



Australian Government

Anti-Dumping Review Panel

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Application for review of Ministerial decisions

Customs Act 1901 s 269ZZE

This is the approved¹ form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 2 March 2016 for a review of reviewable decisions of the Minister (or his or her Parliamentary Secretary).

Any interested party² may lodge an application for review to the ADRP of a review of a ministerial decision.

All sections of the application form must be completed unless otherwise expressly stated in this form.

Time

Applications must be made within 30 days after public notice of the reviewable decision is first published.

Conferences

You or your representative may be asked to attend a conference with the Panel Member appointed to consider your application before the Panel gives public notice of its intention to conduct a review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. The Panel may also call a conference after public notice of an intention to conduct a review is given on the ADRP website. Conferences are held between 10.00am and 4.00pm (AEST) on Tuesdays or Thursdays. You will be given five (5) business days' notice of the conference date and time. See the ADRP website for more information.

Further application information

You or your representative may be asked by the Panel Member to provide further information to the Panel Member in relation to your answers provided to questions 10, 0 and/or 12 of this application form (s269ZZG(1)). See the ADRP website for more information.

Withdrawal

You may withdraw your application at any time, by following the withdrawal process set out on the ADRP website.

If you have any questions about what is required in an application refer to the ADRP website. You can also call the ADRP Secretariat on (02) 6276 1781 or email adrp@industry.gov.au.

¹ By the Acting Senior Member of the Anti-Dumping Review Panel under section 269ZY *Customs Act 1901*.

² As defined in section 269ZX *Customs Act 1901*.

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PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name:

EverPress Aluminium Industries Sdn Bhd

Address:

Lot 1282 & 1283, Kawasan Perindustrian Taman Melur
Batang Benar, 71700 Mantin
Negeri Sembilan, Malaysia

Type of entity (trade union, corporation, government etc.):

Corporation

2. Contact person for applicant

Full name: [Koon Mei Yuen](#)

Position: [Human Resources](#)

Email address: mkoon@everpress.com.my

Telephone number: +60 6 799 0309

3. Set out the basis on which the applicant considers it is an interested party

Manufacturer of aluminium extrusions in Malaysia that its sole Australian customer imports into Australia

Those shipments subject to penalty non-cooperating 34.9% anti-dumping rate and 3.2% countervailing subsidy rate

4. Is the applicant represented?

Yes ~~No~~

If the application is being submitted by someone other than the applicant, please complete the attached representative's authority section at the end of this form.

****It is the applicant's responsibility to notify the ADRP Secretariat if the nominated representative changes or if the applicant become self-represented during a review.****

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PART B: REVIEWABLE DECISIONS TO WHICH THIS APPLICATION RELATES

5. Indicate the section(s) of the *Customs Act 1901* the reviewable decisions were made under:

☒ Subsection 269TG(1) or (2) – decision of the Minister to publish a dumping duty notice

☐ Subsection 269TH(1) or (2) – decision of the Minister to publish a third country dumping duty notice

☒ Subsection 269TJ(1) or (2) – decision of the Minister to publish a countervailing duty notice

☐ Subsection 269TK(1) or (2) decision of the Minister to publish a third country countervailing duty notice

☐ Subsection 269TL(1) – decision of the Minister not to publish duty notice

☐ Subsection 269ZDB(1) – decision of the Minister following a review of anti-dumping measures

☐ Subsection 269ZDBH(1) – decision of the Minister following an anti-circumvention enquiry

☐ Subsection 269ZHG(1) – decision of the Minister in relation to the continuation of anti-dumping measures

6. Provide a full description of the goods which were the subject of the reviewable decisions
Aluminium extrusions as set out below:

Aluminium extrusions that:

- *are produced by an extrusion process;*
- *are 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);*
- *have finishes being:*
 - *as extruded (mill);*
 - *mechanically worked*
 - *anodized; or*
 - *painted or otherwise coated, whether or not worked;*
- *have a wall thickness or diameter greater than 0.5 mm;*
- *have a maximum weight per metre of 27 kilograms; and*
- *have a profile or cross-section fitting within a circle having a diameter of 421 mm”.*

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 painted, anodised, or otherwise coated, or 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 nature and physical characteristics of an aluminium extrusion, but have become a different product.

