PUBLIC RECORD

Australian Government
Department of Industry, Innovation and Science

Anti-Dumping Commission

Anti-Dumping Commission
Level 35 / 55 Collins Street
Melbourne VIC 3000
Australia

Mr [redacted]
Yueyang Forest & Paper Co., Ltd
Chenglingji, Yueyang 414002,
Hunan,
CHINA

Via email: [redacted]

INVESTIGATION INTO THE ALLEGED DUMPING AND SUBSIDISATION OF A4 COPY PAPER EXPORTED TO AUSTRALIA FROM THE FEDERATIVE REPUBLIC OF BRAZIL, THE PEOPLE'S REPUBLIC OF CHINA, THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THAILAND

Dear [redacted]

On 12 June 2016, the Anti-Dumping Commission (the Commission) received a response to the exporter questionnaire from Yueyang Forest & Paper Co., Ltd (Yueyang) in relation to the above investigation into the alleged dumping and subsidisation of A4 copy paper. The original exporter questionnaire response was due on 19 May 2016. I granted an extension of time for the submission of your exporter questionnaire response to 26 May 2016.

Subsection 269T(1) of the *Customs Act 1901* (the Act) defines an uncooperative exporter in relation to a dumping investigation under Part XVB of the Act as including an exporter of the goods under investigation who *"… did not give the Commissioner information the Commissioner considered to be relevant to the investigation, review or inquiry within a period the Commissioner considered to be reasonable".*

Further, section 269TAACA of the Act specifies that where an entity who is directly concerned with the exportation of goods subject to a subsidy investigation, review or inquiry *"… has not given the Commissioner information the Commissioner considers to be relevant to the investigation, review or inquiry within a period the Commissioner considers to be reasonable; … then, in relation to the investigation, review or inquiry, in determining whether a countervailable subsidy has been received in respect of particular goods, or in determining the amount of a countervailable subsidy in respect of particular goods, the Commissioner … may act on the basis of all the facts available … and … may make such assumptions as the Commissioner … considers reasonable."*

The *Customs (Extensions of Time and Non-cooperation) Direction 2015* (the Direction) provides me with further directions in relation to making determinations in relation to uncooperative exporters under subsection 269T(1) of the Act and non-cooperative entities under section 269TAACA of the Act.

In relation to this matter:

- A seven day extension of time to provide a response to the exporter questionnaire was granted to 26 May 2016.
- Yueyang provided a response to the exporter questionnaire on 12 June 2016, outside of the legislated period.
- The Commission assessed Yueyang's response to determine whether it is sufficient and determined that the response contains deficiencies that could not, in my view, be quickly and easily rectified in a further response. Attachment A below outlines the deficiencies in your response.

Pursuant to sections 8 and 9 of the Direction I must:

- consider that the legislated period for providing a response to be a reasonable period. The legislated period is defined under the direction as being *"…a timeframe specified, determined or prescribed for submitting any kind of response relating to any case, including the period specified in the Commissioner's notice or other correspondence to an interested party in any case."*;
- determine an exporter, in the case of section 269T of the Act, to be uncooperative if they fail, within a legislated period, to provide a response or fail to request a longer period to provide a response; and
- determine an entity, in the case of section 269TAACA of the Act, to be uncooperative if they fail, within a legislated period, to provide a response or fail to request a longer period to provide a response.

In this instance, I consider that:

- The nature and scope of Yueyang's deficiencies are extensive. The information provided is not complete, relevant and accurate such that it is capable of verification. As a result, the Commission is unable to reliably determine an individual dumping margin for Yueyang based on the information it has provided;
- Based on Yueyang's responses to date, further time to provide a supplementary response would significantly impede the proper conduct of this case in a timely and efficient manner. In this regard, it is noted that a supplementary response may prevent the timely placement of the statement of essential facts on the public record. For this investigation, the statement of essential facts is due to be placed on the public record by 1 August 2016; and
- Yueyang has significantly impeded the investigation pursuant to subsection 269T(1) of the Act. As a result, for the purposes of this investigation, Yueyang will be considered an uncooperative exporter and I will rely on all other relevant information available in making recommendations and findings in relation to Yueyang.

As a result, Yueyang Forest & Paper Co., Ltd will be considered to be an uncooperative exporter in relation to subsection 269T(1) of the Act and an uncooperative entity in relation to section 269TAACA of the Act for the purposes of this investigation.

If you would like to discuss any of the matters raised in this letter, please contact the case manager on (03) 8539 2440 or email operations2@adcommission.gov.au.

Yours sincerely

Dale Seymour
Commissioner
Anti-Dumping Commission

27 July 2016