

10th April 2017

The Director, Operations 5
Anti-Dumping Commission
Industry House, Level 7
10 Binara Street
Canberra City, ACT 2600
AUSTRALIA

**DUMPING INVESTIGATION 377 – COOLING TOWER WATER TREATMENT COOLERS EXPORTED
FROM THE UNITED STATES OF AMERICA**

**Submission by the Australian Industry in response to Advantage Controls Exporter Questionnaire
Summary and Exporter Questionnaire Response**

Background

- Exporter questionnaire responses (EQR) were initially due on 1 March 2017.
- The Anti-Dumping Commission (Commission) published its Day 60 report on 24 March 2017 identifying that:
 - Advantage Controls was provided with an extended deadline to submit its EQR
 - The EQR, when submitted, had significant deficiencies and the exporter has been granted a short period to rectify these deficiencies.
- Advantage Controls EQR Summary that was published on the Commission's electronic public record on 23 March 2017 stated that:
 - Advantage Controls has not increased its prices to Waterdos in the past few years even though Advantage Controls has increased (other) prices during that period
 - The strong US dollar has caused Waterdos' costs to increase and Advantage Controls have not raised their price to provide Waterdos some relief from the unfavourable currency exchange rate.
- Advantage Controls EQR that was published on the Commission electronic public record on 31 March 2017 stated:
 - The goods exported to Australia are ex-works and that Waterdos pay all costs and
 - Non-USA sales receive a higher level of discount
 - All versions sold on the Australian market are available throughout the world. The only difference in controllers sold to the Australian market is Australian style electrical plugs

Determining Dumping for Advantage Controls

Aquarius Technologies submits that normal values for Advantage Controls can and should be determined in accordance with Australia's anti-dumping legislation and the established practices and procedures of the Commission.

It is Aquarius Technologies position that the Exporter Questionnaire¹ that was forwarded to Advantage Controls seeks the required level of detail for the Commission to assess the normal values of goods exported to Australia from the United States of America.

Aquarius Technologies notes that the Commission's preferred method to assess the normal value is to use the price paid for like goods sold for domestic consumption in the country of export. Furthermore Aquarius Technologies notes that the Advantage Controls' EQR clearly states that "domestic prices are based on list prices" (Section D-3) and that "export prices are based on list prices" (Section B-2(e)), inferring separate price list for export and domestic sales.

It is also Aquarius Technologies position that all costs associated with the manufacture and sale of the goods exported to Australia should be included in the Australian CTMS (Section G-5) for the Commission to assess whether sales of like goods in the country of export are relevant and suitable.

Aquarius Technologies submits it is quite obvious from the submission that Advantage Controls is aware that its exports to Australia are dumped, a position the submission is seeking to justify.

Yours sincerely

Aquarius Technologies team!

¹ <http://www.adcommission.gov.au/cases/Pages/CurrentCases/ADC-377.aspx>