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| < 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 |

7. Provide the tariff classifications/statistical codes of the imported goods

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

8. Provide the Anti-Dumping Notice (ADN) numbers of the reviewable decisions

- Decision of the Minister to publish a dumping duty notice—ADN 2017/72—Attach D
- Decision of the Minister to publish a countervailing duty notice ADN 2017/73—Attach E

9. Provide the date the notices of the reviewable decisions were published

- Decision of the Minister to publish a dumping duty notice—22 June 2017
- Decision of the Minister to publish a countervailing duty notice 22 June 2017

****Attach a copy of the notice of the reviewable decisions (as published on the Anti-Dumping Commission's website) to the application****

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PART C: GROUNDS FOR THE APPLICATIONS

If these applications contains confidential or commercially sensitive information, the applicant must provide a non-confidential version of the grounds that contains sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Confidential or commercially sensitive information must be marked '**CONFIDENTIAL**' (bold, capitals, red font) at the top of each page. Non-confidential versions should be marked '**NON-CONFIDENTIAL**' (bold, capitals, black font) at the top of each page.

For lengthy submissions, responses to this part may be provided in a separate document attached to the application. Please check this box if you have done so: ☒

10. Set out the grounds on which the applicant believes that the reviewable decisions are not the correct or preferable decision.

These two EverPress appeals against the decisions to the extent that they affect:

- exports of the GUC produced in Malaysia
alternatively
- shipments of the GUC produced in Malaysia by EverPress

a Revoke each notice, not make these notices or terminate these investigations

i In respect of all exports from Malaysia

The notices in their own body exclude shipments of aluminium extrusions produced by the 6 primary Malaysian mills listed. No indication given in the notices or in the 362 *Final Report* that the Minister considered the possibility that shipments of extrusions produced by other Malaysian mills make up more than de minimus exports to Australia. If de minimus, the Minister unable to satisfy himself that those exports, even if below *normal value* and even if subject to more than de minimus subsidy/countervailing, could result in the required injury to Australian industry

ii In respect of EverPress

EverPress export volume to Australia minute in comparison to Australian industry production and in relation to total exports

Hence, the Minister unable to satisfy himself that EverPress exports, even if below *normal value* and even if subject to more than de minimus subsidy/countervailing, could result in the required injury to Australian industry

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- b Applying cooperating or residual anti-dumping and countervailing rates to EverPress**—in lieu of penalty non-cooperating 34.9% anti-dumping and 3.2% countervailing subsidy rate:

- i** Refer to Attachment A EverPress response to ADC 28 September 2016 EverPress *Deficiency List* (Attachment B)

These ADC alleged deficiencies:

- A** largely immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any
- B** ADC denied EverPress opportunity and natural justice in:
- issuing EverPress with these alleged (which EverPress denies) deficiencies in the same document as denying EverPress the opportunity to rectify them
 - these alleged (which EverPress denies) deficiencies easily rectified if EverPress given the opportunity to rectify— particularly in view of the fact that investigation 362 *Statement of Essential Facts* (Final Report 362 page 11) three times extended finally placed on public record on 10 April 2017 in lieu of original 5 December 2016 due date
 - easily rectified if EverPress given the opportunity to rectify particularly in view of the insignificant volume of EverPress produced extrusions exported to Australia
- ii** EverPress questionnaire responses more than adequately met the required information level that ADC normally expects for residual rate application

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11. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 10.

