Foshan Tingyu Building Materials Co., Ltd.

E1, Building F1, No. 136, South Area, National Torch Plan Foshan Electronic Appliances Industrial Base, Baini Town, Sanshui District, Foshan, Guangdong, China

3 November 2026

The Commissioner
Australian Trade Remedies Commission
GPO Box 2013
Canberra ACT 2600
Australia

By email: Investigations1@atrc.gov.au

PUBLIC RECORD

Investigation 691

Request for residual exporter treatment

Dear Commissioner,

I am writing on behalf of Foshan Tingyu Building Materials Co., Ltd. (Tingyu) in response to the Statement of Essential Facts (SEF) in Investigation 691. Tingyu asks to be treated as a residual exporter in the final report. Our particular concern is the treatment of imports entered before Tingyu can lodge an accelerated review application.

Tingyu's background and trading history

Tingyu was incorporated in Foshan, Guangdong, China on 25 November 2025. The investigation period was 1 July 2024 to 30 June 2025. Tingyu did not exist during that period and has no production, sales or export records for it. The relevant goods are aluminium window and door sash assemblies that Tingyu manufactures, sells and ships.

The initiation notice invited Chinese exporters of the goods to complete a preliminary information request (PIR). Responses were due by 8 December 2025. On that date Tingyu had existed for less than two weeks. It had no customers, had made no sales and had exported nothing to Australia. It was not an exporter that could have responded to the PIR.

Our first order was received on 12 January 2026. The goods for that order were loaded into a container on 22 January, declared for export on 29 January and shipped from China on 21 February 2026.

Tingyu meets the definition of a residual exporter

The Act defines a residual exporter as an exporter of the goods where "the exporter's exports were not examined as part of the investigation" and "the exporter was not an uncooperative exporter in relation to the investigation".[1] Tingyu meets both conditions.

Its exports were not examined. Tingyu is not one of the six selected exporters whose exports the Commission examined.

[1] *Customs Act 1901*, s 269T(1), definition of "residual exporter".

夸克扫描王
极速扫描，就是高效

Nor is Tingyu an uncooperative exporter. That status requires the Commissioner to be satisfied that "the exporter did not give the Commissioner information the Commissioner considered to be relevant to the investigation ... within a period the Commissioner considered to be reasonable", or that "the exporter significantly impeded the investigation".[2] The SEF applies it to "exporters from China that did not provide information requested of them through an exporter questionnaire response".[3] For the countervailing investigation, the SEF treats as non-cooperative the entities "that did not provide information requested of them at the initiation of the investigation (responses to a PIR)".[4]

No information has been requested of Tingyu. It has received no PIR, exporter questionnaire or other request, either directly or through a representative. The PIR was addressed to exporters of the goods, and on 8 December 2025 Tingyu was not one. Tingyu has not refused to provide information and has not impeded the investigation. We ask that its lack of records for a period when it did not exist be distinguished from a refusal to cooperate.

Tingyu does not appear in the list of entities that provided a PIR response, which the SEF treats as the residual exporters.[5] That list could not have included Tingyu. We ask that Tingyu's circumstances be considered individually before the final report.

Tingyu is willing to provide now the information the PIR sought, for its actual period of operation, together with any further information the Commission requires. That response will disclose Tingyu's ownership, its directors and any related entities in full.

The rates that would apply

The SEF finds a dumping margin of 24.4% for residual exporters and 70.4% for uncooperative exporters. The securities now payable are 24.4% for residual exporters and 73.3% for uncooperative and all other exporters. The 73.3% figure includes 2.9% for countervailing.

The SEF also proposes "to terminate the subsidy investigation" as it relates to the selected and residual exporters, because their subsidy margins are negligible. We ask that Tingyu receive the residual dumping rate of 24.4% and the same countervailing treatment as the other residual exporters.

Imports from 15 October 2026

Securities are taken on goods entered for home consumption on or after 15 October 2026. Tingyu cannot yet apply for an accelerated review. The Act allows a new exporter to apply only "[i]f a dumping duty notice or a countervailing duty notice has been published".[6] Tingyu intends to apply at the first opportunity and will cooperate fully with that review.

Until then, Tingyu's Australian importers provide security at 73.3%. That rate was not established from Tingyu's own trading records. Residual treatment in the final report would address this period. The Commission's guidance states that, following the Minister's final determination, the amount payable for the security period "will be the lower of" the security amount or the applicable interim dumping and countervailing duty amount.[7] We ask the Commission to confirm that, if Tingyu is treated as a residual exporter, the amount payable on these entries would be worked out at the residual rate and any excess security released or refunded.

---

[2] *Customs Act 1901* (Cth), s 269T(1), definition of "uncooperative exporter".
[3] SEF 691, section 6.3.3, p 132.
[4] SEF 691, section 7.12.2, p 164.
[5] SEF 691, section 2.4.3, pp 30-31 and section 6.3.2, p 131.
[6] *Customs Act 1901* (Cth), s 269ZE(1).
[7] Australian Trade Remedies Commission, *Frequently Asked Questions*, 28 October 2026 (EPR 691, document no. 516), p 3.

夸克扫描王
极速扫描，就是高效

We would also appreciate confirmation that duty assessment will remain available to Tingyu's importers for these entries. The Act allows "[a]n importer of goods on which, under the Dumping Duty Act, an interim duty has been paid" to apply.[8] The application must be lodged "not more than 6 months after the end of the particular importation period in which the goods the subject of the application were entered for home consumption".[9]

Thank you for considering Tingyu's circumstances and its willingness to cooperate. We would be grateful for a written response to this request and for details of any further information the Commission requires.

Yours sincerely,

Huanhuan Gong

Huanhuan Gong
Manager
Foshan Tingyu Building Materials Co., Ltd.
Email: 415398334@qq.com
Telephone: +86 150 7099 4431

[8] *Customs Act 1901* (Cth), s 269V(1).
[9] *Customs Act 1901* (Cth), s 269V(2)(a).

夸克扫描王
极速扫描，就是高效