



BRIEFING

Trade Remedies – Aluminium extrusions safeguard investigation – Further advice on provisional safeguard duties assessment

Date:	1 September 2026	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0038762

Action sought

	Action sought	Deadline
Hon Cameron Brewer Minister of Commerce and Consumer Affairs	Agree that the evidentiary test at section 14(1) has not been met, and that a provisional safeguard duty should not be imposed.	14 September 2026

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
James Hartley	General Manager, Communications, Infrastructure and Trade (CIT)	Privacy of natural persons	
Sebastian Doelle	Manager, Trade and Supply Chains		✓
Sally Whineray Groom	Team Leader, Trade Remedies		

The following departments/agencies have been consulted:

N/A

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments:

BRIEFING

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Date:	1 September 2026	Priority:	Medium
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Purpose

To update you on further analysis relating to the Aluminium Extruders Association of New Zealand (ALENZ)'s application for provisional safeguard measures, following further submissions and updates to Customs data.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that before a provisional safeguard duty may be imposed under section 14(1) of the *Trade (Safeguard Measures) Act 2014* you must be satisfied that there are reasonable grounds to believe that:
- a delay in imposing a safeguard measure would cause damage that would be difficult to repair; and
 - increased imports are causing serious injury or a threat of serious injury.
- b **Note** that MBIE has considered the additional submissions received, and evidence gathered, since our previous advice to you dated 4 August [briefing 0036079 refers, attached at Annex 1], and considers that this information does not change our previous advice not to impose a provisional safeguard duty.
- c **Note** that recommendation b is based on the advanced stage of the investigation, and at this stage MBIE considers that any delay in imposing duties between the date of this briefing and the provision of MBIE's final advice on whether to impose a safeguard duty would not, in itself, result in injury that would be difficult to repair, provided a decision is taken in a timely manner thereafter.
- d **Agree** that the evidentiary test, for imposition of a provisional safeguard duty, at section 14(1) has not been met, and that a provisional safeguard duty should not be imposed.

Noted

Noted

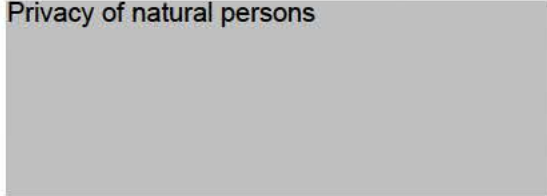
Noted

Agree/Disagree

- e **Note** that if you are considering making a different determination from that recommended above, please first contact MBIE for further advice on consequential actions and implications.

Noted

Privacy of natural persons



Sebastian Doelle
Manager, Trade and Supply Chains

1 September 2026

Hon Cameron Brewer
**Minister of Commerce and Consumer
Affairs**

1 / 9 / 26

Background

Safeguard investigation

1. On 27 May 2026, you initiated a safeguard investigation into aluminium extrusions following an application by ALENZ.¹ The *Trade (Safeguard Measures) Act 2014* (the Act) requires MBIE to make reasonable efforts to report to you within 85 working days, being 24 September 2026. After receiving MBIE's report, you may then decide whether a safeguard duty or other safeguard measure should be imposed.

Request for a provisional safeguard duty

2. As part of its application, ALENZ requested the consideration of a provisional safeguard duty. ALENZ submitted that the profitability and future viability of the domestic industry were threatened by serious injury caused by imported aluminium extrusions and that delay in imposing safeguard measures would result in damage that would be difficult to repair.
3. A provisional safeguard duty is a temporary measure intended to provide protection to the domestic industry before a final determination is made on whether to impose a safeguard measure.
4. You are responsible for determining if provisional safeguard duties should be imposed, and section 14 of the Act provides the test that you must apply (see paragraph 6). On 7 August, you agreed with MBIE's advice not to impose a provisional safeguard duty. This was on the basis that we advised you that we considered there were not reasonable grounds to believe that a delay in imposing a safeguard measure would cause damage that would be difficult to repair. We did however find that there were reasonable grounds to believe that increased imports are causing serious injury or a threat of serious injury [briefing 0036079 refers, attached at Annex 1].
5. You can order that a provisional safeguard duty is applied at any time during the investigation, provided you are satisfied that the required test has been met. MBIE can provide further advice should new evidence emerge that materially shifts our advice.

Legal Test for Provisional Safeguard Duty

6. Section 14(1) of the Act provides that:

After the Minister has initiated a safeguard investigation under section 8(1), the Minister may order that a provisional safeguard duty be imposed on imported goods if the Minister is satisfied that there are reasonable grounds to believe that:

(a) a delay in imposing a safeguard measure would cause damage that would be difficult to repair; and

(b) increased imports are causing serious injury or a threat of serious injury.

¹ Made up of five companies - McKechnie Aluminium Solutions Limited, Independent Extrusions Limited (INEX), Altus NZ Ltd, Aluminium Extrusion Company Limited (ALEXCO) and VULCAN Ullrich Aluminium NZ Limited (VULCAN).