- a** 22 July 2017 Decision of the Minister to publish a dumping duty notice notified in ADN 2017/72:

- i** to the extent it applies to GUC produced in Malaysia:

A that decision not made or revoke it

Alternatively

B The Minister terminate the 362 anti-dumping investigation

Alternatively

- ii** to the extent it applies to GUC produced in Malaysia by EverPress

A the Minister terminate the 362 anti-dumping investigation

Alternatively

B the Minister determine the zero cooperating or residual rate applies to EverPress

- b** 22 July 2017 Decision of the Minister to publish a countervailing duty notice in ADN 2017/73:

- i** to the extent it applies to GUC produced in Malaysia:

A that decision not made or revoke it

Alternatively

B The Minister terminate the 362 countervailing subsidy investigation

Alternatively

- ii** to the extent it applies to GUC produced in Malaysia by EverPress

A the Minister terminate the 362 countervailing investigation

Alternatively

B the Minister determine the zero cooperating or residual rate applies to EverPress

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12. Set out the reasons why the proposed decisions provided in response to question 10 are materially different from the reviewable decisions.

- a** 22 July 2017 Decision of the Minister to publish a dumping duty notice notified in ADN 2017/72—would result in zero dumping margin in lieu of penalty non-cooperating 34.9% anti-dumping rate
- b** 22 July 2017 Decision of the Minister to publish a countervailing duty notice in ADN 2017/73—would result in zero countervailing subsidy rate in lieu of penalty non-cooperating 3.2% countervailing subsidy rate

Do not answer question 12 if this application is in relation to a reviewable decision made under subsection 269TL(1) of the Customs Act 1901.

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PART D: DECLARATION

The ~~applicant~~/the applicant's authorised representative ~~[delete-inapplicable]~~ declares that:

- The applicant understands that the Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Panel decides to hold a conference *before* it gives public notice of its intention to conduct a review, and the applicant (or the applicant's representative) does not attend the conference without reasonable excuse, this application may be rejected;
- The information and documents provided in this application are true and correct. The applicant understands that providing false or misleading information or documents to the ADRP is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.



Signature:

Name: Geoffrey Cantelo

Position: Proprietor

Organisation: Geoffrey Cantelo International Associates

Date: 24 July 2017

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PART E: AUTHORISED REPRESENTATIVE

This section must only be completed if you answered yes to question 4.

Provide details of the applicant's authorised representative

Full name of representative:

Organisation:

Address:

Email address:

Telephone number:

Representative's authority to act— Attachment C

****A separate letter of authority may be attached in lieu of the applicant signing this section****

The person named above is authorised to act as the applicant's representative in relation to this application and any review that may be conducted as a result of this application.

Signature:.....

(Applicant's authorised officer)

Name:

Position:

Organisation

Date: / /



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

Customs Act 1901 – Part XVB

Certain aluminium extrusions
Exported to Australia from Malaysia and
the Socialist Republic of Vietnam
Findings in relation to a dumping investigation

Public notice under subsections 269TG(1) and (2) of the Customs Act 1901

Anti-Dumping Notice No. 2017/72

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping of certain aluminium extrusions (the goods) exported to Australia from Malaysia and the Socialist Republic of Vietnam (Vietnam).

The goods:

The goods the subject of the investigation are:

“Aluminium extrusions that:

- *are produced by an extrusion process;*
- *are 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);*
- *have finishes being:*
 - *as extruded (mill);*
 - *mechanically worked*
 - *anodized; or*
 - *painted or otherwise coated, whether or not worked;*
- *have a wall thickness or diameter greater than 0.5 mm;*
- *have a maximum weight per metre of 27 kilograms; and*
- *have a profile or cross-section fitting within a circle having a diameter of 421 mm”.*

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

| <i>Tariff code</i> | <i>Statistical code</i> | <i>Unit</i> | <i>Description</i> |
|---------------------------|--------------------------------|--------------------|--|
| 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 | Non alloyed aluminium tubes and pipes |
| 7608.20.00 | 10 | Kg | Aluminium alloy tubes and pipes |

| Tariff code | Statistical code | Unit | Description |
|--------------------|-------------------------|-------------|--|
| 7610.10.00 | 12 | Kg | Doors, windows and their frames and thresholds for doors |
| 7610.90.00 | 13 | Kg | Other |

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. 362* (REP 362). REP 362 outlines the investigation carried out and recommends the publication of a dumping duty notice in respect of the goods. I have considered REP 362 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. This report is available at www.adcommission.gov.au.

