



Anti-Dumping Notice No. 2020/043

Customs Act 1901

Customs (Preliminary Affirmative Determinations) Direction 2015

Aluminium Extrusions (Mill Finish)

Exported 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**

Investigation No 540 into Alleged Dumping

Day 60 Status Report

Introduction

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, Commissioner of the Anti-Dumping Commission (Commissioner) have not made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act) on 24 April 2020, being 60 days after the initiation of the investigation into the alleged dumping of mill finished aluminium extrusions (the goods) exported to Australia from Malaysia.

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD, if I am satisfied of the requirements set out in subsection 269TD(1) of the Act.

Background

On 24 February 2020, I initiated an investigation into the alleged dumping of mill finished aluminium extrusions, following an application by Capral Limited under section 269TB of the Act. Further details can be found in the public notice published on 24 February 2020 (refer to *Anti-Dumping Notice 2020/18*) at: www.adcommission.gov.au

Under subsection 269TD(1) of the Act, I may make a PAD at any time, not earlier than 60 days after I initiate an investigation, for the publication of a dumping duty or countervailing duty notice, if I am satisfied that:

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- there appears to be sufficient grounds for the publication of such a notice; or
- it appears that there will be sufficient grounds for the publication of such a notice, subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

Reasons

In deciding whether to make a PAD on day 60 of this investigation, in accordance with subsection 269TD(2) of the Act, I have had regard to:

- Capral Limited's application;
- submissions received by 1 April 2020 in response to the initiation of the investigation;
- questionnaire responses received from two exporters;
- questionnaire responses received from two importers;
- a preliminary assessment of the economic condition of the Australian industry; and
- other relevant matters specific to this investigation.

Based on the above information, I am not making a PAD at day 60 of the investigation, because I am not yet satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice.

The investigation has been delayed by specific circumstances arising from the COVID-19 pandemic and, consequently, further ongoing analysis is required for me to attain the requisite satisfaction to publish a PAD. In particular, I have had regard to the following matters:

- Extensions of time have been granted to some Malaysian exporters to complete their questionnaire responses (the initial due date of 1 April 2020¹ has been extended once, due to Malaysian Government directives connected with COVID-19, although it is noted that some responses have, nevertheless, been received); and
- Information available to the Commission at Day 60 of the investigation, in connection with export prices and volume of the goods, is not yet sufficient to ascertain if the goods exported to Australia from Malaysia have been dumped over and above negligible levels, or that material injury is being caused to the Australian Industry, although these matters continue to be assessed.

Therefore, based on the above, at the time of making this report, I am unable to establish that there appears to be sufficient grounds to establish that:

- the goods exported to Australia have been dumped (above negligible levels in accordance with section 269TDA); and

¹ A [file note](#) on the electronic public record for this investigation advised interested parties of the extensions of time granted to these exporters.

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- allegedly dumped goods have caused material injury to the Australian industry producing like goods.

Other considerations

Relevant matters – section 269TD(2)(b)

In accordance with the Direction, and for the purposes of subsection 269TD(2)(b) of the Act, I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided it is not yet warranted to make a PAD, at this particular time, because I am not yet satisfied that there appear to be sufficient grounds to establish that the goods are dumped, or to establish a causal link between the dumped goods and material injury, for the reasons outlined above. However, I will continue to assess the need for a PAD and make one as soon as possible, assuming I attain the requisite level of satisfaction on the basis of the evidence available to me.

Reconsideration of making a PAD – section 269TDAA

After publishing this report, I must reconsider whether to make a PAD at least once prior to, or within, the publication of the Statement of Essential Facts (SEF), as required under section 269TDAA of the Act. The SEF is due to be published on 15 June 2020.

Anti-Dumping Commission Contact

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2418, or fax number +61 3 8539 2499, or via email at: investigations3@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

24 April 2020