ADC in relation to the Investigation;
- (w) **"Submission"** means this submission on behalf of UAI;
- (x) **"UAI"** means United Aluminium Industry Co. Ltd; and
- (y) **"UAI Goods"** means those of the Goods exported by UAI.