



**AUSTRALIAN  
CUSTOMS SERVICE**

**Australian Customs Dumping Notice**  
**No. 2000/55**

CUSTOMS ACT 1901 - PART XV B

**INITIATION OF AN INVESTIGATION INTO THE  
ALLEGED DUMPING OF CERTAIN INSERT RING BINDERS FROM  
MALAYSIA**

**The application**

The Australian Customs Service has initiated an investigation into an application lodged by ACCO Australia Pty Ltd (ACCO) and Bantex Pty Ltd (Bantex) for a dumping duty notice in respect of certain insert ring binders exported to Australia from Malaysia.

The application alleges that Asia File Sdn Bhd of Malaysia has exported the goods to Australia at prices less than the normal values and that the dumping has caused material injury to the Australian industry through:

- price undercutting;
- price depression;
- price suppression;
- lost sales; and
- reduced profit and profitability.

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

A notice under subsection 269TC(4) of the *Customs Act 1901* advising initiation of this investigation was published in the *Australian Financial Review* on 22 November 2000. Interested parties are invited to provide written submissions in response to that notice.

**The goods**

The goods under investigation are insert ring binders manufactured from PVC coated cardboard, fitted with a 'D' shaped ring mechanism. The goods are classified within 4820.30.00 statistical code 18 in Schedule 3 to the *Customs Tariff Act 1995*. The goods are subject to a Customs duty rate of 5%.

## **Investigation process**

The investigation period is 1 July 1999 to 30 November 2000. Customs will examine exports of the goods under consideration to Australia during that period to determine whether dumping has occurred. Customs will examine details of the Australian market for the period 1 October 1998 to 30 November 2000 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 like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused and is likely to continue.

## **Lodgement of submissions**

Interested parties are advised to lodge submissions no later than the close of business on 2 January 2001, addressed to:

The Director  
Operations 3  
Trade Measures Branch  
Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

Interested parties responding by the specified date will have an opportunity to lodge supplementary submissions in reply to matters raised by other parties. The due date for any supplementary submissions is 12 February 2001.

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.

## **Confidential submissions**

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
- 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 held on public file**

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:

Trade Measures Branch  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

To access the public record, contact Mr Phil Hilyard on telephone number (02) 6275 6057.

### **Provisional measures**

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 (PAD) may be made not less than 60 days from the date of initiation (ie on or after 22 January 2001). Provisional measures may be imposed after a PAD has been made.

### **Statement of essential facts**

A statement of essential facts will be placed on the public record by 12 March 2001 (or by such later date as the Minister may allow in accordance with s. 269ZHI). The statement will set out the material findings of fact on which Customs intends to base its recommendation to the Minister. That statement will invite interested parties to respond, within 20 days, to the issues raised therein.

## **Report to the Minister**

Submissions received in response to the statement will be taken into account in compiling the report and recommendation to the Minister. The report to the Minister is due within 45 days after the statement of essential facts is issued (ie by 26 April 2001).

## **Customs contact**

Inquiries about this notice may be directed to Andrew Mumberson on telephone number (02) 6275 6041, by email to [andrew.mumberson@customs.gov.au](mailto:andrew.mumberson@customs.gov.au) or on fax number (02) 6275 6990. Australian Customs Dumping Notices are available on the internet at:

<http://www.customs.gov.au/notices/index.htm>.

SUE PITMAN  
National Manager  
Trade Measures Branch  
22 November 2000