



ANTI-DUMPING NOTICE NO. 2013/57

Certain Aluminium Extrusions Exported from the People's Republic of China by Guangdong Jinxiecheng Al. Manufacturing Co., Ltd

Initiation of an Accelerated Review

The Anti-Dumping Commissioner (the Commissioner) has commenced an accelerated review of the current anti-dumping measures in respect of certain aluminium extrusions exported to Australia from China in so far as they relate to new exporter Guangdong Jinxiecheng Al. Manufacturing Co., Ltd. (Guangdong Jinxiecheng).

As the application for the accelerated review was not rejected by the Commissioner, the application date of 13 June 2013 is the initiation date of the accelerated review.

The goods

The goods the subject of the current anti-dumping measures (the goods) 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.

The goods 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 may be classified to subheadings 7604.10.00 (statistical code 6), 7604.21.00 (statistical codes 7 and 8), 7604.29.00 (statistical codes 9 and 10), 7608.10.00 (statistical code 9), 7608.20.00 (statistical code 10), 7610.10.00 (statistical code 12) and 7610.90.00 (statistical code 13) in Schedule 3 of the *Customs Tariff Act 1995*.

Existing measures

On 28 October 2010, following consideration of the recommendations in Trade Measures Report No. 148, the Attorney-General published dumping and countervailing duty notices applying to aluminium extrusions exported to Australia from China.

Following a review by the Trade Measures Review Officer, Australian Customs and Border Protection Service (ACBPS) conducted a reinvestigation into certain findings made in Trade Measures Branch Report No. 148. International Trade Remedies Report No. 175 sets out the findings affirmed and new findings made by ACBPS as a result of the reinvestigation.

To give effect to this decision the Attorney-General published new notices under section 269ZZM of the *Customs Act 1901*. These notices substitute the dumping and countervailing duty notices published on 28 October 2010. The new notices came into effect on 27 August 2011 replacing the earlier notices.

The current review

On 13 June 2013, Guangdong Jinxiecheng, a Chinese manufacturer of aluminium extrusions, lodged an application requesting an accelerated review of the anti-dumping measures in so far as they relate to Guangdong Jinxiecheng.

Following consideration of the application the Commissioner decided not to reject the application. Further detail on the consideration of the application is contained in the Commission's Consideration Report Number 214.

Having regard to the expedited nature of an accelerated review, the Commission considers that it is not the relevant mechanism to reassess certain aspects of the anti-dumping measures applying to certain aluminium extrusions. This accelerated review will not:

- reassess the finding of whether or not a market situation exists such that sales in that market are not suitable for use in determining normal value as specified in Trade Measures Branch Report No. 148, Appendix 2, section 4.3;
- reassess the countervailable subsidies other than those already subject to the countervailing duty notice as specified in Trade Measures Report No. 148, section 7.2; and
- reconsider whether or not London Metal Exchange (LME) prices are indicative of what would be competitive market costs for primary aluminium, as specified in Trade Measures Report 148, section 6.1.3.

Public Record

There is no legislative requirement for the Commission to maintain a public file for accelerated reviews. However, in the interests of ensuring this process is conducted in an open and transparent manner, a public file for this accelerated review has been opened and is accessible at: <http://www.adcommission.gov.au>

The public record will contain, among other things, a copy of the application, the Consideration Report and a copy of all submissions from interested parties (letters and electronic mail are generally regarded as submissions if they contain information relevant to the accelerated review).

Measures

As the delegate did not reject the application, and continued the accelerated review, a declaration under paragraph 269ZH(b) was made to ensure securities in respect of antidumping duty that may be payable on exports of Aluminium Extrusions are collected for the period of the review. The effective rate of duty has been determined in accordance with the combination of fixed and variable duty method.

Recent changes to legislation allow the Minister to utilise additional forms of interim dumping duty (IDD) beyond the single form that was previously available in the Act. The new forms of duty are prescribed in new regulations and include:

- combination of fixed and variable duty method;
- floor price duty method;
- fixed duty method (\$X per tonne); or
- ad valorem duty method (i.e. a percentage of the Free-On-Board (FOB) export price).

The Anti-Dumping Commission may propose any of these methods if recommending to the Minister any changes to the variable factors as a result of this accelerated review.

Lodgement of submissions

Interested parties are invited to lodge written submissions concerning the accelerated review not later than **12 August 2013** with:

The Director Operations 3
Anti-Dumping Commission
1010 Latrobe Street
MELBOURNE DOCKLANDS VIC 3008

or by email operations3@adcommission.gov.au, or fax number 1300 882 506 or +61 2 6275 6888 (outside Australia).

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that the Commissioner may not be able to have regard to a submission received by the Commission after the end of the period mentioned above if to do so would, in the Commissioner's opinion, delay the timely preparation of the final report to the Minister of Home Affairs (the Minister).

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:

- 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
- satisfy the Commissioner 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").

Report to the Minister

Submissions received by 12 August 2013 will be taken into account in completing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report on or before 23 September 2013, unless the Commissioner terminates the accelerated review.

Anti-Dumping Commission contact

Enquires concerning this notice may be directed to the case management team by email to operations3@adcommission.gov.au, by telephone on (03) 9244 8243 or by fax on 1300 882 506 or +61 2 6275 6888 (outside Australia).

Scott Wilson
Delegate of the Commissioner
Anti-Dumping Commission

2 July 2013