



ANTI-DUMPING NOTICE NO. 2021/126

Concrete underlay film

Exported to Australia from Malaysia

Investigation No. 554 into Alleged Dumping

Preliminary Affirmative Determination No. 554 (PAD 554) and imposition of securities

Public notice under section 269TD of the Customs Act 1901¹

On 15 July 2020, the then Commissioner of the Anti-Dumping Commission, Mr Dale Seymour, initiated an investigation into the alleged dumping of certain concrete underlay film (the goods) exported to Australia from Malaysia.

A full description of the goods is set out in **Appendix 1**.

My preliminary findings are set out in *Statement of Essential Facts No. 554* (SEF 554). Pursuant to section 269TD(1) of the *Customs Act 1901*² I am satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice in respect of the goods exported to Australia from Malaysia. Consequently, I have made a preliminary affirmative determination (PAD) to that effect.

Having regard to the requirements of the Act and the preliminary findings in SEF 554, I am satisfied that dumped goods exported from Malaysia appear to have caused material injury to the Australian industry producing like goods.

The preliminary analysis of the dumping margins is tabulated below.

Exporter	Dumping margin (%)
Great Cosmo Industries Sdn Bhd	17.2%
L&L Trading Enterprise Sdn Bhd	23.2%
Unistar Industries Sdn Bhd	17.6%
Plastik V Sdn Bhd	17.7%
JL Plastic Industries Sdn Bhd	22.1%
All other exporters	30.9%

¹ This is a public notice under section 269TD(4)(a) and 269TD(5) of the *Customs Act 1901* (Cth) of the Commissioner's preliminary affirmative determination. It is also public notice of the Commonwealth's decision to require and take securities.

² All references in this notice to 'the Act' are references to the *Customs Act 1901* (Cth), unless specified otherwise.

I am satisfied that it is necessary for the Commonwealth to impose securities on the goods exported from Malaysia to prevent material injury to the Australian industry occurring while the investigation continues.

The Commonwealth will require and take securities under section 42 of the Act. The securities apply in respect of interim dumping duty that may become payable on the goods exported from Malaysia and entered for home consumption on, or after, **28 September 2021**.

Securities have been worked out in accordance with the *ad valorem* duty method. The effective rate of the securities has been calculated having regard to the non-injurious price, in accordance with the preliminary findings of SEF 554.

These securities will be imposed at the rate specified in the below table.

Exporter	Duty method	Effective rate of securities (%)
Great Cosmo Industries Sdn Bhd	<i>Ad valorem</i>	14.2%
L&L Trading Enterprise Sdn Bhd	<i>Ad valorem</i>	22.8%
Unistar Industries Sdn Bhd	<i>Ad valorem</i>	16.4%
Plastik V Sdn Bhd	<i>Ad valorem</i>	11.4%
JL Plastic Industries Sdn Bhd	<i>Ad valorem</i>	20.1%
All other Malaysian exporters	<i>Ad valorem</i>	23.5%

The actual security liability may be higher than the effective rate of security due to a number of factors. Affected parties should contact **business.gov.au** on 13 28 46 or +61 2 6213 6000 (outside Australia) for further information regarding the actual security liability calculation in their particular circumstance.

I must report to the Minister for Industry, Science and Technology (the Minister) with final recommendations in relation to this investigation on, or before, 22 November 2021. The Minister will then decide whether to publish a dumping duty notice and, if relevant, the level of measures to be imposed.

Furthermore, the dumping duty notice made in accordance with section 269TN of the Act will also include the duties to be imposed on goods already entered for home consumption in relation to which securities have been taken under section 42.

Enquiries about this notice may be directed to the Case Manager via email at: investigations4@adcommission.gov.au

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

27 September 2021

Appendix 1 – Goods description

The goods are:

Black 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 2-6 metres.

Tariff Classifications

The goods are commonly, but are not exclusively, classified to the following tariff classification in Schedule 3 to the *Customs Tariff Act 1995* (Cth):

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 0.08mm in thickness: ³
	20	Printed, embossed or otherwise surface-worked, except merely polished
	21	Other, low density
	22	Other
		Of polyethylene, exceeding 0.08mm in thickness:
	25	Printed, embossed or otherwise surface-worked, except merely polished
	40	Other, low density
	41	Other
		Other:
	51	Exceeding 0.08mm 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

This tariff classification and statistical code may include goods that are both subject and not subject to this investigation. The listing of this tariff classification and statistical code is for convenience or reference only and does not form part of the goods description above. Please refer to this description for authoritative detail regarding the goods, the subject of this investigation.

³ ADN 2020/073 set out that the goods are generally, but not exclusively, classified to tariff classification 3920.10.10 (statistical codes 25, 40 and 41). The inclusion of additional statistical codes (20, 21, 22 and 51) and tariff classification 3921.90.90 (statistical code 16) is based on verified data for Investigation 554, as outlined at section 3.4 of SEF 554.