



Australian Government
Department of Industry, Science,
Energy and Resources

Anti-Dumping
Commission

Customs Act 1901 – Part XV B

ANTI-DUMPING NOTICE NO. 2021/86

Kraft Paperboard

Exported to Australia from the United States of America Termination of Investigation No. 548

Public notice under section 269TDA(15) of the Customs Act 1901 (Cth)

On 30 March 2020, Dale Seymour, the former Commissioner of the Anti-Dumping Commission, initiated an investigation into the alleged dumping of kraft paperboard (the goods) exported to Australia from the United States of America (USA). The investigation followed an application lodged by Visy Glama Pty Ltd (the application) under section 269TB(1) of the *Customs Act 1901* (Cth).¹

A public notice of the decision to not reject the application and to initiate the investigation (the initiation notice) was published on the Anti-Dumping Commission's (Commission) website on 30 March 2020 in Anti-Dumping Notice (ADN) No. 2020/032.²

As a result of the Commission's investigation, I found that like goods were not produced in Australia and exports of the goods from the USA have not caused material injury to an Australian industry producing like goods.³

I am satisfied that the following preconditions for termination of the investigation are met:

- (a) an application was made for a dumping duty notice (section 269TDA(13)(a)); and
- (b) no injury has been caused to an Australian industry producing like goods by exports of the goods from the USA (section 269TDA(13)(b)).

Accordingly, I must terminate this investigation in accordance with section 269TDA(13).

Termination Report No. 548 (TER 548)⁴, sets out reasons why I consider no injury has been caused to an Australian industry producing like goods by exports of the goods from the USA. In summary, I do not consider that locally produced goods (microflute) are like goods to the goods under consideration (kraft paperboard).

¹ All legislative references in this notice are to the *Customs Act 1901* (Cth) unless otherwise stated.

² Available on the electronic public record (EPR) for Investigation No. 548 as item no. 3.

The EPR is available via www.adcommission.gov.au.

³ Pursuant to section 269T, like goods means 'in relation to goods under consideration... goods that are identical in all respects to the goods under consideration or that, although not alike in all respects to the goods under consideration, have characteristics closely resembling those of the goods under consideration'.

⁴ Available on the EPR.

As I consider like goods are not produced in Australia by any manufacturer, there is no Australian industry producing like goods and therefore there can be no injury from dumped goods.

In making the decision to terminate this investigation, I have had regard to:

- the application;⁵
- submissions from interested parties concerning the publication of the initiation notice. I had regard to these submissions for the purpose of formulating *Statement of Essential Facts No. 548* (SEF 548);⁶
- SEF 548;
- submissions in response to SEF 548;
- TER 548; and
- other relevant information.

TER 548, which sets out my reasons for the termination decision, including the material findings of fact or law upon which the decision is based, has been placed on the Commission's public record at: www.adcommission.gov.au.

The applicant may request a review of this decision to terminate part of the investigation by lodging an application with the Anti-Dumping Review Panel in the approved form and manner within 30 days of the publication of this notice.

Enquiries about this notice may be directed to investigations3@adcommission.gov.au.

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

15 July 2021

⁵ EPR item no. 1.

⁶ Refer to a list at Non-Confidential Attachment 1 to SEF 548, which is at EPR item no. 37.