



Anti-Dumping Notice No. 2016/33

**Public notice under subsection 269TC(4)
of the *Customs Act 1901***

A4 Copy Paper

**Exported from the Federative Republic of Brazil, the
People's Republic of China, the Republic of Indonesia and
the Kingdom of Thailand**

**Initiation of an Investigation into
Alleged Dumping and Subsidisation**

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner), have initiated an investigation following an application lodged by Paper Australia Pty Ltd (Australian Paper), a manufacturer of A4 copy paper (the goods) in Australia. The application seeks the publication of a dumping duty notice in respect of the goods exported to Australia from the Federative Republic of Brazil (Brazil), the People's Republic of China (China), the Republic of Indonesia (Indonesia) and the Kingdom of Thailand (Thailand) and the publication of a countervailing duty notice in respect of the goods exported from China and Indonesia.

The application alleges that the goods have been exported to Australia at prices less than their normal value and/or were in receipt of countervailable subsidies and that the dumping and subsidisation has caused material injury to the Australian industry through:

- Loss of sales volume;
- Reduced market share;
- Price depression;
- Loss of profits;
- Reduced profitability;
- Reduced employment;
- Reduced capacity utilisation; and
- Reduced return on investment.

The non-confidential version of the application, which contains the basis of the alleged dumping and subsidisation, is available on the public record.

Particulars of the reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No. 341*, which is available on the public record.

The date of initiation of this investigation is the date of publication of this notice.

The Goods

The goods subject of the application are:

uncoated white paper of a type used for writing, printing or other graphic purposes, in the nominal basis weight range of 70 to 100 gsm and cut to sheets of metric size A4 (210mm x 297mm) (also commonly referred to as cut sheet paper, copy paper, office paper or laser paper).

The applicant provided further details as follows:

The paper is not coated, watermarked or embossed and is subjectively white. It is made mainly from bleached chemical pulp and/or from pulp obtained by a mechanical or chemi-mechanical process and/or from recycled pulp.

The goods are currently classified to tariff subheading 4802.56.10 (statistical code 03) of Schedule 3 to the *Customs Tariff Act 1995*.

These goods are currently subject to 5 per cent Customs duty from Brazil and 3 per cent Customs duty from China. Imports of the goods from Indonesia and Thailand are not subject to duties.

Investigation Process

The investigation period is 1 January 2015 to 31 December 2015. The Anti-Dumping Commission (the Commission) will examine exports to Australia of the goods during that period to determine whether dumping and subsidisation has occurred. The Commission will examine details of the Australian market from 1 January 2012 for injury analysis purposes.

Where the Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)¹ is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have already been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an

¹ On 20 September 2015, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Science.

Australian industry producing like goods has been or may be materially hindered;

the Parliamentary Secretary may, by public notice, impose interim dumping duties.²

Where the Parliamentary Secretary is satisfied, as to goods of any kind, that:

- (a) a countervailable subsidy has been received in respect of the goods that have been exported to Australia, and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered,

the Parliamentary Secretary may, by public notice, impose interim countervailing duties.

Where there are grounds for the Parliamentary Secretary to publish a dumping or countervailing duty notice in respect of the goods, the Commission will examine whether the trade in the dumped or subsidised goods give rise to retrospective notices being published pursuant to section 269TN of the *Customs Act 1901*(the Act), and make recommendations to the Parliamentary Secretary accordingly.

As the application alleges matters relevant to the Parliamentary Secretary's consideration of the lesser duty rule, namely:

- there is a "particular market situation" in China and Indonesia pursuant to subparagraph 269TAC(2)(a)(ii) of the Act; and
- a countervailable subsidy has been received in regard to China and Indonesia in respect of the goods the subject of the application (raising matters of compliance with Article 25 of the World Trade Organisation Agreement on Subsidies and Countervailable Measures),

the Commission will examine these matters and make recommendations to the Parliamentary Secretary as to the proposed level of duty to be applied in any dumping and countervailing duty notice.

Public Record

I must maintain a public record of each investigation. Documents included in the public record are available at www.adcommission.gov.au or can be examined at the Commission's office by contacting the Case Manager on the details provided below.

The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 341* and a copy of all submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the inquiry.

² In accordance with section 269TG of the Customs Act 1901.

Lodgement of Submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge submissions concerning the publication of a dumping or a countervailing duty notice sought in the application, no later than the close of business on 19 May 2016, addressed to:

The Director
Operations 2
GPO Box 1632
Melbourne VIC 3001
Australia

Or by email to operations2@adcommission.gov.au, or by fax to +61 3 8539 2499.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if, to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

Interested parties should also note that I am now directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances. This is available at www.comlaw.gov.au.

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.

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:

- (i) 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
- (ii) 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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Provisional Measures

Pursuant to section 269TD of the Act and the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction), I will make a preliminary affirmative determination (PAD) 60 days after the initiation of the investigation, provided I am satisfied that there appears to be sufficient grounds for the publication of a dumping or countervailing duty notice or there appears that there will be sufficient grounds for the publication of a dumping duty notice subsequent to the importation of the goods into Australia.

In accordance with section 269TD of the Act, the Commonwealth may apply provisional measures, including the taking of securities under section 42 of the Act, in respect of interim dumping or countervailing duty that may become payable on the goods, where a PAD has been made.

Where a PAD is not made 60 days after initiation of the investigation, the PAD Direction directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Comlaw website, www.comlaw.gov.au.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. In accordance with section 269TDAA of the Act a statement of essential facts will be placed on the public record by 1 August 2016, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which I propose to base my recommendations to the Parliamentary Secretary. Interested parties are invited to lodge submissions in response to the statement within 20 days of the statement being placed on the public record.

Submissions received in response to the statement of essential facts within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendation to the Parliamentary Secretary.

Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before 14 September 2016 (or such later date as the Parliamentary Secretary may allow under section 269ZHI), on the basis of the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Review Panel

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB of the Act of either a decision by me to terminate the investigation, or a decision of the Parliamentary Secretary to publish or not to publish a dumping duty notice or countervailing duty notice after considering my report.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2477, fax number +61 3 8539 2499 or operations2@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

12 April 2016