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# **ANTI-DUMPING NOTICE 2024/085**

*Customs Act 1901 – Part XVB*

## **Aluminium Extrusions**

**Exported to Australia from**

**The People's Republic of China**

## **Initiation of a Continuation Inquiry 657 into Anti-Dumping Measures**

***Notice under section 269ZHD(4) of the Customs Act 1901***

I, Isolde Lueckenhausen, the acting Commissioner of the Anti-Dumping Commission (Commissioner),<sup>1</sup> have initiated an inquiry into whether the continuation of anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice, in respect of aluminium extrusions (the goods) exported to Australia from the People's Republic of China (China)<sup>2</sup> is justified.

The anti-dumping measures are due to expire on 28 October 2025 (specified expiry day).<sup>3</sup>

### **1. The goods**

The goods subject to the anti-dumping measures and this inquiry are:

*Aluminium extrusions produced via an extrusion process, 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), with the finish being as extruded (mill), mechanical, anodised or painted or otherwise coated, whether or not worked, having a wall thickness or diameter greater than 0.5 mm, with a maximum weight per metre of 27 kilograms and a profile or cross-section which fits within a circle having a diameter of 421 mm.*

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<sup>1</sup> References in this document to individuals holding positions within the Anti-Dumping Commission (the commission) are references to whoever occupies the position at the time. This includes when the position is held in an acting capacity.

<sup>2</sup> Exports by Guangdong Jiangsheng Aluminium Co Ltd and Guangdong Zhongya Aluminium Company Limited are not covered by this inquiry, as the anti-dumping measures do not apply to these entities. Accordingly, this notice does not apply to these entities.

<sup>3</sup> On and from 29 October 2025, if not continued, the anti-dumping measures would no longer apply.

The goods include aluminium extrusion products that have been further processed or fabricated to a limited extent, after aluminium has been extruded through a die. 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.

The goods subject to the anti-dumping measures 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.

The goods are generally, but not exclusively, classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995*:<sup>4</sup>

**Table 1: Tariff subheadings relevant to aluminium extrusions**

Tariff Subheading	Statistical Code	Description
7604.10.00	06	Non alloyed aluminium bars, rods and profiles
7604.21.00	07	Aluminium alloy hollow angles and other shapes
7604.21.00	08	Aluminium alloy hollow profiles
7604.29.00	09	Aluminium alloy non hollow angles and other shapes
7604.29.00	10	Aluminium alloy non hollow profiles
7608.10.00	09	Non alloyed aluminium tubes and pipes
7608.20.00	10	Aluminium alloy tubes and pipes
7610.10.00	12	Doors, windows and their frames and thresholds for doors
7610.90.00	13	Other

## 2. Background to the anti-dumping measures

The anti-dumping measures were initially imposed by public notice on 28 October 2010 following the publication of *Trade Remedies Branch Report No 148*.

On 20 October 2015, in response to the findings of *Continuation Inquiry No 287*, the then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the then Parliamentary Secretary) continued the anti-dumping measures for a further 5 years until 28 October 2020.

On 12 October 2020, the then Minister for Industry, Science and Technology continued the anti-dumping measures for a further five years to 28 October 2025 in response to the findings of *Continuation Inquiry No 543*.<sup>5</sup>

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<sup>4</sup> These tariff classifications and statistical codes may include goods that are both subject and not subject to the inquiry. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods subject to this inquiry.

<sup>5</sup> Anti-Dumping Notice (ADN) 2020/103 refers.

Several reviews of anti-dumping measures applying to the goods have been undertaken since the anti-dumping measures were initially imposed in October 2010. These reviews have altered the variable factors relevant to the taking of anti-dumping measures as they applied to relevant exporters of the goods from China. The most recent review of anti-dumping measures undertaken in 2023 resulted in further changes to the variable factors and the duty methods relating to determining interim dumping and interim countervailing duties payable for particular exporters, as declared by the Minister for Industry and Science following acceptance of the recommendations set out in *Anti-Dumping Commission Report No 609* (REP 609).<sup>6</sup>

Further history in relation to the anti-dumping measure is available at **Appendix C**.

