CUSTOMS ACT 1901 - PART XVB

STATEMENT OF ESSENTIAL FACTS

NO 696

INQUIRY INTO THE CONTINUATION OF ANTI-DUMPING MEASURES ON

CERTAIN CONCRETE UNDERLAY FILM

EXPORTED TO AUSTRALIA FROM MALAYSIA

24 September 2026

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ABBREVIATIONS

ABF	Australian Border Force
AC 606	*Anti-Circumvention Inquiry 606 – Concrete underlay film from Malaysia*
AC 671	*Anti-Circumvention Inquiry 671 – Concrete underlay film from Malaysia*
ACIF	Australian Construction Industry Forum
the Act	*Customs Act 1901* (Cth)
ADN	Anti-Dumping Notice
the applicant, or Cromford	LCM General Products Pty Ltd trading as Cromford Film
AS 2870	Australian Standard AS 2870-2011: Residential slabs and footings
the circumvention goods	grey concrete underlay film
the commission	Anti-Dumping Commission
the Commissioner	Commissioner of the Anti-Dumping Commission
CTMS	cost to make and sell
DCR	Dumping Commodity Register
the Direction	*Customs (Extensions of Time and Non-cooperation) Direction 2015*
Dumping Duty Act	*Customs Tariff (Anti-Dumping) Act 1975* (Cth)
EPR	electronic public record
FOB	free on board
GCI	Great Cosmo Industries Sdn. Bhd.
the goods, concrete underlay film	certain concrete underlay film
HIA	Housing Industry Association
IDD	interim dumping duty
the inquiry period	1 January 2025 to 31 December 2025
INV 554	*Investigation 554 – Concrete underlay film exported from Malaysia*
LDPE	low density polyethylene
the Manual	the Dumping and Subsidy Manual (December 2021)
MCC	model control code
the measures	anti-dumping measures
the Minister	the Minister for Industry and Innovation and Minister for Science
NIP	non-injurious price
OCOT	ordinary course of trade
the original notice	ADN 2021/149 published under sections 269TG(1) and 269TG(2) of the Act
RAQ	Australian industry questionnaire response
the Regulation	*Customs (International Obligations) Regulation 2015* (Cth)
REP 554	*Anti-Dumping Commission Report No 554*

REP 606	*Anti-Dumping Commission Report No 606*
REP 671	*Anti-Dumping Commission Report No 671*
REQ	exporter questionnaire response
ROI	return on investment
ROS	return on sales
SEF	statement of essential facts
SG&A	selling, general and administrative expenses
Solary	Solary Sdn. Bhd.
Tariff Act	*Customs Tariff Act 1995* (Cth)
Tariff Regulation	*Customs Tariff (Anti-Dumping) Regulation 2013*
US	United States of America
USP	unsuppressed selling price
Vietnam	The Socialist Republic of Vietnam

1 SUMMARY AND RECOMMENDATIONS

1.1 Introduction

This statement of essential facts (SEF) concerns an inquiry into whether to continue the anti-dumping measures (the measures) on certain concrete underlay film (the goods, concrete underlay film) exported to Australia from Malaysia. The measures are in the form of interim dumping duties (IDD). They are due to expire on **17 December 2026**.[1]

This SEF sets out the facts on which the Commissioner of the Anti-Dumping Commission (the Commissioner) proposes to base their recommendations to the Minister for Industry and Innovation and Minister for Science, Tim Ayres (the Minister).

The Commissioner's final recommendations to the Minister will be contained in a report due by **11 November 2026**.

Interested parties should note that the SEF may not represent the final views of the Commissioner. The Commissioner invites interested parties to make submissions in response to the SEF (see chapter 1.5).

1.2 Proposed recommendations

The Commissioner is preliminarily satisfied that the expiry of the measures on concrete underlay film exported to Australia from Malaysia would be likely to lead to a continuation or recurrence of dumping, and the material injury that the measures are intended to prevent.

The Commissioner proposes to recommend that:

- the Minister declare, in accordance with section 269ZHG(1)(b), that they have decided to secure the continuation of the measures
- the measures apply to exporters generally as if different variable factors[2] had been ascertained[3]
- the rate of IDD in Table 1 apply from 18 December 2026 (the day after the current measures expire).

[1] Section 269TM of the *Customs Act 1901* (the Act). All legislative references are to the *Customs Act 1901*, unless otherwise specified.
[2] The variable factors in relation to a dumping duty notice are the export price, normal value and non-injurious price (NIP).
[3] Section 269ZHF(1)(a)(iii).

		REP 554[4] Current measures		SEF 696 Proposed measures	
Country	**Exporter**	**Fixed rate of IDD**	**Duty method**	**Fixed rate of IDD**	**Duty method**
Malaysia	Great Cosmo Industries Sdn. Bhd.	14.2%	*Ad Valorem*[5]	16.7%	*Ad Valorem*
Malaysia	L&L Trading Enterprise Sdn. Bhd.	22.8%	*Ad Valorem*	Now subject to the uncooperative and all other exporters rate of IDD	
Malaysia	Unistar Industries Sdn. Bhd.	16.4%	*Ad Valorem*		
Malaysia	Plastik V Sdn. Bhd.	11.4%	*Ad Valorem*		
Malaysia	JL Plastic Industries Sdn. Bhd.	20.1%	*Ad Valorem*		
Malaysia	Uncooperative and all other exporters	23.2%	*Ad Valorem*	63.6%	*Ad Valorem*

Table 1: Proposed measures resulting from this inquiry and comparison to current measures

1.3 Background to the inquiry (chapter 2)

The Commissioner initiated this inquiry on 2 February 2026 and established an inquiry period of **1 January 2025 to 31 December 2025** (the inquiry period).[6]

LCM General Products Pty Ltd, trading as Cromford Film (Cromford, or the applicant) is the applicant seeking to continue the measures.[7]

Chapter 2.4 of this SEF describes the Commissioner's conduct of this inquiry.

1.4 Summary of key preliminary findings

The Commissioner's preliminary findings and conclusions in this SEF rely on the information available at this stage of the inquiry. The paragraphs below provide a summary of these findings, which are set out in further detail throughout the SEF.

1.4.1 The goods, like goods and the Australian industry (chapter 3)

The goods are:

> *Black or grey, or any colour variations of black or grey, concrete underlay film (also marketed as builders' film), manufactured from either recycled and/or virgin resins, with a thickness ranging between 150-230 microns, and a width from 1-7 metres.*

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4 *Anti-Dumping Commission Report No 554* (REP 554).
5 The *ad valorem* duty method is outlined in section 7 of the *Customs Tariff (Anti-Dumping) Regulation 2013* (Tariff Regulation).
6 EPR 696, document 2, ADN 2026/022.
7 EPR 696, document 1.

The Commissioner preliminarily finds that:

- locally manufactured goods are 'like' to the goods subject to the measures
- there is an Australian industry, of which Cromford is primarily the sole member, producing like goods, and
- the like goods are wholly manufactured in Australia.

1.4.2 Australian market (chapter 4)

The Commissioner preliminarily finds that the Australian industry and importers, buying from Malaysia and other non-subject countries,[8] supplied the market for the goods in Australia during the inquiry period.

In assessing the characteristics of the Australian market, the Commissioner preliminarily found that in the inquiry period:

- the market dynamics have shifted slightly since the original investigation, with the Australian market size increasing by 22.3% since the original investigation, *Investigation 554 – Concrete underlay film exported from Malaysia* (INV 554)
- while Malaysian imports continued to account for a substantial proportion of the Australian market during the inquiry period, the Commissioner observed a change in market composition since INV 554, with market share moving from Malaysian imports to imports from non-subject countries, particularly the Socialist Republic of Vietnam (Vietnam)
- the market for concrete underlay film is highly price sensitive.

1.4.3 Economic condition of the Australian industry (chapter 5)

The Commissioner assessed the economic condition of the Australian industry from 1 July 2023 to analyse trends in the market for concrete underlay film and assess potential injury factors.

The Commissioner has preliminarily found the Australian industry has improved its position in respect of some economic indicators following the imposition of measures in 2021, including:

- increased sales volumes
- profitability remained positive and relatively stable, despite fluctuations year on year.

However, the Commissioner considers that while certain aspects of Cromford's economic condition have improved since measures were put in place, the evidence indicates it remains susceptible to injury. In particular:

- while Cromford's sales volumes have increased since the imposition of measures in 2021, its market share remains relatively unchanged even though the Australian market has expanded over the same time

[8] For clarity, non-subject countries are all supplying countries other than Malaysia. There are no measures in place for any other country other than Malaysia.

- profitability appears to have improved in line with increased sales, not necessarily because margins improved
- pricing remained relatively flat during the injury analysis period, which may indicate Cromford's ability to recover increasing costs through higher selling prices may be constrained
- while Malaysian imports declined in the injury analysis period relative to the original investigation, Malaysia remains a significant source of supply. Imports continue to represent the predominant source of supply in the Australian market, and is an indicator that the Australian industry remains exposed to competitive pressure from dumped imports.

1.4.4 Dumping during the inquiry period (chapter 6)

The Anti-Dumping Commission (commission) has assessed variable factors to determine whether exports from Malaysia in the inquiry period were dumped.

The commission has preliminarily found that the goods exported to Australia from Malaysia were dumped at the dumping margins set out in Table 2. Table 2 also compares these preliminary dumping margins to current dumping margins.

Exporter	Preliminary dumping margins	Current dumping margins[9]
Great Cosmo Industries Sdn. Bhd.	16.7%	17.2%
Uncooperative and all other exporters	63.6%	28.3%

Table 2: Preliminary dumping margins in the inquiry period

The Commissioner has also used this information to determine that variable factors for Malaysian exporters generally have changed.

1.4.5 Likelihood of dumping and material injury continuing or recurring (chapter 7)

On the basis of the evidence obtained in the course of this inquiry, the Commissioner is preliminarily satisfied that the expiration of the measures applying to certain concrete underlay film exported to Australia from Malaysia would lead, or would be likely to lead, to a continuation of, or recurrence of dumping and the material injury that the measures are intended to prevent.

The Commissioner is preliminarily satisfied that the following will occur if the measures expire:

Exports from Malaysia will likely continue (chapter 7.5)

The Commissioner considers that if measures were to expire, exports of the goods from Malaysia would likely continue. This is because:

- exports have continued to occur throughout the life of the measures
- demand for concrete underlay film continues in the Australian market

[9] EPR 554, document 49 (ADN 2021/149 refers).

- exporters have maintained distribution links with their Australian customers
- new exporters and importers have entered the market since the measures were imposed
- exporters from Malaysia are able to produce the goods to Australian standards
- trade measures in other jurisdictions will limit access in those markets and make Australia comparatively more attractive.

Those exports will likely be dumped (chapter 7.6)

The Commissioner is satisfied that the expiry of the measures would lead, or would be likely to lead, to a recurrence of dumping. This is because:

- the commission found that dumping margins remained at comparable levels during the inquiry period to those previously established during the original investigation (with the exception of the uncooperative rate, which is higher, and which reflects lower levels of cooperation from other exporters and the relevant information accordingly available to the commission)
- there have been 2 separate findings of circumvention of duties during the life of the measures, demonstrating pressure on exporters to maintain lower pricing despite the application of anti-dumping measures.

The dumping will likely continue to cause material injury to the Australian industry (chapter 7.7).

The Commissioner is satisfied that, if the measures were allowed to expire, material injury is likely to continue or recur in relation to exports at dumped prices. This is because:

- dumped exports from Malaysia would likely adversely affect Cromford’s sales volumes. Given the comparatively small share of the Australian market held by Cromford, the commission considers that absent the measures, lower priced imports would place downward pressure on Cromford’s market position
- dumped exports from Malaysia would likely suppress or depress Cromford’s prices as:
  - Cromford has considerable regard to import prices when setting its own pricing
  - a reduction in import prices as exporters seek to compete in a market absent of measures would place downwards pressure on Cromford’s prices
  - the expiry of measures would provide exporters from Malaysia with a price advantage in a price sensitive market.
- the commission acknowledges that the market share held by Malaysian imports has declined since the original investigation. However, Malaysian exporters continue to account for a substantial proportion of imports and remain a significant source of supply in the Australian market. The commission considers that the volume of these imports remains sufficient to influence market pricing.
- there have been 2 separate findings of circumvention during the life of the measures, indicating a continuing incentive to maintain lower-priced imports in the Australian market.

- while Cromford's sales volumes, profits and profitability have improved relative to the original investigation period, the commission considers these outcomes have occurred while anti-dumping measures have been in place. The commission considers the improved performance of the Australian industry does not indicate that injury would not recur if the measures were removed, but rather, is indicative of the fact that absent the measures, lower priced imports from Malaysia would likely regain a competitive advantage, resulting in a recurrence of the volume and price effects identified in the original investigation.

1.4.6 Non-Injurious Price (chapter 8)

The Commissioner compared the non-injurious price (NIP) with the calculated weighted average normal values of the exporters from Malaysia and determined that the NIP was not less than the normal value for any of these exporters. Accordingly, the NIP should not be the operative measure. The Commissioner recommends that measures be imposed in relation to the goods exported to Australia from Malaysia at the full dumping margins, as applicable.

1.4.7 Form of measures (chapter 9)

The Commissioner proposes to recommend that the *ad valorem* method continue to be used to calculate the IDD payable on the goods exported from Malaysia.

1.5 Responding to this SEF

The SEF may not represent the Commissioner's final views. The commission invites interested parties to make written submissions in response to this SEF for the Commissioner's consideration.

Interested parties who wish to make written submissions in response to this SEF must do so no later than **14 October 2026**, which is within 20 days after the SEF being placed on the public record.[10]

The Commissioner is not obliged to have regard to any submission made in response to the SEF received after this date if to do so would, in the opinion of the Commissioner, prevent the timely preparation of the report to the Minister.[11]

Submissions may be lodged by email to investigations3@adcommission.gov.au

Confidential submissions must be clearly marked as 'OFFICIAL: Sensitive'. A non-confidential version of the submission, marked 'PUBLIC RECORD', is required for the public record. A guide for making submissions is available on the commission's website.[12]

The EPR contains non-confidential submissions from interested parties, non-confidential versions of the commission's verification reports and other publicly available documents.

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[10] Section 269ZHE(3).
[11] Section 269ZHE(4).
[12] A guide for making submissions is available here.

Interested parties should read this SEF in conjunction with other documents on the EPR.

1.6 Final report to the Minister

The Commissioner must report to the Minister by no later than **11 November 2026**.[13] The final report will contain the Commissioner's final recommendations about the continuation of the measures.

[13] The Commissioner's final report and recommendations must be provided to the Minister within 155 days after the publication of a notice under section 269ZHD(4) or such longer period as allowed. EPR 696, document 7, ADN 2026/098 Extension of time to publish SEF and Final Report.

