



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Received

Anti-Dumping Commission 24/08/2021

Application for the
continuation of a dumping
and/or
countervailing notice
or
continuation of an undertaking

**APPLICATION UNDER SECTION 269ZHC OF THE *CUSTOMS ACT 1901*
FOR THE CONTINUATION OF A DUMPING AND/OR COUNTERVAILING
DUTY NOTICE OR CONTINUATION OF AN UNDERTAKING**

I hereby request, in accordance with section 269ZHC of the *Customs Act 1901* (the Act) that the Minister:

- continue a dumping duty notice, or
- continue a countervailing duty notice, or
- continue the undertaking given under the Act by

[Redacted]
(Name of company or organisation)

in respect of the goods the subject of this application.

I believe that the information contained in this application:

- provides reasonable grounds for continuation of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature:  [Redacted]

Name:	Luke Hawkins
Position:	General Manager, Supply and Industrial Solutions
Company:	Capral Limited
ABN:	78 004 213 692
Date	23 August 2021

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and Guidelines for applicants: Application for continuation*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46

Fax: (03) 8539 2499

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the Department of Industry, Innovation and Science's International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the continuation.
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
3. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters, users.
4. The application must include a detailed statement setting out reasons for seeking continuation of the anti-dumping measure. Applicants must provide evidence addressing whether, in the absence of measures, dumped or subsidised imports would cause material injury to the local industry producing like goods. Applicants should refer to the "Guidelines for Preparing an Application for Continuation of Measures" for assistance.

5. The applicant must provide details of the current anti-dumping measure(s) the subject of this continuation application, including:
- tariff classification
 - the countries or companies
 - specified date of publication of the measure

Provision of data

Industry financial data must, wherever possible, be submitted in an electronic format.

- The data should be submitted on a media format compatible with Microsoft Windows.
- Microsoft Excel, or an Excel compatible format, is required.
- If the data cannot be presented electronically please contact the Commission's client support section for advice.

Lodgement of the application

This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- post to:

The Commissioner of the Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601, or
- facsimile, using the number (03) 8539 2499.

Public Record

During an investigation all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission's website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

Required Information

1. **Provide details of the name, street and postal address, of the applicant seeking the continuation.**

The Applicant seeking the continuation of anti-dumping measures on aluminium extrusions exported from Malaysia and the Socialist Republic of Vietnam ("Vietnam") is Capral Limited ("Capral").

Contact details for Capral are as follows:

Capral Limited
Level 4
60 Phillip Street
Parramatta NSW 2150

2. **Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.**

The contact person at Capral is as follows:

Mr Luke Hawkins
General Manager – Supply and Industrial Solutions
Tel: (02) 8222 0113
Fax: (02) 8222 0130
Email: Luke.Hawkins@capral.com.au

3. **Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters, users.**

A list of other Australian manufacturers of aluminium extrusions is included at Non-Confidential Attachment 1. Letters of support for the continuation of measures from the identified other Australian producers are included at Confidential Attachment 1 (a) to (e).

Australian importers of goods from Malaysia and Vietnam that may have an interest in this matter are included at Non-Confidential Attachment 2.

Malaysian and Vietnamese exporters that are the subject of the measures and could have an interest in this matter are identified at Non-Confidential Attachment 3.

4. **The application must include a detailed statement setting out reasons for seeking continuation of the anti-dumping measure. Applicants must provide evidence of addressing whether, in the absence of measures, dumped or subsidised imports would cause material injury to the local industry producing like goods.**

Request for continuation of measures

- (i) ***Will the dumping or subsidisation continue, or recur?***

Anti-dumping measures were imposed on aluminium extrusions exported from Malaysia and Vietnam by public notice (i.e. a dumping duty notice) on 17 June 2017 by the then Minister for Industry, Innovation and Science following consideration of Anti-Dumping Commission Final Report No. 362.

The measures are due to expire on 27 June 2022.

Capral is a relevant party in accordance with subsection 269ZHB(1) (b) of the *Customs Act 1901* that was the original applicant for the anti-dumping measures to be applied. Capral therefore is a relevant “person” for the purposes of this continuation of measures application.

