

SUBMISSION TO THE ANTI-DUMPING COMMISSION

Investigation No. 691 | Aluminium Windows and Doors from the People's Republic of China

REQUEST FOR IMMEDIATE REASSESSMENT OF INDUSTRY STANDING, NOTIFICATION AND PARTICIPATION

The 55% assertion, the applicant-selected producer population and the consequences of exclusion

Submitted by: EcoEco Windows & Doors Pty Ltd

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EcoEco asks the Commission to reassess immediately whether the application was supported by the Australian industry required by section 269TB(6), using a verified and reproducible numerator and denominator. If the statutory thresholds are not established, the investigation should be terminated. If they are established only for a narrower field of Australian production, the investigation and any measures should be confined accordingly.

The central issue

EPR 450 states that Ventora and identified supporters represented 55% of estimated Australian production of like goods. It does not publish the calculation needed to reproduce that percentage. Standing is a statutory gateway, not a matter that can safely rest on an applicant-selected population and an unexplained estimated denominator.

1. Executive request

EcoEco asks the Commission to decide the following questions before the Statement of Essential Facts or any final recommendation:

1. Who comprised the Australian industry producing like goods during the relevant period?
2. What actual qualifying production was included in the supporting numerator, producer by producer and without duplication?
3. What total qualifying Australian production formed the denominator, and how was it estimated?
4. Were producers that opposed, were neutral, were not AGWA members or were not approached included in the denominator?
5. Did selective notification or exclusion prevent materially affected producers, importers and exporters from participating in time?
6. If standing can be established only for particular products, configurations or markets, why should goods outside that verified field remain within the investigation?

These issues cannot be deferred until after a Ministerial decision to see whether they made a material difference. The purpose of testing a statutory gateway is to determine whether the investigation was properly supported before its conclusions are embedded in a recommendation.

2. EcoEco's standing and reason for raising the issue now

EcoEco is an established Australian importer of Chinese aluminium windows and doors and has maintained its principal exporter relationship with Hennissy for approximately nine years. EcoEco was an AGWA member throughout the period in which AGWA and Ventora prepared the application. AGWA knew that EcoEco imported the goods and would be directly affected.

AGWA did not inform EcoEco that the application was being prepared. EcoEco first learned of it through AGWA on 25 November 2025, when the investigation was publicly announced. When EcoEco questioned why it had not been informed earlier, AGWA said that it was important that the matter remain confidential until public announcement.

The question is whether AGWA failed to inform EcoEco despite its knowledge of EcoEco's position - or because of it. EcoEco does not presently assert intentional wrongdoing as an established fact. It asks the Commission to test the communications, selection process and information presented, rather than assume that the applicant body's membership or industry label resolved conflicts within the industry.

EcoEco raises the matter now because subsequent enquiries among Chinese exporters and competing Australian importers indicate that EcoEco may not have been the only affected participant that lacked direct and effective notice of the action or its procedural consequences. The concern has therefore changed from the treatment of one member to a possible pattern capable of affecting the evidence available to the Commission.

3. AGWA represented a constituency that included import interests

AGWA's own published membership material states that manufacturer membership extends to businesses involved in the manufacture, importation or resale of windows and doors. Its international directory has long included China-based companies. In its post-initiation webinar, AGWA acknowledged that some members were Chinese companies and importers or resellers that might be affected by the investigation.

EcoEco and other import-connected members paid subscriptions and participated on the footing that AGWA was their industry association. That history does not prevent AGWA from advancing a policy position. It does make the scope of its claimed representation, its internal conflicts and its treatment of affected members relevant when AGWA jointly applies for measures that may impair those members' businesses.

Not merely an internal membership dispute

EcoEco does not invite the Commission to treat this as an internal dispute between AGWA and a member. AGWA's possible selective exclusion concerns the integrity and completeness of information presented by an applicant. The Commission's independent acceptance, verification and use of that information concerns the reliability and legality of Investigation 691.

4. The 55% assertion must be reproducible

The consideration report records that Ventora could not satisfy standing individually. It says Ventora supplied statements from other Australian manufacturers or producers that it considered could manufacture like goods, together with production volumes in confidential attachments. The Commission reviewed that information and accepted that the application complied with sections 269TB(6)(a) and (b).

That description identifies a serious methodological risk: the starting population was assembled by the applicant from businesses it considered relevant. EPR 450 later identified public supporters and asserted that Ventora plus supporters represented 55% of total estimated production volume of like goods. Yet the public record does not provide a calculation that an interested party can reproduce.

