



Anti-Dumping Notice No. 2017/137

Customs Act 1901 – Part XVB

ALUMINIUM EXTRUSIONS EXPORTED THROUGH ONE OR MORE THIRD COUNTRIES FROM THE PEOPLE'S REPUBLIC OF CHINA

Initiation of an anti-circumvention inquiry

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

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an anti-circumvention inquiry in relation to into certain aluminium extrusions (the goods) exported to Australia through one or more third countries from the People's Republic of China (China).

Particulars of the reasons for the decision to initiate this inquiry are shown in *Anti-Dumping Commission Consideration Report No 447* which has been placed on the Anti-Dumping Commission (the Commission) public record.

The date of initiation of this inquiry is the date of publication of this notice.

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 following table provides examples of the coverage of the goods and like goods (and intended end-use applications) and is being used for this inquiry. Examples of the goods and like goods are outlined in columns 1 to 4 and non-subject goods are outlined in columns 5 to 7.

< GUC >				< Non GUC >		
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

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

Tariff code	Statistical code	Description
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

Background to the inquiry

Anti-dumping measures in the form of dumping and countervailing duties were imposed on 28 October 2010 following consideration of *Report No. 148* by the then Attorney-General. The then Attorney-General gave public notice in the *Commonwealth of Australia Gazette*¹ of his decision to publish a dumping duty notice and a countervailing duty notice (original notices) in respect of the goods exported

¹ No. S197, available from legislation.gov.au.

from China, with the exception of goods exported by Tai Ao Aluminium Tai Shan Co Ltd.

On 20 October 2015, the then Assistant Minister for Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science published a notice continuing the anti-dumping measures after 28 October 2015, with the exception of:

- exports by Tai Ao Aluminium Tai Shan Co Ltd and Guangdong Zhongya Aluminium Company Limited, to whom the dumping duty notice does not apply; and
- exports by Tai Ao Aluminium Tai Shan Co Ltd, to whom the countervailing duty notice does not apply.

The current inquiry

An application has been made under section 269ZDBC of the Act for an anti-circumvention inquiry in relation to the export of the goods to Australia from China through one or more third countries. The application was lodged by Capral on behalf of the Australian industry. The non-confidential version of the application, which contains the basis of the alleged circumvention activity, is available on the public record.

The anti-circumvention inquiry will examine whether exporters of certain aluminium extrusions from China have engaged in the circumvention activity as outlined in subsection 269ZDBB(4) of the *Customs Act 1901* (the Act) of exporting the goods to Australia from China through one or more third countries including Indonesia, Malaysia, the Philippines and Thailand.

For the purposes of the inquiry, the inquiry period to determine whether anti-circumvention has occurred will be from 1 January 2015.

After concluding the inquiry, I will recommend to the Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)² that the original notices:

- (i) remain unaltered; or
- (ii) be altered because I am satisfied that a circumvention activity in relation to the original notices have occurred.

Public Record

I must maintain a public record of each inquiry. Documents included in the public record may be examined at www.adcommission.gov.au or at the Commission's office by contacting the case manager using the contact details provided below.

² 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. For the purposes of this investigation, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry, no later than the close of business on **22 November 2017**, addressed to:

The Director
Operations 2
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2600

or email operations2@adcommission.gov.au.

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

The public record must contain, among other things, a copy of all submissions from interested parties.

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').

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. A statement of essential facts (SEF) will be placed on the public record by 3 February 2018³, or by such later date as may be allowed in accordance with section 269ZHI of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. The SEF will invite interested parties to respond to the issues raised within 20 days of the SEF being placed on the public record.

³ As this date is a weekend, the effective due date will be the next business day, Monday 5 February 2018.

Report to the Parliamentary Secretary

Submissions received in response to the SEF will be taken into account in completing the report and my recommendation to the Parliamentary Secretary.

My recommendation to the Parliamentary Secretary will be made in a report on or before 20 March 2018 (or such later date as may be allowed).

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number + 61 3 8539 2428 or email operations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

16 October 2017
