



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Aluminium Extrusions (Mill Finish) exported from Malaysia
Aluminium Extrusions (Surface Finished) exported from Malaysia

The Anti-Dumping Review Panel (Review Panel) received applications from Milleon Extruder Sdn. Bhd (Milleon) and Criterion Industries Pty Limited (Criterion) seeking a review of decisions by the Minister for Industry, Science and Technology (Minister) to publish dumping notices under subsections 269TG(1) and (2) of the *Customs Act 1901* (the Act) in respect of Aluminium Extrusions (mill finish) exported from Malaysia and Aluminium Extrusions (surface finished) exported from Malaysia (the Reviewable Decisions).

The Reviewable Decisions were published on the Anti-Dumping Commission (ADC) website on 2 June 2021 (ADNs [2021/033](#) and [2021/035](#)). Criterion made two applications seeking review of the Minister's decisions in respect of ADN 2021/033 and ADN 2021/035. Milleon made one application seeking review of the Minister's decision in respect of ADN 2021/033.

The Review Panel is satisfied that the following grounds are reasonable grounds for the Reviewable Decisions not being the correct or preferable decisions:

Criterion (ADN 2021/033 and ADN 2021/035)

1. There is and was no evidence or sufficient evidence before the Anti-Dumping Commissioner (Commissioner) and, consequently, the Minister that the Australian industry as a whole, as opposed to part thereof, had incurred material injury during the injury period;
2. In the absence of evidence or sufficient evidence that the Australian industry had incurred material injury, the issue of whether exports of the goods under consideration (GUC) at 'dumped' export prices had caused material injury to that industry did not and could not arise; and
3. Even had there been sufficient evidence that the Australian industry as a whole had incurred material injury, there was insufficient evidence that exports of the GUC through the injurious effects of 'dumping' had caused material injury to the Australian industry as a whole during the injury period.

Milleon (ADN 2021/033)

1. The Commissioner failed to properly address the trade level difference identified by Milleon;

2. The Commissioner failed to have a proper regard to the evidence of the price premium as warranting an adjustment and chose a relatively minor cutting cost for one of three special domestic customers to make an adjustment for all three customers; and
3. The Commissioner failed to make an adjustment for management costs incurred in selling activities.

The Review Panel proposes to conduct a review of the Reviewable Decisions in relation to the above grounds.

The goods to which these applications relate are:

Mill Finish

Aluminium extrusions produced via an extrusion process, 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), with the finish being as extruded (mill) (excluding all other surface finishes), whether or not worked, having a wall thickness or diameter greater than 0.5 mm., with a maximum weight per metre of 27 kilograms and a profile or cross-section which fits within a circle having a diameter of 421 mm.

Surface Finish

Aluminium extrusions produced via an extrusion process, 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), with the finish being mechanical, painted, powder coated, anodised or otherwise coated (excluding mill-finish), whether or not worked, having a wall thickness or diameter greater than 0.5 mm., with a maximum weight per metre of 27 kilograms and a profile or cross-section which fits within a circle having a diameter of 421 mm.

Submissions

Interested parties have **30 days** from the date on which this notice is published to provide the Review Panel with a submission. Your submission should indicate your eligibility to make a submission as either an interested party to the Reviewable Decision or as one of the specified entities under section 269ZZJ of the Act.

If your submission contains confidential information, you must provide a public version that can be published on the Review Panel website. Failure to do so will result in your submission not being considered.

You may either email your submission to ADRP@industry.gov.au or mail the submission to:

Anti-Dumping Review Panel Secretariat
GPO Box 2013
Canberra City ACT 2601

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the grounds for seeking review in full, and other documents are available on the public record of the review at www.adreviewpanel.gov.au

The reports of the original investigation are available on the ADC website at www.adcommission.gov.au

Paul O'Connor
Panel Member
Anti-Dumping Review Panel
14 July 2021