

15 December 2021

Mr Ben Merlin
Assistant Director
Investigations 1
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Dear Mr Merlin

For Public File

Investigation No. 591 – Aluminium extrusions exported from Malaysia and Vietnam – Press Metal Berhad

I. Introduction

We refer to the findings in Report 544 where PMB Aluminium Sdn Bhd (“PMBA”) was identified as an exporter of aluminium extrusions to Australia from Malaysia.

PMBA’s related party, Press Metal Berhad (“PMB”) was examined in Investigations No. 540 and 541 involving mill finish and surface coated aluminium extrusions exported from Malaysia. PMB’s status as a producer changed as a result of a 22 November 2019 asset sale to PMB (Klang) Sdn Bhd (“PMBK”) which has since been named as PMBA.

In investigation No. 544 (“Invest 544”) PMBA was considered an exporter of the goods to which the anti-dumping measures apply.

II. Invest 544

At the commencement of Invest 544, PMBA had not previously been identified as a “cooperative exporter” and did not have individual variable factors applied (by contrast PMA did have separate variable factors). As PMBA was considered a “cooperative exporter” in the conduct of Invest 544, the Anti-Dumping Commission (“the Commission”) calculated normal values and export prices for PMBA and further assessed individual dumping margins for PMBA.

In Investigations 540 and 541, Press Metal Berhad (PMB) was uncooperative and the Commissioner subsequently determined the “all other exporter” margins to PMB.

The Commissioner was satisfied that for the purposes of Invest 544, PMBA was identified as an exporter and a dumping margin of 10.7 per cent applied to its exports to Australia during the 2019 investigation period.

III. Accelerated Review Investigation No. 577

Following an application by PMBA for individual variable factors (i.e. accelerated review) the then Minister determined on 8 June 2021 that separate variable factors apply to PMBA.

PMBA’s exports to Australia therefore are the subject of the current review of measures inquiry (i.e. Invest 591).

IV. PMBA's export sales to related party

Capral Limited ("Capral") understands that PMBA exports aluminium extrusions to its related party Australian importer Press Metal Aluminium (Australia) Pty Ltd ("PMAA").

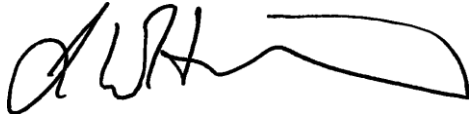
Capral has obtained a copy of PMAA's 2020 financial statements as submitted with the Australian Securities and Investment Corporation ("ASIC"). [*Details of items identified in financial statements relating to sales by PMB to PMAA*] (refer to Confidential Attachment 1).

Capral urges the Commission to examine the [*item*] and [*item*] with PMB to reconcile with sales made by PMB to PMAA during the investigation period (of which six months falls within PMAA's 2020 financial year). It is considered that the items identified are central to establishing whether sales by PMBA to Australia during the investigation period can be considered to be arms length. That is, whether the [*item*] and the [*item*] with PMB have been included within the verified costs by the Commission in the determination of the variable factors for PMBA to its related party PMAA.

Capral is concerned that the Commission has not been provided with the complete financial information relating to exports of aluminium extrusions to Australia by PMBA for the investigation period in the current review investigation. Capral anticipates that the additional information identified within PMAA's 2020 financial statements submitted with ASIC will permit the Commission to readily identify all costs incurred by PMAA for the purposes of establishing whether export prices by PMBA to Australia are at arms length.

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
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