

PUBLIC RECORD

Comment on Review of measures on aluminium extrusions

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By email:

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Dear Kathryn/Reuben,

This submission is made on behalf of *Guang Ya Aluminium Industries Co., Ltd.* ("**Guang Ya**") and in response to the Anti-Dumping Commission's (the Commission) statement of Essential fact in Relation to a Review of Anti-Dumping Measures in antidumping notice on Aug 25, 2017.

Guang Ya wishes to express its serious concerns with the Commission's lack of objective examination of the information gathered and available during the investigation, to conclude that Guang Ya has affiliation with Trango (Australian importer), to make distorted adjustment for Kong Ah (Guang Ya's related company in Hongkong), and to adjust aluminium cost increasingly.

As for the statement of Essential fact, Guang Ya mainly argues against three issues: affiliation between Guang Ya and Trango, adjustment of cost occurred In Kong Aha and Aluminum cost adjustment.

1. Affiliation

Guang Ya has no affiliation with Australia import (Trango), Guang Ya had transferred all its share of Trango in 2009, Guang Ya has no any control or influence on Trango after 2009. Investigation officers has checked most export documents like purchase order, confirmation order, commercial invoice, payment evidence during the spot verification, all of these documents convincingly proved that business between Guang Ya and Trango is independent., for instance the payment evidence has justified that the business between Guang Ya and Trango is independent. However, Officers indiscreetly concluded that Guang Ya has affiliation with Trango only on the base of historic fact that Guang Ya owned part share of Trango before 2009. It is not justified and fair for officers to intend to discard some information which are favorable for

Guang Ya and to make a decision on historic fact which is not favorable for Guang Ya.

2. Adjustment for Kong Aha

Kong Ah International Company Limited (Kong Ah) – a trading company, which is a related company to Guang Ya, located in Hongkong, sold aluminium extrusions produced by Guang Ya to other countries except for Australia. Meanwhile, Guang Ya sold aluminium extrusion directly to Australia, but Guang Ya collected payment through Kong Ah because there is no strict limitation on foreign currency in Hongkong.

In fact, Kong Ah was not involved with the export business of Guang Ya's export to Australia other than collecting payment for Guang Ya. However, officers adopted the way to make up-adjustment for Guang Ya's export sale to Australia by the total average SG&A expense of Kong Ah. It is not reasonable and objective to adopt this way because it is very obvious that Kong Ah has almost no cost to collect payment for Guang Ya compared with its own business. This adjustment made by the investigation officers is more than 2.25 percent, and it seriously distorted the real fact.

The reasonable way is to treat Kong Ah as bank to collect money, the bank will not charge more than 0.1% for this service. So, 2.25 percent up-adjustment is not fair.

3. Aluminium ingot or billet Cost adjustment (raw material)

The investigation Authority has made adjustment for raw material due to its conclusion that Aluminium industry in china is a particular market controlled by Chinese government. Obviously, the authority' s action is self-contradictory from the view of the whole process because it ignored that the result of countervailing of Guang Ya is just 0.1% . The subsidy from the government of Guang Ya means all influence imposed by government on Guang Ya, and it is just 0.1% which verified and concluded by investigation officers on all available information not only from the spot verification but also from other sources.

Program 15 in the countervailing is same as "Particular Market" in its nature, that means aluminium ingot cost adjustment should be done at most by the same ratio with that of program 15. It is common sense that there is no need to make adjustment for particular market issue when there is no subsidy granted by China's government to Exporter in China because it means the aluminium cost is objective reflection of the market.

The investigation authority has not disclosed the exact number of aluminium cost adjustment, and not disclosed how it arrived this number. So, the conduction of investigation authority is not transparent and fair, the more important is method of aluminium cost adjustment is wrong when subsidy rate is just 0.1%.

3. Conclusion:

In conclusion, Guang Ya states that it is not fair for Officer to conclude that Guang Ya has affiliation with Trango just on historic fact, not reasonable for Officer to make more than 2.25 percent adjustment for Kong Ah's cost, not fair to make aluminium cost adjustment of more than 7 percent when the subsidy of Guang Ya is just about 0.1 percent. Guang Ya requests the Commission to reconsider and reassess these issues in an objective and fair manner in order to respect the lawful interest and right of Guang Ya.

Your sincerely

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