



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

Application for a
review of
anti-dumping measures

APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901*
FOR A REVIEW OF ANTI-DUMPING MEASURES

In accordance with section 269ZA of the *Customs Act 1901* (the Act), I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- normal value
 export price
 non injurious price
 subsidy

The variable factors review is in relation to:

- a particular exporter (*if so provide name and country details*)
 exporters generally

or

2. **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

- the dumping duty notice
 the countervailing duty notice
 the undertaking

The revocation review is in relation to:

- a particular exporter (*if so provide name and country details*)
 - Alamac Industries Sdn Bhd from Malaysia
exporters generally


NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature: 

Name: Ng Chok Tung

Position: Chief Executive Officer

Company: Alumac Industries Sdn Bhd

ABN: Not Applicable

Date: 7-Sept-2018

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267.

Review Period

The review period is *generally* the 12 month period preceding the initiation date and ending on the most recently completed month or quarter.

For the purposes of information requested in this application, please consider the review period as the 12 month period ending on the most recently completed quarter prior to the date that you submit the application.

The actual review period will be set by the Commissioner if a review is initiated, and may differ to that used by the applicant in the application form.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the review.
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
3. Name other parties supporting this application.
4. Describe your interest as an affected party (e.g. are you concerned with the exportation of the goods, the importation of the goods, or part of the

Australian industry, or acting on behalf of the Government of an exporting country).

5. Provide details of the current anti-dumping measure(s) the subject of this review application and the goods subject to the measure(s), including:

- tariff classification
- the countries and/or companies
- specified date of publication of the measure

6. If you are an exporter of the goods the subject of this application please answer the following questions:

- Have you exported the goods to Australia during the review period?
 - o 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?
 - o If yes, please 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?
 - o If yes, please provide the total quantity and total value of exports of the goods to each other country during the review period. Please indicate if any of the sales are to a related party.

NB: In relation to the goods the subject of this application, 'like goods' means goods that are identical in all respects to the goods the subject of this application or, although not alike in all respects to the goods the subject of this application, have characteristics closely resembling those goods (s 269T(1) refers).

NB: Please note you must provide this information if you are an exporter of the goods the subject of the application. If you are not an exporter of the goods, you may choose to provide information relevant to this question.

7. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.

Applications for review of variable factors

If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:

- the factor(s) you wish to have reviewed;
- the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and
- in your opinion the causes of the change and whether these causes are likely to persist.

Application for a revocation review

If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.

Include evidence in support of your view that there are reasonable grounds

for asserting that the measures are no longer warranted. Refer to the *'Instructions and guidelines for applicants: Application for review or revocation of measures'* as part of preparing your response. If you consider anti-dumping measures are no longer warranted because of:

- *no dumping or no subsidisation*: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked.
- *no injury*: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.

Lodgement of the application

In accordance with subsection 269SMS(2) of the Act, this application, together with the supporting evidence, must be lodged by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- post to:
The Commissioner of the Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601, or
- facsimile, using the number (03) 8539 2499 (or +61 3 8539 2499 if outside Australia)

Public Record

During a review all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission's website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

PUBLIC RECORD

The Commissioner of the Anti-Dumping commission

By email: clientsupport@adcommission.gov.au

07th/September/2018

Dear Sir/Madam,

Alumac Industries Sdn Bhd is applying for review of anti-dumping measures for both revise the level of measures and revocation of the measures on aluminium extrusions exports to Australia. Since the decision to impose dumping margin, Alumac has continued exporting aluminium profiles to Australia. The data reports submitted as evidences for the application for revocation review are for the review period of April 2017- March 2018.

REQUIRED INFORMATION

1. Company name:

Alumac Industries Sdn Bhd
Lot 8463, Kampung Jaya Industrial Area,
47000 Sungai Buloh, Selangor
Malaysia
Phone : (603) 61569457
Fax : (603) 61569357
Email Address: ctng@alumac.com.my

Postal Address: As above

2. Contact Person:

Chok Tung Ng (Mr)
Position : Chief Executive Officer
Email Address : ctng@alumac.com.my
how@alumac.com.my
Telephone No. : 603-61569457
Facsimile No. : 603-61569357

3. Other parties supporting this application

Our current Australian customers:

[REDACTED]

([REDACTED] is currently seeking duty assessment on aluminium extrusions it has imported over the period 28th June-27th December 2017. [Alumac has submitted the Exporter Questionnaire, spreadsheet and related documents to Anti-Dumping Commission on July-20-2018](#))

[REDACTED]

And all future potential Australian customers

4. Description of our interest as an affected party:

Alumac Industries Sdn Bhd has been exporting aluminium extrusions from Malaysia to Australia for almost 24 years and we are very concerned with the imposition of the Dumping and Countervailing subsidy duties on our exportation of aluminium extrusions to Australia as expended below:

