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Date: 18 February 2021

**By Email**

Anti-Dumping Commissioner  
Anti-Dumping Commission  
Level 35  
55 Collins Street  
Melbourne Victoria 3000

Received 18 February 2021

**Attention:** Mr Gavin Crooks  
Assistant Director, Investigations 3

Dear Mr Crooks,

***RE: Dumping investigations – exports of certain aluminium extrusions from Malaysia – Investigations Nos 540 and 541 & Review No 544 – Statements of Essential Facts – Capral submission***

I refer to Capral Limited's (Capral) submission of 29 January 2021 in response to submissions made on behalf of Press Metal Berhad in relation to the abovementioned Investigations and Review. That submission requires a brief response.

Specifically, Capral's submission refers to Section 4.4 of Report 362 that indicates that G James Extrusions Co Pty Limited (**G James**) and Independent Extrusions Australia Pty Ltd (**INEX**) participated in Investigation 362. That is correct.

However, as indicated in Section 4.4 of Report 362, the Commission elected not to verify the data provided by INEX due to the relatively low production volumes of that company. Precisely what data was provided by INEX is unclear. In any event, it seemingly played no part in the investigation.

In relation to G James, the Commission did verify data that it provided but, due to the 'truncated approach' to the verification, a downwards sales verification of source documents was not undertaken according to the Commission's verification report. This would seem inconsistent with the standard of verification typically applied to information supplied by exporters and importers. No explanation was given. Nevertheless, the Commission considered the information provided by G James to be accurate.

In any event, it was evident that G James' profits over the injury period had improved and that its economic performance during this period could not be attributed to any one economic factor, let

alone allegedly dumped exports of aluminium extrusions from Malaysia and Vietnam. It was due to a variety of economic factors, as one would expect with the usual 'ebb and flow' of business.

Accordingly, such participation by these two members of the Australian industry along with Capral would and could not warrant a finding of fact supported by evidence that the Australian industry as a whole incurred material injury, let alone material injury caused by exports of aluminium extrusions exported from Malaysia and Vietnam at allegedly 'dumped' export prices.

The 'best available information' before the Commission for the purposes of that investigation was that it had insufficient information and evidence to make a finding of fact that the Australian industry as a whole had incurred material injury let alone material injury caused by allegedly dumped exports of aluminium extrusions from Malaysia and Vietnam. That ought to have been the finding of fact supported by evidence.

In Investigations 540 and 541 and, for that matter, Review 544, only one member of the Australian industry, Capral, participated in any stage of those investigations and that review. As previously submitted, due to such non-participation by the majority of the Australian industry, there is no evidence capable of supporting a finding of fact that the Australian industry as a whole or, for that matter, individual members of it, had incurred material injury. That must be the findings of fact supported by evidence in those Investigations.

Further, while it is theoretically possible for injury to one part of an industry could, in the appropriate circumstances and depending upon the nature and structure of the particular industry in question, constitute injury to the whole industry, such a finding of fact would need to be supported by evidence. There is no such evidence that this does or could exist here. To contemplate such an eventuality in the present circumstances would constitute mere conjecture and be speculative of a theoretical possibility without any supporting evidence or any basis for such speculation.

In any event, the majority of the Australian industry, by their conduct, that is by their non-participation in either Investigation, would not seem concerned about any such possibility. That is, by their conduct, it is evident that the Australian industry is unconcerned with such a theoretical possibility. Possibly this is because their economic performance does not warrant contemplation of such a theoretical possibility.

This theoretical possibility also assumes that Capral had in fact incurred injury caused by allegedly dumped exports from Malaysia. It assumes that the economic performance of the remainder of the Australian industry has not been strong and profitable. There is no evidence that this is fact the case, at least none disclosed in the Statements of Essential Facts. The Australian industry as a whole could be performing perfectly satisfactorily.

In any event, as previously submitted, there is no evidence to support such a finding of fact that Capral had incurred material injury caused by exports from Malaysia at allegedly 'dumped' export prices. Rather, any injury incurred by Capral seems to have been caused by other economic factors such as the contraction in the Australian residential market, including because of the supply of prefabricated aluminium windows to residential apartments. This is similar to the practice of using prefabricated windows in the construction of commercial buildings. No doubt that this was the reason Capral has partnered with Schüco International KG, as disclosed in its Annual Reports and website. See also: [Schüco Australia \(schueco.com\)](http://schueco.com)

It also is common knowledge in the industry that the Australian industry, including Capral, import aluminium extrusions from a variety of sources. These include countries not subject to antidumping measures, such as Indonesia. Presumably, such imports are at export prices that undercut the Australian industry's aluminium extrusion prices, including those of Capral, as the Commission preliminary determined in the Statements of Essential Facts for the Investigations. It would seem that injury from imports could be self-inflicted.

The other matters mentioned in Capral's submission do not require a response but, for the record, are obviously not agreed with. For example, Capral's economic performance as disclosed in its Annual Reports and Investor Presentations speak for themselves and the reasons for it as disclosed by senior management in those reports and presentations.

If you have any questions or queries regarding any of the foregoing, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Andrew Percival', with a large, stylized initial 'A' at the start.

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