

Commerce Announces Preliminary Determination in Antidumping Investigation of Aluminum Foil from China and Determines that China Continues to Be a Non-Market Economy

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On Friday, October 27, 2017, the Department of Commerce announced its affirmative preliminary determination in the antidumping duty investigation on aluminum foil from China. The Department calculated preliminary dumping margins of 96.81 and 162.24 percent for the two mandatory respondents under investigation. Additionally, the Department set the rate for the PRC-wide entity at 162.24 percent and the rate all other companies found to be separate from the PRC-wide entity at 138.16 percent.

The Department previously made a preliminary affirmative determination that Chinese exporters and producers of aluminum foil were receiving [countervailable subsidies](#) at rates ranging from 16.56 to 80.97 percent.

As a result of the Department's affirmative preliminary finding of dumping, the agency will instruct U.S. Customs and Border Protection to begin collecting cash deposits at the applicable rates with certain adjustments based on the preliminary calculated subsidy rates.

The Department's final determinations in the on-going countervailing duty and antidumping investigations are scheduled to be announced on February 22, 2018.

As part of its investigation into the alleged dumping of aluminum foil from China, the Department initiated an inquiry into whether China should continue to be treated as a non-market economy ("NME") for purposes of the U.S. antidumping law. In connection with its preliminary affirmative determination that aluminum foil from China is being sold at unfairly low prices in the United States, the Department of Commerce also announced its decision to continue to treat China as an NME. Because the Department already solicited comments and information from the public concerning this issue, it will not reconsider its decision or solicit additional comments or information.

The petitioner is the Aluminum Enforcement Working Group and is represented by John M. Herrmann, Paul C. Rosenthal, Kathleen W. Cannon, Grace W. Kim and Joshua R. Morey of Kelley Drye & Warren LLP.