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To The Commissioner of the Australian Anti-Dumping Commission
Date 19 June 2018
Subject Application for an accelerated review in respect of certain aluminium
extrusions exported to Australia by Anhui Tongxi Jinpeng Aluminum Co.,
Ltd.

Dear Commissioner,

We act for **Anhui Tongxi Jinpeng Aluminum Co., Ltd.** (“**Tongxi Jinpeng**”), a manufacturer and exporter of certain aluminium extrusions from the People’s Republic of China.

Tongxi Jinpeng is a producer of various aluminium extrusions from the People’s Republic of China, and seeks to export its products to Australia.

We are instructed to lodge this application for an accelerated review of the dumping duty and countervailing duty notices (Anti-Dumping Notice 2017/138) (**Notices**) in respect of certain aluminium extrusions exported to Australia by **Tongxi Jinpeng**. (**Application**)

Please find enclosed in **Annexure 1** an application for accelerated review of the current anti-dumping and countervailing duty as it applies to **Tongxi Jinpeng** by the Australian Anti-dumping Commission.

If you have any queries please do not hesitate to contact me.

Annexure 1: Application for Accelerated Review

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Meng Jing', written over a horizontal line.

Meng Jing

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ANNEXURE 1

APPLICATION FOR ACCELERATED REVIEW ANHUI TONGXI JINPENG ALUMINUM CO., LTD.

Tongxi Jinpeng seeks an accelerated review of the dumping duty and countervailing duty notices (Anti-Dumping Notice 2017/138).

1. GROUNDS OF APPLICATION

Tongxi Jinpeng seeks the review on the basis that it complies with the following requirements under the Customs Act, 1901(Act):

1.1 Section 269ZE (1) of the Act (There is a relevant duty notice).

1.2 Section 269ZF of the Act (There must be a written application for an accelerated review addressing the type of goods, and the basis the duty does not apply),

1.3 A Commission staff member doing duty must receive the application for accelerated review before it is deemed to have been lodged.

Tongxi Jinpeng confirms that it has not been previously investigated and is not related to an exporter who exported aluminium extrusions before. As a result, the conditions for rejection of the application under Section 269ZE(2) of the Act are not met and the Commissioner should not reject this application.

Description of the Goods subject to the Dumping Duty and Countervailing Duty Notices

The Goods subject to the Notices are described in REP 392 (**Reports**) as follows:

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, anodized 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.

The Reports have further clarified:

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 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 Reports have provided the following examples of goods under consideration (GUC) and those not under consideration:

<GUC>				<Non GUC>		
1	2	3	4	5	6	7
Aluminium extrusions	Aluminium extrusions with minor working	Aluminium extrusions that are parts intended for use in intermediate or finished products	Aluminium extrusions that are themselves finished products	Unassembled products containing aluminium extrusions, e.g. 'kits' that at time of import comprise all necessary parts to assemble finished goods	Intermediate or partly assembled products containing aluminium extrusions	Fully assembled finished products containing aluminium extrusions
<Examples>						
Mill finish, painted, powder coated, anodised, or otherwise coated aluminium extrusions	Precision cut, machined, punched or drilled aluminium extrusions	Aluminium extrusions designed for use in a door or window	Carpet liner, fence posts, heat sinks	Shower frame kits, window kits, unassembled unitised curtain walls	Unglazed window or door frames	Windows, doors

2. GROUNDS FOR REVIEW

Tongxi Jinpeng seeks an accelerated review of the current anti-dumping and countervailing duty by the Commission in respect of the Aluminium Extrusions exported from the People's Republic of China under subsection 269ZE(I)(a) of the Act.

Tongxi Jinpeng as new exporter

2.1 *Tongxi Jinpeng is a “new exporter” within the meaning of Section 269T(1) of the Customs Act 1901 (Act).*

Division 6 of the Act provides a statutory entitlement for a “new exporter” to apply for an accelerated review of a dumping or countervailing duty notice in so far as it affects that exporter. As a result of the Notices, **Tongxi Jinpeng** is currently subject to the country-wide combined dumping duty and countervailing duty rate of **64.4% (Duties)**.

A “new exporter” is:

in relation to goods the subject of an application for a dumping duty notice or a countervailing duty notice or like goods, ... an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application.
(Section 269T(1) of the Act)

An “investigation period” is:

in relation to an application for a dumping duty notice or a countervailing duty notice in respect of goods, ... a period specified by the Commissioner in a notice under subsection 269TC(4) to be the investigation period in relation to the application.

Subsection 268TC(4) of the Act requires the Commissioner to specify the period of investigation in relation to an application in a public notice that initiates the investigation. In this case the investigation period specified by the Commissioner was 1 July 2008 to 30 June 2009.

Tongxi Jinpeng is a “new exporter” as it did not export the GUC or like goods to

Australia at any time during the investigation period.

2.2 *Tongxi Jinpeng did not refuse to cooperate and is not related to an exporter subject to the Notices*

An application for an accelerated review may be rejected if the Commissioner is satisfied that the exporter:

- (a) was not investigated in the investigation relating to publication of the notice because that exporter refused to cooperate; or
- (b) is related to an exporter whose exports were examined in relation to the application for publication of that notice.

Tongxi Jinpeng was not investigated during the dumping and subsidy investigation because it did not export the GUC to Australia during the investigation period.

Tongxi Jinpeng also confirms that it is not related to any exporter subject to the Notices.

Accordingly, **Tongxi Jinpeng** submits that there are no grounds for its application for an accelerated review to be rejected.