



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

Double A (1991) Public Company Limited (Double A)

Applicant	Double A 1991 Public Company Limited (Double A)
Panel Member	Jaclyne Fisher
Date	8 and 9 August 2017
Participants	Justin Wickes (Anti-Dumping Commission), Tim King (Anti-Dumping Commission) Rubin McGovern (Anti-Dumping Commission) for part of the discussion
Time opened	8 August 2.30 – 4.30
Time closed	9 August 8.30 – 9.30

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 provide the evidence that it relied upon to determine that the material terms of the sale were not established until the date of the invoice.

The Commission provided copies of exportation documentation for some shipments during the investigation period which stated that the transactions were amended subsequent to the order placement. The Commission stated that this caused it to consider that the date of the invoice establishes the final material terms of the sale rather than the purchase order date as orders may be changed up until this date.

2. The Panel Member requested an explanation of the methodology used to demonstrate its finding that there was not a sustained currency movement (s269TAF), given the evidence submitted in the application which suggested a significant change in exchange rates in a relatively short period. The Panel Member noted that some of its findings are discussed in Confidential Attachment 2 to the verification report.

The Commission provided the Confidential Spreadsheet containing the analysis of the daily exchange rates for the period 2014 – 2015. It had applied a 60 day moving average to track the exchange rate over the period. This methodology had been used previously by the Commission. The Commission stated that this analysis did not reveal a substantial currency change.

3. The Panel Member asked for further information in relation to the claims by Double A that it adjusted its export price whereas the comments in REP 341 by the Commission suggested that this is inconsistent with other evidence regarding pricing.



The Commission provided its confidential spreadsheet detailing export price information of all sales to Australia. This information did reveal some changes in pricing during the period. It also provided copies of Double A's confidential submission (103) regarding some matters relating to the claims made in the Double A review application.

4. The Panel Member requested that the Commission outline its approach to the distributor margin adjustment claimed by the applicant.

The Commission advised that it had used domestic sales in Thailand to the same level of trade to the export sales in Australia. It stated that it considered that this dealt with the level of trade difference claimed by the applicant. It stated that the applicant appeared to be claiming that an adjustment should be made for the difference between the distributor margins in Australia and Thailand based on different functions performed by the two distributors in the different markets. The Commission advised that this adjustment had not been put to the Commissioner in this form. Double A did not provide any evidence during the investigation as to the size of the distributor margin in Thailand.

5. The Panel Member requested the Commission provide the detailed calculations (and explanation) of the determination of the Non Injurious Price (NIP) for Double A.

The Commission provided a copy of Confidential Attachment 4 REP 341 which details the calculation of the NIP for Thailand. The Commission advised that the NIP is developed for the country rather than an individual exporter and is also based on the most efficient importer. It stated that this practice is outlined on pages 131 – 132 of the Dumping Manual. The Commission outlined the information in the NIP calculation spreadsheet and the information from which it had been derived. This included the unsuppressed selling price and the deductions to develop a price at the FOB level for Thai exports.