Capral submits that in the absence of the measures (that includes anti-dumping measures for both Malaysia and Vietnam, and countervailing measures for Malaysia) the dumping and subsidisation of exports of aluminium extrusions to Australia will continue or recur. By this application, Capral is requesting the Minister for Industry, Science and Technology (“the Minister”) take steps to ensure that the subject measures do not expire on 27 June 2022.

- ***Anti-dumping actions by other countries***

Capral is not aware of anti-dumping measures that apply to aluminium extrusions from Malaysia or Vietnam in other jurisdictions.

- ***relevant evidence as to current normal values in the exporting country***

(i) *Review Investigation 544*

The anti-dumping measures applicable to exporters from Malaysia (for all exporters except Press Metal Berhad, LB Aluminium Berhad, Superb Aluminium Industries Sdn Bhd, Kamco Aluminium Sdn Bhd, Milleon Extruder Sdn Bhd and Genesis Aluminium Industries Sdn Bhd) and all exporter from Vietnam were recently the subject of review of measures Investigation No. 544.

Anti-Dumping Notice No. 2021/037 and Review of Measures Report No. 544 were published on 31 May 2021. The investigation period for the purposes of Investigation No. 544 was the period 1 January 2019 to 31 December 2019.

The Anti-Dumping Commission (“the Commission”) determined in Investigation 544 the following margins of dumping for the subject exporters:

Country	Exporter	Dumping Margin
Malaysia	Alumac Industries Sdn Bhd	Negative 1.0 per cent
	Premium Aluminium (M) Sdn Bhd	0 per cent
	PMB Aluminium Sdn Bhd (PMBA)	10.7 per cent
	EverPress Aluminium Industries Sdn Bhd	10.7 per cent
	All other Malaysian exporters	10.7 per cent
Vietnam	East Asia Aluminium Company Ltd	1.9 per cent
	All other Vietnam exporters	1.9 per cent

The Commission further determined that the subsidy rate applicable to all subject exporters in Malaysia was zero per cent.

(ii) *Current normal values*

The selling prices for aluminium extrusions are driven by the cost of aluminium on the London Metals Exchange (“LME”). Capral does not have access to domestic selling prices for aluminium extrusions sold domestically in either Malaysia or Vietnam as prices are held closely and negotiations are confidential between supplier and customer.

Capral has therefore constructed normal values for aluminium extrusions sold in Malaysia and Vietnam. The methodology followed by Capral is that which has been used in used in applications for measures on aluminium extrusions exported from Malaysia (refer Capral applications for mill finish and surface finished aluminium extrusions in Investigations 540 and 541) which were based upon a constructed selling price methodology.

The methodology followed for the construction of normal value commences with the prevailing LME price for aluminium ingot on a monthly basis, adjusted for the Major Japanese Port (MJP) premium, a billet premium, plus amounts for conversion, packaging, selling and general administration, and profit.

The LME prices for each month have been sourced from Argus Metals - an often referenced industry raw material price-reporting detailing aluminium pricing globally. Argus Metals also includes pricing references for regional port premiums (in this instance, Japan) and billet premiums. This methodology includes the following key cost components:

- a published price for primary aluminium (i.e. LME cash price);
- a regional premium;
- inland transport costs;
- a billet premium reflecting an additional cost to convert an ingot of billet for use in the production of the goods.

Capral does not have access to the inland freight costs in Malaysia or Vietnam and has not included an amount for inland freight in its constructed normal value assessments.

Conversion costs are based upon Capral's 2020/21 costs sourced from Confidential Appendix A6.1. Labour costs have been adjusted to reflect lower per capita income for Malaysia and Vietnam (the 2020 Malaysia and Vietnam per capita income amount has been used – source World Bank Data).

Packaging is an estimated cost including stillages.

Selling and general administration expenses have been estimated at 5 per cent of selling price. A level of profit has also been applied.

The constructed selling price is for goods packed, ex-factory.

