

AUSTRALIAN TRADE REMEDIES COMMISSION

Investigation No. 691

Aluminium Windows and Doors Exported from the People's Republic of China

SUPPLEMENTARY SUBMISSION

**Australian Industry, Like Goods and Actual Domestic
Production**

Recent Standing Submissions and Comparative UK TRA Practice

Submitted by	EcoEco Windows & Doors Pty Ltd
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PUBLIC VERSION

1. Purpose of this submission

- 1.1 EcoEco Windows & Doors Pty Ltd makes this supplementary submission on a narrow but foundational issue: the identification of the Australian industry producing like goods and the production base upon which standing, injury and causation are assessed.
- 1.2 EcoEco addressed standing and representation in its comprehensive submission at EPR 496. EcoEco expressly accepted there that, if correctly established, supporting production representing 55% of total qualifying Australian production would satisfy the statutory standing requirements. EcoEco's concern is therefore not with the arithmetic thresholds themselves. It is with the factual classifications, producer population and production denominator to which those thresholds have been applied. [S7]
- 1.3 Recent submissions on the public record, including EPR 493 and EPR 497, have raised further questions concerning identification of the Australian industry, qualifying domestic production and the production denominator. EcoEco does not adopt every proposition advanced in those submissions and does not rely upon them as proof that the Commission's existing calculation is wrong. [S6, S8]
- 1.4 Their significance is narrower. They place squarely before the Commission questions which EcoEco has also raised: who produces like goods in Australia, what qualifying goods are actually produced, what production has been counted, and upon what verified denominator the statutory conclusions depend.
- 1.5 EcoEco now draws the Commission's attention to comparative UK Trade Remedies Authority practice that bears particularly upon the distinction between actual domestic production, commercial likeness and potential manufacturing capability.
- 1.6 EcoEco does not contend that UK decisions bind the Commission. They do not. Their relevance arises additionally because the Applicants themselves have placed recent UK TRA practice before the Commission as highly persuasive comparative material and have expressly relied upon AD0012, Aluminium Extrusions from China. [S5, S10, S11]
- 1.7 EcoEco's request is therefore straightforward:

Before the SEF relies upon standing, Australian-industry injury or domestic production, the Commission should identify the qualifying Australian production base upon which those conclusions depend and explain the methodology sufficiently for interested parties to understand and answer it.

2. The statutory sequence

- 2.1 The Customs Act 1901 distinguishes several questions which should not be collapsed into one another. First, the goods under consideration must be identified. Second, the relevant like goods must be identified. Third, it must be established who produces those like goods in Australia. Fourth, where goods are partly manufactured in Australia, at least one substantial process in the manufacture of those goods must occur in Australia. Fifth, qualifying production must be measured for the purposes for which production volume is legally relevant, including standing. [S1]
- 2.2 Section 269T defines "like goods" as goods identical in all respects to the goods under consideration or, where not alike in all respects, goods having characteristics closely resembling them. [S1]
- 2.3 Sections 269T(2) and (3) require relevant manufactured goods to be wholly or partly manufactured in Australia and, for partial manufacture, require at least one substantial manufacturing process in Australia. [S1]
- 2.4 Section 269T(4) then provides that where persons produce like goods in Australia, there is an Australian industry in respect of those like goods and the industry consists of those persons. [S1]

- 2.5** Section 269TB(6) provides two separate standing tests. Supporting producers must account for: (a) more than 50% of the production of like goods by that portion of the Australian industry expressing either support or opposition; and (b) not less than 25% of total Australian production of like goods. [S1]
- 2.6** Those provisions make the classification exercise logically anterior to the arithmetic exercise. The Commission must first know what constitutes qualifying production of like goods before the relevant production volumes can be added together and percentages calculated.
- 2.7** Put simply:
First identify the goods. Then identify the producers. Then identify the qualifying Australian production. Then do the arithmetic.

