



## **ANTI-DUMPING NOTICE NO. 2015/17**

### **CERTAIN ALUMINIUM EXTRUSIONS**

**Exported by PanAsia Aluminium (China) Limited**

**from the People's Republic of China**

### **Findings in relation to an Anti-Circumvention Inquiry into the avoidance of the intended effect of duty**

#### ***Customs Act 1901 – Part XVB***

I, Dale Seymour, Commissioner of the Anti-Dumping Commission, have completed the anti-circumvention inquiry into the avoidance of the intended effect of duty, which commenced on 14 April 2014, concerning certain aluminium extrusions ('the goods') exported to Australia by PanAsia Aluminium (China) Limited (PanAsia) from the People's Republic of China (China).

I reported my findings and recommendations to the then Parliamentary Secretary to the Minister for Industry (the Parliamentary Secretary) in *Anti-Dumping Commission Report No. 241* (REP 241). REP 241 outlines how the Anti-Dumping Commission (Commission) carried out the inquiry and recommends that the original dumping and countervailing duty notice in relation to aluminium extrusions exported from China, be altered as circumvention activities in relation to the notice have occurred (in respect of PanAsia); and specifies the alternations that should be made to the notice.

The Minister for Industry and Science (the Minister) has considered REP 241 and has accepted the recommendations and reasons for the recommendations, including all material findings of fact or law set out in REP 241.

Under subsection 269ZDBH(1) of the *Customs Act 1901* (the Act), the Minister has declared that, for the purposes of the Act and the *Customs Tariff (Anti-Dumping) Act 1975*, a different variable factor (a new ascertained export price) for the original notice published under subsection 269TG(2) and subsection 269TJ(2) of the Act in relation to certain aluminium extrusions exported from China from PanAsia which takes effect as follows:

- the alteration to the original notice relating to all exports of certain aluminium extrusions by PanAsia to the following importers is taken to have been made, with effect on and after 14 April 2014:
  - P&O Aluminium (Brisbane) Pty Ltd;
  - P&O Aluminium (Melbourne) Pty Ltd;
  - P&O Aluminium (Perth) Pty Ltd;

- P&O Aluminium (Sydney) Pty Ltd; and
- Oceanic Aluminium Pty Ltd.
- the alteration to the original notice relating to all exports of certain aluminium extrusions by PanAsia is taken to have been made with effect on and after the day the Minister's declaration is published.

Particulars of the revised dumping, and revised combined dumping and subsidy, margins established for PanAsia and the effective rates of duty are set out in the table below.

Exporter / goods	Dumping Margin	Subsidy margin	Effective rate of combined interim duty	Duty methods
PanAsia Aluminium (China) Limited	57.6%	8.7%	57.6%	Dumping - fixed (ad valorem) and variable duty methods
All finishes				Countervailing – fixed (ad valorem) duty method

The calculation of combined dumping and countervailing duties is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters. Rather, the collective interim dumping duty and interim countervailing duty imposed in relation to the goods, is the sum of:

- the subsidy rate calculated for all countervailable programs, and
- the dumping rates calculated, less an amount for the subsidy rate applying to Program 15.

The duty that has been determined is an amount worked out in accordance with fixed (ad valorem) and variable duty method in relation to dumping and the fixed (ad valorem) method in relation to countervailing.

The changes result in an increase in the effective rate of combined interim duty from 10.1% to 57.6%, and apply as follows:

- retrospectively from 14 April 2014 for certain aluminium extrusions exported by PanAsia and supplied to the five named importers; and
- prospectively from 19 February 2015 for all certain aluminium extrusions exported by PanAsia.

To preserve confidentiality, the revised export price applicable to the goods will not be published. Bona fide importers of the goods can obtain details of the revised rates from the Dumping Liaison Officer in their respective capital city.

The five named importers that are affected by the retrospective application of increased duties will be contacted shortly and advised of any action required to be undertaken.

Notice of the Minister's declaration was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette* on 19 February 2015.

The applicant for the anti-circumvention inquiry may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, ([www.adreviewpanel.gov.au](http://www.adreviewpanel.gov.au)),

in accordance with the requirements in Division 9 of Part XVB of the Act within 30 days of the publication of the Minister's declaration.

REP 241 has been placed on the public record, which is available at the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au) or alternatively the public record may be examined at the Commission's office during business hours by contacting the case manager using the contact details provided below.

Enquiries about this notice may be directed to the case manager on telephone number + 61 3 9244 8065, fax number 1300 882 506 or +61 3 9244 8902 (outside Australia) or email at [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

19 February 2015