

12 February 2026

Director
Investigations 3
Anti-Dumping Commission
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Dear Director,

Public File

Continuation inquiry No. 682 – Mill Finish Aluminium Extrusions exported from Malaysia
Continuation inquiry No. 683 – Surface Coated Aluminium Extrusions exported from Malaysia

I. Introduction

This submission is made in response to the Anti-Dumping Commission's (**the Commission**) exporter verification reports (**EVRs**) for LB Aluminium Berhad (**LB Aluminium**) and Kamco Aluminium Sdn Bhd (**Kamco**) for the above-noted inquiries.

Capral Limited (**Capral**) is an Australian manufacturer of aluminium extrusions, was the applicant to these inquiries, and has a direct interest in ensuring that the Commission's findings are based on complete, accurate and verified information.

This submission addresses specific concerns regarding: (a) the adequacy of the Commission's verification processes; (b) deficiencies in the exporters' provision of mandatory data; and (c) apparent inconsistencies in the verification findings.

For the reasons set out below, Capral submits that both LB Aluminium and Kamco should be treated as uncooperative exporters given their failure to provide mandatory cost data as required by the Commission's Model Control Code (**MCC**) structure.

II. LB Aluminium

Related Party Supplier Assessment

At section 3.3.4.1 of the LB Aluminium EVR,¹ the Commission states that:

LB purchased aluminium billets from a related supplier during the inquiry period.

The commission notes that, based on the analysis of LB's raw material purchase prices, the relationship between LB and its related supplier did not appear to influence the purchase price.

No further evidence or analysis is provided to support this critical finding.

¹ LB Aluminium EVR, p. 8.



This assessment is insufficient when compared to the analysis undertaken by the Commission in original investigations 540 and 541 (INV 540/541) which, on this related party point, included verification of: (a) consistency between reported prices and source documents; (b) actual payments made; (c) price comparisons with unrelated suppliers; and (d) the related supplier's profitability. In relevant part from REP 541:²

At section 6.4 of the LB Aluminium verification report, the Commission outlines the examination of the related party supplier raw material purchases LB Aluminium reported at G-7.4 of its REQ. The purpose of this examination was to assess whether the price of LB Aluminium's related party purchases were the result of arm's length transactions. In this examination the Commission found the following;

- *the price reported by LB Aluminium in its raw material listing was consistent with the source documents issued by the related supplier;*
- *LB Aluminium paid its related supplier the amount that was stated on the invoices;*
- *the price paid by LB Aluminium was found to be consistent with the prices it paid to unrelated party suppliers; and*
- *the 2019 audited income statements of LB Aluminium's related party supplier reported generating a profit from operating activities relating to the production and sale of billet and ingot and also reported an overall net profit after tax.*

Having regard to the above assessment, the Commission considers that reasonable steps were taken, and it was availed of the necessary information, to ascertain whether the price of LB Aluminium's related party raw materials purchases were accurate and the result of arm's length transactions.

Capral submits that the Commission should undertake the same comprehensive assessment it conducted in INV 540/541 to properly determine whether LB Aluminium's related party purchases are at arm's length.

Related Party Customer Sales Inconsistency

At EVR section 3.3.2.2, the Commission excludes related party sales from LB Aluminium's normal value calculation.³ However, at section 4.2, Material revision No. 6,⁴ the Commission describes corrections made to related party sales including revising delivery terms and confirming revisions with source documents.

Capral seeks clarification on this point; if related party sales were excluded from the normal value calculation, why was it necessary to correct them? Were they in fact included in some aspect of the analysis? If only for verification completeness, Capral requests that this be documented. If for something more critical, Capral requests a full assessment.

Material Revision 1 – Excluded Sales

At Material revision 1,⁵ the Commission removed sales where LB invoiced aluminium billet separately from extrusion and service charges. The sales price in the domestic sales spreadsheet therefore related only to the cost of the aluminium billet charged to the customer. The Commission then considered it appropriate to remove those sales from the domestic sales spreadsheet.

Capral seeks clarification on this point, as to the reasoning behind these exclusions.

² Report No. 540, p. 73, and Report No. 541, p. 68.

³ LB Aluminium EVR, p. 7.

⁴ Ibid, p. 13.

⁵ Ibid, p. 12.



Model Control Code – Mandatory Cost Data Deficiency

At section 4.3.1, Material revision no. 15, the Commission describes how LB initially reported only anodised and powder coated finishes for surfaced finished aluminium extrusions. LB Aluminium advised that it grouped woodgrain, chromate and fluorocarbon finishes into the powder coated finish subcategory.⁶ The Commission now considers that woodgrain, chromate and fluorocarbon finishes should have their own subcategories as they are distinctly different finishes.⁷

On anodised extrusions, the EVR states that the exporter advised that the anodised finish can be broken down into natural, black, medium bronze, nickel black, nickel dark bronze, nickel light bronze and nickel medium bronze. In addition, anodised finishes can also be further categorised into whether the extrusion is sandblasted or not.⁸

In summary, the Commission now considers that additional subcategories of finishes should be added to the MCC structure, and recommends amending the MCC structure by adding the following sub-categories for finish types:

- Black Anodise;
- Medium Bronze Anodise;
- Dark Bronze Anodise;
- Nickel Light Bronze;
- Nickel Medium Bronze;
- Nickel Dark Bronze Anodise;
- Nickel Black Anodise;
- Woodgrain;
- Chromate; and
- Fluorocarbon.