Confidentiality may protect producer-specific volumes. It does not require the method itself to be unknowable. At minimum, the public record should disclose aggregate information sufficient to reconcile:

- the relevant production period and unit of measurement;
- the number of producers in the supporting numerator and total denominator;
- whether figures are actual production, production capacity, sales or estimates;
- the treatment of imported finished goods, imported components and local assembly;
- the treatment of related entities, licensees, system houses and successive manufacturing stages;
- how duplicate production was prevented;
- how non-AGWA, neutral, opposing, small and regional producers were identified and included; and
- the arithmetic by which the disclosed aggregates produce 55%.

5. Numerator risks

The supporting numerator should contain only actual Australian production of like goods by producers that validly support the application. It should not be enlarged by capacity, imported finished units, resale turnover, the same physical output counted at successive stages, or multiple entities claiming the same system or corporate production.

The Commission should verify for every supporter:

- the legal entity that performed the substantial manufacturing process in Australia;
- the product categories and configurations actually manufactured;
- the actual production quantity during the common reference period;
- whether the statement expressed informed support for this application and goods description;
- whether the same output appears in another supporter's or related entity's figures; and
- whether imported goods were excluded from Australian production.

6. Denominator risks

The denominator is not the applicant's contact list. It is total Australian production of the relevant like goods. A denominator constructed from businesses known to, selected by or willing to respond to the applicants can systematically omit non-members, dissenting producers, small fabricators, regional businesses and producers whose business model includes imports.

The public record should therefore identify the Commission's independent method for locating the whole industry and estimating omitted production. Without that method, the claim that supporters constitute 55% remains an assertion rather than a reproducible statutory calculation.

The arithmetic is highly sensitive to omitted production. If disclosed supporters are treated as 55 units out of an estimated total of 100, identifying only 10 additional units reduces the share to 50%; identifying 20 reduces it to 45.8%. This illustration does not prove the true denominator. It demonstrates why an unexplained estimate cannot be treated as harmless.

7. The IBISWorld material is a scale check, not the denominator

The IBISWorld report filed on the public record describes the broader ANZSIC C2223 architectural aluminium product manufacturing industry in 2019-20. It reports approximately 1,455 enterprises, 1,527 establishments and \$4.157 billion in revenue. It attributes 29.6% of product revenue to aluminium windows and 35.9% to aluminium doors, an indicative combined value of about \$2.72 billion.

That report is too broad, too old and expressed in revenue rather than square metres or units. It cannot simply replace the investigation-period denominator. It nevertheless provides a powerful independent scale check. It describes a fragmented industry in which the largest named participant held only a single-digit share and most firms were small. A public list of 21 supporters and a confidential estimate therefore require careful reconciliation with the much wider production base that the report suggests may exist.

8. Exclusion may have distorted both sides of the investigation

If affected importer-members, importer-manufacturers or other producers were not informed, the consequence is not merely that they were denied courtesy. Their production, opposition, product distinctions and market evidence may never have entered the standing calculation or injury analysis.

Recent enquiries suggest that some Chinese exporters and Australian importers learned of the investigation through public announcements, customers, Chinese industry organisations or informal networks. EcoEco does not rely on unnamed accounts as proof of a systemic failure. It asks the Commission to investigate the pattern using its own communication records and the identities already available through customs data, PIRs, SIRs and importer information.

9. Hennissy shows the practical consequence

ADN 2026/004 publicly confirms that Hennissy completed a PIR and was issued an SIR. EcoEco understands that Hennissy completed the SIR. Hennissy was not selected for the sample. The notice said selected exporters would be contacted directly, while non-selected exporters could obtain the full questionnaire from the case page and had to respond by 16 February 2026 if they wished to seek examination.

Hennissy's legal identity and its participation in the PIR and SIR stages are already public. EcoEco names Hennissy because its experience gives the notification concern a specific, verifiable consequence and permits the Commission to provide an effective remedy.

Hennissy advises EcoEco that it received no direct invitation or individual explanation that it needed to self-initiate that further step. Because it was not individually examined, it falls within the residual category described in the notice. The public record establishes Hennissy's participation and the procedural architecture; Hennissy's communication history should be confirmed from the Commission's records.

Once the PIR and SIR had been received, the Commission itself knew Hennissy's identity, contact details and reported export significance. Any question about effective notice after that point is therefore not answered solely by AGWA's pre-initiation conduct.

10. The Commission's independent responsibility

AGWA may have created an incomplete or selective picture. The Commission nevertheless had the independent statutory task of identifying the Australian industry, testing support and opposition, verifying the production numerator and denominator, and conducting a procedurally reliable investigation.

The Commission cannot discharge that responsibility merely by saying that Ventora supplied statements from businesses it considered capable of manufacturing like goods. Nor can a general public notice necessarily answer whether known participants that had already responded directly to the Commission understood the further action required to avoid residual treatment.

