

19 April 2024

Director
Investigations 2
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Email: investigations2@adcommission.gov.au

Dear Director

Public File

Review of Measures Investigation No. 640 – Press Metal Berhad Aluminium Sdn Bhd Exporter Questionnaire Response

I. Introduction

We refer to the Exporter Questionnaire Response (“EQR”) provided by Press Metal Berhad Aluminium Sdn Bhd (“PMBA”) in the review of measures Investigation No. 640 (“invest 640”).

Capral Limited (“Capral”) has reviewed the PMB EQR and seeks to raise the following matters with the Anti-Dumping Commission (“the Commission”).

II. PMBA EQR

(a) Exporter

The PMBA EQR (at Section A-2.1) nominates two business names for the exporter – PMB Aluminium Sdn Bhd (BHD) and Press Metal Bhd (PMB).

Capral understands that the application for the review of the variable factors relates to PMBA only.

Further at Section A-2.8 and B-1.2 the exporter states that both PMBA and PMB export to Australia. As indicated, Capral understands that the application refers to exports by PMBA only.

(b) Exports to Australia

The exporter has redacted all information about adjustments/ differences between the exported goods and goods sold by PMBA on the domestic market in China.

Capral considers that a full redaction of identified differences between exported goods and domestic sales is unreasonable. Interested parties are permitted to have some understanding of the claimed differences. The EQR has redacted all of this information which is considered unreasonable.

(c) Adjustments



It is not clear from PMBA's EQR response what the exporter is asserting for differences in packing costs for domestic sales versus export sales. It is well understood that for exported aluminium extrusions additional packing is required, along with trolleys for safe handling of the exported goods. These additional costs are not incurred for domestic sales.

Capral urges the Commission to separately identify PMBA's packing costs for domestic and export sales so that normal values accurately reflect actual costs incurred.

Section E-5 of PMBA's EQR identifies "Other Adjustment Claims". PMBA's response to this section has been fully redacted. This is unreasonable and is inconsistent with the disclosure requirements for the Public File version of an EQR.

III. Investigation No. 591

In Investigation No. 591 ("Invest 591") the Commission determined that PMBA sells to PMB Australia ("PMAA") via its affiliated company PMB, although the goods are not received by PMB (an intermediary only).

In respect of certain export sales to PMAA (i.e. CIF sale) PMB reimburses the Australian importer PMBAA for "certain cost". There is a reimbursement that forms part of the export sales transactions and therefore the Commission considers the sales were not at arms-length.

Capral urges the Commission to again re-visit export sales by PMBA via its affiliate facilitator, PMB to the related Australian importer PMAA. The Commission may again conclude that PMBA has continued to sell at the CIF and the reimbursement by PMB to PMAA has continued during the most recent investigation period and the export sales by PMBA would also be non arms-length transactions.

IV. Conclusions

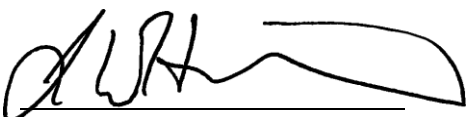
Capral notes that PMB is named as a company in the PMBA EQR. The application for the review of the variable factors relates to export sales of the subject goods to Australia by PMBA only.

The PMBA EQR contains numerous redactions that have not been summarised in a non-confidential manner to permit interested parties an understanding of what information has been redacted. The total redaction of information disadvantages Capral in understanding what claims are being made to arrive at normal values and export prices for PMBA. It is requested that the Commission require PMBA to disclose redactions in a non-confidential summary form¹.

Capral also considers that on the basis that PMBA has not altered its export sales arrangements – i.e. to not be via its affiliate PMB – then PMBA's export sales to Australia would again be considered not at arms-length.

If you have any questions concerning this submission please do not hesitate to contact me on (02) 8222 0113 or Capral's representative Mr John O'Connor on (07) 3342 1921.

Yours sincerely



¹ As required by Initiation Notice 2024/010.





SHAPING THE FUTURE

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