Submission of Foshan Dongxin Economic and Trade Co., Ltd.

Response to the Statement of Essential Facts (SEF)

— Anti-Dumping Investigation No. 691 into Aluminium Windows and Doors from the People's Republic of China

Submitting party: Foshan Dongxin Economic and Trade Co., Ltd.

Recipient: Australian Trade Remedies Commission

Case: Investigation No. 691 — Aluminium windows and doors originating in the People's Republic of China (Initiation Notice ADN 2025/115; SEF No. 691)

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I. Introduction and Standing

1 Foshan Dongxin Economic and Trade Co., Ltd. ("Dongxin" or "the Company") makes this submission in response to the Statement of Essential Facts (SEF) in Investigation No. 691 and sets out its position on the relevant facts and on the applicable law.

2 Dongxin states that, during the investigation period of this investigation (1 July 2024 to 30 June 2025), it did not export the goods under consideration to Australia in its own name, and is therefore not included in the list of exporters in the SEF. Dongxin makes this submission as an interested party and as a new exporter, for the purpose of stating its position on product scope and on exemptions, and of placing the relevant facts and contentions on the public record so that the Australian Trade Remedies Commission (the "Commission") may take them into account in its report and recommendations to the Minister. Dongxin is a trading company duly established in accordance with law (Unified Social Credit Code: 91440604774002069Y). Although it made no exports to Australia during the investigation period, it has in fact undertaken exports to Australia since that period (for example, it exported a consignment of the goods to Australia in July 2026), which demonstrates the genuineness of its status as a new exporter.

3 As to its procedural position, Dongxin makes this submission in response to the SEF. The submission is intended to place Dongxin's position on product scope and exemptions on the public record and to secure its core contentions; Dongxin reserves the right to submit, supplement and verify detailed technical parameters and transaction-level data in subsequent proceedings. Dongxin states its position at

this stage as a prudent arrangement under time constraints, and this does not prejudice any of its substantive or procedural rights.

II. Exporter Status and Position on Subsequent Procedures

4 Because Dongxin made no exports to Australia during the investigation period, the individual rate applicable to its future exports to Australia may need to be determined through the accelerated review (new exporter review) procedure under the Customs Act 1901. Dongxin understands and respects that pathway and confirms that it satisfies the statutory condition for an accelerated review, namely that it did not export during the investigation period.

5 In this investigation exporters were selected for individual examination on a sampling basis. Exporters that did not export during the investigation period and that enter the market only after the measures take effect should, in subsequent review proceedings, be afforded individual treatment based on their own data, rather than being subjected directly to the 73.3% rate applicable to "uncooperative and all other exporters". Dongxin requests that the Commission record in its final report Dongxin's status as a new exporter and its willingness to cooperate fully with the investigation, so that the review proceedings may be commenced without difficulty.

6 Equally, the fact that Dongxin did not export during the original investigation period should not lead to its being treated as an uncooperative exporter in the original investigation; its subsequent individual treatment should be determined through an accelerated review on the basis of its own verified export, sales and cost information, or it should receive equivalent treatment by reference to

other residual exporters.

7 In the course of familiarising itself with the conduct of this investigation, Dongxin notes that a number of Chinese exporters have advanced similar arguments on the matters set out above. Dongxin respectfully requests the Commission to consider such common procedural claims comprehensively and, in subsequent accelerated reviews, to apply a consistent and coherent approach to market participants in comparable circumstances. Dongxin reserves all rights to seek relief in respect of the product scope determination, the margin calculation methodology and any adverse finding.

III. Product Scope (GUC)

8 The goods under consideration (GUC) comprise aluminium windows and doors, whether fully or partially assembled, including their frames, panels and sashes, with or without glass, whether or not thermally broken, whether or not including hardware, subject to the following dimensional limits: for window assemblies or partial assemblies (including window frames, panels and sashes), up to and including 3.0 metres high and up to and including 4.0 metres wide; and for door assemblies or partial assemblies (including door frames, panels and sashes), up to and including 3.0 metres high and up to and including 7.0 metres wide. Curtain wall products are expressly excluded. Dongxin understands that, where its products display any of the following characteristics, it may contend that they fall outside the GUC or should be excluded:

(1) Dimensional limits. Finished goods exceeding the limits set out above fall outside the scope in any event. Taking the consignment

exported by the Company in July 2026 as an example, the packing list includes finished sliding windows whose individual width exceeds the 4.0 metre limit prescribed for the GUC; these are complete window units and exceed the literal dimensional limit, and should accordingly be found to fall outside the scope of the goods and not to be covered by the measures.

