



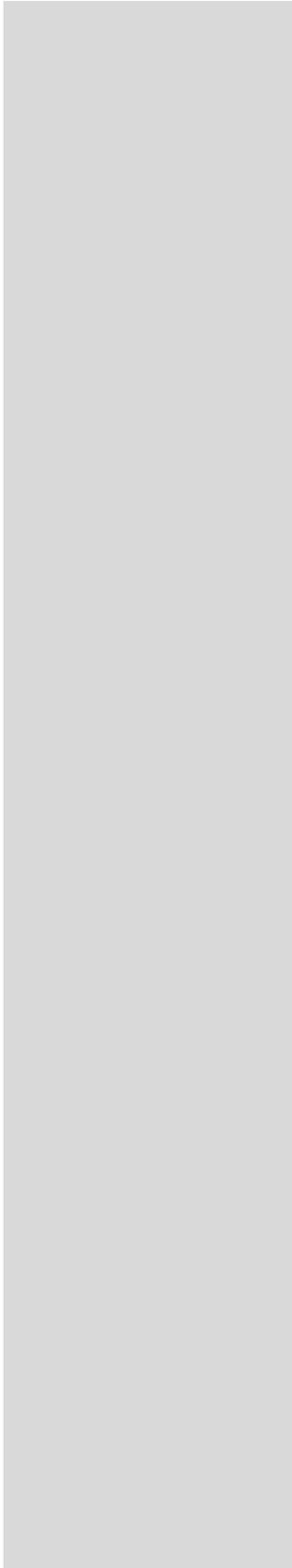
Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Received

Anti-Dumping Commission 08/10/2019

Application for an
accelerated review of
anti-dumping measures



APPLICATION UNDER SECTION 269ZE OF THE *CUSTOMS ACT 1901*
FOR AN ACCELERATED REVIEW OF ANTI-DUMPING MEASURES

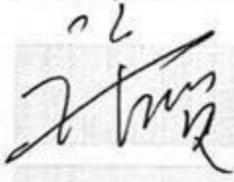
In accordance with section 269ZE of the *Customs Act 1901* (the Act), I request that the Commissioner of the Anti-Dumping Commission conduct an accelerated review of a dumping duty notice and/or countervailing duty notice (the notice(s)) insofar as it affects this exporter.¹

NB: Only a new exporter is eligible to apply for an accelerated review. A new exporter means that, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).

DECLARATION

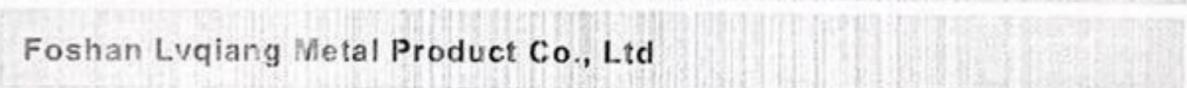
I believe that the information contained in this application:

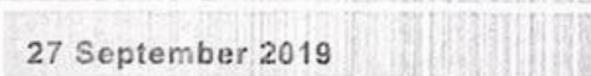
- provides reasonable grounds for an accelerated review of the dumping or countervailing duty notice(s) in so far as it relates to the applicant; and
- is complete and correct.

Signature:  

Name:  Baixian Xu

Position:  General Manager

Company:  Foshan Lvqiang Metal Product Co., Ltd

Date:  27 September 2019

¹ All legislative references are to the *Customs Act 1901*.

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 Anti-Dumping Commission's (Commission's) client support section for advice.

NB: Where an application is made by an agent acting with authority on behalf of a company, joint venture, trust or sole trader, an authority to act letter must be provided with this application.

Assistance with the application

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.

Required information

1. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
 - identify the notice(s) imposing measures that the applicant seeks an accelerated review of; and
 - a description of the goods to which the notice(s) relates.
2. Provide details of the name, street and postal address, of the applicant seeking the accelerated review;
3. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address;
4. Describe the applicant's role in the exportation of the goods (e.g. producer or manufacturer, distributor or trader of the goods);
5. Confirm that the applicant is a 'new exporter', meaning, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).
6. Confirm whether the applicant has previously applied for an accelerated review in relation to the notices the subject of this application.
7. Confirm whether the applicant is related to an exporter whose exports were examined in relation to the application for publication of the notice(s), and the nature of the relationship (s 269ZE(2)(b) refers).

