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## Anti-Dumping Notice No. 2020/055

*Customs Act 1901*

### ***Customs (Preliminary Affirmative Determinations) Direction 2015***

### **Certain kraft paperboard**

### **Exported to Australia from the United States of America**

### **Investigation No. 548 into Alleged Dumping**

### **Day 60 Status Report**

#### **Introduction**

The purpose of this Status Report is to set out the reasons why I, Dale Seymour, Commissioner of the Anti-Dumping Commission (Commissioner) have not made a preliminary affirmative determination (PAD) under section 269TD(1)<sup>1</sup> of the *Customs Act 1901* (the Act) on 29 May 2020, being, 60 days after the initiation of the investigation into the alleged dumping of kraft paperboard (the goods) exported to Australia from the United States of America (USA).

This report and the findings contained herein reflect the status of the investigation at day 60. My findings may change as a result of further information, submissions, analysis or verification. Accordingly, I, at any time from day 60 onwards during the investigation, may make a PAD if I am satisfied the requirements under section 269TD(1) are met.

#### **Background**

On 30 March 2020, I initiated an investigation into the alleged dumping of kraft paperboard following an application by Visy Glama Pty Ltd (Visy Glama, or the applicant) under section 269TB. Further details can be found in the public notice published on 30 March 2020 (refer to *Anti-Dumping Notice No. 2020/032* at [www.adcommission.gov.au](http://www.adcommission.gov.au)).

Under section 269TD(1), I may make a PAD at any time, not earlier than 60 days after I initiate an investigation for the publication of a dumping duty or countervailing duty notice, if I am satisfied:

- that there appears to be sufficient grounds for the publication of such a notice, or

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<sup>1</sup> All legislative references in this report are to the *Customs Act 1901* unless otherwise specified.

- that it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

## **Reasons**

### *Information considered*

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with section 269TD(2), had regard to:

- Visy Glama's application;
- a submission received concerning the publication of a dumping duty notice in response to the initiation of the investigation; and
- any other matters that I considered relevant.

### *Reasons for not making a PAD*

The Commission is currently examining competing claims<sup>2</sup> as to whether, among other things:

- the applicant manufactures like goods in Australia;
- there are potentially other manufacturers of like goods in Australia;
- the Australian industry in respect of like goods, as a whole, has experienced material injury during the investigation period, and, if so, whether the material injury was caused by the allegedly dumped goods from the USA.

In assessing the competing claims, the Commission will continue to verify information received from the applicant, importers and exporters and will seek additional information from various parties as required.

It is also noted that the investigation has been delayed by specific circumstances arising from the COVID-19 pandemic.

Therefore, based on the above, at the time of making this report, I am unable to establish sufficient grounds that:

- the goods exported to Australia have been dumped (above negligible levels in accordance with section 269TDA); and
- dumped goods have caused material injury to the Australian industry producing like goods.

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<sup>2</sup> Refer to submission by Graphic Packaging International LLC at public record no. 548, item no. 5, available via [www.adcommission.gov.au](http://www.adcommission.gov.au).

## **Other considerations**

### *Relevant matters – section 269TD(2)(b)*

In accordance with the Direction and for the purposes of section 269TD(2)(b), I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided that it is not yet warranted to make a PAD, at this particular time, because I am not yet satisfied that there appear to be sufficient grounds to establish that the goods are dumped, or to establish a causal link between the dumped goods and material injury, for the reasons outlined above. However, I will continue to assess the need for a PAD and make one as soon as possible, assuming I attain the requisite level of satisfaction on the basis of the evidence available to me.

### *Reconsideration of making a PAD – section 269TDAA*

After publishing this report, I must reconsider whether to make a PAD at least once prior to the publication of the Statement of Essential Facts (SEF) required under section 269TDAA. The SEF is due to be published on 20 July 2020. Prior to the publication of the SEF, or in the SEF itself, I will advise whether I made a PAD and the reasons for my decision.

## **Anti-Dumping Commission Contact**

Enquiries about this report may be directed to the case manager on telephone number +61 2 6276 1404, or at [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

29 May 2020