The method used to compare export prices and normal values to determine whether dumping has occurred and to establish the dumping margin for the exporters listed below was to compare the weighted average of export prices with the weighted average of corresponding normal values over the investigation period pursuant to subsection 269TACB(2)(a) of the *Customs Act 1901* (the Act).

Particulars of the dumping margins determined and how normal values and export prices were established under the Act are specified in the table below.

| Country | Exporter | Export Price | Normal Value | Dumping Margin |
|----------------|--|---------------------|---------------------|-----------------------|
| Malaysia | Uncooperative and all other exporters | 269TAB(3) | 269TAC(6) | 13.0% |
| Vietnam | East Asia Aluminium Company Ltd | 269TAB(1)(a) | 269TAC(1) | 7.7% |
| | Mien Hua Precision Mechanical Co., Ltd | | | 11.6% |
| | Global Vietnam Aluminium Co., Ltd | | | 18.0% |
| | Uncooperative and All Other Exporters | 269TAB(3) | 269TAC(6) | 34.9% |

I, CRAIG LAUNDY, Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science,¹ 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 362.

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 would or might have been caused if security had not been taken. Therefore under subsection 269TG(1) 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
- (ii) subject to section 45 and subsection 269TN(2) of the Act, like goods that were exported to Australia from Malaysia and Vietnam for home consumption on or after 19 October 2016, which is when the Commonwealth took securities following the Commissioner's Preliminary Affirmative Determination (PAD) published on 17 October 2016 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

¹ On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this decision the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

normal value of the goods and because of that, material injury to an Australian industry producing like goods has been 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 all exporters of the goods and like goods from Malaysia (except from Press Metal Berhad, Superb Aluminium Industries Sdn Bhd, LB Aluminium Berhad, Milleon Extruder Sdn Bhd, Genesis Aluminium Industries Sdn Bhd and Kamco Aluminium Sdn Bhd) and Vietnam.²

The considerations relevant to my determination that dumped goods have materially injured the Australian industry 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:

- price depression;
- price suppression;
- reduced profits and profitability; and
- reduced capital expenditure.

In making my determination, I have considered whether the Australian industry is being injured by a factor other than the exportation of dumped goods, and I have not attributed injury due to 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 securities are applied to 'goods on the water' is available in ACDN 2012/34, available at www.adcommission.gov.au.

REP 362 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.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2447, fax number +61 3 8539 2499 or email at operations3@adcommission.gov.au.

Dated this 22nd day of June 2017



CRAIG LAUNDY

Assistant Minister for Industry, Innovation and Science
Parliamentary Secretary to the Minister for Industry, Innovation and Science

² The Commissioner terminated the dumping investigation insofar as it related to these exporters from Malaysia. Anti-Dumping Notice 2017/74, available on the Anti-Dumping Commission's website, refers.

PUBLIC RECORD

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

**Anti-Dumping
 Commission**

Customs Act 1901 – Part XVB

Certain aluminium extrusions

Exported to Australia from Malaysia

Findings in relation to a countervailing investigation

Public notice under subsections 269TJ(1) and (2) of the Customs Act 1901

Anti-Dumping Notice No. 2017/73

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged subsidisation of certain aluminium extrusions (the goods) exported to Australia from Malaysia.

The goods:

The goods the subject of the investigation (the goods) are:

“Aluminium extrusions that:

- *are produced by an extrusion process;*
- *are 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);*
- *have finishes being:*
 - *as extruded (mill);*
 - *mechanically worked*
 - *anodized; or*
 - *painted or otherwise coated, whether or not worked;*
- *have a wall thickness or diameter greater than 0.5 mm;*
- *have a maximum weight per metre of 27 kilograms; and*
- *have a profile or cross-section fitting within a circle having a diameter of 421 mm”.*

