

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**

Inquiry case manager: Jukka Mäntynen

Phone: +61 3 8539 2428

Fax: +61 3 8539 2499

E-mail: operations2@adcommission.gov.au

**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.

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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

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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.

²On 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.

INSTRUCTIONS

Why you have been asked to fill out this questionnaire?

The Anti-Dumping Commission (the Commission) is responsible for assisting the Commissioner in conducting an inquiry into alleged circumvention activity.

The inquiry follows an application made by an Australian industry member manufacturing the goods. The application alleges that the goods are exported from China to a third country such as Malaysia, Thailand, Indonesia, or the Philippines and then exported from that country to Australia, thereby avoiding the measures.

The Commission will examine your exports to Australia from **1 January 2015** (the inquiry period) and imports of the goods during the inquiry period to determine whether the prescribed anti-circumvention activity of export of goods through one or more third countries has occurred.

At the end of the inquiry a report will be provided to the Parliamentary Secretary. After considering the report and any other information that the Parliamentary Secretary considers relevant, the Parliamentary Secretary may leave the original notices unaltered or alter the original notices accordingly.

The Commission inquiry will be carried out under the provisions of the Part XVB of the *Customs Act 1901*.

What happens if you do not respond to this questionnaire?

If you do not respond, do not provide all of the information sought, do not provide information within a reasonable time period, or do not allow the Commission to verify the information, the Commission may be required to rely on information supplied by other parties (possibly information supplied by the Australian industry) to assess if circumvention of the measures has occurred.

It is in your interest, therefore, to provide a complete and accurate submission, capable of verification.

Due date for response

You are requested to respond to this questionnaire and return it to the Commission within the time specified on the cover page. There is a statutory time limit imposed for the inquiry. The Commission may not be able to consider questionnaires received after the due date.

If you cannot lodge your questionnaire by the due date you must advise the inquiry case manager prior to the due date.

Confidential and non-confidential submissions

You are required to lodge one confidential version (for official use only) and one non-confidential version (for public record) of your submission by the due date.

Please ensure that *each page* of information you provide is clearly marked either '**FOR OFFICIAL USE ONLY**' or '**PUBLIC RECORD**'.

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

Please note that Australia's anti-dumping and countervailing legislation requires that to the extent that information given to the Commission is claimed to be confidential or whose publication would adversely affect a business or commercial interest, the person giving the information must ensure that a summary of that information contains sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests.

The legislation allows for a person not being required to provide a summary for the public record if the Commission can be satisfied that no such summary can be given that would allow a reasonable understanding of the substance of the information. However, such a summary would add considerably to an interested party's understanding of information contained in a document.

As provided for in Australia's anti-dumping and countervailing legislation, all submissions are required to have a bracketed explanation of deleted or blacked out information for the non-confidential version of the submission. Note that if such an explanation is not provided, the Commission may disregard the information in the submission. An example of a statement to accompany deleted or blacked out text is:

[explanation of arrangements with customers].

If, for some reason, you cannot produce a non-confidential summary, please contact the inquiry case manager.

Declaration

At section E, you are required to make a declaration that the information contained in your submission is complete and correct. Alternatively, if you did not export the goods during the period of inquiry, you may make a declaration to that effect.

You must return a signed declaration with your response to the questionnaire.

Verification of the information that you supply

The Commission may seek to verify the information provided in your submission. Where there is a large number of exporters, the Commission may have to verify information from selected exporters only. The purpose of a verification visit is to verify the information submitted in response to this questionnaire.

If you do not manufacture the goods

If you export, but do not produce or manufacture the goods (for example, you are a trading company, broker, or vendor dealing in the goods), it is important that you forward a copy of this questionnaire to the relevant manufacturers **immediately**. You should also inform the inquiry case officer of the contact details for these manufacturers.

You should complete those sections of the questionnaire that you are reasonably able to complete. If you are unable to supply certain details, you should clearly explain why the section does not apply to your company.

