



Australian Government

Anti-Dumping Review Panel

NON-CONFIDENTIAL

Application for review of Ministerial decisions

Customs Act 1901 s 269ZZE

This is the approved¹ form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 2 March 2016 for a review of reviewable decisions of the Minister (or his or her Parliamentary Secretary).

Any interested party² may lodge an application for review to the ADRP of a review of a ministerial decision.

All sections of the application form must be completed unless otherwise expressly stated in this form.

Time

Applications must be made within 30 days after public notice of the reviewable decision is first published.

Conferences

You or your representative may be asked to attend a conference with the Panel Member appointed to consider your application before the Panel gives public notice of its intention to conduct a review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. The Panel may also call a conference after public notice of an intention to conduct a review is given on the ADRP website. Conferences are held between 10.00am and 4.00pm (AEST) on Tuesdays or Thursdays. You will be given five (5) business days' notice of the conference date and time. See the ADRP website for more information.

Further application information

You or your representative may be asked by the Panel Member to provide further information to the Panel Member in relation to your answers provided to questions 10, 0 and/or 12 of this application form (s269ZZG(1)). See the ADRP website for more information.

Withdrawal

You may withdraw your application at any time, by following the withdrawal process set out on the ADRP website.

If you have any questions about what is required in an application refer to the ADRP website. You can also call the ADRP Secretariat on (02) 6276 1781 or email adrp@industry.gov.au.

¹ By the Acting Senior Member of the Anti-Dumping Review Panel under section 269ZY *Customs Act 1901*.

² As defined in section 269ZX *Customs Act 1901*.

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PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name:

Press Metal International Ltd (PMI)

Address:

*Area C, Sanshui Industrial Park, Sanshui District,
Foshan City, China*

Type of entity (trade union, corporation, government etc.):

Corporation

2. Contact person for applicant

Full name: *Ms Shui Ling Teo*

Position: *Finance manager*

Email address: *shuilingteo@pressmetal.com.cn*

Telephone number: + 86 757 87363232+

3. Set out the basis on which the applicant considers it is an interested party

Manufacturer of aluminium extrusions in China

4. Is the applicant represented?

Yes ~~No~~

If the application is being submitted by someone other than the applicant, please complete the attached representative's authority section at the end of this form.

****It is the applicant's responsibility to notify the ADRP Secretariat if the nominated representative changes or if the applicant become self-represented during a review.****

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PART B: REVIEWABLE DECISIONS TO WHICH THIS APPLICATION RELATES

5. Indicate the section(s) of the *Customs Act 1901* the reviewable decisions were made under:

☐ Subsection 269TG(1) or (2) – decision of the Minister to publish a dumping duty notice

☐ Subsection 269TH(1) or (2) – decision of the Minister to publish a third country dumping duty notice

☐ Subsection 269TJ(1) or (2) – decision of the Minister to publish a countervailing duty notice

☐ Subsection 269TK(1) or (2) decision of the Minister to publish a third country countervailing duty notice

☐ Subsection 269TL(1) – decision of the Minister not to publish duty notice

☒ Subsection 269ZDB(1) – decision of the Minister following a review of anti-dumping measures

☐ Subsection 269ZDBH(1) – decision of the Minister following an anti-circumvention enquiry

☐ Subsection 269ZHG(1) – decision of the Minister in relation to the continuation of anti-dumping measures

6. Provide a full description of the goods which were the subject of the reviewable decisions
Aluminium extrusions as set out below:

Aluminium extrusions that:

- *are produced by an extrusion process;*
- *are 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);*
- *have finishes being:*
 - *as extruded (mill);*
 - *mechanically worked*
 - *anodized; or*
 - *painted or otherwise coated, whether or not worked;*
- *have a wall thickness or diameter greater than 0.5 mm;*
- *have a maximum weight per metre of 27 kilograms; and*
- *have a profile or cross-section fitting within a circle having a diameter of 421 mm”.*

The goods under consideration include aluminium extrusion products that have been further processed or fabricated to a limited extent, after aluminium has been extruded through a die. For example, aluminium extrusion products that have been painted, anodised, or otherwise coated, or worked (e.g. precision cut, machined, punched or drilled) fall within the scope of the goods.

