



*Customs Act 1901 – Part XVB*

## **Anti-Dumping Notice No. 2020/045**

**A4 copy paper**

**Exported to Australia from the People’s Republic of China**

**Initiation of an anti-circumvention inquiry 552**

***Notice under section 269ZDBE(4) of the Customs Act 1901***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an anti-circumvention inquiry in relation to certain A4 copy paper (the goods) exported to Australia from the People’s Republic of China (China).

This follows an application made under section 269ZDBC of the *Customs Act 1901* (the Act) by Paper Australia Pty Ltd (Australian Paper), a producer of like goods in Australia. Australian Paper claims that a circumvention activity involving a slight modification of goods exported to Australia from China has occurred within the meaning of section 48(2) of the *Customs International (Obligations) Regulation 2015* (the Regulation).

A non-confidential version of the application which contains the basis of the alleged circumvention activity is available on the public record.

Particulars of the reasons for the decision to initiate this inquiry are outlined in *Anti-Dumping Commission Consideration Report No. 552*, which has been placed on the Anti-Dumping Commission’s public record.<sup>1</sup>

### **The original notices**

The anti-dumping measures, in the form of a dumping duty notice and a countervailing duty notice (the original notices), were imposed on 19 April 2017 by the relevant Minister after consideration of *Anti-Dumping Commission Report No. 341* (REP 341).<sup>2</sup> The dumping duty notice applies to all exporters of A4 copy paper from the Federative Republic of Brazil, China, the Republic of Indonesia (except PT. Pabrik Kertas Tjiwi Kimia Tbk) and the Kingdom of Thailand, whereas the countervailing duty notice applies to all exporters of A4 copy paper from China except Asia Symbol (Guangdong) Paper Co., Ltd and Greenpoint Global Trading (Macao Commercial Offshore) Ltd; and UPM (China) Co., Ltd and UPM Asia Pacific Pte Ltd.

<sup>1</sup> Available on the Anti-Dumping Commission website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

<sup>2</sup> Anti-Dumping Notice (ADN) Nos. [2017/39](#) and [2017/40](#) refer. [REP 341](#) is available on the Anti-Dumping Commission website.

## **The goods the subject of the original notices**

The goods the subject of the original notices are:

uncoated white paper of a type used for writing, printing or other graphic purposes, in the nominal basis weight range of 70 to 100 gsm and cut to sheets of metric size A4 (210 mm x 297 mm) (also commonly referred to as cut sheet paper, copy paper, office paper or laser paper).

The applicant at the time of the original investigation supplied the following additional information to clarify the scope of the goods description:

The paper is not coated, watermarked or embossed and is subjectively white. It is made mainly from bleached chemical pulp and/or from pulp obtained by a mechanical or chemi-mechanical process and/or from recycled pulp.

The goods are generally, but not exclusively, classified to tariff subheading 4802.56.10 (statistical codes 03 and 09) in Schedule 3 to the *Customs Tariff Act 1995*.

These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes is for reference only and do not form part of the goods description.

## **The alleged circumvention goods**

The goods the subject of the application have a weight of 68 gsm but otherwise meet the description of the goods the subject of the original notices (the circumvention goods).

## **Conduct of the inquiry**

The anti-circumvention inquiry will examine whether a circumvention activity in relation to the original notices have occurred, as outlined in section 48(2) of the Regulation.

Exports to Australia from 1 January 2015 will be examined to determine whether the alleged circumvention activity has occurred.

After conducting the inquiry, I will recommend to the Minister that the original notices:

- (i) remain unaltered; or
- (ii) be altered because I am satisfied that circumvention activities in relation to the original notices have occurred, and the alterations to be made to those notices.

## **Public Record**

I must maintain a public record for each inquiry. 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 by contacting the case manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## **Lodgement of submissions**

Interested parties, as defined by section 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry no later than the close of business on **4 June 2020**, addressed to:

The Director  
Investigations 2  
Anti-Dumping Commission  
GPO Box 2013  
CANBERRA ACT 2601

or email [investigations2@adcommission.gov.au](mailto:investigations2@adcommission.gov.au), or fax to +61 3 8539 2499.

Interested parties wishing to participate in the inquiry 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 Anti-Dumping Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts (SEF) 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 SEF will be placed on the public record by **16 August 2020**,<sup>3</sup> or by such later date as allowed in accordance with section 269ZHI of the Act.<sup>4</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 **30 September 2020** (or such later date as allowed under section 269ZHI of the Act).

The Minister must make a declaration within 30 days after receiving the report (section 269ZDBH(3)(a) of the Act) or, due to special circumstances such longer period as the Minister considers appropriate (section 269ZDBH(3)(b) of the Act).

### **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2424 or email at [investigations2@adcommission.gov.au](mailto:investigations2@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

28 April 2020

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<sup>3</sup> As this day is a Sunday, the due date becomes the next business day (17 August 2020).

<sup>4</sup> On 14 January 2017, the powers and functions of the Minister under section 269ZHI of the Act were delegated to the Commissioner (ADN No. 2017/10 refers).