Some general instructions for preparing your response

When answering the questionnaire please carefully read all instructions. The Commission requires a response to *all* sections of this questionnaire. Please provide an explanation if a question is not relevant to your situation.

Answer questions in the order presented in the questionnaire. Please ensure that information submitted conforms to the requested format and is clearly labelled.

Identify source documents and advise where they are kept. During on-site verification you should be prepared to substantiate all the information you have submitted. Every part of the response should be traceable to company documents that are used in the ordinary course of business.

We recommend that you retain all work sheets used in answering the questionnaire, in particular those linking the information supplied with management and accounting records. This will help us to verify the information.

Clearly identify all units of measurement and currencies used. Apply the same measurement consistently throughout your response to the questionnaire.

Instructions on providing electronic data

It is important that information is submitted in electronic format.

Electronic data should be emailed or submitted on a CD-ROM, in *IBM/MS-DOS* format, or another operating system whose disk format is compatible with this *MS-DOS* version.

The data must be created as spreadsheet files, preferably in *Microsoft Excel*, or alternatively in an *Excel* compatible format (for example, *Excel* can normally access data in *Dbase* or as an *ASCII* file).

The *Excel* files must be compatible to the USA version.

If you cannot present electronic data in the requested format contact the inquiry case officer as soon as possible.

Further information

If you require further assistance, or you are having difficulties completing your response to this questionnaire, please contact the inquiry case manager. The Commission will need to know the reasons.

Please note that the Commission may identify further information needs in the course of the inquiry and may contact you again.

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 **Loh Shi Jye**
Position in the company **Factory Manager**
Address **Lot 1, 160-B, Subang New Village, Jalan TUDM, 40150 Shah Alam, Selangro Darul Ehsan, Malaysia.**
Telephone **+603-78591320 / +603-78591350**
E-mail address of contact person **sjloh@splendid-aluminium.com / newagealuminium@hotmail.com**

Factory:

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

} **Same 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
Position in the company
Address
Telephone
E-mail address of contact person

} **Same as above**

Note that in nominating a representative, The Commission will assume that confidential material relating to your company in this inquiry may be freely released to, or discussed with, that representative.

A-3 Company information

1. What is the legal name of your business?
New Age Aluminium Industries Sdn Bhd

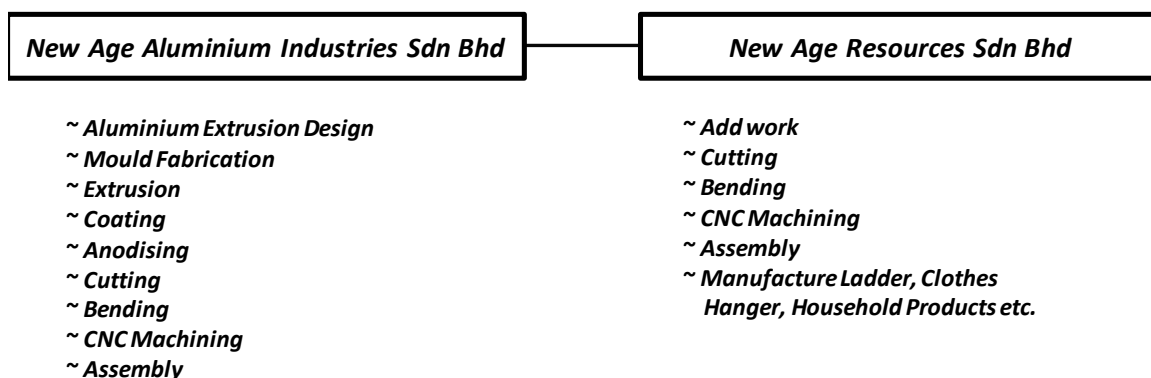
What kind of entity is it (eg. company, partnership, sole trader)?

Privated Limited

Please provide details of any other business names that you use to export or sell goods.

