

Investigation 691

Ten issues requiring findings in the SEF

Aluminium windows and doors exported from the People's Republic of China

To: Australian Trade Remedies Commission
 From: EcoEco Windows & Doors Pty Ltd — Australian importer
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 Classification: Public / non-confidential

Purpose and outstanding responses

This supplementary submission identifies ten material issues requiring reasoned findings before any recommendation for measures. It consolidates EcoEco's case, including its comprehensive submission dated 1 October 2026, now published as EPR 496, and the earlier submissions identified below. It preserves EPR 496's corrections and qualifications and does not replace its underlying evidence.

EcoEco acknowledges the Commission's replies to its emails of 10, 18, 24 and 28 August 2026: verification, exemptions and general scope guidance, broader policy enquiries, notification and exporter sampling. It does not allege an absence of responses. As at 6 October, it seeks the specific findings and worked calculations below, including Hennissy's treatment. Edward Stelling recalls first requesting partial-manufacture clarification around July 2026; that timing is approximate. EcoEco requests answers before the SEF where practicable and reasoned treatment in the SEF.

ADN 2026/132 sets publication of the SEF on or before 14 October 2026, with responses within 20 days of actual publication. This is a pre-SEF submission. EcoEco reserves its opportunity to respond to the published findings and calculations.

1. Define the boundary for partly manufactured goods

1.1 The published scope includes fully and partially assembled windows and doors; a partial assembly is a fabricated aluminium frame, panel or sash assembly. Replying to EcoEco's 18 August email, the Commission explained the extrusion/AWD distinction and invited a concrete product example for specific advice. EcoEco acknowledges that guidance and seeks the objective boundary below to assess compliant import and Australian-fabrication options.

1.2 Finding requested: explain the treatment of fabricated unglazed frames; separately supplied fabricated panels and sashes; unassembled kits; cut or machined profiles; loose extrusions, glass and hardware; and assemblies completed by Australian fabricators. Identify the objective characteristics, condition at importation and any tariff-classification rule relied upon. Explain the curtain-wall exclusion and the treatment of disputed window-wall configurations.

1.3 Later assembly or intended use is not a sufficient explanation by itself. Any proposed interpretation materially extending the scope should be identified, justified and opened to meaningful comment before the final recommendation.

Record: official scope; the Commission's reply to EcoEco's email of 18 August 2026; EcoEco response to EPR 487, section 10; EPR 496, chapters 27 and 30.

2. Show how any duty would apply to partial assemblies

2.1 Scope and calculation are separate questions. Saying that a fabricated frame is covered does not tell an importer how to declare its quantity, select the applicable exporter treatment or calculate any security or duty. These uncertainties affect quotations, orders, shipments and local fabrication commitments.

2.2 Finding requested: provide worked examples for a complete glazed unit, an unglazed fabricated frame, separately supplied frame/panel/sash assemblies, and a partial assembly glazed or completed in Australia. For each, show the following:

- The goods covered and the quantity unit: complete units, individual assemblies, square metres or another specified measure; explain how partial-assembly area is measured.
- The applicable manufacturer/exporter identity, product matching and separate dumping and countervailing treatment.
- The calculation form, valuation level, currency and conversion date; distinguish a fixed amount, ad valorem rate, variable component or combination rather than assuming a uniform percentage.
- The treatment of glass, hardware and Australian labour or services added after importation. Explain how any normal-value or non-injurious-price comparison is brought to an equivalent goods and manufacturing-stage basis.
- The treatment of assemblies supplied together or separately, including measures already applicable to upstream inputs, with any overlap explained and addressed on its legal basis.
- The proposed effective date, relevant import event, securities, any lawful retrospective exposure and the evidence an importer must retain.

2.3 Use illustrative figures to protect confidential parameters while demonstrating the method. Distinguish the proposed methodology from implementation particulars remaining for ABF, and identify how guidance will be supplied before importers must comply. EcoEco does not seek an assumed rate.

2.4 Explain the unsuppressed selling price (USP), non-injurious price (NIP) and applicable lesser-duty framework and exceptions. Exclude injury attributable to other factors. Product exclusions and statutory exemptions require separate findings; Australian ownership does not establish entitlement.

Record: EPR 496 comprehensive submission, chapters 29, 30 and 34; official scope; ABF duty guidance. General ABF calculation material is not a case-specific AWD determination.