2 BACKGROUND

2.1 Legislative framework

The procedures to be followed by the Commissioner in an application for the continuation of anti-dumping measures are set out in Division 6A of Part XVB.

2.1.1 Legislative test

Under section 269ZHF(2), the Commissioner must not recommend that the Minister take steps to secure the continuation of the anti-dumping measures unless the Commissioner is satisfied that the expiration of the anti-dumping measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measure is intended to prevent.

2.1.2 Statement of essential facts (SEF)

Section 269ZHE(1) requires the Commissioner to publish a statement of the facts on which they propose to base their recommendations to the Minister about the continuation of the measures. This is referred to as the SEF.

Section 269ZHE(2) requires the Commissioner, in formulating the SEF, to have regard to the application and any submissions received within 37 days of the initiation of the inquiry. Under section 269ZHE(3), the Commissioner is not obliged to have regard to any submissions relating generally to the inquiry that are received by the Commissioner after the 37 days if to do so would, in the Commissioner's opinion, prevent the timely placement of this SEF on the EPR.

The Commissioner may also have regard to any other matters they consider relevant.

2.1.3 Final report

Section 269ZHF(1) requires the Commissioner, after conducting an inquiry, to give the Minister a report which recommends that the relevant notice:

- remain unaltered
- cease to apply to a particular exporter or to a particular kind of goods
- have effect in relation to a particular exporter or to exporters generally as if different variable factors had been ascertained, or
- expire on the specified expiry day.

2.2 Application and initiation

On 7 November 2025, the Commissioner published a notice[14] on the commission's website inviting the following persons to apply for the continuation of the anti-dumping measures:

[14] In accordance with section 269ZHB(1). Refer ADN 2025/107.

- the person whose application under section 269TB resulted in the anti-dumping measures,[15] or
- persons representing the whole or a portion of the Australian industry producing like goods to the goods covered by the anti-dumping measures.[16]

On 6 January 2026, Cromford lodged an application for the continuation of the anti-dumping measures on the goods exported to Australia from Malaysia.[17]

The Commissioner was satisfied that:

- the application complied with section 269ZHC (content and lodgement requirements),[18] and
- there appeared to be reasonable grounds for asserting that the expiry of the anti-dumping measures might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent.[19]

The Commissioner therefore decided not to reject the application and published ADN 2026/022 initiating the present inquiry on 2 February 2026.[20]

2.3 Current anti-dumping measures

The anti-dumping measures were initially imposed by public notice on 17 December 2021 by the then Minister for Industry, Energy and Emissions Reduction following the original investigation, INV 554. The findings of that original investigation are detailed in *Anti-Dumping Commission Report No 554* (REP 554).[21]

Table 3 below summarises the anti-dumping measures currently applying to exports of the goods to Australia from the subject countries.[22]

Country	Exporter	Dumping notice	
		Method	Effective IDD rate
Malaysia	Great Cosmo Industries Sdn. Bhd.	*Ad Valorem* duty method applies to all exporters	14.2%
	L&L Trading Enterprise Sdn. Bhd.		22.8%
	Unistar Industries Sdn. Bhd.		16.4%
	Plastik V Sdn. Bhd.		11.4%
	JL Plastic Industries Sdn. Bhd.		20.1%
	Uncooperative and all other exporters		23.2%

Table 3: Current measures applying to exports of the goods

15 Section 269ZHB(1)(b)(i).
16 Section 269ZHB(1)(b)(ii).
17 Section 269ZHC. A non-confidential version of the application is available on EPR 696, document 1.
18 Section 269ZHD(2)(a).
19 Section 269ZHD(2)(b).
20 EPR 696, document 2.
21 EPR 554, document 48.
22 EPR 554, document 49.

Further detail about these measures can be found on the Dumping Commodity Register (DCR) on the commission's website.[23]

2.3.1 Other cases

The commission has conducted a further 2 cases relating to concrete underlay film since the original investigation. Table 4 outlines these cases, with further details on the commission's website.

Case type and number	ADN number	Date notice published	Country of export	Findings
Anti-Circumvention Inquiry no 606 (AC 606)[24]	2023/003	6 March 2023	Malaysia	Circumvention activity in relation to the original notice was found to have occurred. The goods description of the original notice was altered to expand the width of the goods from '2-6 metres' to a width of '1-7 metres', with effect on or after 23 June 2022.
Anti-Circumvention inquiry no 671 (AC 671)[25]	2025/113	26 November 2025	Malaysia	Circumvention activity in relation to the original notice was found to have occurred. The goods description of the original notice was altered to expand the colour of the goods from 'black', to 'black or grey, or any colour variations of black or grey', with effect on or after 23 April 2025.

Table 4: Other cases relating to the goods

2.4 Conduct of the inquiry

The Commissioner invited exporters and importers of concrete underlay film to provide information relevant to the inquiry period (1 January 2025 to 31 December 2025).

The commission examined information relating to the economic condition of the Australian industry from **1 July 2023** (the injury analysis period) for the purpose of assessing:

- whether expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the measures are intended to prevent, and
- whether the notice should remain unaltered or apply to a particular exporter or exporters as if different variable factors had been ascertained.

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[23] The DCR is available on the commission's website here.
[24] EPR 606.
[25] EPR 671.

While the commission has analysed the injury analysis period primarily, it has also, where relevant, examined information from periods preceding the imposition of measures to understand changes in market conditions and the effect of the measures on the Australian industry.

2.4.1 Questionnaires and verification

The commission issued questionnaires to obtain relevant information from the following interested parties:

- Australian industry
- Exporters
- Importers.

Australian industry

The Commissioner is satisfied that the applicant, Cromford, is the Australian industry applicant for the continuation of the measures,[26] being the primary member of the Australian industry producing like goods to the goods that are the subject of this inquiry.[27]

Cromford's application provided a statement of reasons for seeking the continuation of the measures and the data relevant to assessing its economic performance during the inquiry period and the injury analysis period. Cromford also completed an Australian industry questionnaire (RAQ).

The commission determined that no onsite or virtual verification would be conducted on the information provided by Cromford. Cromford was verified in INV 554 as having provided information that was complete, accurate and relevant. The commission is satisfied that Cromford's information from INV 554 is relevant in this inquiry.[28] The commission assessed the RAQ for deficiencies and through this process performed checks of the RAQ against existing information from REP 554, AC 606 and AC 671. The reviewed data was then accepted as reliable.

The commission has not received any information to indicate that another local manufacturer was present in the Australian market during the inquiry period.

Importers

The commission identified importers from the Australian Border Force (ABF) import database that imported concrete underlay film from Malaysia during the inquiry period. The commission sent questionnaires to the 3 largest importers identified, representing approximately 60% of imports of the goods from Malaysia into Australia.

A copy of the importer questionnaire was also placed on the EPR for completion by other importers who were not contacted directly.

The commission did not receive any responses to the importer questionnaire.

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26 Section 269ZHB(1)(b)(ii).
27 See chapter 3.
28 EPR 554, document 20 and 48.

Cooperative exporters[29]

The commission used the ABF database to identify exporters of concrete underlay film in the inquiry period. The commission sent questionnaires to the 3 largest exporters identified, representing approximately 88% of the volume of the goods exported to Australia.

The commission also placed a copy of the exporter questionnaire on the commission's website for completion by other exporters who were not contacted directly.

The commission received 2 responses to the exporter questionnaire (REQ) by the due date. The third exporter confirmed receipt of the questionnaire and advised the commission that it would not participate in the inquiry.

Upon reviewing the responses, the commission considered only one of the 2 exporters, GCI, to be a cooperative exporter for the purpose of the inquiry.

The commission assessed the REQ for deficiencies and through this process requested additional information for analysis, and performed checks of the REQ against existing information from REP 554.

There have been no major changes to GCI's production process or costing methodology since INV 554. Accordingly, the commission considers that the verified information from INV 554, including relevant findings and conclusions concerning GCI, provides a reliable benchmark against which GCI's REQ in this inquiry can be assessed. After completing a comparative assessment against information from INV 554, the commission was satisfied that GCI's information was complete, accurate and relevant for determining the applicable variable factors and dumping margin for the inquiry period.

The non-confidential version of GCI's REQ and the commission's variable factor comparative assessment are available on the commission's website.[30]

Uncooperative exporters

Section 269T(1) states that an exporter is an 'uncooperative exporter' where the Commissioner is satisfied that an exporter of goods the subject of the inquiry did not give the Commissioner information the Commissioner considered to be relevant to the continuation inquiry within a period the Commissioner considered to be reasonable, or where the Commissioner is satisfied that an exporter significantly impeded the inquiry.

The *Customs (Extensions of Time and Non-cooperation) Direction 2015* (the Direction) states at section 8 that the Commissioner must determine an exporter to be an uncooperative exporter, on the basis that no relevant information was provided in a reasonable period, if that exporter fails to provide a response or fails to request a longer period to do so within a specified timeframe, or provides a response that the Commissioner considers did not provide information relevant to the case.

[29] 'Cooperative exporter' is defined in section 269T(1).
[30] EPR 696, document 5 & 8.

The commission received an REQ from Solary Sdn. Bhd. (Solary). The REQ was provided in parts, and received by the commission before and after the due date. The Commissioner decided to consider all of the information provided by Solary in assessing whether the response was sufficient and reliable. Pursuant to the Direction, the Commissioner considered that the response contained significant deficiencies that could not be remedied in an appropriate time without adversely affecting the timely and efficient conduct of the inquiry. The Commissioner considered that the information provided was not complete and could not be confirmed as accurate, relevant or reliable. Accordingly, the Commissioner considered Solary to be an uncooperative exporter for the purpose of this inquiry and notified Solary that they would rely on 'all other relevant information available in making findings and recommendations in relation to Solary'.[31]

No other exporters provided a completed REQ.

Having regard to the above, the Commissioner considers all exporters from Malaysia, other than GCI, to be uncooperative exporters for the purpose of this inquiry.

Government of Malaysia

On 2 February 2026 the commission notified the government of Malaysia that a continuation inquiry had been initiated with respect to concrete underlay film. No correspondence has been received from the government of Malaysia.

2.4.2 Submissions received from interested parties

The commission received the submissions listed in Table 5 before publishing this SEF. A non-confidential version of these submissions is available on the EPR.

EPR number	Interested party	Submission topic	Date received
9	Cromford	Uncooperative exporter margins and measures	16 September 2026
10	Great Cosmo Industries Sdn. Bhd.	GCI's normal value calculation and responding to Cromford's submission on the form of duty proposed	22 September 2026

Table 5: Submissions received

The Commissioner did not have regard to either submission, as to do so, in the Commissioner's opinion, would have prevented the timely placement of this SEF on the EPR.[32] The Commissioner will have regard to Cromford's and GCI's submissions when preparing the final report and recommendations for the Minister.

[31] EPR 696, document 6.
[32] Section 269ZHE(3).

3 THE GOODS, LIKE GOODS AND THE AUSTRALIAN INDUSTRY

3.1 Preliminary finding

The Commissioner preliminarily finds that:

- locally manufactured goods are 'like' to the goods subject to the measures
- there is an Australian industry, of which Cromford is effectively the sole member, producing like goods, and
- the like goods are wholly manufactured in Australia.

3.2 Legislative framework

To be satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation or recurrence of dumping and the material injury that the measure is intended to prevent, the Commissioner firstly determines whether the goods produced by the Australian industry are 'like' to the imported goods.

Section 269T(1) defines like goods as:

> *…goods that are identical in all respects to the goods under consideration or that, although not alike in all respects to the goods under consideration, have characteristics closely resembling those of the goods under consideration.*

The definition of like goods is relevant in the context of this inquiry in determining the Australian industry and whether the expiry of the measures would lead to a continuation of, or a recurrence of, the dumping and material injury that the measures are intended to prevent. The commission's framework for assessing like goods is outlined in chapter 2 of the *Dumping and Subsidy Manual* (the Manual).[33]

Where the locally produced goods and the imported goods are not alike in all respects, the Commissioner assesses whether the respective goods have characteristics closely resembling each other. The Commissioner considers:

- physical likeness
- commercial likeness
- functional likeness, and
- production likeness.

The Commissioner must also consider whether the Australian industry manufactures 'like' goods in Australia. Section 269T(2) specifies that for goods to be regarded as being produced in Australia, they must be either wholly or partly manufactured in Australia. Under section 269T(3), to be considered as partly manufactured in Australia, at least one substantial process in the manufacture of the goods must be carried out in Australia.

The following analysis therefore establishes the scope of the commission's inquiry.

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[33] Available here on the commission's website.

3.3 The goods subject to the measures

As specified in the initiation notice, ADN 2026/022, the goods the subject of the measures and this application are as follows:

> *Black or grey, or any colour variations of black or grey, concrete underlay film (also marketed as builders' film), manufactured from either recycled and/or virgin resins, with a thickness ranging between 150-230 microns, and a width from 1-7 metres.*

3.3.1 Tariff classification

The goods are generally, but not exclusively, classified according to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*:[34]

Tariff Subheading	Statistical Code	Description
3920	OTHER PLATES, SHEETS, FILM, FOIL AND STRIP, OF PLASTICS, NON - CELLULAR AND NOT REINFORCED, LAMINATED, SUPPORTED OR SIMILARLY COMBINED WITH OTHER MATERIALS:	
3920.10.00	Of polymers of ethylene, Of polyethylene, Not exceeding 0.08 mm in thickness	
	22	Printed, embossed or otherwise surface-worked, except merely polished
	20	Other, Low density
	21	Other, other
	Of polymers of ethylene, Of polyethylene, Exceeding 0.08 mm in thickness:	
	25	Printed, embossed or otherwise surface-worked, except merely polished
	40	Other, low density
	41	Other, other
	Of polymers of ethylene, Other:	
	51	Exceeding 0.08 mm in thickness
3921	OTHER PLATES, SHEETS, FILM, FOIL AND STRIP, OF PLASTICS	
3921.90.90	Other: Other, of polymers of ethylene	
	16	Low density polyethylene

Table 6: Tariff classification of the goods

[34] These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for convenience or reference only and does not form part of the goods description. Please refer to the goods description for authoritative detail about goods subject to the anti-dumping measures.

3.4 Model control codes

The proposed model control code (MCC) structure described in ADN 2026/022, and in Table 7 below, describes the key characteristics of the goods.

	Category	Sub-category	Identifier	Sales data	Cost data
1	Impact resistance	Other – Construction / Industrial grade	O	Mandatory	Mandatory
		Medium	M		
		High	H		
2	Actual thickness	150 – 179 microns	A1	Mandatory	Mandatory
		180 – 230 microns	A2		
3	Nominal thickness	150 – 179 microns	N1	Mandatory	Optional
		180 – 230 microns	N2		

Table 7: Proposed MCC structure in ADN 2026/022

3.5 Like goods

The Commissioner is preliminarily satisfied that the domestically produced goods (see chapter 3.5.1 to 3.5.4 below) are like to the goods under consideration[35] because the following characteristics of each closely resemble each other:

- physical likeness
- commercial likeness
- functional likeness, and
- production likeness.