New Age Resources Sdn Bhd

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



* Remarks: Same directorship for both companies

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

Sales & Manufacture of Aluminium Extrusion & Add Work Products

(Refer to attachment A1)

- 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.
- } **Yes, we performed.**

- 5. Provide a copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities. **Please refer to attachment A2.**

A-4 Further information

- 1. Provide any further information that you may consider is relevant to this inquiry. **(Not Applicable)**

2. Provide any information you may be aware of about other parties that you may consider is relevant to this inquiry. (**Not Applicable**)

**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.

Refer to attachments B1 (Delivery Order)

Explanation:

Section Number: Aluminium Extrusion that ordered by customer

Alloy: 6063, 6005

Finish: Finishing

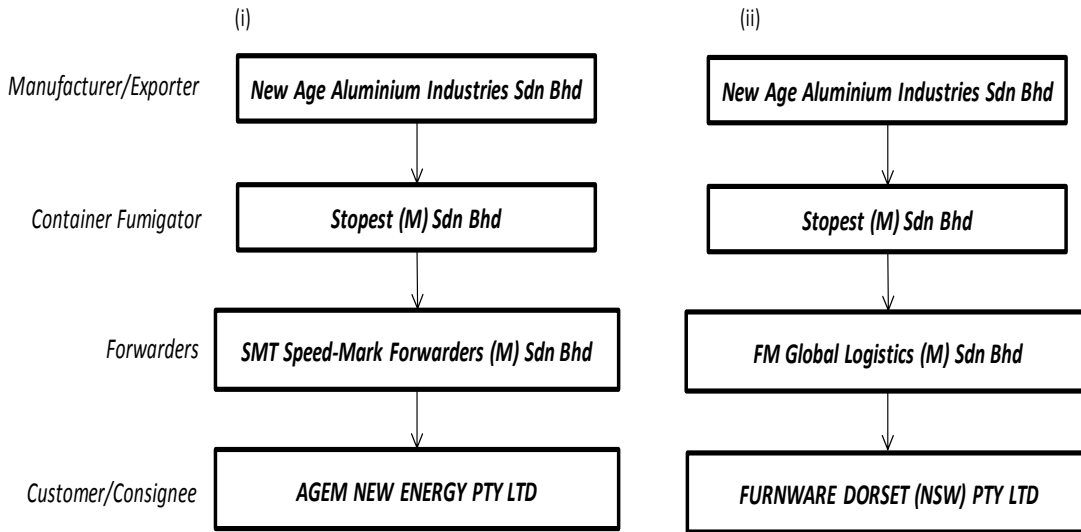
<i>NA</i>	<i>Natural Anodised</i>
<i>1403/9003</i>	<i>Powder Coated</i>
<i>1403/9005</i>	<i>Powder Coated</i>
<i>NAT5 (6005)</i>	<i>Natural Anodised</i>

Length: Items length

L/Weight: Linear weight (Items weight per meter)

Quantity: In terms of pcs

Weight: Total weight of that particular item (in KG)



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

Company Name	New Age Aluminium Industries Sdn Bhd	Stopest (M) Sdn Bhd	SMT Speed-Mark Forwarders (M) Sdn Bhd/ FM Global Logistics (M) Sdn Bhd	AGEM NEW ENERGY PTY LTD / FURNWARE DORSET (NSW) PTY LTD
Role	Manufacturer	Fumigator	Freight Forwarders	Customers / Consignee
Job Functions	~ To sketch drawing and quote	~ To to exterminate or disinfect the containers	~ To organizes shipments from manufacturer to customer	~ To enquire
	~ To submit samples by courier DHL	~ To issue fumigation certificate		~ To receive samples
	~ To issue confirmation order after receiving purchase order			~ To issue purchase order
	~ To manufacture and produce goods			~ To confirm and agree drawing/samples/specification/price & all required informations
	~ To perform packing with wooden pallet			~ To appoint SMT Speed-Mark Forwarders(M) Sdn Bhd as a forwarder
	~ To arrange supplier for fumigation			~ To make payment
	~ To collect payment			

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- (b) Indicate whether the goods you exported to each customer in Australia were manufactured by you. **Yes, all exported goods were manufactured by us.**
- (c) 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. **Not Applicable**
- (d) 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. **Not Applicable**
- (e) 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. **Not Applicable**
- (f) 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). **Not Applicable**
- (g) Provide company and contact details of relevant agents, freight forwarders or logistics providers.

