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The Director
Investigations 1
Australian Trade Remedies Commission
GPO Box 2013
Canberra Act 2601

By email: investigations1@atrc.gov.au

Dear Director

Investigation No. 691 – Aluminium windows and doors exported from the People's Republic of China

We refer to the Australian Trade Remedies Commission's (**ATRC**) investigation into aluminium windows and doors exported from China (**Investigation**) and the Statement of Essential Facts (**SEF**) published on 14 October 2026.

In the SEF ATRC made the preliminary recommendation that the Minister impose dumping duties in respect of aluminium doors and windows (**ADWs**) exported from China. For the reasons set out below, we request that ATRC confine its recommendation to ADWs in the housing and residential sector and provide a reasonable opportunity for cooperating exporters to obtain an individual assessment of their dumping duty margin (if any).

For the reasons set out below, it is submitted that these requests are necessary to confine the application of trade remedy measures to those exports that have a possibility of causing harm to applicant for the Investigation (Ventora) and avoids the application of dumping duties to both those industries that are not experiencing injury and those exporters that are not exporting goods at unprofitable prices.

We submit that such an approach is most in line with Australia's commitments as a World Trade Organisation (**WTO**) member and will result in the imposition of a trade remedy that is less likely to be challenged by China via the WTO Dispute Resolution process. We submit that Australia adopting a defensible, principled based trade remedies system provides the most protection to Australian industries.

We welcome the opportunity to discuss any of the issues raised in this submission with ATRC.

1. Background to Pinnacle Facades

a. Pinnacle Façade Pty Ltd – Australian activities

Pinnacle Facade Pty Ltd ("**Pinnacle Australia**") is an Australian-registered company with [redacted]

Pinnacle Australia designs, procures, installs and provides after sales service for façade systems for large scale Australian construction projects. Pinnacle Australia provides its customers with a complete end-to-end

service. Our role in Australian projects is not limited to procuring the manufacture, and transport, of facades. Rather, Pinnacle Australia is fully integrated by its customers into the project delivery chain.

Work undertaken in Australia by Pinnacle Australian employees or subcontractors includes:

- **Design and coordination**: Our Australian employees are responsible for project management and design coordination, working directly with head contractors and project stakeholders.
- **Installation:** Installation is managed by Pinnacle Australia and performed exclusively by Australian local EBA installation companies, further supporting local employment and ensuring compliance with Australian workplace standards. Over the past 18 months, we have helped our strategic installation partner grow its workforce from 8 to 30 plus employees.
- **Design verification and certification:** We engage large Australian local engineering consultancy firms for design verification and certification services.
- **Logistics:** All local customs clearance, warehousing, and on-site delivery logistics are directly subcontracted to Australian local companies.

While Pinnacle Australia primarily sources façade systems from its related party Chinese supplier, we also procure and install Australian-made AWDs, including systems from [redacted], to meet specific project requirements. This includes aluminium and glass associated with [redacted]. Pinnacle Australia primarily sources façade systems from its Chinese supplier as there is absence of local capacity and ability to supply large scale commercial projects.

b. Guangdong Painigao

Pinnacle Australia sources façade systems from Guangdong Painigao Muqiangzhuangshi Co., Ltd (**Guangdong Painigao**), a purpose built, related party Chinese manufacturer. Guangdong Painigao was established in 2023 with an investment of over [redacted], specifically and exclusively to serve large scale Australian construction projects.

Guangdong Painigao does not supply goods into the Chinese domestic market or any other export market. The factory's production capacity, technical specifications, and quality control systems are calibrated exclusively to Australian standards and project requirements. Such an approach is necessary to genuinely be able to supply Australian commercial projects. Because of the bespoke nature of such projects, an existing AWD manufacture that has tooling for set standard profiles and systems could not use that tooling and equipment for a bespoke project.

Guangdong Painigao is not a generic, low-cost exporter of bulk AWDs. Rather, it is a sophisticated, specialist exporter dedicated to the Australian market. There can be no suggestion that Guangdong Painigao is exporting low-cost goods to the Australian market. Given its market position, Guangdong Painigao is very confident that its pricing, and profits achieved, will be higher than prices and profits made on similar goods by third parties in the Chinese market.

