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*Customs Act 1901*

*Customs (Preliminary Affirmative Determinations) Direction 2015*

**Certain Aluminium Extrusions exported to Australia  
from the People's Republic of China by  
Guangdong Jiangsheng Aluminium Co., Ltd and  
Guangdong Zhongya Aluminium Company Limited; and  
the Kingdom of Thailand**

**Investigation No. 442 – Day 60 Status Report**

**Introduction**

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on 18 December 2018, being 60 days after the initiation of an investigation.

The investigation is in relation to the alleged dumping of certain aluminium extrusions (aluminium extrusions or 'the goods') exported to Australia from:

- the People's Republic of China (China) by Guangdong Jiangsheng Aluminium Co., Ltd (Jiangsheng Aluminium) and Guangdong Zhongya Aluminium Company Limited (Zhongya Aluminium); and
- all exporters from the Kingdom of Thailand (Thailand).

This Status Report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied of the requirements set out in subsection 269TD(1) of the Act.

**Background**

On 19 October 2017, I initiated an investigation into the alleged dumping of the goods following an application by Capral Limited (Capral), a manufacturer of aluminium extrusions under section 269TB of the Act. Further details can be found in the public notice published on 19 October 2017, (refer to Anti-Dumping Notice No. 2017/144) available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Under subsection 269TD(1) of the Act, I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty notice, if I am satisfied that:

- there appear to be sufficient grounds for the publication of such a notice; or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

### **Reasons for publishing a status report**

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with subsection 269TD(2) of the Act, had regard to:

- Capral's application;
- other Australian industry questionnaire responses received to date;
- submissions received concerning the publication of a dumping duty notice in response to the initiation of the investigation; and
- responses to importer and exporter questionnaires.

Based on the above information, I am not making a PAD because I am not satisfied, under subsection 269TD(1)(a) of the Act, that there appears to be sufficient grounds for the publication of a dumping duty notice.

In particular, at the time of publishing this Status Report, there has been limited participation in this investigation by the Australia industry.

As part of the application, Capral provided information and data relevant to its economic performance. Capral also provided letters of support from six Australian producers of like goods with its application. Upon initiating the investigation, the Anti-Dumping Commission (the Commission) sent a questionnaire requesting information and data from all other known Australian producers of like goods. Responses were due to be provided to the Commission by 2 November 2017. The Commission received a questionnaire response from G James Extrusion Co Pty Ltd after 2 November 2017. Two other Australian producers have indicated that they will be providing a response, but are yet to finalise their responses.

The Commission is also continuing to examine the questionnaire responses received from importers and exporters.

At the time of making this Status Report, I am unable to determine that there appear to be sufficient grounds to establish that:

- the goods exported to Australia have been dumped (at above negligible levels in accordance with section 269TDA of the Act); and
- dumped goods are causing material injury to the Australian industry as a whole.

## **Other considerations**

### *Relevant matters – subsection 269TD(2)(b) of the Act*

In accordance with the Direction, and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted. I have decided it is not warranted to make a PAD at this stage, because I am not satisfied that there appears to be sufficient grounds to establish that the goods are dumped, or to establish a causal link between the dumped goods and material injury for the reasons outlined above.

### *Reconsideration of making a PAD – section 269TDAA of the Act*

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA of the Act. The SEF is due to be published on 6 February 2018. Prior to, or in the SEF, I will advise whether or not I made a PAD subsequent to this report and the reasons for my decision.

## **Anti-Dumping Commission Contact**

Enquiries about this report may be directed to the case manager on telephone number +613 8539 2447 or email at [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

18 December 2017