

## Importer Questionnaire

### QUICKLIME EXPORTED TO AUSTRALIA FROM THAILAND

CHEMEMAN AUSTRALIA PTY LIMITED

This questionnaire seeks information in relation to your imports and sales of quicklime. The information you provide will be used to establish export prices, to construct the Australian market for the goods, and in an assessment of the applicants' claims.

- |               |  |   |
|---------------|--|---|
| <b>Part A</b> | <b>Company and overseas supplier information</b> | <b>Please advise contact details (including an email address) for exporters as soon as possible but no later than 7 November 2011</b> |
| <b>Part B</b> | <b>Imports and forward orders</b>                | <b>Return by 21 November 2011<br/>(extended to 5 December 2011)</b>   |
| <b>Part C</b> | <b>Sales and expenses</b>                        | <b>Return by 21 November 2011<br/>(extended to 5 December 2011)</b>   |

Return address

**Mail:**

Director Operations 1  
International Trade Remedies Branch  
Australian Customs and Border Protection Service  
5 Constitution Avenue  
CANBERRA ACT 2600

**Facsimile:** 02 6275 6990

**E-mail:** tmops1@customs.gov.au

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**Part A – Company and overseas supplier information****1. Your company**

Company Name	Chememan Australia Pty Ltd ("CMM-AU")
ABN:	73 134 283 060
Contact name:	Mr. Kamol Sowattanaskul
Position:	General Manager
Mailing address:	11 Sparks Road Henderson WA 6166
Telephone:	08-9437-4800
Facsimile:	08-9437-4822
E-mail address:	kamols@chememan.com

Provide details on the ownership of your company and major shareholders.

99.99% owned by Chememan Co., Ltd., a Thailand-incorporated company

Describe the role of your company in the Australian market for the goods - for example, buying or selling agent, importer/distributor, importer/wholesaler or importer/retailer.

Importer/distributor

At what level of trade is each of your customers - for example, distributor, wholesaler or retailer?

Customer	Level of trade
[CONFIDENTIAL TEXT DELETED – names of customers]	End user

**2. Your overseas supplier/s of the goods**

Commodity	Quicklime
Grade(s)(if applicable)	Calcium Oxide 90%
Company:	Chememan International Pte. Ltd.
Contact name:	Mr Sittichai Thiensathaporn
Position:	Director
Mailing address:	9 Temasek Boulevard Suntec Tower Two Singapore 038989
Telephone:	6681-702-1955
Facsimile:	
E-mail address:	sittichait@chememan.com

**3. Overseas manufacturer/s of the goods [if different from overseas supplier]**

Commodity	Quicklime
Grade(s)(if applicable)	Calcium Oxide 90%
Company:	Chememan Co., Ltd.
Contact name:	Mr Sittichai Thiensathaporn
Position:	Executive Vice President
Mailing address:	195/11-12 Lake Rajada Office Complex 2, 10 <sup>th</sup> Floor Rajadapisek Road Klongtoey Bangkok 10110 Thailand
Telephone:	662-661-9734
Facsimile:	662-661-9733
E-mail address:	sittichait@chememan.com

**4. Timing of proposed visit by Customs and Border Protection**

Customs and Border Protection would like to undertake visits to importers from the week beginning 12 December 2011. Can you please advise what dates are suitable for the Customs and Border Protection visit? Please note that it may be helpful to consider the availability of key staff, such as your accountant, purchasing officer or sales staff.

Starting 14 December 2011

Address for proposed visit:

Street address:	11 Sparks Road Henderson WA 6166
Telephone:	08-9437-4800
Facsimile:	08-9437-4822

**PART B - Imports and forward orders****1. The goods under investigation**

The goods under consideration are quicklime. The applicant provided a further description as follows:

*Quicklime is also known as Calcium Oxide as this is the dominant chemical composition of quicklime (CaO). Other common names to describe this product are Burnt Lime and Unslaked Lime. Quicklime is a white to grey, caustic, crystalline solid at room temperature.*

The goods are classified to the tariff subheading 2522.10.00 (statistical code 26) of Schedule 3 to the Customs Tariff Act 1995. These goods are duty free.