Further submissions and Customs data do not materially change our advice

Summary of submissions and evidence

7. ALENZ submits that Commercial Information [REDACTED]. ALENZ's view is a surge in what it alleges as low-priced geometric imports will reduce domestic production, undermine the viability of New Zealand extrusion capacity and risk long-term market distortion that could negate the effectiveness of any future safeguard measures. ALENZ refers to Statistics New Zealand data released in July which shows that imports of hollow aluminium profiles have increased 109 per cent for the same period as last year, at lower prices than the previous year.
8. ALENZ further submitted on 28 August that "Further delay in applying Provisional Measures will result in local extrusion manufacturing further reducing shifts and ultimately closing its doors unless action is taken immediately."
9. Customs data for June and July (received 12 August) Commercial Information [REDACTED] a spike in aluminium imports in July.
10. MBIE wrote to Commercial Information [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

MBIE's recommendation: the new information does not support a different decision at this point in time

11. MBIE has considered whether the new information, viewed collectively alongside previous submissions, provides reasonable grounds to believe that a delay in imposing a provisional safeguard duty would cause damage that would be difficult to repair for the purposes of section 14(1)(a). As in our previous advice, we consider that the question is whether the damage that will be difficult to repair is likely to occur because safeguards are not in place before the investigation concludes at the end of September – in less than 4 weeks.
12. In considering this new evidence, MBIE has been particularly cognisant of the time remaining in the investigation. We do not consider that there are reasonable grounds to believe that a delay in imposing a safeguard measure, at this stage in the investigation process, would cause damage difficult to repair within the remaining investigation period.
13. This is because:
 - a. Commercial Information [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- b. It is not clear that there is an urgent need to act to prevent damage being embedded in the industry within the remaining investigation period. Any provisional safeguard measure imposed now would only apply to future goods that have already been ordered and are now in production or transit (assuming lead times are between 1-4 months: Commercial Information [REDACTED])
14. In making this assessment, MBIE has assumed that the investigation will conclude by the end of September, and a decision will be taken in a timely manner thereafter. If a timely decision is not taken, that could change the balance of considerations on whether a delay in imposing a safeguard measure would cause damage that would be difficult to repair.
15. This assessment is finely balanced. Commercial Information [REDACTED]
[REDACTED]
[REDACTED] This could support an argument that the recent increase in imports may result in damage that is difficult to repair. However, given the limited time remaining before the investigation is expected to conclude and a final decision is expected to be made, MBIE does not consider there are reasonable grounds to believe that the additional damage during this remaining period would justify the imposition of a provisional safeguard measure under section 14(1)(a).
16. Our assessment is therefore materially influenced by the expectation that a final decision on the safeguard investigation will be made in a timely manner following the conclusion of the investigation. If there were a significant delay in reaching a final decision, the balance of considerations could change, as any continued imports and subsequent sales into the New Zealand market during that extended period may increase the likelihood that a delay in imposing safeguard measures would cause damage that would be difficult to repair.
17. The concept of delay is an important consideration here, including observations that:
- a. Any provisional safeguard duty will require additional work to operationalise, including recommending a rate, and specifying the definition of the goods for Customs to collect duties against – this would likely take one to two weeks – thereby shortening the period to the end of the investigation that a provisional safeguard duty would apply.
- b. Free and frank opinions [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
18. MBIE also visited three of the applicants' businesses between 24-26 August. [REDACTED]
Free and frank opinions [REDACTED] However, we did not consider that this supports a claim that there are reasonable grounds to believe that a delay, to the end of the investigation, in imposing a safeguard measure would cause damage that would be difficult to repair.
19. If you are considering making a different determination from any of those recommended above, please first contact MBIE for further advice on consequential actions and implications.

Risks

Legal professional privilege

Implementation risk

22. This is the first safeguard investigation conducted under the Trade (Safeguard Measures) Act 2014. As a result, key provisions of the Act, including the concepts of "reasonable grounds to believe", "damage that would be difficult to repair", and aspects of a provisional safeguard duty process have not previously been tested through Ministerial decisions or judicial review. Further, there is little international case law to consider arising through the World Trade Organization dispute processes. Free and frank opinions

Free and frank opinions

23. Free and frank opinions

Stakeholder and industry risk

24. Free and frank opinions

25. MBIE's advice and recommendation that the test for imposing a provisional duty has not been met is based on the information available to us at the date of this briefing. Free and frank opinions

Free and frank opinions

Communications

26. The safeguard investigation into aluminium extrusions has attracted domestic and international media attention. We will provide you with reactive communications material to support you to respond to any media queries, ministerial correspondence and written parliamentary questions.

