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September 29, 2020

Petitions Summary – Aluminum Foil from Armenia, Brazil, Oman, Russia and Turkey

I. INTRODUCTION

This memorandum summarizes the Petitions by Aluminum Association Trade Enforcement Working Group and its member companies, filed on September 29, 2020, with the U.S. Department of Commerce and the U.S. International Trade Commission, for the Imposition of Antidumping Duties on Certain Aluminum Foil from Armenia, Brazil, Oman, Russia and Turkey, and Countervailing Duties on Certain Aluminum Foil from Oman and Turkey.

II. SCOPE OF THE INVESTIGATION

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specifications ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the

aluminum foil, as well as the etched capacitor foil and aluminum foil that is cut to shape.

Where nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above.

III. U.S. TARIFF CLASSIFICATION

Certain Aluminum Foil is currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095.

On January 1, 2019, HTSUS statistical subheading 7607.11.6000 was subdivided into two new statistical subheadings — 7607.11.6010 and 7607.11.6090. HTSUS statistical subheading 7607.11.6010 covers "aluminum foil. . . of a thickness . . . not exceeding 0.2 mm: Not backed: Rolled but not further worked: Of a thickness not exceeding 0.15 mm: Of a thickness exceeding 0.01 mm: Boxed aluminum foil weighing not more than 11.3 kg." Imports that are properly classified under this statistical subheading are not subject merchandise because they weigh less than 25 pounds (i.e., "weighing not more than 11.3 kg."). To the best of Petitioners' knowledge, however, all imports entered under HTSUS statistical subheading 7607.11.6010 from the subject countries during the period of investigation are subject merchandise that has been misclassified.

IV. PETITIONER

The Petitioner is Aluminum Association Trade Enforcement Working Group and its member companies, Granges Americas Inc., JW Aluminum Company, and Novelis Corporation. These companies produce Certain Aluminum Foil at their production facilities in the United States and are thus interested parties within the meaning of 19 U.S.C. § 1677(9)(C) and 19 C.F.R § 351.102(b).

V. NAMED PRODUCERS/EXPORTERS

Please contact our office for a list of Foreign Producers of subject aluminum foil.

VI. NAMED IMPORTERS

Please contact our office for a list of U.S. Importers of subject aluminum foil.

VII. ALLEGED DUMPING MARGIN

Armenia: 61.96%

Brazil: 91.27%

Oman: 65.03%

Russia: 64.35%

Turkey: 49.11%

VIII. ALLEGED SUBSIDIES

- Export loans, credit, and insurance provided to Certain Aluminum Foil producers at preferential rates by government authorities where receipt of the financing is contingent upon exporting
- Preferential income tax treatment or exemptions, contingent upon exporting, for Certain Aluminum Foil producers
- Grants provided to Certain Aluminum Foil producers and exporters to assist in the defense of trade disputes or the development of export markets, or to recognize export performance