In so finding, the commission has relied on information obtained from the original investigation[36], *Anti-Dumping Commission Report No 606* (REP 606)[37] and *Anti-Dumping Commission Report 671* (REP 671),[38] as well as data and information submitted by interested parties to this inquiry.

3.5.1 Physical likeness

The commission considers that the locally produced goods are physically like to the goods.

Following the imposition of measures at the completion of INV 554, the commission investigated 2 separate instances of alleged circumvention of the goods. Each inquiry resulted in amendments to the goods description. The findings of circumvention in REP 606 and REP 671 expanded the scope of the measures to include concrete underlay film

35 As defined in section 269T(1).
36 EPR 554
37 EPR 606, document 16.
38 EPR 671, document 13.

in widths of 1-7 metres (previously 2-6 metres only) and film that is black or grey or any colour variations of black or grey (previously black only) respectively.

The primary physical characteristics of the concrete underlay film that Cromford produces are similar to the primary physical characteristics of the concrete underlay film exported from Malaysia, notwithstanding variations in the technical specifications of those goods (i.e. grade and thickness). The locally produced goods and imported goods are black or grey polyethylene film, with a thickness ranging between 150-230 microns, and a width from 1-7 metres.

Further supporting the commission's finding regarding physical likeness, concrete underlay film manufactured to comply with AS 2870 will generally have the same physical characteristics regardless of origin. AS 2870 prescribes minimum requirements for impact resistance and thickness, including a nominal thickness of 200 microns and an average actual thickness of at least 180 microns, meaning that Australian-produced and Malaysian sourced goods will exhibit a similar physical likeness in respect of those characteristics. Any differences between suppliers are generally limited to branding of manufacturer identification and do not materially alter the physical characteristics of the goods.

3.5.2 Commercial likeness

The commission considers the locally produced goods are commercially like to the goods.

In the Australian market, concrete underlay film produced by Cromford competes directly and indirectly with concrete underlay film imported from Malaysia, and are considered interchangeable. Cromford and importers sell concrete underlay film to the same or similar customers, using similar distribution channels, and on similar commercial terms or conditions.

3.5.3 Functional likeness

The commission considers that the locally produced goods and the goods perform the same function and are used in the same end-use applications.

The concrete underlay film that is produced by Cromford is highly interchangeable or substitutable with concrete underlay film exported from Malaysia. Concrete underlay film (regardless of origin) is sold to the same or similar customers and for identical or comparable end uses.

Based on prior cases (refer chapter 2.3.1), including associated verification visits, the commission is satisfied that imported concrete underlay film from Malaysia and locally produced concrete underlay film are both used for the same end purposes.

3.5.4 Production likeness

The commission considers that the locally produced goods and the goods are produced using similar production processes and similar raw material inputs.

Regardless of origin, concrete underlay film is manufactured from either recycled and/or virgin resins. The goods are produced via the same primary manufacturing process (blown film extrusion) and to similar specifications (e.g. impact resistance/thickness).

3.6 Australian industry – domestic production

3.6.1 Preliminary finding

Based on the information detailed above the commission is satisfied that:

- concrete underlay film manufactured by Cromford is like to the goods[39]
- the like goods were wholly manufactured in Australia by Cromford[40]
- there is an Australian industry, consisting primarily of Cromford, which produces like goods in Australia.[41]

3.6.2 Production process

Cromford's manufacturing facilities are located in Pendle Hill, NSW, where it manufactures plastic film products, including black concrete underlay film (commonly referred to as builder's film). As part of INV 554 the commission conducted a site tour of Cromford's manufacturing facilities and was satisfied that the goods were wholly produced at that facility. The commission again inspected Cromford's production facility on 6 August 2025 while conducting AC 671 and observed there had been no material change in the manufacturing process since INV 554.[42]

Concrete underlay film is produced via a blown film extrusion process and wound onto cardboard cores for distribution. The primary production process for the goods is set out below:

- raw materials (e.g., black masterbatch and low density polyethylene (LDPE) resin) are input through feeders into a blending unit and fed into an extruder
- materials are annealed through a circular die and extruded vertically to form an air bubble. The dimensions of the air bubble controls for different specifications e.g. thickness
- the air bubble is collapsed onto a cooling tower and flattened into polyethylene film
- samples are tested for quality assurance. Products that are marketed for compliance with the Australian standards are branded, subject to passing impact resistance and thickness testing
- the film is wound onto a cardboard core, and cut according to the desired length.

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[39] Section 269T(1) (definition of 'like goods').
[40] Section 269T(2).
[41] Section 269T(4).
[42] EPR 671, document 13.

4 AUSTRALIAN MARKET

4.1 Preliminary finding

The Commissioner preliminarily finds that the Australian industry and importers (buying from Malaysia and other non-subject countries) supplied the market for the goods in Australia during the inquiry period.

In assessing the characteristics of the Australian market, the Commissioner preliminarily found that in the inquiry period:

- the market dynamics have shifted slightly since the original investigation, with the Australian market size increasing by 22.3% since INV 554
- while Malaysian imports continued to account for a substantial proportion of the Australian market during the inquiry period, the Commissioner observed a shift in market composition since INV 554, with market share moving from Malaysian imports to imports from non-subject countries, particularly Vietnam
- the market for concrete underlay film is highly price sensitive.

4.2 Approach to analysis

The analysis in this chapter is based on:

- information submitted by Australian industry
- data captured in the ABF import database
- information from exporter questionnaire responses
- information from REP 554, REP 606 and REP 671.

The period 1 July 2023 to 31 December 2025 (the injury analysis period) was examined for the purpose of describing relevant aspects of the Australian concrete underlay market and for comparison to the original investigation. The commission has also, where relevant, examined information from periods preceding the imposition of measures to understand changes in market conditions and the effect of the measures on the Australian industry.

4.3 Market structure

4.3.1 Market segmentation and end uses

The Australian market for concrete underlay film primarily involves the goods being used as a moisture/vapour barrier or damp-proof membrane for concrete slab underlay in residential construction, non-residential commercial construction and engineering construction settings.

The goods are also marketed for a range of general use applications such as for asbestos removal applications, silage protection, gardening, home repairs, storage wrapping, and general floor protection from dust, paint, light debris etc. For example, in REP 554 it was represented that builder's film sold in smaller rolls for the handyman market would typically be used for general purpose applications.[43]

Concrete underlay film complying with the Australian Standard *2870-2011: Residential slabs and footings* (AS 2870) requires a falling dart impact test,[44] and a nominal film thickness of 0.2 mm (or 200 microns).[45] Additionally, the National Construction Code (NCC) requires vapour barriers (medium impact) and damp-proofing membranes (high impact film) to be branded continuously 'AS 2870 Concrete underlay, 0.2 mm, and medium or high impact resistance' (as applicable).[46]

In its application Cromford indicated that medium impact film is generally supplied throughout Australia, except for specific projects in New South Wales and South Australia, which require high impact film due to soil conditions or project specifications. This aligns to the different building standard requirements outlined above that apply to concrete slab underlay (e.g., nominal thickness) across different states. For example, markets in Western Australia, Victoria, Tasmania and Queensland have a requirement for medium impact film of 200 microns for use as concrete slab underlay, whereas New South Wales and South Australia require high impact film with a nominal thickness of 200 microns. This may result in market segmentation.

There is limited substitutability of the goods with other products, owing to its physical properties, relative affordability and prevalence within the industry.[47]

4.3.2 Marketing and distribution

Marketing

Concrete underlay film is generally marketed under a number of generic names, such as 'builder's film', 'polyethylene film', or 'handy rolls', and branded for compliance with AS 2870. The goods are sold in rolls and according to the nominal thickness, with the most common dimensions being 4 m x 200 microns x 50 m. However, the goods may be produced and sold to a range of dimensions (i.e. to different widths and lengths). This range typically falls within 1 to 7 metres of width. As described above in chapter 4.3.1, the goods are generally marketed according to 2 grades, medium impact and high impact resistance, and may be in accordance with the Australian Standard.

AS 2870 requires a minimum impact resistance and thickness, for goods that are used as concrete slab underlay. However, the goods the subject of the notice specifically include builder's film that may not meet the Australian Standard. For instance, the standard requires a nominal thickness of 200 microns and an average actual thickness of at least 180 microns. This differs from the goods the subject of the notice, which includes black

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43 EPR 554, document 48

44 AS/NZS 4347.6 specifies the fall dart impact test method.

45 AS/NZS 4347.9 specifies the test method for determining thickness.

46 The National Construction Code (NCC), *ABCB Housing Provisions - Part 4.2.8 Vapour Barriers*, NCC website, n.d., accessed 2 September 2026.

47 REP 554 found that Cromford's orange underlay film was not identical, or a like good, to the goods under consideration, acknowledging there are some similarities.

(and grey, plus colour variations of each) builder's film with a thickness ranging between 150 to 230 microns.

The commission notes that the goods may be marketed under generic names (e.g., builder's film), and for a range of end uses (as set out in chapter 4.3.1). Typical general use applications do not require branding, testing or other compliance with AS 2870. The commission cannot clearly distinguish between all imports of the goods based on the branding. Additionally, given that the goods are typically sold through distributors, it is also not possible for the commission to confirm the particular end use of goods in the market. As a result, while the commission cannot reliably determine the ultimate end use of all goods supplied to the Australian market, the available information supports the existence of a range of end-use applications, including both AS 2870 compliant and general purpose uses.

Distribution

Cromford typically sells the goods to distributors (e.g. concrete accessory or hardware distributors), who resell to end users (e.g. concreters/builders).

Exporters were found to typically supply the goods to Australian importers, who on-sold the goods to distributors/wholesalers, or to a lesser extent hardware stores. Exporters may also sell directly to distributors or large retailers.

The commission understands that there are multiple distribution channels in the Australian market, with no significant barriers to entry, particularly if the goods are not intended to meet the requirements of AS 2870.

Based on the information examined, the commission found that Cromford typically competes directly with importers or with exporting manufacturers for supply agreements to resellers of the goods. Resellers are spread throughout the hardware, building and reinforcing industries.

4.4 Key drivers of demand

Demand for concrete underlay film is closely aligned to the level of construction activity in Australia. Information provided by both Cromford and GCI confirms that activity within the construction sector is the primary driver of demand for the goods. In particular, it is largely influenced by the residential construction sector, which in turn is responsive to shifts in focus of Government and private investment. Shorter term variation may also result from seasonal fluctuations for the Christmas and New Year holiday period, and weather conditions, such as high rainfall events that affect the ability to pour and lay concrete slabs.

While residential construction activity strengthened during 2025, the Australian Construction Industry Forum (ACIF) forecast indicates that this growth may not continue through 2026.[48] ACIF forecasts total building and construction work may contract by 0.8% in 2026, compared with growth of 3.6% in 2025, reflecting higher fuel and construction

[48] ACIF, '*Australian Construction Market Report, May 2026, ACIF Forecasts Industry could be brought to Standstill*', ACIF website, n.d., accessed 5 September 2026.

costs, renewed inflationary pressures, the prospect of higher interest rates and increased policy uncertainty (negative gearing provisions for example). Residential building remains an important source of demand but is particularly exposed to reduced household borrowing capacity and confidence. Growth in new houses and alterations and additions is expected to slow, although apartments and townhouses may be comparatively resilient supported by policy, planning and the focus on more diverse housing.[49]

Figure 1 shows the number of private dwelling buildings commenced since March 2018. These have fluctuated over time, with periods of both growth and contraction, and have recently softened, consistent with ACIF's forecast of a short-term contraction in residential construction activity.

Figure 1: Private dwellings commenced, seasonally adjusted[50]

According to the Housing Industry Association (HIA), it expects the housing construction numbers to increase in both 2027 and 2028, despite recent changes to housing taxation and investment settings, but at a slower rate than would otherwise have occurred.[51]

The commission considers these trends suggest that residential construction activity, and associated demand for concrete underlay film, could moderate in the short term but is likely to remain supported over the medium term.

4.5 Market size

The commission has estimated the size of the Australian market across the period 1 July 2023 to 31 December 2025. This is based on Australian industry's sales data and ABF

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[49] ACIF, *'Australian Construction Market Report, May 2026, ACIF Forecasts Industry could be brought to Standstill'.*

[50] Australian Bureau of Statistics (ABS, March 2026), *Building Activity, Australia, Private dwellings commenced, seasonally adjusted*, ABS Website, 8 July 2026, accessed 5 September 2026 (Confidential Attachment 1 refers).

[51] HIA, *'Australia will build more homes despite policy changes, not because of them'*, HIA website, 28 August 2026, accessed 5 September 2026.

import data in relation to imports of concrete underlay film declared under the tariff subheadings relevant to the goods.

The commission's estimate across the injury analysis period is in Figure 2 below. The assessment each year is from the quarter commencing 1 July 2023 and ending 31 December 2025 inclusive. The Australian industry volumes include like goods produced by Cromford. Figure 2 and the underlying data show that:

- since the original investigation period (financial year (FY) 2020) the Australian market has expanded by 22.3% (KG)
- Malaysia continued to export the goods to Australia following the imposition of the current measures and comprised approximately 44.4% of all imports (KG) in the inquiry period. While this remains a substantial market share for Malaysia, it represents a decline from 87.9% of all imports (KG) since the original investigation period (FY 2020)
- non-subject countries account for the remaining volume of imports into the Australian market, with imports from Vietnam accounting for the highest volume and increasing market share over the injury analysis period.

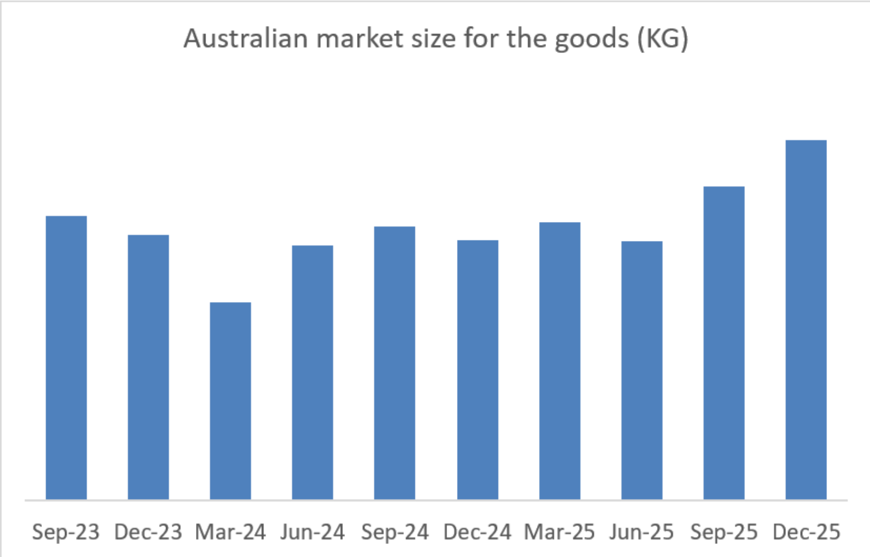

Figure 2: Australian market size for the goods (KG)

The commission's assessment of the size of the Australian market is contained in **Confidential Attachment 1: The Australian Market**.

