



Anti-Dumping Review Panel - Conference Summary

2017/55 – A4 Copy Paper Exported from the Federative Republic of Brazil, the People’s Republic of China, the Republic of Indonesia and the Kingdom of Thailand

P.T. Riau Andalan Kertas (RAK) and APRIL International Enterprise Pte Ltd (APEL)

Applicant	P.T. Riau Andalan Kertas (RAK) and APRIL International Enterprise Pte Ltd (APEL)
Panel Member	Jaclyne Fisher
Date	7 August 2017
Participants	Justin Wickes (Anti-Dumping Commission), Tim King (Anti-Dumping Commission)
Time opened	1.00 pm
Time closed	3.30 pm

Purpose

The purpose of this conference is to obtain further information in relation to the review before the ADRP, in relation to A4 Copy Paper exported from the Federative Republic of Brazil, the People’s Republic of China, the Republic of Indonesia and the Kingdom of Thailand.

In the course of this conference, I may ask parties to clarify an argument, claim or specific detail contained in the party’s application or submission. The conference is not a formal hearing of the review, and is not an opportunity for parties to argue their case before me.

I have only had regard to information provided at this conference that relates to relevant information (within the meaning of section 269ZZK(6) of the *Customs Act 1901*). Any conclusions reached at this conference are based on that relevant information.

Discussion

1. The Panel Member asked the Commission to explain why RAK and April were treated as separate entities in the REP 341 for the purposes of export price given it had submitted a joint exporter questionnaire and are related companies?

The Commission indicated that it considered that each were separate legal entities, though related. It provided a confidential attachment outlining the April legal structure, as at 25 May 2016, which described the company linkages.

2. The Panel Member asked whether there was any other evidence relied upon, other than that which appeared in REP 341, in relation to the finding that the transactions between April and BJ Ball were not arms-length? In particular any discussion regarding the whether the sales at a loss were recoverable?

The Commission outlined the approach taken in its verification of the importer BJ Ball. It noted that while there were other sales by April, BJ Ball was the major importer. It noted that the losses were significant during the investigation period and provided copies of the confidential spreadsheets demonstrating the analysis undertaken and indicated that there were no other comments or submissions provided by BJ Ball on this issue.

3. The Panel Member asked what evidence was relied upon in terms of the s.269TG(2) notice regarding future dumping causing material injury?



The Commission provided a copy of April's confidential submission, dated 17 November 2016, concerning the importer visit with BJ Ball and highlighting its views on the implications of the sale of BJ Ball EDOP Division to Paper Australia. It also noted the statement of the intention to rebuild its market position in Australia.

4. The Panel Member asked the Commission to outline what costs were used in the construction of the normal value. Section 6.9.2.2 of REP 341 indicates that the transfer price for pulp was used (rather than the actual cost) and the transfer cost is based on an internationally traded pulp price. In Section 6.9.8.2.2, Application of uplift to RAK's cost of slush pulp, there is an explanation that the Commission adjusted the transfer price. Could the Commission outline the basis of these adjustments in terms of reg 43(2) of the CIO Regs, and also provide the calculation of this adjustment.

The Commission provided the confidential spreadsheets outlining the constructed cost to make and sell paper for RAK. This revealed the calculation of the cost of the pulp to be used in the constructed cost to make and was based on international selling prices. The Commission then explained the rationale of the adjustments made to the elements being questioned by APEL. This accords with the description in 6.9.8.2.2. It also provided a copy of the confidential exporter questionnaire which describes details of how the pulp is valued and sold.

5. The Panel Member asked the Commission whether the transfer prices for pulp used in RAK's accounts were compared with the international benchmark price (derived from South American prices to Korea and China)?

The Commission showed the confidential spreadsheet analysis undertaken of the RAK transfer prices with the international benchmark price.