

LEGAL NOTICE NO. 29

REPUBLIC OF TRINIDAD AND TOBAGO

THE ANTI-DUMPING AND COUNTERVAILING DUTIES ACT, CHAP. 78:05

NOTICE

MADE BY THE MINISTER IN ACCORDANCE WITH SECTION 26(2) OF THE
ANTI-DUMPING AND COUNTERVAILING DUTIES ACT

FINAL DETERMINATION BY THE MINISTER OF TRADE AND
INDUSTRY ARISING OUT OF AN INVESTIGATION INTO
THE ALLEGATION OF THE DUMPING OF IMPORTS OF
ALUMINIUM EXTRUSIONS ORIGINATING IN THE
PEOPLE'S REPUBLIC OF CHINA

NOTICE is hereby given that, in accordance with section 26(2) of the Anti-Dumping and Countervailing Duties Act, Chap. 78:05 (hereinafter referred to as “the Act”) the Minister of Trade and Industry has, for the reasons given hereunder, made a final determination in respect of the alleged dumping of aluminium extrusions originating in the People’s Republic of China (hereinafter referred to as “PROC”).

CASE HISTORY

A preliminary determination was made by the Minister of Trade and Industry on 12th January, 2016 and published as Legal Notice No. 10 of 2016 dated 19th January, 2016. Dumping margins were found in the amount of 23% for Aluminum bars, rods and profiles of H.S. Codes 7604.10.00; 7604.21.00; 7604.29.00 respectively, and 36% for Aluminium tubes and pipes of H.S. Codes 7608.10.00 and 7608.20.00 respectively, originating in the PROC and the Minister concluded preliminarily that those goods were ones in respect of which a duty may be imposed.

REASONS FOR THE FINAL DETERMINATION

A. PROCEDURE

The Anti-Dumping Authority (hereinafter referred to as “the Authority”) verified the complainant’s, exporters’ and importers’ data; and collected statistics related to the imports of aluminium extrusions from the Central Statistical Office, the Ministry of Trade and Industry and the Customs and Excise Division, Ministry of

Finance.

B. EXPORTERS AND PRODUCERS

The following companies in the PROC were identified in the complaint as either exporters or producers of aluminium extrusions to Trinidad and Tobago:

EXPORTERS AND PRODUCERS

Guandong Grand Shine Construction Material Co. Ltd.

Guangcheng Aluminium Co. Ltd.

Guandong Xinhe Aluminium Co. Limited

Meiyuan Sanxing Aluminium Industry Co., Ltd.

Nahai Hongjia Aluminium Co.

Shangdong Hylong Aluminium Co. Ltd.

Shanghai Ruiy Metal Ltd.

At the initiation of the investigation, the exporters and producers identified above were notified of the investigation and given Exporter and Producer questionnaires *via* electronic mail and regular mail. The questionnaires were to be completed and returned to the Authority in both confidential and non-confidential forms. The Authority did not receive completed questionnaires from the exporters and producers at this stage. After the making of the preliminary determination, Guandong Grand Shine Construction Material Co. Ltd. ("Guandong Grand Shine") of No. 351 Tianhe Road, Guanzhou, 501620, PROC, Guandong Xinhe Aluminium Co. Limited ("Guandong Xinhe") of Luowu Road, Luocun Town, Nanhai District, Foshan City, Guangdong, PROC and Guandong Xinfeng Aluminium Factory Company Limited ("Guandong Xinfeng") of Maangang Industrial Park, Guanyao Town, Nanhai District, Foshan City, Guangdong, PROC, the latter company not being identified in the complaint, submitted relevant information pertinent to the investigation period. This information was received through the exporters and producers' importers in Trinidad and Tobago.

Statistics collected from the Ministry of Trade and Industry revealed the following exporters and producers in the PROC that exported to Trinidad and Tobago from 2013 to 2015:

