



ADRP Conference Summary

2019/102 A4 Copy Paper exported from Austria, Finland, the Republic of Korea, the Russian Federation and the Slovak Republic

Panel Member	Paul O'Connor
Review type	Review of Minister's decision
Date	11 July 2019
Participants	Matthew Williams, Savita Kapoor, Mayuran Jeyarajah and Kathryn Marnell (Anti-Dumping Commission)
Time opened	3:00pm AEST
Time closed	4.00pm AEST

Purpose

The purpose of this conference was to obtain further information in relation to the review before the Anti-Dumping Review Panel (ADRP) in relation to A4 Copy Paper exported from Austria, Finland, the Republic of Korea, the Russian Federation and the Slovak Republic.

The conference was held pursuant to s 269ZZHA of the *Customs Act 1901* (Act).

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

I have only had regard to information provided at this conference as it 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. Information that relates to some new argument not previously put in an application or submission is not something that the ADRP has regard to, and is therefore not reflected in this conference summary.

Discussion

1. Consideration of a submission from Hankuk dated 24 June 2019 gave rise to questions regarding the nature of the evidence relied upon in the Commission's findings that dumped imports in 2017 had the effect of suppressing Australian



Paper's prices for the product delivered in 2018. Specifically, reference was made to an agreement with a major customer in late 2018 for the supply of the product in 2019.

2. Accordingly, the conference was called to seek clarification as to the relevance of any negotiations for the supply of product beyond the review period.
3. Commission representatives acknowledge that reference was made to negotiations in 2018 for the supply of a product in 2019 (outside of the review period) but stressed that 2019 prices did not form part of their counterfactual analysis of prices within the review period. The 2018 negotiations did however inform the analysis to the extent that by observing behaviours exhibited in the 2018 negotiations for product to be supplied in 2019, the Commission was able to draw a link to what likely occurred in the 2017 negotiations for product to be supplied in 2018. Expressed differently, as import prices were clearly a factor in the 2018 negotiations for supply of product in 2019, it was reasonable to assume that import pricing had also impacted upon any negotiations undertaken in 2017.
4. The Commission indicated this assumption was consistent with other evidence before it, including behaviours evident in case 341.
5. Commission representatives also clarified the duration of the original contract between Australian Paper and Officeworks which was variously referred to in the Report as terminating in 2017 or in 2018. The Commission confirmed the term of that agreement was from October 2015 to the end of 2017. Further, that contract established a base price through to 2016 which could then be reviewed by reference to a number of factors including import pricing.
6. Midway through 2017, in the knowledge that the contract would terminate at the end of that year, Officeworks and Australian Paper entered into negotiations for the supply of product in 2018. That arrangement was referred to as an interim or bridging arrangement in the Report. Importantly, those negotiations were not considered to be analogous to a price review of the contract which had existed up until the end of 2017, they were viewed as a fresh set of negotiations not limited or restricted by the terms of the previous agreement.



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7. Reference was also made to Officeworks purchase of imported product in 2017. The Commission saw evidence that the knowledge of the prices for those purchases was used in the 2018 negotiations for product to be supplied in 2019. The Commission assumed that such knowledge would have also been brought to bear in Officeworks' negotiations with Australian Paper in 2017 for the supply of product in 2018.

Paul O'Connor
Panel Member
Anti-Dumping Review Panel
23 August 2019