



## Investigation 554

### Certain concrete underlay film

### Exported from Malaysia

## Exporter questionnaires received and extensions of time granted

#### Responses received

The Anti-Dumping Commission (the Commission) did not receive any completed responses to the exporter questionnaires by the due date of 21 August 2020.

#### Extensions of time

The Commission has received requests for extensions of time to submit an exporter questionnaire from certain exporters and due consideration has been given to the extension requests<sup>1</sup>.

When considering the extension request, the *Customs (Extensions of Time and Non-Cooperation) Direction 2015* requires the Commissioner to:

- take into account the responsibility to conduct the case in a timely and efficient manner;
- reject a request for an extension if the request has not been made before the due date; and
- consider the reasons provided for the extension, having regard to:
  - the reasons why it could not provide its response within the whole period and not only the period remaining between the request and the due date;
  - ordinary business practices or commercial principles;
  - the Commission's understanding of the relevant industry; and
  - previous correspondence from the entity, previous dealings with the entity and information provided by other interested parties.

Consequently, the Commission has granted the following parties extensions to submit a response to the exporter questionnaire, on the requirement that the response is reasonably complete and accurate and includes both the confidential and public record versions:

Entity	Extension Requested	Extension Granted	Revised due date
Great Cosmo Industries Sdn Bhd	28 days	28 days	18 September 2020
IROX (M) Sdn Bhd	28 days	28 days	18 September 2020

<sup>1</sup> This is consistent with Article 6.1.1 of the Anti-Dumping Agreement.

## PUBLIC RECORD

JL Plastic Industries Sdn Bhd	28 days	28 days	18 September 2020
L&L Trading Enterprise Sdn Bhd	19 days	19 days	9 September 2020
Plastik V Sdn Bhd	14 days	14 days	4 September 2020
Unistar Industries Sdn Bhd	28 days	28 days	18 September 2020

*Table 1 - Approved extensions of time*

The Commission has advised these entities of the requirement to ensure a reasonably complete and accurate questionnaire is submitted by the revised due date.

Once the Commission receives the responses to the exporter questionnaire from the above exporters, the non-confidential version will be placed on the public record, unless it contains deficiencies that could be quickly and easily rectified in a further response, in which case a reasonable timeframe will be provided to rectify the deficiencies<sup>2</sup>, then placed on the public record after the deficiencies have been rectified.

### Verification of responses to the exporter questionnaire

The Commission will seek to verify the financial data provided by exporters in the responses to the exporter questionnaires. Members of the Australian industry will be invited to a pre-verification meeting. The pre-verification meeting is an opportunity for the verification teams to gain an understanding of the sales and production processes of the Australian industry which may share some similarities with the sales and production processes of overseas manufacturers, allowing for a more informed and effective verification process.

Any oral information given to the Commission in a pre-verification meeting will not be taken into account unless it is subsequently put in writing and made available as part of the public record.<sup>3</sup>

In addition, any information provided to the Commission in a pre-verification meeting may be disregarded unless a non-confidential summary containing sufficient detail to allow a reasonable understanding of the substance of the information for inclusion in the public record.<sup>4</sup>

### Uncooperative exporters

Where an exporter provides a response to the exporter questionnaire that contains deficiencies that could not be rectified quickly and easily in a further response, the exporter may be deemed uncooperative.

Exporters that do not provide a response to the exporter questionnaire by the due date must be deemed uncooperative.

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<sup>2</sup> Section 6 of the *Customs (Extensions of Time and Non-Cooperation) Direction 2015*.

<sup>3</sup> Section 269ZJ(4) of the *Customs Act 1901* (the Act).

<sup>4</sup> Sections 269ZJ(2) and (5) of the Act.