



Customs Act 1901 – Part XVB

Anti-Dumping Notice No 2022/081

Aluminium Extrusions

Exported to Australia from the People’s Republic of China

Initiation of Review of Anti-Dumping Measures No 609

Notice under section 269ZC(4) of the Customs Act 1901

Introduction

I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission (the Commissioner), have initiated a review of the anti-dumping measures applying to certain aluminium extrusions (the goods) exported to Australia from the People’s Republic of China (China). The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect exporters of the goods from China have changed.

The goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice (the notices) are outlined in the table below.

Full description of the goods the subject of the application
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, anodised 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.
Further information
<p>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. Aluminium extrusion products that have been painted, anodised, or otherwise coated, or worked (eg precision cut, machined, punched or drilled) fall within the scope of the goods.</p> <p>The goods do not extend to intermediate or finished product 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.</p>

The goods are generally, but not exclusively, classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995* (Cth):¹

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

Background to the anti-dumping measures

The anti-dumping measures were initially imposed by public notice on 28 October 2010 by the then Attorney-General following consideration of *Trade Remedies Branch Report No 148*. The anti-dumping measures are applicable to all exporters from China except:

- Guangdong Jiangsheng Aluminium Co Ltd (Guangdong Jiangsheng)
- Guangdong Zhongya Aluminium Company Ltd (Guangdong Zhongya).

On 12 October 2020, the then Minister for Industry, Science and Technology revised the variable factors and effective rates of duty applicable to the goods following a continuation of anti-dumping measures as they affect exporters from China following *Anti-Dumping Commission Report No 543* (REP 543).² Further history in relation to the anti-dumping measures is available at **Appendix C**.

Further details on the goods and the existing anti-dumping measures are available on the Dumping Commodity Register on the Anti-Dumping Commission (the commission) website.³

The current review

Capral Limited (Capral), an Australian industry producer of like goods, lodged an application under section 269ZA(1) of the *Customs Act 1901*⁴ for a review of the anti-dumping measures.

Particulars of the reasons for my decision to undertake this review are shown in *Anti-Dumping Commission Review of Measures Application Consideration Assessment No 609*, which has been placed on the public record.

¹ These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for convenience and reference only and does not form part of the goods description. Refer to the goods description for authoritative detail regarding goods subject to the anti-dumping measures.

² Refer to EPR 543, no 061 and Anti-Dumping Notice (ADN) 2020/103.

³ www.adcommission.gov.au

⁴ Legislative references in this notice are to the *Customs Act 1901*, unless otherwise stated.

The review period is 1 July 2021 to 30 June 2022 and covers all exporters of the goods from China (except Guangdong Jiangsheng and Guangdong Zhongya). The review will examine whether the variable factors relevant to the taking of the anti-dumping measures have changed.

After concluding the review, I will recommend to the Minister that the notices:

- 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 application⁵ no later than **14 September 2022** to request that I consider that evidence to extend this review of anti-dumping measures to include revocation.

Proposed model control code structure

The commission undertakes model matching using a model control code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.⁶

Appendix B outlines the commission's proposed MCC structure for this review.

Interested parties can make a submission on whether any 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).

Proposals to modify the proposed MCC structure should be raised as soon as is practicable, but no later than **14 September 2022**.

Future reviews

Under section 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 anti-dumping measures in relation to the notices that are the subject of this review cannot be made for a period of 12 months.

Public record

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

The public record is available at www.adcommission.gov.au

⁵ In accordance with section 269ZCB.

⁶ Guidance on the commission's approach to model matching is in the *Dumping and Subsidy Manual*, available at www.adcommission.gov.au.

Lodgment of submissions

Interested parties, as defined by section 269T(1), are invited to lodge written submissions concerning this review, preferably by email to investigations@adcommission.gov.au, no later than **14 September 2022**.

Submissions can also be mailed to the following address:

Investigations
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

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 SEF 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 "OFFICIAL: Sensitive".

