



Anti-Dumping Review Panel Conference Summary

2017/53 A4 Copy Paper

Panel Member	Scott Ellis
Date	Thursday 11 May
Participants	Justin Wickes (ADC), Tim King (ADC), David Peters (ADC)

Mr Ellis confirmed that, in light of the extensive record in relation to investigation 341, he has convened the conference to enable the Commission to identify the documents it considered relevant to the application for review. A similar conference had been conducted involving the applicant for review.

Prior to the conference, the Commission had provided a list of the documents it considered relevant. A copy is attached.

In addition, discussion to the following effect occurred.

In relation to Ground 10.3 of the application, the Commission did not receive specific submissions in relation to the effect of the conduct of the Government of Indonesia on the production of recycled paper. The Commission obtained information from the applicant about its cost of de-inking paper. [REDACTED]

In relation to the reference at paragraph 8 of the application for review to paragraph 4.6.3.6.2 of the Termination Report, the Commission explained that the paragraph addressed wastage involved in producing A4 sheets from reels of paper, so that more pulp is required to produce a given quantity of cut paper than to produce an equivalent quantity of paper in reel form.

After termination, the Commission highlighted information previously provided to Tjiwi Kiwia which indicated that the percentage of pulp in Tjiwi Kiwia's product was [REDACTED]. Mr Ellis indicated that he would consider the extent to which this information could be taken into account as "relevant information".

The Commission referred to the recent Ministerial Direction about co-operative and non-co-operative exporters, in connection with its treatment of UPM as a co-operative exporter. Where UPM failed to provide a translation of documentation establishing an export program, the Commission relied on other information, including information provided by the exporter. In relation to program 29, the amount of the subsidy was a very small sum in comparison to the substantial amount of paper exported by UPM.

In determining the average useful life of the assets, the Commission indicated that it had adopted a figure of 23 years in the Termination Report, not the 15 years mentioned in the application for review. The figure of 23 years had been arrived at by considering the records of the exporter in relation to the useful life of its assets.

Arising out of the conference, the Commission provided the Panel with details of information about the extent to which Tjiwi Kiwia exported paper to Australia that was less than 100% recycled. A redacted copy of that email is attached.

COMMISSION'S LIST OF DOCUMENTS

Ground 1 (Export ban)

Documents on Electronic Public Record (EPR)

EPR Doc. No.	Description	Relevant Sections
217	Termination Report	<ul style="list-style-type: none"> • Section 5.3.2: <i>Summary of countervailable programs for Indonesia.</i> • Appendix 2, A2.2.2 (Page 82-83) <i>Subsidy Program 2: Export Ban.</i>
133	Submission from Government of Indonesia (GOI)	Paragraph 6
114	Submission from RAK	Paragraphs 9 to 10
113	Submission from Sinar Mas Group (SMG)	Two page submission only
105	Submission from SMG	Two page submission only
94	Submission from Australian Paper	See section IV
70	Submission from GOI	See Section on Prohibition on the export of logs Para 31-35
63	Submission from RAK (April)	See section B
54	Submission from Australian paper	See section on Log export ban
44	Submission from GOI	General discussion about subsidies

EPR Doc. No.	Description	Relevant Sections
42	Submission from SMG	See section on Log export ban
36	Submission from GOI	Export ban not applying to Woodchips and Pulp
35	Submission from GOI	See section 3.
33	Briefing from Australian Paper on Indonesian exporters	See section on countervailing
27	GOI questionnaire response	See Section Relating Program 2 Under Section C.
21	Exporter Questionnaire response from PT Pindo Deli Pulp and Paper Mills	Section I, Program 2.
20	Exporter Questionnaire response from PT Pabrik Kertas Tjiwi Kimia TBK	Section I, Program 2.
19	Exporter Questionnaire response from PT Indah Kiat Pulp and Paper TBK	Section I, Program 2.
18	Exporter Questionnaire response from RAK	Section I, Program 2.
5	Submission from SMG	Countervailing and PMs investigation

