



Australian Government

Anti-Dumping Review Panel

Anti-Dumping Review Panel
C/O Chief Counsel & Integrity Branch
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By EMAIL

Andrew Korbel
Partner
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Dear Mr Korbel

Review 155A – Reconsideration of Aluminium Extrusions exported from Malaysia and the Socialist Republic of Vietnam

I refer to your letter dated 2 March 2026 on behalf of your client, Press Metal Aluminium (Australia) Pty Ltd (PMAA) and its related entities in relation to the above-mentioned reconsideration being conducted by the Anti-Dumping Review Panel (Review Panel).

In your letter, you referred to the public notice issued on 23 February 2026 and your receipt of the Anti-Dumping Commission (ADC) Normal Value and Dumping Margin Report on that day. You indicated that PMAA considers that the ADC should have made an additional and different adjustment to the normal value, established under s 269TAC(1) of the *Customs Act 1901* (the Customs Act), pursuant to s 269TAC(8) of the Customs Act. This adjustment relates to your view that a timing difference between when the orders were placed and when the invoices were issued for such export sales of aluminium extrusions during the inquiry period is required to ensure that a proper comparison can occur between the normal value and export price.

You requested that a conference pursuant to s 269ZZHA of the Customs Act be convened by the Review Panel to obtain further information in this regard. For the purposes of obtaining further information about this issue, the Review Panel convened a

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conference on 13 March 2026 with PMAA and the ADC and invited Capral Limited (Capral) as an observer. A copy of the non-confidential conference summary was placed on the public file on 19 March 2026.

The Review Panel has considered the information obtained at the conference and its legislative powers in relation to PMAA's request for consideration of an additional adjustment to the normal value for a 'timing adjustment'. The Review Panel's initial view is that consideration of the timing adjustment is outside the scope of its review.

The Review Panel must conduct its review in relation to the 'reviewable grounds' and no other grounds (see ss 269ZZG(5)(b) and (c) of the Customs Act). The Court Orders required that the Review Panel prepare a report under s 269ZZK of the Customs Act in response to Capral's application for review dated 12 July 2022.

The Reviewable Grounds are:

- 1) There is absence of a 'demonstrable connection' between the price advantage that dumping gives to exporters from Malaysia and Vietnam, is not the correct or preferred decision.
- 2) There is no evidence to demonstrate a connection between 'the economic condition of the industry, specifically in terms of how it sets its prices which is distinct from the influence of other sources of the goods', is not the correct or preferred decision.
- 3) In the absence of the measures it is likely that the Australian industry would experience a recurrence of the material injury that the measures are intended to prevent.

Capral's review application does not raise any grounds in relation to the Minister's decision relating to the findings of the level of dumping of exports from Malaysia or from Vietnam. The determination of PMB Aluminium Sdn Bhd (PMBA)'s normal value is not an accepted reviewable ground published in the Review Panel's s 269ZZI Notice in relation to Capral's review application.

The Court Orders do not authorise the Review Panel to conduct the review other than on the grounds that were accepted by the Review Panel in response to Capral's review application.

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The Court Orders specifically require that the ADC would undertake its reconsideration of the normal value and the dumping margin to address the procedural fairness issue relating to the level of trade adjustment issue referred to in Note A to the Court Orders and provide its report to the Review Panel and PMAA within 30 days of receiving certain information from PMAA.

Whilst the Review Panel considers that the Court Order authorises it to rely on the findings of the ADC Normal Value and Dumping Margin Report, if necessary, for the purposes of conducting its Review 155A, the Review Panel does not consider that the Court Order authorises the Review Panel to otherwise extend the scope of its review to include a reconsideration of the ADC findings of normal value and dumping margin.

The Review Panel considers that neither the Customs Act nor the Court Orders provide authority to the Review Panel to undertake consideration of PMBA's normal value in the manner proposed by PMAA.

If PMAA would like to comment on that initial view, the Review Panel will consider those comments received by COB on Monday 13 April 2026.

A copy of your letter and this response will be placed on the Review Panel's website.

Yours sincerely,



Jaclyne Fisher OAM
Panel Member
Anti-Dumping Review Panel
10 April 2026

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