Guangdong Painigao is classified as a residual exporter and assigned a provisional anti-dumping duty rate of 24.4%. It is submitted that this dumping duty rate does not represent in any way the expected dumping margin that would apply to Guangdong Painigao had it been the subject of an individual assessment.

As ATRC is aware, the 24.4% rate does not involve a consideration of Guangdong Painigao actual normal value or export prices. Rather, it is a comparison of the weighted average normal values and export prices of selected exporters found to have engaged in dumping. ATRC is aware of Guangdong Painigao's actual export prices. To this extent at least, ATRC is in a position to appreciate that Guangdong Painigao's export price is likely well above the weighted average export price.

When selecting raw material suppliers, Guangdong Painigao prioritises [redacted]

[redacted]

c. Verification Report

Pinnacle Australia completed an importer questionnaire in respect of the Investigation and ATRC subsequently completed an onsite import verification. The report of the import verification is set out in the Pinnacle Façade Import Verification Report.

As set out in the verification report, while Pinnacle Australia and Guangdong Painigao are related, that relationship has not impacted the price of goods sold by Guangdong Painigao to Pinnacle Australia. ATRC also set out its satisfaction with the accuracy of the financial information recorded by Pinnacle Australia.

The results set out in the verification should give ATRC confidence in the accuracy of the export prices declared by Guangdong Painigao and that such pricing is based on achieving arm's length commercial outcomes.

2. Request for an individual exporter rate for Guangdong Painigao

It is submitted that the circumstances justify ATRC determining Guangdong Painigao's dumping margin by reference to its actual verified export prices and a normal value based on its actual costs of production. This request is made on the basis that:

- At all times both Guangdong Painigao and Pinnacle Australia have fully cooperated with ATRC;
- The export prices of Guangdong Painigao have been verified, as has the import information of its customer, Pinnacle Australia;
- The exporter with the most similar cost structure of Guangdong Painigao is [redacted]

The residual exporter rates calculated by ATRC suffers from the unfairness that it is based on weighted average normal and export prices without regard to the actual circumstances of Guangdong Painigao. This is particularly unfair and inappropriate in this investigation as the goods exported by Guangdong Painigao (facades for commercial projects) are not the same, or even comparable, to goods exported by other exporters (AWDs for residential housing).

Due to the bespoke nature and high level of engineering involved in commercial projects, the pricing and profit margins for commercial projects are likely to be very different to the pricing and margin on standard housing AWDs. It is expected that a substantial degree of the dumping margin calculation is due to the substitution of exporter's real aluminium and glass costs with benchmark costs. It is expected that this cost substitution will have less of an impact on bespoke commercial development projects as a greater portion of the price is comprised of engineering and development costs, rather than material costs.

3. The connection between any dumping and injury suffered by the Australian industry

a. Ability, rather than price, is the key factor

ATRC has found that exports of AWDs from China were at dumped prices, that the Australian industry suffered material injury and the material injury was caused by the export of goods are dumped prices. The findings of ATRC do not reflect Pinnacle Australia's experience.

In the commercial construction industry, price is important, but other factors are equally, and sometimes more, important. Those other relevant factors include:
• product quality and performance
• design and engineering capability
• project management capability
• compliance with technical specifications

• ability to meet project delivery timeframes

Where Pinnacle Australia is successful in winning tenders, it is primarily through its design capability, project management services and project delivery performance.

Put simply, a large-scale commercial project owner will not take a risk on quality, compliance and an ability to actually deliver the project goods. This is regardless of price. While the Australian industry has proven capability in AWD for housing and smaller scale projects, Pinnacle Australia does not compete against Australian AWD manufacturers for large commercial projects. We expect that this is because of limited local capacity to provide certified goods within the project timeframes.

ATRC has asserted that the Australian industry can provide large scale commercial projects. ATRC must have a reasonable basis for this claim. Given the Australian industry holds 80% of the total AWD market, if it has capacity to provide large scale commercial projects it would be expected that there would be a proven history of successful projects. Given the dominant market position of the Australian industry, if it has capacity to supply commercial projects there must be numerous examples of it having done so. This would be especially so in 2021/22 period where the high cost, and unpredictability, of international freight would have put Australian industry at a cost advantage.

The reality is that the Australian industry claims are aspirational and theoretical.