- A) with the imposition of 13.0% Anti-Dumping Margin and 3.2% Countervailing Subsidy Margin, we will lose our existing Australian customers and definitely will not be able to get any new customers compared to our competitors who are getting none or lower margins. Our existing & potential customers will definitely buy from them, and this will hamper the growth of our company. Our interest is to obtain 0% for both the Margins
- B) We were imposed with the above duties mainly because we were late in submission and insufficient & inefficient data submitted. We are resubmitting fuller and complete data for the relevant review period as evidence of non-dumping prices, for your kind reconsiderations. (Please refer to all the data submitted)

5. **Details of the Current Measures**

Under Anti-Dumping Notice No.2017/72. Date of Publication, 27th June 2017

i. Dumping Margin of 13%

For Malaysia Exporter under the “Uncooperative and all others exporters” category under subsections 269TAB(3) - Export price and 269TAC(6) – Normal Value; of the Customs Act 1901

Under Anti-Dumping Notice No. 2017/73. Date of Publication, 27th June 2017

ii . Countervailable subsidy margin of 3.2% (Duty method- Proportion of export price)

For Malaysia Exporter under the “Non-cooperative entities” category under subsections 269TJ(1) and (2) of the Customs Act 1901

Tariff classification –

7604.21.00

7604.29.00

7608.20.00

7610.10.00

7610.90.00

7604 21 00 10

7604 21 00 08

7608 20 00 10

The countries and/or companies – Malaysia

Specified date of publication of the measures – 27th June 2017

Details of the goods subject to the measures :-

- a. **Aluminium Extrusions** examples i. architectural profiles like window & door frames, curtain walls, ii. bazaar profiles like angle, round & square tube, rectangular & square box and iii. custom-made profiles like conveyors, automotive components (4wD side step), partitions, heat sink.
- b. Types of Aluminium Finishings - **Mill Finished (MF), Natural Anodised (NA) and Powder Coating finished goods.**
- c. Aluminium extrusions with **machinings** (mechanically worked) and cut to short length as a **secondary process.**

6. **Have you exported the goods to Australia during the review period?**

Yes, we have exported like goods to Australia during the review period. For details, please refer to the attachment [Q6-Export of Like Goods \(Goods to Australia 2017-2018 6a\)](#)

Have you previously (prior to the review period) exported the goods to Australia?

Yes, we have previously exported like goods to Australia prior to the review period. For details, please refer to the attachment [Q6-Export of Like Goods \(Goods to Australia 2014-2017 6b\)](#)

Have you exported like goods to countries other than Australia during the review period?

Yes, we have exported like goods to countries other than Australia during the review period. The countries are Indonesia, Vietnam, Singapore, Switzerland and U.S.A. For details, please refer to the attachment [Q6-Export of Like Goods \(Goods to others 4.17-3.18 6c\)](#)

7. **Details of Interested Parties**

Our existing Australian customers who are Australian manufacturers, importers and exporters :

[REDACTED]

([REDACTED] is currently seeking duty assessment on aluminium extrusions it has imported over the period 28th June-27th December 2017. [Alumac has submitted the Exporter Questionnaire, spreadsheet and other related documents to Anti-Dumping Commission on July-20-2018](#))

[REDACTED]

8.1 Grounds for applying Review for revise the level of measures :

The main reason why Alumac was imposed with above 2 measures was due to late submission and insufficient & inefficient data submitting during the very first investigation in year 2016. At that time, we have submitted a few incomplete spreadsheets without the completed Exporter Questionnaire. Due to late submission and insufficient information and data submitted, we were classified as Uncooperative and Non-cooperative entity as the result of the investigation in year 2016. With your permission, Alumac will cooperate and submit its completed Export Questionnaire together with all the data spreadsheets and information evidencing and supporting that we did not export aluminium extrusion to Australia at dumped prices.

In our earlier data information given, the product type are categorised according to the product finishing, ie : Mill Finished (MF), Anodised (NA, LB, MB, BK) or Powder Coated (PC). Other processes such as machining and cut to short length are not reflect in the product type but the cost of these processes are included in the gross invoice value.

In the new data information given in this application, we have further break downed (differentiated) the product type in more details, ie: finishing, machining and cut to short length. With this, we can match product type to allow for meaningful comparisons between export prices and domestic prices.

In the old data,

The product type are categorised according to the product finishing only, ie: Mill Finished (MF), Anodised (NA, LB, MB, BK) or Powder Coated (PC). Other processes such as machining and cut to short length are not reflect in the product type but these process costs are inclusive in the gross invoice value.

In the new data given in this mail,

We have further break downed the product type (model) into Finishing (MF, Anodised & Powder Coated), Machining and Cut to short length.

MF-F-L (MF with Machining and Long length)
MF-F-S (MF with Machining and Short length)
MF-XF-L (MF with NO machining and Long length)
MF-XF-S (MF with NO machining and Short length)

ANO-F-L (Anodised with Machining and Long length)
ANO-F-S (Anodised with Machining and Short length)
ANO-XF-L (Anodised with NO Machining and Long length)
ANO-XF-S (Anodised with NO Machining and Short length)

POWDER-F-L (Powder coated with Machining and Long length)
POWDER-F-S (Powder coated with Machining and Short length)
POWDER-XF-L (Powder coated with NO Machining and Long length)
POWDER-XF-S (Powder coated with NO Machining and Short length)

PUBLIC RECORD

Example : Alumac Item Code : [REDACTED]

Product type in old data : Powder Coated

Product type in new data : Powder Coated + **machining + cut to short length**
(POWDER-F-S)

To verify the above,

you would notice that for product with **machining process**, refer to **Alumac Item code** ended with "F". **Example** : [REDACTED]. We incurred machining charges to this product.

