

Sayı: 21704200-TİM.OAİB.11.ARG3.2023/459-10681
Konu: ABD / Anti-Damping ve Telafi Edici Vergi SoruŐturmaları

Ankara, 17/10/2023

Sayın Üyemiz,

Amerika BirleŐik Devletleri'nde (ABD) yerli üreticiler tarafından ülkemizin yanı sıra Kolombiya, Dominik Cumhuriyeti, Ekvator, Hindistan, Endonezya, İtalya, Malezya, Meksika, Çin Halk Cumhuriyeti, Güney Kore, Tayvan, Tayland, BirleŐik Arap Emirlikleri ve Vietnam menŐeli, ABD gümrük tarife cetveline göre 7604.10.1000; 7604.10.3000; 7604.10.5000; 7604.21.0010; 7604.21.0090; 7604.29.1010; 7604.29.1090; 7604.29.3060; 7604.29.3090; 7604.29.5050; 7604.29.5090; 7608.10.0030; 7608.10.0090; 7608.20.0030; 7608.20.0090; 7609.00.0000; 7610.10.0010; 7610.10.0020; 7610.10.0030; 7610.90.0040 ve 7610.90.0080 gümrük tarife istatistik pozisyonlarında yer alan alüminyum ekstrüzyon ürünleri (Aluminum Extrusions) ithalatına karşı anti-damping ve telafi edici vergi soruŐturmaları açılması için 4 Ekim 2023 tarihinde ABD makamlarına yapılan baŐvurunun ABD Ticaret Departmanı Çevrimiçi Belge Portalı'nda (ACCESS) yayımlandığı ifade edilmiŐtir.

BilindiĐi üzere, ABD'nin ilgili mevzuatı uyarınca anti-damping ve telafi edici vergi soruŐturmaları iki ayrı makam tarafından yürütölmekte olup, ABD Ticaret Bakanlığı Uluslararası Ticaret İdaresi tarafından damping ve sübvansiyonun mevcudiyetine yönelik, Uluslararası Ticaret Komisyonu (ITC) tarafından ise mevcut damping veya sübvansiyon uygulamalarının ABD yerli üretimine zarar verip vermediĐine iliŐkin ayrı soruŐturmalar yürütölmektedir. Bu çerçevede, ABD'li yerli üreticiler tarafından yapılan baŐvuruyu müteakip 20 gün içerisinde (bu süre 40 güne kadar uzatılabilmektedir) ABD Ticaret Bakanlığı tarafından soruŐturmanın açılıp açılmamasına iliŐkin bir karar verilecek olup, yine baŐvurunun yapıldığı tarihten itibaren 45 gün içerisinde ITC tarafından yürütölmekte olan zarar soruŐturmasının ön bulguları açıklanacağı tebliĐ edilmiŐtir.

Bilgilerini rica ederim.

Musa DEMİR
Genel Sekreter

Ek:

- 1- BaŐvuru Dilekçesi
- 2- BaŐvuru Dilekçesi - Anti-Damping SoruŐturması
- 3- BaŐvuru Dilekçesi - Telafi Edici Vergi SoruŐturması
- 4- Firma Listesi (Exhibit I-8)

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BEFORE THE
INTERNATIONAL TRADE ADMINISTRATION OF THE
U.S. DEPARTMENT OF COMMERCE
AND THE
U.S. INTERNATIONAL TRADE COMMISSION

PETITIONS FOR THE IMPOSITION OF
ANTIDUMPING AND COUNTERVAILING DUTIES PURSUANT TO
SECTION 701 AND 731 OF THE TARIFF ACT OF 1930, AS AMENDED

VOLUME XIX:
TURKEY CVD PETITION

IN THE MATTER OF:

ALUMINUM EXTRUSIONS FROM COLOMBIA, THE DOMINICAN REPUBLIC, ECUADOR, INDIA,
INDONESIA, ITALY, MALAYSIA, MEXICO, THE PEOPLE'S REPUBLIC OF CHINA, SOUTH KOREA,
TAIWAN, THAILAND, TURKEY, THE UNITED ARAB EMIRATES AND VIETNAM

PETITIONERS:

U.S. ALUMINUM EXTRUDERS COALITION AND THE UNITED STEEL,
PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION

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I. THE DEPARTMENT SHOULD IMPOSE COUNTERVAILING DUTIES ON IMPORTS OF CERTAIN ALUMINUM EXTRUSIONS FROM TURKEY

Pursuant to 19 U.S.C. § 1671(a)(1) and (2), the Department of Commerce (“the Department”) is required to impose a countervailing duty (“CVD”) order on imported merchandise from a “Subsidies Agreement” country, where (1) producers/exporters of that merchandise benefit from countervailable subsidies, and (2) the imported merchandise materially injures or threatens to injure an industry in the United States. As a member of the World Trade Organization, the Republic of Türkiye (“Turkey”) is a “Subsidies Agreement” country under 19 U.S.C. § 1677(8)(A). Petitioners hereby allege that the Government of Turkey (“GOT”) maintains a system of economic programs and policies that have conferred, and continue to confer, countervailable subsidies to Turkish producers of certain aluminum extrusions, which are materially injuring the U.S. aluminum extrusion industry.

The following allegations identify subsidies that Petitioners have found through research of reasonably available public information, including many programs that the Department has found countervailable in previous CVD investigations, involving similar products produced in Turkey. Petitioners reserve the right to make further allegations of subsidies with respect to specific producers once the Department selects one or more Turkish producers as mandatory respondents.

II. THE NAME OF THE COUNTRY IN WHICH THE SUBJECT MERCHANDISE IS MANUFACTURED OR PRODUCED

The name of the country in which the subject merchandise is manufactured or produced is the Republic of Türkiye.

III. NAMES AND ADDRESSES OF TURKISH ALUMINUM EXTRUSION PRODUCERS AND EXPORTERS BELIEVED TO BENEFIT FROM COUNTERAVAILABLE SUBSIDIES

Petitioners have identified the names and addresses of Turkish aluminum extrusion producers and exporters believed to have benefited from countervailable subsidies and whose products are believed to have been exported to the United States. The names and contact information for Turkish producers and exporters are attached as **Exhibit I-8** to Volume I of this Petition. The information provided in this exhibit represents the best information reasonably available to Petitioners.

IV. PRODUCT AND INDUSTRY BACKGROUND

A. The Product

As detailed further in Volume I of this Petition, the product covered by this Petition is certain aluminum extrusions from the Republic of Türkiye.

B. Turkey's Policies Confirm that Subsidies at the State and National Levels of Government Confer Benefits to Turkish Producers of Aluminum Extrusions

The national government in Turkey maintains an extensive system of subsidies that provide support to industrial manufacturers and exporters, including those operating in the metals sector and aluminum sectors. For example, the Department recently found that the GOT conferred substantial assistance to common alloy aluminum sheet manufacturers and exporters in Turkey in the form of preferential lending, direct tax programs, indirect tax programs and grant programs.¹ Specifically, the Department countervailed nine distinct programs and certain other subsidies,²

¹ See Issues and Decision Memorandum accompanying *Common Alloy Aluminum Sheet from the Republic of Turkey*, 86 Fed. Reg. 13,315 (Dep't Commerce Mar. 10, 2021) (final affirm. countervailing duty deter. and final affirm. deter. of critical circumstances, in part) at 12-14 ("*Common Alloy Aluminum Sheet from Turkey* Final IDM").

² See *id.* at 12-14.

with respondents' margins ranging from 2.56% to 4.34%.³ The programs that the Department investigated targeted aluminum product manufacturers, and also manufacturers located in specific regions.

Additionally, in other recent investigations, including those involving *Steel Concrete Reinforcing Bar from the Republic of Turkey* (“*Steel Rebar*”), the Department has determined that the GOT provides countervailable subsidies to select Turkish industries and exporters.⁴ Additionally in *Steel Rebar*, the Department found that the GOT provided natural gas to steel producers at less than adequate remuneration.⁵ Consistent with the Department's determinations in previous investigations and administrative reviews, this Petition details several subsidy programs, including preferential lending programs, direct tax programs, indirect tax programs and grant programs that all provide countervailable subsidies to select Turkish industries and exporters, including the aluminum extrusions industry.

V. EFFORTS TO OBTAIN INFORMATION

Petitioners have conducted extensive research to document the subsidies that the GOT authorities provide to the aluminum extrusion industry in Turkey. This research included a review of sources including Turkish producer websites; market and industry research; news sources; Turkish government webpages and reports; and recent Department CVD investigations with respect to Turkey. The information contained in this Petition is sufficient to satisfy the CVD statutory requirements, pursuant to section 702(b)(1) of the of the Tariff Act of 1930, as amended

³ *Id.*

⁴ Issues and Decision Memorandum accompanying *Steel Concrete Reinforcing Bar from the Republic of Turkey*, 82 Fed. Reg. 23,188 (Dep't Commerce May 22, 2017) (final affirm. countervailing duty deter.).

⁵ *Id.* at 8-12.

(“the Act”). However, much of the information that would allow Petitioners to determine with certainty the amount of subsidy received by each of Turkey’s aluminum extrusion producers is difficult or impossible to obtain.

Additionally, Petitioners have examined all “reasonably available evidence” consistent with 19 U.S.C. § 1671a(b)(1); 19 C.F.R. § 351.202. As the Department is aware, the Department “‘shall’ initiate a CVD investigation ‘whenever an interested party’ files a petition ‘on behalf of an industry’ that ‘alleges the elements necessary for the imposition of the duty imposed by section 1671(a) of this title’ and provides ‘information reasonably available to the petitioner supporting those allegations.’”⁶ The Department “‘examine{s} the accuracy and adequacy of the evidence provided in the petition’ and, ‘on the basis of sources readily available to the {agency}’, decides ‘whether to initiate an investigation.’”⁷ The U.S. Court of International Trade has explained, that “‘{a} petition or subsequent subsidy allegation functions ‘like a civil complaint’ and is intended ‘to alert the agency to the possibility of a subsidy.’”⁸ Thus, “‘most subsidy petitions are granted unless the allegations are clearly frivolous, not reasonably supported by the facts alleged or omit important facts which are reasonably available to the petitioner.’”⁹

Pursuant to section 702(b)(1) of the Act, a petitioner only needs to support a subsidy allegation with “information reasonably available” to it.¹⁰ A petitioner is not required under the statute to provide all information necessary for the Department’s final determination with respect

⁶ See *Nucor Corp. v. United States*, 600 F. Supp. 3d 1225, 1229 (Ct. Int’l Trade 2022) (citation omitted).

⁷ See *id.*

⁸ See *id.* (citing *RZBC Grp. Shareholding Co. v. United States*, 100 F. Supp. 3d 1288, 1292 (Ct. Int’l Trade 2015)).

⁹ See *id.*

¹⁰ Section 702(b)(1) of the Tariff Act of 1930.

to an alleged program. The programs detailed in this Petition have been prepared pursuant to these guidelines. Specifically, as noted above, Petitioners have consulted all reasonably available information from public sources, including producer websites; market and industry research; news sources; Turkish government webpages and reports; and recent Department CVD investigations with respect to Turkey.

VI. THE DATE FROM WHICH THE DEPARTMENT SHOULD MEASURE SUBSIDIES

For purposes of 19 C.F.R. § 351.524(d)(2), the average useful life (“AUL”) of renewable physical assets in this industry – *i.e.*, in the manufacture of fabricated metal products such as an aluminum extrusion – is twelve years.¹¹ Accordingly, assuming that the period of investigation (“POI”) is calendar year 2022, Petitioners respectfully request that the Department investigate any allocable, non-recurring subsidies granted during the period from 2011 through 2022, and any outstanding loans or recurring subsidies provided during the presumptive POI.

VII. SUBSIDY PROGRAMS

The GOT grants subsidies to its producers of subject merchandise, including:

- provision of natural gas for less than adequate remuneration;
- federal tax programs;
- preferential lending;
- indirect tax programs; and
- grant programs.

The available evidence indicates that these programs constitute countervailable subsidies under section 771 of the Act because they are financial contributions, provide a benefit to

¹¹ See Internal Revenue Service, *How to Depreciate Property* (2022), excerpts attached as **Exhibit XIX-1**.

aluminum extrusion producers, and are specific. Provided below is a description of the various countervailable subsidies available to Turkish aluminum extrusion producers.

A. Provision of Natural Gas for Less than Adequate Remuneration

As the Department has previously determined, the GOT provides natural gas for LTAR to certain Turkish companies for power generation through Boru Hatlari Ile Petrol Tasima AS (“BOTAŞ”). Turkish aluminum extrusion producers use natural gas in the production process¹² and at least one Turkey aluminum extruder, ASAŞ, operates electrical plants that utilize natural gas for power generation.¹³ It is thus reasonable that ASAŞ and other subject producers purchased natural gas at LTAR from BOTAŞ.

Turkey’s market for natural gas is controlled by GOT BOTAŞ, a state-owned entity.¹⁴ BOTAŞ was established in 1974 and in 1995 was restructured as a State Owned Enterprise and continues in that role today.¹⁵ Indeed, the Department has recently found that BOTAŞ is a “government authority” within the meaning of the statute.¹⁶ Until 2001, BOTAŞ had monopoly rights, by law, on natural gas import, export, distribution, sales and pricing, pursuant to Decree No. 397.¹⁷ That year, Turkey formally abolished BOTAŞ’ de jure control over the natural gas

¹² ASAŞ 2021 Sustainability Report at 62, attached as **Exhibit XIX-2** (“Our trigeneration plant attracts attention with its low emission rates. By means of this plant with the natural gas input . . .”).

¹³ *Id.*, see also 2021 Annual Ownership Report of State Owned Enterprises, Republic of Türkiye, attached as **Exhibit XIX-4**.

¹⁴ BOTAŞ Website Excerpt, attached as **Exhibit XIX-3**.

¹⁵ *Id.*

¹⁶ Issues and Decisions Memorandum accompanying *Steel Concrete Reinforcing Bar From the Republic of Turkey*, 83 Fed. Reg. 63,472 (Dep’t Commerce Dec. 10, 2018) (prelim. results of countervailing duty admin. rev. and intent to rescind the rev. in part; 2016) at 19 (“*Reinforcing Bar from Turkey Final IDM*”).

¹⁷ Turoge Website Excerpt (provided as Exhibit V-26 in the Petition for the Imposition of the Antidumping and Countervailing Duties: *Steel Concrete Reinforcing Bar from Japan, Taiwan, and the Republic of Turkey* (Sept. 20, 2016)), excerpts attached as **Exhibit XIX-5**; International Energy Agency, *Energy Policies of IEA Countries: Turkey*

market, promulgating the Natural Gas Market Law (“Law No. 4646”).¹⁸ Under the plan, BOTAŞ’ monopoly over the Turkish natural gas market was to have ceased by 2009.¹⁹ However, the government’s “market liberalization plan” largely has not materialized. Indeed, according to the International Energy Agency,

BOTAŞ, a vertically integrated firm, dominates the natural gas sector. In addition to building and operating Türkiye’s natural gas infrastructure, BOTAŞ accounted for 1.88 Tcf (95%) of Türkiye’s natural gas imports, 1.87 Tcf {52.95 billion standard cubic meters} of total natural gas sales domestically, and about 21 Bcf of natural gas exports in 2022.²⁰

In 2022, natural gas consumption in Turkey was estimated to be 60.44 billion standard cubic meters.²¹ Accordingly, BOTAŞ appears to supply nearly all of Turkey’s domestic natural gas consumption. Of Turkey’s natural gas consumers in 2021, power plants comprised 28.6% and the industrial sector constituted 26.7% of gas consumption.

Accordingly, as even BOTAŞ admits, and as the Department has previously found,²² BOTAŞ is clearly an extension of the state. In sum, the GOT, through BOTAŞ, effectively owns

2009 Review (2009) at 70-71 (provided as Exhibit V-25 in the Petition for the Imposition of the Antidumping and Countervailing Duties: *Steel Concrete Reinforcing Bar from Japan, Taiwan, and the Republic of Turkey* (Sept. 20, 2016)), excerpts attached as **Exhibit XIX-5**.

¹⁸ *Id.*

¹⁹ See M. Oğuzcan Bulbul, *Liberalization of the Turkish Natural Gas Market*, Rekabet Dergisi Competition Journal, vol. 11, (Jan. 2010) at 20 (provided as Exhibit V-27 in the Petition for the Imposition of the Antidumping and Countervailing Duties: *Steel Concrete Reinforcing Bar from Japan, Taiwan, and the Republic of Turkey* (Sept. 20, 2016)), excerpts attached as **Exhibit XIX-5**.

²⁰ U.S. Energy Information Administration, *Country Analysis Brief: Türkiye* (July 11, 2023) at 3, attached as **Exhibit XIX-6** (footnotes omitted); see also Convert Units Website Excerpt, attached as **Exhibit XIX-7** (providing conversion of trillion cubic feet to billion cubic meter).

²¹ Zeynep Beyza Karabay, *Türkiye’s gas consumption estimate for 2022 shows year-on-year 18.8% rise*, AA Energy (Jan. 28, 2022), attached as **Exhibit XIX-8**; Semih Ergur, *Increasing Usage of Natural Gas in Turkey and Its Effect on Local Economy*, Climate Scorecard (June 5, 2022), attached as **Exhibit XIX-9**.

²² Letter from Republic of Turkey, Ministry of Economy, Directorate General of Exports, to Sec’y Commerce, re: *Response of the Government of Turkey in the Countervailing Duty Investigation on Steel Concrete Reinforcing Bar from the Republic of Turkey* (Jan. 2, 2014) (PUBLIC VERSION) at 13 and Exhibit. 5 (provided as Exhibit V-36 in the Petition for the Imposition of the Antidumping and Countervailing Duties: *Steel Concrete Reinforcing Bar from Japan, Taiwan, and the Republic of Turkey* (Sept. 20, 2016), excerpts attached as **Exhibit XIX-5**.

and controls the natural gas market in Turkey. In doing so, as set forth below, the government provides natural gas to Turkish aluminum extrusion producers for less than adequate remuneration.

1. **Financial Contribution**

As the Department previously determined, the GOT's provision of natural gas for less than adequate remuneration to a subject producer through BOTAŞ constitutes a countervailable subsidy. Pursuant to section 771(5)(D)(iii) of the Act, the provision of natural gas for less than adequate remuneration is a financial contribution.

2. **Benefit**

Pursuant to section 771(5)(E)(iv) of the Act, a benefit is conferred when the government provides a good or service for less than adequate remuneration. The Department's regulations set forth a hierarchy of three potential benchmarks to utilize in determining whether a good is provided for less than adequate remuneration: (i) market prices from actual transactions within the country under investigation ("tier one"); (ii) world market prices that would be available to purchasers in the country under investigation ("tier two"); or (3) an assessment of whether the government price is consistent with market principles ("tier three").²³ Though the preference is to use a "tier one" benchmark, where, as it should here, the Department determines that the government distorts the market for a good or service, prices for those goods and services in the country will be considered unreliable and are not an appropriate basis of comparison for determining whether there is a benefit.²⁴ Consistent with the Department's prior findings, because Turkey's entire market is

²³ See also 19 C.F.R. § 351.511(a)(2).

²⁴ See, e.g., *Certain Oil Country Tubular Goods From the People's Republic of China*, 74 Fed. Reg. 47,210, 47,219 (Dep't Commerce Sept. 15, 2009) (prelim. affirm. countervailing duty deter., prelim. negative critical circumstances deter.); Issues and Decision Memorandum accompanying *Certain Softwood Lumber Products from Canada*, 67 Fed. Reg. 15,545 (Dep't Commerce Apr. 2, 2002) (notice of final affirm. countervailing duty deter. and final negative critical circumstances deter.) at cmt. 34.

dominated by BOTAŞ, the agency should use an offshore benchmark to compare to Turkish domestic prices and conclude that this subsidy provides a benefit to aluminum extruders.²⁵ While actual transaction prices are not reasonably available, the Department has calculated benefit margins for this program in recent countervailing duty proceedings, ranging between 0.09 percent ad valorem²⁶ and 3.30 percent ad valorem.²⁷

3. Specificity

As demonstrated above, the power industry and industrial users receive natural gas rates that are disproportionately low, in accordance with section 771(5A)(D)(iii)(III) of the Act. These industrial users, including those in the metals industries, and powerplant users are the primary beneficiaries of subsidized natural gas costs. As such, the program is specific to a group of industries within the GOT, such as aluminum extrusion producers.

B. Exemption from Property Tax

As the Department has previously found, the GOT's property tax exemption program is countervailable.²⁸ Article 4 of the Property Tax Law No. 1319 (July 1, 2017) authorizes a permanent property tax exemption for all buildings located in Organized Industrial Zones ("OIZs"), Free Zones, or Technology Development Zones. Article 8 of Property Tax Law No.

²⁵ 19 C.F.R. § 351.511(a).

²⁶ Issues and Decision Memorandum accompanying *Countervailing Duty Investigation of Certain Hot-Rolled Steel Flat Products from the Republic of Turkey*, 81 Fed. Reg. 53,433 (Dep't Commerce Aug. 12, 2016) (final affirm. deter.) at 12.

²⁷ Issues and Decision Memorandum accompanying *Steel Concrete Reinforcing Bar from the Republic of Turkey*, 85 Fed. Reg. 16,056 (Dep't Commerce Mar. 20, 2020) (final results of countervailing duty admin. rev.; 2017) at 4.

²⁸ *Common Alloy Aluminum Sheet from Turkey* Final IDM at 12 and Appendix (finding the exemption from property tax countervailable for purposes of AFA).

1319 establishes the property tax rate of 0.2% for all non-residential buildings.²⁹ The GOT reports that there are currently 258 operational OIZs in Turkey, and 18 active Free Zones located close to the EU and Middle Eastern markets.³⁰ Turkish aluminum extruders are located in OIZs and may be located in Free Zones. For example, Ersaş Alüminyum A.Ş. Factory is located in the Tekirdağ Veliköy OIZ.³¹ P.M.S. Aluminyum Sanayi ve Ticaret A.S. Bursa is located in the Bura OIZ.³² Additionally, Tuna Aluminum Ltd. is located in Tekirdağ, which is a Free Trade Zone.³³ The Department should investigate whether these and additional Turkish aluminum extruders received benefits under this program during the POI.

1. Financial Contribution

This tax benefit provides a financial contribution in the form of revenue forgone by the GOT that would otherwise be due, pursuant to section 771(5)(D)(ii) of the Act.

²⁹ Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020) at 10-11, excerpts attached as **Exhibit XIX-10**.

³⁰ Presidency of the Republic of Türkiye Investment Office, *Investment Zones*, Website Excerpt, attached as **Exhibit XIX-11**; Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020) at 11, excerpts attached as **Exhibit XIX-10**; see also Republic of Türkiye Ministry of Trade, *General Directorate of Free Zones*, attached as **Exhibit XIX-12**.

³¹ See Ersaş Alüminyum A.Ş Website Excerpt, attached as **Exhibit XIX-13**; VOSB Website Excerpt, attached as **Exhibit XIX-14**; Investment Zones in Turkey, Presidency of the Republic of Turkey, Investment Office (appended) (Provided as Exhibit CVD-TR-11 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), excerpts attached as **Exhibit XIX-10**.

³² PMS Aluminyum Google Maps Excerpt, attached as **Exhibit XIX-15**; *Investment Zones in Turkey*, Presidency of the Republic of Turkey, Investment Office (appended) (Provided as Exhibit CVD-TR-11 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), excerpts attached as **Exhibit XIX-10**.

³³ Tuna Aluminium Google Maps Excerpt, attached as **Exhibit XIX-16**. The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 31, attached as **Exhibit XIX-17**; see also *10 insights to grow your business in Türkiye: The Turkish Tax System*, Presidency of the Republic of Türkiye Investment Office (Jan. 2022), attached as **Exhibit XIX-18**.

2. Benefit

This program provides a benefit to the recipient in the amount of the tax savings from the program, pursuant to 19 C.F.R. § 351.509(a)(1).

3. Specificity

This tax program is *de jure* specific under section 771(5A)(D)(iv) of the Act, because pursuant to the relevant law, as the Department has previously indicated, “it is limited to companies located in OIZs, free zones, industrial zones, technology development zones, and industrial sites.”³⁴

C. Deductions from Taxable Income for Export Revenue

As the Department has previously found, the GOT’s deductions from taxable income for export revenue program is countervailable.³⁵ Under Article 40 of the Income Tax Law 193, as amended by Law 4108 of June 1995, Turkish companies can receive tax deductions from gross income accrued from exporting, construction, maintenance, assembly, and overseas transportation

³⁴ Preliminary Decision Memorandum accompanying *Common Alloy Aluminum Sheet from the Republic of Turkey*, 85 Fed. Reg. 49,629 (Dep’t Commerce Aug. 14, 2020) (prelim. affirm. countervailing duty deter., prelim. affirm. deter. of critical circumstances in part, and alignment of final deter. with final antidumping duty deter.) at 15 (“*Common Alloy Aluminum Sheet from Turkey* Prelim IDM”).

³⁵ *Common Alloy Aluminum Sheet from Turkey* Final IDM at Appendix (finding the program countervailable for purposes of AFA); *see, e.g.*, Preliminary Decision Memorandum accompanying *Large Diameter Welded Pipe from the Republic of Turkey*, 83 Fed. Reg. 30,697 (Dep’t Commerce June 19, 2018) (prelim. affirm. countervailing duty deter. and alignment of final deter. with final antidumping duty deter.) at 14 (“*LDWP from Turkey* Prelim IDM”), unchanged Issues and Decision Memorandum accompanying *Large Diameter Welded Pipe from the Republic of Turkey*, 84 Fed. Reg. 6,367 (Dep’t Commerce Feb. 27, 2019) (final affirm. countervailing duty deter.) at 4, cmt. 3 (“*LDWP from Turkey* Final IDM”); Issues and Decision Memorandum accompanying *Certain Oil Country Tubular Goods from the Republic of Turkey*, 79 Fed. Reg. 41,964 (Dep’t Commerce July 10, 2014) (final affirm. countervailing duty deter. And final affirm. Critical circumstances deter.) at 13-14 (“*OCTG from Turkey* Final IDM”).

activities.³⁶ This program is administered by the Ministry of Finance.³⁷ The value of this deduction is capped at 0.5% of a company's foreign-exchange earnings, the benefit is recorded as a lump sum deduction on its annual income tax return and may include undocumented expenses. As noted below, Turkish aluminum extruders are significant exporters and thus could be eligible for or used this program, just like other downstream aluminum product producers.³⁸ Accordingly, the Department should initiate an investigation into whether aluminum extruders applied for or benefitted from this program.

1. Financial Contribution

This tax benefit provides a financial contribution in the form of revenue forgone by the GOT that would otherwise be due, pursuant to section 771(5)(D)(ii) of the Act.

2. Benefit

This program provides a benefit to the recipient in the amount of the tax savings from the program, pursuant to 19 C.F.R. § 351.509(a)(1).

³⁶ See Article 40 of Income Tax Law 193 of January 6, 1961, as amended by Law 4108 of June 1995 (Provided as Exhibit CVD-TR-4 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), excerpts attached as **Exhibit XIX-10**; see also Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020) at 7-8, attached as **Exhibit XIX-10**.

³⁷ Letter from Government of Turkey to Sec'y Commerce, re: *Response of the Government of Turkey to Initial Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (June 15, 2020) (PUBLIC VERSION) at 6, excerpts attached as **Exhibit XIX-19**.

³⁸ ASAŞ Website Excerpt, *About Us*, attached as **Exhibit XIX-20** (stating that the company "exports to more than 90 countries").

3. Specificity

This tax program is specific under section 771(5A)(A) and (B) of the Act, because the program is limited by law to export earnings.³⁹

D. Exemption of Exchange Tax for Foreign Exchange Transactions

As the Department has previously found, the GOT provides countervailable subsidies through the exemption of exchange taxes for certain foreign exchange transactions.⁴⁰ There are three relevant legal measures that provide the GOT with the authority to authorize these exemptions. First, there is Presidential Decree No. 1106, dated May 15, 2019 (“Decree No. 1106”).⁴¹ This Decree increased the banking and insurance transaction tax (“BITT”) rate to 0.1% on foreign exchange transactions except for the following types of transactions: (1) “{f}oreign exchange sales {between} banks and authorized institutions or {among} each other”; (2) foreign currency sales that are made to the Ministry of Treasury and Finance; and (3) “the payment of foreign currency loans, by the lender banks or banks that act as an intermediary in the use of the foreign currency loans.”⁴² Second, Presidential Decree No. 1149, dated June 17, 2019 (“Decree 1149”), amended Decree No. 1106 and amended the BITT exemption to include “{f}oreign exchange sales to enterprises {that have} an industrial registry certificate”, and “{f}oreign

³⁹ See, e.g., *LDWP from Turkey* Prelim IDM at 14, unchanged in *LDWP from Turkey* Final IDM at 4; *OCTG from Turkey* Final IDM at 13.

⁴⁰ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 23 (unchanged in final).

⁴¹ Presidential Decree No. 1106 (May 15, 2019) (provided as Exhibit 15 in Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec’y Commerce, re: *Response of the Government of Turkey to Supplemental Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (July 20, 2020), excerpts attached as **Exhibit XIX-21**).

⁴² *Id.* at Article 1, p. 6 (provided as Exhibit 15 in Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec’y Commerce, re: *Response of the Government of Turkey to Supplemental Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (July 20, 2020), excerpts attached as **Exhibit XIX-21**).

exchange sales to exporters who are members of exporters' unions."⁴³ Finally, Law No. 7194, dated December 7, 2019, increased the BITT rate on foreign exchange transactions to 0.2 percent."⁴⁴ It appears that Decree No. 1106 was extended in May 2020.⁴⁵

In the recent *Common Alloy Aluminum Sheet from Turkey* investigation, one of the mandatory respondents received exemptions under this program.⁴⁶ The Department should initiate an investigation into this program to determine whether any of the aluminum extruders and/or affiliated exporters used this program, like other downstream aluminum product producers in Turkey.

1. **Financial Contribution**

This tax benefit provides a financial contribution in the form of revenue forgone by the GOT that would otherwise be due, pursuant to section 771(5)(D)(ii) of the Act.

2. **Benefit**

This program provides a benefit to the recipient in the amount of the tax savings from the program, pursuant to section 771(5)(E) of the Act and 19 C.F.R. § 351.509(a)(1).

