



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2019/59

Aluminium extrusions

Exported from Malaysia

Initiation of a Review of Anti-Dumping Measures relating to EverPress Aluminium Industries Sdn Bhd (Review No. 509)

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

I, Paul Sexton, the Acting 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 by EverPress Aluminium Industries Sdn Bhd (EverPress). The review will examine whether the variable factors relevant to the taking of the anti-dumping measures in the form of a dumping duty notice and a countervailing duty notice have changed, and whether the anti-dumping measures in respect of the countervailing duty notice are no longer warranted.

The Goods

The goods subject to the anti-dumping measures 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 former Parliamentary Secretary)¹ following consideration of Anti-Dumping Commission Report No. 362 (REP 362)². 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

On 5 April 2019, an application was lodged by EverPress under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of the dumping and countervailing duty notices in relation to the goods exported to Australia from Malaysia by EverPress.

Particulars of the reasons for the decision to undertake this review are shown in *Consideration Report No. 509*, which has been placed on the public record.

The Commission will examine the period from 1 April 2018 to 31 March 2019 to assess whether the variable factors relevant to the taking of the anti-dumping measures have changed, and whether the anti-dumping measures in respect of the countervailing duty notice are no longer warranted.

After concluding the review, I will recommend to the Minister for Industry, Science and Technology (the Minister) that:

- the dumping duty notice:
 - i. remains unaltered; or
 - ii. has effect as if different variable factors had been ascertained;
- the countervailing duty notice:

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.

² Anti-Dumping Notice (ADN) Nos. 2017/72 and 2017/73.

- i. remains unaltered;
- ii. has effect as if different variable factors had been ascertained; or
- iii. be revoked.

Application to extend review to include revocation

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that the anti-dumping measures in the form of dumping duty are no longer warranted, that party may lodge an application³ no later than **2 June 2019**⁴ to request that I consider that evidence to extend a review of anti-dumping measures to include revocation of the dumping duty notice.

Future Reviews

Under subsection 269ZA(2) of the Act, 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.

Public Record

A public record must be maintained for this 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 on the Commission website, 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 by no later than the close of business on **2 June 2019**,⁵ addressed to:

The Director, Investigations 4
Anti-Dumping Commission
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 (SEF) 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

³ In accordance with section 269ZCB of the Act.

⁴ As this day is a Sunday, the effective due date for the lodgement of an application is the following business day, 3 June 2019.

⁵ As this day is a Sunday, the effective due date for the lodgement of a submission is the following business day, 3 June 2019.

- 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 SEF will be placed on the public record by **14 August 2019**, or by such later date as allowed in accordance with section 269ZHI of the Act.⁶ 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 **28 September 2019** (or such later date as may be allowed).⁷

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.

Paul Sexton
Acting Commissioner
Anti-Dumping Commission

26 April 2019

⁶ On 14 January 2017, the powers and functions of the Minister under section 269ZHI of the Act were delegated to the Commissioner of the Anti-Dumping Commission; ADN No. 2017/10 refers.

⁷ As this day is a Saturday, the effective due date by which to provide the Minister a report is the following business day, 30 September 2019.