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

Exporter questionnaires

I propose to make findings, with respect to the notices, on the basis of the information obtained from an examination of a selected number of exporters. Refer to **Appendix A** for further details.

Importer questionnaires

I have requested 5 of the largest importers of the goods from the selected exporters to provide a response to an importer questionnaire. The commission will contact these importers directly. The importer questionnaire is available on the commission's website for other importers of the goods to complete.

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 28 November 2022,⁷ or by such later date as allowed in accordance with section 269ZHI. 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 10 January 2023 (or such later date as allowed under section 269ZHI).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to investigations@adcommission.gov.au.

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

8 August 2022

⁷ The due date falls on Saturday 26 November 2022, so the report is due the next working day.

Application of sampling provisions

Section 269TACAA(1) states that where the number of exporters from a particular country of export in relation to an investigation, review or inquiry is so large that it is not practicable to examine the exports of all of those exporters, then the investigation, review or inquiry may be carried out, and findings may be made, on the basis of information obtained from an examination of a selected number of those exporters who:

- a) constitute a statistically valid sample of those exporters, or
- b) are responsible for the largest volume of exports to Australia that can reasonably be examined.

I note that there were a large number of exporters of the goods listed in the ABF import database during the review period. Given the large number of exporters, I consider it is not practicable to examine the exports of all of those exporters. Accordingly, I intend to carry out this review on the basis of information obtained from an examination of a selected number of exporters who are responsible for the largest volume of exports to Australia that can reasonable be examined.

Selected exporters

In this instance, I currently intend to limit the review to the examination of exports by:

- Goomax Metal Co., Ltd Fujian
- Guangdong Jinxi Cheng AI Manufacturing Co., Ltd
- Qingyuan City Huanan Copper & Aluminum Co., Ltd, and
- Foshan Lvqiang Metal Product Co., Ltd.

According to data obtained from the ABF import database, the selected exporters represent approximately 68 per cent of the volume of the goods⁸ (measured by quantity reported in kilograms) exported to Australia from China during the review period.

The commission will contact the selected exporters directly and invite them to complete an exporter questionnaire with respect to the review period. Certain importers may also be contacted directly and invited to complete an importer questionnaire.

If an exporter other than a selected exporter wishes to complete an exporter questionnaire, the exporter questionnaire has also been placed on the commission's website at www.adcommission.gov.au.

If information is submitted by an exporter that is not named above as a selected exporter, the review must extend to that exporter unless to do so would prevent its timely completion. In assessing whether extending the review to that exporter will prevent the timely completion of the review, I may consider the following:

- the level of cooperation from the selected exporters
- the number of the other exporters seeking individual examination, and
- the available resources within the commission to undertake either on-site or remote verification.

⁸ Subject to the anti-dumping measures.

Responses to the exporter questionnaire are due by **14 September 2022**.

Residual exporters, information request and associated spreadsheets

Exporters of the goods other than the four selected exporters named above are requested to make themselves known to the commission and provide a basic level of information, via an information request and associated spreadsheets.

This information will assist in the review and may assist me to determine whether additional exporters will be included as selected exporters, if necessary, for example in the event that selected exporters named above do not cooperate with the review, or if an exporter is identified as exporting larger volumes of the goods than those exporters that are initially selected.

It is important to note that once an exporter has been selected to participate in the review they must cooperate by completing the exporter questionnaire. Incomplete, unreliable or unverifiable information may result in the exporter being considered an uncooperative exporter and/or non-cooperative entity, even in the event the exporter initially provided information in the information request.

The information request and associated spreadsheets are available on the commission's website at www.adcommission.gov.au.

By completing the information request and associated spreadsheets, for the purposes of this review, exporters of the goods will be regarded as 'residual exporters' if their exports are not examined as part of the review and they are not an uncooperative exporter in relation to the review.