The goods under consideration do not extend to intermediate or finished products that are processed or fabricated to such an extent that they no longer possess the nature and physical characteristics of an aluminium extrusion, but have become a different product.

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1	2	3	4	5	6	7
Aluminium extrusions	Aluminium extrusions with minor working	Aluminium extrusions that are parts intended for use in intermediate or finished products	Aluminium extrusions that are themselves finished products	Unassembled products containing aluminium extrusions, e.g. 'kits' that at time of import comprise all necessary parts to assemble finished goods	Intermediate or partly assembled products containing aluminium extrusions	Fully assembled finished products containing aluminium extrusions
< Examples >						
Mill finish, painted, powder coated, anodised, or otherwise coated aluminium extrusions	Precision cut, machined, punched or drilled aluminium extrusions	Aluminium extrusions designed for use in a door or window	Carpet liner, fence posts, heat sinks	Shower frame kits, window kits, unassembled unitised curtain walls	Unglazed window or door frames	Windows, doors

7. Provide the tariff classifications/statistical codes of the imported goods

7604.10.00/06 non alloyed aluminium bars, rods and profiles;
7604.21.00/07 aluminium alloy hollow angles and other shapes;
7604.21.00/08 aluminium alloy hollow profiles;
7604.29.00/09 aluminium alloy non hollow angles and other shapes;
7604.29.00/10 aluminium alloy non hollow profiles;
7608.10.00/09 non alloyed aluminium tubes and pipes;
7608.20.00/10 aluminium alloy tubes and pipes;
7610.10.00/12 Doors, windows and their frames and thresholds for doors
7610.90.00/13 Other

8. Provide the Anti-Dumping Notice (ADN) numbers of the reviewable decisions

ADN 2017/138—Attach B

9. Provide the date the notices of the reviewable decisions were published

8 November 2017

****Attach a copy of the notice of the reviewable decisions (as published on the Anti-Dumping Commission's website) to the application****

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PART C: GROUNDS FOR THE APPLICATIONS

If these applications contains confidential or commercially sensitive information, the applicant must provide a non-confidential version of the grounds that contains sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Confidential or commercially sensitive information must be marked '**CONFIDENTIAL**' (bold, capitals, red font) at the top of each page. Non-confidential versions should be marked '**NON-CONFIDENTIAL**' (bold, capitals, black font) at the top of each page.

For lengthy submissions, responses to this part may be provided in a separate document attached to the application. Please check this box if you have done so: ☒

10. Set out the grounds on which the applicant believes that the reviewable decisions are not the correct or preferable decision.

The Minister should have set PMI's individual (variable only rate—zero fixed component and zero countervailing) RMB FOB/kg ascertained export floor price rather than PMI following residual exporter dumping measures

Expanded in attachment C

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11. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 10.

The Minister conduct individual verification for PMI and set its own zero fixed component and zero countervailing) RMB FOB/kg ascertained export floor price rather than PMI following residual exporter dumping measures

12. Set out the reasons why the proposed decisions provided in response to question 10 are materially different from the reviewable decisions.

Rather than current PMI residual exporter 26.4% dumping margin and 1.5% subsidy margin, those not applicable and PMI subject to RMB FOB/kg ascertained export floor price rather

Do not answer question 12 if this application is in relation to a reviewable decision made under subsection 269TL(1) of the Customs Act 1901.

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PART D: DECLARATION

The ~~applicant~~/the applicant's authorised representative ~~[delete-inapplicable]~~ declares that:

- The applicant understands that the Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Panel decides to hold a conference *before* it gives public notice of its intention to conduct a review, and the applicant (or the applicant's representative) does not attend the conference without reasonable excuse, this application may be rejected;
- The information and documents provided in this application are true and correct. The applicant understands that providing false or misleading information or documents to the ADRP is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.



Signature:

Name: *Geoffrey Cantelo*

Position: *Proprietor*

Organisation: *Geoffrey Cantelo International Associates*

Date: *8 December 2017*

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PART E: AUTHORISED REPRESENTATIVE

This section must only be completed if you answered yes to question 4.

