



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

Anti-Dumping Notice No. 2016/77

Public notice under subsection 269TC(4) of the *Customs Act 1901*

Aluminium extrusions

Exported from Malaysia and the Socialist Republic of Vietnam

Initiation of an Investigation into Alleged Dumping and Subsidisation

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an investigation following an application lodged by Capral Limited (Capral), a manufacturer of aluminium extrusions in Australia. The application seeks the publication of a dumping and countervailing duty notice in respect of aluminium extrusions exported to Australia from Malaysia and the Socialist Republic of Vietnam (Vietnam).

The application alleges that the goods have been exported to Australia at prices less than their normal value and were in receipt of countervailable subsidies from Malaysia and Vietnam and that the dumping and subsidisation has caused material injury to the Australian industry in the form of:

- price suppression;
- loss of profits;
- reduced profitability;
- reduced capital expenditure;
- reduced return on investment; and
- increased closing stocks.

The non-confidential version of the application, which contains the basis of the alleged dumping and subsidisation, is available on the public record.

Particulars of the reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No. 362*, which is available on the public record.

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The date of initiation of this investigation is the date of publication of this notice, which is 16 August 2016.

The Goods

The goods the subject of this application are:

“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.

The goods are normally classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995*:

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Tariff classification (Schedule 3 of the Customs Tariff Act 1995)			
<i>Tariff code</i>	<i>Statistical code</i>	<i>Unit</i>	<i>Description</i>
7604.10.00	06	Kg	Non alloyed aluminium bars, rods and profiles
7604.21.00	07	Kg	Aluminium alloy hollow angles and other shapes
7604.21.00	08	Kg	Aluminium alloy hollow profiles
7604.29.00	09	Kg	Aluminium alloy non hollow angles and other shapes
7604.29.00	10	Kg	Aluminium alloy non hollow profiles
7608.10.00	09	Kg	Non alloyed aluminium tubes and pipes
7608.20.00	10	Kg	Aluminium alloy tubes and pipes
7610.10.00	12	Kg	Doors, windows and their frames and thresholds for doors
7610.90.00	13	Kg	Other

The goods exported to Australia from Malaysia and Vietnam are subject to a 5 per cent rate of customs duty.

Investigation Process

The investigation period is from 1 July 2015 to 30 June 2016. I will examine exports to Australia of the goods during that period to determine whether dumping and subsidisation has occurred. I will examine details of the Australian market from 1 July 2012 for injury analysis purposes.

Where the Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)¹ is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have already been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Parliamentary Secretary may, by public notice, impose interim dumping duties.²

Where the Parliamentary Secretary is satisfied, as to goods of any kind, that:

¹ The Minister for Industry, Innovation and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary, and accordingly, the Parliamentary Secretary is the relevant decision maker. On 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.

² In accordance with section 269TG(2) of the *Customs Act 1901*.

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- (a) a countervailable subsidy has been received in respect of the goods that have been exported to Australia, and may be received in respect of like goods that may be exported to Australia in the future; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered,

the Parliamentary Secretary may, by public notice, impose interim countervailing duties.³

Where there are grounds for the Parliamentary Secretary to publish a dumping or countervailing duty notice in respect of the goods, I will examine whether the circumstances of subsection 269TN(2) *Customs Act 1901* (the Act) have been met and whether a retrospective notice should be published pursuant to section 269TN of the Act, and make recommendations to the Parliamentary Secretary accordingly.

Public Record

I must maintain a public record of each investigation. Documents included in the public record are available at www.adcommission.gov.au or can be examined at the Commission's office by contacting the Case Manager on the details provided below.

The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 362* and copies of all non-confidential submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the inquiry.

Lodgement of Submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge submissions concerning the publication of a dumping or countervailing duty notice sought in the application, no later than the close of business on **22 September 2016**, addressed to:

The Director
Operations 3
GPO Box 1632
Melbourne VIC 3001
Australia

Or by email to operations3@adcommission.gov.au, or by fax to +61 3 8539 2499.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if, to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

³ In accordance with section 269TJ(2) of the *Customs Act 1901*.

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Interested parties should also note that I am now directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances. This is available at www.legislation.gov.au.

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Provisional Measures

Pursuant to section 269TD of the Act, I will make a preliminary affirmative determination (PAD) 60 days after the initiation of the investigation, provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping or countervailing duty notice or there appears that there will be sufficient grounds for the publication of a dumping or countervailing duty notice subsequent to the importation of the goods into Australia. This can occur no earlier than day 60 of an investigation.

In accordance with section 269TD of the Act, the Commonwealth may apply provisional measures, including the taking of securities under section 42 of the Act, in respect of interim dumping or countervailing duty that may become payable on the goods, where a PAD has been made.

Where a PAD is not made 60 days after initiation of the investigation, the *Customs (Preliminary Affirmative Determinations) Direction 2015* (PAD Direction) directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website, www.legislation.gov.au.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. In accordance with section 269TDAA of the Act, a statement of essential facts will be

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placed on the public record by **5 December 2016**, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which I propose to base my recommendations to the Parliamentary Secretary. Interested parties are invited to lodge submissions in response to the statement within 20 days of the statement being placed on the public record.

Submissions received in response to the statement of essential facts within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendation to the Parliamentary Secretary.

Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before **18 January 2017** (or such later date as the Parliamentary Secretary may allow under section 269ZHI), on the basis of the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or, if the Parliamentary Secretary considers there are special circumstances that prevent the decision being made within that period, such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Review Panel

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB of the Act of either a decision by me to terminate the investigation, or a decision of the Parliamentary Secretary to publish or not to publish a dumping or countervailing duty notice after considering my report.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2418, fax number +61 3 8539 2499 or by email to operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

16 August 2016