



Customs Act 1901 – Part XVB

Certain aluminium extrusions

Exported to Australia from Malaysia

Findings in relation to a countervailing investigation

Public notice under subsections 269TJ(1) and (2) of the Customs Act 1901

Anti-Dumping Notice No. 2017/73

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged subsidisation of certain aluminium extrusions (the goods) exported to Australia from Malaysia.

The goods:

The goods the subject of the investigation (the goods) 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);*
 - *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 are generally, but not exclusively, classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*:

Tariff code	Statistical code	Unit	Description
7604.10.00	06	Kg	Non alloyed aluminium bars, rods and profiles
7604.21.00	07	Kg	Aluminium alloy hollow angles and other shapes
7604.21.00	08	Kg	Aluminium alloy hollow profiles
7604.29.00	09	Kg	Aluminium alloy non hollow angles and other shapes
7604.29.00	10	Kg	Aluminium alloy non hollow profiles
7608.10.00	09	Kg	Non alloyed aluminium tubes and pipes

<i>Tariff code</i>	<i>Statistical code</i>	<i>Unit</i>	<i>Description</i>
7608.20.00	10	Kg	Aluminium alloy tubes and pipes
7610.10.00	12	Kg	Doors, windows and their frames and thresholds for doors
7610.90.00	13	Kg	Other

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description.

The Commissioner reported his findings and recommendations to me in *Anti-Dumping Commission Report No. 362* (REP 362). REP 362 outlines the investigation carried out and recommends the publication of a countervailing duty notice in respect of the goods. This report is available at www.adcommission.gov.au.

Particulars of the subsidy programs and level of countervailable subsidisation are summarised in the following table:

Country	Exporter	Countervailable subsidy programs*	Subsidy margin	Duty method
Malaysia	Non-cooperative entities	4 and 6	3.2%	Proportion of export price

*The names and details of the each of the countervailable subsidy programs are available in REP 362

I, CRAIG LAUNDY, Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science,¹ have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact and law on which the recommendations are based and the evidence relied on to support those findings in REP 362.

I am satisfied, as to the goods that have been exported to Australia from Malaysia, that countervailable subsidies have been received in respect of the goods and because of that, material injury to the Australian industry producing like goods would or might have been caused if security had not been taken. Therefore under subsection 269TJ(1) of the *Customs Act 1901* (the Act), I DECLARE that section 10 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- (i) the goods; and
- (ii) subject to section 45 and subsection 269TN(2) of the Act, like goods that were exported to Australia for home consumption on or after 20 April 2017, which is when the Commonwealth took securities following the Commissioner's Preliminary Affirmative Determination published on 19 April 2017 under section 269TD of the Act, but before the publication of this notice.

I am also satisfied that countervailable subsidies have been received in respect of the goods that have already been exported to Australia and that countervailable subsidies may be received in respect of like goods that may be exported to Australia in the future, and because of that material injury to the Australian industry producing like goods has been caused. Therefore under subsection 269TJ(2) of the Act, I DECLARE that section 10 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

¹ 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 decision the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

This declaration applies in relation to all exporters of the goods and like goods from Malaysia, with the exception of Press Metal Berhad, Superb Aluminium Industries Sdn Bhd, LB Aluminium Berhad, Milleon Extruder Sdn Bhd, Genesis Aluminium Industries Sdn Bhd and Kamco Aluminium Sdn Bhd.²

The considerations relevant to my determination of material injury to the Australian industry caused by subsidisation are the size of the subsidy margins, the effect of subsidised imports on prices in the Australian market in the form of price undercutting and the consequent impact on the Australian industry including:

- price depression;
- price suppression;
- reduced profits and profitability; and
- reduced capital expenditure.

In making my determination, I have considered whether the Australian industry is being injured by a factor other than the exportation of subsidised goods, and I have not attributed injury due to other factors to the exportation of those subsidised goods.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

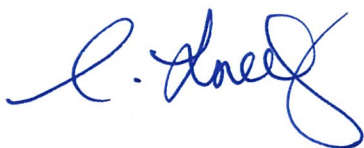
Particulars of the export price, amount of countervailable subsidy received and non-injurious price (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures and securities are applied to 'goods on the water' is available in ACDN 2012/34, available at www.adcommission.gov.au.

REP 362 and other documents included in the public record may be examined at the Anti-Dumping Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2447, fax number +61 3 8539 2499 or email at operations3@adcommission.gov.au.

Dated this 22nd day of JUNE 2017



CRAIG LAUNDY

Assistant Minister for Industry, Innovation and Science
Parliamentary Secretary to the Minister for Industry, Innovation and Science

² The Commissioner terminated the countervailable subsidy investigation insofar as it related to these exporters from Malaysia, and to all exporters from the Socialist Republic of Vietnam. Anti-Dumping Notice 2017/74, available on the Anti-Dumping Commission's website, refers.