EXPORTERS AND PRODUCERS IN THE PROC

Anhui Shengda Qianliang Aluminium Co.
Castel (Hk) Imp & Exp Co. Limited
China State Construction Engrg Corp.
Dailan Supergo Door Products Co. Limited
Foshan Native Produce I/E Co. Ltd.
Foshan Pengdong Aluminium Co. Ltd.
Foshan Tianli Jianlong Import And Export Co. Limited
Fujian Tenlead Advanced Material Co.
Green Foam Insulation Material Co.
Guangdong Grand Shine Construction Material Co. Ltd.
Guangdong Xinfeng Aluminium Factory Co. Limited
Guangdong Xinhe Aluminium Co. Limited
Guangzhou Cozing Home Commercial Co.
Guangzhou Haide Cargotrans Co. Ltd.
Guangzhou Snowfall Refridgeration
Royal International & Co. Ltd.
Shanghai Construction (Group)
Shanghai Link Instruments Co. Ltd.
Shenzhen Aozhilin Trading Co. Ltd.
Shenzhen One Toch Business Ser Ltd.
Sound New Materials Co. Ltd.
Starst Group Co. Ltd.
Suzhou Century Sunshine Co. Ltd.
Tianjin Lift Tech International Trading
Yantai Wiskind Industrial and Trading
Zhejiang Yiwu China Small-Commod C

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C. IMPORTERS

The companies in Trinidad and Tobago that imported aluminium extrusions directly from the PROC are as follows:

IMPORTERS IN TRINIDAD AND TOBAGO

China Railway Construction (Caribbean) Co. Ltd.

Delta Glass Ltd.

Display Plus Limited

Doxa Enterprises (Caribbean) Ltd.

Energy Dynamics Ltd.

Excellent Vision Optometrists

Greenduct Limited

Intense Merchandizing Ltd.

International Tiles, Carpets & Rugs Ltd.

Kelton Pooran Aluminium Co.

King Kool Limited

R & S Ceiling Installations Limited

Roof—It

S.C.G. International (Trinidad & Tobago) Ltd.

Shakeer and Azhar Tents Ltd.

Southern Supplies Ltd.

Superstore Limited

Treasure Island Decoration Co. Ltd.

Ultimate PVC Ceiling Interiors Ltd.

All the importers were informed in writing of the initiation and the preliminary determination.

The Authority verified information and questionnaires submitted by a few importers that imported directly or indirectly from the PROC.

D. THE PRODUCT

The products allegedly being dumped are currently classified within Customs HS Codes:

76.04—Aluminium bars, rods and profiles

7604.10.00—Of aluminium, not alloyed

7604.21.00—Hollow profiles

7604.29.00—Other

76.08—Aluminium tubes and pipes

7608.10.00—Of aluminium, not alloyed

7608.20.00—Of aluminium alloys

These classifications incorporate all aluminium extrusions that are the subject of the investigation.

The aluminium extrusion is a technique used to transform aluminium alloy into objects with a definitive cross-sectional profile for a wide range of uses. The extrusion process makes the most of aluminium's unique combination of physical characteristics. Its malleability allows it to be easily machined and cast.

The only producer of aluminium extrusions in Trinidad and Tobago is Cantrex Limited (hereinafter referred to as "Cantrex"). Cantrex produces aluminium extrusions in mill finish, powder coated and wood finish. Cantrex does not produce other finished products including anodized, bright finish and kynar. These products not produced by Cantrex are classified under the same Customs H.S. codes as the products allegedly being dumped. Therefore, the Authority based its investigation on all finished aluminium products.

E. DUMPING MARGINS

- (i) The Authority relied on information that was available from the complainant, importers and exporters for the calculation of dumping margins. Export price data was taken from invoices received from exporters and producers in the PROC, the complainant's complaint, the importers' submissions and statistics collected by the Authority.

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Normal value data was taken from the complainant's complaint and the importers' submissions which in turn relied on the London Metal Exchange prices adjusted using a surrogate country to reflect administrative, selling and general costs. Adjustments of both export price and normal value data in respect of the products under investigation were carried out by the Authority using information supplied by the complainant, the importers, exporters and producers in the PROC.

- (ii) Individual dumping margins were calculated for those exporters from the PROC that submitted information to the Authority, that is, Guangdong Grand Shine, Guangdong Xinhe and Guangdong Xinfeng. Where there is no identified dumping margin for a particular company in the PROC as those listed hereunder, and all other rate or the average dumping margins for 76.04—Aluminium bars, rods and profiles and 76.08 Aluminium tubes and pipes will be applicable, that is, 6% and 9%, respectively. These margins are based on the facts available.

