



CUSTOMS ACT 1901 - PART XVB

**REPORT
NO 622, 623, 624 & 625**

**REVOCAION REVIEWS OF ANTI-DUMPING
MEASURES APPLYING TO A4 COPY PAPER**

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THE REPUBLIC OF KOREA
THE RUSSIAN FEDERATION
THE SLOVAK REPUBLIC
AND THE KINGDOM OF THAILAND**

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ABBREVIATIONS

the Act	<i>Customs Act 1901</i>
ADN	Anti-Dumping Notice
Brazil	the Federative Republic of Brazil
China	the People's Republic of China
the commission	the Anti-Dumping Commission
the Commissioner	the Commissioner of the Anti-Dumping Commission
EPR	electronic public record
Finland	the Republic of Finland
the goods	A4 copy paper
gsm	grams per square metre
Indonesia	the Republic of Indonesia
the Minister	the Minister for Industry and Science
Opal	Paper Australia Pty Ltd
ROK	the Republic of Korea
Russia	the Russian Federation
SEF	Statement of Essential Facts
SEF 622-625	<i>Statement of Essential Facts No 622, 623, 624 & 625</i>
Slovakia	the Slovak Republic
the subject countries	Brazil, China, Finland, Indonesia, the ROK, Russia, Slovakia and Thailand, collectively
TCO	tariff concession order
Thailand	the Kingdom of Thailand

1 SUMMARY AND RECOMMENDATIONS

1.1 Introduction

This report sets out the Commissioner of the Anti-Dumping Commission's (the Commissioner) recommendations to the Minister for Industry and Science (the Minister) in relation to revocation review nos 622, 623, 624 and 625.

The Commissioner initiated these reviews after the Minister requested on 20 April 2023¹ that the Commissioner consider whether the anti-dumping measures² applying to A4 copy paper (the goods) exported to Australia from the Federative Republic of Brazil (Brazil), the People's Republic of China (China), Finland, the Republic of Indonesia (Indonesia), the Republic of Korea (ROK), the Russian Federation (Russia), the Slovak Republic (Slovakia) and the Kingdom of Thailand (Thailand) (collectively, the subject countries) ought to be revoked.

This report follows *Statement of Essential Facts No 622, 623, 624 & 625* (SEF 622-625), published on 31 July 2023, in which the Commissioner proposed revoking the measures.

1.2 Legislative framework

Division 5 of Part XVB of the *Customs Act 1901* (the Act)³, sets out, among other things, the procedures to be followed by the Commissioner in conducting a review of anti-dumping measures.

Pursuant to section 269ZDA(1A)(b), the Commissioner must make a revocation recommendation to the Minister in relation to the anti-dumping measures, unless satisfied that revoking the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping or subsidisation and the material injury that the measures are intended to prevent.

1.3 Findings

The Commissioner finds there is no longer an Australian industry producing like goods. This finding relies on evidence before the Anti-Dumping Commission (the commission) that establishes the only company that previously produced like goods in Australia, Paper Australia Pty Ltd (Opal), ceased producing like goods on 21 January 2023. The Commissioner also finds they cannot be satisfied that there is a likelihood of Opal recommencing production of like goods in the foreseeable future.

Submissions received in response to the initiation of the reviews, and in response to the Commissioner's recommendations proposed in SEF 622-625 have expressed support for the revocation of the anti-dumping measures.

¹ Letter from the Minister for Industry and Science, electronic public record (EPR) [622, 623, 624 and 625](#).

² The anti-dumping measures are in the form of 3 dumping duty notices and a countervailing duty notice as outlined at chapter 2.2 of this report. There are 4 separate reviews (622-625), each of which cover a particular notice. The Commissioner has conducted the 4 reviews concurrently and prepared this report to cover all 4 reviews for administrative convenience.

³ All legislative references in this report are to the *Customs Act 1901* unless otherwise specified.

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It is also relevant that the only entity that previously produced like goods, Opal, has not made any submissions to the reviews or indicated its objection to them.

Accordingly, the Commissioner is not satisfied that revoking the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent.

1.4 Recommendation

Based on the Minister's request, submissions from interested parties, findings outlined in SEF 622-625 and other relevant information, the Commissioner has found that the anti-dumping measures applying to the goods are no longer warranted.

The Commissioner therefore recommends that the Minister revokes all dumping and countervailing duty notices in relation to A4 copy paper exported to Australia from the subject countries.

The Commissioner further recommends that, if the Minister accepts the recommendation to revoke the dumping and countervailing duty notices, the Minister's decision take effect from **5 May 2023**, being no earlier than the date of publication of the notice under section 269ZC indicating the Commissioner's proposal to undertake the revocation reviews.⁴

Revoking the anti-dumping measures would mean the anti-dumping measures do not apply to the goods entered for home consumption on and after 5 May 2023. If this recommendation is accepted by the Minister, importers that have paid interim or final duties in relation to the anti-dumping measures on and after 5 May 2023 are eligible for a refund of those duties.