As for the **cut to short length** product, the length of the product are reflect in the **Alumac Item code** with digit next to finishing. **Example** : for Product code [REDACTED], the length is [REDACTED]. We charged cutting charges for product with length [REDACTED].

8.2 Grounds for applying a revocation review

No Dumping and no injuries

When overseas customers come to us for customisation products, most likely they must be facing some problems with their local suppliers. In the true business sense, this give us more opportunity to price with better margin.

We are not selling simple commodity products that can be sold to everyone. We are selling customised products according to each customers' requirements. Likewise, our Australian customers are buying such products from us. Our products and their respective dies are produced and built according to customer's requirements starting from product development to the very end sales. Alumac's customers and Alumac do go through product sampling and all aspects of quality and functional tests. Nevertheless, our products involve various processes such as anodising or powder coating; machining and milling process. Hence, our works and services for the customized products definitely allow us to charge higher for better margin. If we can sell with higher margin, there is no reason for us to dump price.

[REDACTED]

breakdown the value from gross invoice value to Mill finish value for meaningful comparison. Both also take away additional added process cost, freight and handling cost. Please refer to the attachment file **Q8 Gross to MF Value** and the table below **8.2 Average Mill Finish Value** for further explanations and comparison.

Proof case - Australia vs Domestic

After the deductions of packaging, fumigation, ocean freight, inland transport, powder coat, anodising and stamping costs and cutting charges(for short length only), the average Australia MF value of [REDACTED] is still higher than our average domestic MF value of [REDACTED]. Therefore, it is very clear that we did not export to Australia at dumped prices.

Australia [REDACTED] : Domestic [REDACTED]

Proof case - Australia vs Third Country

After deducting (NA) anodising and other relevant costs like packaging, fumigation, ocean freight, inland transport from the gross invoice value, the Average Australia MF value is still higher than the Average Third country MF value. Therefore, it is very clear that we do not dump prices.

Australia [REDACTED] : [REDACTED]
 Australia [REDACTED] : [REDACTED]

Table 8.2 Average Mill Finish Value

	refer to file Q8 Gross to MF Value		
	Average gross Invoice Value (RM/KG)	Completed Products	Average MF Value (RM/KG)
Australia-[REDACTED]	[REDACTED]	MF, stamping	[REDACTED]
Australia-[REDACTED]	[REDACTED]	MF, powder coating/anodising NA or NA-6	[REDACTED]
<i>Average of Australia</i>	[REDACTED]		[REDACTED]
Domestic-[REDACTED]	[REDACTED]	Powder coating, stamping, cut short length	[REDACTED]
[REDACTED]	[REDACTED]	anodising NA-10 or NA-20	[REDACTED]
[REDACTED]	[REDACTED]	MF only	[REDACTED]

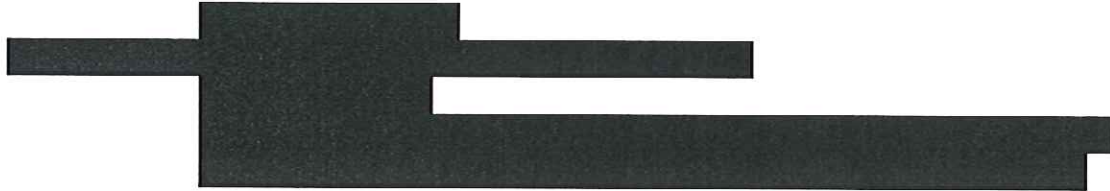
To further support all the above mentioned prices, we have enclosed documents of 2-3 transactions each for Australia Sales, 3rd countries and domestic.

- ATTACHMENT :**
 Australia-[REDACTED] (T1), (T2), (T3)
 Australia-[REDACTED] (T1), (T2), (T3)
 3rd Country-[REDACTED] (T1), (T2)
 3rd Country-[REDACTED] (T1), (T2)
 Domestic-[REDACTED] (T1) , (T2)

PUBLIC RECORD

With the above sample cases, we hope that The Commission will look through the attached data spreadsheet and match product type for comparison between export prices and domestic prices.

We attached in this application the following data spreadsheets for period April-2017 to March-2018 as evidence that we did not export to Australia at dumped price.



With this application and all the spreadsheets information, we hope that The Australia Anti-Dumping Commission will consider and approve our application. Alumac will cooperate and submit the completed Export Questionnaire together with electronics spreadsheet for the investigation.

Please contact Ms How if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Swee Chow How', written over a dotted line.

.....
Swee Chow How
Financial Controller
Email : how@alumac.com.my
Teleohone No. : 603-61569457
Facsimile No. : 603-61569357