



ANTI-DUMPING NOTICE NO. 2020/18

Public notice under section 269TC(4) of the *Customs Act 1901*

Mill Finish Aluminum Extrusions

Exported to Australia from Malaysia by

**Press Metal Sdn Bhd, Milleon Extruder Sdn Bhd,
LB Aluminium Sdn Bhd, Kamco Aluminium Sdn Bhd,
Superb Aluminium Industries Sdn Bhd, and
Genesis Aluminium Industries Sdn Bhd**

Initiation of Investigation No. 540 into alleged dumping

Customs Act 1901 – Part XVB¹

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner), have initiated an investigation following an application lodged by Capral Limited, a manufacturer of mill finish aluminium extrusions (the goods) in Australia. The application seeks the publication of a dumping duty notice in respect of mill finish aluminium extrusions exported to Australia from Malaysia.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that the dumping has caused material injury to the Australian industry producing like goods through:

- reduced sales volume;
- reduced market share;
- price suppression;
- price depression;
- reduced profit and profitability;
- reduced revenues;
- reduced return on investment;
- reduced capacity utilisation;
- reduced employment; and
- reduced wages.

¹ Unless stated otherwise, all legislative references in this notice are to the *Customs Act 1901* (the Act).

The non-confidential version of the application, which contains the basis of the alleged dumping and injury is available on the public record at the Commission's website.²

Particulars of the reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No. 540/541*, which is available on the public record.

The date of initiation of this investigation is the date of publication of this notice.

The Goods

The goods the subject of the application (the goods) are:

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) (excluding all other surface finishes), 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.

The goods include aluminium extrusion products that have been further processed or fabricated to a limited extent, after aluminium has been extruded through a die. For example, aluminium extrusion products that have been worked (e.g. precision cut, machined, punched or drilled) fall within the scope of the goods.

The goods subject to the anti-dumping measures do not include intermediate or finished products that are processed or fabricated to such an extent that they no longer possess the nature and physical characteristics of an aluminium extrusion, but have become a different product.

Tariff Classifications

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 to the *Customs Tariff Act 1995*:

Tariff classification (Schedule 3 of the Customs Tariff Act 1995)			
Tariff code	Statistical code	Unit	Description
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

² www.adcommission.gov.au

Tariff classification (Schedule 3 of the Customs Tariff Act 1995)			
7604.29.00	10	Kg	Aluminium alloy non hollow profiles
7608.10.00	09	Kg	Aluminium tubes and pipes, not alloyed
7608.20.00	10	Kg	Aluminium tubes and pipes, alloyed
7610.10.00	12	Kg	Aluminium doors, windows and their frames and thresholds for doors
7610.90.00	13	Kg	Other aluminium structures and parts thereof

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods described above. Please refer to this description for authoritative detail regarding goods, the subject of this investigation.

Investigation Process

The investigation period is 1 January 2019 to 31 December 2019. I will examine exports of the goods to Australia during this period to determine whether dumping has occurred. I will examine details of the Australian market from 1 January 2016 for the purposes of injury analysis.

Where the Minister for Industry, Science and Technology (the Minister) is satisfied, as to goods of any kind, that:³

- (a) the amount of the export price of the goods that have already been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Minister may, by public notice, impose interim dumping duties.

Where there are grounds for the Minister to publish a dumping duty notice in respect of the goods, I will examine whether the trade in the dumped goods may give rise to retrospective notices being published, pursuant to section 269TN of the Act, and make recommendations to the Minister accordingly.⁴

Proposed model control code structure

On 9 August 2018, the Commission advised in Anti-Dumping Notice (ADN) No. 2018/128 that a model control code (MCC) structure would be implemented in new

³ In accordance with section 269TG of the Act.

⁴ In accordance with sections 269TG and TJ of the Act.

investigations, reviews of exporters generally or continuations for cases initiated after this date, as required.⁵

As noted in that ADN, in developing the MCC structure, the Commission will have regard to differences in physical characteristics that give rise to distinguishable and material differences in price. The Commission’s **proposed** MCC structure is as follows:

Category	Sub-category		Sales data	Cost data
Finish	M	Mill	Mandatory	Mandatory
Alloy code	6A	6060, 6063	Mandatory	Optional
	6B	6106		
	6C	6101, 1350, 6082, 6351, 6061		
	6D	6005A		
	O	Other		
Temper code	T1	T1, T4, T5, T6	Optional	Optional
	T50	T591, T595, T52		
	O	Other		

The Commission welcomes submissions with respect to the proposed MCC structure. Submissions should be raised as soon as is practicable, but no later than **1 April 2020**, being the day submissions concerning this investigation are due.

