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# **ANTI-DUMPING NOTICE NO. 2019/137**

*Customs Act 1901 – Part XVB*

**Aluminium extrusions**

**Exported to Australia from Malaysia**

**Termination of Accelerated Review No. 525**

**Premium Aluminium (M) Sdn Bhd**

## **Introduction**

On 12 September 2019, I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, published Anti-Dumping Notice (ADN) No. 2019/119 to notify interested parties that an accelerated review of the anti-dumping measures applying to certain aluminium extrusions exported to Australia from Malaysia, in so far as they relate to a new exporter, Premium Aluminium (M) Sdn Bhd (the applicant) had commenced. The anti-dumping measures consist of a dumping duty notice and a countervailing duty notice (the notices). The application lodgement date of 23 August 2019 was the commencement date of the accelerated review.

Pursuant to subsection 269ZH(b) of the *Customs Act 1901*<sup>1</sup>, the Commonwealth required securities in respect of interim dumping duty and interim countervailing duty that may be payable on exports of the goods by the applicant for the period of the accelerated review.

ADN No. 2019/119 is available on the Anti-Dumping Commission's (the Commission's) website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

## **Grounds for termination**

If, during the course of an accelerated review, I become satisfied that the applicant is refusing to cooperate with any aspect of the review, I may terminate the review under subsection 269ZE(3)(a).

On 6 September 2019, the Commission sent a questionnaire to the applicant. The questionnaire requested information necessary to complete the accelerated review. A response to the exporter questionnaire was due on 13 October 2019 and was received by the due date.

The applicant's response to the exporter questionnaire contained extensive material deficiencies. On 25 October 2019, the Commission sent a letter to the applicant

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<sup>1</sup> Unless stated otherwise, all legislative references in this notice are to the *Customs Act 1901*.

outlining all deficiencies. The applicant provided an incomplete response within the required timeframe of 4 November 2019. The Commission provided the applicant additional time until 7 November 2019 to re-submit a complete response to the deficiencies. The Commission's assessment of the response showed that the applicant had not addressed the issues outlined in the deficiency letter.

The deficiencies that I have identified could not, in my view, be rectified in such time so as to allow for the completion of the remainder of the accelerated review within the legislated timeframe. Noting that the applicant has failed to provide the information required to complete the accelerated review, I am satisfied that the applicant is refusing to co-operate with an aspect of the accelerated review, being the provision of relevant information to enable me to determine whether the notices should be altered. Accordingly, I am terminating the accelerated review in accordance with subsection 269ZE(3)(a).

### **Effect of the termination of the accelerated review**

Termination of this accelerated review means that any securities required and taken in relation to the goods exported by the applicant and entered for home consumption from 23 August 2019 will now be converted to interim dumping duty and interim countervailing duty.

The applicable rates of duty are the 'all other and uncooperative exporters' rates of interim dumping duty and interim countervailing duty. The applicable rates were specified in the notices published on 27 June 2017 (ADN Nos. 2017/72 and 2017/73). ADN No. 2017/72 set a fixed component of dumping duty at 13.0 per cent, with a variable rate of duty payable where the export price is below the ascertained export price. ADN No. 2017/73 set the relevant rate of countervailing duty as 3.2 per cent of the export price. Future exports of the goods by the applicant will be subject to these rates of duty.

Termination of the accelerated review does not affect the applicant's right to apply for another accelerated review.

Enquiries about this notice may be directed to the case manager on telephone number +61 2 6276 1462 or email [investigations4@adcommission.gov.au](mailto:investigations4@adcommission.gov.au).



Dale Seymour  
Commissioner  
Anti-Dumping Commission

15 November 2019