Capral's estimate of normal value reflects methodologies followed by the Commission in previous investigations (including, in particular, normal values recently determined for Chinese exporters of aluminium extrusions in China in continuation of measures Investigation No. 543).

Capral's calculated normal values for Malaysia and Vietnam during 2020/21 are as follows:

Table 1 (a) – Malaysia normal values for aluminium extrusions (A\$/kg)

Product	Jul-Sep 2020	Oct-Dec2020	Jan-Feb 2021	Apr-Jun 2021
Mill Finish	xx	xx	xx	xx
Powdercoated/anodised	xx	xx	Xx	xx

Note: Refer Confidential Attachment 6 for constructed normal value information for Malaysia and Vietnam.

Table 1 (b) – Vietnam normal values for aluminium extrusions (A\$/kg)

Product	Jul-Sep 2020	Oct-Dec2020	Jan-Feb 2021	Apr-Jun 2021
Mill Finish	xx	xx	xx	xx
Powdercoated/anodised	xx	xx	xx	xx

Note: Refer Confidential Attachment 6 for constructed normal value information for Malaysia and Vietnam.

Review of measures investigation No. 544 involving exports of aluminium extrusions from Malaysia and Vietnam was based on an investigation period of 1 January 2019 to 31 December 2019. The LME and MJP (in aggregate) have increased across the intervening period to June 2021 by approximately 5 per cent. Table 3 highlights the change in the LME and MJP.

Table 3 – Change in LME + MJP since Investigation 544

	Jan – Dec 2019	Jul 2020 – Jun 2021	% Increase
LME + MJP A\$/tonne	\$xxxx	\$xxxx	5.0%

The Minister's decision following review of measures Investigation No. 544 was published on 31 May 2021. The impact of the revised variable factors therefore has only therefore been in operation for three months. Based upon the increase in the LME and MJP following Investigation No. 544, the measures that currently apply are – in Capral's view - less than is required to remove the injury to the Australian industry (which is incurring the higher LME and MJP costs). A comparison of *prima facie* normal values in Table 1(a) and 1 (b) and export prices in Table 5 (below) suggest that the exports of aluminium extrusions to Australia from Malaysia and Vietnam have been at dumped prices in 2020/21.

- ***whether exports have continued following imposition of the measures and estimates of export price***

Exports of aluminium extrusions from Malaysia and Vietnam to Australia have continued since the measures were imposed in 2017. The measures were recently reviewed in Investigation 544, with revised variable factors only having an impact from 32 May 2021.

Table 4 details the import volumes of aluminium extrusions from Malaysia and Vietnam into Australia following the imposition of measures (China import volumes are also included). Malaysia is the second largest source country for imports of aluminium extrusions into Australia. Vietnam volumes have increased 400 per cent between 2018 and 2020, tapering off in 2021 but continue to remain 330 per cent above the levels of 2018 following the imposition of the measures.

The increase in the volumes of imports from Malaysia and Vietnam can be attributed to the increase in the LME and MJP, which has resulted in normal values being below contemporary selling prices for aluminium extrusions (and therefore there exists an incentive to export excess production to obtain contributions to overall operating costs).

Table 4 – Import data – aluminium extrusions – years ending June 2018 to 2021 (kgs)

	2018	2019	2020	2021
China	48,396,165	53,368,195	43,463,454	45,363,481
Malaysia	12,789,263	15,402,561	13,367,711	11,459,444
Vietnam	1,325,823	2,009,231	5,334,300	4,158,385

Source: ABS Import statistics (year ending September). Refer Confidential Attachment 7.

Imports of aluminium extrusions to Australia from Malaysia and Vietnam have increased considerably since measures were imposed in 2017. This increase can be attributed to the measures not reflecting contemporary pricing levels for aluminium extrusions.

Recent weighted-average FOB export prices for Malaysian and Vietnam aluminium extrusions are detailed in Table 3.

