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PUBLIC RECORD

3 July 2014

BY EMAIL: operations2@adcommission.gov.au

Ms Joanne Reid
Director Operations
Anti-Dumping Commission
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Dear Joanne

COPY PAPER FROM CHINA – FURTHER INVESTIGATION

We act for the UPM Group of companies in this matter and we refer to a series of unfounded and unsupported allegations by the applicant concerning secret rebates. We attach two sworn affidavits from senior office holders in the Group supporting our earlier rebuttals of the scurrilous allegations.

Yours sincerely

MINTER ELLISON



John Cosgrave
Director, Trade Measures

Contact:	John Cosgrave Direct phone +61 2 6225 3781 Fax: +61 2 6225 1781
E.mail:	john.cosgrave@minterellison.com
Partner Responsible:	Michael Brennan Direct phone: +61 2 6225 3043
Our reference:	MRB:JPC 26-7715595

MINTER ELLISON GROUP AND ASSOCIATED OFFICES

ADELAIDE AUCKLAND BEIJING BRISBANE CANBERRA DARWIN GOLD COAST HONG KONG
LONDON MELBOURNE PERTH SHANGHAI SYDNEY ULAANBAATAR WELLINGTON

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I, Marcus Lindh of 502/20 Alfred Street, Milsons Point, NSW 2061 Managing Director make the following declaration under the *Statutory Declarations Act 1959*.

2 Set out matter declared to in numbered paragraphs

1. I have been employed by the UPM Group of companies for 30 years.
2. I have been employed by UPM Kymmene Pty Ltd, Level 6, 53 Berry Street, North Sydney NSW 2060 as Managing Director for 10 years.
3. UPM Kymmene Pty Ltd acts as an import agent in relation to paper products manufactured by members of the UPM Group and sold to customers in Australia.
4. In particular UPM Kymmene Pty Ltd acts as an agent for, and receives a sales commission from, UPM Asia Pacific Pte Ltd of Singapore in relation to its sales to Australian buyers of copy paper manufactured by UPM (China) Co., Ltd.
5. UPM Kymmene Pty Ltd does not, directly or indirectly, reimburse, compensate or otherwise provide a benefit to any Australian buyers, or any associates of those buyers, for or in respect of, the whole or any part of the price paid by those buyers in relation to the sales referred to in the previous paragraph.
6. Apart from rebates paid to some Australian buyers and fully disclosed to the Anti-Dumping Commission, I am not aware of any reimbursement, compensation or benefit paid or otherwise provided, directly or indirectly, to any Australian buyers, or any associates of those buyers, by any member of the UPM Group for, or in respect of, the whole or any part of the price paid by those buyers in relation to the sales referred to in paragraph 4.
7. My use of the word 'associates' in this declaration is intended to have the same meaning as is ascribed to that word in section 269TAA(4) of the *Customs Act 1901* (Cth).
5. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

Marcus Lindh

4 Place
5 Day
6 Month and year

Declared at *North Sydney* on *2nd* of *July 2014*

Before me,

7 Signature of person before whom the declaration is made (see over)

7

[Signature] JP 177594
David Keith Pearsall
Justice of the Peace
c/- 200 Miller St, North Sydney

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I, Jaakko Nikkila of House No.8, Emerald Park, 118 Kangba Road, Kangqiao, Pudong, Shanghai, China 201315, Vice President, Sales, Fine Papers APAC makes the following declaration under the *Statutory Declarations Act 1959*.

2 Set out matter declared to in numbered paragraphs

1. I have been employed by the UPM Group of companies for 19 years
2. I have been employed by UPM (China) Co., Ltd, 23F Grand Gateway Tower 2, 3 Hongqiao Road, Xu Hui District, Shanghai, China 200030 as Vice President, Sales, Fine Papers APAC for 2 years.
3. UPM (China) Co., Ltd manufactures copy paper which is supplied to buyers in export markets, including Australia, by its parent company, UPM Asia Pacific Pte Ltd.
4. UPM (China) Co., Ltd does not, directly or indirectly, reimburse, compensate or otherwise provide a benefit to any Australian buyers, or any associates of those buyers, for or in respect of, the whole or any part of the price paid by those buyers in relation to the sales by UPM Asia Pacific Pte Ltd.
5. Apart from rebates paid to some Australian buyers and fully disclosed to the Anti-Dumping Commission, I am not aware of any reimbursement, compensation or benefit paid or otherwise provided, directly or indirectly, to any Australian buyers, or any associates of those buyers, by any member of the UPM Group for, or in respect of, the whole or any part of the price paid by those buyers in relation to the sales referred to in paragraph 4.
6. My use of the word 'associates' in this declaration is intended to have the same meaning as is ascribed to that word in section 269TAA(4) of the *Customs Act 1901* (Cth).
7. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration



4 Place
5 Day
6 Month and year

Declared at Shanghai on 2nd of July 2014
Before me,

7 Signature of person before whom the declaration is made (see over)



Ethan Fu
CONSULAR OFFICER
CONSULAR AND ADMINISTRATIVE
AUSTRALIAN CONSULATE-GENERAL
SHANGHAI, PRC

Australian Consulate-General
Level 22 CITIC Square
1168 Nanjing West Road
Shanghai 200041
China

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution