

15 November 2019

Case Manager
Investigations 4
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Email: investigations4@adcommission.gov.au

Public File

Dear Sir/Madam

Review of Measures Investigation No. 509 – Submission by EverPress Aluminium Industries of 11 November 2019

I. Introduction

I refer to the submission on behalf of EverPress Aluminium Industries Sdn Bhd (“EverPress”) of 11 November 2019 concerning the recent publication of Statement of Essential Facts No 509 (“SEF 509”).

In SEF 509 the Commissioner proposes to recommend to the Minister that:

- (i) The dumping duty notice applicable to EverPress apply as if different variable factors had been ascertained; and
- (ii) The countervailing duty notice be revoked in its application to Everpress.

Capral Limited (Capral”) acknowledges the findings of the Commissioner in SEF 509 and supports the proposed recommendations to the Minister.

EverPress’ submission dated 11 November 2019, however, requests the Commissioner to recommend the revocation of the dumping measures following the Anti-Dumping Commission’s (“the Commission”) determination that EverPress’ exports to Australia during the investigation period were not at dumped prices.

Capral concur’s with the Commissioner’s decision as detailed in Consideration Report No. 509 to reject EverPress’ application for the revocation of interim dumping duties (“IDD”) applicable to the exporter.

II. Consideration Report No. 509

The Commission assessed EverPress’ application for revocation of both dumping and countervailing duties applicable to the Malaysian exporter. The Commission considered that whilst EverPress had demonstrated that its exports to Australia during 2018 were not at dumped prices, it was not satisfied that “EverPress has provided sufficient evidence that future dumping, and therefore injury, is unlikely were the measures to be revoked”.

The Commission's views were based upon its assessment that Everpress had exported significantly higher volumes of the subject goods to Australia prior to 2018 and that EverPress had not established that its future exports to Australia would be at the reduced levels consistent with exports in 2018.

III. Decision not to revoke IDD

Capral agrees with the Commission's assessment that past performance is indicative of the potential for increased export volumes to Australia in the future. In the absence of a commitment by the exporter not to export at dumped prices in the future, there continues to exist a threat that future exports by EverPress would be at dumped prices resulting in injury to the Australian industry manufacturing like goods.

EverPress has responded in its 11 November submission that its "high" negative dumping margins are indicative that EverPress would not export at dumped prices.

Capral would highlight that the negative dumping margin for EverPress is not significantly large enough to deter the exporter from dumping in the future. A decision to export at dumped prices in the absence of measures will be influenced by other factors – including the impact of measures on other exporters of the goods to Australia.

EverPress criticises the Commission in its injury assessment as follows:

"Given this high negative margin, coupled with revoking the countervailing notice, when determining whether revocation would lead or likely lead to continuation of or recurrence of the material injury that the measures are intended to prevent, the ADC has yet give (sic) reasoned explanation as to how it excluded from its (continuation of or recurrence) injury analysis".

EverPress has suggested that the Commission should have examined the revocation of the IDD applicable to EverPress in its injury analysis. This was not a required consideration of the Commission in terms of the review of measures as detailed in the initiation notice (ADN 2019/059). EverPress is now seeking to introduce a consideration into the current inquiry that was not available to it as a consequence of the publication of Consideration Report No. 509.

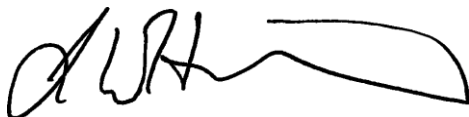
The Commission is urged not to grant any consideration to EverPress' request to contemplate revocation of the IDD measures applicable to the Malaysian exporter.

IV. Recommendation

Capral welcomes the Commissioner's proposed recommendations as contained in SEF 509. Capral requests the Commissioner to disregard EverPress' request to revoke the IDD measures applicable to the Malaysian exporter as the grounds for revocation were not a consideration of review of measures inquiry No. 509.

If you have any questions concerning this submission, please do not hesitate to contact me on (02) 8222 0113 or Capral's representative Mr John O'Connor on (07) 3342 1921.

Yours sincerely



Luke Hawkins
General Manager – Supply and Industrial Solutions