Interested parties are also encouraged to make submissions on whether the proposed MCC structure should be accepted by the Commission in their particular circumstances. All submissions with respect to the proposed MCC structure will be considered by the Commission and reported in verification reports or in the Statement of Essential Facts (SEF).

Public Record

I must maintain a public record of each investigation. Documents included in the public record are available at: www.adcommission.gov.au.

The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 540/541* and copies of all non-confidential submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the investigation.

⁵ Full guidance regarding the Commission’s application of an MCC structure is provided in ADN No. 2018/128 on the Commission website at: www.adcommission.gov.au

Lodgement of Submissions

Interested parties, as defined by section 269T(1) of the Act, are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application, no later than the close of business on **1 April 2020**, addressed to:

The Director
Investigations 3
GPO Box 1632
Melbourne VIC 3001
Australia

or by email to: investigations3@adcommission.gov.au.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above, if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested parties should also note that I am directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances.⁶ This is available at: www.legislation.gov.au.

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the SEF.

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
- (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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

⁶ Certain powers and functions under the *Customs (Extensions of Time and Non-cooperation) Direction 2015* have been delegated to the Anti-Dumping Commission's General Managers (Anti-Dumping Notice No. 2017/10, available at www.adcommission.gov.au refers).

Lodgement of Exporter Questionnaires

Exporters of the goods to Australia are invited to participate in this investigation by completing the exporter questionnaire and the associated spreadsheets by **1 April 2020**.

The exporter questionnaire and the associated spreadsheets are available under the case information for ADC case number 540 (which can be found under 'current cases and their electronic public record' on the Commission website, www.adcommission.gov.au). Alternatively, exporters can email investigations3@adcommission.gov.au and the Commission will forward the exporter questionnaire and spreadsheets for completion.

Provisional Measures

Pursuant to section 269TD of the Act, I will make a preliminary affirmative determination (PAD) provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice or there appears that there will be sufficient grounds for the publication of a dumping duty notice subsequent to the importation of the goods into Australia. This can occur no earlier than day 60 of an investigation.

In accordance with section 269TD of the Act, the Commonwealth may apply provisional measures, including the taking of securities under section 42 of the Act, in respect of interim dumping duty that may become payable on the goods, where: a PAD has been made; and the Commissioner is satisfied that it is necessary to do so to prevent material injury to an Australian industry occurring while the investigation continues.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction) directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website at: www.legislation.gov.au.

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. In accordance with section 269TDAA of the Act, a SEF will be placed on the public record by **15 June 2020**⁷, or by such later date as allowed, in accordance with section 269ZHI of the Act.⁸ The SEF will set out the essential facts on which I propose to base my recommendations to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of it being placed on the public record.

⁷ The due date is 13 June 2020, however, as this falls on a Saturday, the effective due date is the following business day.

⁸ On 14 January 2017, certain powers and functions of the Minister under section 269ZHI of the Act were delegated to the Commissioner. Refer to ADN No. 2017/10 for further information.

Submissions received in response to the SEF within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendation to the Minister.

Report to the Minister

A recommendation to the Minister will be made in a report, on or before **28 July 2020** (or such later date as allowed under section 269ZHI of the Act), on the basis of the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Minister must make a declaration within 30 days after receiving the report, or such longer period as the Minister considers appropriate.

Anti-Dumping Review Panel

Certain persons will have the right to seek review by the Anti-Dumping Review Panel, in accordance with Division 9 of Part XVB of the Act, of either a decision by me to terminate the investigation, or a decision of the Minister to publish or not to publish a dumping duty notice after considering my report.

Interested Party List

Throughout the investigation, the Commission will maintain an internal list of interested parties. Updates on the investigation will be sent to parties on this list. If you would like to be added to the interested party list, please email: investigations3@adcommission.gov.au.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2418, or by email at: investigations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 February 2020