Calcium oxide imported by CMM-AU falls within the tariff subheading and generally within the description noted above. However, the product imported by CMM-AU has a wider range of sizes and higher carbonate content than that produced by the applicant. CMM-AU has provided greater detail on these differences in a separate submission, and will provide further justification at any verification/s and as it may be further requested by Customs.

In summary, Chememan quicklime is produced from limestone rock, not dredged shell sand. The rock is a high concentration calcium oxide deposit. The chemical composition and granular size availability of Chememan quicklime is markedly different to the quicklime produced by the applicant.

Chememan does not accept the proposition that its quicklime is "like goods" to the quicklime produced by the applicant in this matter.

**2. Identification of imports of quicklime from Thailand**

Customs and Border Protection will shortly provide you with a list of your imports for quicklime exported in the period 1 July 2010 to 30 June 2011. When received, please confirm whether the shipments are the goods and the quantities and value are correct.

From this import listing, Customs and Border Protection will select a number of shipments. Please complete the "Part B – cost to import and sell" by providing the documentation for the importation expenses for the selected shipments. (Please note that you cannot complete this part of the questionnaire until Customs and Border Protection provides you with the respective listing of your imports.).

On 4 November 2011, Customs and Border Protection ("CBP") provided the list of import entries during the period of investigation to CMM-AU. From this list, four shipments (IDN AA3GECWKR, AA3WPW7HH, AAX6LNTNM, and AAYLFNLKY) were identified by CBP as imports [CONFIDENTIAL TEXT DELETED]. CMM-AU confirms that these shipments [CONFIDENTIAL TEXT DELETED].

However, of the remaining import entries identified as imports of goods originating in Thailand, the following 7 shipments were not correctly captured in CBP import database.

IDN	Import Invoice	Goods	MT	AUD	ETA	Origin	Item
AAW3 KT67G	[IVCMM AU010-01]	Quicklime	[CTD]	[CTD]	[CTD]	[CTD]	(1)
AAXG 7J4E7	[INTC AU10-02]	Quicklime	[CTD]	[CTD]	[CTD]	Thailand	
		[CTD]	[CTD]	[CTD]	[CTD]	Thailand	
			[CTD]	[CTD]	[CTD]		(2)
AAXK EK9H7	[INTC AU10-05]	Quicklime	[CTD]	[CTD]	[CTD]	Thailand	(3)
AAXW WEY96	[INTC AU10-07]	Quicklime	[CTD]	[CTD]	[CTD]	Thailand	
		[CTD]	[CTD]	[CTD]	[CTD]	Thailand	
			[CTD]	[CTD]	[CTD]		(4)
AAYN 936MG	[INTC AU11-07]	Quicklime	[CTD]	[CTD]	[CTD]	Thailand	(5)
AA3C L4ENX	[INTC AU11-13]	Quicklime	[CTD]	[CTD]	[CTD]	[CTD]	(6)
AA3P TGWL4	[INTC AU11-20]	Quicklime	[CTD]	[CTD]	[CTD]	[CTD]	(7)

[CTD] = [CONFIDENTIAL TEXT DELETED]