Table 5 – Export prices for aluminium extrusions – 2020/21 (A\$/kg)

	Jul-Sep 2020	Oct-Dec 2020	Jan-Mar 2021	Apr-Jun 2021
Malaysia	xxxx	xxxx	xxxx	xxxx
Vietnam	xxxx	xxxx	xxxx	xxxx

Source: Weighted average quarterly calculations. Refer Confidential Attachment 7.

Capral is unable to distinguish export prices for Malaysian exporters between those the subject of measures and those that were not during the 2020/21 period. It is considered likely that the unit FOB export prices for Malaysia across the four identified quarters in 2020/21 are influenced by the export prices for Malaysian exporters not the subject of measures.

Capral observes relatively stable or declining export prices in 2020/21 – this is contrary to an escalation in in the metal costs for aluminium extrusions.

For exports from Vietnam, it is noted that weighted average A\$/kg export prices have decreased across the 2020/21 period – a trend that is inconsistent with increases in the prevailing LME and MJP prices. The decline in export prices for imports from Vietnam, however, may reflect the operative measures that are based upon LME and MJP prices that were significantly lower in the 2015/16 investigation period in Investigation No. 362 (the original investigation).

- ***whether the exporter(s) have retained distribution links in Australia***

Malaysian and Vietnamese exporters have retained distribution links into the Australian market since the anti-dumping measures were imposed in 2017. As indicated in Table 4 above, import volumes from Malaysia and Vietnam in 2020/21 are higher than immediately following the imposition of the measures.

The increase in import volumes from Malaysia and Vietnam is indicative of exporters in both countries retaining distribution links into the Australian market. Capral highlights with the Commission that recent investigations No. 540 and 541 (mill finish and surface finish investigations involving Malaysian exporters not the subject of measures), and review of measures Investigation No. 544, would have had an impact on customers' preparedness to disclose source(s) of for imported aluminium extrusions to Capral. Although Capral does have some select market intelligence concerning ongoing imports of aluminium extrusions from Malaysia, it is difficult to obtain clear evidence of competitive offers from countries the subject of measures (refer Confidential Attachment 8).

It is evident that the increase in import volumes from Malaysian and Vietnam as reflected in Table 4 above confirms that exporters in both countries have maintained distribution links for supply into the Australian market.

- ***whether the exporter(s) retains an excess capacity that may be directed to Australia***

In Report No. 362 the Commission identified that the cooperative exporters in that investigation¹ had an overall capacity utilisation rate of 66 per cent at that time (i.e. in 2015/16).

The Commission's assessment of exporters in Malaysia and Vietnam found to be exporting at dumped prices in Investigation No. 362 was that "*the exporters who sold these goods appear to have significant excess capacity*".

Capral does not consider that the Commission's finding in Report No. 362 has altered over the period since 2017 and that the exporters in Malaysia and Vietnam that are the subject of the measures in Report No. 362 continue to have excess capacity with which to supply the Australian market.

(ii) Will the material injury recur?

- Recent dumping

As indicated, the Commission has recently completed review of measures Investigation No. 544 concerning exports of aluminium extrusions the subject of measures from Malaysia and Vietnam.

Report No. 544 confirmed the following applicable margins of dumping determined for the subject exports during the 1 January to 31 December 2019 investigation period.

¹ Refer Report No. 362, Section 9.3.1, P 99-100.

Table 6 – Dumping margins in review of measures Investigation 544

Country	Exporter	Dumping Margin
Malaysia	Alumac Industries Sdn Bhd	Negative 1.0 per cent
	Premium Aluminium (M) Sdn Bhd	0 per cent
	PMB Aluminium Sdn Bhd (PMBA)	10.7 per cent
	EverPress Aluminium Industries Sdn Bhd	10.7 per cent
	All other Malaysian exporters	10.7 per cent
Vietnam	East Asia Aluminium Company Ltd	1.9 per cent
	All other Vietnam exporters	1.9 per cent

The assessed dumping margins confirm that some exporters have sold at export prices consistent with the applicable anti-dumping measures (i.e. Almac and Premium of Malaysia, and EAA of Vietnam). The remaining exporters in Malaysia have continued to export at dumping margins above negligible levels.

