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Customs Act 1901 – Part XV B

## **Anti-Dumping Notice No. 2018/180**

### **Resealable can end closures**

**Exported to Australia from Malaysia, the Republic of the Philippines and the Republic of Singapore**

**Initiation of a Review of Anti-Dumping Measures No. 496  
[Relating to Genpacco Inc.]**

***Notice under subsection 269ZC(4) of the Customs Act 1901***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, (the Commissioner) have initiated a review of the anti-dumping measures applying to certain resealable can end closures (TRF's or the goods) exported to Australia from Malaysia, the Republic of the Philippines (Philippines) and the Republic of Singapore (Singapore). The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect Genpacco Inc. (Genpacco) from the Philippines should be varied.

#### **The Goods**

The goods the subject of the anti-dumping measures are:

*Resealable can end closures (TRFs) comprising:*

- *a tinplate outer ring with or without compound;*
- *an aluminium foil membrane for attachment to the outer ring; and*
- *a plug or tagger, which fits into the outer ring.*

Further details regarding the goods are as follows:

*TRFs are commonly manufactured by the TRF industry in the following nominal sizes (diameters):*

- *73 mm;*
- *99 mm;*
- *127 mm; and*
- *153/4 mm.*

*The goods may be coated or uncoated and/or embossed or not embossed.*

*The goods are referred to locally as TRF ends (Tagger, Ring and Foil ends, or*

*TRFs) and can also be known as RLTs (Ring, Lid, Tagger), RLFs (Ring, Lid, Foil) or Penny Lever Ends.*

## Exclusions

*Goods specifically excluded from the description of the goods are TRFs of nominal size:*

- *52 mm;*
- *65 mm;*
- *189 mm; and*
- *198 mm.*

*There are typical specifications of the goods, however there may be some variation in the specifications which does not affect the end use of the TRF.*

The goods are normally classified to the following tariff subheading 8309.90.00 (statistical code 10) of Schedule 3 to the *Customs Tariff Act 1995*.

## Background to the Measures

The anti-dumping measures were initially imposed by public notice on 24 March 2017 by the then Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the then Parliamentary Secretary) following consideration of *Anti-Dumping Commission Report No. 350*. These measures are applicable to all exporters from Malaysia, the Philippines and Singapore.

## The Current Review

An application was lodged by Irwin Packaging Pty Ltd (Irwin) under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of a dumping duty notice in relation to the goods exported to Australia from the Philippines by Genpacco.

Particulars of the reasons for the decision to undertake this review are shown in *Anti-Dumping Commission Consideration Report No. 496*, which has been placed on the public record.

The review period is 1 October 2017 to 30 September 2018. The review is limited examining whether the variable factors relevant to the taking of the measures in respect of Genpacco from the Philippines have changed.

After concluding the review, I will recommend to the Minister for Industry, Science and Technology (the Minister) that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application<sup>1</sup> no later than 3 January 2019 to request

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<sup>1</sup> In accordance with section 269ZCB of the Act.

that I consider that evidence to extend a review of anti-dumping measures to include revocation.

### **Future Reviews**

Under subsection 269ZA(2) of the Act, an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of this review cannot be made for a period of 12 months.

### **Public Record**

A public record must be maintained for each in review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at the Commission's 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)

### **Lodgment of Submissions**

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than 3 January 2019, addressed to:

The Director  
Investigations 3  
GPO Box 2013  
Canberra ACT 2601

or email [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au) or fax to +61 3 8539 2499.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned 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 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 making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

### **Statement of Essential Facts**

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. A statement of essential facts (SEF) will be placed on the public record by 18 March 2019<sup>2</sup>, or by such later date as allowed in accordance with section 269ZHI of the Act.<sup>3</sup> The SEF will set out the essential facts on which I propose to base a recommendation to the Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record.

### **Report to the Minister**

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Minister. A recommendation to Minister will be made in a report on or before 1 May 2019 (or such later date as allowed under section 269ZHI of the Act).

### **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2437 or [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

27 November 2018

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<sup>2</sup> The due date is 17 March 2019, however, as this falls on a Sunday, the effective due date is the following business day.

<sup>3</sup> On 14 January 2017, the then Parliamentary Secretary delegated the powers and functions of the Minister under section 269ZHI of the Act to the Commissioner. Refer to Anti-Dumping Notice No. 2017/10 for further information.