Rather than rely on the claims of Australian industry members that have been unsuccessful in tenders, we encourage ATRC to speak to Australian construction companies that award the tenders and find out whether there were any Australian companies tendering for the supply of AWDs and if so, why those companies were successful. Do the Australian companies building commercial projects share the same view as to the capacity of the Australian AWD industry.

b. Focus on Ventora

We are concerned that ATRC's material injury assessment has largely focused on Ventora. This is appropriate in respect of the export of dumped household AWDs. However, the financial performance of Ventora could not have been impacted by the importation of facades for commercial projects. It would be like identifying loss experienced by Australian passenger car manufacturers to the importation of buses and trucks.

While household AWDs and facades both involve aluminium frames and glazing, they are completely different products. For instance, if the goods under consideration only applied to window wall, the AWDs produced by Ventora would not even be a "like good". The difficulty with a goods description that is so wide as to include goods that do not compete or serve the same functions, is that the dumping of one product cannot sensibly be claimed to cause the injury suffered by the industry producing the other product.

We encourage ATRC to identify genuine Australia façade manufacturers and properly assess and verify whether those manufacturers have suffered injury. If injury is identified, ATRC needs to identify what caused that loss and cannot simply attribute that injury to the alleged dumping of goods relating to a different industry.

ATRC has model control codes that identify some windows that are almost exclusively used in residential housing and small-scale apartments. ATRC is encouraged to refine the data as to dumping in a manner that excludes these household AWDs and determine whether there is still sufficient grounds for the claim that dumping has caused material injury to Australian façade producers.

ATRC has stated that it has relied on coincidence analysis, that is, if dumping and injury occur at the same time, the dumping must be the cause of the injury. For this analysis to hold in this investigation, ATRC needs to match the industry suffering injury to the dumping of goods into that industry. Without doing so, the industry analysis is unreliable and likely to be incorrect.

4. **The injury analysis is internally inconsistent because the Australian industry depends on Chinese materials**

It is important for ATRC to appreciate the extent to which even Australian produced AWDs are comprised of materials sourced from China.

The main materials used in AWDs are aluminium and glass. The majority of aluminium billets used by Australian extruders are sourced from overseas, including China. In addition, a large volume of aluminium extrusions used in the Australian productions of AWDs are extruded in China. That aluminium is exported to Australia and may not be subject to any dumping duty, or may be subject to only minimal dumping duties.

[redacted]

ATRC has found a particular market situation in respect of the Chinese AWD market largely on the basis of low-cost aluminium and glass materials. However, the inconsistency is plain:

- the same low-cost inputs that impact the Chinese domestic sale price also impact the Chinese export prices; and
- the Australian industry's own cost base is shaped by the same low-cost Chinese inputs.

Attributing injury to Chinese finished products while ignoring the Chinese content in Australian made products, is a selective analysis, not a coherent causal narrative.

The similarity in the material costs available to Australian producers and Chinese producers also creates high levels of similarity in the Chinese domestic market and the Australian export market. Both markets are characterised by low priced raw materials and high levels of Chinese competition. This means that despite any finding of a particular market situation, the price of goods sold in China remain a proper comparison to the price of goods exported to Australia.

The approach adopted by the ATRC in the SEF results in inconsistency that produces concrete unfairness. Ventora and other Australian manufacturers benefits from access to cheaper Chinese materials in its own supply chain, and those materials are not subject to any anti-dumping measure. It then asks the Commission to impose a duty on Chinese finished products — the products that compete with its own assembly operations — so that it can maximise its own commercial position.

The applicant is using the Australian trade remedies system to permit it to source Chinese inputs duty-free while its competitors are taxed on Chinese finished goods that use those same inputs. That is not a level playing field. It is a selective remedy that protects the applicant's margin rather than the Australian industry's productive capacity. The approach does not address international price discrimination. ATRC has acknowledged that AWDs are exported to Australia at higher profit margins than those goods are sold in the Chinese domestic market.

We do not argue that raw material imports should be subject to measures. We argue that the injury analysis cannot be coherent if it ignores the Chinese content embedded in the Australian industry's own cost base, and that a remedy which taxes finished goods while leaving the applicant's own Chinese inputs untouched, is not a fair or principled outcome.

Ultimately, the losers from this approach are Australians seeking to purchase a new home or apparent.

We appreciate that ATRC has in the past use a particular market situation as a reason to effectively impose dumping duties on goods that contain low-cost Chinese inputs. However, that approach is inappropriate and inconsistent with WTO law where the Australian industry is also producing goods from those same low-cost Chinese inputs.