EPR Doc. No.	Description	Relevant Sections
1	Application	<ul style="list-style-type: none"> • Section C-1 Subsidy. See section on “Program 2 GOI’s Log export ban”: pages 68 to 69 • Non-Confidential Attachment C-1.2.6 - Ministry of Forestry & Ministry of Commerce Decree 8 October 2001, KEP292 • Non-Confidential Attachment C-1.2.5 - US DOC CFS Paper ex Indonesia - Countervailing Programs Explanatory Memorandum E7-21040-1

Information that does not form part of EPR

Description	Confidential Version/Sections?
WTO; 29 June 2001, WT/DS194/R, United States –Measures Treating Export Restraints as Subsidies	No
Federal Register, Volume 72, No. 206, 25 October 2007, Coated Free Sheet Paper from Indonesia, Final Affirmative Countervailing Duty Determination	No
Federal Register, Volume 81, No. 42, 3 March 2016, Certain Uncoated Paper From Indonesia and the People’s Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (Indonesia) and Countervailing Duty Order (People’s Republic of China)	No
United States Department of Commerce, Countervailing Duty Investigation of Certain Uncoated Paper from Indonesia: Issues and Decision Memorandum for the Final Countervailing Duty Determination, 8 January 2017	No

Please note that a number of submissions and other documents were provided to the Commission in relation to the log export ban in the context of the Commissioner's particular market situation assessment in relation to Indonesia. These have not been included in this list.

Ground 1 (Debt forgiveness)

Documents on EPR

EPR Doc. No.	Description	Relevant Sections
217	Termination Report	<ul style="list-style-type: none"> • Section 5.3.2: Summary of countervailable programs for Indonesia. • Section 5.5.2 Submissions in response to Program 3: Debt Forgiveness –Buyback of debt from the Government of Indonesia • Appendix 2, A2.3.1 (Page 84-87) Subsidy Program 3: Debt forgiveness – buyback of debt from the government of Indonesia.
139	SEF	<ul style="list-style-type: none"> • Section 5.3.2: Summary of countervailable programs for Indonesia. • Appendix 2, A4.3.1 (Page 181-185) Subsidy Program 3: Debt forgiveness – buyback of debt from the government of Indonesia.
167	Submission from GOI	<ul style="list-style-type: none"> • Paragraph 17, page 4
63	Submission from RAK	<ul style="list-style-type: none"> • Section C, paragraph 32
35	Submission from GOI	<ul style="list-style-type: none"> • Section 5
42	Submission from SMG	<ul style="list-style-type: none"> • Page 5-7
27	GOI questionnaire response	See Section Relating Program 3 Under Section C.

EPR Doc. No.	Description	Relevant Sections
21	Exporter Questionnaire response from PT Pindo Deli Pulp and Paper Mills	Section I, Program 3.
20	Exporter Questionnaire response from PT Pabrik Kertas Tjiwi Kimia TBK	Section I, Program 3.
19	Exporter Questionnaire response from PT Indah Kiat Pulp and Paper TBK	Section I, Program 3.
1	Application	<ul style="list-style-type: none"> • Section C-1 Subsidy. See section on “Program 3 Debt Forgiveness – Buyback of debt from Gol, ”: page 69 • Non-Confidential Attachment C-1.2.6 - Ministry of Forestry & Ministry of Commerce Decree 8 October 2001, KEP292 • Non-Confidential Attachment C-1.2.5 - US DOC CFS Paper ex Indonesia - Countervailing Programs Explanatory Memorandum E7-21040-1

Information that does not form part of EPR

Description	Confidential Version/Sections?
Federal Register, Volume 72, No. 206, 25 October 2007, Coated Free Sheet Paper from Indonesia, Final Affirmative Countervailing Duty Determination	No
Federal Register, Volume 81, No. 42, 3 March 2016, Certain Uncoated Paper From Indonesia and the People’s Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (Indonesia) and Countervailing Duty Order (People’s Republic of China)	No

United States Department of Commerce, Countervailing Duty Investigation of Certain Uncoated Paper from Indonesia: Issues and Decision Memorandum for the Final Countervailing Duty Determination, 8 January 2017	No
2014 Annual Report for PT Indah Kiat Pulp and Paper TBK	Yes

Ground 2

No specific documents relating to this aspect of Australian Paper's application.

