

23 March 2015

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commercial + international

By email

Dear Director

## Statement of Essential Facts 240 Alleged dumping or rod in coils exported from Turkey

We refer to the publication of the Statement of Essential Facts ("SEF 240") in this investigation on 2 March 2015. Our client Habaş Sınai ve Tibbi Gazlar İstihsal Endüstrisi A.Ş. ("Habaş") now wishes to make the following comments in response to the SEF.

Habaş supports the finding that the goods under consideration as exported by Habaş to Australia during the investigation period were not dumped.

Habaş welcomes the Commissioner's intention, as expressed in SEF 240, to terminate the dumping investigation in so far as it relates to exports from Turkey.

In particular, Habaş notes the Commission's response to specific matters raised by the applicant in this investigation, Onesteel Manufacturing Pty Ltd ("Onesteel"), in its submission dated 16 February ("the Onesteel submission"), as follows:

- (a) that Habaş' financial management systems were robust, and that the information provided by Habaş was complete and accurate;
- (b) that the costs of the activities at Habaş' sea port were accurate and complete; and
- (c) that the findings of the investigating authority of another jurisdiction (that of Canada, by the CBSA) with regard to a different product cannot be afforded any significant evidentiary value.<sup>1</sup>

In relation to the final point, we further note that the 15.2% margin mentioned in the OneSteel submission was the CBSA's *preliminary* dumping margin finding (and, as noted in SEF 240, for *rebar* exported by Habaş to Canada and not *rod in coil*).

The Onesteel submission fails to mention that:

- the CSBA's *final* dumping margin finding for Habaş was 3.8%;<sup>2</sup> and
- an investigation by the US investigating authorities into Habaş's exports of rebar to that country, which concluded just a few months before the conclusion of the Canadian investigation, found that Habaş was not dumping.

<sup>1</sup> Although Habas would contend it has no evidentiary value, in particular given the other circumstances mentioned in this letter in relation to OneSteel's contention.

<sup>2</sup> Noting that Habas has serious reservations about the 3.8% dumping margin finding and is currently considering its appeal options.

In light of the no-dumping margin reported in SEF 240, we respectfully request that this investigation be terminated insofar as it relates to Habaş at the soonest possible opportunity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Zhan', with a long, sweeping horizontal stroke at the end.

Charles Zhan  
Lawyer