Annexes

Annex One: MBIE briefing 0036079: Trade Remedies – Aluminium extrusions safeguard investigation – Provisional safeguard duties assessment

Annex 1: MBIE briefing 0036079: *Trade Remedies – Aluminium extrusions safeguard investigation – Provisional safeguard duties assessment*



Trade Remedies – Aluminium extrusions safeguard investigation – Provisional safeguard duties assessment

Date:	4 August 2026	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0036079

Action sought		
	Action sought	Deadline
Hon Cameron Brewer Minister of Commerce and Consumer Affairs	Agree with MBIE's assessment that evidence gathered to date does not present reasonable grounds to believe that a delay in imposing a safeguard measure would cause damage that would be difficult to repair. Agree to not use your powers under section 14 to impose provisional duties on aluminium extrusions.	11 August 2026

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
James Hartley	General Manager, Communications, Infrastructure and Trade (CIT)	Privacy of natural persons	
Sebastian Doelle	Manager, Trade and Supply Chains		✓

The following departments/agencies have been consulted
None

Minister's office to complete:

☐ Noted

☐ Overtaken by Events

☐ Approved

☐ Needs change

☐ See Minister's Notes

☐ Declined

☐ Seen

☐ Withdrawn

Comments



BRIEFING

Trade Remedies – Aluminium extrusions safeguard investigation – Provisional safeguard duties assessment

Date:	4 August 2026	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0036079

Purpose

To recommend to you that the threshold at section 14(1) of the Trade (Safeguard Measures) Act 2014 has not been met at this time, and to subsequently recommend that you do not exercise your powers to impose provisional safeguard duties.

Executive summary

On 27 May 2026, you initiated a safeguard investigation into imports of aluminium extrusions following an application by the Aluminium Extruders Association of New Zealand (ALENZ). As part of its application, ALENZ requested consideration of a provisional safeguard duty.

You are responsible for determining if provisional safeguard duties should be imposed, and section 14 of the Trade (Safeguard Measures) Act 2014 provides the test that you must apply.

You may order that a provisional safeguard duty be imposed on imported goods if you are satisfied that there are reasonable grounds to believe that:

- a delay in imposing a safeguard measure would cause damage that would be difficult to repair; and
- increased imports are causing serious injury or a threat of serious injury.

Section 14 governs whether a provisional safeguard duty may be imposed pending completion of the investigation, when you will make a final determination on safeguard measures. Accordingly, MBIE's assessment and advice on the information gathered to date focuses on the period remaining until completion of the investigation, approximately two months from the date of this briefing. That information includes detailed submissions from the applicant, importers, foreign exporters and their representatives, and foreign governments.

With the information currently available, MBIE recommends that you find that there are not reasonable grounds to believe that a delay in imposing a safeguard measure until the investigation concludes would cause damage that would be difficult to repair, but that there is reasonable grounds to believe that increased imports are causing serious injury, or a threat of serious injury.

You must be satisfied that both limbs of section 14(1) are met before you can direct that a provisional safeguard duty is imposed. Therefore, MBIE recommends that you find that the statutory threshold for imposing a provisional safeguard duty has not been met.

The Act permits a provisional safeguard duty to be imposed at any stage of an investigation, provided the statutory criteria are met. MBIE will continue to assess information received during the investigation and may provide further advice if new information arises that materially shifts the recommendation in this briefing.

Recommended action

The Ministry of Business, Innovation and Employment (the Ministry) recommends that you:

- a **Note** that ALENZ, the applicant for a safeguard investigation on aluminium extrusions, requested the consideration of provisional safeguard duties. *Noted*
- b **Note** that before a provisional safeguard duty may be imposed under section 14(1) of the Trade (Safeguard Measures) Act 2014 you must be satisfied that there are reasonable grounds to believe that both of the following criteria are met:
- a delay in imposing a safeguard measure would cause damage that would be difficult to repair; and
 - increased imports are causing serious injury or a threat of serious injury. *Noted*
- c **Note** that MBIE considers that the evidence currently available does not provide reasonable grounds to believe that a delay in imposing a safeguard measure would cause damage that would be difficult to repair. *Noted*
- d **Agree** that the evidentiary test at section 14(1) has not been met, and that a provisional safeguard duty should not be imposed at this stage of the investigation. *Agree/Disagree*
- e **Note** that MBIE will continue to gather and consider information received during the investigation and may provide further advice should new evidence emerge that materially shifts advice in this briefing *Noted*
- f **Note** that if you are considering making a different determination from any of those recommended above, please first contact MBIE for further advice on consequential actions and implications.

Privacy of natural persons

Privacy of natural persons

Noted

Sebastian Doelle
Manager, Trade and Supply Chains
Communications, Infrastructure and Trade
MBIE
4 / 8 / 2026

Hon Cameron Brewer
Minister of Commerce and Consumer Affairs

6 / 8 / 2026

Background

Safeguard investigation

On 27 May 2026, you initiated a safeguard investigation into aluminium extrusions following an application by the Aluminium Extruders Association of New Zealand (ALENZ)¹. At the time, you determined based on that application that there were reasonable grounds for an investigation into whether increased imports were causing serious injury or a threat of serious injury to the domestic industry.

