

Response to Hunt & Hunt Lawyers submission on behalf of Hyosung Corporation dated 11 October 2013

	Hyosung Submission	WTC Response
1	Tender Process and Decision making in Australia. Price is not the sole determinant of purchase	This was addressed in item 1 (d) of the previous submission
	1.1 Overview of the Australian tender process and decision making criteria	1. No facts provided. 2. Hyosung customers are in no position to judge material injury to the Australian Industry
	1.2 Tender process description	The process may be applicable to a single customer.
	1.3 Decision Criteria	No comment
	1.4 Bid price is not the determining factor in awarding a contract	1. It is common practice for customers to qualify suppliers, to ensure that technical, engineering, production and other considerations are met. 2. Competition between qualified suppliers results in a competitive, price sensitive market. 3. The US Trade Commission survey results indicate that “Price/cost/low bid” were key factors in 28% of cases and “Evaluated cost/low total cost of ownership” were key factors in 23% of cases — refer WTC public submission 3 d) on page 17. 4. WTC’s experience with power transformers in the Australian market is that price is the major determinant of who is successful.
	1.5 Information regarding the competition in the tender process is not disclosed	1. Hyosung stated in its submission of 11 September in item 1 (d) that “Hyosung is of the view that Wilson has not competed with it for any of the tenders during which Hyosung has participated.” In the current submission, it states that “Hyosung has been unable to gain access to other participants’ prices, design details or even their identity.” How is it then possible to draw the conclusion that WTC did not compete with Hyosung in tenders? WTC has competed with Hyosung on many occasions. 2. On what logical basis does Hyosung conclude that “knowing who the competitors are” will result in a more competitive tender?
2	Other potential causes of material injury	
	2.1 Decreased demand for electricity	This item is addressed under item 5 (f) of the previous submission
	2.2 Wilson’s expansion of the Glen Waverley facility	This item is addressed under item 5 (b) of the previous submission
	2.3 The High Australian dollar and the downturn in the mining and other industries	This item is addressed under item 5 (c) of the previous submission
	2.4 Support from Australian importer of GUC	1. It is unclear how a purchaser of the GUC would know whether the design and functionality and tender process make it unlikely for a foreign exporter to sell the goods at less than the normal value or whether there is any link between the design and functionality and the tender price.
3	Proposed ADC Issues Paper for material injury issues	No comment
4	Summary	No comment