



## **ANTI- DUMPING NOTICE NO. 2014/34**

### **Newsprint**

### **Exported from France and the Republic of Korea**

### **Initiation of an Investigation into Alleged Dumping**

#### ***Customs Act 1901 – Part XVB***

I Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated an investigation following an application lodged by Norske Skog Industries Australia Limited, (NSIA) a manufacturer of newsprint (“the goods”) in Australia. The application seeks the publication of a dumping duty notice in respect of newsprint exported to Australia from France and the Republic of Korea.

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:

- Lost sales volumes;
- Price undercutting;
- Price depression;
- Price suppression;
- Reduced profit and profitability; and
- Reduced revenues.

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 22 April 2014.

#### **The Goods**

The goods subject of the application is newsprint. The applicant provided further details as follows:

*Newsprint in roll or sheet form having a weight within the range 40 grams per square meter (gsm) to 46 gsm (inclusive) and brightness below a measure of 70 ISO.*

The goods are currently classified to the following tariff subheadings and statistical codes of Schedule 3 to the *Customs Tariff Act 1995*.

- tariff subheading 4801.00.20 with statistical code 02;
- tariff subheading 4801.00.31 with statistical code 04; and
- tariff subheading 4801.00.39 with statistical code 19.

The general rates of duty applied to goods exported from France and Korea are:

- goods classified under 4801.00.20 and 4801.00.31, a duty rate of 5% applies; and
- goods classified under 4801.00.39, goods are duty free.

### **Investigation Process**

The investigation period is 1 April 2013 to 31 March 2014. 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 April 2010 for injury analysis purposes.

Where the Parliamentary Secretary to the Minister for Industry (the Parliamentary Secretary) 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 Parliamentary Secretary may, by public notice, impose interim dumping duties.

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

### **Public Record**

I must maintain a public record of each inquiry. Documents included in the public record are may be examined at the Commission office by contacting the Case Manager on the details provided below. Alternatively the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au)

The public record will contain, among other things, a copy of the application, Consideration Report 242 and a copy of all submissions from interested parties.

### **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 2 June 2014, addressed to:

The Director  
Operations 1  
Anti-dumping Commission  
Customs House  
5 Constitution Avenue  
Canberra City ACT 2601

or by email [operations1@adcommission.gov.au](mailto:operations1@adcommission.gov.au), or by fax to 1300 882 506.

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

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 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**

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 Parliamentary Secretary within the legislative timeframe. A statement of essential facts will be placed on the public record by 11 August 2014, 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 a recommendation to the Parliamentary Secretary. That statement will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Submissions received in response to the statement of essential facts 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 24 September 2014 (or such later date as the Parliamentary Secretary may allow), unless I terminate the investigation.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or due to special circumstances, such longer period as the Parliamentary Secretary 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 Parliamentary Secretary after considering the Commission's report.

### **Anti-Dumping Commission Contact**

Enquiries about this notice may be directed to the case manager on telephone number 02 6274 4948, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or [operations1@adcommission.gov.au](mailto:operations1@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

22 April 2014