In determining whether the applicant is an associate of an exporter whose exports were examined in relation to the application for publication of the notice(s), answer the following (s 269TAA(4) refers):

- (a) Are both natural persons?
If yes:
(i) Are they members of the same family? Or;
(ii) Is one of them an officer or director of a body corporate controlled, directly or indirectly, by the other?
- (b) Are both body corporates?
If yes:
(i) Are both of them controlled by a third person (whether or not a body corporate)? Or;
(ii) Do both of them together control, directly or indirectly, a third body corporate? Or;
(iii) Is the same person (whether or not a body corporate) in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them?
- (c) Is one of them, being a body corporate, directly or indirectly, controlled by the other (whether or not a body corporate)?
- (d) Is one of them, being a natural person, an employee, officer or director of the other (whether or not a body corporate)?
- (e) Are they members of the same partnership?

NB: Please include appropriate evidence in support of your view that the applicant is or is not related to another company whose exports were examined in relation to the application for publication of the notice(s) (i.e. during the original investigation). This should include an overview of your corporate structure, including entities that the applicant has an interest in and entities that have an interest in the applicant, list of directors and annual report(s) where applicable.

8. Provide a statement setting out the basis on which you consider the particular dumping or countervailing duty notice is inappropriate, so far as the applicant is concerned.

Impact of an all exporter review of measures

Where a review of measures applies to all exporters of the goods generally (that is, not a single exporter), the changes to the notice(s) that result from the review may apply to all relevant exporters of the goods, including past applicants for an accelerated review. This means that changes to a notice as an outcome of an all exporter review of measures may replace an earlier published outcome of an accelerated review.

Lodgement of the application

This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- pre-paid 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
(outside Australia)

Public Record

There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for an accelerated review will be opened and accessible on the Commission's website at www.adcommission.gov.au. The public record will contain, among other things, a copy of the application, all submissions from interested parties and Commission reports.

At the time of making the application, the Commission requests both a confidential version (for official use only) and non-confidential version (public record) of the application 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 accelerated 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.

Foshan Lvqiang Metal Product Co., Ltd

PUBLIC RELEASE

To: Australian Dumping Commission

Re: Application for Accelerated Reviews

Dear Australian Dumping Commission,

Foshan Lvqiang Metal Product Co., Ltd is a manufacturer of aluminium extrusions located in the Peoples Republic of China. We are lodging this application for accelerated review to achieve our own dumping duty rate so we can begin exporting our products to Australia at reasonable prices. At the moment, the dumping duty rate is too high and we can not export to potential customers.

1. We have checked your website and find a recent notice (ADN 2019/044) which introduces the current dumping and subsidy duty rates after the completion of review 482. The dumping and subsidy duty was introduced on '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.'
2. Our company contact details.
 - Foshan Lvqiang Metal Product Co., Ltd
 - No. 12, Dazhen Sizhong Industrial Zone, Dali, Nanhai, Foshan, China
3. My contact details
 - xxxxxxxx– General Manager
 - xxxxxxxxxxxx
 - xxxxxxxxxxxx
4. Foshan Lvqiang Metal Product Co., Ltd is extruding mill that manufactures aluminium extrusions.
5. Foshan Lvqiang Metal Product Co., Ltd is a small private company that has never exported to Australia.
6. Foshan Lvqiang Metal Product Co., Ltd has never requested a accelerated review before this time.
7. Foshan Lvqiang Metal Product Co., Ltd is not related to any other Chinese mills or Australian importers. Our company is owned by three shareholders.
 - xxxxxxxx – owns xx%
 - xxxxxxxx – owns xx%
 - xxxxxxxx – owns xx%

8. Foshan Lvqiang Metal Product Co., Ltd applies for a accelerated review because the dumping and subsidy duty rates are too high. We manufacture common extrusions which are not very difficult but including the dumping and subsidy duty in our prices makes our prices over 90% above the current LME aluminium price. This is not reasonable compared to other Chinese mills with lower duty rates and especially because we have never exported.

We are happy to show you that our costs and prices are reasonable and will not create a dumping or subsidy situation in the Australian market. Based on current August LME aluminium prices of USD 1,740 per metric ton, we estimate that our reasonable price to Australia should be approximately xx% higher to cover our manufacturing costs and profit. So we estimate ex-factory export price of USD xxx per kg or AUD xxx per kg.

Also we have not received subsidy from the Government of China as we are small private mill. So our company should not be penalized with the extra subsidy rate. We are happy to show you our accounting data to confirm this is the case.

9. Please inform what information you require from our company to change the dumping and subsidy rate for our exports, so we can review and provide to you as soon as possible.