1. The Act requires MBIE to make reasonable efforts to report to you within 85 working days, being 24 September 2026. You are then required to make a determination on the outcome of the safeguard investigation, including whether a safeguard measure should be imposed.

Request for a provisional safeguard duty

2. As part of its application, ALENZ requested the imposition of a provisional safeguard duty. ALENZ submitted that the profitability and future viability of the domestic industry were threatened by serious injury caused by imported aluminium extrusions and that delay in imposing safeguard measures would result in damage that would be difficult to repair.
3. A provisional safeguard duty is a temporary measure intended to provide protection to the domestic industry before you make a final determination on the outcome of the investigation, including whether to impose a safeguard measure. If the test for provisional measures is met then prompt ministerial consideration is necessary to provide the domestic industry with protection from the harm that such measures are designed to mitigate.

Legal Test for Provisional Measures

4. Section 14(1) of the Act provides that:

After the Minister has initiated a safeguard investigation under section 8(1), the Minister may order that a provisional safeguard duty be imposed on imported goods if the Minister is satisfied that there are reasonable grounds to believe that:

(a) a delay in imposing a safeguard measure would cause damage that would be difficult to repair; and

(b) increased imports are causing serious injury or a threat of serious injury.

5. MBIE considers the phrase 'reasonable grounds to believe' requires more than a mere assertion that the elements are met. The test is whether a reasonable person, having regard to the information available, would consider there to be reasonable grounds to believe that a delay in imposing a safeguard measure would cause damage that would be difficult to repair **and** that increased imports are causing serious injury or a threat of serious injury.

¹ Made up of five companies - McKechnie Aluminium Solutions Limited, Independent Extrusions Limited (INEX), Altus NZ Ltd, Aluminium Extrusion Company Limited (ALEXCO) and VULCAN Ullrich Aluminium NZ Limited (VULCAN).

6. MBIE considers that assessment of information as it applies to section 14 must focus on time remaining before completion of the safeguard investigation. In this case, the remaining period is approximately two months. The question is therefore not whether the domestic industry may experience ongoing difficulty if current conditions persist over a longer period, but whether there are reasonable grounds to believe that a delay in imposing a provisional safeguard duty until completion of the investigation would cause damage that would be difficult to repair.
7. Both elements of section 14(1) must be satisfied before a provisional safeguard duty may be imposed. Accordingly, section 14(1) involves a two-limbed test.

Limb 1: A delay would cause damage that would be difficult to repair

8. In interpreting section 14(1)(a) to provide you with advice, MBIE has considered evidence from the applicant and its domestic industry petitioners. MBIE considered factors such as:
9. **urgency of action**, noting that any decisions on safeguard measures is currently on track to be able to be taken at the end of September (approximately two months from decision on provisional duties).
 - a. commercial decisions, such as manufacturer decisions to reduce skilled staff numbers, or significant procurement decisions within the market, which may lead to injury becoming embedded and difficult to repair.
 - b. any other market conditions that suggest a quickly deteriorating situation for the domestic industry, such that action requires urgency to avoid “damage”.

Limb 2: Increased imports are causing serious injury or a threat of serious injury

10. In assessing section 14(1)(b), MBIE has considered whether there are reasonable grounds to believe that increased imports are causing serious injury or a threat of serious injury.

MBIE Recommendation

11. MBIE has assessed the information currently available to it, which includes ALENZ's application, and submissions and questionnaire responses received since the commencement of the investigation from ALENZ and other interested parties. MBIE has undertaken this assessment at the earliest practicable stage of the investigation, noting the time needed for interested persons to submit information and for MBIE to consider it against section 14 of the Act.
12. Based on this information, MBIE considers there are reasonable grounds to believe that increased imports are causing serious injury or a threat of serious injury for the purposes of section 14(1)(b). This finding is based on information in submissions relating to injury, pricing pressures, profitability, capacity utilisation and competition from imports.
13. However, MBIE recommends that you find that there are not reasonable grounds to believe that a delay in imposing a safeguard measure would cause damage that would be difficult to repair for the purposes of section 14(1)(a). The information available does not satisfy MBIE that there are reasonable grounds to believe that urgent intervention is necessary, in the remaining time before completion of the safeguard investigation, to avoid damage that would become difficult to repair. **Annex 1** contains further details of MBIE's consideration of the information provided in relation to both limbs.