Further details on the goods and existing measures are available on the Dumping Commodity Register on the commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)).

### **3. Application for continuation of the anti-dumping measures**

Division 6A of Part XVB of the *Customs Act 1901* (Cth) (the Act)<sup>7</sup> sets out, among other things, the procedures to be followed in dealing with an application for the continuation of anti-dumping measures.

In accordance with section 269ZHB(1), I published a notice<sup>8</sup> on the commission's website on 16 August 2024. The notice invited the following persons to apply for the continuation of the anti-dumping measures:

- the person whose application under section 269TB resulted in the anti-dumping measures (section 269ZHB(1)(b)(i)), or
- persons representing the whole or a portion of the Australian industry producing like goods to the goods covered by the anti-dumping measures (section 269ZHB(1)(b)(ii)).

On 20 September 2024, an application for the continuation of the anti-dumping measures was received from Capral Limited (Capral). A non-confidential version of the application is available on the commission's electronic public record (EPR).

I have had regard to the application and Investigation 148 (the investigation which resulted in the anti-dumping measures). I am satisfied that Capral is the person under section 269ZHB(1)(b)(i) because Capral's application under section 269TB resulted in the existing anti-dumping measures.

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<sup>6</sup> ADN 2023/051 refers.

<sup>7</sup> All legislative references in this notice are to the *Customs Act 1901* (Cth), unless otherwise stated.

<sup>8</sup> ADN 2024/046 refers.

#### **4. Consideration of application under section 269ZHD(1)**

Pursuant to section 269ZHD(1), I must reject an application for the continuation of anti-dumping measures if I am not satisfied of one or more of the matters referred to in section 269ZHD(2). These are:

- the application complies with section 269ZHC (section 269ZHD(2)(a)), and
- there appear to be reasonable grounds for asserting that the expiration of the anti-dumping measures to which the application relates might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the anti-dumping measures are intended to prevent (section 269ZHD(2)(b)).

#### **5. Assessment under section 269ZHD(2)(a) – compliance with section 269ZHC**

I consider that the application complies with the requirements of section 269ZHC because it is in writing, in a form approved by me for the purposes of this section, contains the information that the form requires, is signed in the manner indicated by the form, and was lodged in a manner approved under section 269SMS, being by email to the commission's email address provided in the instrument under section 269SMS.<sup>9</sup>

#### **6. Assessment under section 269ZHD(2)(b) – reasonable grounds**

##### Applicant's claims

In its application, Capral claims, among other things, that:

- anti-dumping measures apply to exports of aluminium extrusions from China in many other jurisdictions
- *Anti-Dumping Commission Report No 543* found that the expiration of the current anti-dumping measures would likely lead to a continuation and recurrence of dumping and material injury to the Australian industry
- a particular market situation with respect to the influence of the Government of China (GOC) on the aluminium extrusions industry in China continues to apply in 2024
- estimated normal values and export prices indicate that exports are likely to be at dumped prices
- imports of aluminium extrusions to Australia from China have maintained a steady and sizable proportion of total imports since the anti-dumping measures were continued in October 2020
- Chinese exporters have continued to export the goods and have retained distribution links to Australia since the anti-dumping measures were continued in October 2020
- many Chinese exporters continue to seek accelerated reviews, clearly indicating an intention to export the goods to Australia
- the high level of participation of Chinese exporters in *Review 609* indicates that they intend to continue exporting to Australia

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<sup>9</sup> A copy of the instrument can be found on the commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

- the commission identified a total of 77 countervailable subsidy programs applicable to export of the goods from China as part of *Review 609*
- the Australian industry is likely to continue to experience material injury in the form of:
  - reduced market share
  - reduced sales volumes
  - price suppression and depression
  - reduced profit and profitability.

## **7. The commission's consideration**

The commission has examined information obtained from the Australian Border Force (ABF) import database. This data has shown that exporters from China have continued to export the goods to Australia since the continuation of the anti-dumping measures in 2020. The commission considers that this indicates that exporters from China have maintained distribution links into the Australian market.

The commission notes that China continues to be the predominant exporter of the goods to Australia compared to other countries.

