

18 December 2020

Mr Gavin Crooks
Assistant Director
Investigations 3
Anti-Dumping Commission
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Public File

Dear Mr Crooks

Investigations No. 540 and 541 – Submission by Kamco Aluminium Sdn Bhd of 3 December 2020

I. Background

I refer to the submission on behalf of Kamco Aluminium Sdn Bhd (“Kamco Aluminium”) dated 3 December 2020 (EPR Document 041 in Investigation 540; EPR Document 046 in Investigation 541) (“Kamco submission”).

The submission on behalf of Kamco Aluminium seeks to challenge the Commissioner’s categorisation of Kamco Aluminium as an “uncooperative exporter”.

II. Extensions to EQR

Kamco Aluminium confirms that it requested extensions of time to complete Exporter Questionnaire Responses (“EQRs”) for Investigations 540 and 541. Each request for extension of time was granted by the Commissioner, including the third extension to 6 May 2020.

The Commissioner provided advice to Kamco Aluminium on 15 May 2020 that there were deficiencies with information provided in the EQR. Kamco Aluminium was provided a further extension until 22 May 2020 to rectify the deficiencies.

Kamco provided a response to the Commissioner’s 22 May 2020 letter. In a further letter from the Commission to Kamco Aluminium dated 27 May 2020, further clarifications were required (this time by 3 June 2020)

It appears from Kamco Aluminium’s chronology of events that the Anti-Dumping Commission (“the Commission”) commenced its verification of Kamco Aluminium responses to EQRs on 22 June 2020 when Kamco Aluminium was contacted by the investigations team indicating that the upload of certain information was required.

The requested information was provided to the Commission by 26 June and received acknowledgment on 29 June.

It is then claimed that the next Kamco Aluminium heard from the Commission was a letter dated 14 October notifying that the Commissioner had determined Kamco Aluminium uncooperative.

III. Extent of cooperation

Capral is perplexed that Kamco Aluminium did not follow-up with the Commission as to the status of the verification soon after the 29 June 2020 contact with the Commission's investigator. The period that followed (some three-and-a-half months) appears to be an unusually lengthy period over which Kamco Aluminium has not sought to establish the status of the verification with the Commission.

IV. Cooperative Malaysian exporters

Kamco Aluminium was not the only Malaysian exporter the subject of investigation. The Commission received full cooperation from

- Press Metal Sdn Bhd;
- Milleon Extruder Sdn Bhd;
- LB Aluminium Sdn Bhd;
- Superb Aluminium Industries Sdn Bhd; and
- Genesis Aluminium Industries Sdn Bhd.

The Commission was not hampered with ongoing delays with the above cooperative exporters that are in the same industry as Kamco Aluminium and would have been the subject of the same Movement Control Orders ("MCO") as the cooperative exporters.

V. Conclusion

Based upon the chronology of events as identified by Kamco Aluminium, the Malaysian exporter was afforded reasonable opportunities to comply with the request for information ("RFI") as all other Malaysian cooperative exporters.

It does not appear that Kamco Aluminium has demonstrated any specific reason(s) as to why it was unable to address the deficiency responses of the Commission to warrant special dispensation in these later stages of Investigations 540 and 541.

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



Luke Hawkins
General Manager – Supply and Industrial Solutions