5. The remedy is illusory because Ventora cannot serve the large-project market

Dumping duties should only be imposed where such duties are necessary to prevent further injury to the Australian industry. Imposing dumping duties on façade systems will do nothing to prevent further injury to Ventora.

Ventora's products are system windows with limited customisation capability. They cannot accommodate the bespoke engineering, project-specific calculations, and AS 4284 testing required for large high-rise facade projects. Its agency brands are predominantly residential (Class 1) products.

Large projects require customised curtain wall and window wall systems, tested to AS 4284, with project-specific architectural, structural and thermal verification. Top industry commercial builders cannot simply substitute Ventora products for the bespoke systems they procure. These projects carry programme and performance obligations and require rapid, large-volume production. Neither Ventora, nor any other Australian producer, has the capacity or the product range to meet those requirements. ATRC needs to test these claims not with Ventora but with the Australian companies that constantly test the capacity of the Australia market through public tenders.

The recommendations by ATRC will not redirect large-project work to Ventora, or any other Australian manufactures. It will simply raise costs and reduce the pool of compliant suppliers for projects Ventora cannot serve.

6. Dumping duties should only be imposed where the alleged dumping is causing loss

ATRC can only recommend the imposition of dumping duties in respect of the export of goods that are causing, or threatening to cause, material injury. This assessment is required to be undertaken in respect of the Australian industry in the aggregate.

Ventora claims capability across Class 1 to Class 9. That claim conflates broad building classifications with commercial reality. Buildings within the same construction code classification differ fundamentally in scale, structural approach and facade requirements. A two-storey office and a 50-storey office tower are both Class 5, but the systems they require are not comparable.

Ventora's agency of the A&L window wall system may meet some low-rise requirements, but it cannot meet the requirements of a high rise 50-storey tower. Treating them as equivalent because they share a building classification is not a meaningful comparison.

Ventora's publicly available product information confirms the point: its products are overwhelmingly directed at Class 1 residential housing and low-rise Class 2 buildings. If the applicant's product range is confined to that segment, the injury analysis and any remedy should be confined to that segment. The remedies should not extend to high-rise Class 2 apartments or other classes in which the applicant, or other members of the Australian industry, does not genuinely compete.

This is because dumping duties are not required to remedy or prevent material industry that segment of the Australian industry.

7. Australia must only apply principled and defensible trade remedies

The Commission is faced with a scenario where it has found that Ventora has suffered material injury and it believes that this injury was caused by the importation of dumped windows which compete with the Ventora product range. Imposing dumping duties on the goods causing injury to Ventora is defensible. However, imposing dumping duties on windows designed for commercial high-rise projects is fundamentally flawed for two reasons:

a) The Commission has not undertaken a verified review of injury claims of an Australian manufacturing supplying AWDs into the high-rise construction markets; and
b) Any dumping of such goods could not possibility caused material injury to Ventora.

If ATRC adopts an approach that excludes window wall and other product for large scale construction, it will be left with dumping duties applying to AWDs for residential housing and low-rise construction. This will be dumping duties on products said to be causing the injury suffered by Ventora. This is a finding and remedy that ATRC can more easily defend.

By seeking to expand dumping duties beyond the category of good causing injury to Ventora, ATRC risks making a finding that will be strongly contested and could result in the loss of all of the proposed measures.

On 17 September 2026, Minister for Trade and Tourism, Don Farrell stated that "*Australia's commitment to open and rules-based trade is unwavering.*" This approach must be reflected in ATRC's recommendations. Using alleged dumping of household AWDs to impose duties on the import of facades for commercial towers does not reflect rules-based trade.

Pinnacle Australia seeks an appropriate review and adjustment of the existing dumping duties, including the following modest outcomes:

a) The imposition of dumping duties be limited to the type of goods causing injury to the Australian industry; and
b) Its purpose built exporter, Guangdong Painigao, be given the chance to promptly apply for, and be granted, its own individual dumping margin.
c) In the event that any measures are introduced, a transitional period of at least 12 months from the date of the Minister's decision, with appropriate protection for existing projects and contractual commitments.

Please let us know if you would like any further information or would like to meet to discuss any of the above submissions.

Yours sincerely,

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