Several reviews of anti-dumping measures applying to the goods had been undertaken since the anti-dumping measures were initially imposed in October 2010. In these reviews, the commission established the existence of dumping and the receipt of countervailable subsidies in respect of the goods. Accordingly, the commission recommended changes or adjustments to the prevailing anti-dumping measures as necessary to reflect the findings from the reviews.

The commission considers that the above referred reviews demonstrate Chinese manufacturers have continued exporting the goods at dumped prices and are indicative that Chinese exporters intend to export the goods to Australia in the future which may also be at dumped prices.

The commission considers it is appropriate to assess Capral's claim of a market situation during the inquiry, noting it is a key question to resolve in establishing the appropriate method to establish normal value. The commission will seek the information necessary to assess this.

Financial data provided by Capral in support of its application indicates that it has experienced reductions in total sales volumes and values since financial year (FY) 2021.

The data also indicates that whilst the Australian industry's market share remained unchanged in the 4 years to FY2024, the market share of the goods imported from China steadily increased in the same period.

## **8. Conclusion**

I am satisfied that, in accordance with section 269ZHD(2)(b), there appear to be reasonable grounds for asserting that the expiration of the anti-dumping measures might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the anti-dumping measures are intended to prevent.

I have had regard to the application, Capral's claims, and other relevant information set out in this notice.

Based on the above findings, I have therefore decided to not reject the application.

## **9. This continuation inquiry**

For this inquiry, I will examine the period from 1 October 2023 to 30 September 2024 (the inquiry period) to determine whether dumping and subsidisation have occurred and whether the variable factors relevant to the determination of duty have changed.

Following my inquiry, I will recommend to the Minister for Industry and Science (Minister) whether the notice(s) should:

- (i) remain unaltered, or
- (ii) cease to apply to a particular exporter or to a particular kind of goods, or
- (iii) have effect in relation to a particular exporter or to exporters generally, as if different variable factors had been ascertained, or
- (iv) expire on the specified expiry day.

## **10. Sampling of exporters**

I propose to make findings based on the information obtained from an examination of a selected number of exporters as outlined at Attachment A.

## **11. Proposed model control code structure**

On 9 August 2018, the commission advised in ADN 2018/128 that a model control code (MCC) structure would be implemented in new investigations, reviews of exporters generally or continuations for cases initiated after this date.<sup>10</sup>

Attachment B to this notice outlines the commission's proposed MCC structure. Proposals to modify the MCC structure should be raised as soon as is practicable, but no later than **15 December 2024**, the day submissions concerning the continuation of the anti-dumping measures are due.

Interested parties are encouraged to make a submission on whether any proposed modifications to the MCC structure should be accepted by the commission. Any changes to the MCC structure will be considered by the commission and reported in verification reports or in the statement of essential facts (SEF).

## **12. Public record**

I must maintain a public record for this inquiry. The EPR is hosted on the commission's website ([www.adcommission.gov.au](http://www.adcommission.gov.au)) contains, among other things, a copy of all non-confidential submissions from interested parties. Documents hosted on the EPR can be provided upon request to interested parties.

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<sup>10</sup> Full guidance regarding the commission's MCC structure is provided in ADN 2018/128 on the commission's website.

### 13. Submissions

Interested parties, as defined in section 269T(1), are invited to lodge written submissions concerning the continuation of the anti-dumping measures, no later than **15 December 2024**, being 37 days after publication of this notice. The commission's preference is to receive submissions by email to [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au).

Submissions may also be addressed to:

The Director, Investigations  
Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received after the date indicated above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "OFFICIAL: Sensitive". Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

### 14. Statement of essential facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. I will place the SEF on the public record on or before **26 February 2025**, that is, within 110 days after the publication of this notice, or by such later date as I may allow in accordance with section 269ZHI(3). The SEF will set out the essential facts on which I propose to base a recommendation to the Minister concerning the continuation of the anti-dumping measures.

Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record. Submissions received in response to the SEF within 20 days of the SEF being placed on the public record will be considered in completing my report and recommendation to the Minister.