(2) Product form and bespoke character. The goods are aluminium window and door systems customised for specific Australian construction projects, comprising awning windows, fixed windows, hinged doors, sliding windows and other configurations, with dimensions determined by the project. Dongxin considers that engineered, project-specific building envelope systems differ materially from standardised residential windows and doors in construction, fabrication and end use, and that accessories, hardware and installation services are separable from the goods themselves. These matters remain to be verified against the actual form of the products; Dongxin reserves the right to advance product scope claims concerning product form, bespoke character and the boundary between components and services, and to submit supporting technical evidence in subsequent proceedings.

8 Taking the consignment exported by the Company in July 2026 as an example, the packing list also includes circular windows, flyscreens and matching frames, unassembled frame components and bare profiles, and there is room for interpretation as to whether all of these fall within "windows and doors" as defined in the GUC; in particular, bare profiles that have not been fabricated are not, of themselves, components of a window or door, and the basis for that contention is relatively clear. Dongxin reserves the right to advance the

corresponding claims in subsequent proceedings.

IV. Grounds for Exemption (s.8(7))

9 Under section 8(7)(a) of the Customs Tariff (Anti-Dumping) Act 1975, where like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions, the Minister may, by written notice, exempt those goods from anti-dumping duty. It should be noted that the exemption is a discretion exercisable by the Minister: the Commission may consider the exemption applications already received in the course of preparing its final report (SEF p. 75), and it is for the Minister ultimately to decide whether an exemption should be granted; should that not be completed within the present investigation, an exemption inquiry may be conducted separately in accordance with law. Dongxin's purpose in stating its position in this submission is to place the relevant facts and contentions on the public record and to lay the groundwork for an application under section 8(7)(a) in due course, rather than to contend that the exemption is substantively made out at this stage.

9 The key to section 8(7)(a) lies not in the does not depend solely on the technical characteristics of the imported goods themselves, but in the conditions under which like or directly competitive goods are sold in the Australian market, namely whether such goods are "offered for sale to all purchasers on equal terms under like conditions", having regard to the custom and usage of trade. Dongxin understands that the focus of this exemption is the supply and pricing conditions of like goods in the Australian market, rather than differences in the physical attributes of goods; in the subsequent exemption proceedings

Dongxin intends to provide verifiable evidence on selling conditions, pricing practices and the custom and usage of trade in this industry in Australia.

10 As to trade practice in this industry, Dongxin proposes to develop its case along the following dimensions. First, project specificity: the goods are in most cases designed, engineered and quoted for specific construction projects, with end users and end uses relatively fixed, so that like goods in the Australian market are not necessarily offered publicly to "all purchasers" on equal terms. Secondly, the custom and usage of trade: such engineered, project-specific goods are sold under project contracts rather than through open-market, off-the-shelf transactions, and prices and commercial terms vary from project to project, so that they cannot be said to be offered to all purchasers on equal terms. Thirdly, performance and configuration tiering: the goods are selected by performance and specification and differ measurably from standardised residential windows and doors in load-bearing capacity, watertightness and airtightness, and thermal performance, and standard Australian products may not be able to offer an equivalent combination, such specialised configurations frequently not being offered to all purchasers on the "equal terms" described above. Dongxin will submit the project documentation, end-user information, procurement history and Australian pricing evidence relevant to each dimension in the subsequent exemption proceedings.

11 Again taking the consignment exported by the Company in July 2026 as an example, that consignment was customised for a specific Australian construction project and was supplied under a project

contract rather than through open-market transactions; it is not a standardised product offered for public sale in the Australian market. There is a real question whether goods customised for a single project are like goods "offered for sale to all purchasers on equal terms", and Dongxin reserves the right to advance its case under section 8(7)(a) in subsequent exemption proceedings.

