



13 March 2019

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

Reviews of Resealable Can End Closures (TRF)

Dear Director,

This submission is made on behalf of the Can Makers Institute of Australia Inc. (CMIA) and its members in response to the recent submission¹ by Marpac Pty Ltd ("Marpac"). In its submission, Marpac continues to present erroneous views about the CMIA's role and responsibilities.

CMIA

As highlighted in CMIA's submission to the ongoing exemption inquiry, the CMIA;

... is a not for profit Industry Association representing the interests of the Australian can making industry. Its members consist of can makers and suppliers to the can making industry. CMIA's principal aims are to promote the benefits of "the can", grow the market for can use, address technical issues associated with can manufacture and be a forum for industry discussion over issues which may have an influence in achieving industry growth.

The current issues/activities being addressed and undertaken by the CMIA involve:

- compliance with Australian Standards;
- implementation of recycling initiatives aimed at reducing environmental waste;
- expand training and educational programs for industry employees;
- continued promotion of steel packaging; and
- a collective voice on legislative issues impacting on the broader can making industry including import tariffs on raw materials and components.

¹ EPR 496, Record 004.

It is important to note that the benefits from the work being undertaken by the CMIA, flows through to all participants in Australia's can making industry, irrespective of whether they are current members or associate members of the CMIA.

Finally, the Anti-Dumping Commission (Commission) has recognized the status of the CMIA as an industry body in its original investigation².

CMIA membership

Marpac also asserts that it has applied to become a member of the CMIA and that its membership request has been ignored. [REDACTED]

[REDACTED] [CMIA membership information]

Australian market

Marpac ends its submission by highlighting that it continues to have little success in convincing Australian can manufacturers to switch supply of their TRF requirements from imports to Marpac's locally produced TRFs. The CMIA considers that each of the relevant importers are best placed to make individual submissions to the Commission outlining their particular circumstances and the factors relevant to their purchasing decisions.

The CMIA does however make the following observations which it contends may explain the lack of domestic TRF sales by Marpac since the imposition of interim dumping duties:

- a) TRF imports from India, which accounted for the largest share of the Australian market during the original investigation period, remain free of interim dumping duties;
- b) New suppliers from Malaysia (who already have end customer approval) have been vetted by the ADC³ and are not deemed to be dumping
- c) Marpac continues to only manufacture a limited range of TRF sizes. The current exemption inquiry (EX0073) demonstrates that Marpac does not have the capabilities of manufacturing TRFs exceeding 103mm;
- d) Australian customers continue have concerns about Marpac's ability to offer TRFs which meet the necessary quality specifications, technical specifications and customer supply qualifications; and
- e) Marpac is a supplier of complete can units and therefore a direct competitor of certain can manufacturers which it seeks to supply TRF components.

Each of these above issues were factors raised by the CMIA and its members during the original investigation (or have been subsequently validated by the ADC) and which continue to be relevant following the imposition of dumping measures. In the CMIA's view, this confirms that these factors were the primary issues relevant to the hindrance of

² Final Report 350, page 11.

³ Final Report 474, Accelerated review from Malaysia

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Marpac's establishment, and importantly, continue to be the primary factors preventing Marpac from expanding its operations into the manufacture of TRFs exceeding 103mm.

Yours sincerely

A handwritten signature in blue ink, appearing to read "R. Wiltshire".

Rohan Wiltshire
President CMIA