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

| <i>Tariff code</i> | <i>Statistical code</i> | <i>Unit</i> | <i>Description</i> |
|---------------------------|--------------------------------|--------------------|--|
| 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 | Non alloyed aluminium tubes and pipes |

| Tariff code | Statistical code | Unit | Description |
|--------------------|-------------------------|-------------|--|
| 7608.20.00 | 10 | Kg | Aluminium alloy tubes and pipes |
| 7610.10.00 | 12 | Kg | Doors, windows and their frames and thresholds for doors |
| 7610.90.00 | 13 | Kg | Other |

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. 362* (REP 362). REP 362 outlines the investigation carried out and recommends the publication of a countervailing duty notice in respect of the goods. This report is available at www.adcommission.gov.au.

Particulars of the subsidy programs and level of countervailable subsidisation are summarised in the following table:

| Country | Exporter | Countervailable subsidy programs* | Subsidy margin | Duty method |
|----------------|--------------------------|--|-----------------------|----------------------------|
| Malaysia | Non-cooperative entities | 4 and 6 | 3.2% | Proportion of export price |

*The names and details of the each of the countervailable subsidy programs are available in REP 362

I, CRAIG LAUNDY, Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science,¹ have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact and law on which the recommendations are based and the evidence relied on to support those findings in REP 362.

I am satisfied, as to the goods that have been exported to Australia from Malaysia, that countervailable subsidies have been received in respect of the goods and because of that, material injury to the Australian industry producing like goods would or might have been caused if security had not been taken. Therefore under subsection 269TJ(1) of the *Customs Act 1901* (the Act), I DECLARE that section 10 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- (i) the goods; and
- (ii) subject to section 45 and subsection 269TN(2) of the Act, like goods that were exported to Australia for home consumption on or after 20 April 2017, which is when the Commonwealth took securities following the Commissioner's Preliminary Affirmative Determination published on 19 April 2017 under section 269TD of the Act, but before the publication of this notice.

I am also satisfied that countervailable subsidies have been received in respect of the goods that have already been exported to Australia and that countervailable subsidies may be received in respect of like goods that may be exported to Australia in the future, and because of that material injury to the Australian industry producing like goods has been caused. Therefore under subsection 269TJ(2) of the Act, I DECLARE that section 10 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

¹ On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this decision the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

This declaration applies in relation to all exporters of the goods and like goods from Malaysia, with the exception of Press Metal Berhad, Superb Aluminium Industries Sdn Bhd, LB Aluminium Berhad, Milleon Extruder Sdn Bhd, Genesis Aluminium Industries Sdn Bhd and Kamco Aluminium Sdn Bhd.²

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

- price depression;
- price suppression;
- reduced profits and profitability; and
- reduced capital expenditure.

In making my determination, I have considered whether the Australian industry is being injured by a factor other than the exportation of subsidised goods, and I have not attributed injury due to other factors to the exportation of those subsidised 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.

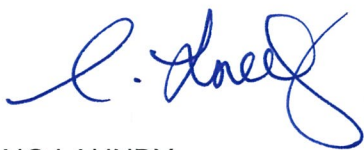
Particulars of the export price, amount of countervailable subsidy received and non-injurious price (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures and securities are applied to 'goods on the water' is available in ACDN 2012/34, available at www.adcommission.gov.au.

REP 362 and other documents included in the public record may be examined at the Anti-Dumping Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2447, fax number +61 3 8539 2499 or email at operations3@adcommission.gov.au.

Dated this 22nd day of June 2017



CRAIG LAUNDY

Assistant Minister for Industry, Innovation and Science
Parliamentary Secretary to the Minister for Industry, Innovation and Science

² The Commissioner terminated the countervailable subsidy investigation insofar as it related to these exporters from Malaysia, and to all exporters from the Socialist Republic of Vietnam. Anti-Dumping Notice 2017/74, available on the Anti-Dumping Commission's website, refers.

