



ANTI- DUMPING NOTICE NO. 2013/79

Copy paper

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Initiation of an Investigation into Alleged Dumping

Customs Act 1901 – Part XVB

The Anti-Dumping Commissioner (the Commissioner) has initiated an investigation following an application lodged by Australian Paper Pty Ltd, a manufacturer of white uncoated A4 and A3 cut sheet paper (copy paper) (“the goods”) in Australia. The application seeks the publication of a dumping duty notice in respect of copy paper exported to Australia from the People's Republic of China (China).

The application alleges that the goods have been exported to Australia at prices less than their normal value and that the dumping has caused material injury to the Australian industry through:

- reduced market share;
- reduced revenues;
- price depression;
- reduced sales volumes;
- reduced profits and profitability;
- reduced research and development;
- reduced return on investment; and
- reduced employment.

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

A notice under subsection 269TC(4) of the *Customs Act 1901* (the Act) advising initiation of this investigation was published in *The Australian* newspaper on 10 October 2013.

The Goods

The goods the subject of the investigation 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 sizes A4 (210mm x 297mm) and A3 (297mm x 420mm) (also commonly referred to as cut sheet paper, copy paper, office paper or laser paper).

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 the following tariff subheadings:

- 4802.56.10, statistical codes 03 and 09; and
- 4802.56.90, statistical code 19

of Schedule 3 to the *Customs Tariff Act 1995*. The application observes that tariff subheading 4802.56.10 refers to A4 copy paper and 4802.56.90 relates to A3 copy paper. These goods are subject to 5% Customs duty.

Investigation Process

The investigation period is 1 July 2012 to 30 June 2013. The Anti-Dumping Commission (the Commission) will examine exports to Australia of the goods during that period to determine whether dumping has occurred. The Commission will examine details of the Australian market from 1 January 2010 for injury analysis purposes.

Where the Minister for Industry (Minister) 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 Australian industry producing like goods has been or may be materially hindered;

the Minister may, by public notice, impose interim dumping duties.

Lodgement of Submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application, no later than the close of business on 19 November 2013, addressed to:

The Director
Operations 2
Anti-Dumping Commission
Customs House
5 Constitution Avenue
Canberra ACT 2601

Or by email operations2@adcommission.gov.au or by fax to 1300 882 506 or +61 2 6275 6888 (outside Australia).

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that the Commissioner is not obliged to have regard to a submission received by the Commission after the date above if

to do so would, in the Commissioner's opinion, prevent the timely placement of the statement of essential facts on the public record.

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.

The Commissioner must maintain a public record of each inquiry. The public record must contain, among other things, 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.

Interested parties must also lodge a non-confidential version or a summary of their submission, which will be placed 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:

- (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 the Commissioner 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". The non-confidential version should be clearly marked "Public Record".

Public Record

Documents included in the public record are available at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission office by contacting the case manager on the details provided below.

Provisional Measures

A preliminary affirmative determination may be made not earlier than 60 days after the date of initiation provided that there appears to be sufficient grounds for the publication of a dumping duty notice. In accordance with section 269TD of the Act, provisional measures, in the form of securities in respect of interim dumping duty that may become payable on the goods, may be imposed where a preliminary affirmative determination has been made.

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable the Commission to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 28 January 2014, or by such later date as the Minister may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which the Commissioner proposes to base a recommendation to the Minister. That statement will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Report to the Minister

Submissions received in response to the statement of essential facts will be taken into account in completing the report and recommendation to the Minister.

A recommendation to the Minister will be made in a report on or before 14 March 2014 (or such later date as the Minister may allow), unless the Commissioner terminates the investigation.

The Minister must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Minister considers appropriate.

Review Officer

Certain parties 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 the Commissioner to terminate the investigation, or a decision of the Minister after considering the Commissioner's report.

Anti-Dumping Commission Contact

Enquiries about this notice may be directed to the case manager on telephone number 02 6275 6129, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or email operations2@adcommission.gov.au .

Scott Wilson
Acting National Manager Operations
Anti-Dumping Commission

10 October 2013