



*Customs Act 1901 – Part XVB*

## **ANTI-DUMPING NOTICE NO. 2019/122**

### **Resealable can end closures exported from Malaysia by Federal Metal Printing Factory Sdn Bhd**

### **Initiation of Review 527 of Anti-Dumping Measures**

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

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated a review of the anti-dumping measures applying to certain resealable can end closures (the goods) exported to Australia from Malaysia, the Republic of the Philippines and the Republic of Singapore. The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect Federal Metal Printing Factory Sdn Bhd (Federal Metal) have changed.

#### **The Goods**

The goods subject to anti-dumping measures, in the form of a dumping duty notice, are:

Resealable can end closures (also referred to as tagger, ring and foil (TRF) ends, or 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 information**

The goods are commonly manufactured in the following nominal sizes (diameters):

- 73 mm;
- 99 mm;
- 127 mm; and
- 153 / 154 mm.

The goods may be coated or uncoated and / or embossed or not embossed. The goods can also be known as RLTs (ring, lid tagger), RLFs (ring, lid, foil) or Penny Lever ends.

#### **Exclusions from the measures**

Resealable can end closures of the following nominal sizes are excluded from the measures:

- 52 mm;
- 65 mm;

- 189 mm; and
- 198 mm.

The goods are currently classified to the tariff subheading 8309.90.00 (statistical code 10) in 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 the Parliamentary Secretary to the Minister for Industry, Innovation and Science following consideration of *Anti-Dumping Commission Report No. 350*. These measures are applicable to all exporters from Malaysia, the Republic of the Philippines and the Republic of Singapore.

### **The current review**

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

Particulars of the reasons for the decision to undertake this review are shown in *Anti-Dumping Commission Consideration Report No. 527*, which has been placed on the public record. The review period is 1 October 2018 to 30 September 2019 and covers exports by Federal Metal from Malaysia. The review will examine whether the variable factors relevant to the taking of the measures have changed.

After concluding the review, I will recommend to the Minister that the dumping duty notice:

- remain unaltered; or
- 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 the anti-dumping measures are no longer warranted, that party may lodge an application<sup>1</sup> no later than **7 November 2019** to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

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

## **Future Reviews**

Under subsection 269ZA(2), 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.

On 12 September 2019, the Commission published a notice declaring the outcome of a review of measures concerning the goods exported from the Republic of the Philippines (as reported in *Anti-Dumping Commission Report No. 496*). This means that an application for a review of measures in relation to the dumping duty notice that is the subject of this review cannot be lodged until 12 September 2020, or (if a notice is published) no less than 12 months after the completion of the present review.

## **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 on the Commission website, [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 the close of business on 7 November 2019, addressed to:

The Director, Investigations 1  
Anti-Dumping Commission  
GPO Box 2013  
CANBERRA ACT 2601

or email [investigations1@adcommission.gov.au](mailto:investigations1@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 **19 January 2020**, or by such later date as allowed in accordance with section 269ZHI of the Act.<sup>2</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 the Minister will be made in a report on or before **4 March 2020** (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 (03) 8539 2498 or [investigations1@adcommission.gov.au](mailto:investigations1@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

1 October 2019

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<sup>2</sup> On 14 January 2017, certain powers and functions of the Minister under section 269ZHI of the Act were delegated to the Commissioner of the Anti-Dumping Commission. Refer to Anti-Dumping Notice No. 2017/10 for further information.

Please note that as this date falls on a Sunday, the SEF will be due on the next business day, 20 January 2020.