



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

**CERTAIN ALUMINIUM EXTRUSIONS exported from
The PEOPLE'S REPUBLIC OF CHINA**

The Anti-Dumping Review Panel has received applications from CAPRAL LIMITED, OPAL (MACAO OFFSHORE COMMERCIAL) LIMITED and PANASIA ALUMINIUM (CHINA) LIMITED for a review of a decision by the Minister to vary a dumping duty notice and a countervailing duty notice in respect of **CERTAIN ALUMINIUM EXTRUSIONS** imported from **The PEOPLE'S REPUBLIC OF CHINA**.

The grounds raised by the applications for the decision under review not being the correct or preferable decision include but are not limited to:

Application from CAPRAL LIMITED

- (a) Action taken under s 269ZDBH to alter the original anti-dumping and countervailing notices with retrospective effect against nominated importers should have applied to LIG Australia Pty Ltd (LIG) and Success Aluminium Pty Ltd (Success).
- (b) The nominated importers ceased operation shortly after the anti-circumvention inquiry. LIG and Success were established in their place.
- (c) LIG and Success did not co-operate with the Commission's anti-circumvention inquiry.
- (d) The correct and preferable decision would have been to apply an alteration to the notices applying to LIG and Success with effect from the date of the initiation of the inquiry rather than from February 2015 to address the circumvention and resulting injury to the Australian industry.

Application from OPAL (MACAO OFFSHORE COMMERCIAL) LIMITED

- (e) There is no evidence that any importers of the goods under consideration (GUC) from OPAL has sold the GUC without increasing the price commensurate with the duty payable.
- (f) The Commissioner acted beyond power in extending the inquiry to importers not specified in the application.
- (g) Inaccurate identification of the exporter of the circumvention goods.
- (h) Misapplication of s 269TAA(2) of the Customs Act (the Act).
- (i) The findings that sales to importers were not at arms length are incorrect.
- (j) The Minister erred in failing to specify different variable factors for normal value and non-injurious price.

Application from PANASIA ALUMINIUM (CHINA) LIMITED

- (k) There is no evidence that the imported goods have been sold without increasing the amount of duty payable. The Commissioner applied s 269ZDBB(5A)(d) incorrectly.
- (l) The Commissioner extended the inquiry to importers not specified in the application in contravention of the Act and the Minister's declaration under s 269ZDBH(1) is contrary to the Act.

- (m) PanAsia was incorrectly identified as the exporter of the circumvention goods.
- (n) The Minister relied on the Commissioner's erroneous finding that s 269TAA(2) of the Act applies.
- (o) The finding of a non-arms length transaction is incorrect.
- (p) The Minister erred in failing to specify different variable factors for normal value and non-injurious price.

The Minister's decision was published in the Australian newspaper on 21 January 2015.

The goods to which these applications relate are:

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), mechanical, anodized or painted or otherwise coated, 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.

The Anti-Dumping Review Panel proposes to conduct a review of the decision. Interested parties may make submissions to the Panel within **30 days** after the date of publication of this notice. Submissions may be emailed to ADRP@industry.gov.au or sent by facsimile to (02) 6213 6821. Submissions may also be posted to: the Anti-Dumping Review Panel, c/o ADRP Secretariat, Legal Services Branch, Department of Industry and Science, GPO Box 9839 ACT 2600 Australia.

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the full grounds for seeking review, 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 Anti-Dumping Commission website at www.adcommission.gov.au

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Anti-Dumping Review Panel