⁴³ Presidential Decree No. 1149 (June 17, 2019) at Article 1, p. 9 (provided as Exhibit 15 in Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec'y Commerce, re: *Response of the Government of Turkey to Supplemental Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (July 20, 2020), excerpts, attached as **Exhibit XIX-21**.

⁴⁴ Law No. 7194 (Dec. 7, 2019) at 11 (provided as Exhibit 15 in Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec'y Commerce, re: *Response of the Government of Turkey to Supplemental Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (July 20, 2020), excerpts attached as **Exhibit XIX-21**.

⁴⁵ Orbitax, *Turkey's Banking and Insurance Transactions Tax Extended to Forex Sales* (May 28, 2020), attached as **Exhibit XIX-22**.

⁴⁶ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 23 (unchanged in final).

3. Specificity

As the Department has found, this tax program specific under section 771(5A)(D)(i) and (iv) of the Act, because “the program is limited to firms that conduct certain types of foreign exchange transactions that were exempted by law in Decree Nos. 1106 and 1149.”⁴⁷

E. Investment Incentive Scheme Program: Regional Investment Incentive Scheme

As the Department has previously found, including with regard to downstream aluminum products specifically, the GOT’s regional investment incentive scheme is countervailable.⁴⁸ Annex 2A of the Council of Ministers’ Decree No. 2012/3305 provides several incentives that are available to producers in six regions throughout Turkey and vary based on the region and investment.⁴⁹ These schemes include: (1) customs duties exemptions; (2) value added tax (“VAT”) exemptions; (3) tax discounts; (4) social security premium employer share support; (5) investment land allocation; (6) interest support; (7) income tax stoppage support; and (8) social security premium support.⁵⁰ Annex 2A also sets forth the minimum investment amounts or capacities in each region and sector required to qualify for benefits under this program. “Main metal industry, metal casting industry other than iron – steel” is listed as sector code 27, and “metal goods” is listed as sector 28. The required fixed investments for both sector codes 27 and 28 are

⁴⁷ *Id.*; see, e.g., *LDWP from Turkey* Prelim IDM at 16, unchanged in *LDWP from Turkey* Final IDM at 4; *OCTG from Turkey* Final IDM at 13.

⁴⁸ *Common Alloy Aluminum Sheet from Turkey* Final IDM at 13.

⁴⁹ Council of Ministers’ Decree No. 2012/3305 at Annex 2A (appended) (Provided as Exhibit CVD-TR-21 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), excerpts attached as **Exhibit XIX-10**. The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 23-24, attached as **Exhibit XIX-17**.

⁵⁰ The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023), attached as **Exhibit XIX-17**.

as follows: four million TRY (appx. USD \$148,293) in Region 1, three million TRY (appx. USD \$111,219) in Region 2, two million TRY in Region 3 (appx. USD \$74,146), one million TRY (appx. USD \$37,073) in Regions 4 and 5, and 500,000 TRY (appx. USD \$18,536) in Region 6.⁵¹

As indicated in the Guide to State Incentives for Investments in Türkiye document from the Presidency of Turkey, investment examples include but are not limited to imported and domestic machinery and equipment and construction costs.⁵²

In fact, in 2022 Turkish extruder Altek Metal received an 18 million-euro investment to build an aluminum recycling casthouse in Çerkezköy, Turkey.⁵³ Çerkezköy is located in the Tekirdağ region,⁵⁴ which is located in region 1.⁵⁵ With an 18 million euro investment, it is likely that Altek would meet the required investment eligibility criteria of four million TRY. Accordingly, Turkish aluminum extruders are eligible to receive benefits under this program and the Department should initiate an investigation to determine whether Altek and other extruders applied for or received benefits under this program.

1. Financial Contribution

- **Customs Duty Exemptions and VAT.** As the Department has noted, the “customs duty exemptions provided by this program constitute a financial contribution in the form of

⁵¹ Council of Ministers’ Decree No. 2012/13305 at Annex 2A (Provided as Exhibit CVD-TR-21 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), attached as **Exhibit XIX-10**.

⁵² The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 9, attached as **Exhibit XIX-17** (providing an example of the support received for sample investments with a total support rate of 59.6%).

⁵³ Light Metal Age Magazine, *Turkish Company, ltek Metal, Receives Investment to Build Aluminum Recycling Casthouse* (Mar. 3, 2022), attached as **Exhibit XIX-23**.

⁵⁴ Çerkezköy Wikipedia Excerpt, attached as **Exhibit XIX-24**.

⁵⁵ The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 7, attached as **Exhibit XIX-17**.

revenue forgone within the meaning of section 771(5)(D)(ii) of the Act in the amount of the customs duty saved.”⁵⁶

- **Tax Reductions and Social Security Incentives.** As the Department has previously found concerning the tax deductions, “these tax reductions constitute a financial contribution in the form of revenue forgone within the meaning of section 771(5)(D)(ii) of the Act in the amount of the taxes saved.”⁵⁷ The same would apply to social security incentives.
- **Investment Land Allocation.** This program provides a financial contribution through the provision of a good, other than general infrastructure, within the meaning of section 771(5)(D)(iii) of the Act.
- **Interest Support.** This program provides a financial contribution in the form of direct transfer of funds to subject producers pursuant to section 771(5)(D)(i) of the Act.

2. Benefit

- **Customs Duty Exemptions and VAT.** As the Department previously found, the customs duty exemptions confers two benefits. First, this program confers a benefit “as a contingent-liability interest-free loan pursuant to 19 C.F.R. § 351.505(d)(1)” because “import duties remain payable to the GOT, with interest, if the exempted company fails its final onsite inspection.”⁵⁸ Second, this program provides a benefit in the form “of the tax savings to the company pursuant to section 771(5)(E) of the Act.”⁵⁹

⁵⁶ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 17.

⁵⁷ *Id.* at 19.

⁵⁸ *Id.* at 17.

⁵⁹ *Id.* at 19.

- **Tax Reductions and Social Security Incentives.** This program provides a benefit to the recipient in the amount of the customs duties forgone pursuant to 19 C.F.R. § 351.509(a)(1).
- **Land Allocation.** Pursuant to 19 C.F.R. § 351.511(a)(1)-(2), this program confers a benefit to the extent that the land is provided for less than adequate remuneration when compared to actual commercial land transactions within Turkey.
- **Interest Support.** Pursuant to 19 C.F.R. § 351.504(a), interest rate subsidies confer a benefit to the recipient equal to the provided amount.

3. **Specificity**

This program is specific under section 771(5A)(D)(i) and (iv) of the Act, because pursuant to the relevant law, as the Department has previously indicated, “the program is limited to firms making a minimum investment and to firms located in certain geographic regions.”⁶⁰

F. **Project-Based Investment Incentive Program**

The GOT introduced a new package of incentives for innovative, technology-oriented, research and development focused, high value-added projects that also help to reduce foreign dependency, in 2016.⁶¹ Eligible projects must be consistent with “the GOT’s national development plans and annual programs and have a minimum fixed investment of TRY 500 million.”⁶²

Turkey’s Guide to State Incentives document lists the incentives as: “Cash-back Support”; “VAT

⁶⁰ *Id.* at 17.

⁶¹ The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 15, attached as **Exhibit XIX-17**; Ekin İnal & Mert Müstecaplıoğlu, *Turkish Government Launches Project-based Incentive Program to Boost Investments* Norton Rose Fullbright (Mar. 17, 2017), attached as **Exhibit XIX-25**.

⁶² See Countervailing Duty Investigation Initiation Checklist, *Common Alloy Aluminum Sheet from Turkey* (Mar. 30, 2020) at 16 (“Initiation Checklist”), attached as **Exhibit XIX-26**; The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 15, attached as **Exhibit XIX-17**.

{e}xemption”; “VAT {refund}”; “Customs Duty Exemption”; “Corporate Tax Reduction”; “Social Security Premium Support”; “Income Tax Withholding Support”; “Qualified Personnel Support”; “Energy Support”; “Interest Rate Support”; “Capital Contribution Support”; “Land Allocation”; “Infrastructure Support”; “Purchasing Guarantee”; and “Facilitation of Authorization/Permit/License Procedures.”⁶³ In the recent investigation on *Common Alloy Aluminum Sheet*, the Department previously initiated an investigation into this program.⁶⁴ As the Department has thus recognized, producers in the aluminum products industry qualify for this program. In fact, one of Turkey’s largest aluminum extruders, ASAŞ, has R&D centers and a strong R&D focus, noting that they “continue to develop new projects which serve lots of sectors by means of {their} innovative perspective and the technological investments which {they} have made.”⁶⁵ ASAŞ further advertises on its website that “ASAŞ is proud of being the first certified R&D Center in the sector in 2015.”⁶⁶ Consistent with its determination to initiate an investigation into this program for certain alloy aluminum sheet producers, the Department should investigate whether any aluminum extruders received benefits under this program.

1. Financial Contribution

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act and in the form of revenue forgone pursuant to section 771(5)(D)(ii) of the Act. Any provision of land would constitute the provision of a good other than general infrastructure pursuant to 771(5)(D)(iii) of the Act.

⁶³ The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 15, attached as **Exhibit XIX-17**.

⁶⁴ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 26.

⁶⁵ ASAŞ 2021 Sustainability Report at 70, attached as **Exhibit XIX-2**.

⁶⁶ ASAŞ Website Excerpt, *R&D*, attached as **Exhibit XIX-27**.

2. Benefit

- **Customs Duty Exemptions and VAT.** As the Department previously found, the customs duty exemptions confer two benefits. First, this program confers a benefit “as a contingent-liability interest-free loan pursuant to 19 CFR 351.505(d)(1)” because “import duties remain payable to the GOT, with interest, if the exempted company fails its final onsite inspection.”⁶⁷ Second, this program provides a benefit in the form “of the tax savings to the company pursuant to section 771(5)(E) of the Act.”⁶⁸
- **Tax Reductions and Social Security Incentives.** This program provides a benefit to the recipient in the amount of the customs duties forgone pursuant to 19 C.F.R. § 351.509(a)(1).
- **Land Allocation.** Pursuant to 19 C.F.R. § 351.511(a)(1)-(2), this program confers a benefit to the extent that the land is provided for less than adequate remuneration when compared to actual commercial land transactions within Turkey.
- **Interest Support, VAT Refunds, Qualified Personnel Support, Interest Rate Support and Energy Support.** Pursuant to 19 C.F.R. § 351.504(a), interest rate subsidies confer a benefit to the recipient equal to the provided amount.
- **Infrastructure Support.** The GOT does not define the type of infrastructure support provided, however, this support would confer a benefit as defined pursuant to section 771(5)(E) of the Act.

⁶⁷ See e.g., *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 17.

⁶⁸ See e.g., *id.* at 19.

3. Specificity

This program is *de jure* specific under section 771(5A)(D)(i) because it is limited to only those companies that implement projects consistent with the stated goals of the GOT.

G. Large Scale Investment Incentive Scheme

The GOT offers large scale investment incentives to companies operating in 12 different investment categories.⁶⁹ Specifically, Annex 3 of the Council of Ministers' Decree No. 2012/3305 lists the 13 designated industries, and includes investments in "fine metal production from ore,"⁷⁰ which would include the integrated aluminum extrusion producers.⁷¹ The petitioners further contend that the minimum investment threshold for metal production is lower than the applicable threshold for several other supported industries. The program provides several incentives: (1) customs duties exemptions; (2) VAT exemptions; (3) tax discounts; (4) social security premium employer share support; (5) investment land allocation; (6) income tax stoppage support; and (7) social security premium support." As metal producers, certain extruders are likely eligible for this program.⁷²

⁶⁹ Republic of Turkey Ministry of Economy, The Investment Incentive Program of Turkey, attached as **Exhibit XIX-28**.

⁷⁰ Council of Ministers' Decree No. 2012/3305 at Annex 3 (Provided as Exhibit CVD-TR-21 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), attached as **Exhibit XIX-10**.

⁷¹ Eti Alüminyum is an integrated aluminum producer in Turkey. Specifically, Eti is "Turkey's only integrated aluminum plant capable of aluminum from ore as well as handling production from mining to final product" and "offers a wide range of products, from window frames to aircraft." Eti Alüminyum Website Excerpt, attached as **Exhibit XIX-29**.

⁷² See Initiation Checklist at 14, attached as **Exhibit XIX-26**.

1. **Financial Contribution**

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act and in the form of revenue forgone pursuant to section 771(5)(D)(ii) of the Act. Any provision of land would constitute the provision of a good, other than general infrastructure pursuant to 771(5)(D)(iii) of the Act.

2. **Benefit**

- **Customs Duty Exemptions and VAT.** As the Department previously found, the customs duty exemptions can confer two benefits. First, this program confers a benefit “as a contingent-liability interest-free loan pursuant to 19 CFR 351.505(d)(1)” because “import duties remain payable to the GOT, with interest, if the exempted company fails its final onsite inspection.”⁷³ Second, this program provides a benefit in the form “of the tax savings to the company pursuant to section 771(5)(E) of the Act.”⁷⁴
- **Tax Reductions and Social Security Incentives.** This program provides a benefit to the recipient in the amount of the customs duties forgone pursuant to 19 C.F.R. § 351.509(a)(1).
- **Land Allocation.** Pursuant to 19 C.F.R. § 351.511(a)(1)-(2), this program confers a benefit to the extent that the land is provided for less than adequate remuneration when compared to actual commercial land transactions within Turkey.

⁷³ See e.g., *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 17.

⁷⁴ See e.g., *id.* at 19.

- **VAT Refunds, Qualified Personnel Support, Interest Rate Support.** Pursuant to 19 C.F.R. § 351.504(a), interest rate subsidies confer a benefit to the recipient equal to the provided amount.

3. Specificity

This program is *de jure* specific under section 771(5A)(D)(i) because it is limited to only 12 industries.

H. Strategic Investment Incentive Scheme

Designed to increase the manufacturing of products with high import dependency in Turkey, Article 8 of the Council of Ministers' Decree No. 2012/3305 authorizes the GOT to provide investment incentives to certain producers of strategic goods.⁷⁵ In order to qualify for these incentives, (1) the domestic productive capacity of the product must be less than the imports of the product, (2) the total import value of the product must be equal to at least USD 50 million in the past year, except if the product is not produced domestically, (3) the investment must create a minimum value-add of 40%, and (4) the product must have an import value of at least USD 50 million in the past year. Incentives include, "VAT {e}xemption for {m}achinery", "VAT {e}xemption for {c}onstruction", "{c}ustoms {d}uty {e}xemption", "{c}orporate {t}ax {r}eduction of 50% of investment expenditures", employers share social security premium support, "{l}and {a}llocation", and "{i}nterest {r}ate {s}upport of TRY 50 {m}illion or 5% of the investment."⁷⁶

⁷⁵ Council of Ministers' Decree No. 2012/3305 at Article 8 (Provided as Exhibit CVD-TR-21 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), attached as **Exhibit XIX-10**.

⁷⁶ The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 14, attached as **Exhibit XIX-17**; Council of Ministers' Decree No. 2012/3305 at Article 8 (Provided as

The Department has initiated an investigation into this program in the recent CVD investigation, *Common Alloy Aluminum Sheet from Turkey*,⁷⁷ and in several other CVD proceedings.⁷⁸ While the Department found that the program was not used by the specific sheet producers investigated there, the Department should initiate an investigation to determine whether Turkish aluminum extruders benefitted from this program.

1. **Financial Contribution**

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act and in the form of revenue forgone pursuant to section 771(5)(D)(ii) of the Act. Any provision of land would constitute the provision of a good, other than general infrastructure pursuant to 771(5)(D)(iii) of the Act.

2. **Benefit**

- **Customs Duty Exemptions and VAT.** As the Department previously found the customs duty exemptions can confer two benefits. First, this program confers a benefit “as a contingent-liability interest-free loan pursuant to 19 CFR 351.505(d)(1)” because “import duties remain payable to the GOT, with interest, if the exempted company fails its final onsite inspection.”⁷⁹ Second, this program provides a benefit in the form “of the tax savings to the company pursuant to section 771(5)(E) of the Act.”⁸⁰

Exhibit CVD-TR-21 in Petitions for the Imposition of Antidumping and Countervailing Duties, *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey*, Vol. XXIII (Mar. 9, 2020)), attached as **Exhibit XIX-10**.

⁷⁷ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 26, see also Initiation Checklist at 12-13, attached as **Exhibit XIX-26**.

⁷⁸ See, e.g., *OCTG from Turkey* Final IDM at 31; *Reinforcing Bar from Turkey* Final IDM at 16-19.

⁷⁹ See e.g., *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 17.

⁸⁰ See e.g., *id.* at 19.

- **Tax Reductions and Social Security Incentives.** This program provides a benefit to the recipient in the amount of the customs duties forgone pursuant to 19 C.F.R. § 351.509(a)(1).
- **Land Allocation.** Pursuant to 19 C.F.R. § 351.511(a)(1)-(2), this program confers a benefit to the extent that the land is provided for less than adequate remuneration when compared to actual commercial land transactions within Turkey.
- **Interest Rate Support.** Pursuant to 19 C.F.R. § 351.504(a) interest rate subsidies confer a benefit to the recipient equal to the provided amount.

3. Specificity

This program is *de jure* specific under section 771(5A)(D)(i) because it is limited to firms that are making a minimum investment.

I. Export Credit Bank of Turkey Programs

Export Credit Bank of Turkey (“ExIm Bank”) is a wholly-government owned bank⁸¹ that is the “official export credit agency in Türkiye”⁸² and “plays an especially important role through its policies in support of exports”⁸³ As noted on ExIm Bank’s webpage:

Turk Eximbank conducts “International Credit and Guarantee” programs aimed at developing economic and political relations between Türkiye and other countries and “Credit Insurance” programs that cover export sector’s exposure against political and commercial risks, as well as “Export Credit” programs, which provide the export sector with low cost financing.⁸⁴

⁸¹ ExIm Bank 2022 Annual Report at 18, attached as **Exhibit XIX-30** (“The Undersecretariat of Treasury holds all of the Bank’s shares.”).

⁸² *Id.* at 5.

⁸³ ExIm Bank Website Excerpt, *Corporate*, attached as **Exhibit XIX-31**.

⁸⁴ *Id.*

Additionally, ExIm Bank’s “main objectives” include: “{i}ncreasing the volume of exports;” “{d}iversification of export goods and services;” {d}eveloping new export markets; {i}ncreasing the exporters’ share of international trade and providing necessary support for their initiatives; {g}aining competitiveness and bringing assurance to exporters, overseas contractors and investors on the international markets; and {p}romoting and supporting the production and sale of investment goods for export through overseas investments.”⁸⁵ In order to meet these objectives, the ExIm Bank provides “a variety of short, medium- and long-term cash and non-cash credit, insurance and guarantee programs” to certain entities, including “exporters, export-oriented manufacturers, and overseas investors and contractors {.”⁸⁶

As we detail below, the Department has investigated and found countervailable several of ExIm Bank’s programs.⁸⁷

1. **Export Financing: Rediscount Loan Program**

As the Department has previously found, the GOT, through the ExIm Bank, provides countervailable loans to certain exporters.⁸⁸ Under the rediscount program, the ExIm Bank offers two forms of financing: pre-shipment and post-shipment.

Through the pre-shipment program, the ExIm bank finances “exporters during the pre-shipment period at advantageous conditions” by providing export credits to exporters, which can

⁸⁵ ExIm Bank Website Excerpt, *Corporate*, attached as **Exhibit XIX-31**.

⁸⁶ *Id.*

⁸⁷ See, e.g., *Common Alloy Aluminum Sheet from Turkey* Prelim IDM; *OCTG from Turkey* Final IDM at 14-15; Issues and Decision Memorandum accompanying *Oil Country Tubular Goods from the Republic of Turkey*, 84 Fed. Reg. 68,115 (Dep’t Commerce Dec. 13, 2019) (final results of countervailing duty admin. rev.; 2017) at 4.

⁸⁸ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 20; see *LDWP from Turkey* Prelim IDM at 15, unchanged in *LDWP from Turkey* Final IDM at 4.

be used in several different foreign currencies.⁸⁹ Eligible beneficiaries are “{e}xporters, manufacturer-exporters, manufacturers that produce goods for export and foreign exchange earning services.”⁹⁰ The maximum amount of this financing for program limits “are determined within the scope of the operational manual. Firm limits are determined on a firm basis as a result of Bank’s analysis.”⁹¹ The post-shipment rediscount program provides post-shipments discounts to Turkish exporters and manufactures that export Turkish-origin goods, with a term of up to 360 days.⁹² The maximum amount of this financing is USD 350 million per company, and up to USD 400 million for foreign stock corporations.”⁹³

Turkish aluminum extruders are significant exporters and likely will have applied for or used this program. For example, one of Turkey’s largest aluminum extruders, ASAŞ, notes that it exports its products “to over 90 countries.”⁹⁴ Accordingly, the Department should initiate an investigation into whether aluminum extruders applied for or benefitted from this program.

a. Financial Contribution

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

⁸⁹ ExIm Bank Website Excerpt, *Rediscount Credit Program*, attached as **Exhibit XIX-32**; see also, ExIm Bank, *Interest and Profit Share Rates* (Sept. 19, 2022), attached as **Exhibit XIX-33** (providing 2022 interest rates).

⁹⁰ ExIm Bank Website Excerpt, *Rediscount Credit Program*, attached as **Exhibit XIX-32**.

⁹¹ *Id.*

⁹² ExIm Bank Website Excerpt, *Post Shipment Rediscount Credit Program*, attached as **Exhibit XIX-34**; see also ExIm Bank, *Interest and Profit Share Rates* (Sept. 19, 2022), attached as **Exhibit XIX-33** (providing 2022 interest rates).

⁹³ ExIm Bank Website Excerpt, *Post Shipment Rediscount Credit Program*, attached as **Exhibit XIX-34**.

⁹⁴ ASAŞ Website Excerpt, *About Us*, attached as **Exhibit XIX-20**.

b. Benefit

Pursuant to 771(5)(E)(ii) of the Act and 19 C.F.R. § 351.504(a) this program confers a benefit “equal to the difference between the amount paid by the company for the loans” “and the amount the company would have paid on comparable commercial loans.”⁹⁵

c. Specificity

This program is export specific under section 771(5A)(B) of the Act because it is contingent on export performance.

2. Export Financing: Export-Oriented Working Capital Credit (also known as Export-Oriented Business Investment Loans)

As the Department has previously found, the ExIm Bank’s Export Oriented Working Capital Credit Program provides countervailable loans to certain manufacturers and exporters.⁹⁶ Specifically, ExIm Bank offers preferential medium- to long-term financing to certain entities including “{e}xporters, manufacturers, manufacturer-exporters,” through Export-Oriented Business Investment Loans. Particularly, loans from this program are for exporters’ and manufacturers’ purchases of “raw material, intermediate goods, final goods, final product purchasing transactions” within 180 days before the credit application, and for “electricity water, natural gas, personnel costs” for a period of 1 month.⁹⁷ The maximum limit for this financing is USD 75 million per company, and these loans may be issued in either Euros or in USD.⁹⁸

⁹⁵ See, e.g., *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 20.

⁹⁶ *Id.* at 20-21.

⁹⁷ ExIm Bank Website Excerpt, *Export-Oriented Working Capital Credit Program*, attached as **Exhibit XIX-35**.

⁹⁸ *Id.*

As noted above, Turkish aluminum extruders are significant exporters and likely will have applied for or used this program.⁹⁹ Accordingly, the Department should initiate an investigation into whether aluminum extruders applied for or benefitted from this program.

a. Financial Contribution

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

b. Benefit

Pursuant to 771(5)(E)(ii) of the Act and 19 C.F.R. § 351.504(a), this program confers a benefit “equal to the difference between the amount paid by the company for the loans” “and the amount the company would have paid on comparable commercial loans.”¹⁰⁰

c. Specificity

This program is export specific under section 771(5A)(B) of the Act because it is contingent on export performance.

3. Specific Export Credit Program

The Exim Bank provides preferential loans under its Export-Oriented Investment Credit Program. Specifically, the Exim Bank provides financing for machinery, equipment, and accessory expenditures, “which need a middle- or long-term financing because of their sustainability or long-term usage properties on the basis of the amount excluding vat.” Qualifying entities are listed as the following: “Manufacturers, manufacturer-exporters, firms operating foreign exchange earning services and exporters from Türkiye and companies with current

⁹⁹ See, e.g., ASAŞ Website Excerpt, *About Us* (noting that they export to over 90 countries), attached as **Exhibit XIX-20**.

¹⁰⁰ See, e.g., *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 21.

operating licenses regarding to produce or purchase-sale in free trade zones in Türkiye.”¹⁰¹ The financing limit is \$75 million and can be issued in either Euros or USD.¹⁰² These loans cannot be used to finance land, buildings, vehicles, used goods, or on construction expenditures.”¹⁰³

In the recent *Common Alloy Aluminum Sheet from Turkey* investigation, the Department initiated an investigation into this program,¹⁰⁴ but found that it did not confer a measurable benefit during the POI.¹⁰⁵ To the extent that any aluminum extruder producer purchased any of the qualifying items for manufacturing, they likely benefitted from this program.

a. Financial Contribution

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

b. Benefit

Pursuant to 771(5)(E)(ii) of the Act and 19 C.F.R. § 351.505, this program confers a benefit equal to the difference between the amount paid by the company for the loan and the amount the company would have paid comparable commercial loans.¹⁰⁶

c. Specificity

This program is export specific under section 771(5A)(A) and (B) of the Act because it is contingent on export performance.

¹⁰¹ ExIm Bank Website Excerpt, *Export-Oriented Investment Credit Program*, attached as **Exhibit XIX-36**.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *See e.g., Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 26 (unchanged in final).

¹⁰⁵ *Id.*

¹⁰⁶ *See, e.g., id* at 20.

4. Export Buyers Credit

The Exim Bank's provision of preferential financing under its Export Buyers Credit program is countervailable. Specifically, the purpose of the program "is to provide financing to the foreign buyers/employers of Turkish exporters/contractors."¹⁰⁷ Under this program, beneficiaries are granted a 2-year repayment period for "the export of durable & nondurable consumer goods" and up to 10 years for the "export of capital goods & projects."¹⁰⁸ Beneficiaries are provided with four options under this scheme: international project loans, buyer's credits through domestic banks, buyer's credits through foreign banks, and buyer's credits through sovereign guarantee. Of relevance to aluminum extrusion producers are the credits through domestic and foreign banks. To facilitate the program through domestic and foreign banks, Exim Bank serves as the intermediary and "extend buyer's credit through foreign branches, subsidiaries and correspondent banks of domestic banks"¹⁰⁹ and through "credit lines granted to the reputable foreign banks after a thorough analysis."¹¹⁰

In the recent *Common Alloy Aluminum Sheet from Turkey* investigation, the Department initiated an investigation into this program.¹¹¹ Turkish extruders likely benefitted from this program.

a. **Financial Contribution**

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

¹⁰⁷ ExIm Bank Website Excerpt, *Buyer's Credits*, attached as **Exhibit XIX-37**.

¹⁰⁸ *Id.*

¹⁰⁹ ExIm Bank Website Excerpt, *Buyer's Credits Through Domestic Banks*, attached as **Exhibit XIX-38**.

¹¹⁰ ExIm Bank Website Excerpt, *Buyer's Credits Through Foreign Banks*, attached as **Exhibit XIX-39**.

¹¹¹ Initiation Checklist at 19-20, attached as **Exhibit XIX-26**.

b. Benefit

Pursuant to 771(5)(E)(ii) of the Act and 19 C.F.R. § 351.505, this program confers a benefit “equal to the difference between the amount paid by the company for the loan” “and the amount the company would have paid on comparable commercial loans.”¹¹²

c. Specificity

This program is export specific under section 771(5A)(A) and (B) of the Act because it is contingent on export performance.

J. Research and Development (“R&D”) Incentives Under Turkey’s R&D Law

As the Department has previously found, the GOT provides certain companies countervailable subsidies under its R&D law.¹¹³ Turkish Law No. 5746 on Supporting Research, Development and Design Activities, as amended, sets forth a number of incentives available for R&D investment projects.¹¹⁴ Specifically, the GOT provides companies that establish an R&D center, or carry out R&D projects, with a range of assistance including: (1) corporate income tax deductions for R&D and design expenses, (2) income tax exemptions for the salaries of R&D and support personnel; (3) contributions for employers social security premiums for R&D and support personnel; (4) stamp duty exemptions for all documentation on R&D and innovation facilities;

¹¹² See, e.g., *Common Alloy Aluminum Sheet from Turkey Prelim IDM at 20*.

¹¹³ See, e.g., *id.* at 22 (unchanged in final); Preliminary Decision Memorandum accompanying *Certain Quartz Surface from the Republic of Turkey*, 84 Fed. Reg. 54,841 (Dep’t Commerce Oct. 11, 2019) (prelim. affirm. countervailing duty deter., prelim. affirm. critical circumstances deter., and alignment of final deter. with final antidumping duty deter.) at 17-19 (“*Quartz from Turkey Prelim IDM*”), unchanged in Issues and Decision Memorandum accompanying *Certain Quartz Surface from the Republic of Turkey*, 85 Fed. Reg. 25,400 (Dep’t Commerce May 1, 2020) (final affirm. countervailing duty deter. and final affirm. deter. of critical circumstances, in part).

¹¹⁴ Law on Supporting Research, Development and Design Activities No. 5746 (Feb. 28, 2008) (provided as Exhibit 35 in Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec’y Commerce, re: *Response of the Government of Turkey to Initial Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (June 15, 2020) (PUBLIC VERSION)), excerpts attached as **Exhibit XIX-19**.

(5) capital support for technology and innovation; (6) customs duty exemptions for imported goods used for R&D, and (7) insurance premium support.¹¹⁵ In 2021, this program was extended to 2028.¹¹⁶ Aluminum extruders likely benefitted from this program on their qualifying R&D activities. The Department has recently found that certain common alloy aluminum sheet producers used this program, and so it is known that metals producers, including those in the aluminum industry, have qualified for and used this program. Consistent with the Department's previous determination, the Department should initiate an investigation into this program to determine whether Turkish aluminum extrudes applied for and / or benefitted from these R&D incentives.

