

Ms Cienna Turpie  
International Trade Investigator  
Anti-Dumping Commission  
1010 La Trobe St  
Melbourne VIC 3008

17 December 2013

Our ref 11276/15955/80133959

Dear Ms Turpie

**Hot rolled structural steel sections exported from Japan, the Republic of Korea, Taiwan and Thailand**

We act for Nippon Steel & Sumitomo Metal Corporation. We refer to your email sent at 11:21am on 12 December 2013.

Our client considers that full compliance with all parts of the exporter questionnaire response is not warranted for the following reasons.

1. The amount of domestic sales and cost information required to complete the exporter questionnaire response is burdensome. The burden of completion is disproportionate to the benefit assessed in terms of our client's [REDACTED] Australian sales.
2. The Commission can verify the information provided by our client against its own data and information obtained from importers. We note in this regard that [REDACTED] [REDACTED] has provided data that could readily be adapted and applied for this purpose.
3. The burden of completion is a considerable and unnecessary expense given that we believe that a proper consideration of the question of like goods in all probability would necessitate the case being terminated, if not now then in the next few weeks.

We trust that the Commission will, as it is required to by law, accept our client's information and assess it with a view to determining whether our client materially contributed to any injury suffered by the Applicant (which is denied). We note the following in this regard:

1. Given the Commission's ability to cross check the information provided by our client, the information submitted must be taken into account and given genuine, proper and realistic consideration in the Statement of Essential Facts. Any rejection of the information provided by our client must be supported on proper legal grounds, of which we submit there are none.
2. There is no provision under the Anti-dumping Agreement or in the *Customs Act 1901* (Cth) which states that our client's information can be disregarded. Our client notes that a desktop audit could be carried out. The information provided by our client is therefore verifiable as to export price. As noted in Paragraph 3 Annex II to the Anti-dumping Agreement, the Commission must take into account all information which is verifiable, submitted so it can be used without undue difficulty, and is supplied in a timely fashion. Our client's information meets these requirements.

Ms Cienna Turpie, Anti-Dumping Commission

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3. Our client is an interested party, and it follows that our client's response should at the very least be treated as a submission.
4. In any event, Article 7 of the Annex II to the Anti-dumping Agreement makes clear that information from interested parties should be used to check information from secondary sources, such as that provided by the Applicant.

We trust that the Commission will continue its practice of taking into account information from substantially but not fully compliant exporter questionnaires, as it is bound to do by the *Customs Act 1901* and the anti-dumping agreement.

Yours sincerely



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