



FACT SHEET

Commerce Issues Preliminary Determination in Antidumping Duty Investigation of Imports of Aluminum Foil from the People's Republic of China

- On October 27, 2017, the Department of Commerce (Commerce) announced its affirmative preliminary determination in the antidumping duty (AD) investigation of imports of aluminum foil from the People's Republic of China (China).
- The AD law provides U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market distorting effects caused by injurious dumping of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of an AD investigation, dumping occurs when a foreign company sells an imported product in the United States at less than fair value.
- In this investigation, Commerce preliminarily found that the mandatory respondents, Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd./ Hangzhou Teemful Aluminum Co., Ltd./ Hangzhou Five Star Aluminum Co., Ltd./ Dingsheng Aluminum Industries (Hong Kong) Trading Co. Ltd./ Hangzhou Dingsheng Import & Export Co., Ltd./ Walson (HK) Trading Co., Limited/ Inner Mongolia Liansheng New Energy Material Joint-Stock Co., Ltd. (collectively, Dingsheng), and Jiangsu Zhongji Lamination Materials Stock Co., Ltd./ Jiangsu Huafeng Aluminum Industry Co., Ltd. (collectively, Zhongji) were dumping at preliminary dumping margins of 162.24 percent and 96.81 percent, respectively. Commerce also preliminarily found that 14 companies are entitled to a separate rate of 138.16 percent, and all other companies are assigned the PRC-wide entity preliminary dumping margin of 162.24 percent based on adverse facts available due to the PRC-wide entity's failure to respond to Commerce's questionnaire.
- As a result of the preliminary affirmative determinations, Commerce will instruct U.S. Customs and Border Protection (CBP) to require cash deposits based on these preliminary rates.
- The petitioner is the Aluminum Association Trade Enforcement Working Group.
- The merchandise covered by these investigations is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope.

Excluded from the scope of these investigations is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on only one side of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above.

- The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6000, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these proceedings is dispositive.
- In 2016, imports of aluminum foil from China were valued at an estimated \$389 million.

NEXT STEPS

- Commerce is scheduled to announce its final determination on February 23, 2018.
- If Commerce makes affirmative final determinations, and the U.S. International Trade Commission (ITC) makes affirmative final determinations that imports of aluminum foil from China materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD orders. If either Commerce’s or the ITC’s final determinations are negative, no AD orders will be issued. The ITC is scheduled to make its final injury determinations approximately 45 days after Commerce issues its final determinations, if affirmative.

PRELIMINARY DUMPING MARGINS:

COUNTRY	EXPORTER/PRODUCER	DUMPING MARGIN
PRC	Dingsheng	162.24%
	Zhongji	96.81%
	Separate Rate Companies	138.16%
	PRC-Wide Entity	162.24%

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For AD investigations, the deadlines are set forth in sections 733(b) and 735(a)(1) of the Tariff Act of 1930, as amended. These deadlines may be extended under certain circumstances.

*This will take place only in the event of affirmative final determinations from Commerce.

**This will take place only in the event of affirmative final determinations from Commerce and the ITC.

CASE CALENDAR:

EVENT	AD INVESTIGATION
Petitions Filed	March 9, 2017
DOC Initiation Date	March 29, 2017
ITC Preliminary Determination*	April 24, 2017†
DOC Preliminary Determination	October 26, 2017
DOC Final Determination	February 22, 2018
ITC Final Determination**	April 9, 2018†
Issuance of Order***	April 16, 2018†

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For AD investigations, the deadlines are set forth in sections 733(b) and 735(a) of the Act. These deadlines may be extended under certain circumstances.

†Where the deadline falls on a weekend/holiday, the appropriate date is the next business day.

* If the ITC makes a negative preliminary determination of injury, the investigations are terminated.

**This will take place only in the event of final affirmative determinations from Commerce.

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IMPORT STATISTICS:

CHINA	2014	2015	2016
Volume (metric tons)	99,143	119,135	137,582
Value (USD)	323,128,660	370,966,600	388,796,209

Source: U.S. Census Bureau, accessed through Global Trade Atlas. (HTSUS 7607.11.3000, 7607.11.6000, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000)