New Trade Case on Imports of Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey

By Mark R. Ludwikowski, Dennis Devaney, Courtney G. Taylor, William C. Sjoberg, R. Kevin Williams / Sep 29, 2020

A new U.S. antidumping (“AD”) and countervailing (“CVD”) duty petition was filed on September 29, 2020, by the Aluminum Association Trade Enforcement Working Group against imports of aluminum foil from Armenia, Brazil, Oman, Russia, and Turkey.

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

This merchandise is already subject to antidumping and countervailing duties pursuant to an AD/CVD investigation on imports from China which took effect on April 19, 2019. Differences in scope language from that proceeding are set off in bold.

The petition includes AD (less than fair value) allegations against Armenia, Brazil, Oman, Russia, and Turkey and CVD allegations (unfair subsidies) against Oman and Turkey. The Department of Commerce (“DOC”) and the International Trade Commission (“ITC”) will conduct the investigations. Within the next 45 days, the ITC will determine if there is a reasonable indication that the imports are injuring the U.S. industry. If the ITC finds that the standard is met, then the cases will move to the DOC which will calculate the preliminary AD and CVD duty margins.

The DOC’s preliminary determinations are currently scheduled for December 23, 2020 (CVD) and March 8, 2021 (AD), which are the dates when importers will be required to deposit the calculated duties upon the products’ entry in the U.S. market.

There are strict statutory deadlines associated with these proceedings and affected companies are advised to prepare as soon as possible. If this product is of interest to you, please let us know so that we can provide you with additional information as it becomes available.

The following are key facts about this trade case:

Petitioners: Aluminum Association Trade Enforcement Working Group (members include: Granges Americas Inc.; jW Aluminum Company; and Novelis Corporation)

Foreign Producers/Exporters and US Importers: Please contact us for a listing of individual companies named in the petition.

AD margins: Petitioners have alleged the following AD margins:

- Armenia: a calculated AD margin of 61.96 percent ad valorem;
- Brazil: a calculated AD margin of 91.27 percent ad valorem;
- Oman: a calculated AD margin of 65.03 percent ad valorem and subsidy margins above de minimis;
- Russia: a calculated AD margin of 64.35 percent ad valorem; and
- Turkey: a calculated AD margin of 49.11 percent ad valorem and subsidy margins above de minimis.

Merchandise covered by the scope of the case:

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 specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, 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 etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if the application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 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.

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