

Visy Packaging Pty Ltd Application for Review – Supporting Statement

Visy Packaging Pty Ltd is seeking a review of the current dumping measures that are in place for the particular exporter, Federal Metal Printing Factory Sdn Bhd ('Kian Joo') in respect of its exports from Malaysia to Australia of Resealable Can End Closures ('TRFs').

In accordance with s269ZB(2)(c)(i) of the Customs Act, Visy's statement of opinion of as to the variable factors that have changed is as follows: the export price and the normal value have changed.

In accordance with s269ZB(2)(c)(ii) of the Customs Act, Visy's statement of opinion of the amount by which the export price and normal value has changed is as follows:

1. Export Price – Visy states that the export price has changed from **[CONFIDENTIAL FIGURES]** to **[CONFIDENTIAL FIGURES]**. Visy therefore claims that the export price has changed **[CONFIDENTIAL DESCRIPTION]** by **[CONFIDENTIAL FIGURES]**.
2. Normal Value - Visy states that the normal value has changed from **[CONFIDENTIAL FIGURES]** to **[CONFIDENTIAL FIGURES]**. Visy therefore claims that the normal value has changed **[CONFIDENTIAL DESCRIPTION]** by **[CONFIDENTIAL FIGURES]**.

In accordance with s269ZB(2)(c)(iii) of the Customs Act, Visy's statement of opinion of the information that establishes that amount (ie the amount(s) referred to in Visy's response to the requirements of s269ZB(2)(c)(ii)) is as follows:

In Accelerated Review Case No 474 ('Accelerated Review') the Anti-Dumping Commission determined that the effective rate of Interim Dumping Duty applying to Kian Joo for its exports of TRFs from Malaysia to Australia shall be a 0% dumping margin and that a Floor Price Duty Method should apply (refer Anti-Dumping Notice No 2018/116). This application is a review of the Accelerated Review, which is, in turn a review of ADC Notice 2017/20 pursuant to s269ZG(3).

In Accelerated Review Report No 474, the ADC determined that the export price for sales of TRFs by Kian Joo to Australia shall be equal to the normal value (refer paragraph 1.3 of Report 474- see extract **attached**). Therefore export price and normal value are the same values. The ADC advised Visy that the confidential floor price established by the ADC was **[CONFIDENTIAL FIGURES]**. Please see the

attached email from the ADC disclosing the confidential floor price. Visy reasonably assumes that the floor price is the same as the normal value and export price benchmarked by the ADC in the Accelerated Review. Using a current exchange rate **[CONFIDENTIAL FIGURES]** Therefore Visy asserts that the existing export price and normal value applying to Kian Joo is **[CONFIDENTIAL FIGURES]**. It is important to note that the Accelerated Review was based upon a consignment of **[SIZE]** TRFs exported by **[NAMES]** on or about **[DATE]** (please see commercial invoice **attached**).

Visy contends that the export price and the normal value have both changed **[CONFIDENTIAL DESCRIPTION]** since the Accelerated Review to a value of **[CONFIDENTIAL DESCRIPTION]** The evidence upon which Visy relies in support of this claim is as follows:

Export Price

On **[CONFIDENTIAL SALES INFORMATION]** . Please see **attached** a copy of the commercial invoice.

Normal Value

In the Accelerated Review the normal value established by the ADC was the same as the export price. The sale of TRFs **[CONFIDENTIAL SALES INFORMATION]** There is a significantly less tin plate in **[CONFIDENTIAL DESCRIPTION]** .

In addition, Visy relies on significant reduction in the price of tinplate in the period from **[CONFIDENTIAL DATES]** as a further basis for the reduction in normal value. Tinplate is the major raw material used in the manufacture of TRFs and Visy estimates that tin plate represents approximately **[NUMBER]** percent of the cost to make and sell TRFs. We **attach** extracts from **[NAME]** which show a reduction in tin plate pricing from August 2018 to August 2019 from approximately USD 1030 per tonne to USD 920 per tonne, which represents a **[NUMBER]** reduction in price in this period.

Conclusion

In the Accelerated Review the decision to impose a floor price was appropriate for **[NUMBER]** diameter TRFs but is not appropriate as a benchmark in relation to sales

of **[SIZE]** where both the export price and normal value will be lower. Should Visy import **[NUMBER]** sized TRFs from Kian Joo then it is extremely likely that the export price will be below the floor price and dumping duty will be levied in circumstances where no dumping is occurring. This situation will continue whilst the current measures imposed under ADC Notice 2017/20 are in place.

It is therefore necessary for the ADC to initiate a review and to verify export prices and normal values.