



**AUSTRALIAN
CUSTOMS SERVICE**

Australian Customs Dumping Notice
No.2000/13

CUSTOMSACT 1901 - PART XV B

**INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING
OF A4 COPY PAPER EXPORTED FROM THE REPUBLIC OF
INDONESIA BY PT. PABRIK KERTAS TJIWI KIMIA**

The Australian Customs Service has initiated an investigation into an application lodged by Australian Paper Pty Ltd for a dumping duty notice in respect of A4 copy paper exported to Australia from the Republic of Indonesia by Pt. Pabrik Kertas Tjiwi Kimia.

Customs will conduct the investigation in conjunction with the current investigation into the alleged dumping of A4 copy paper by other Indonesian exporters (ACDN99/051 refers). Accordingly, an extension will be sought from the minister to extend the period within which a statement of essential facts is to be placed on the public file for the current investigation.

If the minister grants the extension, a statement of essential facts setting out the facts on which the CEO proposes to base the recommendations to the minister covering all Indonesian exporters of A4 copy paper will be placed on the public file on or before 4 July 2000. The final report covering all exporters from Indonesia would then be made to the minister on or before 18 August 2000.

The application by Australian Paper alleges that the goods have been exported at prices less than the normal values and that the dumping has caused material injury to the Australian industry through price undercutting, which has been reflected in:

- lost sales and market share;
- increased stock levels;
- price suppression/price depression;
- reduced equipment utilisation;
- loss of profits; and
- reduced cash flow.

Further, the Australian industry alleges that reduced profitability and cash flow in turn has resulted in:

- reduced return on investment;
- impaired ability to raise necessary capital; and
- workforce reductions.

The public version of the application, available to interested parties on request, contains the basis of the complaint.

The goods under investigation are uncoated, white, cut ream A4 copy paper (also known as office paper or laser paper) in the nominal range of 70 to 89 gsm. The paper is not watermarked or embossed. Uncoated is taken to mean papers which either have no inorganic coating or which have a total amount of coating which is less than 10% of the paper weight.

The goods under consideration are classified under subheading 4823.59.00 of the *Customs Tariff Act 1995*. The relevant statistical code was 5 up until the 30 June 1997, 21 from 1 June 1997 until 30 June 1999 and 26 from 1 July 1999. The rate of duty is 5%.

In its investigation, Customs will examine imports of the goods under consideration during the period from 1 October 1998 until 30 September 1999. Customs will examine details of the Australian market from 1 July 1996 for injury analysis.

In reaching its findings Customs must consider whether:

- (a) the export price of the goods that have already been exported to Australia is less than the normal value of those goods; and
- (b) the export price of the goods that may be exported to Australia in the future may be less than the normal value of those goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused and is likely to continue.

A notice under subsection 269TC(4) of the *Customs Act 1901* advising initiation of this investigation is to be published in the *Financial Review* on 16 March 2000. Interested parties are advised to lodge submissions no later than the close of business on 25 April 2000. Parties should address their submission to:

The Director
Trade Measures, Operations 4
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Parties responding by 25 April 2000 will have an opportunity to lodge a supplementary submission in reply to matters raised by other parties. The due date for any supplementary submissions is 9 May 2000.

All interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. The legislation confers upon Customs the power to disregard submissions received after specified periods if there is insufficient time remaining for their proper consideration.

Submissions lodged in confidence must be clearly marked "confidential". In addition, two non-confidential copies of the submission must be provided.

Section 269ZJ of the *Customs Act 1901* requires that if a person claims information is

confidential, or claims that publication of the information would adversely affect their business, that person:

- must provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information, or
- must satisfy the CEO of Customs that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

The attention of interested parties is also drawn to the World Trade Organization Anti-Dumping Agreement, Article 6.5.2, which states:

If the authorities find that a request for confidentiality is not warranted and if the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, the authorities may disregard such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

This provision is reflected in s. 269ZJ of the Customs Act.

Non-confidential submissions, and a copy of relevant correspondence between Customs and other persons, will be made available to interested parties through the public record. The public record may be examined at the Trade Measures Branch, Level 5 Customs House, 5 Constitution Avenue, Canberra 2601. To access the public record, contact Mr Phil Hilyard on telephone number (02) 6275 6057.

The dates specified in this notice for lodging submissions must be observed to enable Customs to report to the minister within the legislative timeframe. A preliminary affirmative determination may be made not less than 60 days from the date of initiation. Provisional measures may be imposed after the preliminary determination has been made.

Enquiries about this notice may be directed to Michael Kenna, phone 02 6275 6544 or facsimile 02 6275 6990. Customs dumping notices are available on the internet at <http://www.customs.gov.au/notices/index.htm>

Paul O'Connor
National Manager, Trade Measures
FOR CHIEF EXECUTIVE OFFICER
CANBERRA, ACT
16 March 2000