Ground 3

Documents on EPR

EPR Doc. No.	Description	Relevant Sections
217	Termination Report	<ul style="list-style-type: none"> Confidential Appendix 1 Section 4.6.3.6.2: Application of benchmark pulp prices Section 4.6.3.7: Submissions from Australian Paper
131	Submission from SMG	
143	Submission from SMG	E-mail
144	Submission From Australian Paper	Pages 9-10
147	Submission from SMG	Two Page submission
148	Submission from SMG	Page 6-7

EPR Doc. No.	Description	Relevant Sections
159	Submission from SMG	All
171	Submission from SMG	Page 1
173	Submission from SMG	
180	Submission from SMG	
183	Submission from SMG	
187	Submission From Australian Paper	Page 1-2
163	Submission From Australian Paper	Page 2
60	Verification Report	The confidential attachments to this report may include documents used as evidence for the adjustments sought by the Sinar Mas Group after publication of the SEF

Information that does not form part of EPR

Description	Confidential Version/Sections?
23/01/2017, Email from ADC to SMG – Request for further information	Yes
24/01/2017 Email from SMG to ADC – Request for further information	Yes

Description	Confidential Version/Sections?
24/01/2017 Email from SMG to ADC – Request for further information (2)	Yes
24/01/2017 Email from SMG to ADC – Request for further information (3)	Yes
25/01/2017 Email from SMG to ADC – Request for further information	Yes
30/01/2017 Email from SMG to ADC – Request for further information	Yes
31/01/2017 Email from SMG to ADC – Request for further information	Yes
31/01/2017 Email from SMG to ADC – Request for further information (2)	Yes
01/02/2017 Email from SMG to ADC – Request for further information	Yes

Please note a number of these submissions and documents also relate to the other two Sinar Mas Group exporters (PT Indah Kiat Pulp and Paper TBK and PT Pindo Deli Pulp and Paper Mills). Some of the comments contained in these submissions may not be directly relevant to application made by Australian Paper.

Ground 4

Documents on EPR

EPR Doc. No.	Description	Relevant Sections
217	Termination Report	<ul style="list-style-type: none">• Section 5.1.1: <i>Findings UPM China</i>• Section 5.3.1: Summary of Countervailable Programs- China• Section 5.4: Submissions following SEF 341 - China• Appendix 1• Confidential Attachment 1
144	Submission from Australian Paper	Page 10-11
89	UPM Verification Report	Verification Report and confidential appendices include relevant evidence relating to each relevant subsidy.
14	UPM exporter questionnaire response	Section I and relevant appendices referred to in response.

From: Wickes, Justin
Sent: Tuesday, 16 May 2017 6:30 PM
To: Anti-Dumping Review Panel <ADRP@industry.gov.au>
Subject: RE: 2017/53 A4 Copy Paper - Letter requesting documents [DLM=For-Official-Use-Only]

Dear Kendall

I have uploaded the requested documents to the ADRP extranet.

During the conference Scott also asked me to confirm a matter in relation to the replacement of costs for recycled paper produced and exported by Tjiwi Kimia. TER 341 at 4.6.3 states:

The Commission substituted the pulp benchmark into the exporter's raw material costs (except for production using 100% recycled paper).

Scott queried whether Tjiwi Kimia produced any recycled paper with less than 100% recycled content and, if so, whether the cost of the virgin pulp content in that paper was replaced with the benchmark.

[REDACTED] The Commission calculated quarterly normal values at the product code level and in doing so substituted the benchmark for the raw materials costs for [REDACTED] but not for [REDACTED].

[REDACTED] As such, the Commission has not substituted the pulp benchmark into Tjiwi Kimia's raw material costs for the proportion of virgin fibre pulp in [REDACTED]. The Commission is unable to assess the impact of doing so, [REDACTED]

Regards

Justin Wickes

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