4.6 Market pricing

4.6.1 Product pricing established in INV 554

The commission established in INV 554 that Australian industry pricing was generally set having regard to prevailing market conditions, with customer prices determined by reference to price lists that incorporated freight costs and an appropriate margin. Cromford further advised that pricing would typically be adjusted in response to changes in key input costs, particularly raw materials and freight costs. However, Cromford indicated that it had also reduced prices in response to competitive pressure from imported goods in the Australian market.

The commission’s findings in INV 554 identified that pricing in the Australian market was influenced by a range of factors, including exchange rates, ocean freight costs and the cost of raw materials (e.g. LDPE). The market was characterised by significant price competition, with Malaysian exporters being the largest suppliers of the goods and exerting a substantial influence on market pricing. Cromford was not considered a price setter. Competition between Malaysian suppliers was primarily price driven, with importers often sourcing from multiple Malaysian exporters competing for market share, frequently operating on relatively low margins.

4.6.2 Current pricing in the Australian market

The commission has not identified any substantial changes to these market pricing characteristics following INV 554. Domestic and imported concrete underlay film is generally substitutable, with limited product differentiation that provides a material advantage to one supplier over another in the Australian market. While products may vary according to impact resistance grade, thickness and whether they are manufactured and branded to comply with AS 2870, these characteristics do not prevent suppliers from competing for the same customers and end-use applications. As a result, competition in the Australian market is primarily price-based, with pricing influenced by factors such as raw material costs, freight costs and the cost of imported products.

While imports from non-subject countries have increased during the injury analysis period, the information available to the commission does not indicate that this has materially altered the competitive pricing dynamics of the Australian market. The commission continues to observe that import pricing remains a significant influence on market prices in Australia, with competition between imported products from Malaysia continuing to influence price decisions of the Australian industry and other market participants.

The commission’s observations regarding the continued influence of import pricing are also consistent with the outcomes of the 2 separate anti-circumvention inquiries conducted since the measures were imposed. Both inquiries resulted in findings of circumvention activity, and while the circumstances of AC 606 and AC 671 differed, both involved attempts to supply goods with substantially similar commercial and functional characteristics to the goods while avoiding the application of anti-dumping measures. The commission considers that these findings are consistent with a market characterised by strong price competition, where relatively small differences in the price can influence purchasing decisions and market share outcomes. Chapter 7.5.3 provides further information on the anti-circumvention inquiries referenced.

Products manufactured to specific project requirements, including higher impact resistance grades, compliance with AS 2870 or customer specific lengths, may attract a price premium. However, the available information indicates that price remains the primary factor influencing purchasing decisions across much of the market.

5 ECONOMIC CONDITION OF THE INDUSTRY

5.1 Preliminary finding

The Commissioner assessed the economic condition of the Australian industry from 1 July 2023 to analyse trends in the market for concrete underlay film and assess potential injury factors.

The Commissioner has preliminarily found the Australian industry has improved its position in respect of some economic indicators following the imposition of measures in 2021, including:

- increased sales volumes
- profitability remained positive and relatively stable, despite fluctuations year on year.

However, the Commissioner considers that while certain aspects of Cromford's economic condition have improved since measures were put in place, the evidence indicates it remains susceptible to injury. In particular:

- while Cromford's sales volumes have increased since the imposition of measures in 2021, its market share remains relatively unchanged because the Australian market has expanded over the same time
- profitability appears to have improved in line with increased sales, not necessarily because margins improved
- pricing remained relatively flat during the injury analysis period, which may indicate Cromford's ability to recover increasing costs through higher selling prices may be constrained
- while Malaysian imports declined in the injury analysis period relative to the original investigation, Malaysia still remains a significant source of supply. Imports generally continue to represent the predominant source of supply in the Australian market, and is an indicator that the Australian industry remains exposed to competitive pressure from imports.

5.2 Approach to analysis

This chapter considers the economic condition of the Australian industry over the injury analysis period, 1 July 2023 to 31 December 2025. This examination provides the basis for the commission's analysis in chapter 7 of whether material injury is likely to continue or recur if the measures expire.

The commission has assessed the economic condition of the Australian industry, using the information provided by Cromford in this inquiry and the original investigation, and data from the ABF import database.

The commission's assessment of the economic condition of the Australian industry is contained in **Confidential Attachment 2: Economic condition of the Australian Industry**.

5.3 Findings in the original investigation

REP 554[52] found that the Australian industry had experienced injury in the form of:

- reduced sales volume
- reduced market share
- price suppression
- price depression
- reduced profit and profitability
- reduced revenue
- reduced Return on Investment (ROI).

5.4 Volume effects

The commission examined Cromford's sales volumes as well as the volume of imports over the injury analysis period.

5.4.1 Sales volume

The commission preliminarily finds that Cromford's sales volumes have improved relative to the original investigation period following the imposition of measures in INV 554. While quarterly sales volumes fluctuated throughout the injury analysis period, the highest sales volumes occurred during the inquiry period, representing a 22.7% increase compared to the original period of investigation.

Figure 3 below demonstrates Cromford's Australian sales volume for concrete underlay film in the period 1 July 2023 to 31 December 2025.

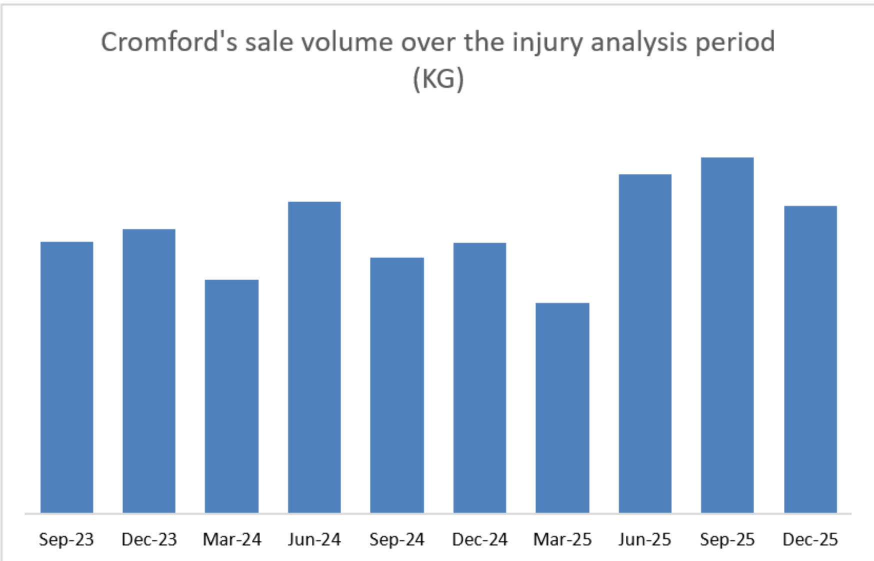

Figure 3: Australian Industry Sales Volume (KG)

52 EPR 554, document 48

5.4.2 Market share

The commission has estimated the Australian market share using Cromford's sales data and ABF import data for concrete underlay film. Figure 4 demonstrates the market composition of concrete underlay film in Australia in the injury analysis period. Whilst there have been small fluctuations up and down, Cromford's market share has remained relatively stable over the injury analysis period when compared to growth in the overall market.

The commission has observed a change in market composition between Malaysian imports of the goods and imports from non-subject countries. Data available to the commission indicates that imports from non-subject countries have increased during the injury analysis period, and when compared to the original investigation period. Figure 4 illustrates that the market share of Malaysian imports decreased slightly over the injury analysis period with slight fluctuations in each quarter (refer also to Figure 7 below). Overall, imported goods remained the predominant source of supply throughout the injury analysis period.

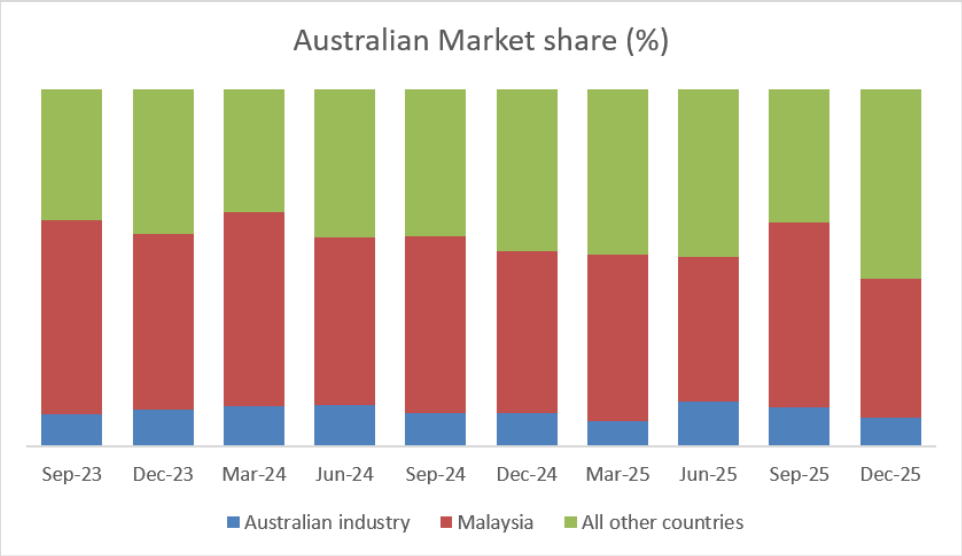

Figure 4: Australian industry market share of the goods

5.5 Price effects

5.5.1 Price depression and suppression

Price depression occurs when a company, for some reason, lowers its prices.

Price suppression occurs when price increases, which otherwise might have occurred, have been prevented. An indicator of price suppression may be the margin between prices and costs.

The commission compared Cromford's unit sales revenue and CTMS over the injury analysis period to assess whether Cromford had experienced price depression and/or price suppression. Figure 5 below shows that Cromford's unit sales revenue fluctuated up and down slightly over the injury analysis period, and exceeded unit costs. Both remained relatively stable across the injury analysis period.

The available information does not indicate that Cromford experienced significant price depression during the injury analysis period.

While unit sales revenue remained above CTMS throughout the injury analysis period, the commission notes that prices remained relatively flat. Having regard to the above-mentioned competitive pressure from imported goods, this competition may have constrained Cromford's ability to increase prices to the extent that might otherwise have occurred and contributed to a degree of price suppression during the injury analysis period.

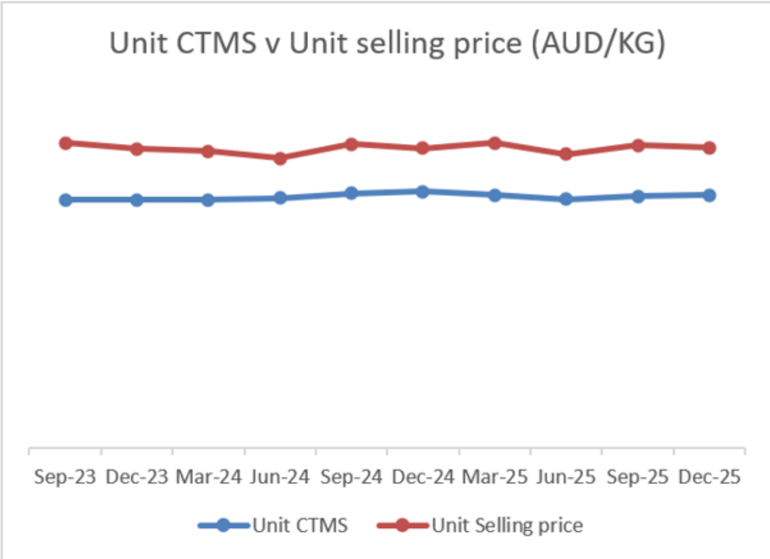

Figure 5: Price and unit CTMS (AUD/KG)

5.6 Profits and profitability

The commission preliminarily finds that Cromford remained profitable throughout the injury analysis period and did not experience a sustained decline in profit or profitability as was found in INV 554.

Figure 6 below shows that throughout the injury analysis period profit fluctuated between quarters, with lower results in the March quarters of 2024 and 2025, and reaching its highest level in the September 2025 quarter, before declining in the final quarter examined. Profitability also fluctuated, but remained positive and relatively stable across the injury analysis period.

The commission notes that periods of higher profitability generally coincided with periods of higher sales volumes. This suggests that Cromford's improved financial performance during parts of the injury analysis period was driven primarily by higher sales volumes, rather than a material improvement in pricing outcomes or market share.

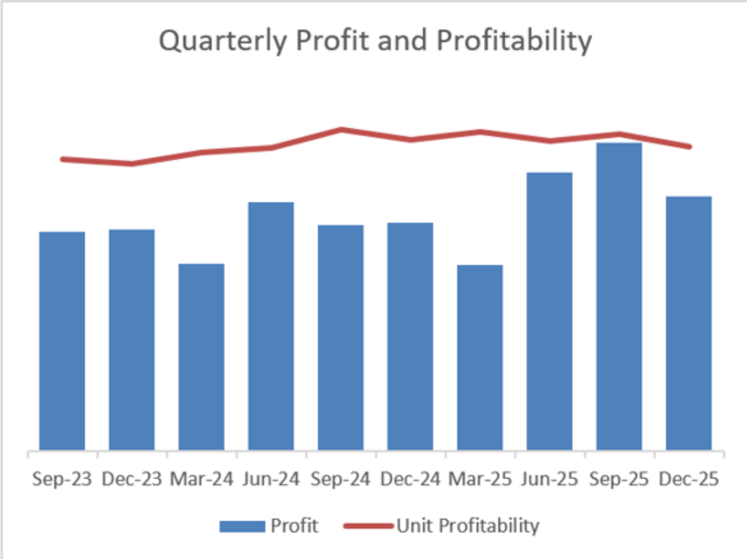

Figure 6: Profit (AUD/KG) and Profitability (%)

5.7 Other economic factors

Cromford provided data in relation to a range of other economic factors that may be indicative of injury to the Australian industry for the inquiry period. Cromford did not make any claims of injury for these factors, including:

- the value of assets
- capital investment
- revenue
- employment.

When assessing this information, the commission has found that Cromford has experienced improvements in the majority of factors since the measures were introduced, and does not consider that Cromford has suffered injury in the form of other economic factors during the injury analysis period.