3. What the Commission found at initiation - and what it said it would verify

- 3.1** EcoEco does not suggest that the Commission made no assessment at initiation. The Consideration Report records that Ventora could not satisfy standing individually and had provided supporting statements from other Australian manufacturers/producers that it considered could manufacture like goods, together with production volumes contained in confidential attachments. [S2]
- 3.2** The Commission reviewed that material and was satisfied at initiation that the statutory standing requirements were met. [S2]
- 3.3** Importantly, however, the Consideration Report itself contemplated further investigation. In relation to manufacture in Australia, the Commission stated that it was satisfied, based upon the applicants' description of the manufacturing process, that like goods were manufactured in Australia with at least one substantial process undertaken here, and expressly stated: [S2]
"The commission will verify the manufacturing process of the like goods during the investigation."
- 3.4** Similarly, the Commission's initial market estimate included Ventora sales, supporting-industry sales, estimated sales volumes of remaining industry members not commenting on the application, and import data. The Commission described that estimate as reasonable given the limited information then available and expressly stated that it would reassess market size during the investigation using verified information obtained from interested parties. [S2]
- 3.5** Those statements matter. EcoEco is not asking the Commission now to undo a completed verification exercise merely because the public record at initiation was necessarily incomplete. EcoEco is asking the Commission to show in the SEF the result of the verification and reassessment that the Commission itself said would occur.

4. EPR 450 does not by itself answer the methodology question

- 4.1** EPR 450 subsequently identified 21 supporting industry members and stated that the production reported by those members together with Ventora represented "55% of the total estimated production volume of like goods." [S3]
- 4.2** EcoEco repeats its position from EPR 496: if that 55% represents correctly identified qualifying Australian production of like goods against a correctly established total-production denominator, the statutory standing requirements are satisfied. [S7]
- 4.3** EcoEco therefore does not invite the Commission to infer that 55% is wrong.
- 4.4** Nor does EcoEco ask for disclosure of commercially confidential producer-level figures.
- 4.5** The outstanding question is one of methodology and classification. EPR 450 does not publicly explain:
- (a) the complete producer population used to establish total production;
 - (b) the production period represented by the 55% figure;
 - (c) the unit or units in which different forms of production were measured and reconciled;

- (d) what portion of total production was directly reported and what portion was estimated;
- (e) how the Commission determined that the counted output constituted Australian production of like goods;
- (f) how production at different stages of the manufacturing chain was treated; or
- (g) what anti-duplication or conversion methodology was used where relevant.

4.6 Those matters can be disclosed at an aggregate or methodological level without revealing confidential company data.

4.7 EcoEco asks for the methodology, not confidential commercial information.

5. Recent submissions sharpen the question

5.1 EPR 497 asks, amongst other things: [S8]

- (a) who comprises the Australian industry;
- (b) how the 55% denominator was established;
- (c) whether production at different stages may have been counted more than once; and
- (d) whether each counted business carries out a substantial manufacturing process in Australia.

5.2 EcoEco does not rely upon EPR 497's hypothetical percentage illustrations as actual Australian-industry figures. EPR 497 expressly states that it does not claim that any of those illustrative percentages is the correct figure. [S8]

5.3 Nor does EcoEco allege that production has in fact been double-counted.

5.4 The narrower proposition is that the unusually broad goods description creates a legitimate need for the Commission to explain how production volumes occurring at different manufacturing stages have been classified and reconciled.

5.5 EPR 493 raises related questions in considerably greater detail. [S6]

5.6 EcoEco need not repeat those submissions. Its present contribution is to add a further question:

For each category of production counted as Australian industry production, what like goods were actually produced in Australia?

5.7 That question is important because a business's presence in the window, glass or aluminium supply chain, or its capability to undertake manufacturing activity, does not by itself identify the particular qualifying like goods and production volume that should enter the statutory calculation.

6. The breadth of the goods description does not answer the like-goods question

6.1 Investigation 691 covers "Aluminium windows and doors, whether fully or partially assembled, including their frames, panels, and sashes..." and defines "partially assembled" as a fabricated aluminium frame, panel or sash assembly, whether supplied individually or connected with other such assemblies. [S2]

6.2 The breadth of that description is relevant to investigation scope. It does not follow, however, that every entity operating elsewhere in the aluminium supply chain thereby produces a like good.

6.3 An aluminium extrusion, aluminium billet, glass product, coating service, hardware item or other upstream input does not become a fabricated window frame, panel or sash assembly merely because it can ultimately be used to manufacture one.

6.4 Conversely, EcoEco does not submit that only complete finished windows and doors may constitute qualifying production. The goods definition expressly extends to defined partial assemblies.

- 6.5** The correct approach is therefore neither artificially narrow nor artificially broad. The question is:

What qualifying good was actually produced, and does it satisfy the applicable like-goods and Australian-production requirements?