The following dumping margins were calculated:

EXPORTERS AND PRODUCERS IN THE PROC	76.04: ALUMINIUM BARS, RODS AND PROFILES DUMPING MARGIN	76.08: ALUMINIUM TUBES AND PIPES DUMPING MARGIN
Guangdong Grand Shine Construction Material Co. Ltd.	0%	0%
Guangdong Xinfeng Aluminium Factory Co. Limited	0%	0%
Guangdong Xinhe Aluminium Co. Limited	0%	0%
All Others Rate	6%	9%

F. VOLUME AND VALUE

Statistics from the Central Statistical Office from 2008 to 2013 contain the volume and value for aluminium extrusions under H.S. Codes:

76.04—Bars, Rods and Profiles, of Aluminium

76.08—Aluminium tubes and pipes (excl. hollow profiles)

The volume and value of aluminium extrusions imported from the PROC showed an uneven climb from 2008 to 2013. Imports decreased from 589,676 kg valued at TT\$17,626,749 in 2008 to 393,444 kg valued at TT\$9,575,644 in 2009. In 2010 imports increased by 81,443 kg valued at TT\$6,982,114 from 2009. Imports continued to increase from 474,887 kg valued at TT\$16,557,758 in 2010 to 565,222 kg valued at TT\$15,370,250 in 2011. Imports fell from 2011 to 2012 but rose from 547,555 kg valued at TT\$16,006,237 to 656,661 kg at a value of TT\$19,011,508 in 2013.

G. INJURY

(i) PRICE EFFECT

Price surveys were conducted on the local market in Trinidad and importers were invited to submit price listings of aluminium extrusions sold domestically. The complainant provided data to show that over the period 2008 and 2013 there was price depression with regard to aluminium extrusions at a time when those products originating in the PROC was present in the market.

During the investigation period, the dumped aluminium extrusions were imported at prices lower than the retail prices at which the complainant's like goods were being sold on the domestic market.

(ii) PERFORMANCE INDICATORS

Cantrex Limited submitted documentation in support of its claims on 16th December, 2010; 11th February and 26th April, 2011; 7th May, 2013; and 2nd June, 2014. This included information reflecting the company's position with respect to sales, profitability, employment, and capacity utilization data for the period 2009 to 2015.

The percentage change in domestic sales for the period 2009 to 2010 was a 10% decrease. From 2010 to 2011, domestic sales fell by 6% and continued to fall by 3% from 2011 to 2012. However, domestic sales increased by 14% from 2012 to 2013.

Net profit as a percentage of domestic sales was 1% in 2009 and 2010, respectively. In 2011 it was 0% and in 2012 it was 1%. In 2013 it was -1%.

There was a significant decline in economic indicators from the years 2009 to 2012. In the years 2012 to 2013 there were increases in the economic indicators from a position of decline but 2009 levels had not been attained. From 2012 to 2013 net profits moved from a positive to a negative figure. Overall, the importation of dumped aluminium caused injury to the complainant in these categories over the investigation period.

(iii) RIPPLE EFFECT

The price effects discussed above had a ripple effect in the industry's overall economic performance such that it experienced declines as follows:

Total production from 2009 to 2010 experienced a 17% decrease and from 2010 to 2011 increased by 9%. From 2011 to 2012 total production decreased by 14% and for the period 2012 to 2013 increased by 20%.

Capacity utilization for the period 2009 to 2010 was 23%. From 2010 to 2011, capacity utilization was 25%. However, from 2012 to 2013 capacity utilization decreased to 21%. From 2012 to 2013 capacity utilization increased to 26%.

Investments decreased from 2009 to 2010 by 87%. From 2010 to 2011 investments increased by 23%, but declined by 76% from 2011 to 2012. In 2013, investments increased by 88% from 2012.

Return on capital employed increased by 3.4% from 2009 to 2010, 0.2% from 2010 to 2011 and 2.8% from 2011 to 2012. From 2012 to 2013, return on capital employed decreased by 227%.

Staff decreased from 2009 to 2010 by 6% and continued to decrease from 2010 to 2011 by 31%. This downward trend continued from 2011 to 2012 by 28%. During the investigation period staff was reduced by 42% from 2009.

Total salary cost increased from 2009 to 2010 by 1%. For the periods 2010 to 2011 and 2011 to 2012, total salary cost decreased by 1% and 14%, respectively. However, total salary costs increased by 11% from 2012 to 2013.

H. CAUSAL LINK

The existence of significant price effects on the local market having a negative impact on the production of like goods by the local industry demonstrates a causal relationship between the existence of the dumped import on the local market and the injury suffered by the complainant.

CONCLUSION

In light of the above findings, the Authority concluded, for the purposes of its final determination, that imports of aluminium extrusions originating in the PROC were sold at a dumped price and have caused material injury to the domestic industry.

Dated this 21st day of February, 2016.

P. GOPEE-SCOON
Minister of Trade and Industry