### 15. Report to the Minister

I will make a recommendation to the Minister in a report on or before **12 April 2025**, that is, within 155 days after the date of publication of this notice, or such later date as I may allow in accordance with section 269ZHI(3).

The Minister must make a declaration within 30 days after receiving the report, or if the Minister considers there are special circumstances, such longer period, ending before the specified expiry day, as the Minister considers appropriate. If the Minister receives the report less than 30 days before the specified expiry day, the Minister must make the declaration before that day.

#### **16. The Commission Contact**

Enquiries about this notice may be directed to the Case Manager at [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au).

Isolde Lueckenhausen  
Acting Commissioner  
Anti-Dumping Commission

8 November 2024



## Selection of Exporters

### Application of sampling provisions

Section 269TACAA(1) of the Act states that where the number of exporters from a particular country of export in relation to an investigation, review or inquiry is so large that it is not practicable to examine the exports of all of those exporters, then the investigation, review or inquiry may be carried out, and the findings may be made, on the basis of information obtained from an examination of a selected number of those exporters who:

- a) constitute a statistically valid sample of those exporters, or
- b) are responsible for the largest volume of exports to Australia that can reasonably be examined.

I note that there were several hundred exporters of the goods listed in the ABF import database during the inquiry period. Given the large number of exporters, I consider it is not practicable to examine the exports of all of those exporters. Accordingly, I will carry out this inquiry on the basis of information obtained from an examination of a selected number of exporters who are responsible for the largest volume of exports to Australia that can reasonably be examined.

### Selected exporters

In this instance, I currently intend to limit the inquiry to the examination of exports by:

- Guangdong Xingfa Aluminium Co Ltd
- Guangdong Jinxi Cheng AI Manufacturing Co Ltd
- Goomax Metal Co Ltd Fujian.

According to the ABF import database, the selected exporters represent approximately 68% of the volume of the goods<sup>11</sup> (measured by quantity reported in kilograms) exported to Australia from China from 1 July 2023 to 30 June 2024.

The commission will contact the selected exporters directly and invite them to complete an exporter questionnaire with respect to the inquiry period. Certain importers may also be contacted directly and invited to complete an importer questionnaire.

If an exporter other than a selected exporter wishes to complete an exporter questionnaire, the exporter questionnaire has also been placed on the commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

If information is submitted by an exporter that is not named above as a selected exporter, the inquiry must extend to that exporter unless to do so would prevent its timely completion. In assessing whether extending the inquiry to that exporter will prevent the timely completion of the inquiry, I may consider the following:

- the level of cooperation from the selected exporters
- the number of the other exporters seeking individual examination, and
- the available resources within the commission to undertake either on-site or remote verification.

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<sup>11</sup> Subject to current anti-dumping measures.

Responses to the exporter questionnaire are due by **15 December 2024**.

### Residual exporters, information requested and associated spreadsheets

Exporters of the goods other than the selected exporters named above are requested to make themselves known to the commission and provide a basic level of information, via an information request and associated spreadsheets. This information will assist in the inquiry and may assist me to determine whether additional exporters will be included as selected exporters, if necessary, for example where selected exporters named above do not cooperate with the inquiry, or if an exporter is identified as exporting larger volumes of the goods than those exporters that are initially selected.

It is important to note that once an exporter has been selected to participate in the inquiry, they must cooperate by completing the exporter questionnaire. Incomplete, unreliable or unverifiable information may result in the exporter being considered uncooperative, even in the event the exporter initially provided information in the information request.

The information request and associated spreadsheets are available on the commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

By completing the information request and associated spreadsheets, for the purposes of this inquiry, exporters of the goods will be regarded as 'residual exporters' if their exports are not examined as part of the inquiry and they are not an uncooperative exporter in relation to the inquiry.

In making assessments in relation to the variable factors for residual exporters, the commission will not calculate:

- export prices that are less than the weighted average of export prices for cooperative exporters; and
- normal values that exceed the weighted average of normal values for cooperative exporters.<sup>12</sup>

The commission will determine subsidy margins for the residual exporters having regard to the amount of countervailable subsidies received by the selected exporters.

Responses to the information request and associated spreadsheets are due by **15 December 2024**.