(a) SMT-Speed-Mark Forwarders (M) Sdn Bhd

**No. C-3-1 (3rd Floor), BBT 1 Boulevard,
Lebuh Batu Nilam 2, Bandar Bukit Tinggi, 41200
Klang, Selangor Darul Ehsan, Malaysia.
Tel: +603-3325 2055 Fax: +603-33255155**

(b) FM Global Logistics (M) Sdn Bhd

**Lot 37, Lebuh Sultan Mohamed 1, Kawasan
Perindustrian Bandar Sultan Suleiman, 42000 Port
Klang, Selangor Darul Ehsan, Malaysia.
Tel: +603-3176 1111 (20 lines)-Export
Tel: +603-3176 3888 (20 lines)-Import
Fax: +609-3176 2188 (5 lines)-Import
Email: enquiry-my@fmgloballogistics.com**

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.

Aluminium material price is based on aluminium metal price (LME, London Metal Exchange). It is based on a fixed price per kilogram per month itself. Aluminium material cost is 80% of the

price. Other factors include aluminium extrusion manufacturing cost, mould cost, finishes, add work & others. Different types of finishes such as mill finish, powder coat, anodised, painted, chromate or electrophoresis will have different pricing. Add work services like, cutting, CNC machining, sandblasting, tap & drill, stamping & etc.

Customer will send us the enquiry with sample or drawing. After we sketch the drawing, we will quote the material price base on the above. In some cases, mould cost is included if new mould fabrication is required. After that, If customers agree on the pricing, they will issue purchase order to us. After that, we will provide a copy of "Confirmation Order" for mutual agreement for the terms and conditions. At the meantime, we will provide proforma invoice for 30% down payment before production. Balance of the payment will be collected before shipment. Most of the time we provide FOB (Free On Board) service to Australia's customers. For shipment, customers will arrange the to pick up the goods from our factory. We will provide packing, wooden pallet with fumigation & loading into the container.

We do not provide price lists for export. We do takes individual orders over the email or phone.

- (h) 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). **None of the above**
- (i) Details of the forward orders to Australia of the goods under inquiry (include quantities, values and scheduled shipping dates). **Refer to the attachments B1.**

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; **Refer to Attachment G1**
- list all shipments transaction by transaction to Australia of the goods under inquiry in the inquiry period. Provide this list in electronic format. **Refer to Attachment F1**

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 **(Not Applicable)**

**SECTION D
IMPORTS FROM CHINA**

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

No, we did not.

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

Contact person name	}	<i>Not Applicable</i>
Position in the company		
Address		
Telephone		
E-mail address of contact person		

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? ***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. ***Not Applicable***

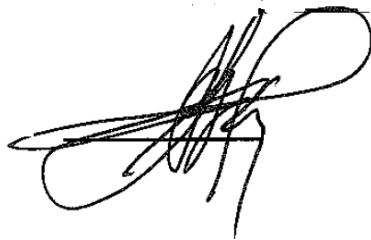
D-5 If any of the goods that you exported to Australia were imported from China, indicate please indicate if the goods are further processed, re-packaged, held under bond or are cleared through Customs to enter the economy of your country. ***Not Applicable***

**SECTION E
DECLARATION**

I hereby declare that **New Age Aluminium Industries Sdn Bhd** did, during the period of inquiry 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 : **Loh Shi Jye**



Signature :

**Position in
Company** : **Factory Manager**

Date : **20-Nov-2017**

**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	✓
Section B – EXPORTED GOODS	✓
Section C – SALES TO AUSTRALIA	✓
Section D – IMPORTS FROM CHINA	✓
Section E – EXPORTER'S DECLARATION	✓

Electronic Data	Please tick if you have provided spreadsheet
Sales to Australia	✓
Production and Purchases	✓