1. Financial Contribution

The tax incentives under this program constitute a financial contribution in the form of revenue forgone pursuant to section 771(5)(D)(ii) of the Act. The capital contribution incentives provide financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

2. Benefit

The tax incentives under this program confer a benefit in the amount of the tax saving pursuant to section 771(5)(E) of the Act and 19 C.F.R. § 351.509(a). Any customs duty exemptions confer a benefit in the amount of customs duty savings pursuant to 19 C.F.R.

¹¹⁵ *Id.* at Article 3.

¹¹⁶ Ekin İnal & Mert Müstecaplıoğlu, *Turkey has extended R&D and design centers incentive program*, Norton Rose Fulbright (Mar. 29, 2021), attached as **Exhibit XIX-40**.

§ 351.510(a). And pursuant to section 771(5)(E)(ii) of the Act and 19 C.F.R. § 351.504(a) any capital contribution confers a benefit equal to the capital contribution received by the company.¹¹⁷

3. Specificity

As the Department has previously found, this program is specific pursuant to section 771(5A)(D)(i) of the Act because it is “limited to enterprises that maintain technology center businesses, R&D centers, and design centers as specified in Article 1(2) of Law No. 5746.”¹¹⁸

K. Turquality Program

As the Department has previously found, the GOT provides countervailable benefits to certain companies “during the brand building process both at home and abroad” in order to “enhance branding efforts of companies and to create a positive public opinion for Turkish products.”¹¹⁹ The Overseas Branding of Turkish Products, Promotion of Turkish Product Image and Supporting Turquality® program is authorized pursuant to Communiqué No. 2006/4 of the Monetary-Credit and Coordination Council, dated May 11, 2006.¹²⁰ Under this program, the GOT offers financing and reimbursements for expenses including “international trademark registration, certification and quality marks, salaries of fashion/industrial designers and product development engineers, and promotional activities.”¹²¹ As GOT provided during the *Common Alloy Aluminum*

¹¹⁷ See, e.g., *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 22.

¹¹⁸ *Id.* at 22 (unchanged in final).

¹¹⁹ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 23 (citing Letter from Government of Turkey to Sec’y Commerce, re: *Response of the Government of Turkey to Initial Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (June 15, 2020) (PUBLIC VERSION) at 248, 254, excerpts attached as **Exhibit XIX-19**).

¹²⁰ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 23; Communiqué No. 2006/4 of the Monetary-Credit and Coordination Council (May 11, 2006) (provided as Exhibit 39 in Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec’y Commerce, re: *Response of the Government of Turkey to Initial Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (June 15, 2020) (PUBLIC VERSION)), excerpts attached as **Exhibit XIX-19**.

¹²¹ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 23.

Sheet from Turkey investigation, the eligibility are also evaluated “according to their potential to create an international and positive brand image as a whole.”¹²²

In *Common Alloy Aluminum Sheet from Turkey*, one of the mandatory respondents reported receiving funds from this program.¹²³ Aluminum extruders also likely benefited from this program, for example through receiving funding for certification and quality marks, or those that are creating “international and positive brand image as a whole.” Indeed, aluminum extruder ASAŞ states on its website that it is “one of the most remarkable industrial enterprises of Turkey. . . . and export{s} to over 90 countries” and was “listed No 54 out of Top 100 companies in ISO 500 Turkey in 2021 {.”¹²⁴ Accordingly, the Department should initiate an investigation in to whether any Turkish aluminum extruders benefitted from this program during the POI and AUL period.

1. **Financial Contribution**

The grants under this program would provide financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

2. **Benefit**

Pursuant to section 771(5)(D)(i) of the Act and 19 C.F.R. § 351.504(a) the grant program confers a benefit equal to the amount of the grant received by the company.¹²⁵

¹²² *Id.* at 23 (citing Letter from Government of Turkey to Sec’y Commerce, re: *Response of the Government of Turkey to Initial Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (June 15, 2020) (PUBLIC VERSION) at 254, attached as **Exhibit XIX-19**).

¹²³ *See id.* at 23-24.

¹²⁴ ASAŞ Website Excerpt, *About Us*, attached as **Exhibit XIX-20**.

¹²⁵ *See, e.g., Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 23-24.

3. Specificity

As the Department has previously found, this program is specific pursuant to section 771(5A)(B) of the Act because it is contingent on export performance.¹²⁶

L. Provision of Land Provided Under Law No. 4916

As the Department has previously found, the GOT's provision of provided government-owned land is countervailable.¹²⁷ Although terminated in 2009,¹²⁸ Article 3 of Law No. 4916 provides that "immovables" (*i.e.*, real property) that belong to the Treasury can be sold to certain entities," including: "private companies and public institutions for purposes of developing industry, livestock, technology, small industrial sites, technology development zones, and housing."¹²⁹ To qualify, companies were required to make an industrial investment of at least USD 25 million "and employ at least one hundred people."¹³⁰

Although petitioners did not allege this subsidy during the investigation of *Common Alloy Aluminum Sheet from Turkey*, one of the mandatory respondents self-reported use of this program.¹³¹ And one of Turkey's largest aluminum extruders, ASAŞ, "was established in Gebze

¹²⁶ *Id.* at 24 (unchanged in final) ("As the GOT stated that applicants for funds under this program are evaluated according to their potential to create a positive international brand image, and because Assan reported that its application was reviewed by the "Exporters' Association Union," we also preliminarily determine that the program is contingent upon export performance and is specific pursuant to section 771(5A)(B) of the Act.").

¹²⁷ *See id.* at 25.

¹²⁸ *Id.* at 24 ("The GOT reported that this program was terminated in February 2009 by Article 32 of Law No. 5838.").

¹²⁹ *See* Law No. 4916 Regarding Making Amendments in Several Laws and Decree on Institution and Duties of Ministry of Finance at Article 3 (provided as Exhibit 17 in Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec'y Commerce, re: *Response of the Government of Turkey to Supplemental Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey* (July 20, 2020), excerpts attached as **Exhibit XIX-21**; *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 24.

¹³⁰ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 24.

¹³¹ *Id.*

in 1990”.¹³² Likewise, another large producer, Burak Aluminyum, began production in 1984.¹³³ Accordingly, it is possible that these and other aluminum extruders could have received land from the GOT prior to the program’s termination in 2009. The Department should initiate an investigation to determine whether any aluminum extruders benefited from this program during the AUL.

1. **Financial Contribution**

As the Department has previously found, the program provides a financial contribution “form of the provision of a good (other than infrastructure) within the meaning of section 771(5)(D)(iii) of the Act.”¹³⁴

2. **Benefit**

Pursuant to section 771(5)(E)(iv) of the Act and 19 C.F.R. § 351.511(a)(1) the program confers a benefit equal to the amount of the grant received by the company.¹³⁵

3. **Specificity**

As the Department has previously found, this program is *de jure* specific pursuant to section 771(5A)(D)(i) of the Act because “it is limited to companies that satisfy the criteria as stated in Article 3 (*i.e.*, satisfying certain investment and employment thresholds).”¹³⁶

¹³² ASAŞ Website Excerpt, *About Us*, attached as **Exhibit XIX-20**.

¹³³ Burak Aluminum Website Excerpt, attached as **Exhibit XIX-41**.

¹³⁴ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 24 (unchanged in final).

¹³⁵ *See, e.g., id.* at 24-25.

¹³⁶ *Id.*

M. Foreign Fair Support Program

As the Department has previously found, the GOT's foreign fair support program is countervailable.¹³⁷ According to the GOT's 2023 Incentive's Guide, the GOT reimburses companies for “{u}p to 75% of the participation cost” for domestic and international fairs.¹³⁸ In the recent CVD investigation of *Common Alloy Aluminum Sheet from Turkey*, the Department initiated an investigation into this program,¹³⁹ but found that there was no measurable benefit conferred to the respondents during the POI.¹⁴⁰ As Turkish aluminum extruders are exporters,¹⁴¹ it is likely that they have participated in trade fairs outside of Turkey, and thus could have qualified for and benefitted from this program. The Department should initiate an investigation to determine whether aluminum extruders benefited from this program.

1. Financial Contribution

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

2. Benefit

Pursuant to 19 C.F.R. § 351.504(a), this program confers a benefit equal to amount of reimbursement provided to the company.¹⁴²

¹³⁷ *Quartz from Turkey* Prelim IDM at 10-11.

¹³⁸ The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 29, attached as **Exhibit XIX-17**.

¹³⁹ Initiation Checklist at 22-23, attached as **Exhibit XIX-26**.

¹⁴⁰ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 26.

¹⁴¹ ASAS Website Excerpt, *About Us*, attached as **Exhibit XIX-20** (stating that the company “exports to more than 90 countries”).

¹⁴² *See, e.g.*, Initiation Checklist at 22, attached as **Exhibit XIX-26**.

3. Specificity

This program is export specific under section 771(5A)(A) and (B) of the Act because it is contingent on export performance.

N. Scientific and Technological Research Council of Turkey Grants

According to the GOT's 2023 Guide to State Incentives for Investments in Türkiye, the GOT provides grants for certain R&D projects through the GOT's Scientific and Technological Research Council of Turkey ("TUBITAK").¹⁴³ Specifically, TUBITAK provides grants to support research, technology development, and innovation activities of Turkish companies. The TUBITAK "1515 Support Program has been commissioned to make Türkiye a global attraction center in certain scientific and technological areas."¹⁴⁴ The 1515 Frontier R&D Laboratory Support Program extends up to 75% of R&D budget, which cannot exceed TRY 10 million, for companies with "at least TRY 15 {m}illion of R&D expenditures in any year within the last three years."¹⁴⁵

In the recent CVD investigation of *Common Alloy Aluminum Sheet from Turkey*, the Department initiated an investigation into this program,¹⁴⁶ but found that there was no measurable benefit conferred to the respondents during the POI.¹⁴⁷ Turkish aluminum extruders have R&D centers.¹⁴⁸ Indeed, one of Turkey's largest extruders, ASAŞ, advertises on its website that it "is

¹⁴³ The Presidency of the Republic of Türkiye, *Guide to State Incentives for Investments in Türkiye* (Aug. 1, 2023) at 25, attached as **Exhibit XIX-17**.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*; see also Initiation Checklist at 24, attached as **Exhibit XIX-26**.

¹⁴⁶ Initiation Checklist at 23, attached as **Exhibit XIX-26**.

¹⁴⁷ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 26 (unchanged in the final).

¹⁴⁸ ASAŞ Website Excerpt, *About Us*, attached as **Exhibit XIX-20**.

proud of being the first certified R&D Center in the sector in 2015.”¹⁴⁹ Thus, it is likely that they would have qualified for and benefitted from this program. The Department should initiate an investigation to determine whether aluminum extruders benefited from this program.

1. Financial Contribution

This program provides financial contributions in the form of direct transfer of funds pursuant to section 771(5)(D)(i) of the Act.

2. Benefit

Pursuant to 19 C.F.R. § 351.504(a), this program confers a benefit equal to amount of reimbursement provided to the company.

3. Specificity

This program is *de jure* specific under section 771(5A)(D)(i) of the, or *de facto* specific Act because the beneficiaries of this program are limited in number

O. Inward Processing Certificates (Excluding Aspects Regarding “D-1” Certificates)

As the Department has previously found, the GOT’s Inward Processing D-3 certificates are countervailable.¹⁵⁰ The Inward Processing Certificate (“IPC”) program is administered by the Ministry of Economy and its implementation by the Ministry of Customs and Trade.¹⁵¹ Pursuant to the Ministry of Economy’s Decree on Inward Processing Regime No. 2005/8391, companies can receive one of two IPCs for the exemption from customs duties and VAT payments on raw

¹⁴⁹ ASAŞ Website Excerpt, *R&D*, attached as **Exhibit XIX-27**.

¹⁵⁰ *LDWP from Turkey* Prelim IDM at 19-21, unchanged in *LDWP from Turkey* Final IDM at 5.

¹⁵¹ Letter from the Republic of Turkey, Ministry of Economy, Directorate General of Exports to Sec’y Commerce, re: *Response of the Government of Turkey in Countervailing Duty Investigation on Large Diameter Welded Pipe from the Republic of Turkey* (Apr. 23, 2018) at 87 (PUBLIC VERSION), excerpts attached as **Exhibit XIX-42**.

materials and intermediate goods upon importation: D-1 and D-3 certificates.¹⁵² The Department has previously found that the D-1 certificates are not countervailable,¹⁵³ and as noted above, has found that D-3 certificates are countervailable. D-3 certificates can be used to receive customs duties and VAT exemptions used for imported goods used in the production of goods sold in the domestic market.¹⁵⁴ As the Department has previously recognized, while the D-3 certificates are not contingent on export performance, “receipt of D-3 certificates is contingent upon the firm holding an {IPC}, and that in granting IPCs, the GOT solicits information regarding the export activities of the applying firms.”¹⁵⁵

In the recent CVD investigation of *Common Alloy Aluminum Sheet from Turkey*, the Department initiated an investigation into the D-3 certificates,¹⁵⁶ but found that the program was not used during the POI.¹⁵⁷ Billets are one of the raw materials used to produce aluminum extrusions. Although the exact sources of billets for Turkish aluminum extruders are unknown, Turkey imports significant volumes of billets.¹⁵⁸ Additionally, Turkey only has one primary aluminum producer, which is not capable of supplying Turkey’s entire aluminum demand.¹⁵⁹ Thus, it is likely that aluminum extruders in Turkey could have qualified for this program and the

¹⁵² *Id.* at Exhibit 24; *see, e.g.*, Initiation Checklist at 8, attached as **Exhibit XIX-26**.

¹⁵³ Initiation Checklist at 8, attached as **Exhibit XIX-26**.

¹⁵⁴ Letter from the Republic of Turkey, Ministry of Economy, Directorate General of Exports to Sec’y Commerce, re: *Response of the Government of Turkey in Countervailing Duty Investigation on Large Diameter Welded Pipe from the Republic of Turkey* (Apr. 23, 2018) at Exhibit 24 (PUBLIC VERSION), excerpts attached as **Exhibit XIX-42**; *see, e.g.*, Initiation Checklist at 8, attached as **Exhibit XIX-26**.

¹⁵⁵ *LDWP from Turkey* Prelim IDM at 20.

¹⁵⁶ Initiation Checklist at 8, attached as **Exhibit XIX-26**.

¹⁵⁷ *Common Alloy Aluminum Sheet from Turkey* Prelim IDM at 26 (unchanged in the final).

¹⁵⁸ Halina Yermolenko, *Turkiye sharply increased the import of the billet in the first quarter*, GMK (May 9, 2023), attached as **Exhibit XIX-43**.

¹⁵⁹ Eti Alüminyum Website Excerpt, attached as **Exhibit XIX-29**.

Department should investigate whether any aluminum extruders received benefits under this program during the POI.

1. Financial Contribution

This program provides financial contributions in the form of revenue forgone pursuant to section 771(5)(D)(ii) of the Act.¹⁶⁰

2. Benefit

This program provides a benefit in the form “of the tax savings to the company pursuant to section 771(5)(E) of the Act.”¹⁶¹

3. Specificity

As the Department has previously found, this program is export specific under section 771(5A)(B) IPC eligibility, which is required to obtain a D-3 certificate, is contingent on export activities.¹⁶²

VIII. CONCLUSION

As detailed above, Turkish aluminum extrusion producers and exporters are benefiting from countervailable subsidies, which are causing material injury to the aluminum extrusion industry in the United States. Petitioners therefore request that the Department initiate a CVD investigation on imports of aluminum extrusions from Turkey, that the Department make affirmative determinations of countervailable subsidies, and that the U.S. International Trade Commission make an affirmative determination of material injury by reason of such unfairly traded imports.

¹⁶⁰ *LDWP from Turkey* Prelim IDM at 20 (unchanged in the final).

¹⁶¹ *Id.*

¹⁶² *LDWP from Turkey* Prelim IDM at 20 (unchanged in the final).

EXHIBIT LIST		
Exhibit No.	Description	Security
XIX-1	Internal Revenue Service, How to Depreciate Property (2022)	Public
XIX -2	ASAŞ 2021 Sustainability Report	Public
XIX -3	BOTAŞ Website Excerpt	Public
XIX -4	<i>2021 Annual Ownership Report of State Owned Enterprises</i> , Republic of Türkiye	Public
XIX -5	Excerpts of Petition for the Imposition of the Antidumping and Countervailing Duties: <i>Steel Concrete Reinforcing Bar from Japan, Taiwan, and the Republic of Turkey</i> (Sept. 20, 2016)	Public
XIX -6	U.S. Energy Information Administration, <i>Country Analysis Brief: Türkiye</i> (July 11, 2023)	Public
XIX-7	Convert Units Website Excerpt	Public
XIX-8	Zeynep Beyza Karabay, <i>Türkiye's gas consumption estimate for 2022 shows year-on-year 18.8% rise</i> , AA Energy (Jan. 28, 2022)	Public
XIX-9	Semih Ergur, <i>Increasing Usage of Natural Gas in Turkey and Its Effect on Local Economy</i> , Climate Scorecard (June 5, 2022)	Public
XIX-10	Excerpts of Petitions for the Imposition of Antidumping and Countervailing Duties, <i>Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey</i> , Vol. XXIII (Mar. 9, 2020)	Public
XIX-11	Presidency of the Republic of Türkiye Investment Office, <i>Investment Zones</i> , Website Excerpt	Public
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XIX-17	The Presidency of the Republic of Türkiye, <i>Guide to State Incentives for Investments in Türkiye</i> (Aug. 1, 2023)	Public
XIX-18	<i>10 insights to grow your business in Türkiye: The Turkish Tax System</i> , Presidency of the Republic of Türkiye Investment Office (Jan. 2022)	Public
XIX-19	Excerpts from Letter from Government of Turkey to Sec'y Commerce, re: <i>Response of the Government of Turkey to Initial Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey</i> (June 15, 2020) (PUBLIC VERSION)	Public
XIX-20	ASAŞ Website Excerpt, <i>About Us</i>	Public
XIX-21	Excerpts from Letter from Republic of Turkey, Ministry of Trade, Directorate General of Exports, to Sec'y Commerce, re: <i>Response of the Government of Turkey to Supplemental Questionnaire in Countervailing Duty Investigation on Common Alloy Aluminum Sheet from the Republic of Turkey</i> (July 20, 2020)	Public
XIX-22	Orbitax, Turkey's Banking and Insurance Transactions Tax Extended to Forex Sales (May 28, 2020)	Public
XIX-23	Light Metal Age Magazine, <i>Turkish Company, Itek Metal, Receives Investment to Build Aluminum Recycling Casthouse</i> (Mar. 3, 2022)	Public
XIX-24	Çerkezköy Wikipedia Excerpt	Public
XIX-25	Ekin İnal & Mert Müstecaplıoğlu, <i>Turkish Government Launches Project-based Incentive Program to Boost Investments</i> Norton Rose Fulbright (Mar. 17. 2017)	Public
XIX-26	Countervailing Duty Investigation Initiation Checklist, <i>Common Alloy Aluminum Sheet from Turkey</i> (Mar. 30, 2020)	Public
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XIX-28	Republic of Turkey Ministry of Economy, <i>The Investment Incentive Program of Turkey</i>	Public
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XIX-41	Burak Alüminyum Website Excerpt	Public
XIX-42	Excerpts from Letter from the Republic of Turkey, Ministry of Economy, Directorate General of Exports to Sec'y Commerce, re: <i>Response of the Government of Turkey in Countervailing Duty Investigation on Large Diameter Welded Pipe from the Republic of Turkey</i> (Apr. 23, 2018) at 87 (PUBLIC VERSION)	Public

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Exhibit No.	Description	Security
XIX-43	Halina Yermolenko, <i>Turkiye sharply increased the import of the billet in the first quarter</i> , GMK (May 9, 2023)	Public

DOC Investigation Nos. A-301-806, A-247-004,
A-331-804, A-533-920, A-560-840, A-475-846,
A-557-826, A-201-860, A-570-158, A-580-918,
A-583-874, A-549-847, A-489-850, A-520-810,
A-552-837, C-560-841, C-201-861, C-570-159, and
C-489-851
USITC Investigation Nos. 701-TA-__ and 731-TA-__
Total Pages: 649
Investigation
AD/CVD Operations
Petitioners Business Proprietary Information
Removed from Pages 4, 5, 18, 22, 42, 43, 44, 46, 47, 49,
50, 57, Exhibit List, and Exhibits I-3, I-4, I-11, I-20,
I-21, I-22, I-39, I-58 of this Volume
PUBLIC VERSION

**BEFORE THE
INTERNATIONAL TRADE ADMINISTRATION OF THE
U.S. DEPARTMENT OF COMMERCE
AND THE
U.S. INTERNATIONAL TRADE COMMISSION**

**PETITIONS FOR THE IMPOSITION OF
ANTIDUMPING AND COUNTERVAILING DUTIES PURSUANT TO
SECTION 701 AND 731 OF THE TARIFF ACT OF 1930, AS AMENDED
VOLUME I:
COMMON ISSUES AND INJURY PETITION**

**IN THE MATTER OF:
ALUMINUM EXTRUSIONS FROM COLOMBIA, THE DOMINICAN REPUBLIC, ECUADOR, INDIA,
INDONESIA, ITALY, MALAYSIA, MEXICO, THE PEOPLE'S REPUBLIC OF CHINA, SOUTH KOREA,
TAIWAN, THAILAND, TURKEY, THE UNITED ARAB EMIRATES AND VIETNAM**

**PETITIONERS:
U.S. ALUMINUM EXTRUDERS COALITION AND THE UNITED STEEL,
PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION**

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October 4, 2023

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I. INTRODUCTION

These Petitions are presented on behalf of the U.S. Aluminum Extruders Coalition (“the Coalition”) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (“United Steelworkers” or “USW”) (collectively, “Petitioners”). The Coalition is comprised of 14 U.S. aluminum extruders: Alexandria Extrusion Company; APEL Extrusions; Bonnell Aluminum; Brazeway; Custom Aluminum Products; Extrudex Aluminum; International Extrusions; Jordan Aluminum Company; M-D Building Products, Inc.; Merit Aluminum Corporation; MI Metals; Pennex Aluminum; Tower Extrusions; and Western Extrusions.

Petitioners allege that certain aluminum extrusions imported from Colombia, the Dominican Republic, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, the People’s Republic of China (“China”), South Korea, Taiwan, Thailand, Turkey, the United Arab Emirates and Vietnam are being or are likely to be sold at less than normal value (hereinafter “LTNV”) within the meaning of section 731 of the Tariff Act of 1930, *as amended*, 19 U.S.C. §§ 1671 and 1673 (hereinafter “the Act”). Petitioners further allege that aluminum extrusions imported from China, Indonesia, Mexico and Turkey are subsidized within the meaning of section 701 of the Act. These unfairly traded imports have materially injured the U.S. domestic industry producing aluminum extrusions and threaten to cause further material injury if relief is not granted. These Petitions contain information reasonably available to Petitioners in support of these allegations.

Separate volumes regarding the allegations of dumping by subject producers, as well as countervailable subsidies provided to subject producers, are being filed simultaneously at the U.S. Department of Commerce (the “Department”) and the U.S. International Trade Commission (the “Commission”). Petitioners request that antidumping and countervailing duties be imposed

to offset the dumping and subsidies detailed in the antidumping and countervailing duty volumes.

II. COMMON ISSUES

This section contains information required in antidumping and countervailing duty petitions by the regulations of the Department¹ and the Commission.²

A. The Name and Address of the Petitioners (19 C.F.R. § 351.202(b)(1))

The Petitioners are the U.S. Aluminum Extruders Coalition and the USW. The Coalition is a domestic interested party within the meaning of 19 U.S.C. § 1677(9)(E) and 19 C.F.R. § 351.102(b)(17). The USW is an interested party within the meaning of 19 U.S.C. § 1677(9)(D) and 19 C.F.R. § 351.102(b)(17). The names, addresses, and telephone numbers for the companies comprising the Coalition and for the USW are provided in **Exhibit I-1**.

B. Identity of the Industry on Whose Behalf the Petition Is Filed (19 C.F.R. § 207.11(b)(2)(ii); 19 C.F.R. § 351.202(b)(2))

These Petitions are filed on behalf of the U.S. industry that produces aluminum extrusions described in the scope. The names, addresses, and telephone numbers of additional domestic producers in the United States are provided in **Exhibit I-2**. According to the best information available to Petitioners, **Exhibits I-1** and **I-2** identify all known producers of the merchandise under consideration in the United States.

C. Information Relating to the Degree of Industry Support for the Petition (19 C.F.R. § 351.202(b)(3))

Under the relevant statutory provisions, a petition is filed by or on behalf of the domestic industry if: (1) domestic producers who support the petition account for at least 25 percent of the total production of the domestic like product, and (2) domestic producers who support the

¹ 19 C.F.R. § 351.202(b)(1)-(10), (b)(12).

² *Id.* § 207.11.

petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition.³ This petition meets both of these requirements.

The production accounted for by members of the petitioning Coalition, USW unionized facilities, and other U.S. aluminum extruders that support the petitions accounts for the majority of total domestic production of aluminum extrusions – greater than 57 percent. Petitioners base the numerator of the calculation on the 14 Coalition members’ 2022 U.S. shipments, plus the U.S. shipments of 13 additional U.S. extruders that have expressed their support for each of these petitions and the total production of the USW-unionized aluminum extrusions facilities.⁴

Petitioners’ estimate of total U.S. production of aluminum extrusions for 2022 is in the table below. Because there is no independent, external measure available to Petitioners for the quantity of aluminum extrusions produced by the entire domestic industry, Petitioners use shipments as a proxy for production.⁵ As the basis for total shipments, Petitioners relied upon data from the Aluminum Association.⁶ The Aluminum Association collects and aggregates data on U.S. and Canadian shipments of aluminum extrusions on a monthly basis.⁷ The Aluminum Association shipment data for 2022 reflects shipments for the majority of U.S. aluminum

³ 19 U.S.C. §§ 1671a(c)(4)(A) (countervailing duty petitions) & 1673a(c)(4)(A) (antidumping petitions).

⁴ See Letters of Support, attached as **Exhibit I-3**; Industry Support Calculation, attached as **Exhibit I-58**. The supporting companies each support the petitions involving each of the 15 subject countries.

⁵ The Department has accepted shipments as a proxy for production for purposes of calculating industry support in many past cases. See, e.g., *Mattresses from Indonesia*, 88 Fed. Reg. 57,412, 57,414 (Dep’t Commerce Aug. 23, 2023) (initiation of countervailing duty inv.); *Large Diameter Welded Pipe from Canada, Greece, India, the People’s Republic of China, the Republic of Korea, and the Republic of Turkey*, 83 Fed. Reg. 7,154, 7,157 (Dep’t Commerce Feb. 20, 2018) (initiation of less-than-fair-value inv.); *Wooden Cabinets and Vanities and Components Thereof from the People’s Republic of China*, 84 Fed. Reg. 12,587, 12,589 (Dep’t Commerce Apr. 2, 2019) (initiation of less-than-fair-value inv.). Shipments are a reasonable proxy for production in this case in particular because aluminum extrusions are most often produced to order and U.S. manufacturers generally maintain low inventory levels of aluminum extrusions.

⁶ Industry Support Calculation, attached as **Exhibit I-58**.

⁷ Declaration of Jeff Henderson, attached as **Exhibit I-4**.

extruders, which report directly to the Association. The Aluminum Association, based on its deep expertise and market intelligence, including with regard to the number of extrusion presses in the United States and Canada, estimates that the shipments of the reporting companies account for [%] of U.S. shipments.⁸ The Aluminum Association estimates the remaining [%] based on its knowledge of additional U.S. extruders and their number of extrusion presses, basing the capacity utilization for those presses on the reported capacity utilization of the reporting companies. As set forth in **Exhibit I-4**, according to industry expert and president of the U.S. Aluminum Extruders Coalition Jeff Henderson, the Aluminum Association's total shipments figure accounts for virtually all U.S. shipments of aluminum extrusions.

However, the Aluminum Association data are overinclusive in at least two ways: they include shipment data for Canadian extruders, and they include shipment data for certain aluminum products that are not subject to these petitions: hard alloy aluminum products.⁹ Therefore, as a measure of total U.S. production of the domestic like product, the Aluminum Association data is overstated, and it is necessary to subtract certain shipments to accurately calculate U.S. production.

To calculate Canadian shipments of aluminum extrusions, Petitioners relied upon data from CRU for production of aluminum extrusions in Canada in 2022 – [344,400 unit].¹⁰ Petitioners subtracted this amount from the denominator.¹¹

As noted above, the Aluminum Association shipment data also include data for hard alloy extrusions (*i.e.*, aluminum extrusions falling within alloy series designations of the Aluminum

⁸ *Id.* at Attachment A.

⁹ *Id.*

¹⁰ *Id.* at Attachment B.

¹¹ Industry Support Calculation, attached as **Exhibit I-58**.

Association commencing with the numbers 2, 5, and 7) that are not subject to the scope of these petitions. Because these products are not subject, and because the U.S. producers' data provided in the numerator of the calculation do not include such products, these products must also be removed from the total shipments denominator.¹² Petitioners have estimated that [%] of the Aluminum Association's total shipment data was comprised of hard alloy products.¹³ Therefore, Petitioners reduced the denominator by [%], or [235,800] short tons.¹⁴

The Aluminum Association's shipment data, adjusted as discussed above, represents the best information available to Petitioners and is a reasonable estimate of total domestic aluminum extrusions production. To corroborate the Aluminum Association data, Petitioners referenced CRU data for U.S. aluminum extrusions production.¹⁵ Once the denominator is adjusted to remove the amount for non-subject hard alloy products discussed above, the [*source*] (i.e., comparable but slightly lower than the Aluminum Association figure). However, to ensure a conservative estimate, Petitioners have primarily relied on the Aluminum Association data.

As Table 1 shows, the estimated share of U.S. production of aluminum extrusions accounted for by Petitioners and supporters well exceeds the statutory standard.

¹² Petitioners note that, even without any adjustment for hard alloy products (an improperly conservative measure), Petitioners and supporters account for more than 50 percent of total U.S. shipments.

¹³ Declaration of Jeff Henderson, attached as **Exhibit I-4**.

¹⁴ Industry Support Calculation, attached as **Exhibit I-58**.

¹⁵ Declaration of Jeff Henderson at Attachment B, attached as **Exhibit I-4**.

