



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping Commission

Anti-Dumping Commission
Level 35 / 55 Collins Street
Melbourne VIC 3000
Australia

LOT 1242 & 1243
KAWASAN PERINDUSTRIAN TMN MELUR
BATANG BENAR 71700 MANTIN
NEGERI SEMBILAN
MALAYSIA

via email:

cc:

cc:

INVESTIGATION INTO THE ALLEGED DUMPING AND SUBSIDISATION OF ALUMINIUM EXTRUSIONS FROM MALAYSIA AND VIETNAM

Following receipt of Everpress Aluminium Industries Sdn Bhd's (Everpress) exporter questionnaire response of 22 September 2016, the Anti-Dumping Commission (the Commission) has assessed Everpress' exporter questionnaire to determine whether it is sufficient.

Pursuant to subsection 6(b) of the *Customs (Extensions of Time and Non-cooperation) Direction 2015* (the Direction):

- Everpress has provided a response within the legislated period;
- Everpress' response contains deficiencies that could not, in my view, be quickly and easily rectified in a further response; and
- I consider a further response may be relevant and necessary to the proper conduct of the case.

Based on the above, the purpose of this letter is to notify Everpress of the deficiencies identified at Attachment A.

As per the Explanatory Statement to the Direction, in determining whether or not to provide further time for a party to provide a supplementary response, I may consider – amongst other things – the nature and scope of the deficiencies, the obligation to conduct cases in a timely and efficient manner and to avoid unnecessary delays, and the specific obligations imposed under the *Customs Act 1901* (the Act) in relation to considering parties' responses.

In this instance, I consider that:

- the nature and scope of Everpress' deficiencies are extensive. The information provided by Everpress in its questionnaire response is not complete, relevant

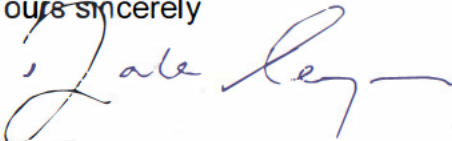
and accurate such that it is capable of verification. As a result, the Commission is unable to reliably determine an individual dumping and subsidy margin for Everpress based on the information it has provided; and

- based on Everpress' response to date, further time to provide a supplementary response would significantly impede the proper conduct of this case in a timely and efficient manner. In this regard, it is noted that a supplementary response may affect my ability to consider and make a preliminary affirmative determination by day 60 of the investigation where I am satisfied that the requisite grounds exist. For this investigation, day 60 is 17 October 2016.

On the basis of the above, for the purposes of this investigation, Everpress will be considered an uncooperative exporter pursuant to subsection 269T(1) and section 269TAACA of the Act and I will rely on all other relevant information available in making recommendations and findings in relation to Everpress.

If you would like to discuss any of the matters raised in this letter, please contact the case manager on (03) 8539 2418 or email operations3@adcommission.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dale Seymour', with a horizontal line extending from the end.

Dale Seymour
Commissioner
Anti-Dumping Commission

29 September 2016

	EVERPRESS – DEFICIENCY LIST
QUESTION	ISSUE
Questionnaire response in general	No public record version of the questionnaire response has been provided. Certain questions of the confidential version of the questionnaire response have been completed in a spreadsheet, however key questions are not addressed (refer below).
A-3	Certain questions have been answered, e.g. there is no information relating to corporate structure, subsidiaries, affiliates and company brochures.
A-4	Questions A-4.2 to A-4.7 have not been completed. The questionnaire asks for copies of the past two audited financial statements. Only the 2015 audited financial statement has been provided. Chart of accounts not provided. Internal management accounts for the investigation period not provided.
A-5	Income statement relates only to 'all products'. Income statement for 'goods under consideration' not completed.
A-6	Appendix A-6 relates only to 'all products'. Information in relation to the 'goods under consideration' not completed. Appendix A-6 does not reconcile with Appendix A-5.
B-4	Appendix B-4 is missing key fields including incoterms, packing, handling and inland transport costs, exchange rate info, FOB amount etc. The finish type of certain sales has been described as [REDACTED] and it appears as if non-subject goods have been included in Appendix B-4 (e.g. items described as [REDACTED]). Certain export sales have a unit value of [REDACTED] [REDACTED] may indicate an error.
C-2	The list of domestic models appears incomplete, e.g. does not relate to sales of <u>all like goods</u> on the domestic market.
Section D	Section D of the questionnaire has not been completed, therefore in general this section is deficient. Appendix D-4 has been completed however it is incomplete. Section A of the questionnaire response outlines that [REDACTED]% of company sales are to the domestic market, however only [REDACTED] appear in Appendix D-4. Appendix D-4 does not reconcile with Appendices A-6 and G-3. Source documents in relation to two domestic sales have not been provided.

PUBLIC RECORD

Section E	The questions in section E have not been answered in full.
Section F	Section F states there [REDACTED] third country sales. However, this does not reconcile with Appendix A-6, which shows [REDACTED].
G-3	G-3 is not completed, therefore the Commission has no explanation of the company's accounting practices and cost to make sell methodology.
G-4	The sales quantities do not reconcile with Appendix D-4. The CTMS is only provided for [REDACTED] aluminium extrusions.
G-5	The sales quantities do not reconcile with Appendix B-4. The CTMS is only provided for [REDACTED] aluminium extrusions, when there are clearly sales of [REDACTED] aluminium extrusions listed in Appendix B-4.
Section H	Section H of the questionnaire has not been completed. The Appendix relating to income tax returns has been completed, however the past two income tax returns have not been provided as requested.
Appendices A-5, A-6, B-4, D-4, F-1, F-2 and F-3	The cumulative effect of the above assessments in relation to Appendices A-5, A-6, B-4, D-4, F-1, F-2 and F-3 raise material issues around the completeness, accuracy and relevance of the information provided. On the basis of discrepancies identified, the response is not capable of verification and the data is unreliable in determining a dumping and subsidy margin for the company.