



ANTI-DUMPING NOTICE NO. 2017/37

Certain Aluminium Extrusions Exported from Malaysia and the Socialist Republic of Vietnam

Investigation into Alleged Dumping and Subsidisation Amendment of Securities

On 16 August 2016, I, Dale Seymour, Commissioner of the Anti-Dumping Commission, initiated an investigation (the investigation) into the alleged dumping and subsidisation of certain aluminium extrusions ('aluminium extrusions' or 'the goods') exported to Australia from Malaysia and the Socialist Republic of Vietnam (Vietnam). Further details in relation to the initiation of the investigation can be found in Anti-Dumping Notice (ADN) No. 2016/77 at www.adcommission.gov.au.

In relation to the investigation into the alleged dumping of the goods, on 17 October 2016, I gave public notice that I made a PAD under subsection 269TD(1) of the *Customs Act 1901* (the Act)¹ in respect of the goods exported to Australia from Malaysia and Vietnam (PAD 362).

ADN 2016/108 also advised that I was satisfied that, in accordance with subsection 269TD(4)(b), it is necessary to require and take securities in relation to exports of the goods to Australia from Malaysia and Vietnam to prevent material injury to the Australian industry occurring while the investigation continues.

Further information can be found in ADN 2016/108 at www.adcommission.gov.au.

The goods

The goods under consideration 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);*

¹ All legislative references are to the *Customs Act 1901*, unless otherwise stated.

- *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”.*

The goods under consideration include aluminium extrusion products that have been further processed or fabricated to a limited extent, after aluminium has been extruded through a die. For example, aluminium extrusion products that have been painted, anodised, or otherwise coated, or worked (e.g. precision cut, machined, punched or drilled) fall within the scope of the goods under consideration.

The goods under consideration do not extend to intermediate or finished products that are processed or fabricated to such an extent that they no longer possess the nature and physical characteristics of an aluminium extrusion, but have become a different product.

Further information regarding the goods under consideration can be found in *Anti-Dumping Commission Consideration Report No. 362* and ADN No. 2016/77.

Amendment to dumping securities

Based on further information that I have received and considered following PAD 362, I have revised, where applicable, the level of securities required and taken under section 42 in respect of interim dumping duty that may become payable in relation to the goods exported to Australia by certain exporters from Malaysia and Vietnam.

The revised levels of securities will be taken, where applicable, based on the amounts tabulated below in Table 1.

Country	Exporter	Fixed rate of securities	Variable component of securities
Malaysia	Press Metal Berhad	N/A	N/A
	LB Aluminium Berhad		
	Superb Aluminium Industries Sdn Bhd		
	Residual Exporters ²		
	Uncooperative and All Other Exporters	12.4%	Applicable where the actual export price is below the ascertained export price
Vietnam	East Asia Aluminium Company Ltd	6.9%	
	Mien Hua Precision Mechanical Co., Ltd	11.6%	
	Global Vietnam Aluminium Co., Ltd	17.5%	
	Uncooperative and All Other Exporters	34.9%	

Table 1: Summary of securities

² As outlined in PAD 362, the residual exporters are Kamco Aluminium Sdn Bhd, Milleon Extruder Sdn Bhd and Genesis Aluminium Industries Sdn Bhd.

The revised levels of securities will be taken in respect of any interim dumping duty that may become payable in respect of the goods entered for home consumption on or after 23 March 2017.

Form of securities

The securities that have been determined for Malaysia and Vietnam are amounts that have been worked out in accordance with the combination of fixed and variable duty method.

The fixed component of dumping security (a percentage of the export price), where applicable, is outlined for each exporter in column 3 of Table 1 above. A variable component of dumping duty, where applicable, is required where the actual export price of the goods is below the ascertained export price of the goods.

Affected parties should contact www.business.gov.au on telephone number 13 28 46 or +61 2 6213 6000 (outside Australia) for further information regarding the actual security liability calculation in their circumstance.

Countervailing investigation

At this stage, I am not satisfied that there appears to be sufficient grounds for the publication of a countervailing duty notice in respect of the goods exported to Australia from Malaysia and Vietnam.

As outlined in ADN No. 2017/36, I have requested further information from the Government of Malaysia regarding an additional potentially countervailable subsidy program. Further inquiry and analysis will be conducted to determine whether the goods have been exported from Malaysia and Vietnam to Australia at subsidised prices.

Further information

As outlined in ADN No. 2017/36, the statement of essential facts (SEF) for this investigation is due to be placed on the public record by 9 April 2017.

I must report to the Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)³ with my recommendations in relation to the investigation on or before 24 May 2017. The Parliamentary Secretary will then decide whether to publish a dumping duty notice and/or countervailing duty notice and, if relevant, the level of measures to be imposed.

³ 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.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2418 or via email to operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

22 March 2017