### Uncooperative exporters and non-cooperative entities

For the purposes of this inquiry, any exporter who does not cooperate with the inquiry by providing a completed exporter questionnaire response or by providing a response to the information request and associated spreadsheets, may be considered as an uncooperative exporter and/or a non-cooperative entity.

Assessments in relation to the variable factors for uncooperative exporters and non-cooperative entities, will be based on all relevant information.

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<sup>12</sup> Subsection 269TACAB(2) of the Act.

**Proposed MCC structure**

Details of the MCC structure for the goods are detailed in the table below:

Category	Sub-category		Sales data	Cost data
Finish	A	Anodised	Mandatory	Mandatory
	BD	Bright dip		
	M	Mill		
	PC	Powder coating		
Alloy code	6A	6060, 6063	Mandatory	Optional
	6B	6106		
	6C	6101, 1350, 6082, 6351, 6061		
	6D	6005A		
	O	Other		
Temper code	T1	T1, T4, T5, T6	Optional	Optional
	T50	T591, T595, T52		
	O	Other		
Anodising microns	0	Not anodised	Optional	Optional
	1	<20µm		
	2	>20µm		

## History of anti-dumping and countervailing measures - Aluminium extrusions from China

Table 2 provides a summary of major cases involving aluminium extrusions exported to Australia from China. This table only includes cases which have resulted in a change to the anti-dumping measures and does not include accelerated reviews or duty assessments.

Table 2: Summary of changes to the anti-dumping measures

Case number	Notice number	Date notice published	Findings
Investigation 148	2010/40	28 October 2010	Anti-dumping measures were imposed on all exports of aluminium extrusions from China to Australia. Tai Ao (Taishan) Co Ltd (now Guangdong Jiangsheng Aluminium Co Ltd) was excluded from the anti-dumping measures. <i>Trade Measures Report No. 148 (REP 148) refers.</i>
Reinvestigation 175 <sup>13</sup>	2011/31	26 August 2011	Reinvestigation of the findings in REP 148. The variable factors were changed for all exporters from China. The dumping duty notice no longer applied to exports from Zhaoqing New Zhongya Aluminium Co Ltd (now Guangdong Zhongya Aluminium Company Ltd).
Review 248	2015/96	19 August 2015	The variable factors were changed for all exporters from China. <i>Anti-Dumping Commission Report No. 248 refers.</i>
Continuation 287	2015/125	20 October 2015	The anti-dumping measures were continued for a further 5 years. <i>Anti-Dumping Commission Report No. 287 refers.</i>
Review 392	2017/138	8 November 2017	The variable factors were changed for all exporters from China. <i>Anti-Dumping Commission Report No. 392 refers.</i>
Review 482	2019/44	8 May 2019	The variable factors were changed for all exporters from China. <i>Anti-Dumping Commission Report No. 482 refers.</i>
ADRP Review 2019/104	N/A	24 September 2019	The countervailing notice in respect of exports from Guangdong Zhongya Aluminium Company Ltd was revoked. The variable factors for Tai Shan City Kam Kiu Aluminium Extrusion Co Ltd and PanAsia Aluminium (China) Limited were changed. <i>ADRP Report No. 104 refers.</i>

<sup>13</sup> Detailed case information and public record is not available for this reinvestigation. Please refer to *Australian Customs Dumping Notice No. 2011/31* for information.

## APPENDIX C

Case number	Notice number	Date notice published	Findings
Continuation 543	2020/103	12 October 2020	<p>The anti-dumping measures were continued for a further 5 years.</p> <p>The variable factors were changed for all exporters from China.</p> <p><i>Anti-Dumping Commission Report No. 543</i> refers.</p>
Review 609	2023/051	20 September 2023	<p>The variable factors were changed for all exporters from China.<sup>14</sup></p> <p><i>Anti-Dumping Commission Report No 609</i> refers.</p>

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<sup>14</sup> Excluding Antai Technology Co Ltd and Qingyuan XinYueYa Aluminium Industry Co Ltd. The variable factors for these exporters were updated as part of *Accelerated Review 618* and *Accelerated Review 619* respectively.