TABLE 1
PETITIONERS' AND SUPPORTERS' SHARE OF DOMESTIC PRODUCTION

	2022 Shipments in Short Tons
Petitioners' and Supporters' Shipments	1,089,346
Total U.S. Shipments	1,900,303
Petitioners' and Supporters' Share	57.3%

Thus, Petitioners have sufficient industry support to file these Petitions on behalf of the domestic industry.

D. Previous Requests for Import Relief for the Merchandise (19 C.F.R. § 351.202(b)(4))

Petitioners have not previously filed for antidumping or countervailing duty relief on imports of aluminum extrusions. Petitioners have not filed for relief from imports of the subject merchandise under sections 337 of the Act, section 301 of the Trade Act of 1974,¹⁶ or section 232 of the Trade Expansion Act of 1962.¹⁷

Petitioners are aware of outstanding antidumping or countervailing duty orders on Aluminum Extrusions from China.¹⁸

¹⁶ While Petitioners did not “file for” such relief, certain aluminum extrusions from China are currently covered by Section 301 duties. In August 2019, the U.S. Trade Representative imposed Section 301 duties on Chinese imports classified under many HTS subheadings identified as subject to these petitions. *China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 43,304 (U.S. Trade Rep. Aug. 20, 2019) (notice of modification of section 301 action).

¹⁷ While Petitioners did not “file for” such relief, on March 23, 2018, aluminum extrusions from many countries became subject to additional 10 percent *ad valorem* duties under Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. §1862) (“Section 232 duties”); most aluminum extrusions were excluded from these additional Section 232 duties through a General Approved Exclusion in December 2020. *Section 232 Steel and Aluminum Tariff Exclusions Process*, 85 Fed. Reg. 81,060 (Bureau of Indus. and Sec. Dec. 14, 2020).

¹⁸ *Aluminum Extrusions from the People’s Republic of China*, 76 Fed. Reg. 30,650 (Dep’t Commerce May 26, 2011) (antidumping duty order) (“China I AD Order”); *Aluminum Extrusions from the People’s Republic of China*, 76 Fed. Reg. 30,653 (Dep’t Commerce May 26, 2011) (countervailing duty order) (“China I CVD Order”). The China I AD and CVD Orders were recently continued as a result of the second sunset review. *Aluminum Extrusions from the People’s Republic of China*, 87 Fed. Reg. 66,128 (Dep’t Commerce Nov. 2, 2022) (continuation of antidumping duty order and countervailing duty order).

E. Scope of the Investigation and a Detailed Description of the Subject Merchandise (19 C.F.R. § 351.202(b)(5))

1. Scope of Investigation

The physical characteristics of the covered products, which define the scope, are as follows:

The merchandise subject to this investigation is aluminum extrusions, regardless of form, finishing, or fabrication, whether assembled with other parts or unassembled, whether coated, painted, anodized, or thermally improved. Aluminum extrusions are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by the Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, subject aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 1 contain not less than 99 percent aluminum by weight. Subject aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 3 contain manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. Subject aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contain magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The scope also includes merchandise made from an aluminum alloy with an Aluminum Association series designation commencing with the number 5 (or proprietary equivalents or other certifying body equivalents) that have a magnesium content accounting for up to but not more than 2.0 percent of total materials by weight.

The country of origin of the aluminum extrusion is determined by where the metal is extruded (*i.e.*, pressed through a die).

While the Coalition was not the petitioner in the “*China P*” aluminum extrusions cases and is not involved in any ongoing reviews or appeals of such cases, certain member companies of the Coalition are also member companies of the *China I* petitioning coalition.

As discussed in the section of this petition pertaining to scope, aluminum extrusions already covered by the *China I* aluminum extrusions cases are excluded from the scope of this petition as it relates to China. In other words, only aluminum extrusions products not covered by the *China I* orders are covered by the instant petitions on China.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Subject aluminum extrusions are produced and imported with a variety of coatings and surface treatments, and types of fabrication. The types of coatings and treatments applied to aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.*, without any coating or further finishing), brushed, buffed, polished, anodized (including brightdip), liquid painted, electroplated, chromate converted, powder coated, sublimated, wrapped, and/or bead blasted. Subject aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly, or thermally improved. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, stretch-formed, hydroformed, knurled, swedged, mitered, chamfered, threaded, and spun. Performing such operations in third countries does not otherwise remove the merchandise from the scope of the investigation.

The types of products that meet the definition of subject merchandise include but are not limited to, vehicle roof rails and sun/moon roof framing, solar panel racking rails and framing, tradeshow display fixtures and framing, parts for tents or clear span structures, fence posts, drapery rails or rods, electrical conduits, door thresholds, flooring trim, electric vehicle battery trays, heat sinks, signage or advertising poles, picture frames, telescoping poles, or cleaning system components. Heat sinks are included in the scope, regardless of whether the design and production of the heat sinks are organized around meeting specified thermal performance requirements and regardless of whether they have been tested to comply with such requirements.

Merchandise that is comprised solely of aluminum extrusions or aluminum extrusions and fasteners, whether assembled at the time of importation or unassembled, is covered by the scope in its entirety.

The scope also covers aluminum extrusions that are imported with non-extruded aluminum components beyond fasteners, whether assembled at the time of importation or unassembled, that are designed to be a part or subassembly of a larger product or system. Only the aluminum extrusion portion of the merchandise described in this paragraph, whether assembled or unassembled, is subject to duties. Examples of merchandise that is designed to be a part or subassembly of a larger product or system include, but are not limited to, window parts or subassemblies; door unit parts or subassemblies; shower and bath system parts or subassemblies; solar panel mounting systems; fenestration system parts or subassemblies, such as curtain wall and window wall units and parts or subassemblies of storefronts; furniture parts or subassemblies; appliance parts or subassemblies, such as fin evaporator coils and systems for refrigerators; railing

or deck system parts or subassemblies; fence system parts or subassemblies; motor vehicle parts or subassemblies, such as bumpers for motor vehicles; trailer parts or subassemblies, such as side walls, flooring, and roofings; electric vehicle charging station parts or subassemblies; or signage or advertising system parts or subassemblies.

The scope excludes assembled merchandise containing non-extruded aluminum components beyond fasteners that is not a part or subassembly of a larger product or system and that is used as imported, without undergoing after importation any processing, fabrication, finishing, or assembly or the addition of parts or material, regardless of whether the additional parts or material are interchangeable. Examples of such excluded assembled merchandise include windows with glass, door units with door panel and glass, motor vehicles, trailers, furniture, appliances, and solar panels.

The scope also includes aluminum extrusions that have been further processed in a third country, including, but not limited to, the finishing and fabrication processes described above, assembly, whether with other aluminum extrusion components or with non-aluminum extrusion components, or any other processing that would not otherwise remove the merchandise from the scope if performed in the country of manufacture of the in-scope product. Third-country processing; finishing; and/or fabrication, including those processes described in the scope, does not alter the country of origin of the subject aluminum extrusions.

The following aluminum extrusion products are excluded: aluminum extrusions made from an aluminum alloy with an Aluminum Association series designations commencing with the number 2 (or proprietary equivalents or other certifying body equivalents) and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 5 (or proprietary equivalents or other certifying body equivalents) and containing in excess of 2.0 percent magnesium by weight; and aluminum extrusions made from an aluminum alloy with an Aluminum Association series designation commencing with the number 7 (or proprietary equivalents or other certifying body equivalents) and containing in excess of 2.0 percent zinc by weight.

The scope also excludes aluminum alloy sheet or plates produced by means other than the extrusion process, such as aluminum products produced by a method of continuous casting or rolling. Cast aluminum products are also excluded. The scope also excludes unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) length of 37 millimeters (“mm”) or 62

mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of these investigations is certain rectangular wire, imported in bulk rolls or precut strips and produced from continuously cast rolled aluminum wire rod, which is subsequently extruded to dimension to form rectangular wire with or without rounded edges. The product is made from aluminum alloy grade 1070 or 1370, with no recycled metal content allowed. The dimensions of the wire are 2.95 mm to 6.05 mm in width, and 0.65 mm to 1.25 mm in thickness. Imports of rectangular wire are provided for under HTSUS categories 7605.19.0000, 7604.29.1090, or 7616.99.5190.

Also excluded from the scope of these investigations are all products covered by the scope of the antidumping and countervailing duty orders on *Aluminum Extrusions from the People's Republic of China*. See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30,650 (May 26, 2011); *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30,653 (May 26, 2011).

Imports of the subject merchandise are primarily provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 7604.10.1000; 7604.10.3000; 7604.10.5000; 7604.21.0010; 7604.21.0090; 7604.29.1010; 7604.29.1090; 7604.29.3060; 7604.29.3090; 7604.29.5050; 7604.29.5090; 7608.10.0030; 7608.10.0090; 7608.20.0030; 7608.20.0090; 7609.00.0000; 7610.10.0010; 7610.10.0020; 7610.10.0030; 7610.90.0040; and 7610.90.0080.

Imports of the subject merchandise, including subject merchandise entered as parts of other products, may also be classifiable under the following additional HTSUS categories, as well as other HTSUS categories: 6603.90.8100; 7606.12.3091; 7606.12.3096; 7615.10.2015; 7615.10.2025; 7615.10.3015; 7615.10.3025; 7615.10.5020; 7615.10.5040; 7615.10.7125; 7615.10.7130; 7615.10.7155; 7615.10.7180; 7615.10.9100; 7615.20.0000; 7616.10.9090; 7616.99.1000; 7616.99.5130; 7616.99.5140; 7616.99.5190; 8302.10.3000; 8302.10.6030; 8302.10.6060; 8302.10.6090; 8302.20.0000; 8302.30.3010; 8302.30.3060; 8302.41.3000; 8302.41.6015; 8302.41.6045; 8302.41.6050; 8302.41.6080; 8302.42.3010; 8302.42.3015; 8302.42.3065; 8302.49.6035; 8302.49.6045; 8302.49.6055; 8302.49.6085; 8302.50.0000; 8302.60.9000; 8305.10.0050; 8306.30.0000; 8414.59.6590; 8415.90.8045; 8418.99.8005; 8418.99.8050; 8418.99.8060; 8419.50.5000; 8419.90.1000; 8422.90.0640; 8424.90.9080; 8473.30.2000; 8473.30.5100; 8479.89.9599; 8479.90.8500; 8479.90.9596; 8481.90.9060; 8481.90.9085; 8486.90.0000; 8487.90.0080; 8503.00.9520; 8508.70.0000; 8513.90.2000; 8515.90.2000; 8516.90.5000; 8516.90.8050; 8517.71.0000; 8517.79.0000; 8529.90.7300; 8529.90.9760; 8536.90.8585; 8538.10.0000; 8541.90.0000; 8543.90.8885; 8708.10.3050;

8708.29.5160; 8708.80.6590; 8708.99.6890; 8807.30.0060; 9013.90.7000;
 9013.90.8000; 9031.90.9195; 9401.99.9081; 9403.10.0040; 9403.20.0086;
 9403.91.0005; 9403.91.0010; 9403.91.0080; 9403.99.1040; 9403.99.1050;
 9403.99.1085; 9403.99.2040; 9403.99.2080; 9403.99.3005; 9403.99.3010;
 9403.99.3080; 9403.99.4004; 9403.99.4010; 9403.99.4080; 9403.99.5005;
 9403.99.5010; 9403.99.5080; 9403.99.9010; 9403.99.9015; 9403.99.9020;
 9403.99.9040; 9403.99.9045; 9403.99.9051; 9403.99.9061; 9405.99.4020;
 9506.11.4080; 9506.51.4000; 9506.51.6000; 9506.59.4040; 9506.70.2090;
 9506.91.0010; 9506.91.0020; 9506.91.0030; 9506.99.0510; 9506.99.0520;
 9506.99.0530; 9506.99.1500; 9506.99.2000; 9506.99.2580; 9506.99.2800;
 9506.99.5500; 9506.99.6080; 9507.30.2000; 9507.30.4000; 9507.30.6000;
 9507.30.8000; 9507.90.6000; and 9603.90.8050.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Petitioners intend that any product specifically mentioned as an example of subject merchandise is covered by the scope and does not fall within any scope exclusion herein.

2. Technical Characteristics and Uses

The merchandise subject to these investigations consists of aluminum shapes and forms produced via an extrusion process. Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including but not limited to hollow profiles, solid profiles, pipes, tubes, bars and rods. Aluminum extrusions may also be subsequently drawn, and they may be subjected to one or more finishing or fabrication processes.¹⁹

For example, aluminum extrusions may be thermally improved, as noted in the scope, which is intended to interrupt the conductive flow of heat or cold through the aluminum. There are at least two ways to thermally improve extruded aluminum products. First, an extruder can extrude a “channel” into the extrusion. After finishing, the channel is filled with an epoxy resin, which hardens quickly, and “de-bridged” by cutting through the back of the channel. The now

¹⁹ See, e.g., *Certain Aluminum Extrusions from China*, Inv. Nos. 701-TA-475 and 731-TA-1477, USITC Pub. 4677 (Mar. 2017) (Review) at I-20 – I-21 (“USITC Pub. 4677”).

de-bridged aluminum section remains held together as one unit by the epoxy resin, and the aluminum's thermal conductivity is broken by the interruption of the epoxy joint. Further fabrication and assembly can continue since the section remains as it was when initially extruded, save for the thermal barrier. Second, an extruder can extrude two different aluminum components and join them together, normally by pressing or rolling a pultruded section of fiberglass or non-heat conductive polymer shape into extruded grooves on each of the aluminum components. The resulting extrusion, now comprised of three different pieces, is permanently held together, and can be further fabricated.

Photographs and diagrams of some of the aluminum extrusions covered by these Petitions can be found in **Exhibit I-5**.

Aluminum extrusions have an extremely wide variety of applications. Major end-use applications for aluminum extrusions include but are not limited to building and construction (*e.g.*, windows, doors railings, curtain walls, window walls, highway and bridge construction, framing members, other various structures); transportation (*e.g.*, automotive, rail and other mass transit vehicles, including electric vehicles, recreational vehicles, aircraft, aerospace, marine); renewable energy products (*e.g.*, solar module frames and structural fasteners for solar installations); and engineered product applications (*e.g.*, air conditioners, appliances, furniture, lighting, sports equipment, personal watercraft, electrical power units, food displays, refrigeration, medical equipment, display structures, and laboratory equipment).²⁰

In particular, the scope of these petitions covers products that Petitioners believe were improperly excluded from the scope of the existing antidumping / countervailing duty order on Aluminum Extrusions from China. Such products that are subject merchandise or contain

²⁰ *See, e.g., id.* at 35-36.

subject merchandise include, but are not limited to: cleaning system components and kits; banner stands/back wall kits; fabric wall system kits; drapery rail kits; side mount valve control kits; water heater anodes; solar panel mounting system kits; 5050 alloy rails for showers and carpets; auto heating and cooling system; assembled motor cases with stators; louver assemblies; event décor kits; window wall units; trade booth kits; scaffolding planks; fan blade assemblies; storm door kits; screen printing frames; micro channel heat exchangers; telescoping poles; motorized arm set kits for awnings; pool poles, skimmers, & rakes; screen and storm door grilles; event tent frame; pole handles; foreline hose assembly and kits; spreader poles; telescoping wash poles; lateral arm assemblies for awning systems; electronic enclosure kits; portal sets kits; barn door hardware kits; air duct registers; pocket door frame kits; glass refrigerator shelves; collapsible shelter frames and kits; folding door kits; and aluminum pair ramps.

3. Production Methodology

The manufacturing process for aluminum extrusions consists of several phases. In many facilities, the production process for aluminum extrusions begins with semi-finished alloy aluminum billets as the input raw material. To produce the billets, unalloyed aluminum ingots are placed into a charging furnace (electricity or natural gas fired) along with aluminum scrap and a number of metallic alloys such as silicon, copper, magnesium, manganese, iron, zinc, and titanium – depending on the desired grade and chemistry. The heat of the furnace melts the metals and the furnace helps blend the metals into a consistent chemistry before the furnace is “tapped” and the molten aluminum is allowed to flow into troughs that are typically round in shape and where the molten aluminum cools into a solid form. This process yields a

semifinished alloyed aluminum billet.²¹ These billets are either produced in the extruders' vertically integrated cast houses or at independent cast houses.

In the extrusion phase, an alloyed aluminum billet is heated in a heating furnace (typically, a natural gas or electric furnace) to allow the billet to become malleable and formable. A thin film of lubricant is applied to the heated billet. The heated billet is then loaded into an extrusion press and hydraulically rammed through an extrusion die, which has been cut in the shape of the profile of the finished extrusion. Materials such as liquid nitrogen flow around the die to cool it. This process protects the die, assists in extending its useful life, and inhibits the formation of oxides on the surface of the extruded shape.

The process of ramming the billet through the die causes the extruded aluminum to acquire the same cross section and shape as the die. Depending on the alloy, the extrusion is cooled after emerging from the die, either naturally or through the use of air or water quenches, and transferred to a cooling table. The end of the billet typically is not extruded, as it contains oxides from the billet's surface, and it is instead removed as scrap. Extrusions are typically permitted to be stretched to ensure straightness and may be "age-hardened" (naturally or artificially) to allow the aluminum alloy to harden. At pre-determined lengths, the extruded aluminum is cut using cutting saws. The cut and extruded product is in a "mill finish" condition at conclusion of this phase.

The scope of these Petitions also includes aluminum extrusions that are drawn subsequent to extrusion. For drawn extrusions, a cooled extruded hollow shape is drawn over a mandrel, which allows for the production of aluminum extrusion tubing meeting very precise specifications.

²¹ As noted above, not all extruders have a cast house. Some extruders directly purchase billets on the open market from entities with a cast house.

Mill finish aluminum extrusions may be prepared for packaging and distribution to a mill's customers. Alternatively, mill finish aluminum extrusions may undergo any number of finishing or processing applications, including surface coating or treatments (*e.g.*, painting, anodizing, sanding, acid-etching, nickel finishing, etc.). For example, aluminum extrusions may undergo mechanical finishing processes such as burnishing or buffing, which will establish a mirror-like finish, or blasting or scoring, which will establish a rougher texture. Aluminum extrusions may also be anodized, which typically involves alkaline and acid cleaning, etching, and deoxidize and de-smut steps, before the extrusion is immersed in an electrolyte solution through which an electric current is passed. Aluminum extrusions can undergo bright-dip finishing, which involves polishing and submerging in a heated acid bath, creating a bright finish. Aluminum extrusions are also often painted, either with sprayed liquid paint or electrostatically applied powder coatings.

Aluminum extrusions also may undergo fabrication and/or assembly operations such as machining, punching, drilling, notching, beveling, stretching and/or bending, and they may be supplemented with hardware (*e.g.*, screws) or other components, including non-aluminum components. Such operations are often performed by extruders producing fabricated extrusions covered by the scope of these petitions, such as, *e.g.*, bumpers, appliance handles, banner stands or door thresholds. Different types of machinery and equipment are utilized for the various fabrication processes. Once all fabrication operations have been completed, these aluminum extrusions will be prepared for packaging and distribution to a mill's customers.

4. Tariff Classification

Imports of subject merchandise are classified under Harmonized Tariff Schedule of the United States ("HTSUS") statistical numbers 7604.10.1000; 7604.10.3000; 7604.10.5000;

7604.21.0010; 7604.21.0090; 7604.29.1010; 7604.29.1090; 7604.29.3060; 7604.29.3090;
7604.29.5050; 7604.29.5090; 7608.10.0030; 7608.10.0090; 7608.20.0030; 7608.20.0090;
7609.00.0000; 7610.10.0010; 7610.10.0020; 7610.10.0030; 7610.90.0040; and 7610.90.0080.

The subject merchandise, including subject merchandise entered as parts of other aluminum products, may be classifiable under the following additional subheadings: 6603.90.8100;
7606.12.3091; 7606.12.3096; 7615.10.2015; 7615.10.2025; 7615.10.3015; 7615.10.3025;
7615.10.5020; 7615.10.5040; 7615.10.7125; 7615.10.7130; 7615.10.7155; 7615.10.7180;
7615.10.9100; 7615.20.0000; 7616.10.9090; 7616.99.1000; 7616.99.5130; 7616.99.5190;
8302.10.3000; 8302.10.6030; 8302.10.6060; 8302.10.6090; 8302.20.0000; 8302.30.3010;
8302.30.3060; 8302.41.3000; 8302.41.6015; 8302.41.6045; 8302.41.6050; 8302.41.6080;
8302.42.3010; 8302.42.3015; 8302.42.3065; 8302.49.6035; 8302.49.6045; 8302.49.6055;
8302.49.6085; 8302.50.0000; 8302.60.9000; 8305.10.0050; 8306.30.0000; 8414.59.6590;
8415.90.8045; 8418.99.8005; 8418.99.8050; 8418.99.8060; 8419.90.1000; 8422.90.0640;
8424.90.9080; 8473.30.2000; 8473.30.5100; 8479.89.9599; 8479.90.8500; 8479.90.9596;
8481.90.9060; 8481.90.9085; 8486.90.0000; 8487.90.0080; 8503.00.9520; 8508.70.0000;
8513.90.2000; 8515.90.2000; 8516.90.5000; 8516.90.8050; 8517.71.0000; 8517.79.0000;
8529.90.7300; 8529.90.9760; 8536.90.8585; 8538.10.0000; 8541.90.0000; 8543.90.8885;
8708.10.3050; 8708.29.5160; 8708.80.6590; 8708.99.6890; 8807.30.0060; 9013.90.7000;
9013.90.8000; 9031.90.9195; 9401.99.9081; 9403.10.0040; 9403.20.0086; 9403.91.0005;
9403.91.0010; 9403.91.0080; 9403.99.1040; 9403.99.1050; 9403.99.1085; 9403.99.2040;
9403.99.2080; 9403.99.3005; 9403.99.3010; 9403.99.3080; 9403.99.4004; 9403.99.4010;
9403.99.4080; 9403.99.5005; 9403.99.5010; 9403.99.5080; 9403.99.9010; 9403.99.9015;
9403.99.9020; 9403.99.9040; 9403.99.9045; 9403.99.9051; 9403.99.9061; 9405.99.4020;

9506.11.4080; 9506.51.4000; 9506.51.6000; 9506.59.4040; 9506.70.2090; 9506.91.0010;
9506.91.0020; 9506.91.0030; 9506.99.0510; 9506.99.0520; 9506.99.0530; 9506.99.1500;
9506.99.2000; 9506.99.2580; 9506.99.2800; 9506.99.5500; 9506.99.6080; 9507.30.2000;
9507.30.4000; 9507.30.6000; 9507.30.8000; 9507.90.6000; and 9603.90.8050.

The most-favored nation duty rate for imports under each of these HTS numbers is listed in the excerpts from the current HTS, which are attached as **Exhibit I-6**. The tariff numbers are provided for the convenience of the U.S. government and do not define the scope of the petition. The written description of the merchandise under investigation is dispositive.

F. The Names of the Home Market Countries and the Name of Any Intermediate Country Through Which the Merchandise Is Transshipped (19 C.F.R. § 351.202(b)(6))

The aluminum extrusions covered by these Petitions are imported from China, Colombia, the Dominican Republic, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, the United Arab Emirates, and Vietnam. Aside from evidence that Chinese extrusions subject to the existing Aluminum Extrusions from China case may be evading those AD/CVD orders by shipping through countries subject to these petitions,²² Petitioners currently do not have any other evidence indicating that the subject merchandise is currently produced in a country other than that from which it is exported. However, Petitioners emphasize that subject merchandise also includes aluminum extrusions that has been further processed in a third country, including, but not limited to, finishing and fabrication processes described in the scope, assembly (whether with other aluminum extrusion components or with non-aluminum extrusion components), or any other processing that would not otherwise remove

²² See, e.g., U.S. Customs and Border Protection, *EAPA Action: Notice of Initiation in EAPA Case 7801 - Aluminum Extrusions From China*, attached as **Exhibit I-7**; *infra* section III.E.2c.

the merchandise from the scope if performed in the country of manufacture of the in-scope product.

G. The Names and Addresses of Each Person Believed to Sell the Merchandise at LTNV and the Proportion of Total Exports to the United States (19 C.F.R. § 351.202(b)(7)(i)(A))

The names and addresses of the foreign entities believed by Petitioners to be producing and exporting the aluminum extrusions subject to these Petitions are provided in **Exhibit I-8**. In compiling this exhibit, Petitioners relied primarily upon publicly available Internet information and information procured from [*source*], as well as Petitioners' industry knowledge.

Information reasonably available to Petitioners does not allow us to identify the proportion of total exports to the United States accounted for during the most recent 12-month period by the producers listed in this exhibit. Petitioners believe, however, that the companies listed in **Exhibit I-8** account for the vast majority of subject imports.

H. Factual Information Related to the Calculation of Normal Value of the Foreign Like Product in Non-Market Economy Countries (19 C.F.R. § 351.202(b)(7)(i)(C))

China and Vietnam are treated as non-market economies for antidumping purposes. Volumes IX and XV of these Petitions contain the information necessary to substantiate LTNV allegations and factual information relevant to China and Vietnam, respectively.

I. The Names and Addresses of Each Person Believed to Benefit from a Countervailable Subsidy Who Exports the Subject Merchandise to the United States and the Proportion of Total Exports to the United States (19 C.F.R. § 351.202(b)(7)(ii)(A))

The names and addresses of the entities believed by Petitioners to be benefiting from countervailable subsidies and who have exported the aluminum extrusions subject to these Petitions are provided in **Exhibit I-8**. Information reasonably available to Petitioners does not allow us to identify the proportion of total exports to the United States accounted for during the

most recent 12-month period by the producers listed in this exhibit. As stated above, Petitioners believe, however, that the companies listed in **Exhibit I-8** account for the majority of subject imports.

J. The Alleged Countervailable Subsidy and Factual Information Relevant to the Alleged Countervailable Subsidy (19 C.F.R. § 351.202(b)(7)(ii)(B))

Volumes XVI, XVII, XVIII, and XIX of these Petitions contain information concerning the alleged countervailable subsidies as well as factual information relevant to the alleged countervailable subsidies, the law, regulations, and decrees under which the subsidies were bestowed, the manner in which the subsidies were provided, and Petitioners’ estimation – to the extent practicable – of the value of the subsidies to subject producers and exporters of certain aluminum extrusions subject to these Petitions.

K. The Volume and Value of the Merchandise Imported During the Most Recent Two-Year Period (19 C.F.R. § 351.202(b)(8))

As set forth in section III.D below, Petitioners request that the Commission assess a period of investigation (“POI”) starting in 2019. However, consistent with the regulations, Petitioners provide here the volume and value of subject imports during the most recent two-year period, plus the most recent half-year period:

Item	2021	2022	Jan-Jun 2022	Jan-Jun 2023
U.S. Imports from --	Quantity in Short Tons			
Mexico	89,338	112,211	58,358	52,310
China	102,885	100,779	50,775	45,573
Vietnam	63,955	83,758	46,526	26,037
Colombia	51,237	66,336	28,907	36,958
Turkey	30,540	39,528	21,106	11,547
Indonesia	39,873	36,423	18,046	13,379
Ecuador	15,750	19,286	9,907	9,122
India	10,067	17,775	7,248	10,228

Malaysia	14,289	17,681	8,799	6,217
Thailand	11,660	12,535	7,442	5,156
South Korea	10,295	10,846	5,488	4,987
Taiwan	9,859	9,540	5,517	3,372
United Arab Emirates	1,832	5,014	2,522	1,754
Dominican Rep	15,538	15,429	6,615	11,152
Subtotal, All Target	481,184	562,530	284,839	246,921
All Other Countries	254,438	244,641	127,896	117,183
World Total	735,622	807,171	412,735	364,104

	2021	2022	Jan-June 2022	Jan-June 2023
U.S. Imports from --	Landed, Duty-Paid Value			
China	\$416,855,086	\$470,003,975	\$227,335,694	\$201,951,743
Colombia	\$358,824,193	\$525,328,069	\$225,366,898	\$311,760,072
Dominican Rep	\$63,153,028	\$75,391,974	\$31,379,586	\$52,988,159
Ecuador	\$53,851,830	\$86,570,692	\$44,319,799	\$37,663,128
India	\$51,351,139	\$121,183,602	\$44,960,604	\$73,853,884
Indonesia	\$132,861,428	\$168,806,413	\$81,325,000	\$55,163,977
Italy	\$106,760,873	\$127,918,569	\$61,933,041	\$86,849,820
Korea, South	\$57,150,491	\$76,693,176	\$37,483,810	\$36,514,623
Malaysia	\$63,922,011	\$99,957,400	\$48,053,578	\$31,258,031
Mexico	\$451,158,156	\$661,117,772	\$341,736,418	\$297,498,416
Taiwan	\$61,120,875	\$74,510,416	\$38,643,963	\$27,385,080
Thailand	\$49,492,780	\$62,968,577	\$36,038,483	\$27,148,984
Turkey	\$134,832,488	\$229,965,121	\$117,283,459	\$66,086,684
United Arab Em	\$6,507,713	\$25,586,283	\$12,055,409	\$10,515,226
Vietnam	\$219,650,172	\$388,395,784	\$209,616,996	\$113,649,502
Subtotal, Subject	\$2,227,492,263	\$3,194,397,823	\$1,557,532,738	\$1,430,287,329
All Other Countries	\$1,721,648,568	\$1,944,156,805	\$1,000,506,179	\$949,054,086
World Total	\$3,949,140,831	\$5,138,554,628	\$2,558,038,917	\$2,379,341,415

These data reflect imports under the following HTS subheadings: 7604.10.1000; 7604.10.3000; 7604.10.5000; 7604.21.0000; 7604.21.0010; 7604.21.0090; 7604.29.1000; 7604.29.1010; 7604.29.1090; 7604.29.3060; 7604.29.3090; 7604.29.5050; 7604.29.5090; 7608.10.0030; 7608.10.0090; 7608.20.0030; 7608.20.0090; 7610.10.00.10; 7610.10.00.20;

7610.10.00.30; 7610.90.00.40; 7610.90.00.80. Petitioners note that, while these HTS categories predominantly reflect subject merchandise, they are not fully specific to subject merchandise and may reflect some level of nonsubject merchandise. In addition, certain HTS categories not included in this dataset also contain some level of subject merchandise. However, those categories also contain significant quantities of nonsubject merchandise, and so Petitioners believe that including the categories would be overinclusive and significantly distort the dataset. For example, certain subject merchandise, including aluminum curtain rods, is classified within HTS subheading 8302.41.6050. However, HTS subheading 8302.41.6050 also reflects imports of iron, steel, and zinc mountings for curtains or draperies.

