



Customs Act 1901 – Part XV B

Anti-Dumping Notice No. 2018/132

Aluminium extrusions

Exported from Malaysia

Initiation of a Review of Anti-Dumping Measures relating to Alumac Industries Sdn Bhd

Notice under subsection 269ZC(4) of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain aluminium extrusions (the goods) exported to Australia from Malaysia. The review will examine whether the countervailing duty notice relevant to the taking of the anti-dumping measures as they affect Alumac Industries Sdn Bhd should be revoked.

The Goods

The goods subject to anti-dumping measures, in the form of dumping and countervailing duty notices 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 currently classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995*:

Tariff classification (Schedule 3 of the Customs Tariff Act 1995)			
<i>Tariff code</i>	<i>Statistical code</i>	<i>Unit</i>	<i>Description</i>
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

Background to the measures

The anti-dumping measures were initially imposed by public notice on 27 June 2017 by the then Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)¹ following consideration of *Anti-Dumping Commission Report No. 362* (REP 362). These measures are applicable to all exporters from Malaysia with the exception of Superb Aluminium Industries Sdn Bhd, LB Aluminium Bhd, Press Metal Bhd, Milleon Extruder Sdn Bhd, Genesis Aluminium Industries Sdn Bhd and Kamco Aluminium Sdn Bhd.

The current review

An application was lodged by Alumac Industries Sdn Bhd under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of dumping and countervailing duty notices in relation to the goods exported to Australia from Malaysia by Alumac Industries Sdn Bhd.

Particulars of the reasons for the decision to undertake this inquiry are shown in Anti-Dumping Commission Consideration Report No. 490, which has been placed on the public record.

The review period is 1 July 2017 to 30 June 2018 and covers Alumac Industries Sdn Bhd from Malaysia. The review will examine whether the measures, with respect to the countervailing notice only, are no longer warranted.

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 Investigation 362 the Minister was the then Parliamentary Secretary to the Minister for Industry, Innovation and Science.

After concluding the review, I will recommend to the Assistant Minister for Science, Jobs and Innovation (the Assistant Minister)² that the countervailing duty notice:

- i. remain unaltered; or
- ii. be revoked in its application to Alumac Industries Sdn Bhd.

Future Reviews

Under subsection 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the countervailing duty notice that is the subject of this review cannot be made for a period of 12 months.

Public Record

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgement of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **2 October 2018**,³ addressed to:

The Director
Investigations 4
GPO Box 2013
Canberra ACT 2601

or email investigations4@adcommission.gov.au, or fax to +61 3 8539 2499.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts 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:

² On 20 December 2017, the Prime Minister appointed the Parliamentary Secretary to the Minister for Jobs and Innovation as the Assistant Minister for Science, Jobs and Innovation. For the purpose of this review the Minister is the Assistant Minister for Science, Jobs and Innovation.

³ In accordance with subsection 269ZC(7)(d) of the Act; however as 37 days from the publication of this notice is a Sunday and the following day, Monday, 1 October 2018 is a public holiday, the effective due date for the lodgement of a submission is the following business day, Tuesday, 2 October 2018.

- (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 "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Assistant Minister within the legislative timeframe. A statement of essential facts (SEF) will be placed on the public record by **12 December 2018**, or by such later date as allowed in accordance with section 269ZHI of the Act.⁴ The SEF will set out the essential facts on which I propose to base a recommendation to the Assistant Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record

Report to the Assistant Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Assistant Minister. A recommendation to the Assistant Minister will be made in a report on or before **29 January 2019**⁵ (or such later date as the Assistant Minister may allow).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 2 6276 1404 or email investigations4@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 August 2018

⁴ On 14 January 2017, the Assistant Minister delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner of the Anti-Dumping Commission. Refer to Anti-Dumping Notice No. 2017/10 for further information.

⁵ In accordance with subsection 269ZDA(1) of the Act; however as 155 days from the publication of this notice is a Saturday and the following Monday is a public holiday, the effective due date by which to provide the Assistant Minister a report is the following business day, Tuesday, 29 January 2019.