12 Dongxin notes that a number of exemption applications in this investigation await the Commission's consideration (SEF p. 76, Table 10; section 3.7 commencing at p. 74). Dongxin supports consideration of those exemption issues in an appropriate proceeding, and reserves the right to lodge its own exemption application under section 8(7)(a) and to have its contentions included in the examination.

V. Objections to the Principal Findings and to the Appropriateness of Measures

13 Dongxin understands that the Commission stated in the SEF that "broader public interest considerations have not been considered" (SEF p. 60). The reach of the measures in this investigation and their downstream effects nonetheless merit full reflection in the Commission's report to the Minister. Dongxin sets out below its observations on the margin calculation methodology, product differentiation and the public interest, for the Commission and the Minister to weigh. Some of these observations are shared, in whole or in similar terms, by a number of Chinese exporters in this investigation, and Dongxin respectfully requests the Commission to give them weight and to consider them together.

(1) The rigidity of the 73.3% rate.

14 The effective rate of 73.3% applicable to "uncooperative and all other exporters" (an effective rate of interim dumping duty and countervailing duty) was derived by comparing the lowest verified FOB export price of the selected exporters with the weighted average normal value to produce a dumping margin of 70.4%, to which a subsidy margin of 2.9% was added (that 2.9% countervailing duty applies only to non-cooperative entities, and in the SEF the Commission proposes to terminate the subsidy investigation in respect of all selected and residual exporters). It is "by design the highest possible outcome", and applies to any exporter not named.

15 The rate applies to approximately 22% of the value of Chinese exports of AWD to Australia, as well as to any exporter not named, while, according to Australian Border Force import data, the goods were exported to Australia from China by more than 2,000 individual exporters (SEF p. 20). As an unnamed exporter, Dongxin's new exports may operationally fall within that category until an accelerated review is granted; Dongxin nonetheless submits that, in subsequent reviews and in exercising the exemption discretion, the Commission should take into account the deterrent effect of this blanket rate on new exporters, and the marked disparity that may arise between that rate and the results of the sampled individual examinations.

16 By way of supplement, the 73.3% rate applicable to "uncooperative and all other exporters" is not based on Dongxin's own verified transaction and cost data, but is derived from a combination of the lowest verified FOB export price of the selected exporters and the weighted average normal value. That rate is not based on Dongxin's own data and may differ from any margin determined using that data.

Moreover, the Commission adopted sampling on the basis that it was not practicable to examine all exporters individually, and Dongxin's lack of an individual examination is not attributable to any failure to cooperate on its part. A rate of this "all relevant information" character should not take the place of an individual determination based on Dongxin's own data.

(2) Structural features of price formation.

17 The goods are highly customised to projects and are priced on the basis of quotations or tenders (SEF pp. 73–74, 120); they are not homogeneous off-the-shelf commodities with a single market price. Under that pricing mechanism, transaction prices for different projects and specifications are not directly comparable, and a single ad valorem rate applied across all transactions cannot reflect the real structure of trade and pricing. Dongxin considers that the margin assessment and subsequent reviews should give full weight to the project-specific and heterogeneous nature of price formation, and should avoid distorting the true position of individual exporters through homogenising assumptions.

(3) Methods for determining export price and normal value.

18 The methods for calculating dumping margins are set out in Part XVB of the Customs Act 1901, not in the Customs Tariff (Anti-Dumping) Act 1975. The export price is, in principle, the price paid or payable by the importer to the exporter in an arms length transaction (s.269TAB(1)(a)); where the transaction between importer and exporter is not at arms length but the importer resells the goods to an unrelated third party, the export price is the resale price less prescribed deductions (s.269TAB(1)(b)); in other cases (including where the export price cannot be determined as described above), it is determined by the Minister having regard to all the circumstances of

