

2 March 2026

By email

Ms Jaclyne Fisher OAM
Panel Member
Anti-Dumping Review Panel
10 Binara Street
Canberra ACT 2601

Dear Ms Fisher

ADRP Review 155A – Exports of Certain Aluminium Extrusions from Malaysia - Review of Minister’s Decision in Continuation Inquiry 591 – Request to convene conference

Together with Percival Legal, we act for Press Metal Aluminium (Australia) Pty Ltd (**PMAA**) and its related entities in connection with ADRP Review 155A.

Background

We refer to the Review Panel’s public notice dated 23 February 2026 in relation to Review 155A. We understand from that notice that on 20 February 2026 the Anti-Dumping Commission (**ADC**) provided to the Review Panel its report (dated 20 February 2026) which it issued to the ADC pursuant to orders of the Federal Court of Australia made on 20 November 2025 (**ADC Report**).

On 23 February 2026, the ADC also provided the ADC Report to PMAA and made available to PMAA confidential attachments 4, 5, 6 and 7 to the ADC Report. The ADC Report, those attachments, and the conclusions and calculations recorded in them, had not been provided to PMAA for review or comment prior to that date.

In the ADC Report the ADC correctly found that a level of trade adjustment to the normal value for PMB Aluminium Sdn Bhd (**PMBA**) should be made. The effect of that adjustment was to reduce the dumping margin found by the ADC for PMBA’s exports in Continuation Inquiry 591 to 3.3%.

However, PMAA now having received and reviewed the ADC’s calculations, it has become apparent to it that an additional and different adjustment should also have been made by the ADC to normal values for PMBA. That adjustment was necessary to account for the fact that during the relevant period of investigation there was a significantly longer period between the placement of orders (and therefore the setting of prices) and the issue to customers of invoices for export sales than for domestic sales. You may recall that the Review Panel found in ADRP Decision 167 that such an adjustment was necessary (in respect of sales in the 6-month period that immediately followed the period of investigation which is the subject of the ADC Report).

On PMAA’s calculations, if such an adjustment was made the dumping margin would be reduced further, probably to a negative margin. As PMAA was denied the opportunity to ask the ADC to correct this error before the ADC Report was provided to the Review Panel, and as the outcome is likely to be highly relevant to any recommendations the Review Panel might now make to the Minister, PMAA contends that the Review Panel can, and must, now assess the need for such an adjustment.

In the remainder of this letter we explain in more detail the reasons an adjustment is required to be made, and how the Review Panel can deal with the issue within the confines of Review 155A.

Requirement for adjustment to reflect timing differences

In the usual way, in assessing the dumping margin for PMBA for the period under investigation the ADC compared export prices and normal values at the date of invoice for sales.

The period of investigation, namely 1 July 2020 to 30 June 2021, coincided with the COVID-19 pandemic. During this period PMBA's experience was that there was a significantly longer period, for exports than for domestic sales, between the placement of orders (and therefore the setting of prices) and the issue to customers of invoices and delivery of product. This arose because factory shutdowns and supply chain disruptions during the pandemic had a disproportionate impact on delivery of product to (among other destinations) Australia, and invoicing of those products.

As a result, when a domestic sale invoiced on a particular date is compared to an export sale invoiced on the same date, it is frequently the case that the price for the export sale was set much earlier than the price for the domestic sale, and by reference to different input prices. In particular, there were material movements in aluminium ingot prices, as measured by the London Metal Exchange (**LME**) index, which account for approximately 70% of the cost to make aluminium extrusion products.

This issue was raised by PMBA's representatives during the export verification process in the Continuation Inquiry. The fact that positive dumping margins have been identified by the ADC when the period between purchase order and invoice date for export sales was highest should, respectfully, have also put the ADC on notice that something unusual was occurring when the other dumping margins were negative and PMBA's pricing had not changed.

Accordingly, under section 269TAC(8) of the *Customs Act 1901* (Cth) (**Act**), it was necessary for the ADC to adjust the normal value for PMBA because either (a) domestic and export sales occurred at different times, or (b) the prices for the domestic sales and the export sales were modified by the different circumstances that applied to them.

As noted, PMAA raised the same issue with the Review Panel in Review 167, which was a review of the ADC's decision in dumping duty assessment DA0243. That assessment related to goods exported to Australia by PMBA in the period 27 June 2021 to 26 December 2021. That period overlaps with, and then immediately follows, the period of investigation to which Continuation Inquiry 591, and ADRP 155A, relate (namely 1 July 2020 to 30 June 2021).

In ADRP 167 the Review Panel decided that a timing adjustment should be made for the same reasons outlined in this letter, and the dumping duty payable was recalculated taking into account that adjustment (see paragraphs 98 to 104 of ADRP Decision report 167).

Details of timing adjustment required

In the past week PMAA has undertaken analysis of the ADC's calculations, and the extent of and impact of this issue on those calculations.

Recognising that the Review Panel cannot take into account written submissions, we have not included that analysis with this letter, but we would be pleased to share it with the Review Panel and the ADC in conference.

Information gathering by the Review Panel

We recognise that given the stage of Review 155A, the Review Panel is no longer empowered to receive written submissions. However, it is empowered to hold conferences under s 269ZZHA of the Act, and to have regard to further information obtained at those conferences to the extent that it relates to information that was before the ADC, and to have regard to conclusions based on that information.

It would, respectfully, be regrettable for any recommendation by the Review Panel, and new decision of the Minister, at the end of the current process to be susceptible to a further application for judicial review because the issue raised in this letter has not been dealt with by the ADC or the Review Panel.

To avoid that outcome, we encourage the Review Panel to convene a conference with PMAA, and if required the ADC, at the earliest opportunity to discuss the issue. If necessary, the Review Panel can ask the ADC to provide further information in conference regarding appropriate adjustments, and the revised normal values and dumping margins that flow from them.

We recognise that the Review Panel might be concerned that convening such a conference, and considering this issue, could impact the Review Panel's ability to complete its reconsideration within the 40 business day period allowed by the Federal Court. We are instructed that if that is a concern our clients would be willing to join the ADC, the Review Panel, and the Minister in a joint approach to the Court to extend, by consent, the period in which the reconsideration is to be completed.

We look forward to hearing from you. If you have any questions about this, please do not hesitate to contact the writer.

Yours faithfully



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Anti-Dumping Commission: [REDACTED]

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