



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2020/014

Aluminium Extrusions

Exported to Australia from Malaysia and the Socialist Republic of Vietnam

Initiation of a Review of Anti-Dumping Measures No. 544

Notice under subsection 269ZC(5) of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain aluminium extrusions (the goods exported to Australia from Malaysia and the Socialist Republic of Vietnam (Vietnam)). The anti-dumping measures are in the form of a dumping duty notice (Malaysia and Vietnam) and a countervailing duty notice (Malaysia only).

The review will examine whether the variable factors (normal value, export price, amount of countervailable subsidy received and non-injurious price) relevant to the taking of the anti-dumping measures as they affect exporters of the goods from Malaysia and Vietnam generally have changed.

The Goods

The goods subject to anti-dumping measures 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), 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.

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 painted, anodised, or otherwise coated, or 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.

The goods are currently classified to following tariff subheadings and statistical codes in Schedule 3 to the *Customs Tariff Act 1995*

Tariff subheading	Statistical code
7604.10.00	06
7604.21.00	07, 08
7604.29.00	09, 10
7608.10.00	09
7608.20.00	10
7610.10.00	12
7610.90.00	13

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

Background to the measures

The anti-dumping measures were initially imposed by public notice on 27 June 2017 by the then Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science following consideration of *Anti-Dumping Commission Report No. 362 (REP 362)*.

The current anti-dumping measures are applicable to all exporters from Malaysia, with the exception that the dumping duty notice and the countervailing duty notice does not apply to Milleon Extruder Sdn Bhd, Superb Aluminium Industries Sdn Bhd, Kamco Aluminium Sdn Bhd, LB Aluminium Berhad, Press Metal Sdn Bhd and Genesis Aluminium Industries Sdn Bhd.¹ The countervailing notice also does not apply to Alumac Industries Sdn Bhd and EverPress Aluminium Industries Sdn Bhd.²

The current anti-dumping measures in the form of a dumping duty notice are applicable to all exporters from Vietnam.

The current review

I initiated this review after a request was made by the Minister for Industry, Science and Technology to review the dumping and/or countervailing measures as they affect exporters of aluminium extrusions exported to Australia from Malaysia and Vietnam. The Minister's

¹ The original investigation was terminated against these exporters. Further information is available in *Termination Report No. 362* available on the Commission's website.

² Following review nos. 490 and 509. Further information is available on the Commission's website.

request was made pursuant to subsection 269ZA(3) of Division 5 of XVB of the *Customs Act 1901* (the Act)³. A copy of the request is included at the end of this notice.

The Minister has requested that I initiate this review because the variable factors relevant to the taking of measures in relation to aluminium extrusions exported to Australia from Malaysia and Vietnam may have changed.

The review period is 1 January 2019 to 31 December 2019 and covers all exporters of the goods currently subject to the measures from Malaysia and Vietnam. The review will examine whether the variable factors relevant to the taking of the measures have changed.

After concluding the review, I will recommend to the Minister that the dumping duty notice and/or countervailing duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application⁴ no later than **1 April 2020** to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

Future Reviews

Under subsection 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice and countervailing duty notice that are the subject of this review cannot be made for a period of 12 months.

Proposed model control code structure

On 9 August 2018, the Commission advised in ADN No. 2018/128 that a model control code (MCC) structure would be implemented in new investigations, reviews of exporters generally or continuations for cases initiated after this date.⁵

Attachment A to this notice outlines the Commission's proposed MCC structure. Proposals to modify the MCC structure should be raised as soon as is practicable, but no later than **1 April 2020**, the day submissions concerning the review of measures are due.

Interested parties are encouraged to make submissions on whether proposed modifications to the MCC structure should be accepted by the Commission. Any changes to the MCC structure will be considered by the Commission and reported in verification reports or in the statement of essential facts (SEF).

³ All legislative references in this notice are to the *Customs Act 1901*, unless otherwise stated.

⁴ In accordance with section 269ZCB of the Act.

⁵ Full guidance regarding the Commission's MCC structure is provided in ADN No. 2018/128 on the Commission's website.

Public Record

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **1 April 2020**, addressed to:

The Director
Operations 3,
GPO Box 2013
Canberra ACT 2601

or email Investigations3@adcommission.gov.au or fax to +61 3 8539 2499.

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

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 making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

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. A SEF will be placed on the public

record by **15 June 2020**⁶, or by such later date as allowed in accordance with section 269ZHI of the Act.⁷ The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record

Report to the Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation 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).

Interested party list

Throughout the review, the Commission will maintain a list of interested parties. Updates on the review 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 (03) 8539 2418 or email investigations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 February 2020

⁶ The due date is 13 June 2020, however, as this falls on a Saturday, the effective due date is the following business day.

⁷ On 14 January 2017, the Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner. Refer to Anti-Dumping Notice No. 2017/10 for further information.

Proposed MCC structure

Details of the MCC structure for the goods are detailed in the table below.

Category	Sub-category		Sales data	Cost data
Finish	A	Anodise	Mandatory	Mandatory
	BD	Bright dip		
	M	Mill		
	PC	Powder coating		
	MC	Mechanical		
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*		
Anodising microns	0	Not anodised	Optional	Optional
	1	<20µm		
	2	>20µm		

* Specify alloy code and temper code



The Hon Karen Andrews MP

Minister for Industry, Science and Technology

MC19-004717

Mr Dale Seymour
Commissioner
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2060

Dear Mr Seymour

I, KAREN ANDREWS, the Minister for Industry, Science and Technology, REQUEST that you initiate a review of the anti-dumping measures, for both the dumping and countervailing measures, in relation to certain aluminium extrusions exported to Australia from Malaysia and the Socialist Republic of Vietnam (Vietnam) as they affect the exporters of those goods generally, because the variable factors relevant to the taking of measures in relation to those exporters may have changed. I am making this request pursuant to subsection 269ZA(3) of Division 5 of XVB of the *Customs Act 1901* (Cth).

The reason for making this request is to address changes which have occurred in the market for aluminium extrusions exported to Australia from Malaysia and Vietnam since the notice relating to the measures applicable to Malaysian and Vietnamese exports of aluminium extrusions was published in June 2017 following the completion of Investigation No. 362.

Upon considering the information put before me by the Anti-Dumping Commission regarding the circumstances relating to aluminium extrusions exported to Australia from Malaysia and Vietnam, I consider that the export price and normal value may have changed so that the current rates of duty applicable to exports may not be an accurate reflection of the level of duty necessary to counter dumping and subsidisation. Therefore, I consider it is appropriate to review those measures as they affect exporters of those goods generally because one or more of the variable factors has changed.

I am therefore of the opinion that a review of the anti-dumping measures currently applicable to aluminium extrusions exported to Australia from Malaysia and Vietnam is warranted.

Dated this ^{KL} 30 day of January 2020

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karen Andrews', written in a cursive style.

KAREN ANDREWS
Minister for Industry, Science and Technology