PUBLIC RECORD

Submission on builders film from Malaysia

Continuation Inquiry 696
Response to the Statement of Essential Facts published 24 September 2026
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Submitted by APR Plastics Pty Ltd trading as APR Recycling
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Contact Henry Cox
Signatory Darren Thorpe, Managing Director

1 Requested outcome

APR requests that the Commissioner reconsider the preliminary conclusions and recommend that the measures expire. Alternatively, APR requests that the proposed 63.6% rate not be recommended on the present analysis and that the normal value, export price and resulting margin be reassessed with a reasoned response to the concerns below. APR does not assert that a difference in transaction quantities alone conclusively establishes the absence of dumping.

The central concern is whether profit derived from atypical, low-volume Malaysian domestic sales produces a representative constructed normal value for bulk exports, and whether combining that benchmark with another exporter's price provides a reliable basis for the rate applicable to APR's suppliers. APR requests a fair commercial comparison supported by sufficient non-confidential explanation to permit meaningful comment.

2 APR and its supply chain

APR imports builders film directly from [supplier identities withheld: two Malaysian manufacturers]. Its customers are predominantly mesh and reinforcing-bar suppliers serving the concreting industry, including [customer identity withheld: a major construction supply business]. APR has an established relationship with [supplier identity withheld: its principal manufacturer]. Qualifying replacement manufacturers requires assessment of product quality, consistency and reliability; supply cannot simply be substituted without that work.

APR supplies medium- and high-impact black 200-micron film, generally 4 m × 50 m, and also trades orange film including a 300-micron product. The orange and 300-micron products are identified as business context and are not included in the black-film duty calculations below.

[Commercial volumes and supplier allocation withheld: APR regularly purchases black medium- and high-impact film in container-scale quantities, with a smaller orange-film component. One established manufacturer supplies the substantial majority of APR's requirements. Standard orders contain hundreds of rolls, materially more than the small domestic transactions discussed in section 3. Exact quantities and allocation would reveal purchasing patterns and commercial relationships. Annual totals are APR-reported; the supporting records substantiate representative transactions rather than a complete annual reconciliation.]

3 Domestic sales and the constructed profit benchmark

SEF section 6.3.2 states that Great Cosmo's domestic sales volume was below the 5% sufficiency threshold for a direct domestic-price normal value. The Commission therefore constructed normal value using manufacturing costs, selling/general/administrative expenses and profit derived from domestic like-goods sales. APR's objection concerns the representativeness of that profit and selling-cost basis, not an assertion that the SEF simply adopted a retail price. [1]

Great Cosmo's public submission of 22 September 2026, section B1 on page 3, describes the goods as "sold domestically in very small volumes in circumstances that do not reflect the normal business operations." Its sections B1–B3 question the profit methodology and suggest consideration of Regulation 45(3)(c) and audited 2025 financial statements. APR relies on this as an existing objection by the data provider, not as a finding accepted by the Commission. [2]

[Private communication details withheld: on 1 October 2026 APR received a verbal account from a senior representative of Great Cosmo that Great Cosmo primarily produced for export and did not actively target the local market, and that its domestic sales of the relevant film were infrequent, involved very small walk-in purchases and occurred under retail conditions different from bulk export trade, at retail prices the representative described as higher than bulk export prices. No numerical price was given. The account concerned medium-impact black film. The person's identity, conversation details and precise transaction quantities are withheld to protect a private commercial communication. The account supports APR's request that the Commission test transaction quantity and selling-channel comparability; it is not independently verified.]

[Contemporaneous record summarised: handwritten notes made by APR record the small-volume, walk-in nature and limited frequency of the transactions. They do not independently substantiate all details recalled from the conversation. Great Cosmo did not expressly refuse to supply records. APR asks the Commission to test the account against records it holds. The private notes and identifying details are withheld.]

These circumstances warrant an explanation of whether small-order retail selling conditions affected the profit benchmark used for bulk trade. The acknowledged insufficiency of domestic volume for direct comparison does not by itself resolve whether profit from those transactions is representative for construction of normal value.

4 Information and reassessment requested

- Confirm, in a non-confidential form, the approximate number, quantity range and selling channel of the domestic transactions used to derive profit, and whether [the small-transaction account summarised above] is consistent with the verified records.
- Explain how the Commission assessed the representativeness of those sales, including quantity, customer type, retail selling expenses and commercial terms; identify any quantity or level-of-trade adjustments and explain why further adjustments were unnecessary, if that is the conclusion.
- Respond expressly to Great Cosmo's sections B1–B3 and explain why the selected profit methodology provides an appropriate benchmark, including whether the proposed alternative was examined.
- Provide a non-confidential calculation bridge using ranges or indexed figures where required: manufacturing costs, selling expenses, profit, adjustments, export price and resulting margin. APR seeks meaningful explanation without disclosure of another business's confidential accounts.