14. MBIE recommends that you find that the section 14(1)(a) threshold is not met, and therefore does not recommend imposing a provisional safeguard duty.
15. MBIE will continue to gather and consider information received during the investigation and may provide further advice should new information emerge that materially shifts advice in this briefing.
16. The applicant has pushed for swift consideration of provisional safeguard duties. We recommend that you make a determination on the advice in this briefing promptly, to provide certainty for the sector, and to help focus efforts on the remainder of the investigation.
17. If you do not agree with MBIE's advice that the threshold at 14(1)(a) has not been met, and that provisional safeguard duties should not be imposed, please contact officials for further advice on consequential actions and implications.

Issues raised by submitters that are outside of this assessment

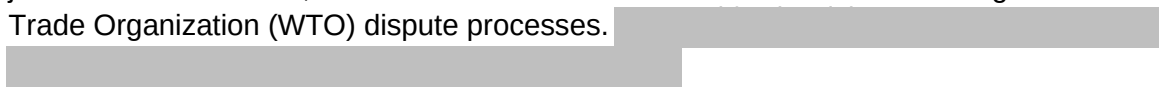
18. Some submitters from the domestic industry raised concerns of unfair trade practices, including:
 - a. dumping and subsidisation
 - b. money laundering practices among importers
 - c. misdeclarations of imports and falsification of product standards certifications
 - d. circumvention of any measures that may be imposed in future
 - e. suggested use of revenue gathered from safeguard measures.
19. MBIE has noted the concerns but has not considered the arguments any further, as these are out of scope of this assessment.

Risks

Legal professional privilege



Implementation risk

21. This is the first safeguard investigation conducted under the Trade (Safeguard Measures) Act 2014. As a result, key provisions of the Act, including the concepts of "reasonable grounds to believe", "damage that would be difficult to repair", and aspects of a provisional safeguard duty process have not previously been tested through Ministerial decisions or judicial review. Further, there is little international case law to consider through the World Trade Organization (WTO) dispute processes.
- 

Stakeholder and industry risk

22. [REDACTED]
23. MBIE's recommendation that the test for imposing provisional measures is not met is based on the information available to MBIE as at the date of this briefing. [REDACTED]
24. MBIE will continue to gather and consider information received during the investigation and may provide further advice should new evidence emerge that materially shifts advice in this briefing.

Process risk

25. The Act permits a provisional safeguard duty to be considered at any stage of the investigation. It is possible that new information will come to light in the course of the investigation that indicates a change in circumstances and means that the test for imposition of provisional duties could in fact be met at that point in time. MBIE will continue to monitor the situation, but the timeframes are tight, so it will be important that we continue to progress the substantive investigation.

Communications

26. The safeguard investigation into aluminium extruded metals has attracted domestic and international media attention. A communications plan has been prepared, and reactive media lines will be provided to your office prior to the determination being made public.
27. The investigation is also of particular interest to important trading partners. MBIE will continue to liaise closely with MFAT to support clear communication channels across our Posts and support media enquiries. MBIE maintains an up-to-date public file to ensure transparency of the process for interested persons and governments.
28. Should you wish to communicate your decision on provisional measures to the applicant, we can support you with a draft letter. Alternatively, MBIE can write to the applicant to advise them of your decision. At the same time any communication to the applicant is made, we will publish a non-confidential version of this briefing on the public file, so that it is accessible to all interested persons.
29. [REDACTED] It will be important that the communications regarding the findings relate specifically to the test for a provisional safeguard duty, which differs from the test applied to the safeguard investigation.

Next Steps

Investigation milestones

30. You initiated a global safeguard investigation into certain imported aluminium extrusions on 27 May 2026.
31. The consideration of a provisional safeguard duty runs in parallel to the safeguard investigation. MBIE is required to make reasonable efforts to report to the Minister on the findings of the safeguard investigation within 85 working days after the date on which the Minister initiated the investigation, in line with section 12(2)(a) of the Act, i.e. by 24 September 2026. Please inform officials if you anticipate not being able to make a prompt decision after receiving advice on the investigation. If your final decision is materially delayed, we may need to reconsider how we analyse and advise on provisional duties.
32. Following your determination of whether to impose a provisional safeguard duty, MBIE will:
 - a. support you to communicate your decision to the applicant, through providing you a draft letter, or undertaking the communications on your behalf
 - b. place a non-confidential version of this briefing on the public file for availability to all interested persons
 - c. publish a non-confidential version of this briefing on our website
 - d. inform the Ministry of Foreign Affairs and Trade, and the New Zealand Customs Service, of your determination.