⁴ Section 269ZDB(6)(a).

2 BACKGROUND

2.1 Review process

The Minister may, at any time by notice in writing, request the Commissioner to initiate a review of anti-dumping measures if the Minister determines that it may be appropriate to review those anti-dumping measures as they affect exporters of those goods because they are no longer warranted.⁵ The Commissioner must, on receipt of the request, publish a notice on the commission's website indicating that it is proposed to review the measures covered by the request.⁶

Within 110 days of the initiation notice, or such longer period as the Minister allows, the Commissioner must place on the public record a Statement of Essential Facts (SEF) on which they propose to base their recommendation to the Minister.⁷ Within 155 days of the initiation notice, or such longer period as the Minister allows, the Commissioner must report to the Minister with their recommendations regarding the reviews.⁸

In making recommendations in the final report to the Minister, the Commissioner must have regard to:⁹

- the request for review from the Minister
- any submission relating generally to the revocation of the anti-dumping measures to which the Commissioner has had regard for the purpose of formulating the SEF
- the SEF and
- any submission made in response to the SEF that is received by the Commissioner within 20 days of the SEF being placed on the public record.

The Commissioner may also have regard to any other matter that the Commissioner considers to be relevant to the reviews.¹⁰

Where the Minister decides to revoke the anti-dumping measures, the Minister must declare that the relevant notice be revoked either in relation to a particular exporter or to exporters generally or in relation to a particular kind of goods.¹¹ Following the Minister's decision, a notice will be published on the commission's website advising of the decision.¹²

⁵ Section 269ZA(3).

⁶ Section 269ZC(5).

⁷ Section 269ZD(1).

⁸ Section 269ZDA(1).

⁹ Section 269ZDA(3)(a).

¹⁰ Section 269ZDA(3)(b).

¹¹ Section 269ZDB(1)(a)(ii).

¹² Section 269ZDB(1).

2.2 The measures

The measures and the corresponding review numbers are summarised in Table 1. Further detail is available on the Dumping Commodity Register on the commission's website.¹³

ADN No and Type		Country / Exporter	Date of effect	Current Review No
2017/039 ¹⁴	Dumping	Brazil, China (except by UPM Asia Pacific Pte Ltd and UPM (China) Co., Ltd), Indonesia (except by PT Indah Kiat & Paper Tbk, PT Pindo Deli Pulp & Paper Mills or PT Pabrik Kertas Tjiwi Kimia) and Thailand	19 April 2017	622
2017/040	Countervailing	China (except by UPM Asia Pacific Pte Ltd and UPM (China) Co., Ltd)		623
2019/037 ¹⁵	Dumping	Finland, the ROK, Russia and Slovakia (except by Mondi SCP a.s (SK))	10 April 2019	624
2022/096 ¹⁶	Dumping	Indonesia (by PT Pabrik Kertas Tjiwi Kimia only)	20 October 2022	625

Table 1 - Summary of anti-dumping measures applying to the goods

2.3 Notification and participation in the reviews

On 20 April 2023, the Minister sent a letter requesting the Commissioner initiate a review to consider whether the anti-dumping measures applying to A4 copy paper exported to Australia from the subject countries ought to be revoked.

Following the Minister's request, the Commissioner initiated 4 revocation reviews (nos 622, 623, 624 and 625) on 5 May 2023. Public notification of initiation of the reviews was made in ADN No 2023/028 and is available on the combined EPR for cases 622, 623, 624 and 625.¹⁷

2.4 Submissions by interested parties

Table 2 outlines the 6 submissions the commission received prior to publication of SEF 622-625.

¹³ www.adcommission.gov.au.

¹⁴ Original investigation is described in *Anti-Dumping Commission Report No 341*.

¹⁵ Original investigation is described in *Anti-Dumping Commission Report No 463*.

¹⁶ Original investigation is described in *Anti-Dumping Commission Report No 583*.

¹⁷ EPR [622, 623, 624 and 625](#).

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Interested party	EPR No	Date received
Sylvamo do Brasil Ltda and Sylvamo Exports Ltda	3	26 May 2023
European Commission	4	8 June 2023
PT Riau Andalan Kertas, APRIL Far East (Malaysia) Sdn. Bhd and their related corporate bodies	5	9 June 2023
Government of Indonesia	6	9 June 2023
Government of the Russian Federation	7	9 June 2023
Asia Pulp and Paper Group including PT Pabrik Kertas Tjiwi Kimia Tbk	8	10 June 2023

Table 2 - Pre-SEF Submissions to the revocation reviews

All submissions received before the publication of SEF 622-625 expressed support for the revocation of measures. The submissions broadly contained similar arguments, summarised as follows:

- Opal, the sole producer of A4 copy paper ceased production on 21 January 2023.
- There is no longer an Australian industry producing like goods.
- The Commissioner cannot be satisfied that there is a likelihood of an Australian industry producing A4 copy paper being re-established in the foreseeable future.
- The Commissioner cannot be satisfied that revoking the measures would lead, or would be likely to lead, to a continuation or, a recurrence of material injury that the measures are intended to prevent.
- Therefore, the Commissioner must recommend revocation in relation to the measures.

