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4 June 2018

Ms Terese Barber
Investigations 3
Anti-Dumping Commission
Level 35, 55 Collins Street
MELBOURNE VIC 3000

By Email: terese.barber@adcommission.gov.au

Dear Terese,

United Aluminium Industry Pty Ltd (UAI)
Investigation into the alleged dumping of certain aluminium extrusions exported to Australia from the People's Republic of China by Guangdong Jiangsheng Aluminium Co., Ltd and Guangdong Zhongya Aluminium Company Ltd; and the Kingdom of Thailand

NON-CONFIDENTIAL VERSION

We refer to the Verification Report (**Report**) dated May 2018 in relation to UAI, the relevant attachments and your email of 29 May 2018.

1 Verification Report

- 1.1 We have reviewed the Report and the relevant attachments. We have no objection to the publication of the Report in its current form.
- 1.2 We note that all the attachments to the Report will remain confidential and will not be published on the Electronic Public Record.
- 1.3 Further, while we do not seek to object to the adjustments made by the Anti-Dumping Commission (**ADC**) to normal value at this stage we reserve our client's rights to make submissions in this regard if necessary should the ADC propose to amend those adjustments.

2 Termination of the investigation

- 2.1 We refer to Part 8 of the Report headed Dumping Margin. We note a dumping margin of 1.6% has been determined by the ADC.

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- 2.2 Pursuant to paragraph 5.8 of the *General Agreement on Tariffs and Trade 1994 (Agreement)* and paragraph 269TDA(4) of the *Customs Act 1901 (Act)* an investigation must be terminated if negligible volumes of dumping are found. Further, paragraph 5.8 of the Agreement provides that an investigation shall be terminated promptly in cases where it is determined that the margin of dumping is *de minimis*, that is the dumping margin is 2% or under.
- 2.3 The Dumping and Subsidy Manual dated April 2017 (**Dumping Manual**) published by the ADC provides, at page 141, that:
- “There shall be immediate termination in cases where the authorities determine that the margin of dumping (or subsidy) is de minimis (i.e. less than 2 percent dumping margin)...*
- The Commissioner will terminate an investigation in relation to an individual exporter if satisfied that the dumping margin of the exporter is negligible (de minimis). Dumping margins are negligible if the margin is less than 2% when expressed as a percentage of the export price or weighted average of export prices.”*
- 2.4 The dumping margin calculated by the ADC applicable to UAI is 1.6%. This is below the *de minimis* threshold.
- 2.5 In accordance with the relevant provisions of the Act, the Agreement and the ADC's policy set out in the Dumping Manual, we request that the investigation be terminated as against our clients, UAI as the exporter and [REDACTED] [UAI's customer] as its customer.

Yours faithfully



Andrew Hudson
Partner