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ATTACHMENT A

EVERPRESS – DEFICIENCY LIST

EverPress response— that it supplied information at the time sufficiently complete, accurate, relevant, verifiable and reliable for the ADC to determine EverPress dumping and subsidy margin, if any

| QUESTION | ISSUE | |
|-----------------------------------|--|---|
| Questionnaire response in general | No public record version of the questionnaire response has been provided. | Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any |
| | Certain questions of the confidential version of the questionnaire response have been completed in a spreadsheet, however key questions are not addressed (refer below). | EverPress chose for economy to consolidate its answers into the spreadsheet. Word document questionnaire contains significant duplication to spreadsheet questionnaire |
| A – 3 | Certain questions have been answered, e.g. there is no information relating to corporate structure, subsidiaries, affiliates and company brochures | Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any |
| A – 4 | Questions A – 4.2 to A – 4.7 have not been completed The questionnaire asks for copies of the past two audited financial statements. Only the 2015 audited financial statement has been provided. | 2014 audited financial statements (first of the past two statements) results appear in 2015 set-- side-by-side comparison |
| | Chart of accounts not provided | Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any |
| | Internal management accounts for the investigation period not provided. | Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any |

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|-----------|--|---|
| A – 5 | Income statement relates only to “all products”. Income statement for “goods under consideration” not completed | Easily and promptly rectified by EverPress if given the opportunity |
| A – 6 | Appendix A – 6 relates only to “all products”. Information relating to the “goods under consideration” not completed. Appendix A – 6 does not reconcile with appendix A – 5 | Easily and promptly rectified by EverPress if given the opportunity |
| B – 4 | Appendix B – 4 is missing key fields including incoterms, packing, handling and inland transport costs, exchange-rate info, FOB amount etc. The finish type of certain sales has been described as.....and it appears as if non-subject goods have been included in the Appendix B – 4 (eg items described as.....). | EverPress sells ex-factory to its sole Australian customer and these items outside EverPress knowledge |
| | Certain export sales have a unit value of..... may indicate an error | Those extrusions unit value correct—unique small value models |
| C - 2 | The list of domestic models appears incomplete e.g. does not relate to sales of <u>all like goods</u> on the domestic market | This list complete— it relates to the only like domestic products, that is, those four like models in C-3 for which EverPress supplied profile comparisons |
| Section D | Section D of the questionnaire has not been completed, therefore in general this section is deficient. Appendix D – 4 has been completed however it is incomplete. Section A of the questionnaire response outlines that... % of company sales are to the domestic market, however only... appear in Appendix D – 4. Appendix D – 4 does not reconcile with appendices A – 6 and G – 3. | Easily and promptly rectified by EverPress if given the opportunity |
| | Source documents in relation to two domestic sales have not been provided | Easily and promptly rectified by EverPress if given the opportunity. Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any |

NON-CONFIDENTIAL

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| Section E | The questions in section E have not been answered in full. | <p>Sufficiently answered in C-3</p> <p>Easily and promptly rectified by EverPress if given the opportunity.</p> <p>Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any</p> |
| Section F | Section F states there.....third country sales. However, this does not reconcile with Appendix A – 6 which shows..... | <p>Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any</p> <p>As with the selectd exporters, EverPress dumping and subsidy calculations if performed by ADC would have inevitably get based on either of the superior methods of</p> <ul style="list-style-type: none">• domestic Australian/export sales comparison or• cost to make and sell <p>Third country sales of no relevance to these calculations</p> |
| G – 3 | G – 3 is not completed, therefore the Commission has no explanation of the company's accounting practices and cost to make and sell methodology | <p>Immaterial to completeness, accuracy, relevance, verifiability and reliability of the information for the ADC to determine EverPress dumping and subsidy margin, if any</p> |
| G – 4 | The sales quantities do not reconcile with Appendix D – 4. The CTMS is only provided for..... aluminium extrusions. | <p>Easily and promptly rectified by EverPress if given the opportunity</p> |
| G – 5 | The sales quantities do not reconcile with Appendix B – 4. The CTMS is only provided for..... aluminium extrusions, when there are clearly sales of..... aluminium extrusions listed in Appendix B – 4 | <p>Easily and promptly rectified by EverPress if given the opportunity</p> |

