

Dr. Ross S. Becroft B.A., LL.B., M.Comm.Law. PhD

Suite 2, Level 3  
182-184 Victoria Parade  
East Melbourne, Victoria, 3002  
Australia  
Telephone: (61 3) 9866 5666  
Facsimile: (61 3) 9866 5644

Our Ref: RB:KB 3603

Your Ref:

## PUBLIC FILE VERSION

15 January 2021

The Director, Investigations 3  
GPO Box 2013  
CANBERRA ACT 2601

By email: [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au)

Dear Sir/Madam,

**Re: Dumping Investigation No. 548 – Certain Kraft Paperboard Exported to Australia from the United States of America.**  
**Submission by Visy Glama Pty Ltd (“Visy”) – Response to Expert Report**

We refer to the Expert Report of Dr. Nafty Vanderhoek dated 22 December 2020<sup>1</sup> that was commissioned by the Anti-Dumping Commission regarding the issue of like goods.

Visy welcomes this Expert Report and notes that the conclusions in the Report support Visy's position in its application for dumping measures that the kraft paperboard described in the application and microflute are clearly like goods for the purposes of this dumping investigation.

In particular, Visy fully endorses the conclusion of Dr. Vanderhoek in paragraph 7.1(b) of the Report that:

*Microflute is a “like good” alternative for kraft paperboard for physical, functional, and production factors where these materials are used in 12+ beverage can multipack applications;*

---

<sup>1</sup> See investigation 548 public file document number 28 published on 23 December 2020.

Visy further concurs with the conclusion in paragraph 7.1(c) of the Report that:

*There is no other fibrous product closely resembling kraft paperboard, other than microflute, able to meet the 12+ beverage can multipack performance requirements in their entirety.*

It is clear from the Expert's professional background and the matters discussed in the Report that he has a thorough and detailed knowledge and experience of the pulp, paper and packaging industries. In his Report Dr. Vanderhoek takes a broad view of the process of manufacturing paperboard products from the pulping of raw materials to the completion of the finished products designed for use by commercial customers. Visy notes and agrees with the Expert's statement in paragraph 6.7 of the Report that technology allows the customer's expectations to be met in a variety of ways and that functional performance of kraft paperboard and microflute are most sensibly compared at the final product stage: that is, the finished box.

It is Visy's position that this Expert Report together with the Statement of Arthur Mitropoulos dated 20 October 2020 and Visy's earlier submissions of 27 October 2020 and 20 November 2020 make it patently clear that kraft paperboard (as described in the GUC) and microflute are like goods that comply with the definition of like goods under section 269T(1) of the Customs Act. The matters raised in the Anti-Dumping Commission's Issues Paper of 7 September 2020 have now been resolved.

Visy further notes that the brief of documents provided to Mr Vanderhoek did not include the statement of Arthur Mitropoulos and hence the Expert did not have the benefit of this statement in reviewing this matter. Accordingly, Visy notes that both the Expert and Mr Mitropoulos have independently arrived at the same conclusion that kraft paperboard and microflute are like goods based upon their individual experience and longstanding participation in the Australian packaging industry.

We note that the dumping investigation timetable has been delayed as a result of the like goods issue being dealt with. In light of the Expert Report being published, Visy strongly contends that the Anti-Dumping Commission should forthwith progress its verification of the Australian Industry and United States exporters so that the investigation may be finalized as soon as possible.

We note that the Anti-Dumping Commission is required to publish its Statement of Essential Facts by 5 March 2021 and Visy looks forward to assisting the Anti-Dumping Commission to complete this investigation in a timely manner. This includes urgent consideration of issuing a Preliminary Affirmative Determination under s269TD(1) of the Customs Act given the material injury that Visy continues to suffer by reason of dumping of the subject goods.

Do not hesitate to contact the writer should the Commission require any further information or wish to discuss the matter generally.

Yours faithfully

**GROSS & BECROFT**

A handwritten signature in black ink, appearing to be 'R. Becroft', with a long horizontal stroke extending to the right.

**Dr. Ross Becroft**

Principal