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By Email

Dr Bradley Armstrong PSM
Anti-Dumping Commissioner
Anti-Dumping Commission
Melbourne VIC 3000

Received 10 November 2021

Dear Commissioner,

RE: Continuation Inquiry No 588 – Exports of A4 Copy Paper from the Republic of Indonesia – Submission – Australian Paper - Briefing

I refer to the document titled ‘Opal Australian Paper Exporter Briefing Overview - APRIL Far East (Malaysia) Sdn. Bhd. (APRIL) aka PT Riau Andalan Kertas (RAK) aka PT Riau Andalan Pulp & Paper (RAPP)’ dated 6 October 2021 submitted by Paper Australia Pty Limited (**Australian Paper**) and placed on the electronic public file on the same date (**Document No. 13**).

The document states that “At the invitation of the Anti-Dumping Commission (“the Commission”) Opal Australian Paper (“OAP”) provided the Commission with an exporter briefing in the form of a video conference on 5 October 2021”.

Would you please advise:

- (i) why the Commission invited Australian Paper to provide such a briefing, including what were the matters on which the Commission sought to be briefed concerning the exporter verification of the abovementioned APRIL companies and when the invitation was made;
- (ii) why details of the Commission’s invitation have not been placed on the Commission’s electronic public file, nor placed on the public file prior to the commencement of the exporter verification in question, whether in the form of a letter, email or file note;
- (iii) whether the Commission has invited Australian Paper to provide it with an exporter briefing in relation to any other exporter verification being undertaken in relation to this inquiry and, if so, why such invitation has not been placed on the public file and the terms of any invitation, including when it was made;
- (iv) why the Commission invited an entity, Australian Paper, whose A4 Copy Paper business is unprofitable and has been for some time, to brief it on the verification of information provided by the abovementioned APRIL entities, whose A4 Copy Paper business has always been profitable, as has been repeatedly verified by the Commission;
- (v) if the Commission has not invited Australian Paper to provide it with an exporter briefing in relation to any other exporter verification being undertaken for this inquiry, why not

and why has such an invitation only been made in relation to the exporter verification of the abovementioned APRIL companies; and

- (vi) why the Commission did not invite any exporter or other interested party, including the abovementioned APRIL companies, to provide it with briefing on the verification of information provided to it for the purposes of this inquiry by Australian Paper and, if not, why not, including if no such verification is being undertaken, why no verification of information provided by Australian Paper by any exporter or other interested party is being undertaken.

In addition, verification teams typically have been diligent, thorough and knowledgeable in undertaking verification of information provided by exporters in response to Exporter Questionnaires. It is unclear why a briefing from Australian Paper was perceived necessary to assist this verification team in its verification of APRIL's response to the Exporter Questionnaire. Your explanation as to why this was perceived necessary would be appreciated.

Finally, in relation to Australian Paper's 'brief', unsurprising it is little more than a collection of unsubstantiated ambit claims and not a substitute for information and evidence provided by APRIL. For example, Documents 2 and 3 of the 'brief' purport to be a 'mill cost report' for RAPP for 'xerographic paper' produced from "*RISI's Analytical Cornerstone*", while Document 1 provides a flow chart purporting to set out RAPP's mill processes. For the record, as is and has been public knowledge since the original investigation, RAPP does not produce A4 Copy Paper the subject of this inquiry. Hence, the relevance of this document is unclear. This obviously reflects on the credibility of Australian Paper and its claims. Further, details of the sources of the data were not disclosed and, accordingly, the reliability of the data in those Documents is indeterminate. However, it is noted that the benchmarking methodology used by RISI is set out on its website. It discloses that its 'benchmarks' are 'estimates' based on a variety of (erroneous) assumptions and predominantly, if not solely, third party information. This is not a comment on the integrity or quality of RISI's reports, which are well regarded throughout the industry, but simply questioning its relevance to this inquiry as it is not clear. It is unsuitable for any use in this inquiry.

It also is noted that Australian Paper claims that it is precluded by contractual terms from disclosing certain information or documents referred to in the 'brief'. While that may or may not be the case, it does not preclude Australian Paper from obtaining the consent of the relevant party providing that document or information for it to disclose such document or information, even to nominated parties for defined uses, or at least providing a non-confidential summary that provides a reasonable understanding of the contents of each such document or information. Australian Paper should be required to do so and failing its compliance, the documents and information it provided should be disregarded in accordance with sect 269ZJ of the *Customs Act 1901* and Article 6.5 of the World Trade Organization Anti-Dumping Agreement.

In any event, of more interest is why is an entity whose A4 Copy Paper business is and has been unprofitable for at least the last four years according to the Commission¹, including in its domestic

¹ Continuation Inquiry 588, Document 15, Australian industry verification report

market² notwithstanding its near monopoly market share in that market³, which market is and has been unaffected by dumping due to the presence of anti-dumping measures⁴, is seemingly fixated on an exporter whose export volumes are negligible and whose prices exceed those of all participants in the importing country including those of the entity in question⁵?

I would be grateful if your advice on the matters raised herein be provided by not later the **5.00 pm, Thursday, 11 November 2021**.

This letter may be placed on the public file.

If you have any questions, please let me know.

Yours faithfully,



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² ibid

³ Report 463, page 27, and Continuation Inquiry 588, Document 4.

⁴ Commission's Dumping Commodity Register: [A4 COPY PAPER \(industry.gov.au\)](http://A4_COPY_PAPER(industry.gov.au))

⁵ Report 551