The effect of this on the MCC structure has been tabled in the EVR as follows:⁹

| Category | Sub-category | | Sales data | Cost data |
|----------|--------------|----------------------------|------------|-----------|
| Finish | NA | Natural Anodise | Mandatory | Mandatory |
| | BK | Black Anodise | | |
| | MB | Medium Bronze Anodise | | |
| | DB | Dark Bronze Anodise | | |
| | KL | Nickel Light Bronze | | |
| | KM | Nickel Medium Bronze | | |
| | KD | Nickel Dark Bronze Anodise | | |
| | KB | Nickel Black Anodise | | |
| | BD | Bright dip | | |
| | PC | Powder coating | | |
| | PW | Woodgrain | | |
| | CM | Chromate | | |
| | FC | Fluorocarbon | | |
| | MC | Mechanical | | |

LB Aluminium EVR: MCC table excerpt

⁶ Ibid, p. 15.

⁷ Ibid.

⁸ Ibid, p. 16.

⁹ Ibid.



This new MCC structure table at page 16 specifies that for the "Finish" category, both sales data and cost data are "Mandatory". Yet despite this mandatory requirement, the Commission does not appear to have requested or received cost data specific to the new MCC finish subcategories from LB Aluminium.

This deficiency is evident at section 4.3.3 where new sales MCC categorises have been assigned original MCC cost categories. For example, sales of 'Nickel Black Anodise' (KB) have been assigned the 'Natural Anodise' (NA) MCC Cost category.¹⁰ The Commission has also highlighted that the 'Power Coating' (PC) cost is readily comparable to the new 'Woodgrain' (PW), 'Chromate' (CM) and 'Fluorocarbon' (FC).¹¹

The Commission's Dumping and Subsidy Manual (**the Manual**) relevant states that:¹²

*Where exporters do not provide cost and sales data for models that are consistent with the **mandatory** MCC categories, this may be regarded as a major deficiency in the response to the exporter questionnaire and therefore may result in the exporter being deemed uncooperative and/or the data being treated as unreliable. [emphasis added].*

Capral therefore submits that LB Aluminium should be treated as an uncooperative exporter given its failure to provide mandatory cost data for the newly identified MCC finish subcategories.

III. Kamco

Historical Context – Non-Cooperative Status

Kamco Aluminium was treated as a non-cooperative exporter in INV 540/541, resulting in dumping margins of 13.2 percent (mill finish) and 18.5 percent (surface coated) for the calendar year 2019 investigation period.

The current continuation inquiries 682 and 683 represent the first time Kamco has been assessed as a cooperative exporter. Given this history, the Commission must treat Kamco's responses and representations with particular care and scrutiny to ensure all mandatory data and verification requirements are met.

Inconsistent Provision of Mandatory Cost Data

Similar to LB Aluminium, the Commission has amended the MCC structure for Kamco to add the new finish type subcategories 'Black Anodise' (BA) and 'Woodgrain' (WG), with cost data designated as "Mandatory".¹³ This is represented in Kamco's new MCC structure as follows:¹⁴

| Category | Sub-category | | Sales data | Cost data |
|----------|--------------|-----------------|------------|-----------|
| Finish | NA | Natural Anodise | Mandatory | Mandatory |
| | BA | Black Anodise | | |
| | BD | Bright dip | | |
| | PC | Powder coating | | |
| | WG | Woodgrain | | |
| | MC | Mechanical | | |

Kamco EVR: MCC table excerpt

¹⁰ Ibid, MCC table at p. 17.

¹¹ Ibid. Table continued at p. 18.

¹² Dumping and Subsidy Manual, December 2021, section 14.2, p. 49.

¹³ Kamco EVR, p. 16.

¹⁴ Ibid, p. 17.



However, Kamco has provided mandatory cost data for some new finish subcategories but not others, demonstrating an inconsistent and deficient response:

- Table 6 at section 4.3.3 of the EVR shows that for Australian export sales of BA-6A-T1-1 (Black Anodise), the cost MCC is assigned as 'NA' (Natural Anodise). This demonstrates Kamco failed to provide mandatory BA finish cost data.
- In contrast, for Australian export sales of WG-6A-T1-0 and WG-6C-T1-0 (Woodgrain), Table 6 assigns the cost MCC as "WG". Kamco has appeared to provide finish-specific cost data for Woodgrain.

The differential treatment demonstrates that Kamco has the capability to provide finish-specific cost data (as shown by WG), that Kamco provided cost data for some new MCC subcategories (WG) but not others (BA), that the failure to provide BA-specific cost data is not due to any systemic limitations, and that Kamco's response to mandatory cost data requirements is incomplete and inconsistent.

