



Review of Measures No. 544

Aluminium Extrusions exported to Australia from Malaysia and the Socialist Republic of Vietnam

Questionnaires and extensions of time granted

Exporter questionnaires

The Anti-Dumping Commission (the Commission) did not receive any fully completed responses to the exporter questionnaires by the due date of 1 April 2020.

Extensions of time to exporter questionnaire responses

The Commission received requests for extensions of time to submit an exporter questionnaire from certain exporters and due consideration has been given to the extension requests.¹

When considering the extension request, the *Customs (Extensions of Time and Non-Cooperation) Direction 2015* requires the Commissioner to:

- take into account the responsibility to conduct the case in a timely and efficient manner;
- reject a request for an extension if the request has not been made before the due date; and
- consider the reasons provided for the extension, having regard to:
 - the reasons why it could not provide its response within the whole period and not only the period remaining between the request and the due date;
 - ordinary business practices or commercial principles;
 - the Commission's understanding of the relevant industry; and
 - previous correspondence from the entity, previous dealings with the entity and information provided by other interested parties.

Table 1 below summarises the extensions of time given by a General Manager of the Commission in relation to individual exporters and provides a summary of the revised due dates.²

Entity	Extension Granted	Revised due date
Everpress Aluminium Industries Sdn Bhd	28 days	29 April 2020

¹ This is consistent with Article 6.1.1 of the Anti-Dumping Agreement.

² From 19 December 2016 the Commissioner of the Anti-Dumping Commission delegated his powers to consider and decide requests for an extension of time. This delegation was made under Delegation Instrument No. 2 of 2016.

PUBLIC RECORD

Entity	Extension Granted	Revised due date
Premium Aluminium (M) Sdn Bhd	14 days	15 April 2020
East Asia Aluminium Company Ltd	28 days	29 April 2020

Table 1 – extension requests

Once the Commission receives the responses to the exporter questionnaire from the above exporters, the non-confidential versions will be placed on the public record, unless it contains deficiencies that could be quickly and easily rectified in a further response. If required, a reasonable timeframe will be provided to rectify the deficiencies³, then the completed exporter questionnaire will be placed on the public record after the deficiencies have been rectified.

Verification of responses to the exporter questionnaire

The Commission will seek to verify the financial data provided by exporters in the responses to the exporter questionnaires and invites members of the Australian industry to a pre-verification meeting following receipt of the final exporter questionnaires.

Any oral information given to the Commission in a pre-verification meeting will not be taken into account unless it is subsequently put in writing and made available as part of the public record.⁴

In addition, any information provided to the Commission in a pre-verification meeting may be disregarded unless a non-confidential summary containing sufficient detail to allow a reasonable understanding of the substance of the information for inclusion in the public record.⁵

Uncooperative exporters and non-cooperative entities

Where an exporter provides a response to the exporter questionnaire that contains deficiencies that could not be rectified quickly and easily in a further response, the exporter may be deemed uncooperative (in relation to the dumping investigation) and/or non-cooperative (in relation to countervailing investigation).

Subject to further extensions which may be granted, exporters that do not provide a response to the exporter questionnaire by the due date must be deemed uncooperative and non-cooperative, as appropriate.

³ Section 6 of the Direction.

⁴ Subsection 269ZJ(4) of the *Customs Act 1901* (the Act).

⁵ Subsections 269ZJ(2) and (5) of the Act.