Thus, until the Commission can collect comprehensive questionnaire response data specific to imports of subject aluminum extrusions, the import data referenced above serves as the best information on the volume and value of the merchandise imported during the period that is available to Petitioners.

L. The Names and Addresses of Each Entity the Petitioners Believe Imports or Is Likely to Import the Subject Merchandise (19 C.F.R. § 207.11(b)(2)(iii); 19 C.F.R. § 351.202(b)(9))

The names and addresses of importers of aluminum extrusions from the subject countries that are known to the Petitioners at this time are listed in **Exhibit I-57**. Petitioners believe, however, that there may be additional subject importers of aluminum extrusions that they have been unable to identify. Petitioners request that the Department and the Commission obtain this information from U.S. Customs and Border Protection, as Petitioners do not have access to this information.

III. DUMPED AND SUBSIDIZED SUBJECT IMPORTS ARE A CAUSE OF MATERIAL INJURY AND THREAT THEREOF TO THE U.S. ALUMINUM EXTRUSIONS INDUSTRY

A. Introduction

Imports of aluminum extrusions from China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, the United Arab Emirates and Vietnam have caused material injury to the domestic industry and threaten the domestic industry with further material injury. Unfairly traded aluminum extrusion imports from the subject countries have been increasing for years and have taken a significant and increasing share of the U.S. market from domestic producers. Official import statistics show that subject imports increased by 41 percent from 2019 to 2022²³ and took 6.0 percentage points of market share directly from domestic producers.²⁴ These subject imports substantially undersold the domestic like product and, as a result, took at least [*\$788.5 million*] in lost sales and revenues from U.S. producers.²⁵ Subject imports also depressed and suppressed U.S. prices, pushing the domestic industry into a cost-price squeeze. The negative effect of subject imports on the capacity utilization, employment and profitability of the domestic aluminum extrusions industry has been severe, even as the U.S. market for aluminum extrusions grew. While U.S. aluminum extrusions demand increased by 11 percent²⁶ and the domestic industry's performance should have improved, U.S. producers instead were unable to increase their production, and their profitability actually dropped.

²³ List of U.S. Importers, attached as **Exhibit I-57**. Petitioners reference a four-year POI here, consistent with our argument in section III.D of this Petition. From 2020 to 2022, total subject imports increased by 58 percent. *Id.* Aluminum extrusions imports from all subject countries except the Dominican Republic increased by 40 percent between 2019 and 2022 and 56 percent between 2020 and 2022. *Id.* Imports from the Dominican Republic, assessed individually, increased by 163 percent between 2019 and 2022 and 180 percent between 2020 and 2022.

²⁴ U.S. Imports and Market Share of Aluminum Extrusions, attached as **Exhibit I-10**.

²⁵ Lost Sales and Lost Revenues, attached as **Exhibit I-11**.

²⁶ U.S. Imports and Market Share of Aluminum Extrusions, attached as **Exhibit I-10**.

Given these factors, subject imports also threaten the domestic industry with material injury. Because its trade and financial performance was adversely affected by the subject imports, the domestic aluminum extrusions industry is vulnerable to further injury by imports. The huge volume of subject imports during the POI establishes the ability of subject aluminum extrusions to enter the U.S. market rapidly and in large quantities. The aluminum extrusions industries in the subject countries have substantial capacity to expand production, with plans in place to increase capacity even further. The trends in the statutory threat indicia – such as rising imports, underselling, increasing market share and excess capacity – point to a continuation of the harm to an already injured industry.

B. The Domestic Like Product Consists of All Aluminum Extrusions Covered by the Scope

In determining whether an industry in the United States is materially injured or threatened with material injury by reason of imports of the subject merchandise, the Commission first defines the domestic like product.²⁷ The “domestic like product” is defined as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation”²⁸ The like product determination is a factual one made on a case-by-case basis.²⁹ The Commission generally considers the following factors: (1) physical characteristics and uses; (2) interchangeability; (3) channels of distribution; (4) customer and producer perceptions of the products; (5) common manufacturing facilities, production processes

²⁷ See *NEC Corp. v. Dep’t of Commerce*, 22 Ct. Int’l Trade 1108, 1109, 36 F. Supp. 2d 380, 382 (1998).

²⁸ 19 U.S.C. § 1677(10).

²⁹ See, e.g., *NEC*, 22 Ct. Int’l Trade at 1110, 36 F. Supp. 2d at 383.

and production employees; and, where appropriate, (6) price.³⁰ In evaluating these factors, the Commission looks for clear dividing lines and disregards minor variations.³¹

1. All Types of Aluminum Extrusions Fall Within a Single Domestic Like Product

The Commission should define a single like product coextensive with the scope in this investigation.³² With the exception of “finished heat sinks” (which are discussed below), the Commission has traditionally defined aluminum extrusions as a single domestic like product. As the Commission explained in the *Aluminum Extrusions from China* original investigation:

All aluminum extrusions within the scope of these investigations share certain basic physical characteristics. All are made from aluminum alloys in the 1, 3, and 6 series of the Aluminum Association (so-called “soft alloys”), all are produced by an extrusion process, and many aluminum extrusions are further fabricated (for example, cut to length, machined, drilled, punched, notched, bent, stretched, or assembled by welding or fastening) after they are mill finished. Also, many aluminum extrusions are produced in custom shapes and sizes.³³

These facts are unchanged and apply equally to the products covered by these petitions.

The Commission also rejected several respondents’ requests to define separate like products for shower knock-down units (“KDs”), jewelry-grade shower door extrusions (“J-G extrusions”), and organic photoreceptor/photoconductor (“OPC”) tubes, in part due to their specific end uses.³⁴ Finding that “there are many distinct individual end-use applications for

³⁰ See *Cleo, Inc. v. United States*, 501 F.3d 1291, 1295 (Fed. Cir. 2007).

³¹ See *id.*

³² Petitioners note that the Commission has previously declined to assess domestic like product issues with regard to aluminum extrusions under the semifinished products analysis framework, and has instead relied on the traditional domestic like product factors. See USITC Pub. 4229 at 7, n. 16 (“We have determined that our traditional six-factor test is somewhat more appropriate than the semi-finished product analysis for analyzing the four like product issues raised”); USITC Pub. 4677 at 21.

³³ *Certain Aluminum Extrusions from China*, Inv. Nos. 701-TA-475 and 731-TA-1177, USITC Pub. 4229 (May 2011) (Final) at 7 (“USITC Pub. 4229”).

³⁴ *Id.* at 9-11.

different types of aluminum extrusions,” the Commission concluded that there was no clear dividing line between these products and other aluminum extrusions.³⁵

In the first sunset review of the China orders, the Commission considered and rejected respondents’ arguments to define several other products as separate domestic like products: (1) kitchen appliance components (or certain kitchen appliance door handles), (2) fin evaporator coil systems (or the aluminum extrusions components thereof), and (3) fittings for engine cooling systems. The Commission described its analysis as follows:

Based on an analysis of its traditional domestic like product factors, the Commission found that the three products in question and other in-scope aluminum extrusions included a variety of products of different shapes and forms that are subjected to varying amounts of finishing and fabrication processes, but are manufactured in overlapping plants using the same processes and employees at least at the extrusion stage and in some cases at additional stages of finishing and fabrication. It also found that all in-scope aluminum extrusions, including the three products in question, shared similar general features and common channels of distribution with other in-scope merchandise. Finding that the record did not support defining any of the three products in question as a separate domestic like product, the Commission defined a single domestic like product coextensive with the scope.³⁶

The facts with regard to the product at issue remain the same and indicate that aluminum extrusions constitute a single like product. Indeed, different types of aluminum extrusions are produced by the same manufacturers and in the same facilities. For example, Coalition member Western Extrusions makes a wide variety of aluminum extrusion products ranging from sign panels, to solar mounting clamps and highway rails in the same facility, while Coalition member Custom produces heat sinks and other aluminum extrusions in the same facility. Much of the equipment and employees are shared between production of various types of aluminum extrusions. All aluminum extrusions are also sold through the same channels of distribution –

³⁵ *Id.* at 9.

³⁶ *Aluminum Extrusions from China*, Inv. Nos. 701-TA-475 and 731-TA-1177, USITC Pub. 5375 (Oct. 2022) (Second Review) at 13 (“USITC Pub. 5375”).

(1) end users and (2) distributors. In the latter channel, the same distributors often purchase and sell various types of aluminum extrusions.

As such, the aluminum extrusions subject to these investigations constitute a continuum of products, without any clear dividing line between products, and the Commission should define a single like product.

2. **All Extruded Aluminum Heat Sinks Fall Within a Single Domestic Like Product**

A heat sink is an aluminum extrusion that cools a solid material (e.g., electronics and computer equipment) by transferring the heat generated in the device to a fluid medium, such as air or a liquid, to ensure that the material does not overheat. As noted above, in the *Aluminum Extrusions from China* investigation, the Commission defined two separate types of heat sinks: (1) “unfinished” heat sinks, which it found to be part of the same domestic like product as other aluminum extrusions; and (2) so-called “finished” heat sinks, which it defined as a separate like product and for which it made a negative determination.³⁷ This led to an exclusion in the scope of the Aluminum Extrusions from China antidumping and countervailing duty orders for “fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.”³⁸

Petitioners believe that this 2011 domestic like product determination was not based on comprehensive and accurate information about the products, and reflects a distinction which, in reality, does not exist. As such, in these investigations, the Commission should define a single

³⁷ USITC Pub. 4229 at 4-6. Notably, two Commissioners dissented from this determination, finding that finished heat sinks comprise part of a single domestic like product with all other subject aluminum extrusions. *See id.* at 3 n.2.

³⁸ *See China I AD Order*, 76 Fed. Reg. at 30,651; *China I CVD Order*, 76 Fed. Reg. at 30,654.

category of heat sinks and find that such aluminum extrusions, like many other varieties of extrusions, are part of a single continuum of aluminum extrusion products and a single domestic like product.

Under the Commission’s prior finding, all “unfinished” heat sinks were considered to be part of the main domestic like product. And even with regard to finished heat sinks, the Commission noted that finished heat sinks “are not different from other aluminum extrusions in terms of their metallurgic chemistry, or by virtue of being further fabricated or produced in custom shapes.”³⁹ The Commission further noted that, although finished heat sinks have a specific and distinct end use, “many other aluminum extrusions also have distinct individual end-use applications.”⁴⁰ In addition, the Commission found that “{finished heat sinks} and other aluminum extrusions are both sold to end users and to distributors.”⁴¹ The Commission further noted that “most U.S. producers and importers of aluminum extrusions generally reported that {finished heat sinks} and other aluminum extrusions are comparable in terms of customer perceptions.”⁴² All of these facts remain. In addition, U.S. aluminum extruders produce both heat sinks and other aluminum extrusions, and in the same facilities.

Despite all of these similarities with regard to the typical domestic like product factors considered by the Commission, the Commission separated “finished” heat sinks into its own like product. The supposedly distinguishing characteristic of a finished heat sink that primarily underlay this decision was its “customized thermal resistance properties” – that the heat sink has undergone testing, albeit not necessarily individual testing, to show that it meets certain specified

³⁹ USITC Pub. 4229 at 7.

⁴⁰ *Id.* at 7-8.

⁴¹ *Id.* at 8.

⁴² *Id.*

thermal performance requirements.⁴³ This determination by the Commission, more than a decade ago, led to circumstances where – coincidentally – every imported Chinese aluminum extrusion in the form of a heat sink is declared as a “finished” heat sink, pushing some U.S. heat sink producers out of the production of heat sinks altogether. Because there is no separate industry for “unfinished heat sinks” and “finished heat sinks” (rather, if a company produces a heat sink, they produce it until it is finished), all U.S. heat sink producers were injured by the Commission’s finding. In these investigations, the record will show that all subject aluminum extrusions, including all extruded aluminum heat sinks, constitute a continuum of products without any clear dividing line and should be defined as a single domestic like product.

C. There Is a Single Domestic Industry Consisting of All Domestic Producers

Section 771(7)(4) of the Act defines the domestic industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”⁴⁴ The Commission should find that there is a single domestic industry manufacturing aluminum extrusions in the United States.

Petitioners believe that there are several U.S. producers that meet the statutory definition of a related party, as they are related to an importer or a producer and exporter of subject merchandise (e.g., Hydro Extrusions, Sierra Aluminum, Nanshan America, Profile Custom Extrusion).⁴⁵ Petitioners do not yet have adequate information to assess whether appropriate circumstances exist to exclude these producers from the domestic industry.

⁴³ See *id.* at 3 n.1.

⁴⁴ 19 U.S.C. § 1677(4)(A).

⁴⁵ See *Torrington Co. v. United States*, 790 F. Supp. 1161, 1168 (Ct. Int’l Trade 1992), *aff’d without opinion*, 991 F.2d 809 (Fed. Cir. 1993); *Sandvik AB v. United States*, 721 F. Supp. 1322, 1331-32 (Ct. Int’l Trade 1989), *aff’d*

D. The Commission Should Assess a POI Starting in 2019 in These Investigations

The Commission has discretion to define the POI it will consider in AD/CVD investigations. While the Commission typically assesses data for the three most recent full calendar years plus any interim period, it has in certain circumstances defined a longer POI, when doing so would better allow it to understand market conditions or the cyclical nature of an industry.⁴⁶

In these investigations, unique circumstances – namely, a global pandemic and its effects on the U.S. aluminum extrusions market as well as the global economy generally – require the Commission to assess a POI in the preliminary phase beginning in 2019, to fully capture the extent of the injury caused to U.S. aluminum extruders by subject imports. As in many industries, the pandemic played a role in contracting demand and production for the industry in 2020, and thus it is necessary to use an earlier baseline, unaffected by the pandemic, to assess the impact of subject imports on the domestic industry.

Notably, the Canadian International Trade Tribunal has examined a four-year POI in certain of its recent cases. As it explained, “{t}he Tribunal’s practice is to select, at a minimum, a three-year POI in an injury inquiry. For the purposes of the present inquiry, it selected a four-year POI to ensure that it had three full years of data unaffected by the COVID-19 pandemic.”⁴⁷

mem., 904 F.2d 46 (Fed. Cir. 1990); *Empire Plow Co. v. United States*, 675 F. Supp. 1348, 1352 (Ct. Int’l Trade 1987). *See also* List of Foreign Producers, attached as **Exhibit I-8**.

⁴⁶ *See, e.g., Certain Orange Juice from Brazil*, Inv. No. 731-TA-1089, USITC Pub. 3838 (Mar. 2006) (Final) at 17 n.133; *Magnesium from China and Russia*, Inv. Nos. 731-TA-1071 and 731-TA-1072, USITC Pub. 3763 (Apr. 2005) (Final) at 15 n.83; *Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Germany and Japan*, Inv. Nos. 731-TA-736 and 731-TA-737, USITC Pub. 2988 (Aug. 1996) (Final) at 14.

⁴⁷ *See* Canadian International Trade Tribunal, *Finding and Reasons in Inquiry No. NQ-2021-002, Certain Upholstered Domestic Seating* (Sept. 17, 2021) at 29 n.124, excerpts attached as **Exhibit I-12**. *See also* Canadian International Trade Tribunal, *Finding and Reasons in Inquiry No. NQ-2022-001, Certain Mattresses* (Nov. 21, 2022) at 1, excerpts attached as **Exhibit I-13**.

The Commission should do the same, to ensure that its injury analysis is not distorted by starting the POI in 2020, and assess a POI for the preliminary phase of these investigations including 2019 to 2022, half-year 2022 and half-year 2023.

E. Subject Imports Are Causing Material Injury to the Domestic Industry

In determining whether a domestic industry is experiencing present material injury caused by unfairly traded imports, the Commission considers:

- (1) the volume of imports of the subject merchandise;
- (2) the effect of imports of that merchandise on prices in the United States for domestic like products; and
- (3) the impact of imports of such merchandise on domestic producers of domestic like products.⁴⁸

An analysis of these factors shows that the domestic mobile access equipment industry is suffering material injury by reason of subject imports.

1. The Commission Should Cumulate Subject Imports

For purposes of evaluating the volume and price effects for a determination of material injury by reason of subject imports, section 771(7)(G)(i) of the Act requires the Commission to cumulate subject imports from all countries as to which petitions were filed on the same day, if such imports compete with each other and with the domestic like product in the U.S. market.⁴⁹ In assessing whether subject imports compete with each other and with the domestic like product, the Commission generally has considered four factors:

- (1) the degree of fungibility between subject imports from different countries and between subject imports and the domestic like product . . . ;
- (2) the presence of sales or offers to sell in the same geographic markets of subject imports from different countries and the domestic like product;

⁴⁸ 19 U.S.C. § 1677(7)(B)(i).

⁴⁹ *Id.* § 1677(7)(G)(i). None of the exceptions to cumulation apply. *See id.* § 1677(7)(G)(ii).

- (3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and
- (4) whether the subject imports are simultaneously present in the market.⁵⁰

While no single factor is necessarily determinative, and the list of factors is not exhaustive, these factors are intended to provide the Commission with a framework for determining whether the subject imports compete with each other and with the domestic like product.⁵¹ Only a “reasonable overlap” of competition is required.

With regard to the Dominican Republic, under the Dominican Republic-Central America-United States Free Trade Agreement (“CAFTA-DR”), the United States agreed to continue to treat the Dominican Republic as a Caribbean Basin Economic Recovery Act (“CBERA”) “beneficiary country” for purposes of 19 U.S.C. §§ 1677(7)(G)(ii)(III) and 1677(7)(H), and thus the Commission does not cumulate the Dominican Republic for purposes of assessing injury by reason of imports from the Dominican Republic. However, for purposes of determining whether the domestic industry is materially injured or threatened with material injury by reason of imports from the other countries subject to investigation, imports from the Dominican Republic must be cumulated with other subject imports if the statutory prerequisites for cumulation are satisfied.⁵²

Each of the Commission’s usual factors indicates that the imports subject to these Petitions compete with each other and with the domestic like product. First, aluminum extrusions produced in the subject countries and in the United States are highly fungible. In the

⁵⁰ See *Certain Cast-Iron Pipe Fittings from Brazil, the Republic of Korea, and Taiwan*, Inv. Nos. 731-TA-278-280, USITC Pub. 1845 (May 1986) (Final) at 8, *cf. d.*, *Fundicao Tupy, S.A. v. United States*, 678 F. Supp. 898, 899 (Ct. Int’l Trade 1988), *cf. d.*, 859 F.2d 915, 915 (Fed. Cir. 1988).

⁵¹ See, e.g., *Wieland Werke, AG v. United States*, 718 F. Supp. 50, 54 (Ct. Int’l Trade 1989).

⁵² See, e.g., *Carbon and Certain Alloy Steel Wire Rod from Brazil, Canada, Germany, Indonesia, Mexico, Moldova, Trinidad and Tobago, Turkey, and Ukraine*, Inv. Nos. 701-TA-417-421 and 731-TA-953, 954, 956-959, 961, and 962, USITC Pub. 3546 (Oct. 2002) (Final) at 19-20.

original investigation in *Aluminum Extrusions from China* investigation, the Commission reported: “Producers, importers, and purchasers agree that aluminum extrusions of the same type, regardless of source, are highly interchangeable.”⁵³ Indeed, in that case, where “nonsubject imports” were largely comprised of the imports subject to this case, the Commission stated: “U.S. producers, importers, and purchasers compared aluminum extrusions from the United States, China, Canada, and other nonsubject sources. For each comparison, substantial majorities of producers, importers, and purchasers indicated that products from different sources were always or frequently interchangeable.”⁵⁴ The Commission reached similar conclusions in the first two sunset reviews of the *Aluminum Extrusions from China* orders.⁵⁵ There have been no changes to the substitutable nature of aluminum extrusions that would justify a change in findings here. Aluminum extrusions are typically produced to customer specifications; once a specification is met, an aluminum extrusion from any source is interchangeable. The substantial number of lost sales identified in **Exhibit I-11** further confirms that aluminum extrusions from any subject country can easily be substituted for domestically produced aluminum extrusions.

Second, the record here will show that imports from each of the subject countries compete with imports from the other subject countries and with the domestic like product throughout the U.S. market. In the *Aluminum Extrusions from China* original investigation, the Commission found that the majority of U.S. producers and the majority of importers of Chinese extrusions sold to each geographic region.⁵⁶ Similarly, in the first sunset review of the China

⁵³ USITC Pub. 4229 at 20.

⁵⁴ *Id.*

⁵⁵ See USITC Pub. 4677 at 40 (“Majorities of U.S. producers, importers, and purchasers reported that aluminum extrusions from the United States and China are always or frequently interchangeable”); USITC Pub. 5375 at 23 (“{W}e again find that subject imports and the domestic like product are moderately to highly substitutable, and that price is an important factor in purchasing decisions”).

⁵⁶ USITC Pub. 4229 at II-1.

cases, the Commission explained that “U.S. producers and importers {of Chinese extrusions} reported selling aluminum extrusions to all regions in the contiguous United States.”⁵⁷ The evidence continues to indicate that aluminum extrusions, regardless of source, are sold nationwide. In fact, U.S. import data show that imports from each of the 15 subject countries entered the United States through ports in each of the North, South, East and West.⁵⁸

Third, the imports from each of the subject countries and the domestic like product are sold through the same channels of distribution: directly to end users or through distributors. For example, in the *Aluminum Extrusions from China* original investigation, about three-fourths of shipments of U.S.-produced aluminum extrusions and aluminum extrusions imported from nonsubject countries (*i.e.*, including the countries subject to this case) were to end users, with the remainder sold to distributors.⁵⁹ The record will show that this continues to be the case, and subject imports and the domestic like product compete directly in both channels.

Finally, the subject imports and the domestic like product have been simultaneously present in the U.S. market throughout the POI. Monthly import data for the POI show that subject imports from each country entered the United States in every single month of the period.⁶⁰ Aluminum extrusions produced by domestic producers were also present in the U.S. market in each month of the POI (*i.e.*, in every month since January 2019).

In sum, these Petitions are being filed on the same day, thereby satisfying the threshold requirement for cumulation. Subject imports from each subject country are fungible with the domestic like product and each other, subject imports from each subject country and the

⁵⁷ USITC Pub. 4677 at II-2.

⁵⁸ U.S. Imports of Aluminum Extrusions by Port, Jan. 2019-June 2023, attached as **Exhibit I-14**.

⁵⁹ USITC Pub. 4229 at II-1.

⁶⁰ Monthly U.S. Imports of Aluminum Extrusions, attached as **Exhibit I-15**.

domestic like product are sold in the same channels of distribution and in similar geographic markets, and subject imports from each subject country and the domestic like product have been simultaneously present in the U.S. market. As such, there is a reasonable overlap of competition between the domestic like product and imports from each subject country and between imports from each subject country. The Commission should therefore analyze subject imports on a cumulated basis for its analysis of whether the domestic industry is materially injured by reason of subject imports.

2. The Volume of Subject Imports Is Significant

In evaluating the volume of imports, the Commission considers whether the absolute and relative volumes of imports, as well as changes in volumes, are significant.⁶¹ The available data show that the volume of subject imports, both in absolute terms and relative to U.S. consumption, is significant within the meaning of the relevant statutory provision.

a. The Volume of Subject Imports Is Significant in Absolute Terms

The volume of subject imports was significant in absolute terms during the POI. After declining slightly from 397,981 short tons in 2019 to 355,862 tons in 2020, subject imports spiked in 2021, reaching 481,184 tons.⁶² Subject imports increased even further in 2022, to 562,530 tons. This represents a 41 percent increase from already high levels in 2019, and a 58 percent increase from 2020 to 2022.⁶³ In the first half of 2023, subject imports moderated only slightly from the first half of 2022, reaching 246,921 tons.⁶⁴ On an annualized basis, then, 2023

⁶¹ *Id.*; 19 U.S.C. § 1677(7)(C)(i).

⁶² U.S. Imports of Aluminum Extrusions, attached as **Exhibit I-9**.

⁶³ *Id.*

⁶⁴ *Id.*

imports can be estimated at approximately 493,842 tons – still 24 percent higher than subject import volumes in 2019 and 39 higher than subject import volumes in 2020.⁶⁵

b. Subject Import Market Share Was Significant During the Period

The volume of subject imports is also significant when assessed relative to U.S. consumption. An approximation of market shares based on U.S. producer U.S. shipments and official import statistics demonstrates the substantial and growing market penetration of subject imports. This is demonstrated in the table below:

⁶⁵ *Id.* The discussion above reflects imports from all subject countries, including the Dominican Republic. Without the Dominican Republic, all other subject imports followed the same general trends. Imports from all other subject countries totaled 392,123 tons in 2019, 350,349 tons in 2020, 465,646 tons in 2021, and 547,101 tons in 2022 – for an increase of 40 percent between 2019 and 2022 and 56 percent between 2020 and 2022. *Id.* In the interim period, imports from all subject countries other than the Dominican Republic were 278,224 tons in first-half 2022 and 235,769 tons in first-half 2023. *Id.*

Imports from the Dominican Republic, assessed individually, increased even more significantly. Imports from the Dominican Republic totaled 5,858 tons in 2019, 5,513 tons in 2020, 15,538 tons in 2021, and 15,429 tons in 2022 – for an increase of 163 percent between 2019 and 2022 and 180 percent between 2020 and 2022. *Id.* In the interim period, imports from the Dominican Republic totaled 6,615 tons in first-half 2022 and 11,152 tons in first-half 2023, for an additional increase of nearly 69 percent. *Id.*

TABLE 2
MARKET SHARE APPROXIMATION (in units)⁶⁶

	2019	2020	2021	2022	Jan.-July 2022	Jan.-July 2023
U.S. Producer Shipments	1,434,010	1,240,239	1,395,202	1,381,619	733,121	646,072
Subject Imports	397,981	355,862	481,184	562,530	284,839	246,921
Nonsubject Imports	187,634	212,481	254,438	244,641	127,896	117,183
Total (apparent domestic consumption)	2,019,625	1,808,582	2,130,824	2,188,790	1,145,856	1,010,176
U.S. Producer Shipments as Share of Total	71.0%	68.6%	65.5%	63.1%	64.0%	64.0%
Subject Imports as Share of Total	19.7%	19.7%	22.6%	25.7%	24.9%	24.4%
Nonsubject Imports as Share of Total	9.3%	11.7%	11.9%	11.2%	11.2%	11.6%

As shown in the table above, subject imports increased their market share at the direct expense of the domestic industry from 2019 to 2022, and maintained that higher market share in the first half of 2023. From 2019 to 2022, U.S. producers' shipments as a percentage of the market fell by 7.9 percentage points, while subject import shipments as a percentage of the market grew by 6.0 percentage points.⁶⁷ Therefore, by undercutting U.S. prices and taking sales, subject imports took substantial market share directly from U.S. producers during the POI.

Accordingly, during the POI, subject imports were significant in absolute terms and relative to consumption.

⁶⁶ See also U.S. Imports and Market Share of Aluminum Extrusions, attached as **Exhibit I-10**.

⁶⁷ *Id.*

c. Subject Imports Are Not Negligible or Are Likely to Imminently Exceed the Negligibility Threshold

The Commission generally will consider imports from a subject country to be negligible if they account for less than three percent of total imports of the subject merchandise.⁶⁸ For imports that do not individually meet the three-percent threshold, the Commission will not consider such imports to be eligible if, when aggregated with other imports not meeting the three-percent threshold, the aggregate volume of imports exceeds seven percent of the volume of total imports of the subject merchandise.⁶⁹ The Commission may make its determination using “reasonable estimates on the basis of available statistics.”⁷⁰ The Commission may rely on official import statistics, questionnaire data, or some combination of sources.⁷¹ In assessing negligibility, the Commission will examine “the most recent 12-month period for which data are available that precedes” the filing of the petition.⁷²

The most recent 12-month period for which data are available as of the date of filing of these petitions is August 2022 – July 2023. As shown in **Exhibit I-16**, the official import data establishes that, during this period, imports from China, Colombia, Ecuador, India, Indonesia,

⁶⁸ 19 U.S.C. §§ 1673b(a)(1); 1673d(b)(1); 1677(24)(A)(i). The threshold figure for negligibility in countervailing duty investigations involving developing countries is four percent. *Id.* §§ 1671b(a)(1); 1671d(b)(1); 1677(24)(B).

⁶⁹ *Id.* § 1677(24)(A)(ii). In determining aggregate volume under clause (ii) or (iv), the Commission shall not consider imports from any country specified in 19 U.S.C. § 1677(7)(G)(ii), which includes countries designated as a beneficiary country under CBERA. While the Dominican Republic is no longer designated as a beneficiary country under CBERA, in the CAFTA-DR, the United States agreed to continue to treat the Dominican Republic as a CBERA “beneficiary country” for purposes of 19 U.S.C. §§ 1677(7)(G)(ii)(III) and 1677(7)(H) and any successor provisions (*i.e.*, for purposes of negligibility and cumulation for material injury and threat of material injury). Thus, the Commission does not cumulate the Dominican Republic for purposes of assessing negligibility.

⁷⁰ *Certain Oil Country Tubular Goods from India, Korea, the Philippines, Taiwan, Thailand, Turkey, Ukraine, and Vietnam*, Inv. Nos. 701-TA-499-500 and 731-TA-1215-1217 and 1219-1223, USITC Pub. 4489 (Sept. 2014) (Final) at 16.

⁷¹ *See, e.g., Certain Cold-Rolled Steel Products from Argentina, Brazil, Japan, Russia, South Africa, and Thailand*, Inv. Nos. 701-TA-393 and 731-TA-829-830, 833-834, 836 and 838, USITC Pub. 3283 (Mar. 2000) (Final) at 9-10.

⁷² 19 U.S.C. § 1677(24)(A)(i).

Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, the United Arab Emirates and Vietnam exceeded the relevant negligibility thresholds. Specifically, aluminum extrusion imports from the subject countries constituted the following percentages of total imports during the relevant time period:

U.S. Imports of Aluminum Extrusions from August 2022 – July 2023⁷³		
	Quantity (short tons)	% of Total Imports
China	95,659	12.7%
Colombia	75,193	10.0%
Indonesia	30,044	4.0%
Mexico	104,405	13.9%
Turkey	29,115	3.9%
Vietnam	59,483	7.9%
Ecuador, India, Malaysia, South Korea, Taiwan, Thailand, Italy and United Arab Emirates (collectively)	102,389	13.6%
All Others	233,837	31.1%
Total	752,125	100.0%

In determining collective volume for purposes of meeting the aggregate, seven-percent negligibility threshold, the statute instructs the Commission not to consider imports from any country specified in 19 U.S.C. § 1677(7)(G)(ii), which includes countries designated as a beneficiary country under CBERA. While the Dominican Republic is no longer designated as a beneficiary country under CBERA, in the CAFTA-DR, the United States agreed to continue to treat the Dominican Republic as a CBERA “beneficiary country” for purposes of 19 U.S.C.

⁷³ As in section II.K, these data reflect imports under the following HTS subheadings: 7604.10.1000; 7604.10.3000; 7604.10.5000; 7604.21.0000; 7604.21.0010; 7604.21.0090; 7604.29.1000; 7604.29.1010; 7604.29.1090; 7604.29.3060; 7604.29.3090; 7604.29.5050; 7604.29.5090; 7608.10.0030; 7608.10.0090; 7608.20.0030; 7608.20.0090; 7610.10.00.10; 7610.10.00.20; 7610.10.00.30; 7610.90.00.40; 7610.90.00.80.

§§ 1677(7)(G)(ii)(III) and 1677(7)(H) (*i.e.*, for purposes of negligibility and cumulation for material injury and threat of material injury). Thus, the Commission will assess imports from the Dominican Republic individually for purposes of negligibility.

From August 2022 – July 2023, aluminum extrusion imports from the Dominican Republic accounted for 2.9 percent of total aluminum extrusions imports⁷⁴ – just under the 3 percent threshold. However, imports from the Dominican Republic still may be found to be non-negligible for purposes of the material injury analysis. First, if the Commission receives adequate responses from U.S. importers, the Commission may choose to base its negligibility analysis for the Dominican Republic on import quantities collected from questionnaire responses. As noted, the merchandise subject to these petitions enters under such a wide variety of HTS codes, including many basket codes. While data under the HTS codes relied on by Petitioners are the best available information regarding import data, Petitioners also reasonably believe that such data are understated to some extent, due to the inclusion of subject imports under additional HTS subheadings. Depending on the coverage and quality of the responses received, questionnaire data may therefore serve as a more accurate measure of import volumes. Second, if the Commission bases its negligibility analysis on official import statistics, consistent with its practice to rely on data prior for months prior to the petition that are available as of the date of its preliminary determination, it should use import statistics for the September 2022 – August 2023 period, as August 2023 official import data will become available on October 5, 2023 (before the Commission’s preliminary determination in these investigations). Given recent volumes, Petitioners believe that data for that most recent annual period will show that imports from the Dominican Republic meet or surpass the negligibility threshold.

Regardless, imports from the Dominican Republic are not negligible for purposes of a threat of material injury analysis. Even where a country’s imports do not currently meet the negligibility

⁷⁴ See Monthly U.S. Imports of Aluminum Extrusions – Negligibility, attached as **Exhibit I-16**.

threshold for material injury, the Commission will not find such imports to be negligible for purposes of threat of material injury should it find a potential that subject imports from the country concerned will imminently account for more than 3 percent of all such merchandise imported into the United States.⁷⁵

Imports of aluminum extrusions from the Dominican Republic have steadily increased over the August 2022 – July 2023 annual period, reaching their highest point in the most recent month of that period. In fact, in each of the most recent six months, imports from the Dominican Republic exceeded the 3 percent threshold, as shown in the table below:

Month	Quantity, DR Imports	Quantity, Total Imports	DR Import %
Aug-22	1,567	72,891	2.1%
Sep-22	1,297	65,642	2.0%
Oct-22	1,675	66,761	2.5%
Nov-22	1,991	62,644	3.2%
Dec-22	1,647	56,890	2.9%
Jan-23	1,183	59,421	2.0%
Feb-23	1,965	55,300	3.6%
Mar-23	1,845	59,046	3.1%
Apr-23	1,915	61,602	3.1%
May-23	2,238	64,315	3.5%
Jun-23	2,006	64,420	3.1%
Jul-23	2,669	63,192	4.2%

The Commission has previously found such trends to be indicative of a likelihood that imports will imminently exceed the negligibility threshold. For example, in *Cold-Rolled Steel Flat Products from Brazil, India, Korea, Russia, and the United Kingdom*, the Commission found that subject imports from India, while they did not meet the negligibility threshold for the most recent 12-month period as a whole, demonstrated the potential to exceed the threshold for a sustained period prior to the filing of the petitions, where they exceeded the threshold for the most recent six

⁷⁵ 19 U.S.C. § 1677(24)(A)(iv).

months.⁷⁶ As a result, the Commission found subject imports from India not to be negligible for purposes of threat of material injury in that investigation.

There are additional, unique circumstances that make imports from the Dominican Republic further likely to imminently exceed the negligibility threshold. In 2018, China “opened its first Beijing capital company in the Dominican Republic at a cost of RD\$530.0 million (US\$10.6 million), {to} manufacture aluminum tubing.”⁷⁷ U.S. Customs and Border Protection (“CBP”) has since found that company, Kingtom Alumino, to be evading the antidumping and countervailing duty orders on Aluminum Extrusions from China at least three times, including findings that Kingtom “is a company owned by Chinese nationals, located in the Dominican Republic, run by Chinese workers, using Chinese supplies, Chinese equipment, and Chinese raw materials.”⁷⁸ However, CBP and the courts have recently reversed a number of those evasion findings. In particular, in June 2022, CBP reversed an evasion finding against Kingtom, finding that the Kingtom aluminum extrusions are instead Dominican Republic-origin.⁷⁹ Since that point, U.S. imports of aluminum extrusions from the Dominican Republic have steadily and significantly increased. With Kingtom free from paying duties under the Chinese orders, its U.S. exports show no signs of slowing, and will continue to substantially increase in the future without relief, easily surpassing the negligibility threshold. As such, the Commission should find that imports from the Dominican Republic are not negligible and should include such imports in these investigations.

⁷⁶ *Cold-Rolled Steel Flat Products from Brazil, India, Korea, Russia, and the United Kingdom*, Investigation Nos. 701-TA-540, 542-544 and 731-TA-1283, 1285, 1287, and 1289-1290, USITC Pub. 4637 (Sept. 2016) (Final) at 9-10.

⁷⁷ *China US\$10.6M opens its first company in Dominican Republic*, Dominican Today (Apr. 2018), attached as **Exhibit I-17**.

⁷⁸ *See, e.g., Letter from U.S. Customs and Border Protection, re: Notice of Determination as to Evasion* (EAPA Case Number 7550) (Feb. 4, 2022) at 10, attached as **Exhibit I-18**.

⁷⁹ *See Letter from U.S. Customs and Border Protection, re: Enforce and Protect Act (“EAPA”) Case Number 7550; Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order, 76 FR 30650 (May 26, 2011) and Aluminum Extrusions from the People’s Republic of China: Countervailing Duty Order, 76 FR 30653 (May 26, 2011); Kingtom Alumino SRL; 19 U.S.C. § 1517* (EAPA Case Number 7550) (June 29, 2022), attached as **Exhibit I-19**.

3. The Subject Imports Have Had Negative Price Effects on the Domestic Like Product

In evaluating the effect of subject imports on prices, the Commission must consider whether there has been significant underselling by the subject imports, and whether imports significantly suppressed or depressed domestic prices.⁸⁰ Subject imports undersold the domestic like product throughout the POI. The dumped and subsidized prices of subject imports also depressed prices, and suppressed prices by preventing the domestic producers from raising prices in response to increasing costs. On this basis, the Commission should determine that subject imports had significant negative price effects on the domestic like product.

Subject imports from each subject country compete directly with the domestic like product, as dumped and subsidized subject imports serve the entire U.S. market, like domestic producers, and are of a quality comparable to domestic product. Being comparable in all other major respects, subject imports and the domestic like product compete on the basis of *price*, and subject producers are using unfairly traded prices to take sales and market share from domestic producers. Indeed, the Commission has repeatedly found that the U.S. aluminum extrusions market is very price-sensitive.⁸¹

Subject imports pervasively undersold the domestic like product during the POI. The average unit values (“AUV”) of subject imports were below U.S. producer shipment AUVs for most of the period.⁸² In addition, customers often tell U.S. extruders directly that their prices are substantially lower than U.S. import prices, in an attempt to pressure domestic producers to

⁸⁰ 19 U.S.C. § 1677(7)(C)(ii).

⁸¹ *See, e.g.*, USITC Pub. 4229 at 20.

⁸² *See* U.S. Imports and Market Share of Aluminum Extrusions, attached as **Exhibit I-10**; Domestic Producers’ Compilation, attached as **Exhibit I-22**. The Domestic Producers’ Compilation compiles data for the 14 Coalition member and for [*company name*] of the Petitions that provided Petitioners with their full trade and financial data.

lower their prices. For example, as explained in the declaration attached as **Exhibit I-20**,

Coalition member [*company name* *customer name*

narrative

].⁸³ Another example is attached as **Exhibit I-21**, showing

[*customer name* *narrative*

company name

].⁸⁴

The substantial dumping margins calculated in Volumes II through XX of these Petitions serve as further evidence of subject import underselling.

The Commission will need to collect detailed information regarding domestic and subject import products to assess the extent of underselling in this investigation. To capture a sufficient subset of the variety and volume of products subject to these petitions, Petitioners recommend that the Commission collect data on the following pricing products:

- Product 1.** Mullions and Split-Mullions, Anodized Finish, Unworked, Alloy in the 6000 series – Size: 1.75” x 3” to 3” x 8”, Weight: 0.6lb/ft to 7lb/ft;
- Product 2.** Tub and shower components, Anodized and Bright Dip Finishes, Unworked, Alloys in the 6000 series – Size: CCD: 0.6” to 3”, Weight: 0.1 lb/ft to 1lb/ft;
- Product 3.** Noise Vibration and Harshness (NVH) Brackets and Inner Inserts, 6061-T6, single or multi-void hollows, 7”-12” CCD, wt/ft 1-8 lbs, e-coated or uncoated, cut to length, machined, deburred;
- Product 4.** Rails for Solar Panel Mounting Racks, Anodized Finish, Alloy in the 6000 series – Size: 1.40” to 5.60” CCD, Weight: .40 lb/ft to 2.5 lb/ft;

⁸³ Declaration of [*name*], attached as **Exhibit I-20**.

⁸⁴ The fact that the comparison price is [*narrative*

].

Product 5. Window Treatments, including Vertical Blinds and Shades, Painted Finish, Alloy in the 6000 series – Size: CCD: 1.0” to 6.0”, Weight: 0.20 lb/ft to 2.0 lb/ft; and

Subject imports have also had price-depressing and -suppressing effects on the domestic like product. For example, as subject imports surged, U.S. producers’ cost of goods sold (“COGS”) to net sales ratio increased from 87.3 percent in 2019 to 89.0 percent in 2022.⁸⁵ Because of increasing volumes of underpriced subject imports, U.S. producers were forced to limit their prices and faced a cost-price squeeze in order to compete with unfairly traded aluminum extrusions.

Further evidence of the negative price effects of the subject imports appears in the reports of lost sales and lost revenues. Petitioners have identified lost sales and revenues with an estimated total value of nearly [*\$788.5 million*] during the POI.⁸⁶ These lost sales and revenues establish that subject imports are competing directly with the domestic like product, so that unfairly low prices for subject aluminum extrusions have a direct negative effect on domestic prices and sales.

4. The Adverse Impact of Subject Imports on the Domestic Industry Is Significant

In examining the impact of subject imports on the domestic industry, the Commission is instructed to “evaluate all relevant economic factors which have a bearing on the state of the industry in the United States.”⁸⁷ These factors include, but are not limited to:

- (I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity;

⁸⁵ Domestic Producers’ Compilation, attached as **Exhibit I- 22**.

⁸⁶ See Lost Sales and Lost Revenues, attached as **Exhibit I-11**. Pursuant to 19 C.F.R. § 207.11(b)(2)(v), Petitioners have provided information on lost sales and lost revenue that is reasonably available to them. This information is also being submitted electronically as required by the Commission’s regulations.

⁸⁷ 19 U.S.C. § 1677(7)(C)(iii).

- (II) factors affecting domestic prices;
- (III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment;
- (IV) actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of the domestic like product; and
- (V) the magnitude of the margin of dumping.⁸⁸

The Commission is directed to evaluate all factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”⁸⁹ A review of these factors shows substantial indicators of injury to the domestic industry by reason of the subject imports in this investigation.

a. Domestic Industry Production and Trade Indicators Demonstrate the Injury Caused by Subject Imports

Unfairly priced subject imports have taken substantial sales and market share from U.S. producers in recent years, with substantial negative effects on U.S. producers’ trade indicators. From 2019 to 2022, while subject imports increased and took market share directly from U.S. extruders, the domestic industry’s production did not increase despite growth in apparent domestic consumption, U.S. shipment quantities actually slightly decreased, and domestic capacity utilization declined by nearly 5 percent.⁹⁰ In the first half of 2023, apparent domestic consumption began to decline, yet the subject imports retained their higher market share at the expense of the domestic industry. As a result, the domestic industry’s production dropped by

⁸⁸ *Id.* § 1677(7)(C)(iii)(I)-(V).

⁸⁹ *Id.* § 1677(7)(C)(iii).

⁹⁰ Domestic Producers’ Compilation, attached as **Exhibit I-22**.

18.3 percent, capacity utilized dropped by 14.9 percent (to a POI-low of less than 58 percent), and U.S. shipments dropped by 16.6 percent.⁹¹

Along with deteriorating production, capacity utilization and shipments, nearly 900 American workers lost their jobs in the first half of 2023, with employment in the domestic industry falling by 13 percent from the same period in 2022.⁹² For example, Coalition member

[*company name* *narrative*
city, state *city, state*
narrative]. After [
month year *company name* *city, state*
narrative]. These major negative effects on workers – including thousands of unionized workers in the U.S. aluminum extrusions industry⁹³ – also constitute injury to the domestic industry caused by unfairly traded subject imports.

b. Subject Imports Have Caused Domestic Producers to Lose Sales and Revenues

Subject imports have used unfair pricing to take substantial sales and revenues from domestic producers in recent years. As noted above, 14 members of the petitioning Coalition have identified lost sales and revenues with an estimated total value of nearly [*\$788.5 million*] over the course of the POI.⁹⁴ This includes vitally important sales in [*industry*], such as aluminum extrusions for use in [*end uses*

⁹¹ *Id.*

⁹² *Id.*

⁹³ Declaration of Roy Houseman, attached as **Exhibit I-23**. In addition to substantial representation by the USW, [*company name* *narrative*].

⁹⁴ *See* Lost Sales and Lost Revenues, attached as **Exhibit I-11**.

].⁹⁵ And total lost sales and revenues are undoubtedly significantly higher, as U.S. producers are often unable to decisively document their lost sales, due to a lack of full transparency in the sales process.

c. Subject Imports Adversely Affected the Domestic Industry's Financial Performance During the POI

Subject imports also had a severe negative impact on the financial condition of the domestic industry. Notably, despite the growth in demand from 2019 to 2022, U.S. producers' operating income margin dropped by 1.1 percentage points to only 5.7 percent, while subject imports took market share.⁹⁶ From the first half of 2022 to the first half of 2023, the domestic industry's operating income margin fell by 1.6 percentage points.⁹⁷ With lost sales intensifying [*period*] and the domestic industry unable to regain any of the market share lost to subject imports, gross, operating and net profits also fell in January-June 2023, by 22.8 percent, 36.9 percent and 40.1 percent, respectively.⁹⁸

d. The Estimated Dumping Margins Are High

Petitioners estimate dumping margins for the subject merchandise at the following levels:⁹⁹

⁹⁵ *See id.*

⁹⁶ Domestic Producers' Compilation, attached as **Exhibit I-22**.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *See* Petition, vol. IX at Exh. IX-33; vol. II at Exh. II-31; vol. IV at Exh. IV-28; vol. V at Exh. V-32; vol. VI at Exh. VI-31; vol. XX at Exh. XX-16; vol. VII at Exh. VII-32; vol. VIII at Exh. VIII-24; vol. X at Exh. X-32; vol. XI at Exh. XI-32; vol. XII at Exh. XII-32; vol. XIII at Exh. XIII-30; vol. XIX at Exh. XIX-17; vol. XV at Exh. XV-32.

Estimated Dumping Margins for Subject Countries	
	Margin
China	256.58%
Colombia	179.53%
Ecuador	66.46%
India	43.41%
Indonesia	112.21%
Italy	37.52%
Malaysia	53.91%
Mexico	111.38%
South Korea	71.03%
Taiwan	116.19%
Thailand	72.20%
Turkey	33.79%
United Arab Emirates	39.80%
Vietnam	53.75%

Being forced to compete with imports dumped at this magnitude clearly have a negative effect on the domestic industry's financial situation and overall condition.

5. Conclusion

The evidence indicates that subject imports are a cause of material injury to the domestic aluminum extrusions industry. The volume of subject imports was significant both absolutely and relative to U.S. consumption, and it increased over the POI. These subject imports undersold the domestic like product substantially and systematically, and they depressed and suppressed U.S. producer prices over the period. As a result, U.S. producers' production, capacity utilization, shipments, employment and financial performance were stagnant to

declining, despite generally increasing demand, and domestic producers lost at least [\$788.5 million] in sales and revenues to subject imports.¹⁰⁰

Therefore, the volume, price effects and impact of subject imports on the U.S. aluminum extrusions industry have been both significant and injurious. The Commission should initiate an investigation and find that subject imports have caused material injury to the domestic industry.

F. Subject Imports Threaten Material Injury to the Domestic Industry

The evidence available to Petitioners also demonstrates that subject imports threaten the domestic industry with further material injury.

The Commission should cumulate subject imports for its threat analysis. The Act provides that in evaluating the threat of material injury, the Commission may cumulatively assess the volume and price effects of imports of the subject merchandise from all countries with respect to which the petitions were filed on the same day, “if such imports compete with each other and with domestic like products in the United States market.” As these Petitions cover all of the subject countries, the first requirement is met. And as demonstrated in Section III.E.1 above, the subject imports all compete with each other and with the domestic like product in the U.S. market. Thus, the statutory requirements for cumulation in a threat investigation have been satisfied.

In determining whether subject imports threaten a domestic industry with material injury, the Commission considers a number of factors. These factors include:

- A significant rate of increase of the volume or market penetration of imports of the subject merchandise;
- Price effects of the subject imports;
- The nature of any countervailable subsidies;

¹⁰⁰ Lost Sales and Lost Revenues, attached as **Exhibit I-11**.

- Existing unused production capacity or potential increases in production capacity in the exporting country;
- Inventories of the subject merchandise; and
- The potential for product-shifting.¹⁰¹

These factors are present in this case and will be demonstrated throughout the investigation:

Increase in imports: As discussed above, the best information available to Petitioners demonstrate that subject imports increased significantly – by 41percent – from 2019 to 2022.¹⁰²

These increasing subject imports took [*amount*] from the domestic industry.¹⁰³ Thus, the increase in subject import volume and the increase in subject imports’ market share are both significant.

Imports from the Dominican Republic in particular increased by more than 160 percent from 2019 to 2022, and by almost 180 percent from 2020 to 2022.¹⁰⁴ In January through June 2023, Dominican imports continued to increase, by more than 68 percent compared to the same period in 2022.¹⁰⁵

Price effects: The Act provides that, in determining whether the domestic industry is threatened with material injury, the Commission should consider “whether imports of the subject merchandise are entering at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further imports.”¹⁰⁶ Subject imports had such effects during the POI and, in the absence of relief, will continue to have such effects in the near future.

¹⁰¹ 19 U.S.C. § 1677(7)(F)(i).

¹⁰² U.S. Imports of Aluminum Extrusions, attached as **Exhibit I-9**.

¹⁰³ *See supra* Section III.E.A.

¹⁰⁴ U.S. Imports of Aluminum Extrusions, attached as **Exhibit I-9**.

¹⁰⁵ *Id.*

¹⁰⁶ 19 U.S.C. § 1677(7)(F)(i)(IV).

Subject imports pervasively undersold the domestic like product during the POI, as shown by AUV data, reports of purchasers to domestic producers, and the substantial dumping margins calculated in Volumes II through XX.¹⁰⁷ For example, in 2022, the AUV of imports from the Dominican Republic was \$4,886 per short ton – 21 percent lower than U.S. producers’ U.S. shipments AUV.¹⁰⁸ As a result of such underselling, domestic producers were unable to raise prices in accordance with growing costs, and U.S. producers’ COGS as a percentage of net sales increased from 2019 to 2022.¹⁰⁹ The price effects of the subject imports are also demonstrated by the extensive lost sales and revenues reported by the domestic industry.

Nature of the subsidies: As part of its threat analysis, the Commission must consider “if a countervailable subsidy is involved” and, in particular, “whether the countervailable subsidy is a subsidy described in Article 3 or 6.1” of the World Trade Organization (“WTO”) Agreement on Subsidies and Countervailing Measures.¹¹⁰ Article 3 of the WTO Subsidies Agreement describes subsidies that are prohibited because they are contingent upon export performance or upon the use of domestic over imported goods.¹¹¹

The nature of the countervailable subsidies received by the aluminum extrusions industries in China, Indonesia, Mexico and Turkey encourages both the expansion of capacity and the export of subject merchandise to the United States. Examples of the subsidies that benefit aluminum extrusion producers in China include:

¹⁰⁷ See Section III.E.3.D.2 above.

¹⁰⁸ U.S. Imports of Aluminum Extrusions, attached as **Exhibit I-9**; Domestic Producers’ Compilation, attached as **Exhibit I-22**.

¹⁰⁹ Domestic Producers’ Compilation, attached as **Exhibit I-22**.

¹¹⁰ 19 U.S.C. § 1677(7)(F)(i)(I).

¹¹¹ *Agreement on Subsidies and Countervailing Measures*, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1869 U.N.T.S. 14 at Art. 3.

- The provision of aluminum inputs at less than adequate remuneration;
- Policy loans at preferential rates provided to aluminum extruders by Chinese government authorities;
- Grants provided to aluminum extrusions producers to assist in the development of export markets or to recognize export performance;
- Preferential land use rights that are granted to promote exports to enterprises and industries located in China's industrial zones; and
- Income tax credits for domestically owned companies, which are contingent upon the use of domestically produced rather than imported equipment, and other tax benefits.

The Government of Indonesia also encourages Indonesian aluminum extrusion producers to export subject merchandise by providing countervailable subsidies. As demonstrated in Volume XVI of these Petitions, subject producers in Indonesia have received numerous countervailable subsidies, including export subsidies, such as: the provision of unwrought aluminum for less than adequate remuneration; provision of electricity for less than adequate remuneration; tax holidays; and export financing.

Mexico too maintains an extensive system of subsidies that provide support to industrial manufacturers and exporters, including those operating in the metals sector. Indeed, the Department has recently found several of these programs countervailable in countervailing duty investigations involving industrial manufacturers and exporters operating in the metals industry.¹¹² These programs encourage both expansion of capacity and increased export of

¹¹² See Issues and Decision Memorandum accompanying *Standard Steel Welded Wire Mesh from Mexico*, 86 Fed. Reg. 10,034 (Dep't. Commerce Feb. 18, 2021) (final affirm. countervailing duty deter.); Issues and Decision Memorandum accompanying *Certain Fabricated Structural Steel from Mexico*, 85 Fed. Reg. 5381 (Dep't Commerce Jan. 30, 2020) (final affirm. countervailing duty deter.) at 31. The Department has also historically found several of these programs to be countervailable. See *Certain Steel Products From Mexico*, 58 Fed. Reg. 37,352 (Dep't Commerce July 9, 1993) (final determination); Issues and Decision Memorandum accompanying *Certain Cut-to-Length Carbon Steel Plate From Mexico*, 65 Fed. Reg. 13,368 (Dep't Commerce Mar. 13, 2000) (final results of countervailing duty administrative review); Issues and Decision Memorandum accompanying *Certain Cut-to-Length Carbon Steel Plate from Mexico*, 66 Fed. Reg. 14,549 (Dep't Commerce Mar. 13, 2001) (final results of countervailing duty administrative review); Issues and Decision Memorandum accompanying

subject merchandise to the United States. In addition to subsidies from its own government, the Mexican aluminum extrusion industry also benefits from upstream transnational subsidies from the Government of China for unwrought aluminum. Specifically, because Mexico does not have primary aluminum smelting capacity, Mexico relies heavily on unwrought aluminum imports, including heavily subsidized unwrought aluminum imports from China.¹¹³

Turkey's government also provides substantial subsidies to its industrial manufacturers and exporters, including those operating in downstream aluminum sectors. For example, the Department recently found that the GOT conferred substantial assistance to common alloy aluminum sheet manufactures and exporters in Turkey in the form of preferential lending, direct tax programs, indirect tax programs and grant programs,¹¹⁴ and evidence indicates that these and other programs benefit aluminum extruders in Turkey as well. These programs encourage both expansion of capacity and increased export of subject merchandise to the United States.

Excess capacity and inventories: With respect to inventories held in the subject countries and by U.S. importers, Petitioners do not have access to this specific data.

However, Petitioners believe that the level of excess aluminum extrusions production capacity in the subject countries has risen in recent years and will continue to increase. For example, in China, aluminum production surged in 2022 after the government loosened electricity restrictions,¹¹⁵ and China's primary aluminum production is poised to increase through

Certain Cut-to-Length Carbon Steel Plate from Mexico, 69 Fed. Reg. 1,972 (Dep't Commerce Jan. 13, 2004) (final results of countervailing duty administrative review).

¹¹³ See Petition, Volume VIII.

¹¹⁴ See Issues and Decision Memorandum accompanying *Common Alloy Aluminum Sheet from the Republic of Turkey*, 86 Fed. Reg. 13,315 (Dep't Commerce Mar. 10, 2021) (final affirm. countervailing duty deter. and final affirm. deter. of critical circumstances, in part) at 12-14.

¹¹⁵ Siyi Liu & Dominique Patton, *China's 2022 aluminum output hits record high of 40.21 mln tonnes*, Reuters (Jan. 16, 2023), attached as **Exhibit I-24**.

at least 2024.¹¹⁶ Chinese aluminum extruders benefit from aluminum inputs at below-market prices, and will continue to funnel that production to the United States in the form of extruded aluminum products.

Colombia also is investing to boost aluminum production, signaling major future increases in production capacity. For example, NEO Alumino Colombia plans to build a new primary aluminum production facility capable of producing 540,000 tons of aluminum per year.¹¹⁷ Once complete, the facility will be Colombia's first primary aluminum production facility.¹¹⁸ An increase in domestic primary aluminum will undoubtedly lead to a corresponding increase in aluminum extrusion capacity and production, threatening the domestic aluminum extrusions industry with further material injury.

The Dominican Republic has had significant capacity and a proven interest in the U.S. market. As discussed in section III.E.2.c above, Chinese-owned Kingtom Aluminio in the Dominican Republic has a long history of targeting the United States for its aluminum extrusions shipments, and it will continue to do so in the absence of relief.

Ecuador too is increasing production capacities in its aluminum sector. The country is currently planning to build a new, \$42 billion aluminum smelter along Ecuador's Santiago River.¹¹⁹ Once the smelter is online, Ecuador's exports of aluminum extrusions to the United States will almost certainly increase because of this expanded production capacity.

¹¹⁶ Tom Daly & Mai Nguyen, *China's primary aluminum output seen peaking in 2024*, Nasdaq (June 3, 2021), attached as **Exhibit I-25**.

¹¹⁷ *Colombian Company Plans to Build New Smelter with EGA Technology*, Light Metal Age (Nov. 25, 2020), attached as **Exhibit I-26**.

¹¹⁸ *Id.*

¹¹⁹ *Ecuador mulls construction of a new aluminum plant in 2024*, AI Circle (Feb. 26, 2018), attached as **Exhibit I-27**.

In India, aluminum extrusions production capacity continues to grow as well. India's largest aluminum extruder, Jindal Aluminum, recently announced an investment of ₹100-150 crore in its Bhiwadi plant to bolster capacity to 60,000 tonnes annually, following a ₹250 crore infusion into the facility in 2022.¹²⁰ These investments will help to advance Jindal's goal of "continuously increasing their share in the export market."¹²¹ Global Aluminium Pvt. Ltd., "one of the leading champions in {India's} aluminium extrusion manufacturing sector," also plans to increase its production capacity by the end of this year.¹²² Such expansions are consistent with increases in India's primary aluminum capacity. For example, Hindalco Industries Ltd. in 2022 announced plans to spend as much as \$2.4 billion for its Indian aluminum operations, including to expand its primary aluminum capacity.¹²³

Indonesian aluminum extrusion producers also threaten U.S. aluminum extruders, as they are export-oriented and favor the U.S. market. For example, Indonesian producers advertise on their website that they are significant exporters, highlighting the United States as an export market.¹²⁴

Italian aluminum extruders are also poised to increase exports to the United States. As one Italian company explains, the Italian aluminum extrusions industry is "poised for growth," and "Italian aluminum extrusion companies are looking to expand their presence in international

¹²⁰ *Jindal Aluminium to invest ₹100-150 cr in Bhiwadi plant to boost capacity*, Jindal Aluminum (July 11, 2023), attached as **Exhibit I-28**.

¹²¹ *Id.*

¹²² *India's GAPL plans to expand its production capacity in 2023*, AI Circle (Nov. 16, 2022), attached as **Exhibit I-29**.

¹²³ Swansy Afonso, *Billionaire K M Birla to spend \$7.2 billion on aluminum demand bet*, The Economic Times (Mar. 31, 2022), attached as **Exhibit I-30**.

¹²⁴ *See Indonesian Extruder Website Excerpts*, attached as **Exhibit I-31**.

markets.”¹²⁵ This is unsurprising, as growth in Italian extruders’ home market stagnates. The Italian government recently cut its forecasts for economic growth for both this year and next year, amid a “weakening economy.”¹²⁶ Declining home market demand will only further incentivize Italian extruders to target the large U.S. market.