Annexes

Annex One: Assessment of Section 14(1)

Annex One: Assessment of Section 14(1)

Section 14(1)(a) Delay would cause damage that would be difficult to repair

Summary of arguments raised by interested persons

Domestic aluminium extruders industry

1. The domestic industry and ALENZ have provided submissions with their views on imposing a provisional safeguard duty. In summary they submitted that:
 - a. it is experiencing increasing competition from low-priced imports
 - b. it is experiencing significant declines in production, sales volume, and profit
 - c. it is losing business as customers are opting for imports
 - d. the applicants are operating below capacity, and the industry is losing operational efficiency
 - e. it is under intense competition from a high volume of imports that are priced below both domestic manufacturing costs and the cost of raw aluminium billet
 - f. global trade distortions and trade remedy actions in other jurisdictions have increased the risk of trade diversion into New Zealand, and
 - g. continued deterioration risks the loss of skills, industry capability and employment.
2. ALENZ argued that the absolute volume of imports has surged since November 2025 and that between January and May 2026 the volume of imported goods increased by 37 per cent compared to a similar period in 2025. ALENZ submitted that the increase in imports cannot be explained by growth in New Zealand demand. It noted that import volumes increased significantly during a period of relatively weak economic activity, subdued construction and manufacturing activity, and limited or declining growth in key end-use sectors.
3. ALENZ also argued that this increase in import volumes also occurred alongside increasing costs of raw materials for aluminium extrusions. They note that if the gap between import prices and domestic production costs continues to widen, domestic industry will be forced to compete with imports at prices where they are unable to recover their costs of production.
4. ALENZ explained that this has left the domestic industry in a position where it is unable to increase prices to recover costs, has reduced its production capacity and is losing operational efficiency (which MBIE understands to mean that lower output means that fixed costs are spread over less production, which increases the price per unit/kg), is planning to reduce the number of employees engaged and has reduced its level of investment. According to the domestic industry this situation is exacerbated by high energy costs, and declining manufacturing output and residential construction output.
5. The submission by ALENZ further explained that the impacts of this injury will be difficult to repair because:
 - a. The injury is becoming structurally embedded and increasingly difficult to reverse.

- b. The industry is losing critical mass in production and supply to the domestic market.
 - c. The loss of customers is structural in some instances as the customers who used aluminium extrusions as an input have opted to close their manufacturing functions in favour of importing cheaper finished goods.
 - d. The domestic industry is now considering closures, downsizing and reduction in employment which will lead to the loss of specialised skills across the industry and an even lower level of returns on investment as a way of managing the impacts of the injury.
 - e. It will be difficult for the domestic industry to win back big contracts that are being lost to imported goods or overseas suppliers. Commercial decisions are hard to reverse especially when negotiating higher prices.
 - f. If the decision is made to reduce production or permanently shut down, the shutdown and rebooting process of industrial structures is expensive, and re-entry to the market comes at a high cost. Data provided by [REDACTED] indicated that the domestic industry has been reducing their production level since 2022 from [REDACTED]^a tonnes to [REDACTED]^m tonnes in 2025. The domestic industry has argued that the injury experienced has been ongoing over the last 12 to 18 months and continues to have significant effects. It also considered that if a safeguard measure were delayed to the start of 2027, the damage will be severe, and any relief would not be felt for some months.
6. ALENZ's principal argument under section 14(1)(a) is that continuing injury is resulting in structural changes to the domestic industry, including the loss of customers, productive scale, investment and specialist skills, which it considers may not be readily recoverable even if safeguard measures are imposed later.
 7. ALENZ and the domestic manufacturers argued that a delay in imposing safeguard measures would result in damage that would be difficult to repair. They noted the length of time since their initial application in January to the investigation being completed before the end of September. ALENZ speculated that the decision by the Minister on the safeguard investigation would occur at the time of the dissolution of Parliament and that any decision on safeguard measures could be delayed until January or February 2027.
 8. On that basis, ALENZ sought supplementary information from domestic manufacturers regarding the likely impact of any delay beyond completion of the investigation for the remainder of 2026 and into 2027. [REDACTED] submitted that continued import competition at current levels could result in the loss of skilled staff, reduced production capacity, lower investment, and the exit of product lines, which they considered would be difficult to reverse.

Importers

9. The information provided by importers is relevant to MBIE's assessment of section 14(1)(a) because it provides additional evidence relevant to whether there were any imminent changes causing or threatening to cause injury to the domestic industry which was immediate or of an irreversible nature.
10. Three importers, [REDACTED] provided information in the form of questionnaire responses. These firms stated that they are not aware of any upcoming changes to import patterns and that more customers were importing directly from overseas suppliers bypassing domestic distributors altogether.

11. One importer commented that immediate changes to this situation were unlikely due to slow growth in the housing market, the loss in smelting capacity in the Middle East and rising base metal prices. They did not consider an increase in future imports as being substantial.

Other interested persons

12. In their questionnaire responses, Chinese exporters [REDACTED], [REDACTED] argued that they were not aware of any outstanding large orders due for export to New Zealand, any other imminent trade risks threatening the domestic industry or shifts in trade patterns that would cause a trade risk for New Zealand.
13. They further argued that factors causing injury to the domestic industry are mainly driven by internal factors such as local market demand, raw material costs and the industry's own operating conditions, and bear no connection with imported goods.

