SUBMISSION TO THE ANTI-DUMPING COMMISSION

Investigation No. 691

Aluminium Windows and Doors from China

Vietnamese Imports Are Not Evidence of Circumvention

Submitted by	EcoEco Windows & Doors Pty Ltd
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Status	**PUBLIC RECORD**

1. Purpose

EcoEco responds to the allegations concerning Vietnamese imports made jointly by the Australian Glass and Window Association and Ventora Group Pty Ltd in EPR 440.

The applicants identify a sharp increase in imports recorded as originating in Vietnam and claim that it:

> **"strongly suggests emerging circumvention behaviour by way of Chinese-origin product being routed through Vietnam."**

They also suggest possible:

> **"pre-emptive relabelling and third-country routing of Chinese-origin product."**

These are serious allegations of deliberate wrongdoing.

The applicants identify no Chinese manufacturer, Vietnamese exporter, Australian importer, shipment, false declaration, relabelled product or transaction connecting the Vietnamese imports with China.

They have identified a change in trade statistics and converted it into an accusation of cheating.

2. Dumping is not illegal conduct

Dumping is not fraud, smuggling or illegal trade.

It is a technical comparison between an export price and a normal value. If dumping, material injury and causation are established, Australia may impose duties to remedy the injury caused by the dumped goods.

A dumping finding does not establish dishonesty. It does not establish false origin, relabelling, transshipment, customs fraud or circumvention.

AGWA and Ventora move from an allegation of dumping to an implication of deliberate evasion as though one supports the other.

It does not.

Each allegation requires its own evidence.

3. There was no duty to circumvent

At the time of the Vietnamese import increase relied upon by the applicants:

- no Preliminary Affirmative Determination had been published;
- no securities had been imposed;
- no Statement of Essential Facts had been published;
- no final determination had been made;
- no Ministerial decision had been made; and
- no duty arising from Investigation 691 existed.

There was therefore no Investigation 691 duty being avoided.

The applicants themselves refer to possible conduct undertaken in anticipation of **potential** measures. The word "potential" is decisive. A potential duty is not a duty.

A business changing its supplier or country of manufacture in anticipation of a possible future cost is ordinary commercial risk management. It is not proof of circumvention.

False origin declarations would be a different and serious matter. The applicants identify no evidence of any false declaration.

4. The increase establishes only that imports increased

The applicants say Vietnamese imports rose to approximately 26 times the investigation-period quarterly average.

That sounds dramatic because the historical base was extremely small.

A large percentage increase from a tiny base does not establish a large market share. It certainly does not establish Chinese origin, relabelling or circumvention.

The applicants' underlying quantities and values are confidential. Interested parties therefore cannot test the absolute scale of the increase, the relationship between volume and value, the average unit value or the proportion represented by goods within Investigation 691.

The public evidence establishes only that imports recorded as originating in Vietnam increased.

It does not establish why.

5. The same amount represents approximately 0.36% of the market benchmark

During EcoEco's 7NEWS interview, the increase was described as movement from less than $1 million to approximately $17.5 million over about six months.

The increase was publicly presented as approximately 1,700%.

That is one way of expressing it.

There is another.

An IBISWorld report previously placed on the Anti-Dumping Commission's public record in the Capral-initiated aluminium extrusion proceedings forecast Australian domestic demand of $4.886 billion in 2024–25 for the broader Aluminium Door and Window Manufacturing industry.

Against that benchmark, $17.5 million represents approximately:

17.5 million ÷ 4.886 billion=0.36%

The comparison is indicative because the IBISWorld industry definition and the tariff classification relied upon by the applicants are not identical. It nevertheless provides the scale that is missing from the applicants' presentation.

The applicants emphasise a 1,700% increase from a historically tiny base.

The same amount represents approximately 0.36% of the published domestic-demand benchmark.

One figure creates alarm. The other provides scale.

6. The tariff data does not identify the goods

The applicants rely upon tariff classification 7610.10.00.

They acknowledge in EPR 440 that this classification captures all aluminium doors, windows, frames and thresholds and may include curtain-wall products excluded from Investigation 691.

The data therefore does not establish how much of the Vietnamese increase involved goods covered by this investigation.

Nor does it establish whether the imports were complete windows, doors, frames, thresholds, curtain-wall products or concentrated deliveries for a small number of large projects.

Aggregated tariff data cannot prove a specific allegation about unidentified goods and unidentified parties.

7. Timing is not evidence of wrongdoing

The applicants rely heavily upon the increase occurring after Investigation 691 commenced.

Timing may justify asking a question. It does not answer it.

The increase could reflect new Vietnamese manufacturers, new Australian customers, large project deliveries, supply-chain diversification, changes in freight or lead times, or ordinary growth from a historically small base.