- Items 1, 6, and 7 are imports of quicklime [CONFIDENTIAL TEXT DELETED] and thus not subject to this investigation. In addition, the arrival date of item 6 was 2 July 2011 which was outside the period of investigation. All these shipments should be excluded from the investigation.
- Item 2 includes quicklime of [CONFIDENTIAL TEXT DELETED] MT and [CONFIDENTIAL TEXT DELETED] AUD and [CONFIDENTIAL TEXT DELETED] of [CONFIDENTIAL TEXT DELETED] MT and [CONFIDENTIAL TEXT DELETED] AUD from Thailand. CBP database shows that this shipment includes only quicklime of [CONFIDENTIAL TEXT DELETED] MT and [CONFIDENTIAL TEXT DELETED] AUD. Since [CONFIDENTIAL TEXT DELETED] is not covered in the scope of this investigation, the quantity of [CONFIDENTIAL TEXT DELETED] MT and value of [CONFIDENTIAL TEXT DELETED] AUD of [CONFIDENTIAL TEXT DELETED] should be excluded from the list.
- Item 3 relates to shipment of [CONFIDENTIAL TEXT DELETED] MT of quicklime at unit price of [CONFIDENTIAL TEXT DELETED] AUD/MT, totalling [CONFIDENTIAL TEXT DELETED] AUD from Thailand. However, the import quantity captured in the CBP database incorrectly shows [CONFIDENTIAL TEXT DELETED] MT, implying the unit price is [CONFIDENTIAL TEXT DELETED] AUD/MT. The correct quantity and unit price are [CONFIDENTIAL

TEXT DELETED] MT and [CONFIDENTIAL TEXT DELETED] AUD/MT as shown in the above table.

- Item 4 includes quicklime of [CONFIDENTIAL TEXT DELETED] MT and [CONFIDENTIAL TEXT DELETED] of [CONFIDENTIAL TEXT DELETED] MT from Thailand. CBP database also shows under Goods Description that the Imported product is [CONFIDENTIAL TEXT DELETED]. Since [CONFIDENTIAL TEXT DELETED] is not covered in the scope of this investigation, [CONFIDENTIAL TEXT DELETED] MT of [CONFIDENTIAL TEXT DELETED] should be excluded from the list.
- Item 5 involves quicklime of [CONFIDENTIAL TEXT DELETED] MT and [CONFIDENTIAL TEXT DELETED] AUD from Thailand. The value captured in the CBP database incorrectly shows [CONFIDENTIAL TEXT DELETED] USD and [CONFIDENTIAL TEXT DELETED] AUD. The value of [CONFIDENTIAL TEXT DELETED] USD is correct.

Exhibit B-1 [CONFIDENTIAL] provides the list of imports of "goods" by CMM-AU during the period of investigation with correct quantity and value. CMM-AU notes that it imported a total of [CONFIDENTIAL TEXT DELETED] KG of quicklime during the investigation period, of which [CONFIDENTIAL TEXT DELETED] KG, or [CONFIDENTIAL TEXT DELETED]% of the total, originated in [CONFIDENTIAL TEXT DELETED]. Exhibit B-1 [CONFIDENTIAL] also contains documentation related to the items described above.

### 3. Documents required for the selected shipments

For the selected shipments, please provide copies of the commercial invoice, bill of lading, packing list, and any other documents supporting post exportation costs including:

- overseas freight and insurance;
- Customs duties;
- landing and wharfage charges;
- freight forwarding fees;
- cartage/delivery fees; and
- any other charges between the FOB point and the landed, duty paid into-store point.

It would be appreciated if these documents could be assembled into one bundle for each shipment and copies provided to Customs and Border Protection at the visit.

CMM-AU has provided in Exhibit B-2 [CONFIDENTIAL] the requested documents for 12 shipments. One of these shipments (IDN AA3PTGWL4) originated in [CONFIDENTIAL TEXT DELETED] (item (6) listed in the response to question 2 above).

CMM-AU imported goods on a CIF basis. Therefore, it did not incur ocean freight and marine insurance. Quicklime is free from customs duties. Exhibit B-2 [CONFIDENTIAL] contains documents relating to port charges, customs brokerage charges (import expense), and cartage fee for transportation of container from the port of entry to CMM-AU's distribution centre in Henderson. In addition, on certain shipments CMM-AU incurred a container detention fee charged by the ocean liners and a storage fee charged by the transportation company.

