



Australian Government
Anti-Dumping Review Panel

Application for review of a Ministerial decision

Customs Act 1901 s 269ZZE

This is the approved¹ form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 2 March 2016 for a review of a reviewable decision of the Minister (or his or her Parliamentary Secretary).

Any interested party² may lodge an application for review to the ADRP of a review of a ministerial decision.

All sections of the application form must be completed unless otherwise expressly stated in this form.

Time

Applications must be made within 30 days after public notice of the reviewable decision is first published.

Conferences

You or your representative may be asked to attend a conference with the Panel Member appointed to consider your application before the Panel gives public notice of its intention to conduct a review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. The Panel may also call a conference after public notice of an intention to conduct a review is given on the ADRP website. Conferences are held between 10.00am and 4.00pm (AEST) on Tuesdays or Thursdays. You will be given five (5) business days' notice of the conference date and time. See the ADRP website for more information.

¹ By the Acting Senior Member of the Anti-Dumping Review Panel under section 269ZY *Customs Act 1901*.

² As defined in section 269ZX *Customs Act 1901*.

Further application information NON-CONFIDENTIAL

You or your representative may be asked by the Panel Member to provide further information to the Panel Member in relation to your answers provided to questions 10, 11 and/or 12 of this application form (s269ZZG(1)). See the ADRP website for more information.

Withdrawal

You may withdraw your application at any time, by following the withdrawal process set out on the ADRP website.

If you have any questions about what is required in an application refer to the ADRP website. You can also call the ADRP Secretariat on (02) 6276 1781 or email adrp@industry.gov.au.

PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name: GENPACCO INC.

Address: Bo. Pittland, Cabuyao Laguna Philippines

Type of entity (trade union, corporation, government etc.):

2. Contact person for applicant

Full name: Ma. Theresa C. Elizaga / Leonard S. Cansana

Position: Vice-President for Finance / Vice-President Finance

Email address:

Telephone number:

3. Set out the basis on which the applicant considers it is an interested party

Genpacco Inc., as represented by Ma. Theresa C. Elizaga and Leonard S. Cansana has been including in the Dumping Investigation conducted by the Anti-Dumping Commission. Final Report #350 was already released. Genpacco Inc. is now seeking to appeal to the Anti – Dumping Review Panel.

4. Is the applicant represented? NO

Yes No

If the application is being submitted by someone other than the applicant, please complete the attached representative's authority section at the end of this form.

****It is the applicant's responsibility to notify the ADRP Secretariat if the nominated representative changes or if the applicant become self-represented during a review.****

PART B: REVIEWABLE DECISION TO WHICH THIS APPLICATION RELATES

5. Indicate the section(s) of the *Customs Act 1901* the reviewable decision was made under:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Subsection 269TG(1) or (2) –
decision of the Minister to publish a
dumping duty notice | <input type="checkbox"/> Subsection 269TL(1)– decision of the Minister
not to publish duty notice |
| <input type="checkbox"/> Subsection 269TH(1) or (2)– decision
of the Minister to publish a third
country dumping duty notice | <input type="checkbox"/> Subsection 269ZDB(1)– decision of the Minister
following a review of anti-dumping measures |
| <input type="checkbox"/> Subsection 269TJ(1) or (2)– decision
of the Minister to publish a
countervailing duty notice | <input type="checkbox"/> Subsection 269ZDBH(1)– decision of the
Minister following an anti-circumvention enquiry |
| <input type="checkbox"/> Subsection 269TK(1) or (2) decision of
the Minister to publish a third country
countervailing duty notice | <input type="checkbox"/> Subsection 269ZHG(1)– decision of the Minister
in relation to the continuation of anti-dumping
measures |

6. Provide a full description of the goods which were the subject of the reviewable decision

Resealable Can End Closures (TRF)

7. Provide the tariff classifications/statistical codes of the imported goods

Under Tariff subheading 8309-90.00 / Statistical Code 10

8. Provide the Anti-Dumping Notice (ADN) number of the reviewable decision

If your application relates to only part of a decision made in an ADN, this must be made clear in Part C of this form.

Anti – Dumping Commission Report No. 350

9. Provide the date the notice of the reviewable decision was published

March 20, 2017

****Attach a copy of the notice of the reviewable decision (as published on the Anti-Dumping Commission's website) to the application****

NON-CONFIDENTIAL

PART C: GROUNDS FOR THE APPLICATION

If this application contains confidential or commercially sensitive information, the applicant must provide a non-confidential version of the grounds that contains sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Confidential or commercially sensitive information must be marked '**CONFIDENTIAL**' (bold, capitals, red font) at the top of each page. Non-confidential versions should be marked '**NON-CONFIDENTIAL**' (bold, capitals, black font) at the top of each page.

For lengthy submissions, responses to this part may be provided in a separate document attached to the application. Please check this box if you have done so: **YES**

10. Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision.

- The ADC did not accept the revised computed of Genpacco Inc. that will show the more accurate and direct computation of costs.
- Note that as validated during the verification audit, we are not producing any like product or similar product as to the TRFs. Thus, there is no solid basis to conclude that we are dumping the goods, nor are we pricing the product at a lower value than other similar products.

11. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 10.

- Given our justifications, the correct decision should be to impose zero tariff on the TRFs exported by Genpacco Inc. to Australia.

12. Set out the reasons why the proposed decision provided in response to question 11 is materially different from the reviewable decision.

- Our Letter of Appeal / Position paper clearly shows the cost items that should not be included in the Cost to Make of the TRFs. Each Cost Component that should not be included in the costing was identified to show that Effective Dumping rate should not be charged.
Do not answer question 12 if this application is in relation to a reviewable decision made under subsection 269TL(1) of the Customs Act 1901.

The applicant/the applicant's authorised representative~~[delete inapplicable]~~declares that:

- The applicant understands that the Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Panel decides to hold a conference *before* it gives public notice of its intention to conduct a review, and the applicant (or the applicant's representative) does not attend the conference without reasonable excuse, this application may be rejected;
- The information and documents provided in this application are true and correct. The applicant understands that providing false or misleading information or documents to the ADRP is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.

Signature:.....

Name: Ma. Theresa C. Elizaga

Position: Vice-President for Finance

Organisation: Genpacco In.c

Date: 4/11/ 17

PART E: AUTHORISED REPRESENTATIVE

This section must only be completed if you answered yes to question 4.

Provide details of the applicant's authorised representative

Full name of representative:

Organisation:

Address:

Email address:

Telephone number:

Representative's authority to act

****A separate letter of authority may be attached in lieu of the applicant signing this section****

The person named above is authorised to act as the applicant's representative in relation to this application and any review that may be conducted as a result of this application.

Signature:.....

(Applicant's authorised officer)

Name:

Position:

Organisation

Date: / /