7. Capral illustrates why the distinction matters

- 7.1** EcoEco does not challenge Capral's right to participate in this investigation or to provide relevant evidence.
- 7.2** Capral's EPR 479 submission itself states that dumped and subsidised AWD imports adversely affect "Australian AWD manufacturers and the broader domestic aluminium supply chain." [S4]
- 7.3** That formulation usefully recognises that the two categories are not necessarily identical.
- 7.4** Harm to an upstream Australian supplier may be commercially relevant evidence concerning effects flowing through a supply chain.
- 7.5** But support for the investigation, participation in the supply chain or Australian aluminium production does not, without a separate factual finding, establish that a particular volume is production of the statutory like goods.
- 7.6** If Capral or any other upstream participant itself produces qualifying like goods within the meaning of the Act, that production can be assessed accordingly.
- 7.7** If it does not, its other Australian production remains economically relevant but should not be transformed into like-goods production merely because the products enter the same downstream supply chain.

8. Potential manufacturing capability and actual domestic production are different factual propositions

- 8.1** EcoEco does not submit that manufacturing capability is irrelevant. Capability may be evidentially relevant to a number of questions.
- 8.2** The narrower proposition is that capability is not the same factual proposition as production. Section 269T(4) identifies the Australian industry by reference to persons who produce like goods in Australia. [S1]
- 8.3** The Commission's published Dumping and Subsidy Manual similarly states that the Australian industry producing like goods must be identified and that the decision is to be based on facts rather than mere conjecture. [S9]
- 8.4** This distinction assumes particular importance because the Consideration Report describes Ventora as having put forward manufacturers/producers that it considered could manufacture like goods, while also supplying production volumes. [S2]
- 8.5** EcoEco does not infer from that wording that those businesses did not in fact produce like goods.
- 8.6** It asks the Commission to remove the ambiguity in the SEF by stating what qualifying like-goods production was ultimately verified.

9. The Applicants have invited reliance upon UK TRA comparative practice

- 9.1** EPR 487 places recent UK Trade Remedies Authority material squarely before the Commission. [S5]
- 9.2** The Applicants describe UK AD0087 as "highly persuasive comparative practice" and state that it demonstrates the approach of a comparable investigating authority "applying the same underlying concepts". [S5]

- 9.3 Their submission expressly refers, in that discussion, to the UK TRA's earlier AD0012 investigation concerning aluminium extrusions from China. [S5]
- 9.4 EcoEco does not contend that this makes every UK determination controlling in Australia.
- 9.5 It does mean that UK TRA practice is already before the Commission as comparative material at the Applicants' invitation.
- 9.6 EcoEco submits that such comparative practice should be considered consistently and with appropriate attention to the different statutory regimes.

10. AD0012 - what the UK TRA actually decided

- 10.1 EcoEco relies on AD0012 carefully and does not seek to extract a broader proposition from it than the decision supports.
- 10.2 In its 2022 final negative determination, the UK TRA excluded certain large aluminium extrusions. Its stated reason included that the relevant like goods were not manufactured by UK industry during the period of investigation and that the relevant imports had not caused, or were not causing, injury to UK industry. [S10]
- 10.3 That exclusion was challenged by the domestic applicant and reconsidered. [S11]
- 10.4 The 2024 reconsideration report is particularly informative. The TRA recorded that Garnalex had supplied information indicating capability to manufacture the larger products and that the TRA had acknowledged that capability. [S11]
- 10.5 However, the transaction-level information showed no relevant transactions for those products during the investigation or injury period. [S11]
- 10.6 The TRA also found that the existing machinery was only potentially capable of producing the larger goods with modifications or upgrades, and that the material before it did not establish: [S11]
 - (a) that the modifications had been agreed;
 - (b) when they would be implemented;
 - (c) future contracts or quotations for the goods; or
 - (d) a planned intention to utilise that capacity.
- 10.7 The TRA also considered commercial likeness. It found that, notwithstanding some physical similarity, consumers did not regard the UK-produced products as sufficiently interchangeable with the larger goods to constitute like goods. [S11]
- 10.8 The TRA ultimately upheld the final negative determination. [S11]

11. The proposition EcoEco draws from AD0012 is deliberately limited

- 11.1 EcoEco does not submit: "technical capability can never be relevant."
- 11.2 Nor does EcoEco submit: "any domestic product that differs from an imported product must be excluded."
- 11.3 AD0012 instead provides a useful comparative illustration of three propositions: [S10, S11]
 - (a) actual domestic manufacture is a distinct factual question from theoretical or potential capability;
 - (b) like-goods analysis may require consideration of commercial interchangeability, not merely physical material similarity; and
 - (c) asserted capacity, where unaccompanied by relevant production or concrete evidence that the capacity will actually be utilised, does not automatically answer the domestic-production question.
- 11.4 Those propositions are directly relevant to the factual discipline required in Investigation 691.
- 11.5 The Australian statutory question must ultimately be determined under the Customs Act 1901, not UK legislation. AD0012 is comparative practice, not binding precedent. [S1, S10, S11]