5 Applying the benchmark to other exporters

SEF section 6.4 applies Great Cosmo's normal value to other exporters while selecting the lowest exporter-level weighted-average export price from border data. The SEF explains its reasons and notes similarity across model control categories. APR requests further examination of whether that similarity adequately captures differences in actual specifications, formulation, cost structures and selling conditions. Broad product categories need not establish identical manufacturing economics. [1]

APR understands from its purchasing experience that high-impact performance is achieved through formulation changes, including increased LLDPE content, which can increase costs. Medium- and high-impact goods have the same nominal dimensions and intended roll weight. APR does not present a verified manufacturer cost breakdown and does not claim that nominal dimensions alone establish cost equivalence.

[Confidential commercial records C1–C6 summarised: representative 2025 transaction and official import records corroborate substantial bulk purchases of black medium- and high-impact film and distinguish the goods from associated transaction charges. They support examination of commercial comparability and correct treatment of those charges. They do not establish the manufacturer's normal value or manufacturing profit. Identities, transaction particulars, values and quantities are withheld because they reveal confidential purchasing activity.] [C1–C6]

APR asks the Commission to explain why the selected exporter's price, rather than a broader weighted average or another supported approach, should apply to all remaining exporters; identify how product and commercial differences were controlled; and test whether Great Cosmo's normal value is representative of [APR's principal manufacturer]. A non-confidential sensitivity analysis of reasonable alternative profit and export-price assumptions would assist scrutiny of the proposed 63.6% margin.

6 Specifications and testing

[Confidential manufacturer specification C7 summarised: the supplied document describes black 4 m × 50 m, 200-micron film and identifies its recycled polymer composition and impact-performance specification. It supports the need to distinguish formulation and performance characteristics. Identifying manufacturer specifications and particulars are withheld to protect the commercial relationship.] The ExcelPlas reports concern a separately identified medium-impact sample and should not be treated as validation of every grade or shipment. [C7–C9]

ExcelPlas job 13971, dated 1 May 2025, reports a mean thickness of 212 microns and concludes that the tested sample met the cited AS 2870:2011 clause 5.3.3.3(a) thickness requirements. Its falling-dart report records eight passes from eight body tests at 200 g and one pass on the fold at 180 g, at a 660 mm drop height, with testing under AS/NZS 4347.6. These are sample-specific results. [C8–C9]

SIRIM report 2024CE0440, dated 23 February 2024, records passing impact results for a medium-impact black-film sample against the respective tested clauses. Although supplied under the filename COMPLIANCE CERTIFICATE, it is a sample test report, not a general certification of all production. [C10]

7 Participation and continuation findings

APR reports that it did not receive direct notice of the inquiry. Its suppliers received notice but initially believed that absence of domestic sales meant there was no dumping case. APR recognises that this belief does not prevent construction of normal value and does not excuse non-participation. APR asks the Commission to clarify how APR was identified and notified; it does not assert that lack of direct notice alone invalidates the inquiry.

APR understands [a supplier] intends to submit financial information directly, but cannot confirm timing or acceptance and does not rely on that submission. APR recognises the team's advice that late supplier datasets may not be accepted. This submission primarily comments on the SEF and asks for clarification and reassessment using available evidence.

8 Commercial effects and continuation

APR cannot absorb additional duty. [Commercial position summarised: APR operates on tight margins and has an extended cash conversion cycle; precise financial and timing particulars are withheld.] Additional duty would be passed through to customers. This is APR's assessment, not a customer-endorsed statement. Requalification of suppliers would add operational difficulty and uncertainty.

[Financial results withheld: APR's 2025/26 builders-film business generated positive but limited gross and net profit, with net profit materially below gross profit. Those results support APR's limited ability to absorb additional duty. Disclosure of revenue and profit would reveal business scale and trading margins. These financial-year results differ from the calendar-2025 inquiry period and explain business exposure rather than inquiry-period performance.]

AUD per roll excluding GST	Medium impact	High impact
Current FOB price	[Withheld; see summary below]	[Withheld; see summary below]
Current duty at 20.1%	[Withheld; see summary below]	[Withheld; see summary below]
Duty at proposed 63.6%	[Withheld; see summary below]	[Withheld; see summary below]
Additional duty	[Withheld; see summary below]	[Withheld; see summary below]
APR reported ex works selling price	[Withheld; see summary below]	[Withheld; see summary below]

[Scenario calculations withheld: the confidential table applies the current and proposed duty rates to APR's current procurement values, showing a substantial additional duty burden for both impact grades per roll and per standard bulk order. Because both rates apply to the same FOB value, the proposed rate adds duty equal to 43.5 percentage points of that value. The calculations exclude GST and other transaction charges, use rounded presentation and remain illustrative rather than a complete shipment-mix forecast. Actual assessments depend on the applicable valuation rules. Exact commercial values, quantities and derived amounts would reveal purchasing terms and margins.]