Provide details of the applicant's authorised representative

Full name of representative:

Organisation:

Address:

Email address:

Telephone number:

Representative's authority to act— Attachment ~~C~~ **D**

****A separate letter of authority may be attached in lieu of the applicant signing this section****

The person named above is authorised to act as the applicant's representative in relation to this application and any review that may be conducted as a result of this application.

Signature:.....

(Applicant's authorised officer)

Name:

Position:

Organisation

Date: / /

Application of sampling provisions

Subsection 269TACAA(1) states that where the number of exporters from a particular country of export in relation to an investigation, review or inquiry is so large that it is not practicable to examine the exports of all of those exporters, then the investigation, review or inquiry may be carried out, and findings may be made, on the basis of information obtained from an examination of a selected number of those exporters who:

- (c) constitute a statistically valid sample of those exporters; or
- (d) are responsible for the largest volume of exports to Australia that can reasonably be examined.

I note that there were over 300 suppliers of the goods listed in the Australian Border Force (ABF) import database during the review period. Given the large number of exporters, it is not practicable to examine the exports of all of those exporters. Accordingly, I will carry out this review on the basis of information obtained from an examination of a selected number of exporters who are responsible for the largest volume of exports to Australia that can reasonably be examined.

Selected exporters

In this instance, I currently intend to limit the review to an examination of exports by:

- Guangdong Zhongya Aluminium Company Limited;
- PanAsia Aluminium (China) Co., Limited;
- Tai Shan City Kam Kiu Aluminium Extrusion Co., Ltd;
- Guang Ya Aluminium Industries Co., Ltd; and
- Guangdong Jinxiacheng AL. Manufacturing Co., Ltd.

According to data obtained from the ABF import database, the selected exporters represent close to 90 per cent of the volume of the goods (measured by statistical quantity reported in kilograms) exported to Australia from China during the review period.

The Commission will contact the selected exporters directly and invite them to complete an exporter questionnaire with respect to the review period. Certain importers may also be contacted directly and invited to complete an importer questionnaire.

If an exporter other than a selected exporter wishes to complete an exporter questionnaire, the exporter questionnaire has also been placed on the Commission's website at www.adcommission.gov.au.

If information is submitted by an exporter that is not named above as a selected exporter, the review must extend to that exporter unless to do so would prevent its timely completion. In assessing whether extending the review to that exporter will prevent the timely completion of the review, I may consider the following:

- the level of cooperation from the selected exporters;
- the number of other exporters seeking individual examination; and
- the available resources within the Commission to undertake either on-site or remote verification.

Responses to the exporter questionnaire are due by **1 May 2017**.

Residual exporters, information request and associated spreadsheets

Exporters of the goods other than the five selected exporters named above are requested to make themselves known to the Commission and provide a basic level of information, via an information request and associated spreadsheets. This information will assist in the review and may assist me to determine which additional exporters to include as selected exporters, if necessary, for example in the event that selected exporters named above do not cooperate with the review.

The information request and associated spreadsheets are available on the Commission's website at www.adcommission.gov.au.

By completing the information request and associated spreadsheets, for the purposes of this review, exporters of the goods will be regarded as 'residual exporters' if their exports are not examined as part of the review and they are not an uncooperative exporter in relation to the review.

In making assessments in relation to the variable factors for residual exporters, the Commission will not calculate:

- export prices that are less than the weighted average of export prices for cooperative exporters; and
- normal values that exceed the weighted average of normal values for cooperative exporters.⁴

The Commission will determine subsidy margins for the residual exporters having regard to the amount of countervailable subsidies received by the selected exporters.

Responses to the information request and associated spreadsheets are due by **1 May 2017**.

Uncooperative exporters and non-cooperative entities

For the purposes of this review, any exporter who does not cooperate with the review by providing a completed exporter questionnaire response or by providing a response to the information request and associated spreadsheets, may be considered as an uncooperative exporter and/or a non-cooperative entity.

Assessments in relation to the variable factors for uncooperative exporters and non-cooperative entities, will be based on all relevant information.

⁴ Subsection 269TACAB(2) of the Act.



