



25 June 2014

ACN 056 514 213 ABN 87 056 514 213

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NON-CONFIDENTIAL

Ms Candy Caballero
Director Operations
Australian Anti-Dumping Commission
Customs House
1010 La Trobe St
Docklands Vic 3008

Dear Ms Caballero,

DUMPING INVESTIGATION - PV MODULES OR PANELS FROM CHINA

As you know, we represent Trina Solar to this investigation.

We agree with the submission of East Associates Law Firm of 23 June 2014 to this investigation to the effect that Tindo Manufacturing Pty Ltd (“Tindo”) did not suffer material injury during the investigation period (“IP”) and if the Commission considers that it did suffer material injury during the IP, such material injury was not caused by the alleged dumped imports from China but caused by other factors, ie dumping was not of itself the cause of material injury to Tindo during the IP – copy attached.

The principal purpose of this letter is to bring to the attention of the Commission the requirement of s269TD of the Customs Act (“the Act”) that a preliminary affirmative determination (“PAD”) can only be made if the Commission is satisfied that the domestic industry has suffered material injury because of dumping, ie it is satisfied that there is a causal link between dumping and material injury. And to be so satisfied the Commission must separate the injurious effects of known factors other than dumping to enable determination of whether dumping has, of itself, caused material injury.

Even if exporter questionnaire responses demonstrate dumping, the Commission cannot be satisfied that this dumping has, of itself, caused material injury to the domestic industry until it has examined the injurious effects of other known factors and separated them from the effects of dumping. Tindo’s application incorrectly attributes all of its alleged injury during the IP to dumped imports and the Commission’s Consideration Report No. 239 does not discuss the injurious effects of factors other than dumped imports. It cannot be assumed by the Commission that because exporter questionnaire responses demonstrate dumping, the domestic industry has suffered material injury because of dumping.

We trust that the Commission will have regard to the foregoing in its considerations concerning the making of a PAD in this investigation.

Yours sincerely,


Roger Simpson

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