3. Reconstruct the claimed 55% production support

3.1 EPR 450 records a 55% share of estimated total like-goods production. A correctly established 55% of total qualifying production satisfies both section 269TB(6) thresholds. EcoEco challenges the underlying calculation and its disclosure, not that arithmetic.

3.2 Finding requested: disclose the relevant initiation-period producer population, numerator, denominator, unit, estimates and verification method. Explain treatment of neutral, opposing, non-AGWA and confidential supporters; imported finished goods; related entities; licensed fabricators; and successive fabrication stages. Show the safeguards against counting the same qualifying production twice. Names or revenue shares cannot replace production evidence.

3.3 Identify the AGWA/member-derived information actually relied upon and whether it supplied independent facts, analysis or endorsement. Repeated applicant assertions are not independent corroboration. Distinguish organisational authority, consultation and industry consensus from statutory production support. If a calculation defect is established, determine its legal consequence separately from inadequate disclosure or later changes in support.

Record: EPR 450, 452, 469 and 472; EPR 496 comprehensive submission, chapters 16–26, including the controlling clarification at paragraph 25.6.

4. Establish injury to the relevant Australian industry

4.1 Ventora's deterioration is material evidence. It is not, without an explained evidentiary basis, a measure of the economic condition of the entire relevant industry. Statutory application support and representativeness of injury evidence are distinct matters.

4.2 Finding requested: identify the producers and qualifying production covered by the injury analysis, its weighting, estimation and limits. Explain how the additional Australian Market Questionnaires have been tested and incorporated. Include material domestic competition outside the public supporter group. Test the applicant's and end users' evidence on its substance, applying the same standard to each commercial interest.

4.3 Reconcile the IBISWorld evidence already supplied with the investigated-goods evidence: product scope, company perimeter, period, estimate status, monetary basis, price, volume and mix. The June 2020 and May 2026 reports cover a broader industry. Capral's upstream business cannot serve as a finished-window control company. The historical shares of Capral and G.James have not been established by assuming they were the other leading players in 2020.

4.4 The May 2026 edition records broader-industry revenue of A\$5,539.0 million in 2021–22 and A\$5,258.5 million in 2024–25. EcoEco does not claim that the relevant injury period necessarily involved market growth. Broader-industry profitability and company estimates are reconciliation evidence, not a substitute for verified like-goods injury data.

Record: EPR 444 and later market questionnaires; EPR 496 comprehensive submission, chapters 8–12 and 26; IBISWorld source/comparability schedule S3–S4.

5. Reconcile the periods, prices and cost calculations

5.1 The Commission's reply to the 10 August questions referred EcoEco to the Ventora verification report and ADN 2016/30, and offered a meeting explanation. EcoEco acknowledges that response; the supplied correspondence does not record what was resolved at the meeting. EPR 444 Table 4 reports revenue indices of 100, 111, 114 and 99 for CY2021–CY2024, then 49 for January–June 2025. The half-year total requires like-period comparison.

5.2 Finding requested: provide the comparable series, definitions and calculation inputs for revenue, sales/production volume, price, CTMS, profit, capacity, utilisation, employment, productivity, assets, investment and return. Explain whether capacity uses labour data and whether linked indicators are independent. Separate financial/calendar years, half-years, stocks, totals and rates; explain seasonality, material asset/investment movements and any sales pull-forward. Reconcile declining-price references with price suppression.

5.3 For the three entities allocating material and labour costs by revenue percentages, show how price and mix changes affect CTMS. Financial reconciliation does not itself establish the resulting injury or causal inference. Provide an indexed cost bridge for material, labour, freight, overhead, occupancy, utilisation and mix, identifying corrections and material allocation changes.

Record: EPR 444, sections 7.2 and 8.4–8.6, Tables 3–4; ADN 2016/30; the Commission's reply to the 10 August questions; EPR 496, chapters 3, 5–7 and schedule S1.

6. Prove the causal mechanism and separate other causes

6.1 The Commission's reply to the 24 August email offers enquiries about a policy avenue for industry transition; it does not determine that structural factors caused injury. EcoEco seeks no transition-policy decision here. It asks the Commission to test evidenced structural causes within its injury analysis. Import growth and domestic deterioration alone do not establish causation. Connect EPR 444's customer-negotiation evidence to the goods, exporter findings, pricing response and material injury.

