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RESPONSE TO STATEMENT OF ESSENTIAL FACTS NO. 691

Treatment of a Genuine New Exporter (Identity Confidential)

Investigation	No. 691 - Aluminium Windows and Doors Exported from the People's Republic of China
Submitted by	Focus Building Supply Pty Ltd - Australian importer
Exporter concerned	New Exporter - identity confidential
Document status	NON-CONFIDENTIAL / PUBLIC VERSION
Date	14 October 2026

1. Purpose of this submission

Focus Building Supply Pty Ltd (FBS) makes this submission in response to Statement of Essential Facts No. 691 (SEF 691) and Preliminary Affirmative Determination No. 691 (PAD 691), issued on 14 October 2026.

This submission is deliberately limited in scope. FBS does not seek to address the Commission's broader preliminary findings concerning dumping, subsidisation, injury, causation, market segmentation or the scope of the goods. FBS seeks clarification and appropriate procedural treatment in respect of its current Chinese manufacturer and exporter, the New Exporter (the New Exporter), which did not export the goods to Australia during the investigation period.

The investigation period was 1 July 2024 to 30 June 2025 (SEF 691, p.8 and section 2.4). By email dated 18 June 2026, FBS had already notified the Commission, before publication of SEF 691 and PAD 691, that the New Exporter had not exported the goods under consideration to Australia during the investigation period. The first shipment identified by FBS is supported by confidential shipment documentation dated after the investigation period. The confidential evidence identifies the New Exporter as shipper, FBS as consignee, and the cargo as aluminium glass windows and hardware fittings. The earlier correspondence and first-shipment documentation are summarised at Annex A and Annex B respectively.

2. the New Exporter had no investigation-period exports

The New Exporter did not export aluminium windows and doors falling within the goods under consideration to Australia during the investigation period. Confidential shipment documentation provided to the Commission shows that the first shipment identified by FBS occurred after the investigation period ended on 30 June 2025. Accordingly, the New Exporter had no investigation-period export transactions capable of being reported, reconciled or examined as part of the original investigation.

The New Exporter is therefore in a materially different position from an exporter that had investigation-period exports and failed to provide information requested by the Commission. This is not a request to excuse a failure to cooperate. the New Exporter had no investigation-period exports of the goods to Australia and therefore had no investigation-period transactions capable of examination.

3. Current PAD treatment creates a material distinction

SEF 691 records that exporters from China that did not provide information requested through an exporter questionnaire response are treated as uncooperative exporters for the purposes of the investigation (SEF 691, section 6.3.3, p.132).

PAD 691 presently combines 'uncooperative and all other exporters' in a single category. The security rate stated for that category is 70.4% for interim dumping duty and 2.9% for interim countervailing duty, an effective rate of 73.3% (TRN 2026/147, Table 2; SEF 691, Table 1). Securities apply to goods entered for home consumption on or after 15 October 2026.

As the New Exporter is not presently identified as a selected or residual exporter, FBS understands that imports from the New Exporter may fall within the 'all other exporters' category. FBS respectfully submits that a genuine post-investigation-period exporter should not be equated, as a matter of procedural treatment, with an exporter that had relevant investigation-period exports but failed to cooperate in relation to those exports.

4. the New Exporter is willing to cooperate fully

The New Exporter is willing to provide exporter-specific information and to participate in verification if the Commission considers that appropriate. FBS is likewise willing to provide corresponding Australian importer information.

- Corporate and ownership information and details of the relationship between the New Exporter and FBS.
- Export sales to Australia, commercial invoices, payment records and shipment information.
- Production and manufacturing information, including aluminium extrusion, glass and hardware procurement.
- Manufacturing costs, labour, factory overheads, SG&A, financial statements and accounting records.
- Australian import declarations, freight and logistics information, and other transaction documentation held by FBS.
- Any other information reasonably required by the Commission to assess the New Exporter's individual circumstances.

5. Requested procedural treatment

FBS acknowledges that SEF 691 records that the Commission declined certain late requests for individual examination where undertaking additional examination would prevent timely completion of the investigation. FBS respectfully submits that the New Exporter's position is different: it is not seeking to correct a failure to participate in the original investigation, because it had no investigation-period exports to report.

5.1 Immediate interim request - residual exporter security treatment

FBS's immediate request is that, pending any exporter-specific assessment, securities on goods exported by the New Exporter be taken at the residual exporter rate presently applicable under PAD 691, being 24.4%, rather than the 73.3% rate applicable to 'uncooperative and all other exporters'. the New Exporter had no investigation-period exports and therefore had no investigation-period transactions capable of examination. Its absence from the selected or residual exporter lists did not result from a refusal or failure to cooperate. Applying the residual rate on an interim basis would recognise that material distinction while preserving the Commission's ability to determine the New Exporter's own variable factors later. This request is without prejudice to the New Exporter seeking an exporter-specific rate lower than 24.4% through any available review process.

5.2 Exporter-specific assessment before final recommendation

In parallel with the interim request above, FBS requests that the Commission permit the New Exporter to provide exporter-specific information for consideration before the Commissioner's final recommendation to the Minister, if practicable, with a view to determining treatment that reflects the New Exporter's actual circumstances. the New Exporter and FBS are ready to provide the required information promptly and to participate in verification if requested.