As reflected in Table 5 above, export prices for aluminium extrusions from Vietnam have declined in 2020/21 which is in direct contrast with increases in the LME and MJP prices. The export prices from Almac and Premium appear to be consistent with the applicable floor price (for the 2019 investigation period), whereas exports from Vietnam – at a 1.9 per cent margin – are at dumped levels (although considered negligible). Capral submits that it is considered unlikely that export prices from the subject exporters in both Malaysia and Vietnam will have been sufficiently raised in 2020/21 to recover the increases in the LME and MJP and not be at dumped levels.

Capral contends that the increased volumes from Vietnam and the preparedness of certain Malaysian exporters to continue to export at dumped prices (as well as Almac and Premium exporting at the floor price) suggests that subject exporters in Malaysia and Vietnam will likely have exported at dumped prices in the 2020/21 period.

Capral (and other Australian industry members) have incurred increased LME and MJP costs during 2020/21 and have continued to compete with the likely dumped export prices from exporters in Malaysia and Vietnam. Capral has experienced continued injury from the dumping by the subject exporters during 2020/21, although the injury sustained is less than would likely have been the case in the absence of the impacts from the Covid 19 pandemic.

- ***Likelihood of material injury in absence of measures***

The Commission concluded in Report 362 the following:

- *aluminium extrusions exported to Australia from Malaysia at dumped and subsidised prices and Vietnam at dumped prices have undercut the Australian industry's prices;*
- *the price of aluminium extrusions exported from Malaysia and Vietnam would not have undercut the Australian industry's prices, at least not to the same extent, if the aluminium extrusions were not dumped and subsidised;*
- *throughout the investigation period, Vietnamese imports were the lowest priced imports in the market;*
- *prior to the investigation period, the volume of exports to Australia from Vietnam was immaterial, however this volume increased substantially during the investigation period;*
- *the volume of dumped and subsidised goods from Malaysia is not negligible;*
- *but for sales of aluminium extrusions from, in particular, Vietnam at dumped prices, the weighted average delivered prices from other countries, including Malaysia, would be higher;*

- *undercutting of the Australian industry's prices by aluminium extrusions imported from Malaysia and Vietnam have prevented the Australian industry from obtaining a higher sales price for its aluminium extrusions, but for the price undercutting;*
- *the Australian industry would have been able to increase its prices in a market not affected by aluminium extrusions from Malaysia at dumped and subsidised prices and Vietnam at dumped prices. Such increases would have reflected positively on the Australian industry's profits and profitability over the investigation period;*
- *the injury from goods exported from Malaysia at dumped and subsidised prices and Vietnam at dumped prices can be separated from other potential causes of injury; and*
- *the link between aluminium extrusions exported from Malaysia at dumped and subsidised prices and Vietnam at dumped prices, in the form of price and profit effects has had a negative impact on the Australian industry's decisions in relation to other economic factors.*

It is clear from the Commission's findings In Report No. 362 that the dumped and subsidised exports from Malaysia and the dumped exports from Vietnam had a material impact on the prices and profit and profitability of the Australian industry. Due to a high level of price transparency and pricing sensitivity for aluminium extrusions sold on the Australian market, imports at injurious prices have a broad and pervasive impact on industry prices.

The Commission identified that export prices from Vietnam were the lowest priced goods sold in the market. The recent decline in Vietnam export prices during 2020/21 which are inconsistent with increases in the LME and MJP suggest that the growing import volumes from Vietnam since 2017 are at levels that have undercut the Australian industry's prices. With Malaysian exporters continuing to export at dumped prices (as per Report 544) and Alumac and Premium' export prices reflecting the applicable floor price, it is considered that Malaysian exporters will not have raised recent export prices to reflect the increase in the LME and MJP.

Capral contends that the export prices for the Malaysian and Vietnam exporters the subject of the Minister's decision in Report No. 362 will likely have exported at dumped prices in 2020/21 resulting in a recurrence of material injury to the Australian industry.