NON-CONFIDENTIAL

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|---|--|---|
| Section H | <p>Section H of the questionnaire has not been completed</p> <p>The Appendix relating to income tax returns has been completed, however the past two income tax returns have not been provided as requested</p> | <p>No countervailable subsidies received so Section H inapplicable</p> <p>Easily and promptly rectified by EverPress if given the opportunity</p> |
| Appendices A-5, A-6, B-4, D-4, F-1, F-2 and F-3 | <p>The cumulative effect of the above assessments in relation to Appendices A-5, A-6, B-4, D-4, F-1, F-2 and F-3 raise material issues around the completeness, accuracy and relevance of the information provided. On the basis of discrepancies identified, the response is not capable of verification and the data is unreliable in determining a dumping and subsidy margin for the company</p> | <p>The preponderance of immaterialities come to the only conclusion that the EverPress response easily and quickly rectified</p> |



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping Commission

Anti-Dumping Commission
Level 35 / 55 Collins Street
Melbourne VIC 3000
Australia

[REDACTED]
LOT 1242 & 1243
KAWASAN PERINDUSTRIAN TMN MELUR
BATANG BENAR 71700 MANTIN
NEGERI SEMBILAN
MALAYSIA

via email: [REDACTED]

cc: [REDACTED]

cc: [REDACTED]

INVESTIGATION INTO THE ALLEGED DUMPING AND SUBSIDISATION OF ALUMINIUM EXTRUSIONS FROM MALAYSIA AND VIETNAM

[REDACTED]
Following receipt of Everpress Aluminium Industries Sdn Bhd's (Everpress) exporter questionnaire response of 22 September 2016, the Anti-Dumping Commission (the Commission) has assessed Everpress' exporter questionnaire to determine whether it is sufficient.

Pursuant to subsection 6(b) of the *Customs (Extensions of Time and Non-cooperation) Direction 2015* (the Direction):

- Everpress has provided a response within the legislated period;
- Everpress' response contains deficiencies that could not, in my view, be quickly and easily rectified in a further response; and
- I consider a further response may be relevant and necessary to the proper conduct of the case.

Based on the above, the purpose of this letter is to notify Everpress of the deficiencies identified at Attachment A.

As per the Explanatory Statement to the Direction, in determining whether or not to provide further time for a party to provide a supplementary response, I may consider – amongst other things – the nature and scope of the deficiencies, the obligation to conduct cases in a timely and efficient manner and to avoid unnecessary delays, and the specific obligations imposed under the *Customs Act 1901* (the Act) in relation to considering parties' responses.

In this instance, I consider that:

- the nature and scope of Everpress' deficiencies are extensive. The information provided by Everpress in its questionnaire response is not complete, relevant

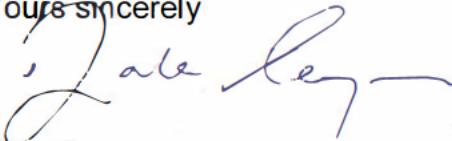
and accurate such that it is capable of verification. As a result, the Commission is unable to reliably determine an individual dumping and subsidy margin for Everpress based on the information it has provided; and

- based on Everpress' response to date, further time to provide a supplementary response would significantly impede the proper conduct of this case in a timely and efficient manner. In this regard, it is noted that a supplementary response may affect my ability to consider and make a preliminary affirmative determination by day 60 of the investigation where I am satisfied that the requisite grounds exist. For this investigation, day 60 is 17 October 2016.

On the basis of the above, for the purposes of this investigation, Everpress will be considered an uncooperative exporter pursuant to subsection 269T(1) and section 269TAACA of the Act and I will rely on all other relevant information available in making recommendations and findings in relation to Everpress.

If you would like to discuss any of the matters raised in this letter, please contact the case manager on (03) 8539 2418 or email operations3@adcommission.gov.au.

