

15 April 2021

Mr Gavin Crooks
Assistant Director
Investigations 3
Anti-Dumping Commission
Level 35
55 Collins Street
Melbourne Victoria 3000

Email: Gavin.Crooks@adcommission.gov.au

Public File

Dear Mr Crooks

Investigations No. 540 and 541 – Submission on behalf of Press Metal Berhad

I refer to the submission on behalf of Press Metal Berhad (PMB”) of Malaysia dated 6 April 2021 concerning Investigations 540 and 541.

Capral Limited (“Capral”) rejects the comments made on behalf of PMB that the Investigations 540 and 541 be terminated on PMB’s incorrect perception that “there is no evidence that the Australian industry has incurred injury”.

This statement is an opinion formed on behalf of PMB that does not reflect the facts in either Investigation 540 or 541. Section A-3.9 of Capral’s Application for Anti-Dumping measures confirmed that the majority of Australian producers supported the applications for the imposition of anti-dumping measures. The support from members of the Australian industry cannot be perceived as a “small proportion” as claimed on behalf of PMB.

The submission (on behalf of PMB) also seeks to contend that due to Capral’s performance in its 2020 financial year that Capral (and also the industry) has not suffered injury as a consequence of the dumping by Malaysian exporters of the subject goods. Capral’s financial period and the investigation period overlap by a period of six months (although the latter is for the twelve months ending 31 December 2019). It therefore cannot be interpreted that Capral’s financial year profit reflects the profit of the investigation period (noting that it also includes sales of goods outside the scope of the investigation).

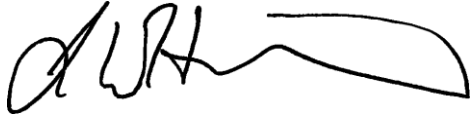
It is further noted that the PMB submission does not address that the Malaysian exports were at dumped prices during the investigation period. Similarly, it does not comment on the Commission’s finding that the Malaysian exporters (that accounted for 94 per cent of total exports from Malaysia during the investigation period) had undercut Capral’s prices by an **average 20 per cent**. The PMB submission relies upon selective facts upon which to support its assertions.

The Anti-Dumping Commission (“the Commission”) is informed of the economic performance of the Australian industry during the investigation period (and not just Capral alone). The Commission has evidenced that exports by the nominated Malaysian exporters were at dumped prices that undercut Capral’s selling prices by an average of 20 per cent. The impact of the dumping was material on Capral’s profit and profitability in the investigation period. It cannot be concluded that the material injury sustained by the Australian industry was not materially impacted by the dumped Malaysian exports to Australia.

Capral submits that the Commission's findings in Statement of Essential Facts 540 and 541 are accurate and are supported by the facts in the investigation. PMB's request for the investigations to be terminated ignore the injurious impact of the dumping and causal link and should be disregarded.

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

A handwritten signature in black ink, appearing to read 'LHAWKINS', with a long horizontal flourish extending to the right.

Luke Hawkins
General Manager – Supply and Industrial Solutions