6 DUMPING DURING THE INQUIRY PERIOD

6.1 Preliminary finding

To assess whether dumping is likely to continue or recur, the commission has assessed variable factors to determine whether exports in the inquiry period were dumped.

The commission has preliminarily found that the goods exported to Australia from Malaysia were dumped at the dumping margins set out in Table 8.

Exporters from Malaysia	Dumping margin
GCI	16.7%
Uncooperative and all other exporters	63.6%

Table 8: Preliminary dumping margins in the inquiry period

The Commissioner has also used this information to determine that the variable factors for all other exporters have changed.

6.2 Legislative framework

Under section 269ZHF(2), the Commissioner must not recommend that the Minister take steps to secure the continuation of anti-dumping measures unless the Commissioner is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, dumping. The existence of dumping during the inquiry period may be an indicator of whether dumping may occur in the future.

Dumping occurs when a product from one country is exported to another country at a price less than its normal value.

- **Export price** is determined under section 269TAB. Section 269TAB(1)(a) provides that the export price of any goods exported to Australia is the price paid or payable for the goods by the importer where the goods have been exported to Australia otherwise than by the importer, and have been purchased by the importer from the exporter in arms length transactions.

- **Normal value** is determined under section 269TAC. Section 269TAC(1) states that the normal value of any goods exported to Australia is the price paid or payable for like goods sold in the ordinary course of trade (OCOT) for home consumption in the country of export in sales that are arms length transactions by the exporter, or, if like goods are not so sold by the exporter, by other sellers of like goods.

  However, section 269TAC(1) may not be used to calculate the normal value of the goods if one of the circumstances in sections 269TAC(2)(a) or (b) is present. Where one or more of these circumstances are present, the normal value of the goods is to be calculated under either section 269TAC(2)(c) or (d).

- **Dumping margins** are worked out under section 269TACB.

- **Uncooperative exporters:** Section 269TACAB(1) sets out the provisions for calculating export prices and normal values for uncooperative exporters. Export prices are to be worked out under section 269TAB(3), and normal values are to be calculated under section 269TAC(6).

6.3 Variable factors – GCI

The commission assessed the variable factors and dumping margin for GCI. The commission is satisfied that GCI is the manufacturer and exporter of the goods. The commission is further satisfied that the information provided by GCI is complete, accurate and reliable for the purpose of ascertaining the variable factors applicable to its exports of the goods.[53]

6.3.1 Export price

The commission considers GCI to be the exporter of the goods that it supplied to Australian customers during the inquiry period, as GCI:

- produced the Australian export goods at its manufacturing facility in Malaysia
- is named as the supplier on the commercial invoice
- is named as the consignor on bills of lading
- arranged and paid for inland transport to the port of export
- arranged and paid for port handling charges at the port of export
- arranged and paid for ocean freight (where applicable).

In respect of GCI's exports of the goods to Australia during the inquiry period, the commission found no evidence that:

- there was consideration for the goods other than price
- a relationship between a buyer, seller, or their associates appeared to influence the price
- a buyer or buyer's associate directly or indirectly received compensation, reimbursement, or another benefit for, or relating to, any part of the price.[54]

For these transactions the commission notes that GCI:

- sold goods at similar prices to all unrelated customers
- sold goods at similar prices to other sellers in the Australian market
- appeared to genuinely negotiate the price with unrelated customers.

GCI did not have any related Australian customers.

The commission therefore considers that GCI's export sales to Australia during the inquiry period were arms length transactions.

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53 EPR 696, document 8.
54 Section 269TAA refers.

For export sales made direct to Australian customers, the commission has preliminarily ascertained the export price under section 269TAB(1)(a), as the price the importer paid to the exporter less transport and other costs arising after exportation.

6.3.2 Normal value

The commission finds that during the inquiry period GCI produced and sold like goods for domestic home consumption, and the sales of those like goods were to unrelated customers. In respect of these sales, the commission found no evidence that:

- there was consideration for the goods other than price
- a relationship between a buyer, seller, or their associates appeared to influence the price
- a buyer or buyer's associate directly or indirectly received compensation, reimbursement, or another benefit for, or relating to, any part of the price.[55]

The commission therefore considers that GCI's domestic sales of like goods in Malaysia were arms length transactions.

As detailed in the GCI variable factor comparative analysis file note,[56] the commission assessed the total volume (KG) of relevant sales of like goods as a percentage of the goods exported to Australia and found that the volume of sales was less than the 5% sufficiency threshold. The commission considers this volume is not large enough to permit a proper comparison for the purposes of determining a normal value under section 269TAC(1).[57]

Therefore, the commission ascertained the normal value under section 269TAC(2)(c), using the sum of:

- the cost to make the exported goods based on the company's records in accordance with section 43(2) of the *Customs (International Obligations) Regulation 2015* (the Regulation)
- SG&A on the assumption that the goods, instead of being exported, were sold for home consumption in the OCOT in the country of export based on the company's records in accordance with section 44(2) of the Regulation
- an amount for profit based on data relating to the production and sale of like goods on the domestic market in the OCOT in accordance with section 45(2) of the Regulation.

The commission is satisfied there is sufficient information to justify the following adjustments in accordance with section 269TAC(9). The commission considers the adjustments in Table 9 to be necessary to ensure a fair comparison of normal values and export prices.

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55 Section 269TAA refers.
56 EPR 696, document 8.
57 Section 269 TAC(14) refers.

Adjustment type	Deduction/addition
Export inland transport	Add an amount for export inland transport
Export handling & port charges	Add an amount for handling & port charges
Other export charges (e.g., pallet fumigation)	Add an amount for other export charges
Export credit terms	Add an amount for export credit charges

Table 9: Summary of adjustments - GCI

6.3.3 Dumping margin

The preliminary dumping margin for the goods exported to Australia by GCI for the inquiry period is **16.7%**.

The commission's dumping margin calculations are set out in **Confidential Attachments 3 to 6**.

6.4 Uncooperative and all other exporters

The commission considers all other exporters of the goods from Malaysia, other than GCI, are uncooperative exporters for the purposes of this inquiry.

Section 269TACAB(1) sets out the provisions for calculating export prices and normal values for uncooperative exporters.

6.4.1 Export price

<u>Export price provisions for uncooperative exporters</u>

In accordance with section 269TACAB(1)(d), the Commissioner has determined an export price for uncooperative exporters pursuant to section 269TAB(3), having regard to all relevant information.

<u>Relevant information available</u>

Relevant information available to the Commissioner includes:

- GCI's ascertained export price
- export prices for Malaysian exporters who exported to Australia during the inquiry period, as reported in the ABF import database.

While the Commissioner considers that GCI's export price is relevant information and could be used as the basis of the export price for uncooperative exporters, in this instance, the Commissioner also considers ABF import data relevant because:

- GCI is not the largest exporter of the goods from Malaysia
- exports of the goods from Malaysia are clearly identified in the ABF import database, meaning it is a reliable record of export data, including volume and prices of the goods coming into Australia
- the volume and FOB export price for GCI as reported in the ABF import data differ from the amounts calculated by the Commissioner by 1.5% and 6.1% respectively,

further indicating that the ABF import data is a reliable source of export data for other Malaysian exporters of the goods.

In determining the export price for the uncooperative exporters, the commission considered several methods having regard to all relevant information. This included using data relating to export price and normal value of the cooperative exporter, as well as alternative methodologies based on ABF import data.

Having regard to all relevant information, the Commissioner considers that reliance on GCI's lowest weighted average export price, based on MCC and quarter, alone would not appropriately reflect pricing within the broader uncooperative market. GCI was not a price setter for the goods in the Australian market during the inquiry period. The 2 other largest uncooperative exporters of the goods from Malaysia accounted for approximately 61% of Malaysian exports during the inquiry period, and both exported at materially lower prices than GCI. Therefore, reliance on GCI's export price alone would result in a higher export price than that observed across the majority of uncooperative exporter volumes.

The Commissioner considered using ABF import data that was more reflective of market pricing and the volume of goods exported during the inquiry period. The Commissioner considered:

- Using the lowest weighted average export price for exporters as reported in the ABF import database during the inquiry period.

- Using a weighted average export price based on all uncooperative Malaysian exporters during the inquiry period. This approach captures pricing across the uncooperative segment of the Malaysian export market and reflects the composition of goods sold across the MCC categories.

Following consideration of the above, the Commissioner has selected the lowest weighted average export price on the basis that:

- it demonstrates a price at which an uncooperative exporter (or new Malaysian exporter) may export goods to Australia
- it is the price at which one of the largest Malaysian exporters of the goods exported the goods to Australia
- from the information before the Commissioner, sales by this exporter demonstrated a similar distribution of Australian sales across the relevant MCC categories when compared to GCI, suggesting that the products exported by this exporter were broadly comparable to those exported by the cooperating exporter and not concentrated in a materially different product mix. Therefore, its export pricing was reflective of pricing observed in the broader Malaysian export market.

6.4.2 Normal value

In accordance with section 269TACAB(1)(e), the Commissioner has preliminarily determined the normal value for uncooperative exporters pursuant to section 269TAC(6), having regard to all relevant information. Specifically, the Commissioner has used the normal value established for GCI because it is based on contemporary information relevant to this inquiry and the Commissioner does not have specific information relating to the uncooperative exporters, relevant to the calculation of the normal value.

6.4.3 Dumping margin

The dumping margin for uncooperative and all other exporters is 63.6%.

The commission’s dumping margin calculations are set out in **Confidential Attachment 7 – Uncooperative exporters**.

7 LIKELIHOOD THAT DUMPING AND MATERIAL INJURY WILL CONTINUE OR RECUR

7.1 Preliminary finding

On the basis of the evidence obtained in the course of this inquiry, the Commissioner is preliminarily satisfied that the expiration of the measures applying to certain concrete underlay film exported to Australia from Malaysia would lead, or would be likely to lead, to a continuation of, or recurrence of dumping and the material injury that the measures are intended to prevent.

After considering the commission's analysis and findings, the Commissioner is preliminarily satisfied that the following will occur if the measures expire:

7.1.1 Exports from Malaysia will likely continue

The Commissioner considers that if measures were to expire, exports of the goods from Malaysia would likely continue. This is because:

- exports have continued to occur throughout the life of the measures
- demand for concrete underlay film continues in the Australian market
- exporters have maintained distribution links with their Australian customers
- new exporters and importers have entered the market since the measures were imposed
- exporters from Malaysia are able to produce the goods to Australian standards
- trade measures in other jurisdictions will limit access in those markets and make Australia comparatively more attractive.

7.1.2 Those exports will likely be dumped

The Commissioner is satisfied that the expiry of the measures would lead, or would be likely to lead, to a recurrence of dumping. This is because:

- the commission found that dumping margins remained at comparable levels during the inquiry period to those previously established during the original investigation (with the exception of the uncooperative rate, which is higher, and which reflects lower levels of cooperation from other exporters and the relevant information accordingly available to the commission)
- there have been 2 separate findings of circumvention of duties during the life of the measures, demonstrating pressure on exporters to maintain lower pricing despite the application of anti-dumping measures.

7.1.3 The dumping will likely continue to cause material injury to the Australian industry

The Commissioner is satisfied that, if the measures were allowed to expire, material injury is likely to continue or recur in relation to exports at dumped prices. This is because:

- dumped exports from Malaysia would likely adversely affect Cromford's sales volumes. Given the comparatively small share of the Australian market held by

Cromford, the commission considers that absent the measures, lower priced imports would place downward pressure on Cromford's prices and sales volumes
- dumped exports from Malaysia would likely suppress or depress Cromford's prices as:
  - Cromford has considerable regard to import prices when setting its own pricing
  - a reduction in import prices as exporters seek to compete in a market absent of measures would place downwards pressure on Cromford's prices
  - the expiry of measures would provide exporters from Malaysia with a price advantage in a price sensitive market.
- the commission acknowledges that the market share held by Malaysian imports has declined since the original investigation. However, Malaysian exporters continue to account for a substantial proportion of imports and remain a significant source of supply in the Australian market. The commission considers that the volume of these imports remains sufficient to influence market pricing.
- there have been 2 separate findings of circumvention during the life of the measures, indicating a continuing incentive to maintain lower-priced imports in the Australian market.
- while Cromford's sales volumes, profits and profitability have improved relative to the original investigation period, the commission considers these outcomes have occurred while anti-dumping measures have been in place. The commission considers the improved performance of the Australian industry does not indicate that injury would not recur if the measures were removed, but rather, is indicative of the fact that absent the measures, lower priced imports from Malaysia would likely regain a competitive advantage, resulting in a recurrence of the volume and price effects identified in the original investigation.

The material injury that the measures were intended to prevent was set out in REP 554. In that report the Commissioner found that the Australian industry had experienced material injury in the form of:

- reduced sales volumes
- reduced market share
- price depression
- price suppression
- reduced profit and profitability
- reduced revenue
- reduced ROI.

7.2 Legislative framework

Under section 269ZHF(2) the Commissioner must not recommend that the Minister take steps to secure the continuation of measures unless they are satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the measure is intended to prevent.

The commission notes that its assessment of the likelihood of certain events occurring and their anticipated effect, as is required in a continuation inquiry, necessarily requires an assessment of a hypothetical situation. The commission must consider what will happen (or what would be likely to happen) in the future should a certain event, being the expiry of the measures, occur. However, the Commissioner must nevertheless base their conclusions and recommendations on facts.[58]

7.3 The commission's approach

The commission considered a number of relevant factors to assess the likelihood that dumping and material injury will continue or recur, as outlined in the Manual.[59] The commission's view is that the relevance of each factor varies depending on the nature of the goods and the market into which the goods are sold. In this instance, no one factor can provide decisive guidance. The following analysis therefore examines a range of factors that the commission considers relevant to this inquiry.

In assessing whether the measures should be continued, the commission has had regard to the following information:

- data provided by Cromford in its application
- data provided by GCI in its REQ and responses to additional questions
- ABF import data
- other sources as referenced in this chapter.

The commission's analysis for this chapter is at **Confidential Attachment 8 - Will exports and dumping continue**.

7.4 Australian industry claims

In its application, Cromford made the following claims regarding the continuation or recurrence of injury of certain concrete underlay film exported to Australia from Malaysia:

- persistent behaviour by importers to circumvent the measures
- market prices have remained largely unchanged despite the imposition of a minimum 11.4% dumping duty
- the market prices are likely to reflect dumped export prices given the expected avoidance of dumping duties and absorption of raw material cost increases
- imposition of the recent US tariffs on Malaysian exports (19% at the time of submitting the application, but have since been reduced to 10%) will have impacted capacity utilisation of Malaysian manufacturers, and increased the urgency for those exporters to find alternative suitable markets
- the Australian market continues to be particularly appealing to Malaysian exporters given the expected continued growth of commercial and residential construction activity, leading to continued strong demand for concrete underlay films.

