



Customs Act 1901 – Part XVB

ANTI-DUMPING NOTICE NO. 2020/142

Investigation No 540 into Alleged Dumping of Mill Finish Aluminium Extrusions Exported from Malaysia by:

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

Preliminary Affirmative Determination No. 540 (PAD 540) and Imposition of Securities

Public notice under section 269TD of the Customs Act 1901

Background

On 24 February 2020, I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, initiated an investigation into the alleged dumping of mill finish aluminium extrusions (the goods) exported to Australia from Malaysia, following an application lodged by Capral Limited (Capral).

A full description of the goods is available in Anti-Dumping Notice (ADN) No. 2020/018. This ADN is available on the public record at:
www.adcommission.gov.au

PAD 540

When deciding to make this Preliminary Affirmative Determination (PAD), I have had regard to the application from Capral, as well as the submissions concerning publication of the dumping duty notice (received by the Anti-Dumping Commission within 37 days from the date of initiation of the investigation).

I have also had regard to verified data gathered during importer and exporter verifications, and submissions received before 2 December 2020 (i.e. up to one week before publication of the Statement of Essential Facts (SEF 540)). I have not had regard to submissions received on, or after, 2 December 2020, as to do so, would in my opinion have prevented the timely consideration of the question as to whether or not to make this PAD.

As specified in the combined SEF 540 and PAD 540 report and, pursuant to subsection 269TB(1) of the Act¹, I am satisfied that there appear to be sufficient grounds for the publication of a dumping duty notice in relation to the goods exported from Malaysia. As a result I have made a preliminary affirmative determination (PAD 540) to that effect.

In reaching this preliminary decision, I have had regard to the requirements of the Act and my findings in the combined SEF 540 and PAD 540 reports. I am satisfied that the dumped goods appear to have caused material injury to the Australian industry producing 'like goods'. That material is in the form of:

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

Relevant information that I have relied on in making this PAD 540, including the considerations relevant to the determination of material injury to the Australian industry producing 'like goods', has been set out in the combined SEF 540 and PAD 540. These documents are available on the public record at: www.adcommission.gov.au

Under paragraph 269TD(4)(b) of the Act, I am satisfied that it is necessary for the Commonwealth to require and take securities in order to prevent material injury occurring to the Australian industry while the investigation continues.

The Commonwealth will require and take securities under section 42 of the Act in respect of interim dumping duty that may become payable in respect of the goods exported from Malaysia and entered for home consumption on, or after, 10 December 2020.

The security has been determined as an amount worked out in accordance with subsection 5(7) of the *Customs Tariff (Anti-Dumping) Regulation 2013*, using the combination fixed and variable duty method.

Securities will be imposed in relation to the goods exported to Australia from Malaysia at the rates specified in Table 1 below.

Country	Exporter	Dumping Security (%)
Malaysia	Milleon Extruder Sdn Bhd	13.1
	LB Aluminium Berhad	4.9
	Kamco Aluminium Sdn Bhd	13.2

Table 1: Summary of dumping securities

¹ All references in this notice to 'the Act' are references to the *Customs Act 1901 (Cth)*, unless specified otherwise.

Further information

I must report to the Minister for Industry Science and Technology (the Minister) with final recommendations in relation to this investigation on, or before, 23 February 2021. The Minister will then decide whether to publish a dumping duty notice and, if relevant, the level of measures to be imposed.

If the investigation into the dumped goods gives rise to retrospective notices being imposed on the goods under section 269TN of the Act, the dumping duty notice will also include the duties to be imposed retrospectively.

Affected parties should contact **business.gov.au** on telephone 13 28 46 or +61 2 6213 6000 (outside Australia) for further information regarding the actual security liability calculation in their particular circumstance.

Enquiries about this notice may be directed to the case manager on telephone number +61 8539 2418 or via email at: Investigations3@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

9 December 2020