



ANTI-DUMPING NOTICE NO. 2017/52

Public notice under section 269TD of the Customs Act 1901

Certain Aluminium Extrusions

Exported to Australia from Malaysia and the Socialist Republic of Vietnam

Investigation into Alleged Dumping and Subsidisation

Second Preliminary Affirmative Determination (PAD 362A) and Imposition of Securities

Background

On 16 August 2016, I, Dale Seymour, Commissioner of the Anti-Dumping Commission, initiated an investigation (the investigation) into the alleged dumping and subsidisation of certain aluminium extrusions ('aluminium extrusions' or 'the goods') exported to Australia from Malaysia and the Socialist Republic of Vietnam (Vietnam). Further details in relation to the initiation of the investigation can be found in Anti-Dumping Notice (ADN) No. 2016/77.¹

In relation to the investigation into the alleged dumping of the goods, on 17 October 2016, I gave public notice that I made a preliminary affirmative determination (PAD) under subsection 269TD(1) of the *Customs Act 1901* (the Act)² in respect of the goods exported to Australia from Malaysia and Vietnam, because I was satisfied that there appeared to be sufficient grounds for the publication of a dumping duty notice in respect of those goods (PAD 362). Further information can be found in ADN 2016/108.

ADN 2016/108 also advised that I was satisfied that, in accordance with subsection 269TD(4)(b), it was necessary to require and take securities in relation to exports of the goods exported to Australia from Malaysia and Vietnam in respect of any interim dumping duty that may become payable to prevent material injury to the Australian industry occurring while the investigation continues.

¹ All ADN's and reports listed in this notice are available on the electronic public record at www.adcommission.gov.au. Alternatively, documents may be examined at the Anti-Dumping Commission's (the Commission) office by contacting the Case Manager on the details provided below.

² All legislative references are to the *Customs Act 1901*, unless otherwise stated.

On 22 March 2017, I published ADN 2017/37 amending the level of securities required and taken in respect of interim dumping duty that may become payable on exports of the goods exported to Australia from Malaysia and Vietnam.

On 10 April 2017, I published *Statement of Essential Facts No. 362* (SEF 362) on the public record.

The goods

The goods under consideration 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 under consideration.

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.

Further information regarding the goods under consideration can be found in *Anti-Dumping Commission Consideration Report No. 362* and ADN No. 2016/77.

Second Preliminary Affirmative Determination (PAD 362A)

Having regard to the application, submissions received within 37 days after the date of initiation of the investigation concerning the publication of the countervailing duty notice, and other information I considered relevant, as specified in SEF 362, and pursuant to subsection 269TD(1)(a), I am satisfied that there now appears to be sufficient grounds for the publication of a countervailing duty notice in respect of the goods exported to Australia from Malaysia.

In making PAD 362A, I have had regard to the requirements of the Act and my findings in SEF 362. I am satisfied that dumped and subsidised goods exported to Australia from Malaysia appear to have caused material injury to the Australian industry producing like goods in the form of:

- price suppression;
- price depression;
- reduced profit;
- reduced profitability;
- reduced return on investment; and
- reduced capital expenditure.

Relevant information relied on in making this PAD 362A, including the considerations relevant to the determination of material injury to the Australian industry, is contained in SEF 362, a copy of which is available on the Commission's website at www.adcommission.gov.au.

The preliminary countervailing margins for Malaysia are tabulated below in Table 1. These margins were calculated in accordance with the Act.

Country	Exporter	Subsidy margin
Malaysia	Non-cooperative entities ³	3.24%

Table 1: Summary of countervailing securities

Under subsection 269TD(4)(b), I am satisfied that it is necessary to require and take securities in respect of any interim countervailing duty that may become payable in order to prevent material injury occurring to the Australian industry while the investigation continues.

The Commonwealth will require and take securities under section 42 in respect of any interim countervailing duty that may become payable in respect of the goods exported from Malaysia and entered for home consumption in Australia on or after Thursday 20 April 2017.

The securities required and taken in respect of interim dumping duty that may become payable, as specified in ADN No. 2017/37, shall continue to apply to exports of the goods exported to Australia from Malaysia and Vietnam.

Form of countervailing securities

The securities in respect of any interim countervailing duty that may become payable on exports of the goods from Malaysia will be determined as a proportion of the export price of the goods (at the rate specified in Table 1).

³ The subsidy margin shown is applicable to all exporters from Malaysia except; Press Metal Berhad, LB Aluminium Berhad, Superb Aluminium Industries Sdn Bhd, Kamco Aluminium Sdn Bhd, Milleon Extruder Sdn Bhd and Genesis Aluminium Industries Sdn Bhd.

Affected parties should contact www.business.gov.au on telephone number 13 28 46 or +61 2 6213 6000 (outside Australia) for further information regarding the actual security liability calculation in their circumstance.

Further information

I must report to the Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary) with my recommendations in relation to the investigation on or before 24 May 2017.⁴ The Parliamentary Secretary will then decide whether to publish a dumping duty notice and/or countervailing duty notice and, if relevant, the level of measures to be imposed.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2418 or via email at operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

19 April 2017

⁴ 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.