



**Attachment 1: REVIEW OF MEASURES APPLICATION CONSIDERATION
ASSESSMENT**
(sections 269ZA, 269ZB and 269ZC of the *Customs Act 1901*¹)

Case number:	640	Case type:	Review of measures
Applicant:	Press Metal Aluminium (Australia) Pty Ltd		
Goods:	Certain aluminium extrusions		
Proposed review period:	1 January 2023 to 31 December 2023	Coverage of review:	PMB Aluminium Sdn Bhd

Country subject of application for Division 5 review: Malaysia

Part A: Assessment of the requirements of section 269ZA(2) and section 269ZB(1)

Anti-Dumping Commission (commission) assessment:

The application satisfies the requirements of sections 269ZA(2) and 269ZB(1)

1. Requirements under section 269ZA(2)	Assessment of whether the application meets requirements	
<p>An application for review of anti-dumping measures must not be made:</p> <p>(a) if the measures involve the publication of a dumping duty notice or a countervailing duty notice – earlier than 12 months after:</p> <p>(i) the publication of the notice, or</p> <p>(ii) the publication of a notice declaring the outcome of the last Division 5 review of the notice.</p>	<p>Press Metal Aluminium (Australia) (PMAA), an importer, submitted its application on 30 January 2024, seeking a review of the variable factors relating to aluminium extrusions exported from Malaysia by PMB Aluminium Sdn Bhd (PMBA).</p> <p>This is more than 12 months from the date of publication of a notice declaring the outcome of the last Division 5 review, <i>Review No 544</i>, which the commission published on 2 June 2021. See ADN 2021/037.²</p> <p>PMAA's application meets the requirement under section 269ZA(2).</p>	<p>Satisfied</p>

¹ All legislative references in this assessment are to the *Customs Act 1901* unless otherwise specified.

² [Anti-Dumping Notice No 2021/037](#)

2. Requirements under section 269ZA(4)	Assessment of whether the application meets requirements	
<p>If, as a result of a person's application under Division 6 for accelerated review of a dumping duty notice or a countervailing duty notice, the Minister has made a declaration under section 269ZG(3):</p> <p>(a) that person may not make an application for a review of that notice earlier than 12 months after the making of that declaration.</p>	<p>The Minister has not made a decision under section 269ZG(3) as a result of an application by PMAA for a Division 6 accelerated review within the 12-month period preceding this application.</p>	<p>Satisfied</p>
3. Requirements under section 269ZB(1) An application must:	Assessment of whether the application meets requirements	
<p>(a) be in writing</p>	<p>The application is in writing. The non-confidential version of the application is on the electronic public record (EPR) on the commission's website at www.adcommission.gov.au.</p>	<p>Satisfied</p>
<p>(b) be in a form approved by the Commissioner</p>	<p>The application is in the approved form, Form B602 – <i>Application for a review of measures</i> (the form).</p>	<p>Satisfied</p>
<p>(c) contain such information as the form requires</p>	<p>The application contains such information as the form requires. It includes:</p> <ul style="list-style-type: none"> • a completed declaration • answers to all questions that were required to be answered by the applicant, and • sufficient detail in the non-confidential version of the application to enable a reasonable understanding of the substance of the information submitted in confidence. 	<p>Satisfied</p>
<p>(d) be signed in a manner indicated by the form, and</p>	<p>The applicant signed the application in the manner required by the form.</p>	<p>Satisfied</p>
<p>(e) be lodged in a manner approved under section 269SMS</p>	<p>The application was lodged in accordance with section 269SMS, being by email to the commission's nominated email address.</p>	<p>Satisfied</p>

Part B: Assessment of the requirements of section 269ZB(2) and section 269ZB(1)(c)

Commission's assessment:

The application satisfies the requirements of sections 269ZB(2) and 269ZB(1)(c)

1. Requirements under section 269ZB(2) An application must include:	Assessment of whether the application includes information	
(a) a description of the kind of goods to which the measures the subject of the application relate	The application included attachments of ADN 2017/72 from 22 June 2017, ADN 2022/042 from 24 June 2022 and the commission's Dumping Commodity Register (DCR) for aluminium extrusions, which include the description of the goods to which the measures the subject of the application relate. ³	Satisfied
(b) a description of the measures the subject of the application	The application includes a description of the current measures, including the goods description, tariff details, the relevant country and the publication details for the imposition of measures.	Satisfied
(c) if the application is based on a change in variable factors – a statement of the opinion of the applicant concerning: <ul style="list-style-type: none"> (i) the variable factors relevant to the taking of the measures that have changed (ii) the amount by which each such factor has changed, and (iii) the information that establishes that amount 	<p>The application included statements of opinion relevant to the following variable factors that have changed:</p> <ul style="list-style-type: none"> • normal value • export price • non-injurious price. <p>PMAA referenced different normal values and export prices as found in the commission's dumping duty assessments (DAs) 0225, 0243 and 0254.</p> <p>PMAA provided evidence of:</p> <ul style="list-style-type: none"> • the exporter's confidential financial information; • changes to the London Metal Exchange (LME) prices, Major Japanese Ports (MJP) premium and billet premiums, which historically have been relevant inputs for domestic and export sales of aluminium extrusions. <p>PMAA has relied upon the above to estimate the amount by which the normal value, export price and non-injurious price have changed.</p>	Satisfied
(d) if the application is based on circumstances that in the applicant's view indicate that the anti-dumping measures are no longer warranted – evidence, in accordance with the form, of the circumstances.	Not applicable. The applicant has not requested the commission consider revoking the measures.	Satisfied

³ Appendix A provides further details.