[Current and historical commercial comparison withheld: APR's reported current goods costs exceed those in representative 2025 transactions and associated transport costs have also increased. The confidential submission distinguishes these cost components so that their effects are not conflated with the proposed duty increase. Exact values and underlying transaction particulars are withheld to protect commercial terms.] [C1–C2]

APR recognises that downstream costs do not themselves disprove dumping or establish grounds to discontinue measures. For discontinuation, the forecast of recurrence of dumping and material injury must also be examined. APR asks the Commission to revisit that forecast if the dumping benchmark changes and to explain the evidence distinguishing injury attributable to dumping from ordinary competition due to different production costs. Improved domestic industry performance alone does not prove that measures are unnecessary, but requires a reasoned prospective assessment. [1, chapters 5 and 7]

9 Closing request

APR requests a reasoned response to each material methodological concern before the final recommendation, reconsideration of discontinuation, and alternatively correction of any unsupported components of the proposed 63.6% rate. Please acknowledge this submission and advise whether further clarification of APR's evidence is required.

Signed: _____
Darren Thorpe
Managing Director
APR Plastics Pty Ltd trading as APR Recycling
Date: _____

Sources and evidence register

[1] Statement of Essential Facts 696, 24 September 2026, especially sections 6.3.2 and 6.4, and chapters 5 and 7.
https://www.industry.gov.au/sites/default/files/adc/public-record/2026-09/696-11-report-statement-of-essential-facts-sef-696.pdf

[2] Great Cosmo public submission, 22 September 2026, section B, pages 3–4 (Case 696 EPR document 10).
https://www.industry.gov.au/sites/default/files/adc/public-record/2026-09/696-10-submission-exporter-great-cosmo-industries-sdn-bhd-submission-on-variable-factor-methodology-and-response-to-lcm-s-submission-on-duty-measures.pdf

Evidence identifiers correspond to the confidential submission. Each confidential evidence item is summarised below so interested parties can understand its nature, relevance and limits. Original confidential records are supplied separately and are not reproduced in this public version. Public sources [1] and [2] are available on the EPR.

C1 [Confidential transaction record: representative 2025 purchase of black film in bulk, supporting the historical commercial baseline and separation of goods from associated charges. Identity, values, terms, date and quantities withheld to protect purchasing arrangements.]

C2 [Confidential transaction record: representative 2025 bulk purchase expressly identified as high-impact black film. It supports a distinction between grades and their commercial terms. Identity and detailed transaction particulars withheld.]

C3 [Confidential quantity record corresponding to C1: corroborates multiple bulk consignments and nominal dimensions. Exact consignment quantities, weights, identifiers and counterparty details withheld.]

C4 [Confidential quantity record corresponding to C2: corroborates a bulk consignment of high-impact film and nominal dimensions. Exact quantities, weights, identifiers and counterparty details withheld.]

C5 [Confidential official import assessment corresponding to C1: corroborates the transaction and an effective dumping duty consistent with 20.1% of the recorded valuation base. Identity, valuation, assessment amounts and transaction identifiers withheld.]

C6 [Confidential official import assessment corresponding to C2: corroborates the high-impact transaction and an effective dumping duty consistent with 20.1% of the recorded valuation base. Identity, valuation, assessment amounts and transaction identifiers withheld.]

C7 [Confidential manufacturer specification: identifies nominal dimensions, recycled polymer composition and impact performance for black film. It illustrates why relevant characteristics need to be compared. Manufacturer identity and proprietary product particulars withheld.]

C8 [Confidential ExcelPlas thickness test report, job 13971, 1 May 2025: a medium-impact sample had mean thickness 212 microns and met the cited AS 2870:2011 requirements. Findings apply only to the tested sample. Full report and identifying sample material withheld; substantive results appear in section 6.]

C9 [Confidential ExcelPlas falling-dart report, job 13971, 1 May 2025: the medium-impact sample passed all eight body tests and the single fold test at the test parameters stated in section 6. Findings are sample-specific. Full report and identifying sample material withheld.]

C10 [Confidential SIRIM report 2024CE0440, 23 February 2024: passing medium-impact sample results against the tested clauses stated in section 6. This is sample testing, not general production certification. Full report and identifying sample material withheld.]

C11 [Confidential contemporaneous handwritten notes: record the substance of a private commercial discussion about infrequent small domestic walk-in transactions, as summarised in section 3. They corroborate APR's recollection of the transaction pattern but are not independent sales records. The photograph, identities and precise details are withheld to protect the private communication.]

[Supporting business information summarised: annual volumes, financial results, current and historical commercial terms and cash-cycle information are APR-reported and are not independently audited by the representative supporting records. Confidential particulars would disclose business scale, counterparties, purchasing arrangements and margins.] Supporting test reports relate only to the samples tested and the confidential copies should be furnished in full, subject to applicable reproduction permissions.