



ADRP Conference Summary

Review No. 132 – Aluminium Micro-Extrusions exported from the People’s Republic of China

Panel Member	Joan Fitzhenry
Review type	Review of Commissioner’s decision
Date	26 April 2021
Participants	John O’Connor, Wolf Briet
Time opened	2:30 pm AEST
Time closed	2:56 pm AEST

Purpose

The purpose of this conference was to obtain further information in relation to the application before the Anti-Dumping Review Panel (Review Panel) in relation to aluminium micro-extrusions exported from the People’s Republic of China.

The conference was held pursuant to section 269ZZRA of the *Customs Act 1901* (the Act).

In the course of the conference, I was able to ask parties to clarify any argument, claim or specific detail contained in their application. The conference was not a formal hearing of the review, and was not an opportunity for parties to argue their case before me.

I will only have regard to information provided at this conference to the extent that it relates to information that was before the Commissioner when the Commissioner made the reviewable decision. Any conclusions reached at this conference are based on that information. Information that relates to some new argument not previously put in an application is not something to which the Review Panel may have regard and, therefore, is not reflected in this conference summary.

At the time of the conference, I advised the participants:

- That the conference was being recorded and transcribed by Express Virtual Meetings Pty Ltd, and that the recording would capture everything said during the conference.
- That the conference was being recorded for the Review Panel to have regard to when preparing a conference summary. The conference summary would then be published on the Review Panel’s website.
- Any confidential information discussed during the conference would be redacted from the conference summary prior to publication.



Prior to the conference, participants were provided with a copy of the Review Panel's Privacy Statement. The Privacy Statement outlines who the conference recording and transcript may be disclosed to. The Privacy Statement is available on the Review Panel's website [here](#). The participants indicated that they understood the Privacy Statement and consented to:

- The recording of the conference; and
- The recording being dealt with as set out in the Privacy Statement.

Discussion

The specific information that the Review Panel sought in this conference was:

1. *The use of s.269TAC(2)(c) for the determination of normal value*

I asked for clarification of the ground relied upon by the Applicant, Aluminium Shapemakers Pty Ltd (Alushapes), that the reviewable decision was not the correct or preferable decision because of the determination of normal value under s.269TAC(2)(c) of the Act. In particular, I asked for clarification that Alushapes was not contending that s.269TAC(2)(c) was misapplied but rather that the normal value should have been determined under s.269TAC(6).

Mr O'Connor stated that the determination of normal value in this case should have been on the best available information available to the Anti-Dumping Commission (Commission) given the constraints that were imposed during 2020. He confirmed that Alushapes's position was that the information from the exporters could not be relied upon. So, the normal value should have been determined under s.269TAC(6) which would have been information obtained from Alushapes as to the guidance involved in the cost of production for micro-extrusions versus what was put forward by the two exporters.

I also sought confirmation that Alushapes agreed with the Commission that the normal value could not be determined under s.269TAC(1) because of the existence of a particular market situation in the Republic of China. Mr O'Connor confirmed this was correct and that Alushapes agreed with the amount determined by the Commission to be the cost of the raw material in the calculation of the costs of production for the purpose of Regulation 43¹ but that the balance of the cost relating to production times and powder coating did not represent competitive market costs.

¹ Customs (International Obligations) Regulation 2015



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2. Use of Regulation 43(2)²

Mr O'Connor confirmed that Alushapes contended that, because the cost information in the producers' record did not isolate or properly cost the micro-extrusion costs in relation to the extra production time and the powder coating, the Commission could not use those records as the records did not come within Regulation 43(2) as they did not reflect competitive market costs.

I asked for confirmation that Alushapes did not dispute that the records of the producers were kept in accordance with general accounting principles in the country of export as required by Regulation 43(2) and that because of market interference by the Government of China the raw material cost in the records could not be used. Mr O'Connor confirmed that, and also that Alushapes accepted the adjustment made by the Commission to the raw material cost such that it reflected a competitive market cost. He confirmed that Alushapes contended that even with that adjustment the records did not reflect a competitive market cost. He referred to the cost of the micro-extrusions being about 35% higher than normal extrusions.

I asked about the source of the information for the 35% higher cost and Mr O'Connor and Mr Briet referred to a series of slides provided to the Commission.

3. Description of ground for review of the termination decision

Finally, I asked for confirmation that the ground relied upon by Alushapes could be summarised as: the reviewable decision is not the correct or preferable decision as the normal value was determined under subsection 269TAC(2)(c) instead of under section 269TAC(6). Mr O'Connor agreed.

Joan Fitzhenry
Senior Member
Anti-Dumping Review Panel
30 April 2021

² As above