Cromford therefore claims it is reasonable to expect that the expiry of the current measures would be likely to lead to a continuation or recurrence of the material injury that the measures are intended to prevent.

[58] ADRP Report No. 44 (Clear Float Glass).
[59] The Manual, pages 137-138.

The commission did not receive any submissions regarding the claims made by Cromford.

The commission has considered Cromford's claims in its analysis below.

7.5 Are exports likely to continue or recur?

The commission considers that, should the measures expire, exports from Malaysia of concrete underlay film are likely to continue.

This finding is based on the following factors:

- Malaysian exporters of the goods have continued to supply concrete underlay film to the Australian market
- Malaysian exporters of the goods have maintained distribution links to the Australian market.
- several new exporters have emerged since the imposition of measures in 2021.
- the commission has determined that Malaysian exporters of the goods have circumvented dumping duties in 2 separate instances
- the Australian market remains an attractive destination for exporters of the goods, as demonstrated by the increasing volume of imports from non-subject countries
- Australian consumers of the goods are highly price-sensitive, and expiry of the measures would likely result in lower-priced imports from Malaysia (as evidenced by recent circumvention activity aimed at lowering prices), placing downward pressure on prices in the Australian market
- US trade measures make Australia an alternative export market for exporters from Malaysia.

To form this view, the commission has assessed Malaysian import volumes, maintenance of distribution links, circumvention activities of Malaysian exporters, and the addition of new Malaysian exporters, as outlined in the sections below.

7.5.1 Import volumes

Cromford claimed that exports from Malaysia have continued, indicating that Australia is an attractive market for exporters of the goods.

- The imposition of the US 19% tariff on Malaysia creates an additional incentive to look for a new market for the goods
- Observed circumvention of the measures on 2 occasions

Cromford's claim 1: Continuing exports of concrete underlay film from Malaysia.[60]

The commission considers that imports of the goods from Malaysia will continue and are likely to increase market share, should the measures expire.

The commission assessed import volumes from Malaysia, and all other non-subject countries, from 1 July 2020, to observe the pattern of trade after the imposition of

[60] EPR 696, document 1.

measures and circumvention findings, and the effect this had on import volumes. This is discussed below.

The commission's analysis of the ABF import database shows that during the injury analysis period:

- import volumes (total KG) from all countries declined by approximately 10% over the injury analysis period. However, as the Australian market for concrete underlay film contracted over the same period, imports increased their share of the Australian market by approximately 9%
- Figure 7 below demonstrates a shift in import market share since 2021. While Malaysia remained a significant source of supply, its share of imports declined between 2021 and 2024, before increasing slightly in 2025
- import volumes from non-subject countries increased their share of imports over the same period, with Vietnam accounting for the largest increase. Vietnam's share increased substantially between 2021 and 2024, although it declined slightly in 2025.

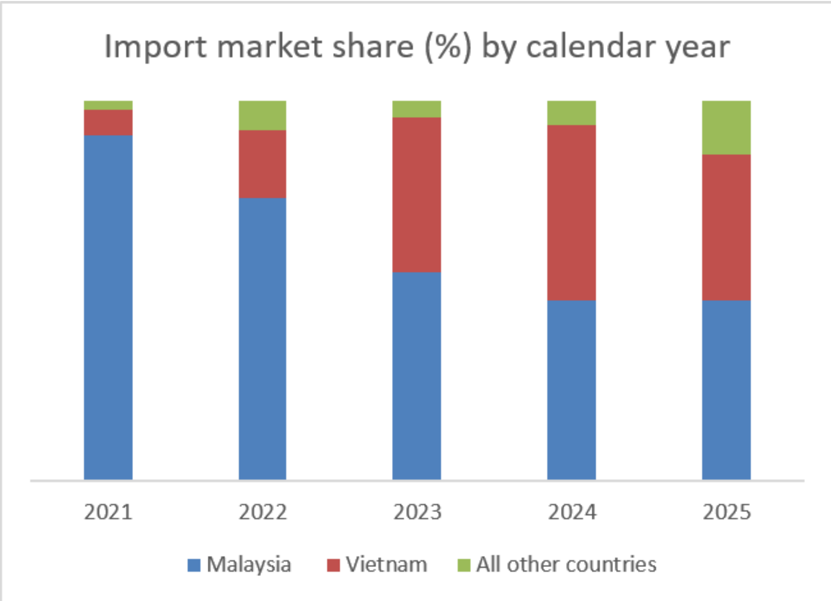

Figure 7: Import market share of the goods (%) by calendar year

The commission's analysis demonstrates that measures have influenced import volumes and patterns of trade in the Australian market.

Following the imposition of measures on Malaysia in 2021, exports from Malaysia continued to enter the Australian market. However, imports from non-subject countries also increased significantly during that time, including over the injury analysis period, and have captured a greater share of the market. This increase demonstrates the ability of exporters and importers to quickly adjust supply arrangements in response to market conditions and supports the view that Australia remains an attractive market for suppliers of concrete underlay film.

The commission considers that this supports a finding that if the measures were to expire, exporters from Malaysia would continue supplying the goods to Australia, and these volumes would likely increase.

The commission's assessment of import volumes is at **Confidential Attachment 1: The Australian Market**.

7.5.2 Maintenance of distribution links

The commission has observed that distribution links between Malaysia and Australia remain well established. Exports of concrete underlay film from Malaysia have continued since measures were first introduced despite the existence of anti-dumping measures. The available information indicates that Malaysian exporters have maintained commercial relationships with Australian importers and distributors.

The commission's analysis of the ABF import database identifies the distribution links between Australia and Malaysia. This analysis shows:

- exporters identified during the original investigation continued to export the goods from Malaysia to Australia throughout the injury analysis period
- new Malaysian exporters entered the Australian market during the injury analysis period, indicating that opportunities to supply the Australian market continued despite the existence of anti-dumping measures
- Australian importers sourced goods from multiple Malaysian exporters and adjusted sourcing arrangements between suppliers during the injury analysis period, demonstrating that commercial distribution links between Malaysia and Australia have been maintained.

The commission considers that the continuation of exports, together with the emergence of additional Malaysian suppliers, demonstrates that Australia remains an attractive export market and supports the view that exports from Malaysia would likely continue should the measures expire.

7.5.3 Circumvention

Cromford claimed that 2 relevant anti-circumvention cases (AC 606 and AC 671) were indicative of a propensity of Malaysian exporters to export the goods at dumped prices

- The first circumvention activity was identified immediately after duties were initially imposed from INV 554
- The second circumvention activity was identified in late 2024
- The repeated nature of the circumvention conduct establishes both intentionality and persistence in the attempts of exporters and importers

Cromford's claim 2: Anti-circumvention activities [61]

The commission has made 2 relevant and separate findings of circumvention in the period since measures have been in place.

Circumvention based on width – AC 606

INV 554 included a goods description that was limited to concrete underlay film between 2 and 6 metres wide. Following the imposition of measures, the commission received an anti-circumvention inquiry application (AC 606[62]) to investigate whether certain exports of

[61] EPR 696, document 1.
[62] EPR 606, document 1.

concrete underlay film from Malaysia were being sold in widths of 1.95 to 1.98 metres. In AC 606, the Commissioner found that, while the goods retained the same commercial and functional characteristics as the goods subject to the measures, they were not subject to measures because they did not meet the qualifying characteristics of the goods description (refer Figure 8 below). ADN 2023/003[63] subsequently altered the goods description to include concrete underlay film 1 to 7 metres in width from 23 June 2022.

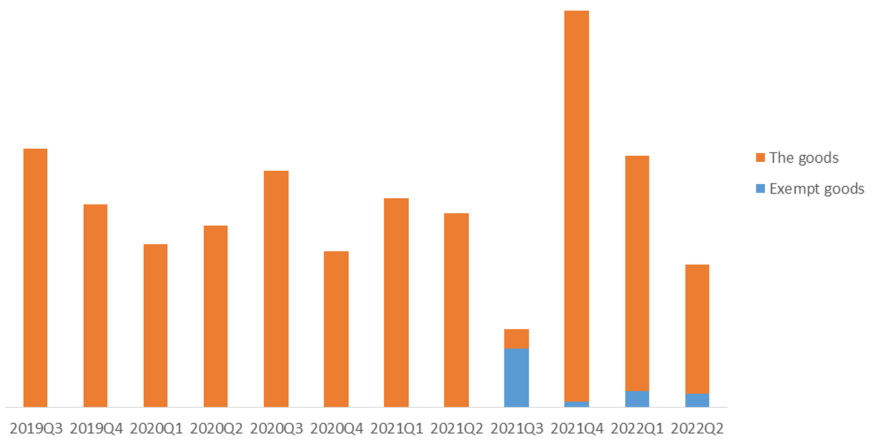

Figure 8: Import volume of the goods and circumvention goods before and after INV 554[64]

Circumvention based on colour – AC 671

The original goods description for INV 554 only included concrete underlay film in the colour 'black'. In March 2024, the commission received a second anti-circumvention inquiry application (AC 671[65]) to investigate whether certain importers were declaring concrete underlay film as 'grey' (refer Figure 9 below) in order to avoid the application of measures. The Commissioner found that circumvention activity had occurred and ADN 2025/113[66] altered the goods description to expand the colour range from 'black' to 'black or grey, or any colour variations of black or grey' for goods entered for home consumption in Australia on or after 23 April 2025.

63 EPR 606, document 15.
64 EPR 606, document 16, page 21
65 EPR 671, document 1.
66 EPR 671, document 14.

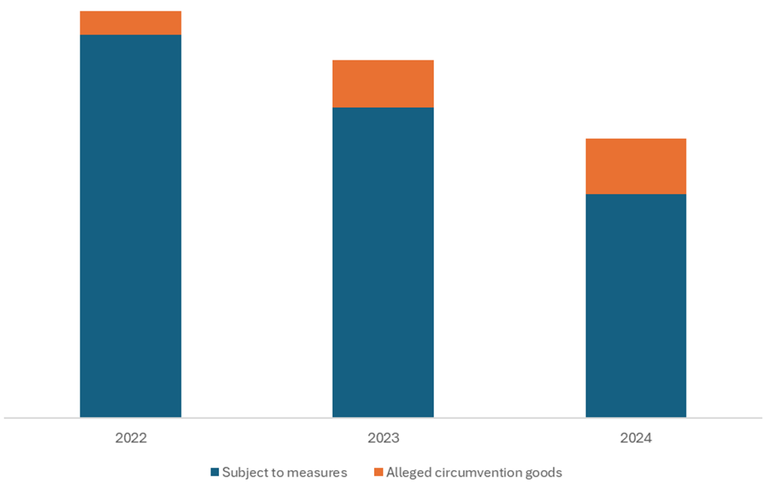

Figure 9: Import volume of the goods and circumvention goods before and after AC 606

The commission has considered the repeated nature of the circumvention attempts, as well as the timing of the circumventions. The commission considers that the repeated efforts of Malaysian exporters to circumvent the measures, following their introduction on 17 December 2021, demonstrates the importance of the Australian market as an ongoing export destination from Malaysia for the goods. These activities support the conclusion that exports from Malaysia would likely continue if the measures were to expire.

7.5.4 Availability of other markets

In its application[67], Cromford claimed that the Australian market would remain an attractive destination for Malaysian exports of the goods, particularly following the imposition of a US 19% tariff on Malaysian exports to the United States. Cromford claimed that this, coupled with a strong market demand in Australia for the goods driven by demand for new housing, would likely result in increased export volumes to Australia should the measures expire.

The global 'reciprocal' tariff rate on Malaysian exports into the US was 19% at the time of Cromford's application, dated 4 January 2026. Following the 20 February 2026 US Supreme Court ruling these tariffs were removed, and the US instituted Section 301 duties (i.e., forced labour tariffs) on Malaysia of 10%.[68] While this is a decrease from 19%, the commission still considers that should the measures expire, Australia remains an attractive market for Malaysian exporters of the goods due to the ongoing demand for concrete underlay film arising from continued construction activity (refer chapter 4.4).

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[67] EPR 696, document 1.

[68] Office of the United States Trade Representative (USTR), '*Notice of Actions in Section 301 Investigation of Acts, Policies, and Practices of Various Economies Related to the Failure of Each Economy to Impose and Effectively Enforce a Prohibition on the Importation of Goods Produced with Forced Labour*', USTR website, July 2026, accessed 31 August 2026

7.6 Will dumping continue or recur?

The commission considers that the expiry of the measures would be likely to lead to a continuation or recurrence of dumping of certain concrete underlay film from Malaysia.

This finding is based on the following factors:

- exporters from Malaysia were found to have exported the goods at dumped prices during the inquiry period
- the commission found the dumping margin for the cooperative exporter remained broadly consistent with that determined during the original investigation:
  - GCI was found to have a preliminary dumping margin for the inquiry period of 16.7%, slightly down from INV 554's dumping margin of 17.2%
  - uncooperative exporters were found to have a preliminary dumping margin for the inquiry period of 63.6%, up from 23.2%. This reflects lower levels of cooperation from other exporters and the relevant information accordingly available to the commission
- the commission identified that major exporters have maintained their distribution channels to the Australian market, and that new Malaysian exporters entered the Australian market during the period since anti-dumping measures were imposed
- the commission observed highly competitive pricing behaviour in the Australian market from Malaysian exporters, with 2 separate findings of circumvention since the imposition of measures in 2021. This may be indicative that Malaysian exporters and Australian importers have continued to seek opportunities to maintain a pricing advantage despite the existence of anti-dumping measures
- the price sensitive nature of the Australian concrete underlay film market promotes a high level of competition between different sources of supply.

The commission's assessment is contained in **Confidential Attachment 8: Will exports and dumping continue**

In coming to these findings, the commission has assessed:

- likely dumping in the inquiry period
- previous dumping margin assessments
- an assessment of the competitiveness of prices not subject to measures
- anti-dumping actions in other jurisdictions.

7.6.1 Dumping margin analysis

The commission has preliminarily found that exports of certain concrete underlay film from Malaysia continued to be dumped during the inquiry period. The commission determined a dumping margin of 16.7% for GCI and also found dumping in relation to uncooperative and all other exporters of 63.6%. The commission notes that there has been no review of measures or completed duty assessments since the original investigation. Accordingly, the commission's assessment of dumping in this inquiry period is by way of comparison to the dumping margins established in the original investigation.

On the basis of the information available to the commission, it considers that the continued existence of dumping during the inquiry period supports the conclusion that exporters from Malaysia would likely continue to export the goods at dumped prices should the measures expire.

7.6.2 Estimate of competitiveness of non-Malaysian prices in Australia

The commission finds that export prices from non-subject countries and Malaysia are highly price competitive.

