



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Resealable Can End Closures
Exported from Malaysia, the Republic of the Philippines and the Republic of Singapore

The Anti-Dumping Review Panel (ADRP) has received applications for review of the decision of the Assistant Minister for Industry, Innovation and Science made on 20 March 2017 to impose dumping duties on the export of resealable can end closures (referred to as tagger, ring and foil (TRF) ends) from Malaysia, the Republic of the Philippines and the Republic of Singapore (Reviewable Decision).

Applications were received from the following within the required time:

- Genpacco Inc.;
- Irwin Packaging Pty Ltd;
- Can Makers Institute of Australia Inc.;
- Visy Packaging Pty Ltd; and
- M.C. Packaging Pte Ltd.

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 24 March 2017 (ADN 2017/20).

The ADRP is satisfied that the following grounds are reasonable grounds for the Reviewable Decision not being the correct or preferable decision:

Genpacco

1. The Commissioner of the ADC (Commissioner) erred in not accepting the Direct Allocation Method for Genpacco's costs related to the production of the TRFs;

Irwin Packaging

1. The Commissioner erred in concluding that the Australian TRF industry was not established at the time Macpac Pty Ltd (Marpac) entered the industry, and incorrectly considered whether the industry was materially hindered in its establishment;
2. The Commissioner erred in concluding that the Australian TRF industry was not established during the investigation period and incorrectly considered whether the industry was materially hindered in its establishment;
3. The finding of hindrance is not correct or preferable due to a failure to properly isolate and distinguish a number of critical factors;
4. The finding of hindrance is not correct or preferable due to a lack of evidence demonstrating that dumped goods materially hindered the establishment of the industry.

Can Makers Institute of Australia

1. The Commissioner erred in concluding that the Australian TRF industry was not established at the time Macpac entered the industry, and incorrectly considered whether the industry was materially hindered in its establishment;
2. The Commissioner erred in concluding that the Australian TRF industry was not established during the investigation period and incorrectly considered whether the industry was materially hindered in its establishment;
3. The finding of hindrance is not correct or preferable due to a failure to properly isolate and distinguish a number of critical factors;

Visy Packaging

1. The Commissioner and the Assistant Minister erred in concluding that an Australian industry producing TRFs was not already established;
2. The Commissioner and the Assistant Minister erred in concluding that Marpac and VIP Packaging Pty Ltd's activities did not comprise an established industry;
3. The Commissioner and the Assistant Minister erred in concluding that dumping has materially hindered the establishment of an Australian TRF industry;
4. The Commissioner failed to consider prevailing market prices in determining the dumping margin on TRF exports from Malaysia and Singapore.

MC Packaging

1. The Commissioner erred in treating MC Packaging as an uncooperative exporter;
2. On the basis that MC Packaging was not an uncooperative exporter, the Commissioner erred in determining that MC Packaging was dumping.

The goods to which this review relate to are:

Resealable can end closures (referred to as tagger, ring and foil (TRF) ends, or TRFs) compromising:

- a tinplate outer ring with or without compound;
- an aluminium foil membrane for attachment to the outer ring; and
- a plug or tagger, which fits into the outer ring.

TRFs are commonly manufactured by the TRF industry in the following nominal sizes (diameters):

- 73mm;
- 99mm;
- 127mm; and
- 153/4mm.

The goods may be coated or uncoated and/or embossed or not embossed.

The goods can also be known as RLTs (ring, lid, tagger), RLFs (ring, lid, foil) or Penny Lever ends.

The goods have been classified to the following tariff subheadings:

- 8309.90.00, statistical code 10, in schedule 3 to the *Customs Tariff Act 1995*.

Copies of the applications for review are available at www.adreviewpanel.gov.au

Submissions

Interested parties have 30 days from the date this notice is published to provide the Review Panel with a submission with regard to this review.

If your submission contains confidential information you must provide a public version that can be published on the ADRP website. Failure to do so will result in your submission not being considered.

You may either email your submission to adrp@industry.gov.au or mail the submission to Anti-Dumping Review Panel Secretariat, GPO Box 2013, Canberra City ACT 2601.

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781.

Joan Fitzhenry
Senior Member
Anti-Dumping Review Panel
8 May 2017