



FOCUS MERCHANT MANAGEMENT

FOCUS MERCHANT MANAGEMENT SDN BHD (1122991-U)

No. 2A-A, Jalan Teknologi 3/5,
Pusat Teknologi Sunsuria,
Kota Damansara, 47810 Petaling Jaya,
Selangor Darul Ehsan, Malaysia.

Tel +603 6143 6888
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GST REG NO
001005080576

6th April 2017

FMM/C/2017/001

Mr Matthew Williams
Director Investigations – Operations 3
Anti-Dumping Commission
Level 35, 55 Collins Street
GPO Box 1632
Melbourne VIC 3000

Received 3 May 2017

By email: operations3@adcomission.gov.au; matthew.williams@adcommission.gov.au;

Dear Matthew,

Disagreement of FOCUS MERCHANT MANAGEMENT SDN BHD (FMM) being classified as “Uncooperative and All Other Exporters” by Anti-Dumping Commission (ADC) in regarding ADC Case No 362

Referring to Anti-Dumping Notice No. 2017/37 published on ADC website on 22nd March 2017, FMM has fallen into group of “Uncooperative and All Other Exporters”. We are classified into this group because we did not respond to ADC regarding “Exporter Questionnaire (Malaysia)” by the due date of 22nd September 2016. The reason we disagree on the classification of FMM as “Uncooperative and All Other Exporters” is due to ADC do not consider the fact that the Questionnaire wasn’t received by FMM and FMM never knew there was a Questionnaire to respond to ADC. We will explain on this matter in this letter.

The key parties involve are:-

Anti-Dumping Commission Australia (ADC)

██████████ – the importer

Focus Merchant Management Sdn Bhd (FMM) – the exporter

P. A. Extrusion (M) Sdn Bhd (PAE) – the manufacturer

The key people who will appears in the following explanation will be:-

██████████ Managing Director of ██████████ [the importer]

██████████ Chief Financial Officer of ██████████ [the importer]

Mr. Matthew Williams Director Investigations of ADC

Mr. Gavin Crooks ADC

Mr. Sean Chong Managing Director of FMM

The address of FMM:-

Old address (16th Dec 2014 to 10th Jun 2016)

No 13A, OMNI, Jalan Teknologi C,
Kota Damansara,
47810 Petaling Jaya,
Selangor, Malaysia.
(abbreviates as OMNI)

New address (13th Jun 2016 to present)

No. 2A-A, Jalan Teknologi 3/5,
Pusat Teknologi Sunsuria,
Kota Damansara,
47810 Petaling Jaya, Selangor, Malaysia.
(abbreviates as SUNSURIA)

The timeline of this event is as listed below:

19 th Aug 2016	████ [the importer] submitted "Importer Questionnaire – Part A" to ADC, which █████ [the importer] had filled "OLD" address of FMM.	Attachment A
20 th Aug 2016	Sean asked █████ [Chief Financial Officer of the importer] to change FMM's "OLD" address to the "NEW" address which is from "OMNI" to "SUNSURIA". Sean then asked █████ [Chief Financial Officer of the importer] on what FMM need to submit or fill up, but █████ [Chief Financial Officer of the importer] replied nothing to be done by FMM at that moment.	Attachment B
22 nd Aug 2016	████ [Chief Financial Officer of the importer] emailed Matthew which in email body to change FMM address from "OLD" to "NEW", "OMNI" to "SUNSURIA". On the same day, Matthew replied █████ [Chief Financial Officer of the importer] confirming the receiving of info.	Attachment C
22 nd Sep 2016	Due date for "Exporter Questionnaire" to be submitted to ADC.	
26 th Sep 2016	████ [Managing Director of the importer] emailed Gavin to confirm whether "Exporter Questionnaire" was post to the "SUNSURIA" address, by forwarding email in "Attachment C".	Attachment D
26 th Sep 2016	Sean called Matthew explaining that FMM did not receive the posted "Exporter Questionnaire" believing that the letter had been posted to the "OMNI" address.	
27 th Sep 2016	Sean emailed Matthew explaining that FMM did not receive the posted "Exporter Questionnaire" believing that the letter had been posted to the "OMNI" address. Matthew then gave URL link to Sean on "EPR 362" and "How to make submission"	Attachment E
5 th Oct 2016	Sean made submission to ADC for FMM and PAE	Attachment F
6 th Oct 2016	Submissions of FMM & PAE were published on "EPR 362".	
6 th Oct 2016	Sean emailed Matthew asked on anything else that he can do.	Attachment G

Our knowledge on the Questionnaire was by 2 methods:-

- (i) On 26th September 2016, phone call from █████ [Managing Director of the importer] to Sean informing that other exporters were submitting "Exporter Questionnaire" to ADC, and █████ [Managing Director of the importer] asked whether Sean had received the questionnaire from ADC.
- (ii) On 27th September 2016, Mr Matthew Williams emailed the URL link of EPR-362 to Sean, refer attachment E, after Sean called and spoke to Matthew regarding not receiving the "Exporter Questionnaire".

There are 3 points that we highlight to make our stand of disagreement to ADC classification of FMM as "Uncooperative and All Other Exporters"

- 1.0 FMM did not receive the letter post of "Exporter Questionnaire"
- 2.0 FMM did not receive any form of information from ADC to access the ADC website before 22nd September 2016
- 3.0 FMM did not intend to ignore the "Exporter Questionnaire"

1.0 FMM did not receive the letter post of "Exporter Questionnaire"

We confirm that we did not receive letter post of "Exporter Questionnaire" in our "SUNSURIA" premise. We are not sure whether the letter had been posted to the old address of "OMNI" premise because we had moved out from there on 11th June 2016.

20 th May 2016	Relocation letter of FMM dated 20 th May 2016.	Attachment H
23 rd May 2016	FMM emailed the relocation letter to [the importer] and other clients	Attachment I
11 th Jun 2016	FMM moved from "OMNI" to "SUNSURIA"	
5 th Jul 2016	Invoice E16/0143 dated 5 th July 2016 to [the importer] is the last invoice of FMM issued with letter head address "OMNI"	Attachment J
13 th Jul 2016	Invoice E16/0144 dated 13 th July 2016 to [the importer] is the first invoice of FMM issued with letter head address "SUNSURIA"	Attachment K

2.0 FMM did not receive any form of information from ADC to access the ADC website before 22nd September 2016

We have no knowledge that ADC is publishing this Case No 362 on official website before 22nd September 2016. The first information for us to access the ADC website is through Matthew emailed the URL link of EPR-362 to Sean on 27th September 2016, referring to Attachment E.

3.0 FMM did not intend to ignore the "Exporter Questionnaire"

Attachment B shows email correspondence from Sean to [the importer] asking on status of ADC investigation. This had proven the concern of FMM on the ADC investigation. FMM could not have ignored the "Exporter Questionnaire" if FMM had received the Questionnaire.



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Conclusion

FMM has no knowledge on the "Exporter Questionnaire (Malaysia)" before the date of 22nd September 2016. It is not FMM intended not to respond to the Questionnaire before the due date. With this, FMM should not be classified as "Uncooperative and All Other Exporters".

Thank you.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Sean Chong', written over a dotted line.



SEAN CHONG

Managing Director

Focus Merchant Management Sdn. Bhd.