Malaysian aluminum extruders also threaten the domestic industry, as they advertise their focus on exports, and highlight the United States in particular as a favored market.¹²⁷ These export-oriented Malaysian producers have large and increasing production capacities, and they will direct that capacity to the U.S. market in the absence of relief.¹²⁸

Mexico’s huge aluminum extrusions industry also continues to grow, threatening the U.S. industry. In May 2023, one of Mexico’s largest aluminum extruders, ABC Aluminum Solutions, announced that it is expanding “production capacity by 60%.”¹²⁹ Mexico’s strategic policies also ensure that Mexican capacity will increase significantly in the near term, as will exports to the United States, and Mexican officials have confirmed as much.¹³⁰ In fact, the deputy general director of Mexico’s national export bank, the Institutional Promotion of Banco Nacional de Comercio Exterior y Nacional Financiera (Bancomext), recently stated that global markets “require large quantities of the supply” of aluminum and that due to the import/export potential

¹²⁵ Valid Profile, *Aluminum extrusion in Italy*, attached as **Exhibit I-32**.

¹²⁶ Giuseppe Fonte & Gavin Jones, *Italy hikes deficit targets as economic growth weakens*, Reuters (Sept. 27, 2023), attached as **Exhibit I-33**.

¹²⁷ See Malaysian Extruder Website Excerpts, attached as **Exhibit I-34**.

¹²⁸ See *id.*

¹²⁹ Aluminio de Baja California, *ABC Aluminum Solutions Expands Production Capacity by 60% to Meet Growing Demand*, LinkedIn (May 24, 2023), attached as **Exhibit I-35**.

¹³⁰ Yeshua Ordaz, *Aluminum Industry, with a projection to increase exports to the US: Fadlala Akabani* (Aug. 11, 2023), attached as **Exhibit I-36** (stating that “the aluminum industry has a fundamental projection for the development of Mexico and to increase exports to the United States, assured the Secretary of Economic Development of Mexico City, Fadlala Akabani Hneide.”).

and nearshoring, the aluminum industry represents great opportunity.¹³¹ Reports also indicate that the Mexican aluminum industry could grow by 15 percent annually for the next six years.¹³² And the director of Canalum – the national chamber of the Mexican aluminum industry – even stated that the industry would grow “above 15% for the coming years.”¹³³ These estimates may even be understated. For example, Paramount New Materials just last month announced plans to invest \$200 million in an aluminum extrusions facility in Coahuila, Mexico, with operations planned to begin in December 2024.¹³⁴ The 100,000 metric ton per year complex will include two plants to produce and process aluminum extrusions for the automotive and solar sectors, including in North America.¹³⁵ With the help of “state authorities,” Chinese extruders are also setting up new aluminum extrusions facilities in Mexico, to access the U.S. market, such as Xusheng Group’s recently announced Coahuila facility that will have six extrusion lines.¹³⁶ As a result of these and other expansions, Mexico’s total aluminum extrusions production is expected to grow by nearly 200,000 metric tons by 2025.¹³⁷

In the absence of relief, aluminum extrusions imports from Taiwan will only continue to increase as well, as Taiwanese extruders face declining demand at home. Demand for aluminum

¹³¹ *Id.*

¹³² Christopher Calderon, *Nearshoring boosts aluminum production in Mexico* (Jun. 14, 2023), attached as **Exhibit I-37**; see also *Aluminum industry in Mexico will grow 15% in 2023 due to ‘nearshoring’: Canalum*, El Siglo de Torreon (Apr. 24, 2023), attached as **Exhibit I-38**.

¹³³ *Aluminum industry in Mexico will grow 15% in 2023 due to ‘nearshoring’: Canalum*, El Siglo de Torreon (Apr. 24, 2023), attached as **Exhibit I-38** (emphasis added).

¹³⁴ [*source, article name*], attached as **Exhibit I-39**.

¹³⁵ [*source, article name*], attached as **Exhibit I-39**.

¹³⁶ Luis Mendez, *Xusheng Group chooses Coahuila to install its first plant in Mexico*, Mexico Industry (May 26, 2023), attached as **Exhibit I-40**.

¹³⁷ Christopher Calderon, *Nearshoring boosts aluminum production in Mexico* (Jun. 14, 2023), attached as **Exhibit I-37**; see also, *Aluminum industry in Mexico will grow 15% in 2023 due to ‘nearshoring’: Canalum*, El Siglo de Torreon (Apr. 24, 2023), attached as **Exhibit I-38**.

extrusions is tied to overall GDP and economic health.¹³⁸ Taiwan's economy recently contracted and is expected to stagnate in 2023,¹³⁹ leaving extruders searching for export markets – particularly the United States – to offload extrusions.

Similarly, Thailand's economy has been underperforming in recent quarters, including a contraction at the end of 2022.¹⁴⁰ The Thai economy is expected to soften even further, thereby decreasing demand for aluminum extrusions in Thailand¹⁴¹ and encouraging further exports by Thai extruders.

Turkish aluminum extruders are also set to increase injurious exports to the United States, in the absence of relief. In fact, in early 2023, extrusion producer Çuhadaroğlu Metal announced that it was making a \$30 million investment to build a new production facility, which will increase its aluminum profile production capacity by 70 percent.¹⁴² The Turkish government also recently provided financial incentives for aluminum extrusions manufacturing projects located in Izmir, including to Beymetal Aluminum Industry and Trade Limited Co., in the amount of 28,511,304 TL, and Alkor Aluminum Energy Construction Industry and Trade Joint Stock Company, for 32,738,000 TL.¹⁴³ Reports also indicate that the aluminum manufacturing market in Turkey will grow by 5.9 percent during the 2022-2027 period.¹⁴⁴

¹³⁸ See USITC Pub. 4229 at 18.

¹³⁹ Iris Pang, *Taiwan's economic outlook: a challenging year as global semiconductor sales slump*, Ing.com (Apr. 25, 2023), attached as **Exhibit I-41**.

¹⁴⁰ *Thailand's economy slows amid declining exports, manufacturing*, Al Jazeera (Feb. 17, 2023), attached as **Exhibit I-42**.

¹⁴¹ Orathai Sriring & Satawasin Staporncharnchai, *Thai Central Bank to Revise Down Forecasts for 2023 growth and inflation*, Reuters (Sept. 5, 2023) attached as **Exhibit I-43**.

¹⁴² *\$30 million facility to Evrenkiz*, Gorunum Insana Taraf Gazete (Jan. 26, 2023), attached as **Exhibit I-44**.

¹⁴³ *The Ministry opened the mouth of the purse...3 billion incentives for Izmir!*, SonSoz (July 18, 2023), attached as **Exhibit I-45**.

¹⁴⁴ *Aluminum manufacturing market in Turkey to grow by USD 2,296.92 million 2022-2027; Increasing demand for power infrastructure will best the market – Technavio*, Yahoo! Finance (Apr. 18, 2023), attached as **Exhibit I-46**.

For its part, South Korea “has been actively embracing the fourth industrial revolution to re-invent its manufacturing power for the future.”¹⁴⁵ In 2022, Korea released a strategic plan for industrial growth “Industry 4.0”, that it has described with “four keywords: smart, services, sustainability, and platform.”¹⁴⁶ Industry experts predict that “the added value of manufacturing industry will increase from \$437 billion in 2018 to \$678 billion in 2030” and also that Korean companies are “under mounting pressure” and are “accelerating manufacturing automation solutions to bolster productivity and profitability and reduce costs across supply chains.”¹⁴⁷ Given this new Korean industrial policy, it is likely that aluminum extruders will strive to increase production capacity and decrease costs, as Korean extruders like ALUS “working to expand {its} overseas markets.”¹⁴⁸

In the United Arab Emirates, the government is an active investor in the country’s manufacturing. For example, Abu Dhabi alone will invest \$2.7 billion in order to double its manufacturing sector by 2031.¹⁴⁹ At the same time, the Emirates Development Bank (“EDB”) has been mandated to approve AED 30 billion in financing to support the manufacturing sector.¹⁵⁰ These investments will enable UAE aluminum extruders to expand capacity and fulfill the government’s explicit goal of making the UAE a global manufacturing hub to service foreign

¹⁴⁵ *Manufacturing in South Korea – Trends for 2023*, Asian Insiders (last visited Aug. 23, 2023), attached as **Exhibit I-47**.

¹⁴⁶ International Trade Administration, *South Korea – Country Commercial Guide, Manufacturing Technology – Smart Factory* (Aug. 22, 2022), attached as **Exhibit I-48**.

¹⁴⁷ *Id.*

¹⁴⁸ ALUS Website Excerpt, attached as **Exhibit I-49**.

¹⁴⁹ Staff Writer, *UAE 2023 economic growth to suffer due to oil output decline: Report*, Oil & Gas Middle East (May 23, 2023), attached as **Exhibit I-50**.

¹⁵⁰ Press Release, *Emirates Development Bank unveils AED 424mln in financing deals at Make It in the Emirates Forum*, Zawya.com (May 31, 2023), attached as **Exhibit I-51** (quoting the CEO of the Emirates Development Bank, who said the financing “will play a pivotal role in supporting the expansion plans of prominent companies in the UAE”).

markets, including, and especially, the United States.¹⁵¹ Aluminum extruder OSE Industries, in particular, has received EDB financing to expand production capacity by 50 percent.¹⁵²

Vietnamese extruders also pose a significant threat to the domestic aluminum extrusions industry. The entire Vietnamese economy is heavily dependent on exports to the United States, which account for nearly 30 percent of all exports from Vietnam.¹⁵³ With Vietnam's economy softening, Vietnamese manufacturers producers will depend even more heavily on the U.S. market. Moreover, Vietnam is investing heavily in bauxite and alumina processing, inputs into aluminum production.¹⁵⁴ Vietnam will therefore rely even more heavily on the United States as a consumer of aluminum extrusions, consistent with its upward trend in aluminum exports.¹⁵⁵

Without relief, such capacity expansions in the subject countries, combined with stagnating or declining home and third country export markets, will lead to a further increase in subject import volumes into the United States, further injuring already vulnerable U.S. producers of aluminum extrusions.

IV. CONCLUSION

The statutory factors support a finding that imports of aluminum extrusions from China, Colombia, the Dominican Republic, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, the United Arab Emirates and Vietnam have caused material

¹⁵¹ *Id.* (noting that one deal includes “the expansion of an aluminum extrusion factory to support electric vehicles, heating, ventilation, and air conditioning sectors”).

¹⁵² *Id.*

¹⁵³ Rajiv Biswas, *Vietnam economy hit by slumping exports and power blackouts*, S&P Global (June 9, 2023), attached as **Exhibit I-52**.

¹⁵⁴ Tri Duc, *Vietnam targets 118 mln tons cf bauxite a year in minerals exploitation plan*, Theinvestor.vn (Aug. 10, 2023), attached as **Exhibit I-53**; *Vietnam's aluminum production to increase*, Yieh Corp Steel News (Apr. 15, 2022), attached as **Exhibit I-54**; Patrick Knight, *Unleashing the Giant: \$575m Dak Nong Aluminium Project Springs into Construction*, ChemAnalyst (July 21, 2023), attached as **Exhibit I-55**.

¹⁵⁵ *See, e.g., Vietnam Exports cf Aluminum*, Trading Economics (last visited Sept. 25, 2023), attached as **Exhibit I-56**.

injury to the domestic industry, and that such imports threaten additional material injury. Accordingly, Petitioners request that the Department and the Commission initiate investigations and grant the relief requested in these Petitions.

Respectfully submitted,



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October 4, 2023

EXHIBIT LIST		
Exhibit No.	Description	Security
I-1	List of Petitioners and Contact Information	Public
I-2	List of Other Domestic Producers and Contact Information	Public
I-3	Letters of Support	Public Version
I-4	Declaration of Jeff Henderson	Public Version
I-5	Photographs and Diagrams of Aluminum Extrusions	Public
I-6	HTSUS Chapter 76 Excerpts	Public
I-7	U.S. Customs and Border Protection, EAPA Action: <i>Notice of Initiation in EAPA Case 7801 - Aluminum Extrusions From China</i>	Public
I-8	List of Foreign Producers	Public
I-9	U.S. Imports of Aluminum Extrusions	Public
I-10	U.S. Imports and Market Share of Aluminum Extrusions	Public
I-11	Lost Sales and Lost Revenues	Public Version
I-12	Canadian International Trade Tribunal, <i>Finding and Reasons in Inquiry No. NQ-2021-002</i> , Certain Upholstered Domestic Seating (Sept. 17, 2021)	Public
I-13	Canadian International Trade Tribunal, <i>Finding and Reasons in Inquiry No. NQ-2022-001</i> , Certain Mattresses (Nov. 21, 2022)	Public
I-14	U.S. Imports of Aluminum Extrusions by Port, Jan. 2019-June 2023	Public

EXHIBIT LIST		
Exhibit No.	Description	Security
I-15	Monthly U.S. Imports of Aluminum Extrusions	Public
I-16	Monthly U.S. Imports of Aluminum Extrusions – Negligibility	Public
I-17	<i>China US\$10.6M opens its first company in Dominican Republic</i> , Dominican Today (Apr. 2018)	Public
I-18	Letter from U.S. Customs and Border Protection, re: <i>Notice of Determination as to Evasion</i> (EAPA Case Number 7550) (Feb. 4, 2022)	Public
I-19	Letter from U.S. Customs and Border Protection, re: <i>Enforce and Protect Act (“EAPA”) Case Number 7550; Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order, 76 FR 30650 (May 26, 2011) and Aluminum Extrusions from the People’s Republic of China: Countervailing Duty Order, 76 FR 30653 (May 26, 2011); Kingtom Alumínio SRL; 19 U.S.C. § 1517 (EAPA Case Number 7556)</i> (June 29, 2022)	Public
I-20	Declaration of [<i>name</i>]	Public Version
I-21	[<i>Company names</i>]	Public Version
I-22	Domestic Producers’ Compilation	Public Version
I-23	Declaration of Roy Houseman	Public
I-24	Siyi Liu & Dominique Patton, <i>China’s 2022 aluminum output hits record high of 40.21 mln tonnes</i> , Reuters (Jan. 16, 2023)	Public
I-25	Tom Daly & Mai Nguyen, <i>China’s primary aluminum output seen peaking in 2024</i> , Nasdaq (June 3, 2021)	Public
I-26	<i>Colombian Company Plans to Build New Smelter with EGA Technology</i> , Light Metal Age (Nov. 25, 2020)	Public

EXHIBIT LIST		
Exhibit No.	Description	Security
I-27	<i>Ecuador mulls construction of a new aluminum plant in 2024</i> , AI Circle (Feb. 26, 2018)	Public
I-28	<i>Jindal Aluminium to invest ₹100-150 cr in Bhiwadi plant to boost capacity</i> , Jindal Aluminum (July 11, 2023)	Public
I-29	<i>India's GAPL plans to expand its production capacity in 2023</i> , alcircle.com (Nov. 16, 2022)	Public
I-30	<i>Swansy Afonso, Billionaire K M Birla to spend \$7.2 billion on aluminum demand bet</i> , The Economic Times (Mar. 31, 2022)	Public
I-31	Indonesian Extruder Website Excerpts	Public
I-32	Valid Profile, <i>Aluminum extrusion in Italy</i>	Public
I-33	<i>Giuseppe Fonte & Gavin Jones, Italy hikes deficit targets as economic growth weakens</i> , Reuters (Sept. 27, 2023)	Public
I-34	Malaysian Extruder Website Excerpts	Public
I-35	<i>Aluminio de Baja California, ABC Aluminum Solutions Expands Production Capacity by 60% to Meet Growing Demand</i> , LinkedIn (May 24, 2023)	Public
I-36	<i>Yeshua Ordaz, Aluminum Industry, with a projection to increase exports to the US: Fadlala Akabani</i> (Aug. 11, 2023)	Public
I-37	<i>Christopher Calderon, Nearshoring boosts aluminum production in Mexico</i> (June 14, 2023)	Public
I-38	<i>Aluminum industry in Mexico will grow 15% in 2023 due to 'nearshoring': Canalum</i> , El Siglo de Torreon (Apr. 24, 2023),	Public
I-39	[<i>Source, article title</i>]	Public Version

EXHIBIT LIST		
Exhibit No.	Description	Security
I-40	Luis Mendez, <i>Xusheng Group chooses Coahuila to install its first plant in Mexico</i> , Mexico Industry (May 26, 2023)	Public
I-41	Iris Pang, <i>Taiwan's economic outlook: a challenging year as global semiconductor sales slump</i> , Ing.com (Apr. 25, 2023)	Public
I-42	<i>Thailand's economy slows amid declining exports, manufacturing</i> , Al Jazeera (Feb. 17, 2023)	Public
I-43	Orathai Sriring & Satawasin Staporncharnchai, <i>Thai Central Bank to Revise Down Forecasts for 2023 growth and inflation</i> , Reuters (Sept. 5, 2023)	Public
I-44	<i>\$30 million facility to Evrenkiz</i> , Gorunum Insana Taraf Gazete (Jan. 26, 2023)	Public
I-45	<i>The Ministry opened the mouth of the purse...3 billion incentives for Izmir!</i> , SonSoz (July 18, 2023)	Public
I-46	<i>Aluminum manufacturing market in Turkey to grow by USD 2,296.92 million 2022-2027</i> , Yahoo! Finance (Apr. 18, 2023)	Public
I-47	<i>Manufacturing in South Korea – Trends for 2023</i> , Asian Insiders (last visited Aug. 23, 2023)	Public
I-48	International Trade Administration, <i>South Korea – Country Commercial Guide, Manufacturing Technology – Smart Factory</i> (Aug. 22, 2023)	Public
I-49	ALUS Website Excerpt	Public
I-50	Staff Writer, <i>UAE 2023 economic growth to suffer due to oil output decline: Report</i> , Oil & Gas Middle East (May 23, 2023)	Public
I-51	Press Release, <i>Emirates Development Bank unveils AED 424 mln in financing deals at Make It in the Emirates Forum</i> , Zawya.com (May 31, 2023)	Public
I-52	Rajiv Biswas, <i>Vietnam economy hit by slumping exports and power blackouts</i> , S&P Global (June 9, 2023)	Public

EXHIBIT LIST		
Exhibit No.	Description	Security
I-53	Tri Duc, <i>Vietnam targets 118 mln tons cf bauxite a year in minerals exploitation plan</i> , Theinvestor.vn (Aug. 10, 2023),	Public
I-54	<i>Vietnam's aluminum production to increase</i> , Yieh Corp Steel News (Apr. 15, 2022)	Public
I-55	Patrick Knight, <i>Unleashing the Giant: \$575m Dak Nong Aluminium Prcject Springs into Construction</i> , aChemAnalyst (July 21, 2023)	Public
I-56	<i>Vietnam Exports cf Aluminum</i> , Trading Economics (last visited Sept. 25, 2023)	Public
I-57	List of U.S. Importers	Public
I-58	Industry Support Calculation	Public Version

EXHIBIT I-8

Turkish Producers and Exporters of Aluminum Extrusions

Company	Address	Country	Phone Number	Web Site
Akpa Alüminyum Plastik Sanayi Ve Tic. Ltd. Sti	Hürriyet Mh. Dr. Cemil Bengü Cd. No:6 Kağıthane / İstanbul	Turkey	+90 212 224 20 55	https://akpaas.com.tr/en/home-page/
Aleksen Endüstri San. Tic. LTD. STI.	Acıdere OSB Mah., Zafer Cad., 9A Merkez Köyü, Merkez Bucağı, Sarıçam, Adana, Turkey	Turkey	90 5057974088	https://www.turkish-manufacturers.com/companies/aleksen-endustri-san-tic-ltd-sti_96589.html
ALKOR ALUMİNYUM ENERJİ İNSAAT SANAYİ VE TİCARET ANONİM ŞİRKETİ	İTOB OSB Mahallesi, 10005. Sk. No:19, 35470 İtob Osb/Menderes/İzmir, Turkey	Turkey	90 232 799 01 81	https://alkoraluminyum.com.tr/
Also Alüminyum & Plastik, Kocuk Sonoyi ve Ticaret Ltd. S.	Elmasbahçeler Mah. Ankara Cad. No:50 – 16230 Osmangazi / BURSA	Turkey	+90 224 256 45 45	https://alsaaluminyum.com/iletisim/
AluExport	Camcesme Mah. Aydınli Cad. Ataman Karina Sitesi No 97 B-Blok Daire 39, 34899 Pendik/İstanbul	Turkey	90 532 643 26 16	http://www.aluexport.com/
Aluminance Aluminum Extrusions	Rüzgarlıbahçe mah. Kavak sok. İmpa İş Merkezi No:12/2 KAVACIK / BEYKOZ / İSTANBUL / TURKEY	Turkey	90 (216) 413 81 00	aluminance.com.tr
Alüminyum Çinko Haddecilik Ticaret ve Sanayi A.S.	Bayramoğlu Kavşağı Cumhuriyet Mahallesi 2253 Sokak No:1 Gebze / KOCAELİ PK.41400	Turkey	90 (262) 653 06 50	http://www.alcin.com.tr/iletisim
Arslan Alüminyum A.S.	Hürriyet Mah. Dr. Cemil Bengü Cad. No: 40 Kağıthane İstanbul 34403	Turkey	(212) 224 21 06	https://www.arslanaluminyum.com/?lang=en

Turkish Producers and Exporters of Aluminum Extrusions

Company	Address	Country	Phone Number	Web Site
Asas Alüminyum Sanayi Ticaret A.S.	Rüzgarlı Bahçe Mah., Kumlu Sok. No.2 Asaş İş Merkezi, 34810 Kavacık, Beykoz – İstanbul,	Turkey	90 216 680 07 80	https://www.asastr.com
Astas Alüminyum Sanayi ve Ticaret A.S.	Yesilyurt Mah. Sipahioglu Caddesi No: 2 K:2 D:3 Bakirkoy, İstanbul	Turkey	90 212 690 40 07-08	https://astasalu.com.tr/tr/iletisim/
AYDE ALUMINYUM LTD. STI.	osmaneli organize sanayi bölgesi selimiye mah. no:2, 11500 Selimiye/Osmaneli/Bilecik	Turkey	90 228 469 25 25	https://aydealuminyum.com.tr/
BBG Endüstri İthalat İhracat LTD. STI.	Alipaşa Mah. Sülün Alipaşa Mah. Sülün Cad. Ballı Business Center Kat:3 No:6 - 306 Çorlu / TekirdağCad. Ballı Business Center Kat:3 No:6 - 306 Çorlu / Tekirdağ	Turkey	90 531 847 02 21	https://www.bbgenustri.com/teklif-talep/
Burak Alüminyum San. Tic. Ltd. Sti.	Yeni Mah. 15 Sk. No:3 Büyükkarıştıran Beldesi Lüleburgaz / Kırklareli	Turkey	+90 444 37 40	https://burak.com.tr/en/index.html
Cansan Alüminyum Profil Sanayi ve Ticaret A.S.	Hasanağa OSB Mah. 12. Cadde No: 4, 16370 Bursa, Türkiye	Turkey	+90 224 484 23 30	https://www.cansan.com.tr/en/contact/
CB Metals LTD. STI.	Ankara 1. Organize Sanayi Bölgesi Oğuz Cad. No: 50 Sincan / ANKARA	Turkey	90 312 267 10 95	https://www.cbmetal.com.tr/

Turkish Producers and Exporters of Aluminum Extrusions

Company	Address	Country	Phone Number	Web Site
Celikler Alüminyum Plastik Sanayi ve Ticaret A.S.	Akçaburgaz, 1591. Sk. No:4, 34522 Esenyurt/İstanbul, Türkiye	Turkey	90 212 858 17 80	https://www.celikleraluminum.com.tr/en/contact/
Cuhadaroglu Metal Sanayi ve Ticaret A.S.	Yakuplu Mh. Hürriyet Bul. No:6 Beylikdüzü / İSTANBUL	Turkey	(0212) 224 20 20	https://www.cuhadaroglu.com/
Demirtas Metal A.S.	Osmangazi Mah. Ziya Gökalp Cd. No:11 34522 Kıraç – Esenyurt / İSTANBUL	Turkey	90 (212) 886 30 60	https://demirtasmetal.com.tr/iletisim/
Eksenal Aluminium Extrusion Technologies A.Ş.	İstanbul Mermerciler Küçük San. Sit. 23.Sk NO:12 Köseler Mahallesi DİLOVASI / KOCAELİ	Turkey	90 262 502 9111 - 2 - 3	http://www.eksenal.com/index_en.html
Erdoganlar Alüminyum Sanayi ve Ticaret A.S.	Atatürk Mah. Orhan Veli Cad. No: 7-9 34522 Kıraç /Esenyurt / Istanbul / TURKEY	Turkey	90 212 886 55 77	https://erdoganlar.com/contact/
Ersas Alüminyum A.S.	Ersaş Business Center İncirlik Street No: 11-15 PK 34050 Eyüpsultan / İstanbul / Turkey	Turkey	90 (212) 674 84 84	https://www.ersasaluminum.com.tr/en/ana_sayfa/
Fin Metal Alüminyum A. S.	Küçükbakkalköy, Ataşehir Blv. Ata 3/3 Plaza 38.Ada No:40, 34750 Ataşehir/İstanbul, Turquia	Turkey	90 216 456 63 64	http://www.finmetalaluminum.com/
Gencer Alüminyum Profil Sanayi ve Ticaret A.S.	Osmangazi Mah. Sanayi Cad. No: 21 PK: 41700 Darıca Kocaeli	Turkey	90262 654 13 13	http://www.gencer.com.tr/contact-info.html

Turkish Producers and Exporters of Aluminum Extrusions

Company	Address	Country	Phone Number	Web Site
Has Alüminyum Sanayi ve Ticaret A.S.	Esenler Mahallesi, Hamza Yerlikaya Cad. No.19 34899 Pendik, İstanbul /	Turkey	90 (216) 444 1 427	https://www.hasaluminum.com/en/index.cfm?action=index&menu=iletisim&id=6
Kalite Alüminyum	Velimeşe OSB Mah. 213 Sk. No: 17/1, 59930 Ergene/Tekirdağ	Turkey	90 4448791	www.kalitealuminum.com.tr
Kurtoglu Bakir-Kursun Sanayi A.S.	Velimeşe, Velimeşe, Velimeşe Organize Sanayi Bölgesi Mahallesi, 224. Sk No 6/1, 59930 Ergene/Tekirdağ, Türkiye	Turkey	0(282)684 70 00	http://www.kurtoglualuminum.com/tr/irtibat-bilgileri.html
Mar Alüminyum Metalurji Mokina Insaat Sanayi ve Ticaret Limited Sirke	Kamiloba, Büyükçekmece Silivri Yolu 543-529, 34584 Büyükçekmece/İstanbul, Türkiye	Turkey	0 (212) 884 07 00	https://www.maraluminum.com.tr/iletisim
Ortadogu Metalurji Alüminyum	Hacı Sabancı Organize Sanayi Bölgesi OSB Cad. No:3 SARIÇAM / ADANA / TÜRKİYE	Turkey	90 (322) 394 37 20-21-22-23 / 394 41 87-88	http://www.ortadogualuminum.com.tr/en/iletisim.html
P.M.S. Alüminyum Sanayi ve Ticaret A.S.	Demirtaş Sakarya, Sardunya 2. Sk. No:6/1, 16245 Demirtaş Dumlupınar Osb/Osmangazi/Bursa	Turkey	0224 261 02 87	https://pmsaluminum.com/en/iletisim/
PB DIS Ticaret LTD. STI.	Kestel Plaza K.6 D.12 No.2 Kayisdagi Caddesi Ayse Hatun Cesme Sokak Kucukbakkalkoy Atasehir İstanbul; Marmara; Postal Code: 34755	Turkey	90 216 573 85 96	http://www.premier-business.net & www.pbforeigntrade.com
Saroy Dokum ve Madeni Aksam Sanayi A.S.	Bağlar Mah. Osmanpaşa Cad. No:89 34540 Güneşli / İstanbul	Turkey	90 212 550 49 47	https://saray.com/en/
Sistem Alüminyum Sanayi ve Ticaret A.S.	Akçaburgaz Mh. 3055. Sok. No:4 34522 Esenyurt / İSTANBUL	Turkey	90 (212) 886 87 87	https://www.sistemal.com/en/contact/

Turkish Producers and Exporters of Aluminum Extrusions

Company	Address	Country	Phone Number	Web Site
Tasas Alüminyum A.S.	Organize Sanayi Bölgesi No:6 Büyük Kayacık Mahallesi Reis Koy Caddesi Selçuklu Konya; Central Anatolia; Postal Code: 42250	Turkey		http://www.tasas.com.tr/
Teknikal Alüminyum Ins. Sanayi ve Dis. Ticoret Ltd. Sti.	Gebze Güzeller OSB M.Fevzi Çakmak Sk. No:6 Gebze – Kocaeli Türkiye	Turkey	+90 542 120 41 22	https://teknikal.com.tr/contact/
Tugcelik Alüminyum Ve Metal Mamulleri Sanayi Ve Ticaret A.S.	Emek Mh. Nato Yolu No:282 Sancaktepe - İstanbul	Turkey	90 216 415 24 57	http://www.tugcelik.com.tr/tr/
Tuna Aluminium Ltd.	Tuna Alüminyum Met. Kim. İnş. San. Ve Dış Tic. A.Ş. Veliköy O.S.B.Sanayi Bulvarı No:98/A / 59500 Çerkezköy / Tekirdağ / TURKEY	Turkey	90 282 746 13 00	https://www.tunaaluminium.com/en/contact/
Uluson Aluminum	T. Ziyaeddin Akbulut Cd. No: 20, 42280 Büyükkayacık Osb/Selçuklu/Konya, Turquía	Turkey	+903322392020	http://www.ulusan.com/en
Uzaslan Alüminyum San. Tic. LTD. STI.	Suit Tower Konutkent Mah., 3035 Cad. No: 74-A K: 3 D: 18, Yaşamkent, Çankaya, Ankara, Turkey	Turkey		https://www.turkishexporter.net/en/companies/uzaslan-aluminyum-san-tic-ltd-sti_N57636
Zahit Alüminyum ve Plastik Sti	Hacı Sabancı Organize Sanayi Bölgesi Oğuz Kağan Köksal Cad. No:5 SARIÇAM / ADANA / TÜRKİYE	Turkey	90 (322) 394 35 02	https://www.zahit.com.tr/en/

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PUBLIC VERSION

BEFORE THE
INTERNATIONAL TRADE ADMINISTRATION OF THE
U.S. DEPARTMENT OF COMMERCE
AND THE
U.S. INTERNATIONAL TRADE COMMISSION

PETITIONS FOR THE IMPOSITION OF
ANTIDUMPING AND COUNTERVAILING DUTIES PURSUANT TO
SECTION 701 AND 731 OF THE TARIFF ACT OF 1930, AS AMENDED
VOLUME XIII:
TURKEY AD PETITION

IN THE MATTER OF:
ALUMINUM EXTRUSIONS FROM COLOMBIA, THE DOMINICAN REPUBLIC, ECUADOR, INDIA,
INDONESIA, ITALY, MALAYSIA, MEXICO, THE PEOPLE'S REPUBLIC OF CHINA, SOUTH KOREA,
TAIWAN, THAILAND, TURKEY, THE UNITED ARAB EMIRATES AND VIETNAM

PETITIONERS:
U.S. ALUMINUM EXTRUDERS COALITION AND THE UNITED STEEL,
PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION

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I. INTRODUCTION

On behalf of the U.S. Aluminum Extruders Coalition and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively “Petitioners”), this Petition seeks the imposition of antidumping duties on certain aluminum extrusions from Turkey. This Petition sets forth below the information relevant to the calculation of export price (“EP”) and normal value (“NV”) that is reasonably available to Petitioners. As shown below, the application of the Department of Commerce’s (the “Department”) standard dumping methodology shows that producers and/or exporters in Turkey sold, or offered for sale, aluminum extrusions (“extrusions”) in the United States at less than fair value.

