



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2009/43

**Greyback Cartonboard
Exported from
The Republic of Korea**

Initiation of a review of anti-dumping measures

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) has commenced a review of the anti-dumping measures and price undertaking applying to exports to Australia of greyback cartonboard from the Republic of Korea (Korea).

The goods covered by the review are coated greyback cartonboard, grey on one side and coated white on the other side (greyback cartonboard are cellulose fibre based paperboards containing recycled fibre; thicknesses range from 320 to 720 microns, which corresponds to a weight range of 250 to 550 grams per square metre).

The goods are classified under tariff subheading 4810.13.90 statistical code 56, 4810.19.90 statistical code 57, 4810.29.90 statistical code 64 and 80 and 4810.99.00 statistical code 85 in Schedule 3 of the *Customs Tariff Act 1995*. The rate of duty for greyback cartonboard from Korea is five percent.

Background to the measures

The original measures were imposed on 27 July 2005 and have not been reviewed since they were first imposed. Customs and Border Protection are also currently conducting a continuation inquiry in relation to the goods. The continuation inquiry was initiated on 4 November 2009.

The current review

Customs and Border Protection initiated this review after a request was made by the Minister for Home Affairs (the Minister) to the CEO under s.269ZA(3) of the *Customs Act 1901* (the Act) to review the measures as they affect exporters of greyback cartonboard from Korea as one or more of the variable factors relevant to the taking of the measures in relation to an exporter may have changed. A notice was published in *The Australian* on 3 December 2009.

The review period is 1 July 2008 to 30 June 2009 and covers all exporters of the goods from Korea. After concluding the review, Customs and Border Protection will recommend to the Minister that the dumping duty notice:

- i. remain unaltered; or
- ii. be revoked, in part or generally; or
- iii. have effect as if different variable factors had been ascertained;

and in respect of the undertaking that:

- i. the undertaking remains unaltered; or
- ii. the Minister seek a variation of the terms of the undertaking; or
- iii. the Minister indicate that the undertaking is no longer acceptable and that the investigation is to be resumed; or
- iv. the Minister release the person from the undertaking.

Lodgment of submissions

Interested parties (as defined) are invited to respond to the notice and should lodge submissions no later than the close of business on **12 January 2010** with:

The Director
Operations 3, Trade Measures Branch
Australia Customs and Border Protection Service
5 Constitution Avenue
Canberra ACT 2601

Or by fax number 02 6275 6888, or by email tmops3@customs.gov.au

Interested parties wishing to participate in the review must ensure that their submissions are lodged promptly. The legislation allows the CEO to disregard any submissions that are received after specified periods if there is insufficient time remaining for their proper consideration.

Confidential submissions must be clearly marked "In-Confidence". In addition, two non-confidential copies of the submission must be provided and marked "Public Record".

Section 269ZJ of the Act requires that if a person claims information is confidential, or claims that publication of the information would adversely affect their business or commercial interests, 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 and Border Protection that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Customs and Border Protection must maintain a public record of each review. The public record must contain, among other things, a copy of all submissions from parties (letters and electronic mail are generally regarded as "submissions" if they contain information relevant to the review). Documents included in the public record are available at <http://adpr.customs.gov.au/Customs/>. Alternatively, the public record may be examined at the

above office address during business hours by contacting the Trade Measures Branch on (02) 6275 6547.

Statement of essential facts and final report

On or before 23 March 2010 (or by such later date as the Minister may allow in accordance with s.269ZHI of the Act), a statement of essential facts will be placed on the public record, setting out the facts on which the CEO proposes to base the recommendations to the Minister. Interested parties are invited to make submissions to Customs and Border Protection in response to the statement of essential facts within 20 days of that statement being placed on the public record. Submissions can be made using the contact details provided above.

A recommendation to the Minister will be made in a report on or before 7 May 2010 (or by such later date as the Minister may allow in accordance with s.269ZHI of the Act).

Customs and Border Protection contact

Enquires concerning this notice may be directed to the review manager on telephone (02) 6275 6839 or email tmops3@customs.gov.au

Geoff Johannes
National Manager
Trade Measures Branch
3 December 2009