Table 3 outlines the 4 submissions the commission received in response to the publication of SEF 622-625.

Interested party	EPR No	Date received
Asia Pulp and Paper Group including PT Pabrik Kertas Tjiwi Kimia Tbk	10	16 Aug 2023
PT Riau Andalan Kertas, APRIL Far East (Malaysia) Sdn. Bhd and their related corporate bodies	11	18 Aug 2023
Government of the Russian Federation	12	18 Aug 2023
Sylvamo do Brasil Ltda and Sylvamo Exports Ltda	13	23 Aug 2023

Table 3 - Submissions received in response to SEF 622-625

All submissions received in response to SEF 622-625 generally reiterated the arguments put to the commission prior to publication of the SEF and expressed support for revoking the anti-dumping measures. No submissions object to revocation. The Commissioner has had regard to all submissions in forming the recommendations outlined in this report at chapter 1.4.

Copies of the non-confidential versions of the submissions and the application are available on the EPR at www.adcommission.gov.au. Interested parties should read this report in conjunction with documents on the EPR.

3 GOODS SUBJECT TO THE REVIEWS, THE AUSTRALIAN INDUSTRY & GROUNDS FOR REVOCATION OF MEASURES

3.1 Findings

The Commissioner's finding is that there is no longer an Australian industry producing like goods. The evidence before the commission establishes that the sole producer of A4 copy paper in Australia, Opal, ceased production of like goods on 21 January 2023. The Commissioner cannot be satisfied that there is a likelihood of Opal recommencing production of like goods in the foreseeable future.

Accordingly, the Commissioner considers that revoking the measures would not lead, or would not be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent.

3.2 Legislative framework

The Commissioner must make a revocation recommendation in relation to the measures, unless the Commissioner is satisfied that revoking the measures would lead, or be likely to lead, to a continuation of, or a recurrence of, the dumping and/or subsidisation and the material injury that the measures are intended to prevent.¹⁸

To be satisfied that revoking the measures would lead, or be likely to lead, to a continuation of, or a recurrence of, the dumping and/or subsidisation and the material injury, the Commissioner must be satisfied there is, or is likely to be established, an Australian industry in respect of like goods.¹⁹

3.3 The goods

The goods subject to anti-dumping measures, in the form of dumping duty notices (for all subject countries) and a countervailing duty notice (China only) 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 [grams per square metre] and cut to sheets of metric size A4 (210 mm x 297 mm) (also commonly referred to as cut sheet paper, copy paper, office paper or laser paper).²⁰

¹⁸ Section 269ZDA(1A).

¹⁹ Section 269TC(1).

²⁰ The measures from notices [ADN Nos 2017/039](#), [2017/040](#) and [2019/037](#) all relate to A4 copy paper with nominal weight range of 70 to 100 gsm.

On 19 March 2021, following the completion of the anti-circumvention inquiry described in *Anti-Dumping Commission Report No 552*, the then Minister for Industry, Science and Technology altered the goods description for goods exported to Australia from China to include A4 copy paper with the nominal weight range of 67 to 69 gsm ([ADN No 2021/024](#)). However, following Anti-Dumping Review Panel [Report No 133](#), the then Minister revoked that decision and substituted with a new [decision](#), such that the notice applying to exports from China again related to A4 copy paper with a nominal weight range of 70 to 100 gsm.

For the measures applying to A4 copy paper exported to Australia from Indonesia by PT.Pabrik Kertas Tjiwi Kimia Tbk ([ADN No 2022/096](#)), the description of goods included A4 copy paper with nominal weight range of 67 to 100 gsm.

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Further information on the goods specifies that 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.

3.3.1 Tariff classification

The goods are generally, but not exclusively, classified to the tariff subheading 4802.56.10 (statistical codes 03 and 09) in Schedule 3 to the *Customs Tariff Act 1995*.

3.3.2 Tariff concession order

There is a tariff concession order (TCO) in effect for goods imported under tariff classification 4802.56.10, with an operative date of 21 February 2023.²¹ The TCO applies to:

PAPER, uncoated, having ALL of the following:

- (a) cut to rectangular A4 size sheets 210 mm x 297 mm
- (b) weight NOT less than 40 gsm and NOT greater than 80 gsm
- (c) whiteness NOT less than CIE 142 and NOT greater than CIE 175

The TCO has the effect that Customs duties are not payable on imports of A4 copy paper matching this description.