MBIE's assessment

14. MBIE's methodology in assessing whether section 14(1)(a) is met was to review every submission received up to the date of this briefing, searching for assertions and evidence that would provide reasonable grounds to believe that a delay in imposing a safeguard measure would cause damage that would be difficult to repair. MBIE holds an open mind on what that would look like, and is guided by the submissions that it receives, but considers that it is likely to come in the form of evidence that:
 - a. There is an urgent need to act – that is, that **delay** would cause damage that was difficult to repair.
 - b. There are upcoming commercial decisions that could embed damage – such as decisions to reduce skills staff, or major procurement decisions in the sector, which may lead to the damage being difficult to repair.
 - c. An open mind to other market conditions that may point to a quickly deteriorating situation.
15. MBIE has considered whether that information, viewed collectively, provides reasonable grounds to believe that a delay in imposing a provisional safeguard duty until the end of the safeguard investigation would cause damage that would be difficult to repair. The question is not whether the domestic industry is experiencing injury, nor whether continued injury may have longer-term consequences if market conditions persist, but whether the damage that will be difficult to repair is likely to occur because safeguards are not in place before the investigation concludes at the end of September.
16. The applicant has identified risks relating to customer loss, reduced investment, declining productive scale and loss of specialist capability. MBIE considers that these are all assertions of injury or damage, supported by some evidence such as declining sales to certain customers over time. Further, MBIE notes that the best people to advise on the injury of the domestic industry is the domestic industry themselves.
17. However, the applicant has not provided any evidence that those injury factors would worsen or embed in the remaining time in the investigation, or because of a delay in imposing safeguard measures. MBIE therefore cannot advise to the Minister that there is reasonable grounds to believe that a delay in imposing a safeguard measure would cause injury that is difficult to repair.

18. MBIE considered other market conditions affecting the domestic industry, including considering submissions provided to the investigation. While global market developments, trade remedy actions in other jurisdictions and geopolitical events may create commercial uncertainty, MBIE does not consider that these factors demonstrate that a delay in imposing a safeguard measure is likely to cause damage during the remaining investigation period that would be difficult to repair.
19. MBIE does not consider ALENZ's assertions regarding possible delays of imposing safeguard measures until early 2027 is within scope of the timeframe for considering section 14(1).
20. As ALENZ has sought provisional measures, MBIE must make reasonable efforts to report to the Minister within 85 working days after the investigation was initiated (i.e. by 24 September 2026). After receiving MBIE's report, the Minister is able to make a decision on imposing a safeguard measure. MBIE does not consider it appropriate to base a decision on the imposition of a safeguard measure on the assumption that you will not take a decision for a period of time despite lawfully being able to do so. MBIE instead considers that the period in which safeguards would be delayed should be treated as ending on or about when the Minister is provided with MBIE's report and is lawfully able to take a decision on the imposition of safeguard measures. MBIE has reached this view in the expectation that the Minister will promptly make a decision on the imposition of safeguards.
21. On balance, MBIE does not consider that the information currently available provides an objectively reasonable basis to believe that a delay in imposing a safeguard duty until completion of the investigation would cause damage that would be difficult to repair. Accordingly, MBIE considers that the threshold in section 14(1)(a) has not been met.

Assessment of Section 14(1)(b) increased imports are causing serious injury or threat of serious injury

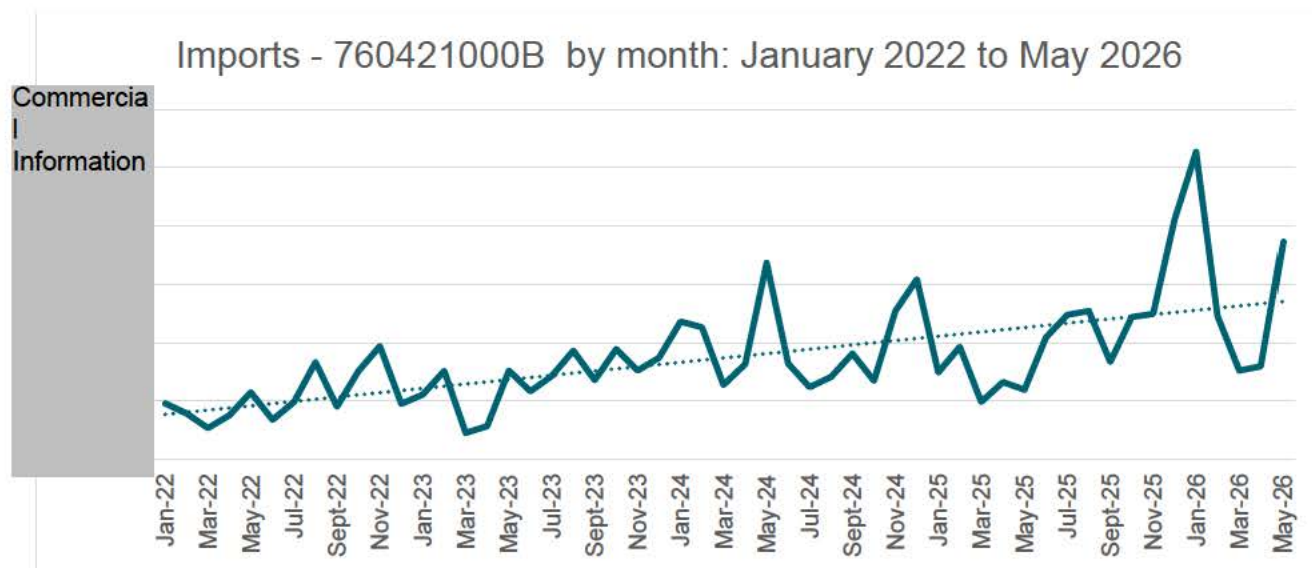
22. MBIE's recommendation on whether to apply a provisional safeguard duty does not depend on establishing a view on section (1)(b) as both limbs of section 14(1) must be satisfied before a provisional safeguard duty may be imposed.
23. Serious injury is defined as a significant overall impairment in the position of the domestic industry, and the threat of serious injury is defined as a serious injury that is clearly imminent.

