

King, Tim

From: King, Tim
Sent: Friday, 22 May 2020 2:35 PM
To: 'Arvind_Gupta@[REDACTED]'
Cc: Anti-Dumping Commission Investigations 2; williams@[REDACTED]
Subject: RE: Review 547 [SEC=UNCLASSIFIED]

Security Classification:
UNCLASSIFIED

Dear Mr Gupta

Thank you for your e-mail of 18 May 2020.

We note your concerns about the mechanism being used to bring these measures into conformity. We remain committed to implementing the Panel's findings and recommendations in good faith and in a prompt and timely manner.

In order to bring the measures into conformity in a prompt and timely manner, it is necessary to use a mechanism that is already available in the Customs Act. Part XV B of the Customs Act does not include a mechanism that specifically provides for the implementation of the WTO Panel's findings. Rather, the review mechanism under the Customs Act enables the existing measures to be altered or revoked, as required, to bring the measure into compliance.

The scope of the current review includes the potential for measures to be withdrawn. However, the Commission would be best placed to consider the potential revocation of measures if it is able to obtain the best available information, including trends in recent exports by Indah Kiat and Pindo Deli to Australia. We would once again encourage Indah Kiat and Pindo Deli's full engagement with this review.

In particular, in initiating the review, the Minister for Industry, Science and Technology noted that "the anti-dumping measures may no longer be warranted in relation to the measures applying to Indah Kiat and Pindo Deli." As the review has progressed and as foreshadowed by the Minister, the Commission has been considering whether the measures should be revoked. This includes considering whether injury caused by dumping would continue or recur, if the measures were revoked. As part of its questionnaire response, Australian Paper (7 May 2020) has made statements that the measures should continue as it considers injury caused by dumping would continue or recur if the measures were revoked. A copy of Australian Paper's questionnaire response is available on the electronic public record (EPR) on the Commission's website (www.adcommission.gov.au).

As noted above, it is important for the Commission to obtain the best available information in order to ensure an informed outcome to the review process.

To that end, we would encourage Indah Kiat and Pindo Deli to consider Australian Paper's questionnaire response and make a submission. This would provide the Anti-Dumping Commission with the benefits of their perspectives and any relevant evidence they can provide. This would assist in making sure that the Anti-Dumping Commission makes the best decision possible, based on the evidence before it.

Further to earlier correspondence, I also confirm that this e-mail and the earlier identified correspondence will be placed on the public record.

Regards

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