



ADRP Conference Summary

2017/69 Certain Aluminium Extrusions exported to Australia from the People's Republic of China

Panel Member	Mr Scott Ellis
Review type	Review of Measures – Ministerial decision
Date	22 January 2018
Participants	Mr Scott Ellis – ADRP Member Mr Matthew Williams – ADC Mr Geoff Cantelo – Representative of Press Metal International Limited (“PMI”)
Time opened	1:00pm AEDT
Time closed	2:00pm AEDT

Purpose

The purpose of the conference was to obtain further information in relation to the application before the Anti-Dumping Review Panel (ADRP) in relation to Certain Aluminium Extrusions exported to Australia from the People's Republic of China.

The conference was held pursuant to s 269ZZHA of the *Customs Act 1901*.

Mr Ellis noted that:

- he may ask parties to clarify an argument, claim or specific detail contained in the party's application or submission;
- the conference was not a hearing of the review, and was not an opportunity for parties to argue their case before him;
- he would only have regard to information provided at this conference in so far as it relates to relevant information (within the meaning of section 269ZZK(6) of the *Customs Act 1901*) and any conclusions reached at this conference based on that relevant information;
- information that relates to some new argument not previously put in an application or submission is not something that the ADRP would have regard to, and would not therefore be reflected in this conference summary.

Discussion

The specific information that the ADRP sought in this conference was clarification of various statements made in the application.



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At point 11 of the application, there is reference to the Minister setting a “zero-fixed component and zero countervailing RMB FOB/kg ascertained floor price rather than PMI following residual exporter dumping measures.” Mr Cantelo explained that this was a reference to a determination by the Minister in which the Minister identified an FOB export price such that, if the actual export price fell below the price identified by the Minister, the difference would be the amount of any dumping duty. Mr Cantelo said that this was the mechanism adopted in Investigation 304 conducted by the ADC. Mr Williams noted that PMI had not exported goods to Australia during the investigation period for review 304, but that PMI had exported to Australia during the investigation period for this matter, and that in this matter a different outcome than the applicant’s preferred outcome was possible.

Paragraph 2 of Attachment C to the application refers to ADN 2017/38. Mr Cantelo indicated that, although that Notice identifies how exporters will be selected for examination, and although the volume of exports is a criteria, and although PMI was down the list of exporters in terms of volumes, other exporter who had zero exports to Australia were selected for examination. He contended that the volume of exports ought not to have influenced the decision to not select PMI for examination. The ADC was not prohibited from selecting PMI for examination.

Mr Williams indicated that the exporters initially selected for examination were selected under s 269TACAA(1). The review was extended to certain exporters in accordance with s 269TACAA(2), but there were particular circumstances affecting those exporters which reduced the work required to examine them.

Mr Cantelo indicated that the application was concerned with selection for examination both under s 269TACAA(1) and subsequently under s 269TACAA(2).

Mr Cantelo indicated that the entity referred to in paragraph 3 on Attachment C was Press Metal Berhad, an entity listed on the Malaysian stock exchange.

In relation to paragraph 7 of Attachment C, Mr Cantelo indicated that there were exports to Australia during the investigation period, rather than just sales during the investigation period of goods which had been exported to Australia prior to the investigation period.

Mr Cantelo also clarified that the reference to “higher margins” in paragraph 8, was merely a margin over the normal value after adjustments, rather than making a comparison between the margins obtained in China and those obtained in Australia.

Mr Cantelo referred to the letter of 14 September 2017 as setting out the basis for selecting PMI for examination.