The correct allocation of responsibility

AGWA's conduct explains why the input may have been distorted. The Commission's acceptance and continued reliance determine whether that distortion affects the investigation. The response must therefore address both.

11. Primary consequence: reassess standing

EcoEco's primary submission is that the Commission should reconstruct the standing calculation using verified actual production and a complete, independently identified Australian industry. It should invite formal statements of support or opposition from omitted producers and allow sufficient time for responses.

The statutory tests must be kept distinct: supporters must account for more than 50% of the production of producers expressing support or opposition, and supporting producers must account for at least 25% of total Australian production of like goods. A 55% headline does not demonstrate both tests unless its numerator, denominator and treatment of opposition are clear.

If the reconstructed calculation does not satisfy the statutory requirements, the investigation lacks the required industry support and should be terminated. If a final recommendation has already been transmitted, the Commissioner should place the corrected position before the Minister immediately and identify the legal and factual consequence.

12. Alternative consequence: confine the case to verified production

Without prejudice to the primary standing challenge, if the Commission maintains that standing exists, it must identify the Australian production that establishes it and align the goods, like-goods analysis and injury case with that production.

If the Commission relies upon the production and injury of Ventora and supporting producers to justify Investigation 691, the investigation should extend only to imported goods that are like, or directly competitive with, the goods those producers actually manufactured and supplied in Australia. Products, configurations and commercial markets not represented by that verified Australian production cannot properly be swept into the investigation merely because they fall within an expansive goods description.

This is an alternative submission only. It must not be treated as conceding that the 55% figure or the statutory standing thresholds have been established.

13. Public cost and consumer consequence

Investigation 691 is not a private contest conducted only at the expense of the parties. The Commission's work is publicly funded. The administrative cost of an investigation built on an incomplete producer population or an unreliable standing calculation is borne by the Australian public.

Any resulting measures may then be borne through the market by Australian consumers, builders and downstream businesses in the form of higher prices, reduced choice, disrupted supply and less competition. Properly established anti-dumping measures serve a statutory purpose. Measures derived from a distorted starting record transfer costs without the assurance that the statutory conditions have been met.

This does not create a substitute public-interest test. It reinforces the need to resolve the existing statutory and procedural questions now. Public resources should not be used to carry a flawed assumption through to decision, leaving consumers to fund the commercial consequences and affected parties to seek correction afterwards.

14. Orders and procedural steps requested

EcoEco asks the Commission to:

1. reassess industry standing immediately, before the Statement of Essential Facts or any final recommendation;
2. publish an aggregate, non-confidential reconciliation that permits interested parties to reproduce the standing calculation without disclosing producer-specific confidential figures;
3. verify the supporting numerator as actual qualifying Australian production for a common period and unit, excluding capacity, imported finished goods and duplication;

4. independently reconstruct the total-production denominator, including non-AGWA, neutral, opposing, small and regional producers;
5. invite identified Australian producers to state informed support, opposition or neutrality and provide production information;
6. examine what AGWA knew about affected importer-members, former members and their exporters; who it informed or assisted; whether confidentiality was applied consistently; and what it represented to the Commission about the industry;
7. audit the Commission's own notifications to known importers and exporters, including parties identified through PIRs, SIRs and customs information;
8. reopen participation for parties placed at a material procedural disadvantage and ensure that no adverse inference or residual consequence flows from deficient direct notice;
9. restore Hennissy's opportunity to submit complete exporter information and be considered for individual examination, as requested in EcoEco's separate urgent submission;
10. terminate Investigation 691 if the statutory standing requirements are not established on the reconstructed record;
11. alternatively and without prejudice, narrow the goods, findings and any recommended measures to products and markets supported by verified Australian production and injury, and consider exclusions or exemptions for materially distinct goods;
12. state expressly how each of these matters affects initiation, scope, injury, causation, exporter treatment and any recommendation to the Minister; and
13. if any recommendation has already been transmitted, provide this submission and the Commission's response to the Minister immediately rather than deferring the issue until after a decision.

15. Conclusion

EcoEco's concern has weight because it is no longer an isolated complaint of one importer that was not consulted. The public record shows that Ventora could not establish standing alone, that the supporting producer population originated with businesses selected by Ventora, and that the decisive production figures and estimated denominator remain non-reproducible. EcoEco's own exclusion, AGWA's acknowledged importer and Chinese membership, and Hennissy's procedural experience make it necessary to test whether the record was shaped by who was informed and who was not.

The Commission should not assume the answer. It should expose the method, reconstruct the population, verify the arithmetic, restore lost participation and then act on the result. If the 55% does not survive that process, the investigation should not survive it. If the case survives only for a narrower field of Australian production, its scope should be narrowed to that field.



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Sources

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