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Our Ref: RB:KB 3603

Your Ref:

## PUBLIC FILE VERSION

4 March 2021

The Director, Investigations 3  
GPO Box 2013  
CANBERRA ACT 2601

By email: 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 GPI submission (public file document no. 35)**

We refer to GPI’s submission dated 24 February 2021.

Visy wishes to raise the following matters in reply:

1. Visy rejects the matters raised in GPI’s submission. The matters raised do not deal with any new substantive issues and are repetitive.
2. GPI has continually claimed that there is no injury to an Australian industry producing like goods. GPI asserts at paragraph 9 of its submission that ‘Visy’s argument ignores the legal reality that there is no actionable dumping if there is not an Australian industry producing like goods.’ Visy rejects any contention that this test is not met. The material injury to Visy is, in reality, clearly demonstrated by the fact that severe ongoing dumping by GPI of certain kraft paperboard directly results in Visy losing significant contracts for the supply of packaging to beverage customers in Australia. The anti-dumping laws exist to protect Australian industry from the negative economic impacts of dumping.

3. GPI contends in paragraphs 1-6 of its submission that Visy has failed to recognise the relevance of WTO jurisprudence regarding like goods. Visy does not accept this and contends that GPI is attempting to utilise clearly inappropriate and distinguishable product analogies. The fact that wine is a downstream product of grapes does not make it an accurate comparison of certain imported kraft paperboard and Australian manufactured microflute. Imported kraft paperboard and microflute are both highly manufactured products (as opposed to a primary and processed product). Further, it is not uncommon for substitutable products to have physical differences and for them to be modified or converted for end use. We also note GPI's statement in paragraph 4 of its submission that 'the governing consideration is the difference in the physical characteristics of the goods'. Both the criteria applied by the ADC and under international jurisprudence emphasises not just physical similarities but also a wide variety of factors such as functional (end use) likeness, commercial likeness and production likeness. The overriding consideration is the competitive relationship between the products, which is patently obvious in this case.
4. Visy does not accept GPI's contention in paragraph 14 of GPI's submission that microflute that is comparable with imported kraft paperboard exists only transiently. Microflute is a product manufactured in Australia at various production facilities and how Visy in fact organises its production processes based upon its own operational requirements (eg whether conversion into a final product occurs promptly or at the same facility) is not a relevant consideration in this case.
5. Visy rejects GPI's statement on paragraph 25 of its submission that Visy has been unable to state what comprises microflute. Visy has made its position in this regard very clear in its Application and its submission dated 18 June 2020 (document no. 9 on the public record). The goods for which dumping protection is sought are known as microflute or 'N Flute' being a narrower caliper corrugated cardboard product of a thickness of approximately 0.7mm.
6. Visy reiterates that it supports the conclusions of the ADC's expert in this matter, Dr Vanderhoek, that imported kraft paperboard (within the Goods Under Consideration description) and microflute are like goods.

Visy trusts that the ADC will move promptly to finalize the Statement of Essential Facts in which it makes proposed recommendations to impose dumping measures on imports of certain kraft paperboard exported from the United States.

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**



**Dr. Ross Becroft**  
Principal