Given Kamco's history as a non-cooperative exporter (13.2 percent and 18.5 percent margins), and its demonstrated capability to provide finish-specific cost data for some finishes (WG) but not others (BA), Capral submits that Kamco should be treated as an uncooperative exporter.

IV. Material Injury in the Absence of Continued Measures

Capral submits that if the current measures expire against Malaysia exports of the subject goods, the Australian aluminium extrusion industry will suffer material injury.

Firstly, should the measures be removed, Malaysian producers will likely significantly increase export volumes to Australia. Those unfairly traded imports would displace domestic sales and suppress Australian prices, as demonstrated by the export patterns and pricing behaviours established during the inquiry period.¹⁵ Capral submits that these are not speculative concerns but foreseeable commercial responses to the removal of trade discipline.

Secondly, the predictable effects of increased dumped imports include a decline in Australian industry output, sales, market share, profits, productivity, return on investment, and capacity utilisation. Material injury would extend to employment levels, wages, business growth, and capital investment.¹⁶ These injury factors are consistent with the historical pattern before measures were imposed.

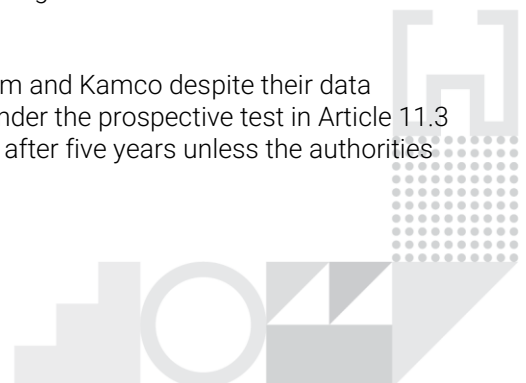
The Commission's EVR analysis for both exporters substantiates these injury conclusions. LB Aluminium and Kamco have failed to provide mandatory cost data required under the model control code structure. As detailed in sections II and III above, this non-cooperation requires both exporters to be treated as uncooperative. The consequence is that positive dumping margins above de minimis thresholds will likely be established for the inquiry period.

Once current dumping is established, the continuation inquiry shifts to prospective analysis, assessing whether expiry of the measures would likely lead to continuation or recurrence of dumping and injury beyond the inquiry period. The Commission's recommendations must be grounded in judgments about future probabilities, informed by demonstrated commercial behaviours during the inquiry period. Pricing conduct resulting in above de minimis dumping margins during a period when measures are in force provides compelling evidence of what would occur if those measures were removed.

Even if the Commission maintains cooperative exporter status for LB Aluminium and Kamco despite their data deficiencies, Capral submits that continuation of measures remains justified under the prospective test in Article 11.3 of the Anti-Dumping Agreement. The Article requires termination of measures after five years unless the authorities

¹⁵ These arguments were first evidenced in Capral's continuation applications.

¹⁶ Ibid.



determine that expiry would be likely to lead to continuation or recurrence of dumping and injury. The legal standard is forward-looking: the Commission must assess what would be expected to happen if the duty were terminated, not merely confirm whether dumping exists at the review moment.

WTO dispute settlement jurisprudence consistently emphasises this prospective, counterfactual inquiry. Measures may be maintained even where present dumping is minimal or absent, provided the Article 11.3 determination is properly grounded in the likelihood of recurrence upon expiry. The threshold is probability – more likely than not¹⁷ – not certainty.

The evidence before the Commission supports a finding that dumping and injury will recur if measures expire. Malaysian exporters demonstrated willingness to export at dumped prices during the original investigation period, prompting the imposition of measures. The Commission's verification work in these continuation inquiries should reveal either continued dumping (if non-cooperation findings are made) or, at minimum, commercial circumstances consistent with dumping recurrence if protective measures are withdrawn.

Where the Minister decides to continue the measures under section 269ZHF of the *Customs Act 1901*, the Minister may determine that either:

- the notice continues in force after the specified expiry day; or
- the notice continues in force after the specified expiry date but that, after that day, the notice ceases to apply in relation to a particular exporter or to a particular kind of goods; or
- the notice continues in force after the specified day but that, after that day, the notice has effect, in relation to a particular exporter or to exporters generally, as if the Minister had fixed different specified variable factors in relation to an exporter or to exporters generally.

The Commissioner may therefore recommend, and the Minister may accept, continuation of measures in a form calibrated to address the injury threat identified through the inquiry. Where the Commission's final assessment establishes above de minimis dumping margins, continuation at those calculated rates is appropriate. In the alternative, should margins fall below de minimis or prove difficult to establish with precision due to exporter non-cooperation, Capral submits that a contemporary floor price represents the most appropriate form of continued measure to prevent injury recurrence.

If you have any questions concerning this submission, please do not hesitate to contact Capral's representative Mr Chad Uphill on 0412 377 603.

Yours sincerely



¹⁷ *Siam Polyethylene Co Ltd v Minister for Home Affairs (No.2)* [2009] FCA 838 at [49].