Capral draws to the attention of the Commission the uncertainty associated with the current market for aluminium extrusions due to the influence of the current pandemic. The short-term improvements that have occurred in 2021 following from shipping uncertainty is viewed as short-term and not likely to extend for a pro-longed period. Exporters will likely expedite export volumes to capitalise on a recovery; this will undoubtedly be at the expense of the Australian industry as increased import volumes emerge from the subject exporters in Malaysia and Vietnam with available excess capacity. Capral urges the Commission to exercise caution in its assessment of whether material injury to the Australian industry is "likely" as this will have a significant impact on the Australian aluminium extrusion industry post the pandemic.

Capral observes that the subject exporters in Malaysia and Vietnam have continued to supply export volumes to the Australian market. It is Capral's assessment that the exports from Malaysia and Vietnam in 2020/21 have been at dumped prices. The recent finalisation of review of measures Investigation 544 has impacted the pricing decisions of some of the subject exporters in both countries; however, Capral considers that the exports from Malaysia and Vietnam in 2020/21 have likely been at dumped prices.

(iii) Conclusions – expiry of anti-dumping measures

Capral has significant investment in the manufacture of aluminium extrusions in Australia. Capral is seeking the continuation of anti-dumping measures on exports of aluminium extrusions from Malaysia and Vietnam² with the full support of a substantial proportion of the other Australian manufacturers of aluminium extrusions.

² Exporters the subject of the Minister's decision as determined in Report No. 362.

It is Capral's firm view that should the anti-dumping measures applicable to aluminium extrusions exported from Malaysia and Vietnam be allowed to expire, it is likely that the subject Malaysian and Vietnamese exporters would increase export volumes to Australia at dumped prices (and subsidised prices from Malaysian exporters) and that the Australian industry would again suffer a recurrence of material injury from dumping and subsidisation that the measures are intended to prevent.

It is considered **likely** that should the measures the Australian industry would suffer material injury from dumping from exports from Malaysia and Vietnam.

Capral submits that the available information supports a conclusion that dumping and subsidisation and material injury would likely occur as:

- Malaysian and Vietnamese exporters have maintained distribution links into the Australian market;
- The recently completed review of measures of measures Investigation No. 544 confirmed Malaysian exporters had exported at dumped prices of 10.7 per cent, with exports by Alumac and premium reflecting applicable floor prices, and exports from Vietnam at 1.9 per cent margins (i.e. slightly within the negligible margin threshold of two per cent);
- LME and MJP prices in 2020/21 are higher than in the 2019 investigation period in Investigation No. 544;
- export prices from Vietnam in 2020/21 have declined;
- import volumes from Malaysia are higher in 2020/21 than in the original investigation period, with import volumes from Vietnam approximately 330 per cent higher in 2020/21 than in 2017/2018 immediately following the imposition of measures;
- the Australian market for aluminium extrusions is transparent with a high level of price sensitivity;
- Report No. 362 confirmed that the dumped prices from Malaysia and Vietnam substantially influenced the Australian industry's prices – this is likely to recur (given falling export prices for Vietnam) should the measures expire;
- the Australian industry has experienced a recover in 2021, however, this recovery is viewed as short term due to the limitations on some import volumes (not impacting all import supply); and
- the Commission's recent Reports 540, 541, 543 and 544 confirm that the Australian industry is vulnerable to the injurious effects of dumping (and subsidisation).

The Australian market for aluminium extrusions is an "open" market with significant supply from both local and import sources. Capral welcomes competition from imports at fair, non-dumped and not subsidised prices. However, Capral contends that the recent export prices for aluminium extrusions from Malaysia and Vietnam confirm that prices do not reflect recent increases in the LME and MJP, at which Capral must price its locally produced aluminium extrusions.

Should the measures expire, it is likely that Malaysian and Vietnamese exporters would increase export volumes to Australia from production capacities available to them at dumped (and subsidised) prices. Capral would be required to match the injurious prices in order to maintain production and sales volumes and would likely experience a reduction in prices, flowing to reduced profits and profitability.