5.3 If residual treatment is not available - confirm the earliest review pathway

If the Commission considers that residual treatment or another differentiated interim treatment is not legally or administratively available during the current investigation or PAD period, FBS requests written clarification of the earliest exporter-specific review pathway available to the New Exporter if final measures are imposed, including:

1. whether the New Exporter will be eligible to apply for accelerated review or another exporter-specific review process;

2. the earliest date on which such an application may be lodged;
3. the information and supporting documents that the New Exporter should prepare;
4. whether the Commission would encourage the New Exporter to provide any information before final measures are imposed; and
5. how imports from the New Exporter will be treated during any period between final measures taking effect and completion of an exporter-specific review.

5.4 Urgent response requested during the PAD period

Given that securities apply to goods entered for home consumption on or after 15 October 2026, FBS respectfully requests an urgent written response on the New Exporter's interim security treatment. If the Commission cannot determine the request immediately, FBS asks the Commission to identify any lawful mechanism available to avoid the 73.3% all-other security treatment pending an exporter-specific assessment or review.

6. Commercial impact and purpose of the request

The preliminary effective security rate for 'uncooperative and all other exporters' is 73.3%, compared with 24.4% for residual exporters - a difference of 48.9 percentage points. For FBS, that difference is not merely theoretical: it has an immediate effect on working capital, the commercial viability of ongoing imports, and FBS's ability to perform existing Australian project commitments. FBS accepts that the New Exporter has not yet been individually examined and does not ask the Commission to assume that the New Exporter is entitled to any particular final dumping margin.

FBS therefore requests two forms of protection that can operate sequentially: first, interim treatment at the residual exporter security rate while the New Exporter remains unassessed; and second, a clear pathway for the New Exporter to obtain an exporter-specific rate based on its own data. The commercial impact of the current all-other treatment is substantial for a supplier that had no investigation-period exports and therefore no opportunity to obtain an exporter-specific outcome through the original investigation.

This submission is not a request for preferential commercial treatment. FBS and the New Exporter are prepared to provide relevant information and allow that information to be tested by the Commission. The request is that the New Exporter be treated having regard to its actual status and circumstances, rather than as if it had failed to cooperate in relation to investigation-period exports.

7. Confidentiality

This is the non-confidential version of FBS's submission. The identity of the New Exporter, details of FBS's current supply arrangement, exporter contact/signatory details and supporting commercial documentation have been omitted because they contain commercially sensitive supply-chain information. Full details have been provided to the Commission in the corresponding confidential version.

For transparency, this public version provides a meaningful summary of the confidential material: FBS notified the Commission before publication of SEF 691 that its current manufacturer/exporter had no investigation-period exports, and FBS has provided confidential correspondence and first-shipment documentation supporting that position.

8. Conclusion

FBS respectfully requests that the Commission:

1. acknowledge that the New Exporter did not export the goods to Australia during the investigation period;
2. acknowledge that the New Exporter's circumstances are different from those of exporters that failed to cooperate in relation to investigation-period exports;
3. urgently confirm that, pending exporter-specific assessment, securities on goods exported by the New Exporter may be taken at the residual exporter rate of 24.4%, rather than the 73.3% rate applicable to uncooperative and all other exporters;

4. permit the New Exporter to provide exporter-specific information if practicable before the final recommendation, without prejudice to the New Exporter seeking an exporter-specific rate lower than 24.4%;
5. if the Commission considers formal residual classification unavailable, identify and apply any other lawful interim treatment that distinguishes a genuine new exporter from exporters that failed to cooperate; and
6. if no differentiated interim treatment is presently available, confirm the earliest exporter-specific review pathway available to the New Exporter if final measures are imposed and explain how imports will be treated while that review is pending.

The New Exporter and FBS are ready to cooperate fully and provide any information the Commission considers necessary.

Yours sincerely,

Victor Zhao
Director
Focus Building Supply Pty Ltd

Exporter identity and signatory details are provided in the confidential version.

Signature:

Key references: Statement of Essential Facts No. 691 (14 October 2026); Trade Remedies Notice No. 2026/147 (PAD 691).

ANNEX A - PREVIOUS CORRESPONDENCE TO THE COMMISSION

Email dated 18 June 2026 regarding the New Exporter's status (identity confidential)

[CONFIDENTIAL MATERIAL OMITTED]

This annex contains FBS's email to the Commission dated 18 June 2026 concerning its current manufacturer's post-investigation-period status. The confidential correspondence records that the manufacturer did not export the goods to Australia during the investigation period and asks the Commission about the appropriate process for a new exporter. The original email identifies FBS's current overseas supplier and contains commercially sensitive contact and supply-chain information. It is provided to the Commission with the confidential submission but is not reproduced in this public version.

ANNEX B - FIRST SHIPMENT BILL OF LADING

First shipment documentation - exporter identity and shipment details confidential

[CONFIDENTIAL DOCUMENT OMITTED]

The confidential Bill of Lading supplied with this submission identifies FBS's current manufacturer/exporter as shipper and FBS as consignee for the first shipment identified by FBS. The document is dated after the investigation period ended on 30 June 2025 and supports FBS's position that the New Exporter had no investigation-period exports. The original document is provided to the Commission with the confidential submission but is withheld from this public version because it identifies FBS's current overseas supplier and contains commercially sensitive logistics and supply-chain information.

Original document provided with the confidential submission.