

21 December 2020

Ms Joan Fitzhenry
Senior Member
Anti-Dumping Review Panel
Anti-Dumping Review Secretariat
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Public File

Dear Sir/Madam

ADRP Review Investigation 2020/129 – Aluminium extrusions exported from The People’s Republic of China – Foshan Lvqiang Metal product Co., Ltd

I. Introduction

I refer to the application for the review of the decision by the Minister for Industry, Science and Technology (“the Minister”) published on the Anti-Dumping Commission (“the Commission”) website on 15 October 2020 (“the reviewable decision”). The application for review has been made by Foshan Lvqiang Metal product Co., Ltd (“Foshan Lvqiang”).

The grounds of appeal identified by the PanAsia Group include:

“To the extent that the application by the PanAsia Group establishes that the Reviewable Decision is not the correct or preferable decision, the Reviewable decision is not the correct or preferable decision with respect to the determination of the residual export price and/or normal value of Foshan Lvqiang’s exports.”

Similar to the appeal for review of the Minister’s decision by the PanAsia Group of companies, Foshan Lvqiang is not disputing the Minister’s decision to continue the anti-dumping measures applicable to aluminium extrusions exported from China.

Foshan Lvqiang is asserting that should the appeal of the reviewable decision by the PanAsia Group be successful, then the calculated dumping margin (and hence applicable interim duty rate) applicable to the residual exporters should be amended.

II. Residual exporters – margin of dumping

Section 6.11.1 of Report 543 states the Commission’s methodology for determining export prices for the Chinese residual exporters in continuation of measures investigation No. 543 for aluminium extrusions exported from China. Specifically, it is stated:

“The export price in relation to residual exporters of aluminium extrusions has been determined pursuant to section 269TACAB(2), especially as the weighted average of export prices for like goods of the selected exporters from China.”

The selected exporters in Investigation 543 were:

- Foshan City Sanshui Yongya Aluminium Co., Ltd;
- Foshan Shunde Beijiao Jiawei Aluminium Factory;
- Goomax Metal Co Ltd Fujian;
- Guangdong Jinxiecheng Al Manufacturing Co., Ltd;
- PanAsia Aluminium (China) Ltd; and
- Tai Shan City Kam Kiu Aluminium Extrusion Co., Ltd.

Foshan Lvqiang based its request for review on the presumption of an appeal to the Anti-Dumping Review Panel (“ADRP”) by either PanAsia Aluminium (China) Ltd or Tai Shan City Kam Kiu Aluminium Extrusion Co., Ltd. Only the former (i.e. PanAsia Group of companies) has requested a review of the reviewable decision.

III. PanAsia Aluminium

Capral Limited (“Capral”) has examined PanAsia Aluminium (China) Ltd (“PanAsia”) application for review. The request for review does not contest the Minister’s decision to continue the measures. The request for review is based upon an interpretation by PanAsia that the determination of the deductive export price under subsection 269TAB(1)(b) is erroneous. Capral disagrees. Capral has addressed the PanAsia review and considers that the Minister’s decision is the correct and preferable decision concerning the determination of an export price for PanAsia.

The Minister accepted the Anti-Dumping Commission’s (“the Commission”) methodology of calculating a deductive export price for PanAsia including the prescribed deductions as referenced at subsection 269TAB(2)(a). The Commission has correctly included an amount for the duties of Customs (being, in this instance, the interim dumping duties identified) in the prescribed deductions. In the absence of an amount for interim dumping duty (a *duty* of Customs) PanAsia’s deductive export price would be artificially high and the dumping margin determined would not reflect the level of injury experienced by the Australian industry.

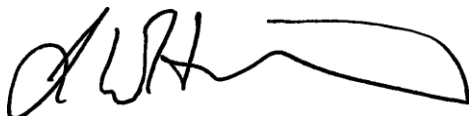
The reviewable decision is therefore the correct and preferable decision.

IV. Correct and preferable decision

We contend that that the Minister’s decision as reflected in Report 543 is the correct and preferable decision. Therefore, as the Minister’s decision is the correct and preferable decision, the weighted-average export prices determined for the residual exporters is also the correct and preferable decision.

If you have any questions concerning this submission, please do not hesitate to contact me on (02) 8222 0113 or Capral’s representative Mr John O’Connor on (07) 3342 1921.

Yours sincerely



Luke Hawkins
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