the export (s.269TAB(1)(c)), and, for uncooperative exporters, on the basis of "all relevant information" (s.269TAB(3)). The normal value is, in principle, the arms length price of like goods sold in the ordinary course of trade for domestic sale in the country of export (s.269TAC(1)); where a "particular market situation" exists or domestic sales volumes are too low, the normal value is determined as a constructed normal value (s.269TAC(2)(c)) or by reference to third country prices (s.269TAC(2)(d)), and must be based on production records that reasonably reflect competitive market costs (see, for example, section 43(2) of the Customs (International Obligations) Regulation 2015). Dongxin is attentive to the application of these methods in the present investigation and reserves the right to comment on the determination of export price, the construction of normal value and the appropriateness of the various comparison adjustments.

19 As to the basis for normal value, the manufacturer from which Dongxin purchases procures raw materials such as aluminium extrusions on the open market from a number of competitive suppliers, on ordinary commercial terms and at market prices; that manufacturer is unrelated to any state-owned entity and has not received any government grant or concession. Dongxin notes that in the SEF the Commission made a preliminary finding of a particular market situation in relation to the Chinese aluminium and glass upstream industries as a whole (SEF pp. 133–134) and, on that basis, applied a constructed normal value to all selected exporters alike. That finding is, however, an inference drawn at the level of the industry as a whole. Dongxin submits that, in a subsequent individual examination, it should remain open to Dongxin to demonstrate, by reference to verified company-level cost records, that its own

procurement costs were not affected by those industry distortions; where such records are verified as compliant with accounting standards and as reasonably reflecting competitive market costs, normal value should under section 43(2) be determined on the basis of those records, including by reference to domestic sales prices where the conditions permit, rather than a constructed normal value being applied as a matter of course.

20 As to export price, the Australian selling price, determined on the basis of the actual purchase cost from the manufacturer plus freight and other related expenses, represents the ordinary market price under normal trade conditions. This cost-plus approach to pricing may serve as a reference for verifying the authenticity of the export price.

(4) Product differentiation and competitive impact.

21 Domestic supply in Australia of specialised products such as thermally broken systems, slim-line sliding doors, tilt-and-turn windows and large-format glazing systems is relatively limited; restricting imports may not result in supply being smoothly redirected to domestic sources, and may instead reduce competition and raise prices. For specialised systems selected on performance and design rather than price, causation and substitutability should be assessed on a differentiated basis, rather than treated uniformly under the single category of "aluminium windows and doors".

22 Australian importers and end users choose Chinese aluminium windows and doors not solely on price. Decisive factors include product range and customisation capability, performance specifications complying with Australian Standards such as AS 2047, design aesthetics, lead times and manufacturing flexibility. Some manufacturers have also jointly developed high-performance window systems with Australian partners, achieving thermal performance (U-

values) better than levels commonly available in the Australian market, and have supplied high-end residential projects over many years, with certain specifications exceeding existing domestic manufacturing capability and being difficult to replace with standard products. It is evident that the goods are genuinely competitive across a range of dimensions, and that restricting imports may not result in supply being smoothly redirected to domestic sources.

(5) Pass-through of the measures to downstream costs.

23 Under fixed-price contracts, a sharp increase in supplier costs is difficult to pass on, and the measures may cause projects under construction to run at a loss, to be delayed or to give rise to disputes. As a new exporter, Dongxin respectfully requests the Commission to record in its report the effect of the measures on downstream builders, end users and market competition, so that the Minister may appreciate the full picture when making a decision. Our Australian importer has also expressed concern that applying the 73.3% effective rate would substantially increase the cost of imported aluminium windows and doors and place additional cost pressure on Australian construction projects. The importer considers that this could adversely affect project viability and have flow-on effects for Australian importers, builders, downstream supply-chain businesses and associated employment. Dongxin respectfully requests that these potential downstream effects on the Australian market be taken into account when the appropriateness and impact of the measures are assessed.