2. The application contains such information as the form requires (section 269ZB(1)(c))	Assessment of whether the application contains information	
(a) Name other parties supporting this application.	The applicant named PMBA, a producer of aluminium extrusion products in Malaysia and an exporter of those aluminium extrusion products to Australia, as another party that supports the application.	Satisfied
(b) Describe your interest as an affected party	The applicant stated it is an importer of the goods the subject of this application for a review of measures.	Satisfied
(c) Provide details of the current anti-dumping measures (<i>aligns with section 269ZB(2)(b)</i>)	<p>The application included the following attachments:</p> <ul style="list-style-type: none"> • Anti-dumping measures imposed by ADN 2017/72 from 22 June 2017; • The findings of CON 591, ADN 2022/042, published on 24 June 2022. <p>The application also included the current anti-dumping measures for aluminium extrusions listed in the DCR.</p>	Satisfied
(d) If you are an exporter of the goods the subject of this application: <ul style="list-style-type: none"> • Have you exported the goods to Australia during the review period? If yes, what was the total quantity and total value of the goods exported to Australia during the review period? • Have you previously (prior to the review period) exported the goods to Australia? If yes, provide the total quantity and total value of the goods exported to Australia each year during the three years prior to the review period. • Have you exported like goods to countries other than Australia during the review period? If yes, provide the total quantity and total value of exports of the goods to each other country during the review period. 	<p>Not applicable.</p> <p>The applicant is an importer.</p>	Satisfied
(e) Provide the names, addresses, telephone numbers, fax numbers of other parties likely to have an interest in this matter.	<p>The application contained the names of 9 Australian producers that it considers are likely to have an interest in this matter.</p> <p>The application also contained the names of 8 Malaysian exporters that it considers may have an interest in this matter.</p>	Satisfied
(f) Public record and confidential versions are marked clearly.	The application contained clearly marked public and confidential versions of the application.	Satisfied

PUBLIC RECORD

<p>(g) Provide a statement of opinion of the causes of the change in variable factors and whether these causes are likely to persist.</p>	<p>The application contained a statement of opinion of the causes of the change in normal value, export price and non-injurious price. Please refer to Part C below for further assessment.</p>	<p>Satisfied</p>
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Part C: Assessment of the applicant’s statement of opinion and information under section 269ZB(2)(c)

Commission’s assessment: The application meets the requirements of section 269ZB(2)(c)

Variable factors that the applicant claims have changed

Normal Value Export Price Non Injurious Price Countervailable subsidy

Variable Factor	Has the applicant provided a statement of its opinion of the amount by which the variable factor has changed?	Has the applicant provided the information that establishes the amount by which the variable factor has changed?
Normal Value	<p>PMAA claimed that the variable factors from CON 591 were based on information current during 1 July 2020 to 30 June 2021 but that they have changed for reasons including:</p> <ul style="list-style-type: none"> • Different export prices and normal values calculated for PMBA’s exports to Australia during 3 different importation periods – DA 0225 (27 December 2020 to 26 June 2021), DA 0243 (27 June 2021 to 26 December 2021) and DA 0254 (27 December 2021 to 26 June 2022); • Changes in the price of aluminium and aluminium billets used in the production of aluminium extrusion products – as evidenced by LME, MJP premium and billet prices. <p>Additionally, normal values and export prices of aluminium extrusions from Malaysia to Australia have changed, which is evidenced in the disclosure of:</p> <ul style="list-style-type: none"> • Export prices and ascertained export prices (AEPs) of PMBA’s aluminium extrusions exports to Australia; • PMBA’s domestic selling prices and normal values of aluminium extrusions sold in Malaysia. 	<p>In support of this claim, PMAA referred to DAs 0225, 0243 and 0254 and provided confidential evidence of changes to LME prices, MJP premium and billet premiums since CON 591 across 2020, 2021, 2022 and 2023.</p> <p>PMAA also provided confidential evidence to indicate the amount by which the normal value has changed since CON 591.</p>
Export Price	<p>PMAA claimed that the variable factors from CON 591 were based on information current during 1 July 2020 to 30 June 2021 but that they have changed for reasons including:</p> <ul style="list-style-type: none"> • Different export prices and normal values calculated for PMBA’s exports to Australia during 3 different importation periods – DA 0225 (27 December 2020 to 26 June 2021), DA 0243 (27 June 2021 to 26 December 2021) and DA 0254 (27 December 2021 to 26 June 2022); • Changes in the price of aluminium and aluminium billets used in the 	<p>In support of this claim, PMAA referred to DAs 0225, 0243 and 0254 and provided confidential evidence of changes to LME prices, MJP premium and billet premiums since CON 591 across 2020, 2021, 2022 and 2023.</p> <p>PMAA also provided confidential evidence to indicate the amount by which the export price has changed since CON 591.</p>