To assess the competitiveness of import pricing from non-subject countries the commission analysed FOB export prices sourced from the ABF import database for the injury analysis period. The commission considers FOB export prices to be an appropriate basis for this assessment, as they provide a consistent basis for comparison between exporting countries and are not affected by the application of dumping duties.

Imports of the goods from Vietnam accounted for approximately 81.2% of imports from non-subject countries during the injury analysis period (refer Figure 7 above). Accordingly, the commission considers that Vietnam provides the most relevant basis for assessing the competitiveness of non-Malaysian pricing in the Australian market. The commission has not identified any evidence that exporters from other non-subject countries have supplied the Australian market at materially lower prices than Vietnam. As a result, the commission has focused its analysis on these 2 countries only.

Figure 10[69] below demonstrates that export prices from Malaysia and non-subject countries are highly price competitive, as:

- in one quarter of the injury analysis period, the weighted average FOB price of exports from Vietnam was lower than that of exports from Malaysia, indicating that Malaysian exporters face competition from other low-priced sources of supply.
- despite substantial import volumes from Vietnam, FOB export prices from the non-subject countries remained broadly comparable to those of Malaysian exporters, suggesting that competition between major sources of supply is driven primarily by price regardless of the volume exported.

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[69] Figure 10 has been prepared using ABF import data. The commission calculated the weighted average unit export price (AUD/KG) for all exporters from Malaysia and Vietnam on the goods the subject of the measures during the period 1 July 2023 – 31 December 2025.

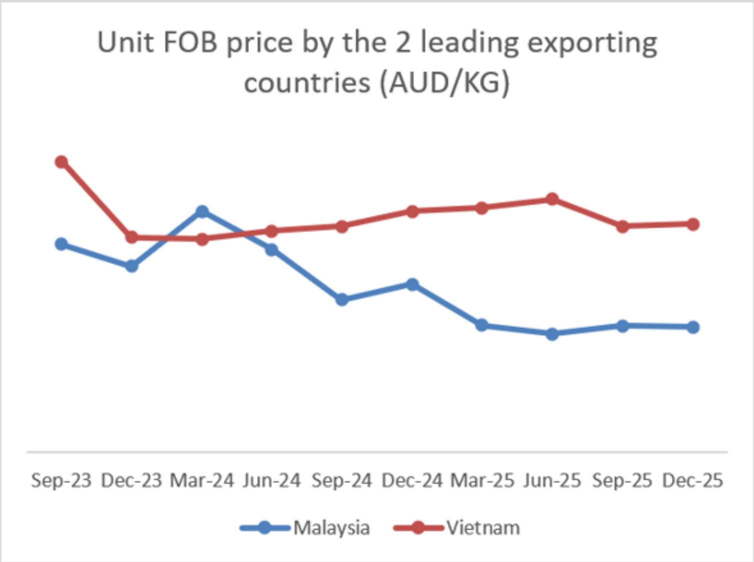

Figure 10: Unit FOB price by the 2 leading exporting countries (AUD/KG)

The commission considers that the close alignment of export prices between Malaysia and other major sources of supply demonstrates the highly competitive and price-sensitive nature of the Australian market. This supports the view that Malaysian exporters would likely continue to compete through lower priced exports, including at dumped prices, should the measures expire.

7.7 Will material injury continue or recur?

The commission considers that the expiry of the measures would be likely to lead to a continuation of or a recurrence of material injury that the anti-dumping measures are intended to prevent.

This finding is based on the following factors:

- dumped exports from Malaysia would likely increase competitive pressure on Cromford's sales volumes. While Malaysian imports have declined since the original investigation, Malaysia remains a significant source of supply in the Australian market and exporters have maintained established distribution channels
- Cromford has considerable regard to import prices when establishing its own pricing, and import prices continue to exert a significant influence on pricing outcomes in the Australian market
- the Australian market for concrete underlay film is highly price sensitive, with limited product differentiation between suppliers. Price therefore remains a key factor influencing purchasing decisions and market share outcomes
- the expiry of measures would provide Malaysian exporters with a price advantage in a market where exporters compete closely on price
- despite the decline in Malaysian market share since the original investigation, Malaysian exporters continue to account for a substantial proportion of imports and remain capable of influencing market pricing and competition
- there have been 2 separate findings of circumvention during the life of the measures, indicating a continuing effort by certain Malaysian exporters to maintain lower-priced imports and a competitive pricing advantage in the Australian market.

To form this view, the commission has assessed the likely effect of price and volume in the absence of measures as outlined below.

7.7.1 Sales analysis

The commission analysed import volumes and the market share of the key market participants since 1 July 2020 to inform its consideration of the likely effect on import volumes should the measures expire.

The Commissioner identified at chapter 4.5 of this report that:

- since the original investigation period (FY 2020) the Australian market has expanded by 22.3% (KG)
- Malaysia continued to export the goods to Australia following the imposition of the current measures and comprised approximately 44.4% of all imports (KG) in the inquiry period. While this remains a substantial market share for Malaysia, it represents a decline from 87.9% of all imports (KG) since the original investigation period
- non-subject countries account for the remaining volume of imports into the Australian market, with imports from Vietnam accounting for the highest volume and increasing market share over the injury analysis period.

During the INV 554 injury analysis period, the commission observed injury in the form of reduced sales volume and revenue (see Figure 11).

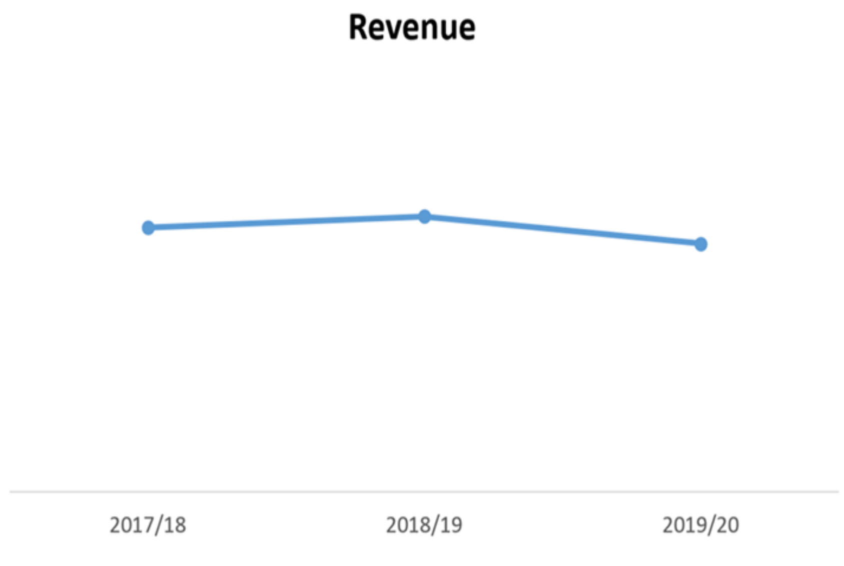

Figure 11: Cromford revenue during INV 554 injury analysis period

During the CON 696 injury analysis period, the commission observed sales revenues increasing (refer Figure 12). These values were higher than the values observed by the commission in the INV 554 injury analysis.

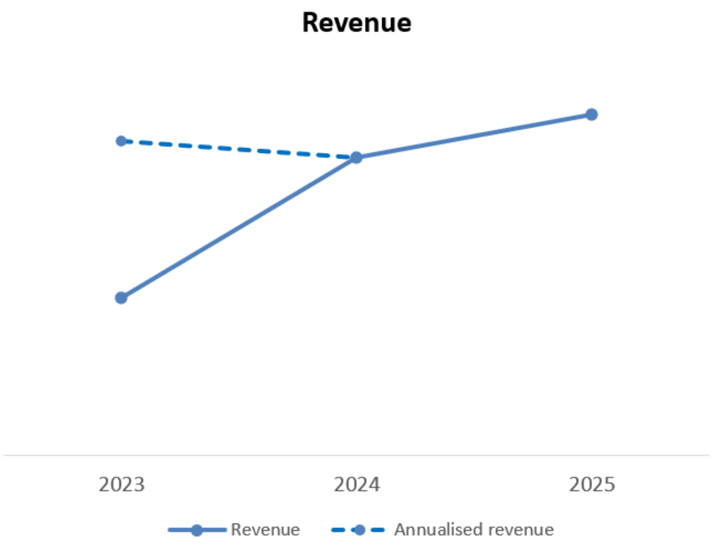

Figure 12: Cromford revenue during CON 696 injury analysis period. 2023 data is annualised from Q3 and Q4

The commission considers that should the measures expire, Malaysian exporters would likely seek to increase their participation in the Australian market and recover market share. Malaysian exporters have continued to export the goods throughout the life of the measures and have maintained established distribution channels into Australia. The commission considers that the expiry of measures would likely increase the competitiveness of Malaysian exports and support increased export volumes to Australia.

As detailed in chapter 7.6, the commission considers that Malaysian exporters would likely continue to export the goods at dumped prices should the measures expire. In a market where competition is heavily influenced by price, the commission considers that increased volumes of lower-priced imports would likely affect Cromford's ability to maintain sales volumes and market share.

Since the imposition of the measures in 2021, imports from Malaysia have remained a significant source of supply to the Australian market. However, the commission observed a shift in market composition, with imports from non-subject countries, particularly Vietnam, increasing market share during the injury analysis period. The commission considers this demonstrates both the attractiveness of the Australian market and the ability of exporters and importers to adjust supply arrangements in response to market conditions.

The commission considers that if the measures were to expire, some of the increased export volume from Malaysia may be at the expense of imports from non-subject countries. However, given Malaysian exporters continue to account for a substantial proportion of imports and are a significant source of supply in the Australian market, the commission considers that any increase in Malaysian export volumes would likely lead to a decline in Australian industry sales volumes and market share.

The Commissioner is therefore preliminarily satisfied that, should the measures expire, Malaysian exporters would likely increase export volumes and seek to recover market share in the Australian market. The Commissioner considers that this would likely lead to a recurrence of injury to the Australian industry in the form of reduced sales volumes and reduced market share.

While market share has shifted from Malaysian imports to imports from non-subject countries since the original investigation, the commission considers that the underlying conditions of competition have not materially changed. Imported goods continue to account for the majority of supply in the Australian market, and Malaysian exporters continue to represent a significant source of supply with well established distribution channels. In the absence of measures, the commission considers that Malaysian exporters would likely increase export volumes to Australia and seek to recover market share, resulting in increased competition for sales and a likely reduction in Cromford's sales volumes and market share.

The commission therefore concludes that the Australian industry's increased sales are consistent with the measures having been effective.

7.7.2 Pricing analysis

The Commissioner has previously established that the price of imported goods has an influence on the price levels that Australian industry can achieve. To inform its consideration of the likely effect on prices should the measures expire, the Commissioner compared the prices of 3 locally produced MCCs, which were in competition with imports of the same models from Malaysia. These models represent the majority of Australian industry sales of the goods.

During INV 554, the commission observed the Malaysian export unit FOB price of concrete underlay film to be lower than that of Australian industry (refer Figure 13 below).

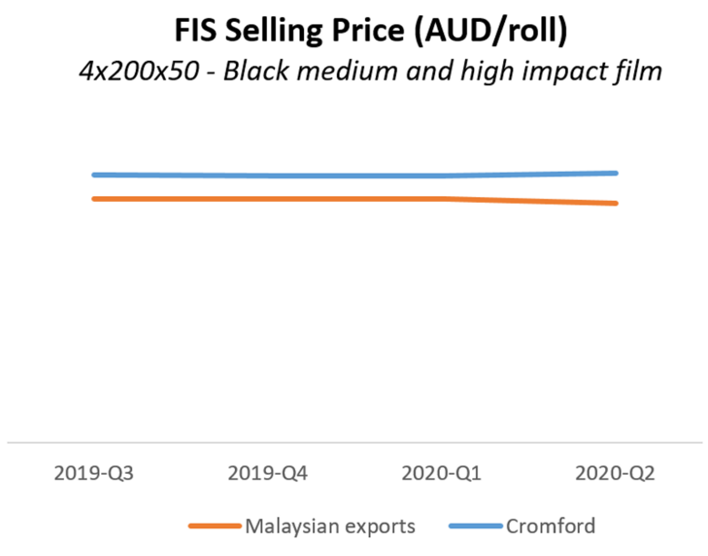

Figure 13: Prices for 4m x 50m x 200µm for Cromford and Malaysian exporters during INV 554

During INV 554, the commission was able to ascertain price and sales data from multiple Malaysian exporters, and was subsequently able to generate a weighted average price for specific models and dimensions of the goods across Malaysian exporters. During this continuation inquiry, the commission has only received this information from one exporter – GCI. The ratio between GCI's FOB price and Cromford's selling price has lowered compared to the same ratio during INV 554. This is likely to be an accommodation of dumping duties. This was true for both M-A2-N2 models of 4m x 50m x 200μm plastic and for M-A2-N2 models of all dimensions (refer Figure 14 and Figure 15 below).

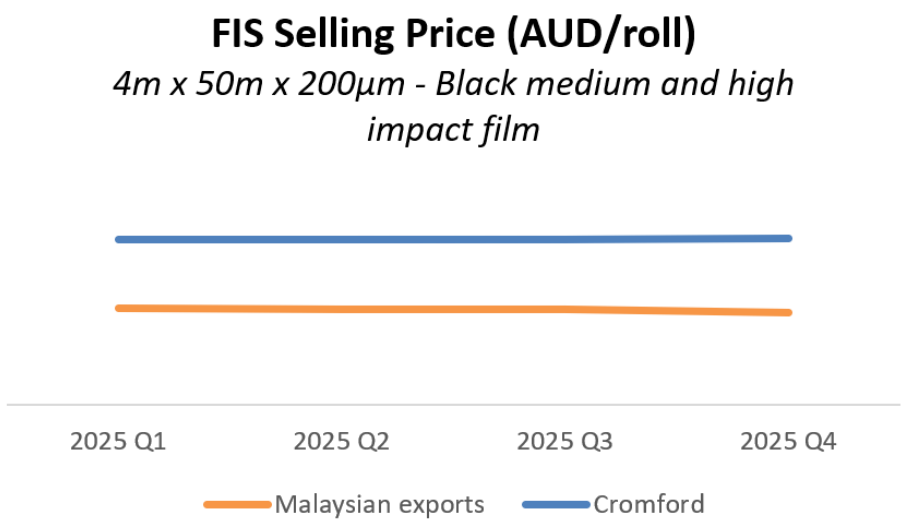

Figure 14: Cromford vs. GCI price for M-A2-N2 4m x 50m x 200μm (AUD/KG)

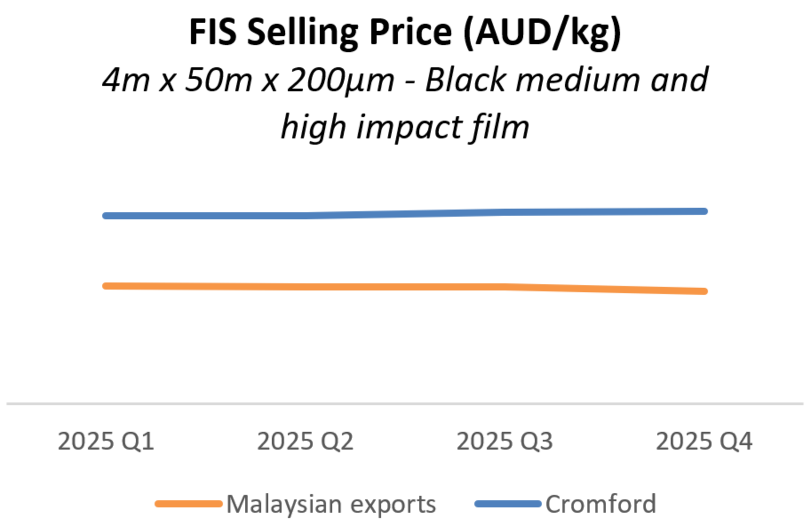

Figure 15: Cromford vs. Weighted Average of Malaysian Exporters price for M-A2-N2 across all dimensions (AUD/KG)

In its original INV 554 application, Cromford stated that it had reduced prices in an attempt to maintain supply contracts and increase its market share. During the INV 554 investigation period, Cromford provided evidence of internal tracking of competing import prices, which were said to influence its own pricing agreements with customers. Similar evidence was also provided by Cromford in its RAQ for this continuation inquiry, supporting this claim with additional, updated evidence of regular internal tracking of competing import prices and the influence of competing import offers on Cromford's pricing decisions.