Yours sincerely



Dale Seymour
Commissioner
Anti-Dumping Commission

29 September 2016

Attachment B

| EVERPRESS – DEFICIENCY LIST | |
|-----------------------------------|--|
| QUESTION | ISSUE |
| Questionnaire response in general | No public record version of the questionnaire response has been provided. Certain questions of the confidential version of the questionnaire response have been completed in a spreadsheet, however key questions are not addressed (refer below). |
| A-3 | Certain questions have been answered, e.g. there is no information relating to corporate structure, subsidiaries, affiliates and company brochures. |
| A-4 | Questions A-4.2 to A-4.7 have not been completed. The questionnaire asks for copies of the past two audited financial statements. Only the 2015 audited financial statement has been provided. Chart of accounts not provided. Internal management accounts for the investigation period not provided. |
| A-5 | Income statement relates only to 'all products'. Income statement for 'goods under consideration' not completed. |
| A-6 | Appendix A-6 relates only to 'all products'. Information in relation to the 'goods under consideration' not completed. Appendix A-6 does not reconcile with Appendix A-5. |
| B-4 | Appendix B-4 is missing key fields including incoterms, packing, handling and inland transport costs, exchange rate info, FOB amount etc. The finish type of certain sales has been described as [REDACTED] and it appears as if non-subject goods have been included in Appendix B-4 (e.g. items described as [REDACTED]). Certain export sales have a unit value of [REDACTED] [REDACTED] may indicate an error. |
| C-2 | The list of domestic models appears incomplete, e.g. does not relate to sales of <u>all like goods</u> on the domestic market. |
| Section D | Section D of the questionnaire has not been completed, therefore in general this section is deficient. Appendix D-4 has been completed however it is incomplete. Section A of the questionnaire response outlines that [REDACTED]% of company sales are to the domestic market, however only [REDACTED] appear in Appendix D-4. Appendix D-4 does not reconcile with Appendices A-6 and G-3. Source documents in relation to two domestic sales have not been provided. |

PUBLIC RECORD

Attachment B

| | |
|---|--|
| Section E | The questions in section E have not been answered in full. |
| Section F | Section F states there [REDACTED] third country sales. However, this does not reconcile with Appendix A-6, which shows [REDACTED]. |
| G-3 | G-3 is not completed, therefore the Commission has no explanation of the company's accounting practices and cost to make sell methodology. |
| G-4 | The sales quantities do not reconcile with Appendix D-4. The CTMS is only provided for [REDACTED] aluminium extrusions. |
| G-5 | The sales quantities do not reconcile with Appendix B-4. The CTMS is only provided for [REDACTED] aluminium extrusions, when there are clearly sales of [REDACTED] aluminium extrusions listed in Appendix B-4. |
| Section H | Section H of the questionnaire has not been completed. The Appendix relating to income tax returns has been completed, however the past two income tax returns have not been provided as requested. |
| Appendices A-5, A-6, B-4, D-4, F-1, F-2 and F-3 | The cumulative effect of the above assessments in relation to Appendices A-5, A-6, B-4, D-4, F-1, F-2 and F-3 raise material issues around the completeness, accuracy and relevance of the information provided. On the basis of discrepancies identified, the response is not capable of verification and the data is unreliable in determining a dumping and subsidy margin for the company. |



永力鋁業有限公司
EverPress Aluminium Industries Sdn. Bhd. (313681-H)



Attachment C

14 July 2017

Anti-Dumping Commission
35/55 Collins St
Melbourne VIC 3000

Anti Dumping Review Panel
C/o Legal, Audit and Assurance Branch
Department of Industry, Innovation and Science
GPO Box 2013
Canberra City ACT 2601

Investigation 362
Alleged Dumping and Subsidising of Certain Aluminium Extrusions from Malaysia

EverPress Aluminium Industries Sdn Bhd has appointed as its representative for this Investigation:

Geoffrey Cantelo
12/1 Pacific Hwy
Konica Minolta Building
Cnr Arthur St
North Sydney NSW 2060

Email gcoff@cantelo.com.au

Ph +61 2 9255 7794
Mobile +61 419 255 779

Signature

Koon Mei Yuen

Personal Assistant