### 4. Forward orders

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Please provide details of any forward orders for quicklime.

No forward orders.

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**PART C - Sales and expenses****1. Your Sales**

Please provide details of *all* your sales of quicklime in the Australian market for the period **1 July 2010 to 30 June 2011**. Preferably this will be a download from your sales data into an EXCEL spreadsheet and will include the following information.

CMM-AU has provided the requested resale list in Exhibit C-1 [CONFIDENTIAL]. As discussed in question B.3 above, the goods imported by CMM-AU were kept in the silos at Henderson distribution centre before they were distributed by tank trucks to the customers.

Quicklime supplied from [CONFIDENTIAL TEXT DELETED] was a significant portion of total imports by CMM-AU. As shown in Exhibit B-1 [CONFIDENTIAL], total imports from Thailand [CONFIDENTIAL TEXT DELETED] by CMM-AU amounted to [CONFIDENTIAL TEXT DELETED] and [CONFIDENTIAL TEXT DELETED] MT, respectively. Imports from [CONFIDENTIAL TEXT DELETED] account for [CONFIDENTIAL TEXT DELETED] of total imports.

As the quicklime from [CONFIDENTIAL TEXT DELETED] Thailand [CONFIDENTIAL TEXT DELETED] are commingled in the distribution centre, the sales prices charged by CMM-AU to its customers are based on its purchase costs from [CONFIDENTIAL TEXT DELETED] Thailand and [CONFIDENTIAL TEXT DELETED], and not from any particular supplier, as well as on market considerations in Australia.

- customer name;
- customer address;

CMM-AU has reported the full customer name in Exhibit C-1 [CONFIDENTIAL]. Please see Exhibit C-2 [CONFIDENTIAL] for customer address.

- customer level of trade (distributor, end user etc);

All of CMM-AU's customers are end users

- supplier;
- purchase order number to supplier;
- country of origin;

CMM-AU cannot separately trace its resales to imports from Thailand [CONFIDENTIAL TEXT DELETED]. Thus, it cannot report the supplier, purchase order number of the supplier, and country of origin for each of its resales. Quicklime imported from CMM-TH [CONFIDENTIAL TEXT DELETED] were commingled in silos.

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- invoice number;
- invoice date;

CMM-AU has reported invoice number and invoice date as requested.

- delivery terms (eg. FIS, ex-warehouse);

CMM-AU delivered quicklime to customer site [CONFIDENTIAL TEXT DELETED]. The exception is sales to [CONFIDENTIAL TEXT DELETED] where the customer picked up the goods from CMM-AU's distribution center.

- credit terms (days):

CMM-AU reported the credit term shown on the invoice. During the investigation period, CMM-AU received short-term loan in AUD currency from CMM-TH at the borrowing rate of [CONFIDENTIAL TEXT DELETED] per annum. See Exhibit C-3 [CONFIDENTIAL].

- model or grade;

CMM-AU has reported the actual grade of the quicklime.

- quantity;

CMM-AU has reported the sales quantity in metric tonne under this field.

- packing;

CMM-AU does not repack quicklime in Australia. Imported lime is loaded into silos and discharged to tank truck for distribution to its customers.

- total invoiced price;
- unit invoiced price;

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CMM-AU has reported the invoice value and unit price as requested.

- off invoice discount/rebate amount (if applicable, list each type of discount/rebate individually); and
- net unit sales price.

CMM-AU [CONFIDENTIAL TEXT DELETED].

If your financial system does not readily provide the above information, please raise this matter with the case manager.

**2. Selling, general and administration (SG&A) expenses**

At the visit, Customs and Border Protection will seek to calculate the SG&A costs for imported quicklime for the period 1 July 2010 to 30 June 2011.

These expenses are normally derived from profit and loss statements or other management records and are typically expressed as a percentage of sales revenue. Where quicklime is only a part of overall company sales, allocations of SG&A expenses may have to be made.