24 It should further be noted that the SEF itself records that "the broader public interest considerations have not been considered" in the preliminary findings (SEF p. 60); that Australian industry sales value declined by around 17% from its FY2023 peak (and by 6% during the investigation period), while the market as a whole declined by only

around 9% (and by around 2% during the investigation period); that the SEF has recorded arguments that industry consolidation, acquisitions and changes in the competitive landscape have affected market share (although the Commission did not give them principal weight); and that it found that rising manufacturing costs eroded the condition of the industry. A high rate of duty may raise costs for Australian builders and owners, narrow product choice and affect downstream installation, glass processing and small and medium-sized importers that depend on imported products, while a sharp reduction in imports may cause project delays and supply shortages. Dongxin respectfully requests the Commission to record and reflect these public interest and downstream pass-through effects in its report.

(6) Proportionality of the measures and their impact on new exporters.

25 This investigation selected a limited number of exporters for individual examination on a sampling basis, yet the goods were exported from China to Australia by more than 2,000 exporters, and the sampling results cannot capture the market as a whole. For new exporters that did not export during the investigation period and that enter the market after the measures take effect, a binary rate structure of "cooperative" and "uncooperative and all other" exporters, with no individual pathway based on their own data, may be inconsistent with the proportionality that measures should possess and with fair treatment of non-sampled exporters. Dongxin requests the Commission, in its report to the Minister, to consider the impact of the measures on the accessibility of the market to new and small and medium-sized exporters.

(7) Doubts concerning the findings of injury and causation.

26 The SEF found material injury, but its own data do not adequately support that conclusion: the applicant remained profitable throughout the injury analysis period (SEF pp. 177–178); only four industry members provided data capable of showing profitability trends, of which three declined and one increased; and although the SEF identified other factors causing injury (SEF pp. 197–202), it did not adequately quantify their respective contributions. Under the Ministerial Direction on material injury, whether injury is "material" depends on the circumstances of the individual case, and no uniform threshold applies. Dongxin considers that, where the applicant remained profitable and other injury factors (industry consolidation, rising costs and an overall weakening of the market) have been recorded in the SEF itself, the findings of injury and causation should be reassessed and fully explained in the final report.

VI. Position on Cooperation and Data Readiness

27 Dongxin is committed to cooperating fully with the Commission. Although it did not participate in the original questionnaire because it did not export during the investigation period, Dongxin is willing to provide complete and verifiable commercial and cost data in the subsequent accelerated review. As the deadline for submissions on the SEF is pressing, Dongxin states its core position and secures its contentions at this stage; it reserves the right to submit, supplement and verify detailed questionnaire data, related-party pricing explanations and domestic sales information in subsequent proceedings.

28 Dongxin requests the Commission to place its willingness to cooperate and its position on the record as a basis for subsequent

proceedings. Dongxin also undertakes to respond promptly and fully should the Commission or the Minister seek further information on any matter covered by this submission.

VII. Reservation of Procedural Rights

29 The making of this submission does not affect Dongxin's rights in any subsequent statutory review, investigation or inquiry.

30 Dongxin reserves the right to object to, and to seek relief in respect of, the product scope determination, the margin calculation methodology and any procedural decision, and to rely on the position set out in this submission as the basis for its subsequent contentions. The absence of certain factual detail in this submission does not constitute a waiver or limitation of any substantive or procedural right of Dongxin.

VIII. Conclusion and Requests

31 For the reasons set out above, Dongxin respectfully requests the Commission to:

(1) place this submission on the public record and respond to it in the final report;

(2) confirm Dongxin's status as a new exporter and preserve its pathway to an individual rate through an accelerated review;

(3) consider Dongxin's contentions on product scope and exemptions and, to the extent practicable, give effect to them; and, in preparing the final report, complete its examination of the relevant exemption applications and recommend to the Minister whether an exemption should be granted;

(4) record and reflect in its report to the Minister the appropriateness of the margin calculation methodology and the impact of the

measures on downstream costs, market competition and new and small and medium-sized exporters;

(5) place Dongxin's willingness to cooperate and its position on the record, so as to facilitate the conduct of subsequent proceedings.

32 Dongxin thanks the Commission for its careful consideration and remains available to provide further information on any matter covered by this submission.

Foshan Dongxin Economic and Trade Co., Ltd.

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Date: November 2nd

Attachments:

1. Corporate identification documents