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

ANTI-DUMPING NOTICE NO. 2017/138

Customs Act 1901 – Part XVB

Certain Aluminium Extrusions

Exported to Australia from the People's Republic of China **Findings in Relation to a Review of Anti-Dumping Measures**

***Notice under subsection 269ZDB(1)(a)(iii) of the Customs Act 1901
and subsections 8(5) and 10(3B) of the Customs Tariff (Anti-Dumping) Act 1975***

The Commissioner of the Anti-Dumping Commission has completed a review, which was initiated on 23 March 2017, of the anti-dumping measures applying to certain aluminium extrusions ('the goods') exported to Australia from the People's Republic of China (China). The review examined whether the variable factors relevant to the taking of the anti-dumping measures as they affect all exporters of the goods from China should be varied.

Anti-Dumping Commission Report No. 392 (REP 392) contains the recommendations resulting from the review, reasons for the recommendations and material findings of fact and law.

I, CRAIG LAUNDY, Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary),¹ have considered REP 392 and have decided to accept the recommendations and reasons for the recommendations, including all the material findings of facts and law.

Under subsection 269ZDB(1)(a)(iii) of the *Customs Act 1901* (the Act), I DECLARE that, for the purposes of the Act and the *Customs Tariff (Anti-Dumping) Act 1975* (Dumping Duty Act), that, with effect from the date of publication of this notice, the dumping duty notice and countervailing duty notice currently applying to the goods exported to Australia from China be taken to have effect as if I had fixed different variable factors in respect of all exporters² as detailed in the table below, relevant to the determination of duty.

To preserve confidentiality, details of the revised variable factors being the Ascertained Export Price (AEP), Ascertained Normal Value (ANV) and amount of countervailable subsidy received will not be published.

¹On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of these decisions, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

² It is noted that the anti-dumping measures apply to all exporters from China, with the exception of Guangdong Jiangsheng Aluminium Co Ltd (GJA, formerly known as Tai Ao Aluminium Tai Shan Co., Ltd).

It is also noted that Guangdong Zhongya Aluminium Company Limited is subject to the countervailing duty notice only.

I, CRAIG LAUNDY, the Parliamentary Secretary, DETERMINE, pursuant to subsection 8(5) of the Dumping Duty Act, that the interim dumping duty (IDD) payable on the goods exported to Australia be an amount worked out in accordance with the combination of fixed and variable duty method pursuant to subsections 5(2) and (3) of the *Customs Tariff (Anti-Dumping) Regulation 2013*, as detailed in the table below, to take effect the day following publication of this notice.

I, CRAIG LAUNDY, the Parliamentary Secretary, DIRECT, pursuant to subsection 10(3B)(a) of the Dumping Duty Act, that the interim countervailing duty (ICD) payable be ascertained as a proportion of the export price of the goods.

Exporter	Dumping margin	Subsidy margin	Fixed rate of combined IDD and ICD*	Duty method
Tai Shan City Kam Kiu Aluminium Extrusion Co., Ltd	21.0%	4.5%	25.5%	Combination of fixed and variable duty method, consisting of a fixed rate of IDD and ICD plus a variable component of IDD equal to the amount, if any, by which the actual export price is lower than the ascertained export price.
PanAsia Aluminium (China) Co., Ltd	41.3%	2.4%	41.3%	
Guang Ya Aluminium Industries Co., Ltd	18.8%	0.3%	19.1%	
Guangdong Zhongya Aluminium Company Limited	N/A	0.1%	0.1%	
Guangdong Jinxiacheng AL Manufacturing Co., Ltd	3.6%	0.0%	3.6%	
Foshan Shunde Beijiao Jiawei Aluminium Factory	3.6%	0.0%	3.6%	
Goomax Metal Co. Ltd., Fujian	11.1%	2.3%	11.4%	
Residual exporters [#]	26.4%	1.5%	27.4%	
Uncooperative and all other exporters (except GJA) [#]	59.1%	8.1%	64.4%	

*As outlined in REP 392, the calculation of the combined fixed rate of ICD and IDD is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters. For each exporter or group of exporters, the combined fixed rate of ICD and IDD will be the sum of:

- the subsidy rate calculated for all countervailable programs; and
- the dumping rate calculated, less an amount for the subsidy rate applying to Program 15 (where this has been received by the exporter or group of exporters).

[#] as specified in REP 392.

