

NON-CONFIDENTIAL

Moss, Aaron

From: Moss, Aaron <amoss@claytonutz.com>
Sent: Tuesday, 12 January 2021 4:51 PM
To: Anti-Dumping Review Panel
Cc: Chami, Zac; Pasas, George
Subject: ADRP Review No. 129: Certain Aluminium Extrusions Exported from China - Correspondence Regarding Duty Assessment Applications [SEC=OFFICIAL] [CU-Legal.FID3165467]

Attachments: [REDACTED]

Dear Anti-Dumping Review Panel Secretariat,

As you know, we act for the PanAsia Group with respect to ADRP Review No. 129.

[REDACTED] correspondence between Clayton Utz and the Anti-Dumping Commission for the Senior Member's review and consideration. [REDACTED] the correspondence relates to the group's outstanding duty assessment applications (DA0174 and DA0186), referred to at paragraphs [26]-[36] of the Grounds of Application lodged by the PanAsia Group and the submission by The PanAsia Group published 21 December 2020.

[REDACTED], the Anti-Dumping Commission indicates that – contrary to its previous approach – the Commission is now taking steps to finalise the outstanding duty assessments, and no longer considers that it is necessary to await any Ministerial decision arising from the present review.

In light of that material, PanAsia would be grateful if consideration could be given to whether:

- all of the circumstances (particularly the centrality of the duty assessment applications to PanAsia's application for review and the Commission's change of position in relation to the same) constitute sufficiently "special circumstances" such that the 60-day-period set out in s 269ZZK(3)(b)(i) of the *Customs Act 1901* (Cth) ought to be extended until a time after the Commission has determined the duty assessments; and
- the ADRP may wish to issue a notice under s 269ZZL(1) of the *Customs Act 1901* (Cth) requiring the Commissioner to reinvestigate those findings that formed the basis of the reviewable decision which would be affected by the duty assessment applications.

To that end, I confirm that PanAsia is currently seeking an indication from the Commission as to a precise date by which it expects the duty assessment applications may be finalised and will endeavour keep the ADRP informed of the same.

Yours sincerely,

Aaron Moss, Lawyer

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My preferred pronouns are he/him/his

SEASON'S GREETINGS

In the spirit of the Season, Clayton Utz is giving to six charities with a connection to the firm that are making a difference in people's lives, in different ways.

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