



Australian Government
Department of Industry,
Innovation and Science

Anti-Dumping
Commission

Customs Act 1901 – Part XV B

Anti-Dumping Notice No. 2019/006

Aluminium extrusions

Exported to Australia from

The People's Republic of China

**Initiation of a Review of Anti-Dumping Measures
Relating to Guangdong Huachang Aluminium Factory Co., Ltd
(Review No. 497)**

Notice under subsection 269ZC(4) of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner) have initiated a review of the anti-dumping measures applying to certain aluminium extrusions (aluminium extrusions, or the goods) exported to Australia from the People's Republic of China (China). The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect Guangdong Huachang Aluminium Factory Co., Ltd (Huachang) should be varied.

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice (the notices) 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 goods 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.

PUBLIC RECORD

The goods subject to the anti-dumping measures do not include 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 currently classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995*:

Tariff classification (<i>Schedule 3 of the Customs Tariff Act 1995</i>)			
<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

These tariff classifications and statistical codes may include goods that are both subject and not subject to the review. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods the subject of this review.

Background to the measures

A full history of the anti-dumping measures relating to aluminium extrusions exported to Australia from China is available on the Anti-Dumping Commission's (Commission) website at www.adcommission.gov.au. A summary is provided below.

The anti-dumping measures were initially imposed by public notice on 28 October 2010 following the publication of *Trade Remedies Branch Report No. 148*.

On 20 October 2015, in response to the findings of *Continuation Inquiry No. 287*, the then Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the former Parliamentary Secretary) continued the measures for a further five years, until 28 October 2020.

A subsequent review of anti-dumping measures applying to the goods resulted in the former Parliamentary Secretary accepting the recommendations following consideration of *Anti-Dumping Commission Report No. 392* and varying the variable factors relevant to the taking of anti-dumping measures as they affect all exporters of the goods from China. The current measures were implemented on 11 November 2017.

The current anti-dumping measures are applicable to all exporters from China, with the exception that the notices do not apply to Guangdong Jiangsheng Aluminium Co Ltd (formerly known as Tai Ao Aluminium Tai Shan Co Ltd) and the dumping duty notice does not apply to Guangdong Zhongya Aluminium Company Limited.

Review No. 482

The Commission is currently conducting a review (Review No. 482) in relation to the goods exported to Australia from China by all exporters subject to the notices. Review No. 482 was initiated on 12 July 2018 and covers a different review period to this review (1 July 2017 to 30 June 2018). Further details regarding the initiation of Review No. 482 can be found in Anti-Dumping Notice (ADN) No. 2018/111.

A statement of essential facts (SEF) is due to be published for Review No. 482 on 22 February 2019 and a final report is due to be provided to the Minister by 8 April 2019 (unless further time is allowed).

The current review (Review No. 497)

An application was lodged by Huachang under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of the notices in relation to its export of the goods to Australia from China.

Particulars of the reasons for the decision to undertake this inquiry are shown in *Anti-Dumping Commission Consideration Report No. 497*, which has been placed on the public record.

The review period is 1 January 2018 to 31 December 2018 and covers exports of the goods by Huachang from China. The review will examine whether the variable factors relevant to the taking of the measures have changed. After concluding the review, I will recommend to the Minister that the dumping duty notice and countervailing duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application¹ no later than 21 February 2019 to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

Future Reviews

Under subsection 269ZA(2), an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of a review (such as Review No. 482 or this review) is published (regardless of the outcome), an application for a review of measures in relation to the notices cannot be made for a period of 12 months.

¹ In accordance with section 269ZCB of the Act.

Public Record

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgement of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than 21 February 2019 addressed to:

The Director
Investigations 3
GPO Box 2013
Canberra ACT 2601

or email investigations3@adcommission.gov.au, or fax to +61 3 8539 2499.

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

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 making submissions must also provide a non-confidential version for public record (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 Minister within the legislative timeframe. A SEF will be placed on the public record by 6 May 2019² or by such later date as allowed in accordance with section 269ZH1

² The legislated due date is 5 May 2019, however as this falls on a Sunday, the effective due date is the following working day, being 6 May 2019.

of the Act.³ The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record

Report to the Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before 19 June 2019 (or such later date as is allowed).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2415 or email investigations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

15 January 2019

³ On 14 January 2017, the former Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner. Refer to [ADN No. 2017/10](#) for further information.