

Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2018/149

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 be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect Alumac Industries Sdn Bhd (Alumac) should be varied.

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*:

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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 former 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 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.

Particulars of the reasons for the decision to undertake this inquiry are shown in Anti-Dumping Commission Consideration Report No. 494, which has been placed on the public record.

The review period is 1 July 2017 to 30 June 2018 and covers exports of the goods by Alumac from Malaysia. The review will examine whether the variable factors relevant to the taking of the measures have changed. After concluding the review, I will recommend to the Minister that the dumping duty notice and countervailing duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained;

¹ On 19 July 2016, the then Prime Minister appointed the former Parliamentary Secretary to the then Minister for Industry, Innovation and Science as the then Assistant Minister for Industry, Innovation and Science. For the purposes of Investigation 362 the Minister was the former Parliamentary Secretary to the then Minister for Industry, Innovation and Science.

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If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application² no later than 5 November 2018 to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

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 dumping duty and countervailing duty notices that are 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 5 November 2018 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:

- (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

² In accordance with s.269ZCB of the Act.

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- (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 Minister within the legislative timeframe. A statement of essential facts (SEF) will be placed on the public record by 15 January 2018 or by such later date as allowed in accordance with section 269ZHI of the Act.³ The SEF will set out the essential facts on which I propose to base a recommendation to the 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 Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before 1 March 2018 (or such later date as the 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

27 September 2018

³ On 14 January 2017, the Parliamentary Secretary 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.