- 11.6 That is precisely the status which the Applicants themselves ask the Commission to give comparable UK TRA material. [S5]

12. Foreseeable answers do not remove the need for the underlying findings

12.1 ***"The Commission already found 55% support."***

- 12.2 Yes. If the qualifying producer population and denominator are correct, EcoEco accepts that the stated 55% would satisfy the statutory standing requirements.

- 12.3 The issue is whether investigation-stage verification confirms the classifications and denominator underpinning that calculation.

12.4 ***"The Commission possesses confidential production information."***

- 12.5 EcoEco accepts that confidential information exists and may substantially exceed what appears publicly.

- 12.6 EcoEco does not request disclosure of protected producer-level information.

- 12.7 The existence of confidential figures, however, is conceptually different from explaining the methodology by which those figures were classified, aggregated and reconciled.

12.8 ***"The supporters are established Australian manufacturers."***

- 12.9 That may well be so.

- 12.10 But the statutory question is not satisfied by a company name, reputation or expression of support alone. The relevant question is what qualifying like goods each counted category of producer manufactures in Australia and what qualifying production enters the calculation.

12.11 ***"Like goods do not have to be identical."***

- 12.12 Agreed.

- 12.13 EcoEco has never contended that a comparator must be identical. The Act itself provides for goods which are not alike in all respects but have characteristics closely resembling the goods under consideration. [S1]

- 12.14 That does not remove the need to make and explain the like-goods finding.

12.15 ***"Australian manufacturers could make the imported product."***

- 12.16 Capability may be relevant evidence.

- 12.17 It does not answer the separate question of what goods were actually produced in Australia and what production volume should be counted for standing and injury.

12.18 ***"Some Australian producers also import."***

- 12.19 EcoEco does not contend that this fact automatically disqualifies them from the Australian industry.

- 12.20 The Commission's own Manual recognises that there is no general Australian statutory provision excluding a producer merely because it is also an importer. [S9]

- 12.21 The relevant exercise is to identify and measure its qualifying Australian production correctly.

12.22 ***"Double-counting has not been proved."***

- 12.23 Correct.

- 12.24 EcoEco does not allege that double-counting occurred.

- 12.25 It asks the Commission to explain the methodology that ensures production at different manufacturing stages is treated consistently under a goods description covering both finished units and defined partial assemblies.

12.26 ***"The standing question was decided at initiation."***

- 12.27 EcoEco accepts that statutory standing is tested in relation to initiation.

- 12.28 EcoEco does not contend that later expressions of support or opposition simply rewrite the historical initiation calculation.

- 12.29 The question now is different: whether information verified during the investigation confirms or materially alters the factual assumptions and estimates underlying the initiation assessment, and what consequence the Commission attributes to any material difference.

12.30 "AD0012 arose under different legislation."**12.31** Correct.**12.32** EcoEco does not rely upon AD0012 as Australian law.**12.33** It relies upon it as comparative trade-remedies practice, consistently with the Applicants' own invitation to consider UK TRA practice. [S5, S10, S11]**13. WTO context reinforces the need for a defensible production universe****13.1** This submission does not depend upon establishing a WTO breach.**13.2** Nevertheless, the structure of the WTO Anti-Dumping Agreement reinforces the underlying logic. Article 4.1 defines the domestic industry by reference to domestic producers of the like product. Article 5.3 requires investigating authorities to examine the accuracy and adequacy of evidence supporting initiation. Article 5.4 separately establishes the support thresholds by reference to production of the like product. [S12]**13.3** WTO jurisprudence has also distinguished the standing threshold from the separate question of defining the domestic industry for injury purposes. [S12]**13.4** EcoEco therefore submits only the restrained proposition that accurate identification of the like-goods production universe is foundational rather than incidental.**14. What EcoEco asks the Commission to address in the SEF****14.1** Subject to appropriate protection of confidential information, EcoEco respectfully asks that the SEF state or explain:

