

20 September 2017

Mr Reuben McGovern
Case Manager
Operations 3
Anti-Dumping Commission
Level 35
55 Collins Street
Melbourne Victoria 3000

Email: reuben.mcgovern@adcommission.gov.au

Public File

Dear Mr McGovern

Investigation No. 392 –Review of measures applicable to aluminium extrusions exported from P R China – Submission by Press Metal Aluminium Australia

I refer to the submission on behalf of Press Metal Aluminium Australia Pty Ltd (PMAA) and Press Metal International Ltd of Guangzhou (PMI) – “Press Metal Group” – concerning Statement of Essential Facts No. 392 (“SEF 392”).

PMI is seeking to have its treatment as a ‘residual’ exporter – i.e. a co-operative exporter not the subject of a verification visit - to a selected exporter. The Anti-Dumping Commission (“the Commission”) indicated in SEF 392¹ that it had determined PMI’s export price and normal value for residual exporters (i.e. cooperative exporters not selected for verification) as per the sampling provisions contained in section 269TACAA and explanations in ADN No. 2017/38 (Attachment A). The Commission further noted:

“based on the level of cooperation from the selected exporters, the high number of residual exporter questionnaires submitted and the available resources within the Commission to undertake verification activities, the Commission was unable to extend the review to include PMI without preventing the timely completion of the review.”

Capral notes that the Commission’s ADN No. 2017/38 announcing the commencement of the review investigation confirmed that it was anticipating a high volume of responses to requests for completed exporter questionnaires and that it would select a sample of compliant exporters. The basis for the selection of the ‘selected’ exporters was notified in ADN No. 2017/38 as based upon “*the largest volume of exports to Australia that can reasonably be examined*”.

PMI refers to the absence of export volumes throughout the investigation period for Jiawei and Goomax, both of which were initially selected as *residual* exporters and subsequently treated individually due to circumstances associated with Jiawei’s and Goomax’ recent involvement in review inquiries. Specifically, the Commission stated:

*“The Commission extended the review to Jiawei on the basis that Jiawei submitted information relating to the review. **The Commission had already examined Jiawei’s data in relation to***

¹ Statement of Essential Facts No. 392, Section 4.9.4, P. 30.

***nine months of the review period** for the purposes of preparing Final Report No. 387 (REP 387) and was therefore able to examine the additional three months of data provided by Jiawei without preventing the timely completion of the review. (emphasis added).*

*Similarly, the Commission extended the review to include Goomax on the basis that Goomax submitted information relating to the review. The Commission had **already examined Goomax's data for the entire review period** for the purposes of preparing Final Report No. 399 (REP 399) and was therefore able to consider Goomax's data without preventing the timely completion of the review. (emphasis added).*

The Commission has clearly outlined the reasons for determining exporter-specific variable factors for Jiawei and Goomax. PMI and Guangcheng (a further *residual* exporter) did not have data from within the review investigation period previously examined by the Commission in an earlier investigation. The circumstances of PMI are therefore distinguishable to those of Jiawei and Goomax.

As indicated by the Commission, the selection of exporters for verification was based upon the volume of exports to Australia by the subject entities. PMI's export volumes appear not to have been of a level considered sufficient for inclusion as a selected exporter.

PMI further contests that the imports of PMAA were examined in investigation No. 362. It should be noted that Investigation No. 362 related to exports from Malaysia and Vietnam, and PMAA was not the subject of a verification visit by the Commission (refer Final Report No. 362).

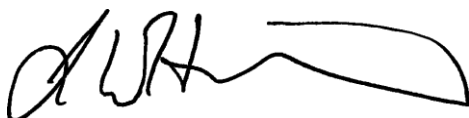
It is also argued by PMI that the Commission could have considered PMI's position on exports to Australia based upon earlier findings – the most recent being Review Investigation No. 304. The investigation period of 1 July 2014 to 30 June 2015 does not overlap with that of Review Investigation No. 392.

PMI has sought to contrast the positions of four other exporters (i.e. Kam Kui, Pan Asia, Guang Ya and Jianxcheng) with its own to warrant PMI's selection for individual variable factor treatment. The Commission has made the findings in relation to the four nominated exporters based upon its investigations following their initial confirmation as *selected* exporters (again, based upon exported volumes during the investigation period).

In conclusion, the Commission has correctly followed its sampling guidelines and identified selected cooperative exporters for the purposes of SEF 392. PMI's treatment as a residual exporter was in accordance with the selection process identified in ADN 2017/38 at the commencement of the review.

If you have any questions concerning this letter, please do not hesitate to contact me on (02) 8222 0113 or Capral's representative Mr John O'Connor on (07) 3342 1921.

Yours sincerely



Luke Hawkins
General Manager – Supply and Industrial Solutions