



A-428-840
AR: 11/01/12 – 10/31/13
Public Document
ADCVDopsII: DJG

DATE: March 31, 2015

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Enforcement and Compliance

FROM: Christian Marsh *CM*
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Lightweight Thermal Paper from Germany: Issues and Decision
Memorandum for the Final Results of the Antidumping Duty
Administrative Review; 2012 – 2013

I. Summary

We analyzed the comments submitted in the 2012-2013 administrative review of the antidumping duty (AD) order covering lightweight thermal paper (LWTP) from Germany. As a result of this analysis, there were no changes to the margin calculated for Papierfabrik August Koehler SE (formerly Papierfabrik August Koehler AG) (Koehler). We recommend that you approve the position described in the “Discussion of the Issue” section of this memorandum. Below is the only issue in this administrative review for which we received comments from parties:

Issue: Ministerial Errors in Margin Calculation Program

II. Background

On December 1, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the AD order on LWTP from Germany.¹ The period of review (POR) is November 1, 2012, through October 31, 2013. We invited parties to comment on the preliminary results. We received a case brief from the respondent Koehler on January 15, 2015. Appvion, Inc. (the petitioner) did not submit a rebuttal brief.

¹ See Lightweight Thermal Paper From Germany: Preliminary Results of Antidumping Duty Administrative Review; 2012 -2013, 79 FR 71086 (December 1, 2014) (Preliminary Results), and accompanying Decision Memorandum entitled “Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Lightweight Thermal Paper from Germany” (Preliminary Decision Memorandum).

III. Scope Of The Order

The scope of the order includes certain LTWP, which is thermal paper with a basis weight of 70 grams per square meter (g/m^2) (with a tolerance of $\pm 4.0 \text{ g/m}^2$) or less; irrespective of dimensions;² with or without a base coat³ on one or both sides; with thermal active coating(s)⁴ on one or both sides that is a mixture of the dye and the developer that react and form an image when heat is applied; with or without a top coat;⁵ and without an adhesive backing. Certain LWTP is typically (but not exclusively) used in point-of-sale applications such as ATM receipts, credit card receipts, gas pump receipts, and retail store receipts. The merchandise subject to this order may be classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 3703.10.60, 4811.59.20, 4811.90.8000, 4811.90.8030, 4811.90.8040, 4811.90.8050, 4811.90.9000, 4811.90.9030, 4811.90.9035, 4811.90.9050, 4811.90.9080, 4811.90.9090, 4820.10.20, and 4823.40.00.⁶ Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

IV. Margin Calculations

We calculated export price (EP), constructed export price (CEP), and normal value using the same methodology stated in the Preliminary Results, except we made corrections for ministerial errors, as described below in Comment 1. These corrections did not affect the margin calculation results.

V. Discussion of the Issue

Comment 1: Ministerial Errors in Margin Calculation Program

Koehler contends that the Department erred in the Preliminary Results margin calculation by making two programming errors:

1. The Department inadvertently excluded certain CEP sales from the margin calculation because of an error in the programming that incorrectly defined the universe of U.S. sales to be analyzed.

² LWTP is typically produced in jumbo rolls that are slit to the specifications of the converting equipment and then converted into finished slit rolls. Both jumbo and converted rolls (as well as LWTP in any other form, presentation, or dimension) are covered by the scope of the order.

³ A base coat, when applied, is typically made of clay and/or latex and like materials and is intended to cover the rough surface of the paper substrate and to provide insulating value.

⁴ A thermal active coating is typically made of sensitizer, dye, and co-reactant.

⁵ A top coat, when applied, is typically made of polyvinyl acetone, polyvinyl alcohol, and/or like materials and is intended to provide environmental protection, an improved surface for press printing, and/or wear protection for the thermal print head.

⁶ HTSUS subheading 4811.90.8000 was a classification used for LWTP until January 1, 2007. Effective that date, subheading 4811.90.8000 was replaced with 4811.90.8020 (for gift wrap, a non-subject product) and 4811.90.8040 (for "other" including LWTP). HTSUS subheading 4811.90.9000 was a classification for LWTP until July 1, 2005. Effective that date, subheading 4811.90.9000 was replaced with 4811.90.9010 (for tissue paper, a non-subject product) and 4811.90.9090 (for "other," including LWTP).

2. The Department added, rather than subtracted, the rebate amounts granted to Koehler by its freight forwarders, which were reported as negative values in the U.S. sales listing.

Koehler acknowledges that correcting these errors would not change the Preliminary Results margin, but states that correcting the errors would ensure consistent and proper treatment of these issues by the Department.

The petitioner did not comment on this issue.

Department's Position

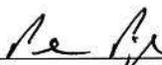
We agree with Koehler, and have revised the margin calculation program to correct these errors for the final results. We also corrected an additional programming error regarding the definition of the universe of U.S. sales to be analyzed, which inadvertently excluded certain EP sales from the preliminary results margin calculation. For further details on the programming of these corrections, see Memorandum to the File entitled "Final Results Margin Calculation for Papierfabrik August Koehler," dated concurrently with this memorandum.

VI. Recommendation

Based on our analysis of the comments received, we recommend adopting the above position. If this recommendation is accepted, we will publish the final results of review and the final dumping margin in the Federal Register.

Agree

Disagree



Paul Piquado
Assistant Secretary
for Enforcement and Compliance

31 MARCH 2015
(Date)