The variable factors set for these exporters is confidential. Genuine importers who wish to know the AEP relevant to the determination of IDD, should contact the Anti-Dumping Commission (the Commission) on 132 846 or +61 2 6213 6000 or at clientsupport@adcommission.gov.au for further information regarding the actual duty liability calculation in their particular circumstance.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel (www.adreviewpanel.gov.au) in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

The Anti-Dumping Review Panel can be contacted by mail, phone, fax or email:

Anti-Dumping Review Panel
c/o Legal, Audit and Assurance Branch
Department of Industry, Innovation and Science
10 Binara Street
CANBERRA CITY
ACT 2601 AUSTRALIA

Phone: +61 2 6276 1781
Fax: +61 2 6213 6821
Email: ADRP@industry.gov.au

REP 392 has been placed on the Commission's public record. The public record may be examined at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission's office during business hours by contacting the case manager on the details provided below.

Enquiries about this notice may be directed to the case manager on telephone number 03 8539 2437, fax number +61 3 8539 2499 (outside Australia) or email at investigations3@adcommission.gov.au

Dated this 2nd day of November 2017



CRAIG LAUNDY
Assistant Minister for Industry, Innovation and Science
Parliamentary Secretary to the Minister for Industry, Innovation and Science

ADRP

Attachment C

Public

Review Investigation 392 Aluminium Extrusions from China Press Metal International Ltd (PMI) Individual *Ascertained Export Floor Price*

For the following reasons PMI requests, to the extent any anti-dumping margin found (which PMI denies), the Assistant Minister/Parliamentary Secretary establish PMI's **individual** (variable only rate—zero fixed component and zero countervailing) RMB FOB/kg ascertained export floor price rather than PMI following *residual exporter* dumping measures:

Setting a PMI individual rate despite PMI's 392 *Review* period shipment volume

- 1 Attachment A to ADN 2017/38 notifying initiation of Review 392 recognises PMI as, although yet a *selected exporter*, *the review must extend to (PMI) unless to do so would prevent its timely completion*. Rather than shipment volume, the Commissioner's consideration limited to *selected exporters* level of cooperation, number of other exporters seeking individual examination and Commission's resources to verify
- 2 Nothing in ADN 2017/38 limits the Assistant Minister/Parliamentary Secretary from setting a PMI individual rate or from choosing PMI as a *selected exporter*. ADN 2017/38 works the opposite—it invites exporter questionnaires from shippers other than the ADN named *selected exporters*
- 3 PMI and its related company Australian importer (Press Metal Aluminium Australia Pty Ltd (PMAA)) welcome and ready for on or off site verification. From *Review* 362 ADC already experienced with PMAA and its Malaysian supplier verification

Ascertained export floor price rather than other measures

- 4 Consistent with ADC *Review* practice where an exporter has zero or limited review period shipments—even where other than a *new exporter*—as in PMI's *Review* 304 result where PMI had no shipments
- 5 *Review* 304 established zero countervailing and accordingly zero countervailing duty
- 6 PMI already provided *Exporter Questionnaire* and corresponding spreadsheets for the ADC to easily calculate a floor price
- 7 PMAA sold in Australia those 392 *Review* period PMI sourced extrusions for a more than reasonable commercial profit—in line with PMAA's 2016 total profit
- 8 PMI sold those shipments to PMAA for a higher margin than its cost to make and sell and at a price comparable to like profiles PMI sold domestically in China
- 9 PMI a respected world standard aluminium extrusions mill for both China domestic and worldwide exports and its 392 *Review* period and earlier accounting records already with the ADC and of utility for benchmarking



Geoffrey Cantelo

07th November 2017

To:

Anti-Dumping Commission
35/55 Collins St
Melbourne VIC 3000

Anti-Dumping Review Panel
Legal, Audit and Assurance Branch
Department of Industry, Innovation and Science
GPO Box 2013
Canberra City, ACT 2601

Investigations, Reviews, Continuations, ADRP Reviews
Alleged Dumping, Subsidising or Circumvention of Certain Aluminium Extrusions Exported to Australia from China or Malaysia

Press Metal International Ltd has appointed each of:

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to represent it for any of the above inquiries.

Yours sincerely



HK Lim
General Manager
Press Metal International Ltd