Petitioners used EP as the basis for U.S. price because Turkish producers and/or exporters of subject merchandise often sell directly to unaffiliated purchasers located in the United States or through unaffiliated trading companies to unrelated purchasers in the United States. However, in certain situations, a Turkish producer and/or exporter may have an affiliated sales or distribution division that is located in the United States. These divisions may take delivery of the goods in the United States, enter the goods into affiliated distribution warehouses, and resell the goods to unaffiliated U.S. customers. However, as described below, information available to Petitioners supports Petitioners’ belief that EP is the appropriate comparison basis.

Petitioners first computed the ex-factory EP for each transaction or offer (“ex-factory U.S. price” or “ex-factory EP”) in U.S. dollars by deducting from the quoted transaction prices the costs incident to delivering the merchandise to customers in the United States. Specifically, and where applicable, Petitioners would normally deduct transportation charges from the Turkish manufacturing facilities to the Turkish ports of exportation, foreign brokerage and handling fees,

international ocean/truck freight and insurance expenses, U.S. port fees, U.S. inland freight expenses, U.S. domestic brokerage and handling expenses, and U.S. duties and taxes.

Petitioners calculated the ex-factory normal value (“ex-factory NV”) by estimating the cost of production (“COP”) for the merchandise that was sold or offered for sale to the United States.

Petitioners next compared each ex-factory EP with the ex-factory NV for identical or similar merchandise. In making these comparisons, Petitioners were required to convert the Turkish producer’s NVs to U.S. dollars using the U.S. Dollar-Turkish Lira exchange rate in effect during the period of investigation (October 1, 2022, through September 30, 2023) (the “POI”). Petitioners then subtracted the U.S. price from the ex-factory NV and divided the difference by the U.S. price for each observation to determine the dumping margin.

II. EXPORT PRICE

Turkish producers/exporters of aluminum extrusions sell through a variety of channels and to a wide range of customers including original equipment manufacturers, distributors, and directly to end users. As noted above, Turkish producers and exporters of aluminum extrusions may not be affiliated with the aforementioned companies, but it is not uncommon for some Turkish producers and exporters of extrusions to sell subject merchandise to an affiliated U.S. company which takes delivery of the goods in the United States before reselling the goods to the various classes of customers.

Turkish producers/exporters of extrusion products and U.S. producers of extrusions products price subject merchandise based on a number of factors including: (1) the alloy grade of the aluminum, (2) the form of the extrusion (based on the extrusion die form), (3) the degree of surface processing of the extrusion (*e.g.*, whether it was painted or anodized), (4) whether the

extrusion has undergone some further processing through the addition of parts or hardware or through partial conversion into a semifinished good, and (5) other factors.¹ Despite the wide variance in features and options found in the extrusions market place, Turkish and domestic producers of aluminum extrusion products compete for the same customers on a daily basis.

A. U.S. Price

Petitioners obtained the following quoted sales offers for aluminum extrusion products produced in and exported from Turkey by Sistem Aluminyum Sanayi ve Ticaret (“Sistem”) and offered for sale to a customer in the United States during the POI.²

OBS	Producer	Product	Grade / Specification	Finish	Processing?	Offered Price per Unit (US\$)
US-TR-01	Sistem	[<i>Product</i>]			<i>Processing</i>	

Documents certifying the term of this recent sales offer are provided in **Exhibit XIII-2**.

The product involved represents a standard type of aluminum extrusion. Products such as these are produced and sold in the United States market on a daily basis.³

Sistem offered to sell the goods in question directly to unrelated customers and distributors in the United States, with goods being delivered through the customs district/port of [*City, State*]. Consequently, EP is the proper comparison basis for this offer.

B. Movement and Related Expenses

In order to calculate the ex-factory U.S. prices for sales to the United States, Petitioners deducted the costs associated with exporting and delivering the products to customers in the

¹ See Declaration of [*Name*], attached as **Exhibit XIII-1**.
² See Declaration of [], attached as **Exhibit XIII-2**.
³ See *id.*

United States from the quoted transaction prices. These costs normally consist of inland and ocean freight charges from Turkish manufacturing facilities to U.S. ports of entry, Turkish and U.S. port, wharfage, and/or handling fees, foreign brokerage and handling fees, customs duties and fees paid upon entry of the subject merchandise into the United States, U.S. brokerage and handling fees, and U.S. inland freight expenses, where applicable. The following sections describe the calculations performed to derive the ex-factory U.S. prices. Petitioners' calculations of the ex-factory U.S. price are provided at **Exhibit XIII-3**.

Turkish imports of aluminum extrusions are typically transported by truck or rail from the manufacturing facilities to the port of export, shipped by ocean vessel to the United States in standard shipping containers, and moved by truck or rail from the port of arrival to the location of the U.S. customer's choosing. The exact method of transportation depends on the proximity of the Turkish production factories to the port of exportation, the availability of rivers or rail or road lines in conjunction with the factories' locations, and the location of the U.S. customer's designated delivery location. The following narrative describes the adjustments made to the offered U.S. prices.

C. Country of Manufacture Expenses

1. Foreign Inland Freight

Under normal circumstances, Petitioners would deduct country of manufacture movement expenses such as foreign inland freight (truck or rail or barge), distribution warehouse expenses, brokerage and handling expenses, and port expenses from the quoted transaction price. According to information available to Petitioners, Sistem is located in the municipality of

Esenyurt located a short distance from Istanbul.⁴ According to [*source*] service,⁵ Sistem typically will use the port facilities that are located not more than about 122 kilometers from Sistem’s production facilities.⁶

Petitioners do not have access to Sistem’s actual costs incurred in shipping merchandise from Turkey to the United States. However, given Sistem’s proximity to its seaport, it is highly likely that Sistem would utilize trucks to ship goods from its facilities to the port of exportation.

As the best information reasonably available, Petitioners obtained information regarding Turkish inland freight costs from the World Bank publication *Doing Business in Turkey 2020*.⁷ The publication provides theoretical freight rates based on the exportation and importation of goods by customers located in Istanbul and exported through the seaport located at Derince.⁸ The reported distances were applied against the average export inland freight rates to yield a cost per kilometer.⁹ That cost was then converted to a cost per kilometer per metric ton (and then per ton and per pound) by dividing the quoted rate by the standard container load as specified by the methodology outlined in *DBT 2020* – 15 metric tons.¹⁰ The resulting cost per kilometer per pound was converted to a cost per kilometer multiplied by the calculated distance between

⁴ See Profile of Sistem Alüminyum Sanayi ve Ticaret, excerpts attached as **Exhibit XIII-4**.

⁵ See [] for Sistem, attached as **Exhibit XIII-5**.

⁶ See Turkey Inland Freight Distance, attached as **Exhibit XIII-6**.

⁷ See *Doing Business in Turkey – 2020*, World Bank Group (“*DBT 2020*”), excerpts attached as **Exhibit XIII-7A**.

⁸ See *id.*; see *Doing Business – Trading Across Borders Methodology*, World Bank Group, attached as **Exhibit XIII-7B**.

⁹ See Calculation of Turkey Inland Freight, attached as **Exhibit XIII-8**.

¹⁰ See *DBT 2020*, excerpts attached as **Exhibit XIII-7A**.

Sistem's facilities to its likely port of exportation,¹¹ which in turn was subtracted from the offered U.S. price.¹²

2. Brokerage and Handling

Petitioners calculated the country of manufacture brokerage and handling expenses that Turkish producers of aluminum extrusions would incur in shipping subject merchandise to the United States. Specifically, according to *DBT 2020*, exporters in Turkey are likely to incur up to US\$393.00 in brokerage and handling fees.¹³ This rate was converted to a price per metric ton (and then price per net ton and price per pound) by dividing the brokerage and handling fee rate by the standard container load as specified by the methodology outlined in *DBT 2020* – the 15 metric tons referenced above.¹⁴ The cost per pound was then subtracted from the offered U.S. price.¹⁵

D. International Movement Expenses

With respect to ocean freight and relevant marine insurance expenses, Petitioners obtained from the U.S. International Trade Commission information relating to aluminum extrusions imported into the United States during the POI.¹⁶ Utilizing the Harmonized Tariff

¹¹ See Turkey Inland Freight Distance, attached as **Exhibit XIII-6**. Petitioners note that with respect to the U.S. offer, the offer was made on a U.S. dollars per pound basis. Consequently, Petitioners do not need to account for the weight of the good as the movement expense rates already contemplate a price to ship one unit (*e.g.*, one pound or one kilogram) of goods.

¹² See Calculation of Ex-Factory Export Price, attached as **Exhibit XIII-3**.

¹³ See *DBT 2020*, excerpts attached as **Exhibit XIII-7A**.

¹⁴ See *id.*; see also Calculation of Turkey Brokerage and Handling, attached as **Exhibit XIII-9**.

¹⁵ See Calculation of Ex-Factory Export Price, attached as **Exhibit XIII-3**.

¹⁶ See Calculation of Ocean Freight and Marine Insurance Expenses, attached as **Exhibit XIII-10**. This is the most current data available to Petitioners.

¹⁷ Petitioners note that official U.S. import statistics base movement expense data on reported expenses “incurred while bringing the merchandise from alongside the carrier at the port of exportation in the country of exportation and placing it alongside the carrier at the first {} port of entry in the United States.” See U.S. Customs and Border Protection Agency, Instructions accompanying CBP form 7501 at 18, attached as **Exhibit XIII-11**.

Schedule of the United States codes that most closely reflect entries of the goods that were offered by Sistem, Petitioners subtracted the reported Customs values for entries of merchandise entered into [*city*] from the reported C.I.F. values for the same port and divided the difference by quantity of merchandise imported into the port for the same time period.¹⁸ This result was subtracted from the U.S. price quote as shown in **Exhibit XIII-3**. This is the best information available to Petitioners.

E. Fees and Taxes

Where applicable, Petitioners deducted from the relevant quoted transaction prices the required normal customs duties,¹⁹ the Harbor Maintenance Fee (0.125% *ad valorem*),²⁰ and the Merchandise Processing Fee (0.3464% *ad valorem*) based on the dutiable value of the goods offered.²¹ Additionally, the dutiable value excludes ocean freight, U.S. inland freight, and U.S. brokerage fees.²²

F. U.S. Domestic Movement Expenses

1. U.S. Inland Freight

Petitioners do not have access to Sistem's actual costs incurred in shipping merchandise to customers within the United States. As the best information reasonably available, Petitioners obtained information regarding U.S. domestic inland freight costs from the World Bank

Based upon this, it is clear that foreign inland freight expenses are not captured in official U.S. import statistics and must be calculated separately. This conclusion is confirmed by the U.S. Customs and Border Protection Agency, which stipulates that freight charges reportable on Customs Form 7501 at Block 32 are to be "port to port" based expenses. *See id.* at 12-13.

¹⁸ *See* Calculation of Ocean Freight and Marine Insurance Expenses, attached as **Exhibit XIII-10**. Petitioners also converted the rate to a price per pound as the official import statistics report goods on a per-kilogram basis.

¹⁹ *See* Petition, Vol. I, at **Exhibit I-6**.

²⁰ *See* 19 C.F.R. § 24.24.

²¹ *See id.* § 24.23.

²² *See* Calculation of Ex-Factory Export Price, attached as **Exhibit XIII-3**.

publication *Doing Business in the United States* (“*DBUSA 2020*”).²³ The publication provides theoretical freight rates based on the exportation and importation of goods by customers located in Los Angeles and New York and imported through the ports located in El Paso, Texas, and Laredo, Texas, respectively.²⁴ The reported distances were applied against the average export inland freight rates to yield a cost per kilometer.²⁵ That cost was then converted to a cost per kilometer per metric ton (and then per ton and per pound) by dividing the quoted rate by the standard container load as specified by the methodology outlined in *DBUSA 2020* – 15 metric tons.²⁶ The resulting cost per kilometer per pound was converted to a cost per kilometer per pound and multiplied by the calculated distance between the most likely U.S. port of entry for Sistem’s goods and the location of the facility of the U.S. customer,²⁷ which in turn was subtracted from the offered U.S. price.²⁸

2. Brokerage and Handling

Petitioners calculated the U.S. domestic brokerage and handling expenses that Turkish producers of aluminum extrusions would incur in shipping subject merchandise within United States. Specifically, according to *DBUSA 2020*, importers in the United States are likely to incur up to US\$275.00 in brokerage and handling fees.²⁹ This rate was converted to a price per metric ton (and then price per net ton and price per pound) by dividing the brokerage and handling fee

²³ See *Doing Business in the United States – 2020*, World Bank Group (“*DBUSA 2020*”), excerpts attached as **Exhibit XIII-12**.

²⁴ See *id.*; see *Doing Business – Trading Across Borders Methodology*, World Bank Group, attached as **Exhibit XIII-7B**.

²⁵ See Calculation of U.S. Domestic Inland Freight, attached as **Exhibit XIII-13**.

²⁶ See *Doing Business – Trading Across Borders Methodology*, World Bank Group, attached as **Exhibit XIII-7B**; see also *DBUSA 2020*, excerpts attached as **Exhibit XIII-12**.

²⁷ See U.S. Domestic Freight Distance, attached as **Exhibit XIII-14**.

²⁸ See Calculation of Ex-Factory Export Price, attached as **Exhibit XIII-3**.

²⁹ See *DBUSA 2020*, excerpts attached as **Exhibit XIII-12**.

rate by the standard container load as specified by the methodology outlined in *DBUSA 2020* – the 15 metric tons referenced above.³⁰ The cost per pound was then subtracted from the offered U.S. price.³¹

G. Computation of Ex-Factory U.S. Price

Petitioners subtracted the calculated movement expenses, brokerage and handling expenses, fees, and duties from the reported U.S. prices to obtain the following ex-factory U.S. price for aluminum extrusion products exported from Turkey and offered for sale in the United States:

OBS	Producer	Product	Grade / Specification	Finish	Processing?	Ex-Factory EP (US\$)
US-TR-01	Sistem	[<i>product</i>				<i>\$1.40000</i>]

Detailed calculations of the ex-factory U.S. prices for imports of aluminum extrusion products from Turkey are provided in **Exhibit XIII-3**.

III. NORMAL VALUE

The preferred method for determining the NV of imported products is to examine sales or offers of sales of the identical or similar product in the home market of the exporting country. Petitioners [] regarding the prices at which Sistem sold the identical merchandise in the Turkish market [*narrative*], given the nature of the aluminum extrusion that was offered for sale in the United States []

³⁰ See *id.*; see also Calculation of U.S. Domestic Brokerage and Handling, attached as **Exhibit XIII-15**.

³¹ See Calculation of Ex-Factory Export Price, attached as **Exhibit XIII-3**.

],

Petitioners were unable to obtain pricing for this product in Turkey from Sistem.³²

Similarly, given the nature of the product, Petitioners [

narrative

]. Because neither home market nor third country pricing data were available to Petitioners, Petitioners based NV on constructed value.

Petitioners used the Department’s standard methodology to calculate the COP for the subject merchandise produced by Sistem. Because the volume and value of inputs consumed by Sistem and the company’s actual production costs are not reasonably available, Petitioners used the product-specific production costs and/or consumption rates of [

], as the “Turkish Surrogate.”³³

A. Cost of Production and Constructed Value

Petitioners used [*company*] as [

].³⁴ The [

] by Sistem. As with Sistem and other Turkish respondents, and as noted above, [

] of extrusion products. [*company*

state

] aluminum extrusion goods.

³² See Declaration of [*name*], attached as **Exhibit XIII-16**.

³³ See Declaration of [*name*], attached as **Exhibit XIII-17**.

³⁴ See *id.*

1. The Production Process for Subject Merchandise

The manufacturing process for aluminum extrusion products is done in several phases. However, depending on the manufacturer and the country, certain intermediate steps may be omitted.

The production process for aluminum extrusions begins with the semi-finished alloy aluminum billets as the input raw material. To produce in the billets, unalloyed aluminum ingots are placed into a charging furnace (electricity or natural gas fired) in a cast house, along with aluminum scrap and a number of metallic alloys such as silicon, copper, magnesium, manganese, iron, zinc, and titanium – depending on the desired grade and chemistry. The heat of the furnace melts the metals, and the furnace helps blend the metals into a consistent chemistry before the furnace is “tapped” and the molten aluminum is allowed to flow into troughs that are typically round in shape and where the molten aluminum cools into a solid form. This process yields a semifinished alloyed aluminum billet.³⁵

In the extrusion phase, an alloyed aluminum billet is heated in a heating furnace (typically, an electrically heated furnace) to allow the billet to become malleable and formable. The heated billet is then hydraulically rammed through an extrusion die which has been cut in the shape of the profile of the finished extrusion. The process of ramming the billet through the die causes the extruded aluminum to acquire the same cross section and shape as the die. At pre-determined lengths, the extruded aluminum is cut using cutting saws. Extrusions are typically permitted to be stretched to ensure straightness and may be “aged” to allow the aluminum alloy

³⁵ As noted above, not all extruders possess a cast house. Some extruders directly purchase billets on the open market from entities with a cast house.

to harden. The cut and extruded product is then allowed to cool and is in a “mill finish” condition at conclusion of this phase.

Mill finish aluminum extrusions may be prepared for packaging and distribution to a mill’s customers. Alternatively, mill finish aluminum extrusions may undergo any number of finishing or processing applications including surface coating or treatments (*e.g.*, painting, anodizing, sanding, acid-etching, nickel finishing), may undergo fabrication operations such as punching, drilling, notching, beveling, bending, and may be supplemented with hardware (*e.g.*, screws) or other components. Once all fabrication operations have been completed, these aluminum extrusions will be prepared for packaging and distribution to a mill’s customers.

2. The Turkish Surrogate

The production process for aluminum extrusion products is very similar regardless of whether the product is produced in the United States or in Turkey. [] produces aluminum extrusions in [*narrative*

state].³⁶ The company has produced aluminum extrusions [*year*].

3. Calculation of Normal Value

To calculate NV, Petitioners first calculated the amount (*i.e.*, consumption rate) of each production input that the Turkish Surrogate used in the production of aluminum extrusion products in the United States during the POI. Petitioners used the Turkish Surrogate’s actual consumption rates for all direct material inputs (*e.g.*, unalloyed ingot, alloying metals, process materials, extrusion dies).³⁷ Petitioners determined the average cost for most of these inputs in Turkey using publicly available information that is most contemporaneous with the POI.

³⁶ *Id.*

³⁷ *See* Calculation of Normal Value, attached as **Exhibit XIII-18**.

Similarly, using the Turkish Surrogate's actual incurred consumption rates for energy and labor, Petitioners determined the average cost for these inputs in Turkey from publicly available information that is most contemporaneous with the POI.³⁸ Based on this information, Petitioners calculated Sistem's NV.

4. Adjustments for Inflation and Exchange Rates

Where an input came from a period preceding the POI, the period for which Petitioners have cost data, Petitioners made adjustments for inflation using the producer price index (the "PPI") for Turkey as reported by the Turkish Statistical Institute.³⁹ Specifically, Petitioners divided the index for the period to which the input price pertained by the index for the proposed POI (October 2022 through September 2023).⁴⁰ Petitioners then multiplied the resulting ratio by the relevant price to adjust for inflation.

Petitioners calculated the entire COP in U.S. dollars. For input prices denominated in Turkish Liras, Petitioners converted the price into U.S. dollars using the simple average of the daily U.S. Dollar–Turkish Lira exchange rate (or third country exchange rate) for the POI as reported by the Wall Street Journal.⁴¹

5. Production Costs – Direct

Using the methodology described above, Petitioners estimated the COP for merchandise produced and exported by the Turkish respondent.⁴²

³⁸ *See id.*

³⁹ *See* Turkish Producer Price Index, attached as **Exhibit XIII-19**.

⁴⁰ *See generally id.*

⁴¹ *See* Currency Exchange Rates, attached as **Exhibit XIII-20**.

⁴² *See* Calculation of Normal Value, attached as **Exhibit XIII-18**.

a. Raw Materials

Petitioners valued all direct material inputs used to produce aluminum extrusions from Turkish import statistics.⁴³ Petitioners obtained Turkish import data from a subscription database made available by Standard and Poor's Global Trade Atlas for the period August 2022 through July 2023 (*i.e.*, the twelve most recent months where import data was available).⁴⁴

For many items, Petitioners converted data to a price per pound [*narrative*]. A summary of all surrogate values pertaining to material inputs appears at **Exhibit XIII-21**, while the source data pertaining to these production costs appear at **Exhibit XIII-22**. Consistent with the Department's standard methodology, Petitioners removed from the calculation of surrogate values any import pricing that was sourced from non-market economy countries (*e.g.*, China, Russia, and Vietnam), countries that have been found to provide generally available export subsidies (*e.g.*, India, Indonesia), and countries that are unidentifiable (*e.g.*, "Other countries, NES").

Petitioners also adjusted the NV for an offset for reclaimed and resold aluminum scrap. While the Turkish Surrogate and Sistem are certain to recover scrap generated during the production process, not all scrap holds the same value. For example, press-scrap (*i.e.*, scrap generated from the press itself or cutting) will carry a higher value than would post-consumer scrap which has unknown and variable alloy content. However, because Turkish import statistics do not segregate high-value scrap from low-value scrap, Petitioners have had to value any scrap offsets utilizing a single Turkish import price for all scrap.

⁴³ See Summary of Material Inputs, attached as **Exhibit XIII-21**.

⁴⁴ See Global Trade Atlas Import Data, attached as **Exhibit XIII-22**.

b. Energy

To value electricity, natural gas, and water, Petitioners utilized POI contemporaneous data for commercial users as published by the Republic of Turkey Investment Office.⁴⁵ The calculation for electricity appears in **Exhibit XIII-24**, the calculation for natural gas appears in **Exhibit XIII-25**, and the calculation for water appears in **Exhibit XIII-26**.

c. Labor

To value labor, Petitioners obtained labor costs for Turkish production workers based on data available from the International Labour Organization.⁴⁶ As the pricing was obtained during calendar year 2021, Petitioners adjusted the value for inflation utilizing the PPI in effect during the POI.

6. Production Costs – Other Expenses

Petitioners added all the total direct manufacturing costs (materials, labor, and energy) to calculate the total cost of goods sold (“COGS”) net of depreciation for aluminum extrusion.⁴⁷ Pursuant to the Tariff Act of 1930 and the Department’s regulations, Petitioners added additional expenses relating to overhead, selling, general and administrative expenses, and profit to calculate a final NV.

Consistent with the Department’s normal practice, Petitioners located the financial ratios of a company that is a producer of comparable or identical merchandise in the primary surrogate country. Attached to this petition is the audited calendar year 2022 annual report of Çuhadaroğlu Metal Sanayi ve Pazarlama A.Ş. (“Çuhadaroğlu”), a Turkish producer of aluminum extrusions.⁴⁸

⁴⁵ See Turkish Investment Office Facts and Figures, attached as **Exhibit XIII-23**.

⁴⁶ See Calculation of Turkish Labor Rates, attached as **Exhibit XIII-27**.

⁴⁷ See Calculation of Normal Value, attached as **Exhibit XIII-18**.

⁴⁸ See Çuhadaroğlu Company Website Excerpts, attached as **Exhibit XIII-28**.

a. Overhead Expense

Petitioners multiplied the Turkish aluminum extrusions producer's calculated COGS ("Total Materials, Energy & Labor") by Çuhadaroğlu's overhead ratio as derived from Çuhadaroğlu's calendar year 2022 financial statements to arrive at the fixed overhead expense.⁴⁹ Petitioners added this expense to the calculated COGS to arrive at the total cost of manufacturing ("COM") for the Turkish aluminum extrusions producer.⁵⁰

b. Selling, General, and Administrative Costs

With respect to selling, general, and administrative costs ("SG&A"), Petitioners multiplied the Turkish aluminum extrusion producer's calculated total COM by Çuhadaroğlu's SG&A ratio as derived from Çuhadaroğlu's calendar year 2022 financial statements to arrive at the SG&A expense for the Turkish aluminum extrusions producer.⁵¹ Petitioners added the calculated SG&A expense to the previously calculated total COM to arrive at a total COP (excluding profit and packing expenses).⁵²

c. Profit

To calculate the profit expense for the Turkish aluminum extrusion products producer, Petitioners multiplied the company's calculated total COP (excluding packing expenses) by Çuhadaroğlu's calculated profit ratio as derived from Çuhadaroğlu's calendar year 2022 financial statements.⁵³

⁴⁹ See Calculation of Çuhadaroğlu Financial Ratios and Çuhadaroğlu 2022 Annual Report, attached as **Exhibit XIII-29**; see also Calculation of Normal Value, attached as **Exhibit XIII-18**.

⁵⁰ Calculation of Normal Value, attached as **Exhibit XIII-18**.

⁵¹ See Calculation of Çuhadaroğlu Financial Ratios and Çuhadaroğlu 2022 Annual Report, attached as **Exhibit XIII-29**; see also Calculation of Normal Value, attached as **Exhibit XIII-18**.

⁵² Calculation of Normal Value, attached as **Exhibit XIII-18**.

⁵³ See *id.*

7. Production Costs – Packing Expenses

Utilizing the same methodologies described *supra*, Petitioners utilized the production experience of the Turkish Surrogate to estimate the production costs that Sistem would incur in producing and shipping aluminum extrusions to the United States. The packing costs include direct material inputs (*e.g.*, cardboard boxes, wooden pallets, adhesive packaging tape), packing labor and packing energy. The calculation of the packing expense appears in **Exhibit XIII-18**.

B. Normal Value

The calculations described above result in a FOP-based NV for the following observation:⁵⁴

OBS	Producer/Exporter	Product	Grade / Specification	Finish	Processing?	NV (US\$)
HM-TR-01	Sistem	[<i>product</i>	<i>grade</i>			<i>2.22222</i>]

IV. LESS THAN NORMAL VALUE COMPARISON

In order to calculate the margin of dumping, Petitioners matched each U.S. transaction offer to its corresponding NV. Petitioners subtracted the ex-factory U.S. price from its corresponding NV and then divided the difference by the EP for each offered product to determine a dumping margin for the U.S. transaction offer, yielding a transaction-specific dumping margin.⁵⁵

⁵⁴ *See id.*

⁵⁵ *See* Calculation of Dumping Margin, attached as **Exhibit XIII-30**.

This comparison demonstrates that Turkish producers/exporters sold, or offered for sale, subject merchandise in the United States at prices below NV. The calculated *ad valorem* dumping margin for Sistem is 33.79%.⁵⁶

V. CONCLUSION

Petitioners request that antidumping duties be imposed on imports of aluminum extrusions from Turkey in an amount sufficient to offset the unfair pricing described above.

⁵⁶ *See id.*

RANGED DATA

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PUBLIC VERSION

EXHIBIT LIST		
Exhibit No.	Description	Security
XIII-1	Declaration of [<i>name</i>]	Public Version
XIII-2	Declaration of []	Public Version
XIII-3	Calculation of Ex-Factory Export Price	Public Version
XIII-4	Profile of Sistem Alüminyum Sanayi ve Ticaret (excerpts)	Public
XIII-5	[<i>source</i>] for Sistem	Public Version
XIII-6	Turkey Inland Freight Distance	Public
XIII-7A	<i>Doing Business in Turkey – 2020</i> , World Bank Group (excerpts)	Public
XIII-7B	<i>Doing Business – Trading Across Borders Methodology</i> , World Bank Group	Public
XIII-8	Calculation of Turkey Inland Freight	Public
XIII-9	Calculation of Turkey Brokerage and Handling	Public
XIII-10	Calculation of Ocean Freight and Marine Insurance Expenses	Public Version
XIII-11	U.S. Customs and Border Protection Agency, Instructions accompanying CBP form 7501	Public
XIII-12	<i>Doing Business in the United States – 2020</i> , World Bank Group (excerpts)	Public
XIII-13	Calculation of U.S. Domestic Inland Freight	Public Version
XIII-14	U.S. Domestic Freight Distance	Public Version
XIII-15	Calculation of U.S. Domestic Brokerage and Handling	Public
XIII-16	Declaration of [<i>name</i>]	Public Version
XIII-17	Declaration of []	Public Version
XIII-18	Calculation of Normal Value	Public Version

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EXHIBIT LIST		
Exhibit No.	Description	Security
XIII-19	Turkish Producer Price Index	Public
XIII-20	Currency Exchange Rates	Public
XIII-21	Summary of Material Inputs	Public
XIII-22	Global Trade Atlas Import Data	Public
XIII-23	Turkish Investment Office Facts and Figures	Public
XIII-24	Calculation for Electricity Costs	Public
XIII-25	Calculation of Natural Gas Costs	Public
XIII-26	Calculation of Water Costs	Public
XIII-27	Calculation of Turkish Labor Rates	Public
XIII-28	Çuhadaroğlu Company Website Excerpts	Public
XIII-29	Calculation of Çuhadaroğlu Financial Ratios and Çuhadaroğlu 2022 Annual Report	Public
XIII-30	Calculation of Dumping Margin	Public Version