3.3.3 Ministerial exemption from anti-dumping duties

Ministerial Exemption Instrument 2 of 2023, effective from 18 January 2023, exempt the following goods from measures:

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 size A4 (210mm x 297mm) (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.²²

The exemption has the effect that dumping and countervailing duties are not payable on imports of A4 copy paper matching this description.

3.4 Australian industry producing like goods

In the original investigations and in subsequent cases for A4 copy paper, the commission has found the Australian industry producing like goods comprised solely of Opal.²³

²¹ TC 2361665, Australian Border Force Tariff Concessions Gazette [No TC 23/18](#), 24 May 2023.

²² For further detail, please refer to the [Ministerial Exemption Instrument](#) and [Exemption Inquiry Report No EX0098](#).

²³ Most recently, [Anti-Dumping Commission Report No 583](#).

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Opal's production of like goods was impacted in late 2022 by the loss of a consistent supply of its main raw material (wood logs).²⁴ According to Opal, this was a result of a judgement of the Supreme Court of Victoria that affected VicForests' ability to supply wood to Opal's Maryvale mill.²⁵

In response to 'this sudden and unexpected suspension of supply', Opal and its parent, Nippon Paper Industries Co., Ltd, considered alternative wood supplies to continue its A4 copy paper production. It ultimately concluded that 'alternative procurement is not feasible' and decided to discontinue production permanently.²⁶

Opal ceased production of like goods completely on 21 January 2023.²⁷

3.5 The commission's assessment

The commission notes that evidence submitted by Opal to the Australian Border Force (ABF) in a TCO application would support a finding that there is no longer an Australian industry. A TCO is a revenue concession for general import duties (separate to anti-dumping duties) that can be made where there are no known Australian manufacturers of goods that are substitutable for imported goods.²⁸

As part of its application to satisfy the relevant requirements of the form, Opal provided information to the ABF indicating that there are no Australian manufacturers of goods that are substitutable for imported goods. On 1 March 2023, the ABF published a notice in the Commonwealth Gazette indicating that a TCO will be made if no parties object, indicating its acceptance of the application. Parties had 50 days from 1 March 2023 to object to the TCO. On 24 May 2023, the ABF published the TCO in the Commonwealth Gazette with an operative date of 21 February 2023.

As outlined in the previous section, the evidence before the commission indicates that there is no longer an Australian industry producing A4 copy paper. Based on the evidence before the commission, the lack of wood log supplies for paper manufacturing could be an ongoing feature of the Australian market for the foreseeable future. In all the circumstances, on balance, the commission cannot be satisfied that there is a likelihood of an Australian industry producing A4 copy paper being re-established in the foreseeable future.

All submissions received during these reviews have indicated support for revoking the measures in the absence of an Australian industry, variously noting the relevant legislative provisions for revocation and publicly available information regarding the status of Opal.

²⁴ [Statement from Nippon Paper Industries Co., Ltd](#), 14 February 2023.

²⁵ *Environment East Gippsland Inc v VicForests (no 4)* [2022] [VSC 668](#). A subsequent appeal against the decision failed: *VicForests v Environment East Gippsland Inc & Anor* [2023] [VSCA 159](#).

²⁶ [Statement from Nippon Paper Industries Co., Ltd](#), 14 February 2023.

²⁷ [Opal Australian paper Maryvale Mill supply update](#), 15 February 2023.

²⁸ ABF website, <https://www.abf.gov.au/importing-exporting-and-manufacturing/tariff-concessions-system/tariff-concession-order>.

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Opal did not provide any submissions in relation to these revocation reviews. The commission notes that Opal did not object to the exemption described in chapter 3.3.3. Opal's response to the Australian industry questionnaire in the exemption inquiry included a statement from Opal confirming that it had discontinued production of the goods in January 2023.²⁹

²⁹ Opal questionnaire response, [Exemption Inquiry 0098](#).

4 REVOCATION OF THE ANTI-DUMPING MEASURES

4.1 Findings and recommendations

For the reasons outlined in this report, the Commissioner finds that:

- there is no longer an Australian industry producing like goods, and therefore
- the Commissioner is not satisfied that revoking the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and subsidisation and the material injury that the measures are intended to prevent.

On this basis, the Commissioner finds that the anti-dumping measures applying to A4 copy paper exported from Brazil, China, Finland, Indonesia, the ROK, Russia, Slovakia and Thailand are no longer warranted and recommends that the measures be revoked in their entirety.³⁰

The Commissioner recommends that the measures be revoked with effect from **5 May 2023**.³¹

³⁰ Section 269ZDA(1A)(b).

³¹ Sections 269ZDB(1)(a)(ii) and 269ZDB(6)(a).