



*Customs Act 1901 – Part XVB*

## **Aluminium Extrusions (Surface Finished) Exported to Australia from the Malaysia**

### **Findings in Relation to a Dumping Investigation**

**Public notice under subsections 269TG(1) and (2) of the *Customs Act 1901*<sup>1</sup>**

#### ***Anti-Dumping Notice (ADN) No. 2021/035***

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping of surface finished aluminium 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.

#### **The goods the subject of the investigation (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 mechanical, painted, powder coated, anodised or otherwise coated (excluding mill-finish), 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.*

#### **Further information on the goods:**

*The goods under consideration 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 under consideration do not extend to intermediate or finished products that are processed or fabricated to such an extent that they no longer possess the*

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<sup>1</sup> All legislative references are to the *Customs Act 1901* (the Act), unless otherwise specified.

*nature and physical characteristics of an aluminium extrusion, but have become a different product.*

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

<b>Tariff classification (Schedule 3 of the Customs Tariff Act 1995)</b>			
<b>Tariff code</b>	<b>Statistical code</b>	<b>Unit</b>	<b>Description</b>
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
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

**Table 1 Summary of tariff subheadings**

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 description.

The Commissioner reported his findings and recommendations to me in *Anti-Dumping Commission Report No. 541* (REP 541), in which he outlines the investigations carried out and recommends the publication of a dumping duty notice in respect of the goods. I have considered REP 541 and accepted the Commissioner's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commissioner's recommendations were based, and particulars of the evidence relied on to support the findings. The report is available at: [www.adcommission.gov.au](http://www.adcommission.gov.au).

On 29 April 2021, the Commissioner terminated the dumping investigation into the goods exported from Malaysia by Genesis Aluminium Industries Sdn Bhd.<sup>2</sup> *Termination Report No. 541* (TER 541) sets out the reasons for that termination. That report is available at: [www.adcommission.gov.au](http://www.adcommission.gov.au).

Particulars of the dumping margins established and an explanation of the methods used to compare export prices and normal values to establish each dumping margin are set out below in Table 2.

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<sup>2</sup> ADN No. 2021/036 refers.

Exporter	Dumping Margin (%)	Method to establish dumping margin
Kamco Aluminium Sdn Bhd	18.5	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in accordance with subsection 269TACB(2)(aa) of the <i>Customs Act 1901</i> .
LB Aluminium Sdn Bhd	2.6	
Milleon Extruder Sdn Bhd	6.1	
Superb Aluminium Industries Sdn Bhd	12.8	

**Table 2 Summary of dumping margins**

I, CHRISTIAN PORTER, the Minister for Industry, Science and Technology (the Minister), have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 541.

I am satisfied, as to the goods that have been exported to Australia, that the amount of the export price of the goods is less than the normal value of those goods and because of that, material injury to the Australian industry producing like goods might have been caused if the security had not been taken. Therefore under subsection 269TG(1) and section 45 of the Act, I DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- (i) the goods; and
- (i) subject to section 45 and subsection 269TN(2) of the Act, like goods that were exported to Australia from Malaysia and entered for home consumption on or after 10 December 2020, which is when the Commonwealth took securities, following the Commissioner's Preliminary Affirmative Determination published on 9 December 2020, under section 269TD of the Act, but before the publication of this Notice.

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of 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 because of that, material injury to the Australian industry producing like goods has been caused or is being caused. Therefore under subsection 269TG(2) of the Act, I DECLARE that section 8 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to the goods and like goods exported to Australia from Malaysia by Kamco Aluminium Sdn Bhd, LB Aluminium Sdn Bhd, Milleon Extruder Sdn Bhd and Superb Aluminium Industries Sdn Bhd.<sup>3</sup>

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<sup>3</sup> This declaration does not apply to Press Metal Berhad and Genesis Aluminium Industries Sdn Bhd for the reasons outlined in REP 541.

The considerations relevant to my determination of material injury to the Australian industry caused by dumping are the size of the dumping margins, the effect of dumped imports on prices in the Australian market in the form of price undercutting and the consequent impact on the Australian industry including:

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

In making my determination, I have considered whether any injury to the Australian industry is being caused or threatened by a factor (or factors) other than the exportation of dumped goods, and have not attributed injury caused by other factors to the exportation of those dumped goods.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

Particulars of the export prices, non-injurious prices, and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures and/or securities are applied to 'goods on the water' is available in ACDN 2012/34 at: [www.adcommission.gov.au](http://www.adcommission.gov.au).

REP 541 and other documents included in the public record may be examined at the Anti-Dumping Commission office by contacting the case manager on the details provided below. Alternatively, the public record is available at: [www.adcommission.gov.au](http://www.adcommission.gov.au).

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](mailto:investigations3@adcommission.gov.au).

Dated this 31st day of May 2021



CHRISTIAN PORTER

Minister for Industry, Science and Technology