7.7.3 Profit and profitability

During INV 554, the commission observed that Cromford's profit and profitability had decreased during the INV 554 injury analysis period (refer Figure 16 below). The commission concluded that this decrease was injurious.

Figure 16: Profit and profitability during the INV 554 injury analysis period

Following the measures, profit and profitability improved during the current injury analysis period (refer Figure 17 below).

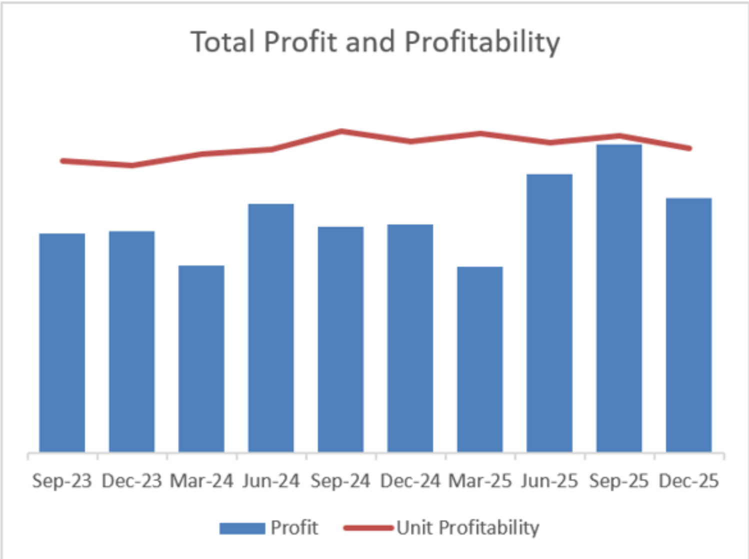

Figure 17: Profit and profitability over the CON 696 injury analysis period

The commission observes that this improvement occurred following the introduction of measures.

7.7.4 Return on investment

Since production assets relating to Cromford's like goods are common across all plastic films or all products, working out an asset value that is based on ROI for the like goods was not considered to be reliable. Instead, ROI has been calculated using the Return on Sales (ROS) approach – comparing 'Operating Profit' (EBIT) and 'Net Sales' revenue.

The ROI during the injury analysis period for CON 696 greatly increased compared to that of INV 554.

Figure 18 and Figure 19 below show ROI based on the return on sales method, for all sales of like goods that Cromford manufactured during the period examined.

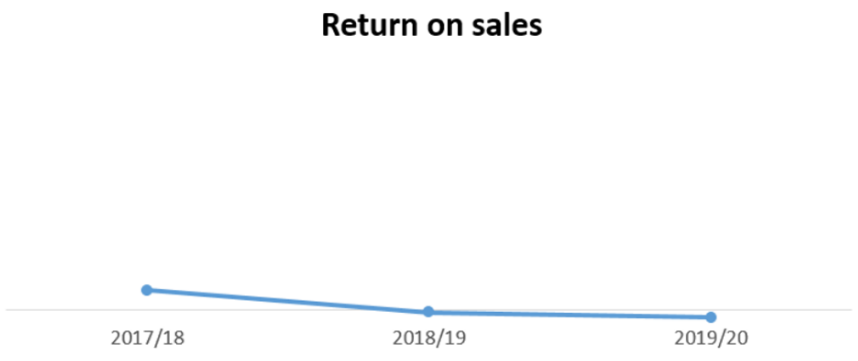

Figure 18: INV 554 Return on sales

Figure 19: CON 696 Return on sales

8 NON-INJURIOUS PRICE

8.1 Preliminary finding

The Commissioner compared the NIP with the normal values calculated for GCI and all other exporters from Malaysia and determined that the NIP was not less than those amounts. Accordingly, the NIP should not be the operative measure.

The Commissioner recommends that measures be imposed in relation to the goods exported to Australia from Malaysia at the full dumping margins, as applicable. The commission’s calculation of the NIP is contained in **Confidential Attachment 9 – USP and NIP calculations**.

8.2 Legislated Framework

The NIP is relevant to the Minister’s consideration of whether to apply a lesser amount of duty (lesser duty rule). Section 269TACA defines the NIP as ‘the minimum price necessary to prevent the injury, or a recurrence of the injury’ caused by the dumped or subsidised goods, the subject of a dumping duty notice or a countervailing duty notice. As a matter of practice, the Commissioner generally derives the NIP from the Australian industry’s USP.

Where the Minister is required to determine the IDD, section 8(5B) of the Dumping Duty Act applies. It requires the Minister to have regard to the ‘lesser duty rule’ when determining the IDD payable. In relation to a dumping duty notice, the lesser duty rule requires consideration of whether the NIP is less than the normal value of the goods.

Pursuant to sections 8(5BAA) and 8(5BAAA) of the Dumping Duty Act, the Minister is not required to have regard to the lesser duty rule in the following circumstances:

- The normal value of the goods was not ascertained under section 269TAC(1) because of the operation of section 269TAC(2)(a)(ii)
- There is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises.[70]

Where any of the above exceptions apply, the Minister is not required to have mandatory consideration of the lesser duty rule but may still wish to exercise a discretion to do so.

As set out in the remainder of this chapter, the Commissioner has determined that the NIP was not less than the normal value for any exporters from Malaysia and accordingly none of the above exceptions to the lesser duty rule are relevant.

[70] As defined in the *Customs (Definition of “small-medium enterprise”) Determination 2023*.

8.3 Calculation of the non-injurious price

8.3.1 Unsuppressed selling price

The legislation does not prescribe a method of calculating a NIP, but there are several methods outlined in the Manual.[71] The Commissioner generally derives the NIP by first establishing a price at which the Australian industry might reasonably sell its product in a market unaffected by dumping. The Commissioner refers to this price as the USP.

The Manual provides that the Commissioner normally uses one of the following approaches, in order of preference, for establishing a USP, subject to the facts of the case:

- Australian industry's selling prices in a period unaffected by dumping or subsidisation
- a constructed USP approach, constructing the USP using the Australian industry's CTMS and adding a reasonable amount for profit
- selling prices of undumped and unsubsidised imports in the Australian market.

Anti-dumping measures have been in place for the goods since 2021 and as set out in chapter 6, the Commissioner has determined that dumping has continued. The Commissioner considers Australian industry prices from before this time are too dated to be an accurate representation of contemporary Australian industry prices in a market unaffected by dumping.

The Commissioner has therefore calculated a USP using the constructed method, using the sum of Australian industry's CTMS and an amount for profit (noting this is the same approach used to calculate the USP in the original investigation, INV 554)[72].

The Manual outlines the following options for the profit component of the constructed USP:

- weighted average profit rate (% mark-up) achieved by the Australian industry in the most recent period unaffected by dumping (or subsidisation), with a preference for a one year minimum
- profit rate (% mark-up) from the Australian industry's similar category of goods (where the data for similar category of goods is verified).

The Manual goes on to state the following alternatives if the first 2 options above are unreasonable:

- with regard to ROI – where the resultant price is considered reasonable
- from appropriate profit surveys.

Noting that there is no recent period unaffected by dumping, the Commissioner relied on Cromford's profit margin for goods of the same general category (orange concrete

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[71] The Manual, chapter 24.3.
[72] EPR 554, document 48 refers.

underlay film) during the inquiry period as a proxy for a profit margin that could reasonably have been achieved. The commission verified information relating to that product in INV 554 and is satisfied it remains a suitable replacement for the purposes of this analysis.

8.3.2 Non-injurious price

The Commissioner has calculated a NIP by deducting from the USP the costs incurred in getting the goods from an export FOB point in Malaysia to the relevant level of trade in Australia. The deductions include importation costs and amounts for importer expenses and profit.

The Commissioner has determined that the NIP was not less than the normal value for any exporters from Malaysia and accordingly, the NIP cannot be the operative measure.

The Commissioner's NIP calculation is at **Confidential Attachment 9 – USP and NIP calculations**.

9 FORM OF MEASURES

9.1 Preliminary finding

The Commissioner proposes to recommend that the *ad valorem* method continue to be used to calculate the IDD payable on the goods exported from Malaysia.

9.2 Forms of dumping duty

The *Customs Tariff (Anti-Dumping) Regulation 2013* prescribes the dumping duty methods available to the Minister when imposing anti-dumping measures. They include:

- fixed duty method ($X per tonne)
- floor price duty method
- combination duty method
- *ad valorem* duty method (i.e. a percentage of the export price).[73]

The various forms of dumping duty all have the purpose of removing the injurious effects of dumping. However, in achieving this purpose, certain forms of duty will better suit particular circumstances. When considering which form of dumping duty to recommend to the Minister, the Commissioner has had regard to the *Guidelines on the Application of Forms of Dumping Duty* (November 2013)[74] and relevant factors in the market for the goods.

9.2.1 Fixed duty method

A fixed duty method operates to collect a fixed amount of duty, regardless of the actual export price of the goods. The fixed duty is determined when the Minister exercises their powers to ascertain an amount for the export price and the normal value.

9.2.2 Floor price duty method

The floor price duty method sets a ‘floor’, for example, a normal value of $100 per tonne, and duty is collected when the actual export price is less than that normal value of $100 per tonne. The floor price is either the normal value or the NIP, whichever becomes applicable under the duty collection system.

9.2.3 *Ad valorem* duty method

The *ad valorem* duty method applies a proportion of the actual export price of the goods. An *ad valorem* duty is determined for the product as a whole. This means that a single ascertained export price is required when determining the dumping and/or subsidy margin. The *ad valorem* duty method is the simplest and easiest form of duty to administer when delivering the intended protective effect.

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[73] Regulation 5 of the *Customs Tariff (Anti-Dumping) Regulation 2013*
[74] ADC EPR, Anti-dumping and countervailing system key legislation, directions and policy, *‘Guidelines on forms of dumping duty’*.

9.2.4 Combination duty method

The combination duty method comprises 2 elements: the ‘fixed’ element and the ‘variable’ duty element. The fixed element is determined when the Minister exercises powers to ‘ascertain’ an amount (i.e. set a value) for the export price and the normal value. Either this may take the form of a fixed duty, or an *ad valorem* applied to the ascertained export price.

If the actual export price of the shipment is lower than the ascertained export price, the variable component works to collect an additional duty amount, i.e. the difference between the ascertained export price and the actual export price. It is a ‘variable’ element because the amount of duty collected varies according to the extent the actual export price is beneath the ascertained export price.

9.2.5 Commissioner’s assessment – form of dumping duty

In REP 554, the Commissioner determined that the *ad valorem* method was the most suitable because:

- Malaysian suppliers were not found to be related to importers of the goods, such that there are not complex company structures where circumvention may be more likely
- there are price variances, due to differences in impact resistance and/or dimensions
- the commission did not find high price varieties or certain models that were causing injury.

The Commissioner has not been provided with any evidence indicating that the above factors have changed, or that the current duty method is not appropriate for calculating any IDD that may become payable. While there has been circumvention activity in respect of the goods (AC 606 and AC 671), that activity was related to the slight modification of the goods, not through shifting responsibility for exports between related companies.

Accordingly, the Commissioner considers that the *ad valorem* method remains the most appropriate form of dumping duty for the goods.

10 PROPOSED RECOMMENDATIONS

The Commissioner is preliminarily satisfied that the expiry of the measures on concrete underlay film exported to Australia from Malaysia would likely lead to a continuation or recurrence of dumping, and the material injury that the measures are intended to prevent.

The Commissioner proposes to recommend that:

- the Minister declare, in accordance with section 269ZHG(1)(b), that they have decided to secure the continuation of the measures
- the measures apply to exporters generally as if different variable factors had been ascertained
- the rate of IDD in Table 10 apply from 18 December 2026.

		REP 554 Current measures		SEF 696 Proposed measures	
Country	**Exporter**	**Fixed rate of IDD**	**Duty method**	**Fixed rate of IDD**	**Duty Method**
Malaysia	Great Cosmo Industries Sdn. Bhd.	14.2%	*Ad Valorem*	16.7%	*Ad Valorem*
Malaysia	L&L Trading Enterprise Sdn. Bhd.	22.8%	*Ad Valorem*	Now subject to the uncooperative and all other exporters rate of IDD	
Malaysia	Unistar Industries Sdn. Bhd.	16.4%	*Ad Valorem*		
Malaysia	Plastik V Sdn. Bhd.	11.4%	*Ad Valorem*		
Malaysia	JL Plastic Industries Sdn. Bhd.	20.1%	*Ad Valorem*		
Malaysia	Uncooperative and all other exporters	23.2%	*Ad Valorem*	63.6%	*Ad Valorem*

Table 10: Proposed measures resulting from this inquiry and comparison to current measures

11 APPENDICES AND ATTACHMENTS

Confidential Attachment 1	The Australian market
Confidential Attachment 2	Economic condition of the Australian industry
Confidential Attachment 3	GCI - Export price
Confidential Attachment 4	GCI - Cost to make and sell
Confidential Attachment 5	GCI - Normal value
Confidential Attachment 6	GCI - Dumping margin
Confidential Attachment 7	Uncooperative exporters
Confidential Attachment 8	Will exports and dumping continue
Confidential Attachment 9	USP and NIP calculations