6.2 Finding requested: trace material lost orders or customers where records permit. Establish whether business moved to another Australian producer, imports or ceased with reduced demand. Separately test indirect import-related price effects. A domestic customer transfer may rebut direct import displacement without resolving price suppression; a lost order alone does not establish dumping-related injury.

6.3 Test demand contraction, ordinary domestic competition, non-dumped imports, product/customer mix, input costs, utilisation, productivity, ownership transition, restructuring, financing and relevant property or occupancy changes. Distinguish independent causes from consequences of an established import effect, avoid double counting and quantify material effects where practicable. An unexplained remainder is not positive causal evidence.

6.4 The A\$121.657 million four-item CY2024 expense subtotal in the wider Aristotle group accounts is neither incremental acquisition cost nor an allocation to AWD. Identify which amounts, if any, entered the relevant injury, asset, cost, profit or return measures, and test allocation changes and offsets. The accounts justify reconciliation; they do not establish an AWD injury cause by themselves.

6.5 Verify the confidential domestic customer-migration lead under the existing source-protection protocol. Its identity and commercial history remain confidential. EcoEco seeks a test of the account evidence, not acceptance of an unverified loss estimate. Separately distinguish injury from dumped imports and subsidised imports using their respective relevant populations.

Record: EPR 444, sections 9.3–9.4; EPR 423 attachment 3; EPR 496, chapters 3–5, 9–12 and 35; the Commission's reply to the 24 August email; confidential annex of 29 September 2026, not reproduced here.

7. Compare genuinely comparable goods and costs

7.1 EcoEco's Australian-designed system and proprietary contributions require a transaction-specific comparison. They do not automatically prevent construction of normal value, establish non-dumping or justify exemption. The Commission's model control code (MCC) framework must be tested against any material characteristics it omits.

7.2 Finding requested: identify the normal-value method, export-price basis, matching, commercial level and material adjustments applied to the system supplied to EcoEco. Address size, configuration, glazing, wind/water performance, thermal/acoustic requirements, hardware, quantity, warranty and service content where price effects are demonstrated. Account for design, tooling, testing and other contributions without omission or double counting; distinguish factory goods from post-import services.

7.3 Construct the relevant cost bridge from aluminium/feedstock through system-ready profiles to the fabricated product. Test integration, scale, procurement and productivity as possible legitimate explanations for cost differences. Address Capral's zero-cost illustration only on a worked comparable basis. Test material internal or related-party allocations without automatically stripping ordinary arm's-length supplier margins.

Record: EPR 439, 448, 455 and 456; EPR 496 comprehensive submission, chapters 14–15 and 27–30; EcoEco response to EPR 487, sections 3–7 and 11.

8. Establish each subsidy or cost-distortion finding

8.1 Dumping, countervailable subsidy and a particular market situation are separate findings. Low prices, co-location or manufacturing efficiency cannot establish their statutory elements merely by being labelled distortions.

8.2 Finding requested: for each proposed subsidy finding, identify the programme or contribution, benefit, specificity, recipient, relevant transactions, period, attribution to subject goods and allocation denominator. Explain any alleged upstream benefit or pass-through using the relevant legal test and transaction evidence. An upstream extrusion finding does not automatically establish a benefit to every fabricated-window exporter.

8.3 For any particular-market-situation finding or replacement of actual costs, specify the applicable statutory basis, affected sales or costs, evidence and resulting adjustment. Explain why the actual evidence cannot support the proposed comparison and why any substitute benchmark is comparable after material adjustments. Do not transfer another exporter's unresolved defect to a verified exporter.

8.4 Distinguish unresolved verification deficiencies from corrections tested and accepted by the Commission. Explain any departure from an exporter's verified preliminary result. Foreign decisions, including UK AD0087 concerning glass containers, may supply background but cannot replace findings about these Australian transactions and goods. Apply the governing law and commencement/application provisions for this investigation.

Record: EcoEco response to EPR 487, sections 1–8; EPR 496 comprehensive submission, paragraphs 1.5, 5.5–5.6 and chapter 27; relevant exporter verification/comparative reports.