Increase in import volumes

24. While the initiation decision required reasonable grounds to commence an investigation, section 14(1)(b) requires the Minister to be satisfied that there are reasonable grounds to believe that increased imports are causing serious injury or a threat of serious injury. The assessment for a provisional safeguard duty is informed by additional information obtained since initiation, including submissions and questionnaire responses received during the investigation, and independent sources.
25. ALENZ has claimed an increase in the absolute volume of imports of 37 per cent during January to May 2026, when compared to the same period in 2025 as one of the grounds for the urgent consideration of provisional measures. The graph below shows imports, by month, from January 2022 to May 2026 for one of the relevant tariff codes. Note that this data is a partial aggregation, and may include imports that are not subject to investigation.

Nevertheless, the graph shows an increase over the investigation period, with a notable increase since January 2026.

26. Through questionnaire responses, exporters have acknowledged that trade remedy measures in the United States and Canada have resulted in their loss of business in those countries and cut off all their American customers. Using Customs New Zealand (Customs) data for tariff item 7604210000B² as a proxy the data shows an increase in imports of [redacted] per cent. MBIE considers that there is reasonable ground to believe that there has been an increase in the volume of imports in the first five months of 2026.



Impact of price of imports on domestic industry prices

27. The domestic industry submitted that increased imports are causing serious injury through a combination of price suppression (where the domestic industry is unable to increase prices in response to increasing costs), price depression (where the sales price of the goods falls over time) and broader economic impacts:
- ALENZ submitted that increased volumes of low-priced imports have suppressed domestic prices by preventing domestic manufacturers from increasing prices to reflect increases in aluminium billet, energy, freight and labour costs, resulting in declining margins and profitability. These concerns were also raised by [redacted].
 - Domestic manufacturers submitted they have been required to lower prices, or maintain prices at unsustainable levels, in order to compete with imported products entering New Zealand at very low prices. [redacted] argued that imported aluminium extrusions are being sold at prices that are below domestic manufacturing costs and, in some instances, below the cost of the raw aluminium billet used to manufacture the products.
 - Submissions from the domestic industry stated that increased imports are having significant economic impacts on the domestic industry and the wider aluminium extrusion value chain. They highlighted negative impacts including declining profitability, reduced production volumes, lower capacity utilisation, reduced

² This tariff item contains a high concentration of goods like those produced by the domestic industry than tariff item 7604290900F. Both tariff items contain a mix of goods some of which are subject to this investigation.

investment, job losses, and increasing pressure on the commercial viability of domestic manufacturing operations.

- d. ALENZ further argued that these impacts extend beyond extrusion manufacturers to upstream suppliers, downstream manufacturers, and regional economies that depend on domestic extrusion capability. [REDACTED] reported declining domestic demand, a reduction in production shifts, and the loss of potential contracts due to its inability to make competitive offers against imported products. [REDACTED] noted that these pressures have led it to review future viability of its manufacturing operations.

Causal relationship

- 28. The domestic industry claimed that increased imports are the principal cause of the injury being experienced and that the domestic industry has experienced deterioration across a range of injury indicators, including profitability, production, sales, capacity utilisation and investment.
- 29. Based on the information currently available, MBIE considers there are reasonable grounds to believe that increased imports are placing pressure on the domestic industry, and this may be contributing to injury.
- 30. However, some importers and exporters submitted that broader economic conditions, including weak demand in the construction and manufacturing sectors, rising energy costs and other market conditions, are contributing to the domestic industry's performance. While MBIE advises that there are reasonable grounds to believe that increased imports are *causing* serious injury, and therefore that section 14(1)(b) is met, the final investigation carries a different evidential threshold. The causal relationship will be a particular focus for the remaining part of the investigation.