It is therefore reasonable to conclude that should the measures be allowed to expire on aluminium extrusions exported to Australia from Malaysia and Vietnam, it is likely that exports from Malaysia and Vietnam would increase at dumped (and subsidised) prices that would undercut the Australian industry's selling prices, culminating in the **likely** recurrence of material injury that the measures are intended to prevent.

Capral requests that the Commissioner commence an investigation into the continuation of the anti-dumping measures in respect of aluminium extrusions exported from Malaysia and Vietnam the subject of the Minister's decision following publication of Report No. 362.

5. The applicant must provide details of the current anti-dumping measure(s) the subject of the continuation application, including:

- Tariff classification

The goods the subject of the measures are aluminium extrusions. The goods are described as follows:

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 under consideration ("GUC") 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 GUC do not extend to 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.³

The aluminium extrusions the subject of the measures include:

< GUC >				< Non GUC >		
1	2	3	4	5	6	7
Aluminium extrusions	Aluminium extrusions with minor working	Aluminium extrusions that are parts intended for use in intermediate or finished products	Aluminium extrusions that are themselves finished products	Unassembled products containing aluminium extrusions, e.g. 'kits' that at time of import comprise all necessary parts to assemble finished goods	Intermediate or partly assembled products containing aluminium extrusions	Fully assembled finished products containing aluminium extrusions
< Examples >						
Mill finish, painted, powder coated, anodised, or otherwise coated aluminium extrusions	Precision cut, machined, punched or drilled aluminium extrusions	Aluminium extrusions designed for use in a door or window	Carpet liner, fence posts, heat sinks	Shower frame kits, window kits, unassembled unitised curtain walls	Unglazed window or door frames	Windows, doors

³ REP 148, p. 18 at 3.2

The aluminium extrusions are classified to the following subheadings within Schedule 3 of the Customs Tariff Act 1995:

Tariff subheading/ statistical code	Description
7604.10.00/06	Non alloyed aluminium bars, rods and profiles
7604.21.00/07	Aluminium alloy hollow angles and other shapes
7604.21.00/08	Aluminium alloy hollow profiles
7604.29.00/09	Aluminium alloy non hollow angles and other shapes
7604.29.00/10	Aluminium alloy non hollow profiles
7608.10.00/09	Non alloyed aluminium tubes and pipes
7608.20.00/10	Aluminium alloy tubes and pipes
7610.10.00/12	Doors, windows and their frames and thresholds for doors
7610.90.00/13	Other

- ***The countries or companies***

The goods the subject of the measures continue to be exported to Australia from Malaysia (including by all exporters other than Press Metal Berhad, LB Aluminium Berhad, Superb Aluminium Industries Sdn Bhd, Kamco Aluminium Sdn Bhd, Milleon Extruder Sdn Bhd and Genesis Aluminium Industries Sdn Bhd) and by all exporters in Vietnam.

- ***Specified date of publication of the measure(s)***

The notice continuing the anti-dumping measures (dumping and countervailing) was published on 17 June 2017 (refer ADN 2017/072 and 2017/073 published on 27 June 2017 at Non-Confidential Attachments 4 and 5).

List of Attachments

Attachment No.	Description	Confidential/Non-Confidential
1 (a) to (d)	Support Letters from Australian Manufacturers	Confidential
2	List of interested Australian importers	Non-Confidential
3	List of identified exporters	Non-Confidential
4	ADN 2017/72 – Findings in a dumping Investigation	Non-Confidential
4 (a)	Subsection 8(5) Custom Tariff (Anti-Dumping) Act Notice	Non-Confidential
5	ADN 2017/73 _ Findings in relation to a countervailing investigation	Non-Confidential
5 (a)	Subsection 10(3B) Notice	Non-Confidential
6	<i>Prima facie</i> Normal values – Malaysia and Vietnam	Confidential
7	ABS Import summary – aluminium extrusions 2017/18 to 2020/21	Confidential
8	Competitive offers for imported aluminium extrusions	Confidential
	Capral Appendices A3 to A7	Confidential
A	Letter of Authority	Confidential