



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Received

Anti-Dumping Commission 05/04/2019

Application for a
review of
Public record
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. X **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:

- X normal value
X export price
X non injurious price
X subsidy

The variable factors review is in relation to:

- X a particular exporter—EverPress Aluminium Industries Sdn Bhd
 exporters generally

or

2. X **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:

- X the dumping duty notice
X the countervailing duty notice
 the undertaking

The revocation review is in relation to:

- X a particular exporter—EverPress Aluminium Industries Sdn Bhd
 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: Geoffrey Cantelo

Geoffrey Cantelo International Associates ABN: 25 389 613 075

Position: Advisor

Company: EverPress Aluminium Industries Sdn Bhd

ABN: None

Date: 5 April 2019

Public record

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.

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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

**EverPress Aluminium Industries Sdn Bhd
Applications for Review of and to Revoke Measures**

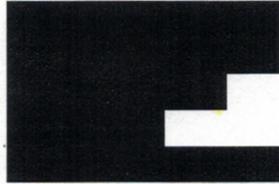
1 Applicant

EverPress Aluminium Industries Sdn Bhd (EP)
Lot 1282 & 1283, Kawasan Perindustrian Taman
Melur
Batang Benar, 71700 Mantin
Negeri Sembilan, Malaysia

2 Contact person

Geoffrey Cantelo
14 Hawthorne St
Ramsgate NSW 2217
Phone + 61 419 255 779
Email geoff@cantelo.com.au

3 Other party supporting



4 Interest as an affected party

EP mills and exports aluminium extrusions the subject of these measures from Malaysia to Australia to [REDACTED] [REDACTED] buys these extrusions [REDACTED] [REDACTED] aluminium extrusions the subject of these measures from any other Malaysian source

5 Current measure/s

	ADN	Date	Margin
Dumping	2017/72	22 Jun 17	
Uncooperative & other exporters including EP			13%
Countervailing	2017/73	22 Jun 17	
Uncooperative & other exporters including EP			3.2%

- **tariff classification**

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 originating in, or exported from, Malaysia

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. For example, 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

7604.10.00 (statistical code 6)
7604.21.00 (statistical codes 7 and 8)
7604.29.00 (statistical codes 9 and 10)
7608.10.00 (statistical code 9)
7608.20.00 (statistical code 10)
7610.10.00 (statistical code 12)
7610.90.00 (statistical code 13)

- **the countries or companies**
- **specified date of publication of the measure**

Malaysia

27 June 2017

6 Prior exports

To Australia in 2015, 2016, 2017, 2018 in attached:
2015, 2016, 2017 & 2018 EP sales to Australia.xlsx
workbook

Like goods to other countries in *Review Period*:
2018 Other countries tab in attached:
2015, 2016, 2017 & 2018 EP sales to Australia.xlsx
workbook

7 Other parties likely to have an interest

Capral Ltd
4/60 Phillip St
Parramatta NSW 2150
Phone + 61 2 9682 0710
Fax + 61 2 8222 0130

Background and starting review grounds

- 1 For *Investigation 362* that set the current default 269TAC(3) *export price* and 269TAC(6) *normal value* 13% IDD and 3.2% ICD, EP lodged its extensive EQ response, without ever having the experience of going through any previous anti-dumping *Investigation, Assessment* or *Review*

This *Review* affords EP the first opportunity to restate to the ADC

- 2 Since then EP has lodged *Assessment* applications for the following shipment periods:

-

-

- 3 EP exports to Australia:

show results in following table—calculated by filtering/pivoting appropriate columns of attached

	Weight kg	Sales value MYR	MYR /kg	Weight kg	Sales value MYR	MYR /kg
█ purchases shipped to Australia	█	█	█	█	█	█
Malaysian domestic sales	█	█	█	█	█	█
█ shipments proportion of Malaysian domestic sales	█	█		█	█	
█ MYR/kg price higher than Malaysian domestic price			█			█

269ZB (2) (c) EP change in variable factors statement of opinion

(i)—variable factors

• **export price**

- *Investigation 362* year 1 July 2015 to 30 June 2016 269TAC(3) determined having regard to all relevant information, specifically lowest export prices of cooperating (other) exporters
- This EP *Review export price* determinable based on EP's own January to December 2018 ex warehouse selling prices to █ adjusting for actual 2018:

█
█

Hence it goes without saying *export price* has changed

• **normal value**

- *Investigation 362* year 1 July 2015 to 30 June 2016 269TAC(6) determined having regard to all relevant information, specifically highest normal value of cooperating (other) exporters
- This EP *Review normal value* determinable based on EP's own January to December 2018

Malaysian domestic selling prices adjusting for actual 2018:

[REDACTED]

Hence it goes without saying *normal value* has changed

(ii)—amount by which each factor has changed

Impossible to quantify the amount because EP unaware of the *Investigation 362*, confidential 269TAC(3) *export price* and 269TAC(6) *normal value* and hence unable to compare with EPs this *Review 2018* based *export price* and *normal value*

Attached [REDACTED]
sets out *normal value*, *export price* and [REDACTED] margins

(iii)—information establishing that amount

[REDACTED]

Further Review Grounds—substantiating reasonableness of an EP variable factors review

- [REDACTED] shipments have never formed the subject of a *review*
- EP never reviewed nor subject of separately verified assessment on normal values
- ADC officers have never attended EP or [REDACTED] to separately determine their own *normal values*, *export prices*, negative dumping margins and zero countervailable subsidy
- This *review* based on contemporary 2018 calendar year
- This *review* application includes comprehensive spreadsheet containing even more than normally requested and contained in ADC EQ
- **EP receives no countervailable subsidy**
 - 1 EP 2016 ([REDACTED]) and 2017 ([REDACTED]) audited accounts show no countervailable subsidies
 - 2 EP 2016 ([REDACTED]) and 2017 ([REDACTED]) income tax returns show no countervailable subsidies

Malaysia uses the description *Capital Allowances* for what Australia calls tax depreciation

3 Reinvestment Allowance

- 2017 Income tax return page 4 shows [REDACTED]

[REDACTED]
[REDACTED] shows [REDACTED]
[REDACTED]

[REDACTED] Investigation 362 (REP 362) on aluminium extrusions from Malaysia at page 115 found countervailable subsidy in respect of only *Program Number 5 Double deduction for Insurance Premiums for Exporters and Importers*. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] EP 2018 accounts audit and income tax return yet to get completed. However, 2018 accounts [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Anti dumping measures are no longer warranted

EP sell to [REDACTED] as EP's [REDACTED] Australian customer buying [REDACTED]
[REDACTED]
[REDACTED]

- **No current dumping or subsidisation evidence**—as set out above including extreme high negative anti-dumping margin
- **Any current dumping or subsidisation is not causing injury**
 - As evidenced above, no EP or [REDACTED] dumping or subsidisation exists and hence can cause no injury
 - [REDACTED] imports of only around [REDACTED] tonnes/pa de minimus compared to other imports
 - All Malaysian exporters fully investigated by ADC have ended up exempt from IDD and ICD
- **measures are having no effect and there is no current injury**

Despite the current from 27 June 2017 EP 13% dumping margin and 3.2% countervailing margin, [REDACTED]
- **why a recurrence or continuation of the dumping and subsidisation and of the injury is unlikely were the measures revoked**
 - As evidenced above, no EP or [REDACTED] dumping or subsidisation exists and hence can cause no injury
 - Il's imports of only around [REDACTED] to other imports
 - All Malaysian exporters fully investigated by ADC have ended up exempt from IDD and ICD