



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2022/054

Concrete Underlay Film

Exported to Australia from Malaysia

Initiation of Anti-circumvention Inquiry No. 606

Notice under section 269ZDBE(4) of the Customs Act 1901

I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission (Commissioner), have initiated an anti-circumvention inquiry in relation to certain Concrete Underlay Film (the goods) exported to Australia from Malaysia.

This follows an application made under section 269ZDBC of the *Customs Act 1901* (the Act) by LCM General Products Pty Ltd, trading as Cromford Film (Cromford Film, or the applicant), a producer of like goods in Australia. Cromford Film claims that a circumvention activity involving a slight modification of goods exported to Australia from Malaysia has occurred within the meaning of section 48(2) of the *Customs International (Obligations) Regulation 2015* (the Regulation).

A non-confidential version of the application which contains the basis of the alleged circumvention activity is available on the public record.

Particulars of the reasons for the decision to initiate this inquiry are outlined in *Anti-Dumping Commission Consideration Report No. 606*, which has been placed on the Anti-Dumping Commission's (the commission's) public record.¹

The commission has assisted me in initiating this inquiry and will assist me in undertaking the inquiry, pursuant to the commission's function specified in section 269SMD of the Act.

1. The original notices

The anti-dumping measures, in the form of a dumping duty notice (the original notice), were imposed on 17 December 2021 by the relevant Minister after consideration of *Anti-Dumping Commission Report No. 554* (REP 554).² The dumping duty notice applies to all exporters of concrete underlay film from Malaysia.

¹ Available on the commission website at www.adcommission.gov.au.

² Anti-Dumping Notice (ADN) No. [2021/149](#) refers. [REP 554](#) is available on the commission's website.

2. The goods the subject of the original notices

The goods the subject of the original notice 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.

The goods are generally, but not exclusively, classified to the following tariff subheadings in Schedule 3 to the *Customs Tariff Act 1995*.

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, SHEERS, FILM, FOIL AND STRIP, OF PLASTICS
3921.90.90		Other: Other, of polymers of ethylene
	16	Low density polyethylene

Table 1 – General tariff classification for the goods

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 reference only and do not form part of the goods description.

3. The alleged circumvention goods

The goods the subject of the application have a width of 1.95 metres but otherwise meet the description of the goods the subject of the original notice (the circumvention goods).

4. Conduct of the inquiry

The anti-circumvention inquiry will examine whether a circumvention activity in relation to the original notice has occurred, as outlined in section 48(2) of the Regulation.

Exports to Australia from 1 July 2019 will be examined to determine whether the alleged circumvention activity has occurred.

After conducting the inquiry, I will recommend to the relevant Minister that the original notice:

- remain unaltered, or
- be altered because I am satisfied that circumvention activities in relation to the original notice have occurred, and the alterations to be made to that notice.

5. Public Record

I must maintain a public record for each inquiry. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined by contacting the commission on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au.

6. Lodgement of submissions

Interested parties, as defined by section 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry no later than **1 August 2022**³ by email to investigations3@adcommission.gov.au, or alternatively addressed to:

The Director
Investigations 3
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2601

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts (SEF) on the public record. Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked 'FOR OFFICIAL USE ONLY'.

Interested parties making submissions must also provide a non-confidential version for public record, clearly marked 'PUBLIC RECORD'.

7. Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. A SEF will be placed on the public record by **11 October 2022** or by such later date as allowed in accordance with section 269ZHI of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record.

8. Report to the Minister

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Minister.

A recommendation to the Minister will be made in a report on or before **25 November 2022** (or such later date as allowed under section 269ZHI of the Act).

³ As 30 July 2022 is a Saturday, the due date becomes the next business day (1 August 2022).

The Minister must make a declaration within 30 days after receiving the report (section 269ZDBH(3)(a) of the Act) or, due to special circumstances, such longer period as the Minister considers appropriate (section 269ZDBH(3)(b) of the Act).

9. Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2527 or email at investigations3@adcommission.gov.au.

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

23 June 2022