	<p>production of aluminium extrusion products – as evidenced by to LME prices, MJP premium and billet premium prices.</p> <p>Additionally, normal values and export prices of aluminium extrusions from Malaysia to Australia have changed, which is evidenced in the disclosure of:</p> <ul style="list-style-type: none"> • Export prices and AEPs of PMBA’s aluminium extrusions exports to Australia; • PMBA’s domestic selling prices and normal values of aluminium extrusions sold in Malaysia. 	
NIP	<p>PMAA claimed that in CON 591, the non-injurious price was calculated based on unsuppressed selling price (USP), which is the Australian industry’s cost to make and sell aluminium extrusion products plus an amount for profit; the cost to make aluminium extrusion products in turn was calculated based on then-current prices in the LME. PMAA claims that LME prices have since changed, which would affect the USP.</p>	<p>In support of its claim, PMAA has provided confidential evidence of changes to LME prices since CON 591 across 2020, 2021, 2022 and 2023.</p>
Amount of countervailable subsidy received	Not applicable.	Not applicable.

Part D: Assessment of the requirements of section 269ZC		
Recommendation: The Commissioner be satisfied of the matters in section 269ZC(2)		
1. Requirements under section 269ZC(2)(a)	Assessment of whether the application meets requirements	
Does the application comply with section 269ZB?	Please refer to Parts A, B and C above for assessment of the application against section 269ZB.	Satisfied
2. Requirements under section 269ZC(2)(b)(i)	Assessment of grounds for assertion	
Do there appear to be reasonable grounds for asserting that the variable factors relevant to the taking of the anti-dumping measures have changed?	There appear to be reasonable grounds for asserting that the normal value, export price and non-injurious price relevant to the taking of the anti-dumping measures have changed.	Satisfied
<input checked="" type="checkbox"/> Normal Value <input checked="" type="checkbox"/> Export Price <input checked="" type="checkbox"/> Non Injurious Price <input type="checkbox"/> Countervailable subsidy		

Normal Value	<p>The Commissioner is satisfied there appear to be reasonable grounds that the normal value has changed.</p> <p>The commission has analysed the confidential data provided by PMAA in its application on raw material price movements between the end of CON 591 and CY2023 (see Confidential Attachment 1). The analysis indicates that raw material prices have fluctuated since CON 591.</p> <p>The commission considers that a change in raw material prices will likely result in a change to the normal value.</p>
Export Price	<p>The Commissioner is satisfied there appears to be reasonable grounds for asserting that the export price has changed.</p> <p>The commission has analysed the confidential data provided by PMAA in its application on raw material price movements between the end of CON 591 and CY 2023 (see Confidential Attachment 1). The analysis indicates that raw material prices have fluctuated since CON 591.</p> <p>The commission considers that a change in raw material prices will likely result in a change to the export price.</p>
NIP	<p>The Commissioner is satisfied there appears to be reasonable grounds for asserting that the non-injurious price has changed.</p> <p>The commission has analysed the confidential data provided by PMAA in its application on raw material price movements between the end of CON 591 and CY2023 (see Confidential Attachment 1). The analysis indicates that raw material prices have fluctuated since CON 591.</p> <p>The commission considers that a change in raw material prices will likely result in a change to the non-injurious price.</p>
Amount of countervailable subsidy received	<p>Not applicable.</p> <p>The applicant has not requested the commission consider countervailable subsidy, noting that the previous countervailing duty notice that applied to the goods has expired, following CON 591.</p>
3. Requirements under section 269ZC(2)(b)(ii)	Assessment of grounds for assertion
Does there appear to be reasonable grounds for asserting that the anti-dumping measures are no longer warranted?	<p>Not applicable.</p> <p>The applicant has not requested the commission consider revocation.</p>

Part E: Other matters	
Not applicable.	

Part F: Appendices and attachments	
Appendix A	Goods description
Appendix B	Current measures for PMBA
Confidential Attachment 1	Variable factor analysis

Appendix A – Goods description

The goods:

The goods the subject of the investigation 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
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

Appendix B – Current measures for PMBA

Below is a summary of the current measures in respect of PMBA only. Further details of the current measures on exports of the goods for other exporters are available in the DCR and the EPR.

Exporter Name	Measure	Effective Fixed Rate of Duty	AEP / Floor Price	Export Price Terms
PMB Aluminium Sdn Bhd	Interim dumping duty – calculated using the combination duty method	6.7%	Confidential	FOB, 90 days