



MITI.600-2/20/1 JLD 2(1)(S)

13 October 2026

The Director - Investigations 3
Australian Trade Remedies Commission
GPO Box 2013
Canberra ACT 2601

Dear Sir/Madam,

**RESPONSE TO THE STATEMENT OF ESSENTIAL FACTS OF THE
CONTINUATION INQUIRY ON IMPORTS OF CONCRETE UNDERLAY FILM
(HS CODE 3920.10.00)**

Reference is made to the Statement of Essential Facts (SEF) of the Continuation Inquiry No. 696 (Anti-Dumping Notice - ADN2026/022) issued by the Anti-Dumping Commission (the Commission), Department of Industry, Science, Energy and Resources, Australia, which was published on the Commission's website on **24 September 2026**.

2. The Ministry of Investment, Trade and Industry of Malaysia would like to convey the concerns of the Government of Malaysia on the Australian Anti-Dumping Commission's recommendations for the continuation inquiry, as follows:

i. Lack of Recurrence of Injury

The statutory threshold for extending measures requires a likelihood of material injury recurrence, however, the sole Australian producer, Cromford Film, is currently operating from a position of exceptional financial strength. where the SEF 696 itself confirms:

- Expanding Volume: The Australian market expanded by 22.3% since the original investigation period (FY 2020), and Cromford achieved its highest recorded sales volumes during the inquiry period, a 22.7% increase compared to Investigation 554 (INV 554);
- Peak Profitability and ROI: Cromford remained consistently profitable throughout the injury analysis period, reaching peak profitability in the September 2025 quarter, while its Return on Investment (ROI) greatly increased compared to INV 554 levels;
- Absence of Price Depression: Cromford's unit selling price remained consistently above its Cost to Make and Sell (CTMS). Steady selling prices reflect stable raw material costs (such as polyethylene resin), not price suppression; and
- No Other Injury Factors: Cromford suffered zero injury regarding capital investment, asset values, revenue, or employment.

ii. **Non-Attribution: Market Dynamics Driven by Non-Alleged Countries**

Under established trade remedy principles, including Section 269TAE(2A) of the Customs Act 1901 and Article 3.5 of the WTO Anti-Dumping Agreement, injury caused by non-subject imports must not be attributed to Malaysian exporters. The Commission's own findings demonstrate that Malaysian import volumes contracted from 87.9% to 44.4% of total imports. This lost market share was captured predominantly by duty-free imports from a non-alleged country, which accounted for 81.2% of all non-subject imports.

Furthermore, FOB export prices from the country were highly competitive and, in some quarters, lower than Malaysian prices. Consequently, any market price pressures are directly driven by non-subject imports, severing any claims of recurrence of injury due to the imports from Malaysia.

iii. **Arbitrary and Punitive Variable Calculation Methodology**

The preliminary uncooperative dumping margin of 63.6% represents a nearly threefold increase over the current 23.2% rate and diverges from the established precedent in Investigation 554 (INV 554). We respectfully observe that the Commission utilised a composite approach, pairing the lowest weighted-average FOB export price from the Australian Border Force (ABF) database with the constructed normal value of the single cooperating exporter, Great Cosmo Industries Sdn. Bhd. (GCI).

Synthesizing one producer's cost base with a different supplier's lowest export price results in a theoretical construct that may not fully reflect prevailing commercial realities or account for specific product specifications. We respectfully urge the Commission to align the uncooperative rates more closely with verified exporter benchmarks, ensuring a fair determination of dumping that remains remedial rather than inadvertently prohibitive. The GOM is concerned that selecting the lowest weighted-average export price may have overstated the dumping margin for uncooperative exporters. Assuming that the lowest weighted-average export price accurately reflects the broader pricing behaviour of both uncooperative exporters and major exporter to Australia, may not capture the full spectrum of market data.

The GOM notes that as a continuation inquiry, the statutory focus is on assessing the likelihood of injury recurrence rather than conducting a *de novo* investigation. Given that the sole domestic producer has demonstrated significant recovery since INV 554, sharply escalating the non-cooperative duties and subjecting previously cooperative exporters to this heightened residual rate, may exceed the intended remedial scope of the anti-dumping framework. Anti-dumping measures are designed to address unfair trade practices and restore a level playing field, an objective from which the domestic industry has demonstrably benefited, and most importantly, the measure itself must be of a temporary basis. These measures should not inadvertently serve as an unwarranted barrier to legitimate trade from Malaysia.

In the spirit of constructive engagement, should the Commission maintain its recommendation to continue the measure, the GOM respectfully proposes for the Commission to retain the existing duties for the cooperative and uncooperative exporters from INV 554 unaltered because it was sufficient to remove the injury to the Petitioner. However, if the Commission decides otherwise and insist on altering the duties, which the GOM is of the view is inappropriate, the Commission should retain the existing duties for the cooperative exporters and recalculate the uncooperative exporters' duties by utilizing the overall weighted-average export price of all Malaysian imports (excluding GCI's), rather than isolating the lowest price.

The GOM trusts that the Commission will carefully review this methodological approach to ensure a balanced, objective, and evidence-based final determination.

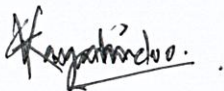
iv. **Application of Review**

Notwithstanding the concerns raised by GOM, should the Commission to proceed with the recommendation for the continuation of anti-dumping duties on imports from Malaysia, GOM believes that the cooperative exporters from INV 554 should be provided an opportunity to file for a review to ensure that a dumping margin will be calculated based on the exporters' individual verifiable data and information.

It is also worth noting that any Malaysian manufacturers that did not export to Australia during the period of the INV 554, should be given opportunities to request for an accelerated review or new shipper review as stipulated in Article 9.5 of the WTO Anti-Dumping Agreement.

3. In light of the comments presented, the GOM strongly urges the Commission to reconsider the recommendation to continue the measure based on the lack of recurrence of injury, non-alleged countries' attribution and erroneous calculation methodology. The GOM is confident that the Commission will give the greatest dedication and ensure that final determination will be in a fair and objective manner in accordance to the relevant WTO's commitment and domestic's legislation.

Thank you.



(GAYATRI KUMARAVELOO)
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MALAYSIA

CC:

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