

9 November 2009

## Customs, Trade & Transport e-alert

### Customs releases PAD for the alleged dumping and subsidisation of aluminium extrusions from the PRC

In June we published an e-alert concerning the initiation of the investigation into the alleged dumping and subsidisation of certain aluminium extrusions exported to Australia from the Peoples' Republic of China ("PRC"). As referred to in ACDN 2009/38, the CEO of the Australian Customs and Border Protection Service ("Customs") has now made the decision to release Preliminary Affirmative Determination 148 ("PAD") in response to the application. The release of the PAD means that there has been a preliminary decision that there are sufficient grounds for the dumping and countervailing Notice in respect of the goods the subject of the application based on apparent injury to the Australian industry caused by dumped and/or subsidised aluminium extrusion exports from the PRC.

Provisional measures may be applied after a PAD has been made and it is determined that such measures are necessary to prevent further injury being caused to the Australian industry during the investigation. In this case, the provisional measures require Customs to collect securities in respect of any interim dumping duty that may become payable on certain aluminium extrusions from the PRC and entered for home consumption. Customs has calculated a preliminary dumping margin as 18% and a provisional PRC-wide dumping margin of 16% will apply from 6 November 2009. The securities will be assessed as an ad-valorem duty to apply to all effected exports from the PRC entered to Australia. Customs is yet to assess interim Countervailing Duties.

Customs has been provided with an extension of time to issue its Statement of Essential Facts which is now due to be issued on 1 March 2010.

These measures will provide some relief to Australian producers of aluminium extrusions. There is a large market for the products in Australia and Australian producers have made significant investment in plant and equipment to produce the products here.

We acted for a company which supported the request for the application of measures by the Australian industry.

For further information please contact Andrew Hudson.