- (a) the producer population used in defining the Australian industry for the relevant injury assessment;
- (b) the categories of goods determined to constitute Australian-produced like goods;
- (c) the basis upon which the Commission concluded that the relevant goods were wholly or partly manufactured in Australia, including the relevant substantial manufacturing process where partial manufacture is relied upon;
- (d) the production period and unit or units used for the standing production calculation;
- (e) the aggregate qualifying production used in the numerator and denominator of the standing calculation;
- (f) what proportion of the denominator was based upon reported production and what proportion, if any, remained estimated;
- (g) how different forms of complete and partial assemblies were converted or reconciled for production-volume purposes;
- (h) how the Commission safeguarded against inappropriate duplication where production occurred at more than one stage of a manufacturing chain;
- (i) how entities undertaking both Australian production and importing activity were treated;
- (j) how upstream aluminium or component activity was distinguished from production of like goods;
- (k) whether the investigation-stage evidence confirmed or altered the 55% figure disclosed in EPR 450 and, if altered materially, the Commission's conclusion concerning that change;
- (l) how the Commission treated evidence of manufacturing capability in circumstances where corresponding production of like goods was not established;
- (m) the Commission's investigation-stage conclusions concerning the questions raised in EPR 493 and EPR 497; and
- (n) sufficient non-confidential methodology and reasoning to permit interested parties meaningfully to respond to those conclusions following publication of the SEF.

15. Conclusion

- 15.1** EcoEco does not ask the Commission to presume that the standing calculation is wrong.
- 15.2** It asks the Commission to demonstrate, on the investigation-stage record, why it is right.
- 15.3** EcoEco does not ask the Commission to exclude legitimate Australian producers. It asks the Commission to identify them accurately.
- 15.4** EcoEco does not ask the Commission to disregard partial manufacture. It asks the Commission to identify the substantial process and the qualifying goods produced.
- 15.5** EcoEco does not allege double-counting. It asks the Commission to disclose the methodology that prevents inappropriate duplication.
- 15.6** EcoEco does not contend that potential manufacturing capability is irrelevant. It submits that capability and actual production are different factual propositions and asks that they not be treated as interchangeable.
- 15.7** EcoEco does not contend that UK TRA practice binds Australia. It asks only that comparative material placed before the Commission at the Applicants' invitation be considered consistently and for what it actually demonstrates.
- 15.8** The resulting question is therefore not contentious in principle:
What are the like goods produced in Australia, who actually produces them, what qualifying volume do they produce, and does the verified production base support the statutory conclusions drawn from it?
- 15.9** Those questions should be answered before standing and Australian-industry injury are relied upon as essential facts.

Identify the goods. Identify the producers. Verify the production. Then apply the statutory test.

For and on behalf of EcoEco Windows & Doors Pty Ltd



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9 October 2026

Source schedule

The source tags [S1]-[S12] used in this submission refer to the following public materials. URLs are included for ease of verification.

- [S1] Customs Act 1901 (Cth), Part XVB, including ss 269T and 269TB. [Source link](#)
- [S2] Anti-Dumping Commission, Consideration Report No. 691, Aluminium Windows and Doors exported from China, 25 November 2025. [Source link](#)
- [S3] EPR 450, Note for file - Detail of the Australian industry members that supported the joint application, 10 August 2026. [Source link](#)
- [S4] EPR 479, Capral Limited, submission on material injury and support for the investigation and measures, 9 September 2026. [Source link](#)
- [S5] EPR 487, Ventora Group Pty Ltd and AGWA, submission on end-user questionnaire, exporter verification and comparative normal value issues, 17 September 2026. [Source link](#)
- [S6] EPR 493, Broad Windows and Doors and Curtain Wall System Co., Ltd, submission on industry standing and assessment, 29 September 2026. [Source link](#)
- [S7] EPR 496, EcoEco Windows & Doors Pty Ltd, comprehensive submission of facts, evidence and rebuttal, published 5 October 2026. [Source link](#)
- [S8] EPR 497, Sino Window Pty Ltd, submission on industry standing, published 6 October 2026. [Source link](#)
- [S9] Anti-Dumping Commission, Dumping and Subsidy Manual, December 2021. [Source link](#)
- [S10] UK Trade Remedies Authority, AD0012, Notice of Final Negative Determination - Aluminium Extrusions from China, 16 December 2022. [Source link](#)
- [S11] UK Trade Remedies Authority, AD0012, Reconsideration of the final negative determination of certain goods, February 2024. [Source link](#)
- [S12] WTO, Agreement on Implementation of Article VI of GATT 1994, including Articles 4 and 5. [Source link](#)