

Anti-Dumping Commission
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Submission
Authority for Commissioner to Recommend Revoking Dumping Duty Notice
(in the form of the current **dumping** duty notice ADN 2017/72)
SEF EverPress Aluminium Extrusions Review 509

I represent EverPress

No separate confidential submission except for attached **CONFIDENTIAL** 17 June 2019 letter

EverPress 14 January 2020 merits submission:

Proves each of these following two (in **bold**) revocation applications:

- **5 April 2019 269ZB** (ZB (2) (d)) revocation **application** which in CON 509 p14:
the Commission considers that there is insufficient evidence to be satisfied that there are reasonable grounds for asserting that the dumping measures are no longer warranted
- **3 June 2019 269ZCA** (ZCB (2)) revocation **extension application** which ADC on ADC 17 June 2019 determined:
The application includes evidence of the circumstances that in EverPress' view indicate that the anti-dumping measures are no longer warranted

*The application **does** comply with ss269ZCB (2)*

contained, respectively:

269 ZB (2) (d)/ZCB (2)

..evidence...that...indicate the anti dumping measures are no longer warranted

and

269 ZC (2) (b) (ii)/ZCC (2) (b)

sufficient for the Commissioner to satisfy itself that the application contained:

appear...reasonable grounds for asserting.....that the anti dumping measures are no longer warranted

This EverPress 15 January 2020 Authority submission

Despite ADC 26 April 2019 CON 509 and the Commissioner's attached **CONFIDENTIAL** 17 June 2019 letter purported revocation application rejections, for the following reasons, nothing in the law stops the Commissioner still recommending (REP 509) to the Minister revocation of the anti dumping measures—in the form of the current **dumping** duty notice ADN 2017/72

Particularly, 269ZDA (1A) operates without limiting the Commissioner in REP 509 from making this revocation recommendation, because, among other reasons:

- 1 269T *revocation review notice* definition brings in a 269ZC (4), (5) and (6) published notice—here 26 April 2019 in ADN 2019/59
- 2 *includes information* under 269ZC (7) (bb) which in turn, absent any qualification as to which *measures*, needs only in the *revocation review notice* to state that fact *if the review will examine whether the measures are no longer warranted*

satisfied here in ADN 2019/59 2nd page:

The Commission will examine....to assess whether the anti-dumping measures (in respect of the countervailing notice) are no longer warranted

These words:

in respect of the countervailing notice

have no limit on the effect of the statute 269ZC (7) (bb) that the *notice* only needs state that:

if the review will examine whether the measures are no longer warranted

satisfied here in ADN 2019/59. ADN 2019/59 as a mere administrative instrument has no power to override, to constrain the 269ZC (7) (bb) statute overriding authority in to limit it to only **dumping duty** measures or **countervailing** measures separately

And once ADN 2019/59 enlivened the, also, **dumping duty** measures revocation review, the Commissioner's 17 June 2019 purported revocation has no job to perform



Geoff Cantelo