9. Determine Hennissy's examination and treatment

9.1 EPR 470 identifies Hennissy as Guangdong Tengying Household Product Co., Ltd. As at 6 October 2026, EcoEco cannot confirm whether a full exporter questionnaire has been lodged. The Commission's reply explains the published route to individual examination; it does not establish full-questionnaire lodgement or determine Hennissy's request. Preliminary and supplementary responses are not assumed to equal a complete exporter questionnaire.

9.2 Finding requested: reconcile the dated information received, full-questionnaire status, deficiencies and work outstanding. The Commission's reply states that information from a non-selected exporter requires extension of the investigation unless timely completion would be prevented. Determine whether section 269TACAA(2) is engaged for Hennissy. Where it applies, extend the investigation unless that exception is established; if relied upon, explain the timetable, work required and why a compressed examination cannot be accommodated.

9.3 Identify separately the proposed dumping and countervailing treatment, whether individual, residual or another lawful category, and its methodology. Residual treatment is not itself a finding of non-cooperation. Explain the legal basis, facts available and relevant exclusions or inclusions used to derive any rate. Do not assume similarly named exporters are the same entity or that another exporter's outcome applies to Hennissy.

9.4 Where missing or unreliable information is relied upon adversely, identify the deficiency, the opportunity given to answer it and the information substituted. State whether the resulting position is preliminary or proposed, rather than describing a proposed outcome as an operative duty.

Record: EPR 413, ADN 2026/004 and corrigendum; EPR 470; EPR 496, chapter 31; the Commission's reply to EcoEco's email of 28 August 2026. Current lodgement and completeness require the exporter and Commission records.

10. Confine testing claims to what the evidence proves

10.1 EPR 490 challenges generalisations from eight selected specimens from two house lots, seven of which reportedly failed testing. Product compliance matters. Those reported results do not, by themselves, establish normal value, dumping, subsidy or material injury caused by the relevant imports.

10.2 Finding requested: identify whether and how the SEF relies on that testing. If relied upon, disclose sufficiently informative reports, product identities, selection method, specimen histories, chain of custody, preparation, mounting, failure diagnosis and modifications/retests. Explain any wider inference and its evidentiary basis. Preserve available specimens and provide a practical inspection opportunity, with legitimate confidentiality protected.

10.3 Distinguish as-supplied compliance testing from system-development testing. A later correction does not erase an initial failure. Equally, a specimen failure does not establish a national failure rate or failure of an unrelated system. Apply equivalent comparison standards to Australian and imported products; give publicity no evidentiary weight beyond the underlying supported findings.

Record: EPR 490, EcoEco submission dated 24 September 2026; EcoEco response to EPR 487, section 9.

Requested response and disclosure

EcoEco requests acceptance and consideration of this supplementary submission before publication of the SEF, prompt publication on the EPR, and a numbered response to issues 1–10. For each material issue, identify the proposed finding, evidence, method, treatment of EcoEco's objection and work outstanding. Explain whether it is accepted, rejected, unresolved or outside the proposed findings. For implementation questions assigned elsewhere, identify the response pathway and timing.

Provide informative non-confidential indices, ranges, aggregates and methodological explanations, consistently with section 269ZJ. EcoEco does not seek protected company data and requests continued protection of its confidential annex under the applicable confidentiality provisions. If material new scope, methodology or evidence is introduced, provide an effective opportunity to respond before the final recommendation.

EcoEco acknowledges the procedural explanations and referral offers but seeks decisions on the material issues above. An unanswered question proves neither party's case. Where the required findings are not established, the corresponding measure should not be recommended. EcoEco reserves its SEF response and maintains its earlier case, subject to the 1 October corrections.



Edward Stelling
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EcoEco Windows & Doors Pty Ltd
6 October 2026

Principal sources and record references

Evidence: EPR 496, dated 1 October, listed 5 October. Scope, timetable and EPR checked 6 October. Correspondence: The Commission's Replies to the 10, 18, 24 and 28 August emails; reply dates not supplied. Approximate July timing: Edward Stelling's recollection.

Investigation 691 — official scope, timetable and EPR, including EPR 413, 470 and 486–490

EPR 480 / ADN 2026/132 — extension notice, 11 September 2026

EPR 444 — Ventora verification report, published 22 July 2026; ADN 2016/30 — verification procedures (notice)

EPR 450 — production-support file note, published 10 August 2026

Customs Act 1901, Part XVB and applicable amendments; ABF duty guidance