EcoEco does not ask the Commission to assume any of these explanations.

It asks the Commission not to assume circumvention.

If the applicants allege that Chinese goods were falsely declared as Vietnamese, they must produce evidence connecting particular goods and transactions with China.

They have not done so.

8. The applicants admit that their allegation is inferential

EPR 440 repeatedly uses expressions including:

- “strongly suggests”;
- “not known”;
- “to the extent the applicants have been able to observe”;
- “consistent with”; and
- “suggests diversion”.

These are expressions of suspicion, not findings of fact.

The applicants also state that they will seek to provide further information when it becomes available.

That confirms that the evidence required to establish the allegation was not before them when they made it.

The applicants were entitled to bring an unusual movement in trade statistics to the Commission’s attention.

They were not entitled to present suspicion as evidence of deliberate evasion.

EcoEco regards that accusation as reckless.

9. The allegation casts suspicion upon all Australian importers

The public suggestion that Chinese goods are being relabeled or secretly routed through Vietnam does not fall only upon unidentified overseas exporters. Because no particular importer is identified, it casts suspicion upon all Australian importers participating in legitimate international supply chains.

Yet the applicants identify no importer engaged in wrongdoing.

Serious allegations capable of damaging commercial reputations should not be made or repeated in the SEF without evidence identifying the conduct and the parties concerned.

The applicants would rightly object if EcoEco treated the commercial benefit they may receive from duties as proof that they were using government intervention to raise market prices and avoid addressing their own cost, productivity and structural problems.

EcoEco has not presented that inference as established misconduct. It has identified domestic cost and industry-structure questions and asked the Commission to investigate them.

AGWA and Ventora should be held to the same evidentiary standard.

10. The Australian public ultimately bears the cost of any duties imposed

Anti-dumping duties are collected from Australian importers, not from China. Importers must either pass those costs through to their customers or absorb them through reduced margins, employment and investment.

In either case, the financial burden remains within Australia and is ultimately borne by Australian builders, developers, businesses and the public—whether or not the underlying calculation proves accurate.

That makes proper causation and non-attribution essential.

If the price differential is caused wholly or partly by differences in productivity, efficiency, scale, labour, cost structure, utilisation or investment—not dumping—the Australian public should not be required to fund that competitive disadvantage through higher prices.

Responsibility for addressing genuine domestic inefficiency or structural disadvantage rests with the businesses concerned. It should not be transferred to Australian importers and consumers through anti-dumping duties.

AGWA and Ventora are therefore not playing only with trade statistics.

They are asking the Commission to act upon an allegation they have not proved, where the consequence may be further government intervention and higher costs throughout Australia.

The applicants may benefit from the removal or weakening of lower-priced competition. The financial risk, however, falls upon Australian businesses and the Australian public.

Where private parties seek government intervention that may increase public costs and improve their own competitive position, the evidentiary standard must be higher than suspicion drawn from a dramatic percentage increase against a tiny historical base..

AGWA and Ventora make the allegation. The Australian public carries the risk if they are wrong.

11. EcoEco’s request

EcoEco asks that the Commission:

1. not treat the increase in Vietnamese imports as evidence of Chinese origin, relabelling or circumvention;
2. not repeat the applicants’ allegation in the SEF as though it were an established fact;
3. require evidence identifying the goods, shipments and parties before drawing any adverse inference;
4. determine what proportion of the imports recorded under tariff classification 7610.10.00 consists of goods within Investigation 691;
5. distinguish lawful Vietnamese manufacturing and regional sourcing from false origin or transshipment; and
6. keep any examination of Vietnamese imports separate from the determination of whether goods exported directly from China during the investigation period were dumped and caused material injury.

12. Conclusion

AGWA and Ventora have identified a change in trade statistics.

They have not identified circumvention.

No Chinese goods routed through Vietnam have been identified. No false declaration has been identified. No relabelling has been identified. No exporter or importer engaged in wrongdoing has been identified.

Dumping is not illegal conduct.

No Investigation 691 duty existed to be circumvented.

The reported $17.5 million represented approximately 0.36% of the published domestic-demand benchmark previously placed on the Commission’s public record.

A change in trade flow may justify investigation.

It does not prove cheating.

A change in trade flow is evidence of a change in trade flow. Nothing more.

Edward Stelling
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References

1. Australian Glass and Window Association and Ventora Group Pty Ltd, EPR 440, submission dated 26 June 2026, particularly section 3, “Surge in Vietnamese imports and circumvention concerns”.
2. IBISWorld, *Aluminium Door and Window Manufacturing in Australia*, June 2020, Performance Outlook Data, p. 15; previously lodged on the Anti-Dumping Commission public record as Attachment 2 in Investigations 540/541.