In making assessments in relation to the variable factors for residual exporters, the commission will not calculate:

- export prices that are less than the weighted average of export prices for cooperative exporters, and
- normal values that exceed the weighted average of normal values for cooperative exporters.⁹

The commission will determine subsidy margins for the residual exporters having regard to the amount of countervailable subsidies received by the selected exporters.

Responses to the information request and associated spreadsheets are due by **14 September 2022**.

Uncooperative exporters and non-cooperative entities

For the purposes of this review, any exporter who does not cooperate by providing a completed exporter questionnaire response or by providing a response to the information request and associated spreadsheets, may be considered as an uncooperative exporter and/or a non-cooperative entity.

Assessments in relation to the variable factors for uncooperative exporters and non-cooperative entities, will be based on all relevant information.

⁹ Section 269TACAB(2).

APPENDIX B

Proposed MCC structure

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

Category	Sub-category		Sales data	Cost data
Finish	A	Anodise	Mandatory	Mandatory
	BD	Bright dip		
	M	Mill		
	PC	Powder coating		
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
	T5	T591, T595, T52		
	0			
Anodising microns	O	Not anodised	Optional	Optional
	1	<20µm		
	2	>20µm		

* Specify alloy code and temper code

APPENDIX C

A summary of major cases involving aluminium extrusions from China is outlined below.

Report (REP) Number	Date notice published	Case description
REP 148	28/10/2010	The then Australian Customs and Border Protection Service initiated an investigation into the alleged dumping and subsidisation of the goods exported to Australia from China following an application by Capral. Following the investigation, the then Attorney-General published the notices applying to the goods exported from China. <i>Trade Remedies Branch Report No 148</i> refers.
REP 175	27/08/2011	The then Attorney-General published new notices as a result of a reinvestigation of certain findings made in REP 148 following a review by the former Trade Measures Review Officer. <i>International Trade Remedies Report No 175</i> refers.
REP 248	19/08/2015	Publication of the outcome of a review. Anti-dumping measures were altered as if different variable factors had been ascertained. A correction to this notice was published on 10 September 2015 with respect to six entities incorrectly identified as residual exporters. <i>Anti-Dumping Commission Report No 248</i> and ADN 2015/96 refer.
REP 287	20/10/2015	Publication of the outcome of a continuation inquiry. This inquiry followed an application by Capral. The then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science continued the measures for a further five years, until 28 October 2020. <i>Anti-Dumping Commission Report No 287</i> and ADN 2015/125 refer.
REP 392	10/11/2017	Publication of the outcome of a review of anti-dumping measures. The former Parliamentary Secretary altered the variable factors relevant to all exporters of certain aluminium extrusions from China. <i>Anti-Dumping Commission Report No 392</i> and ADN 2017/138 refer.
REP 482	09/05/2019	Publication of the outcome of a review of anti-dumping measures as they affect all exporters. <i>Report No 482</i> and ADN 2019/44 refer. Multiple applications for review of the Minister's decision were received by the Anti-Dumping Review Panel (ADRP). On 16 September 2019 the Minister accepted the recommendations made by the ADRP in ADRP Report No 104 to revoke and substitute new decisions which took effect from 9 May 2019. ¹⁰
REP 543	15/10/2020	Publication of the outcome of a continuation inquiry. This inquiry followed an application by Capral. The then Minister for Industry, Science and Technology continued the measures for a further five years, until 28 October 2025. <i>Anti-Dumping Commission Report No 543</i> and ADN 2020/103 refer.

¹⁰ *ADRP Report No 104*, available in the ADRP section of the Department of Industry, Science and Resources website: see <https://www.industry.gov.au/data-and-publications/anti-dumping-review-panel-past-reviews/certain-aluminium-extrusions-exported-from-the-peoples-republic-of-china-1>. The new decisions altered the variable factors as they related to Tai Shan City Kam Kiu Aluminium Extrusion Co Ltd and PanAsia Aluminium (China) Limited, and revoked the countervailing duty notice applying to Guangdong Zhongya.