

5 August 2014

Mr Adam Yacono  
Manager  
Anti-Dumping Commission  
Customs House  
1010 La Trobe Street  
DOCKLANDS VICTORIA 3008

By email: [operations3@adcommission.gov.au](mailto:operations3@adcommission.gov.au)

Dear Adam

**Dumping investigation ADC 223 - Hot rolled structural steel sections exported from Japan, Korea, Taiwan and Thailand**

1. On behalf of Tung Ho Steel Enterprise Corporation (THS) we make the following submission in relation to Statement of Essential Facts No. 223 (SEF) for the above dumping investigation, uploaded to the Electronic Public Record on 18 July 2014.
2. We refer to Section 6.6.3 (6.) of the above SEF and reference to differences in theoretical and actual weight;
3. The following have been extracted from the Commission's Dumping and Subsidy Manual (underline added):-

**14.1 CONTEXT**

*The ADA requires that, when determining dumping, a fair comparison be made between export price and normal value.*

**14.2 POLICY**

*Adjustments will be made if there is evidence that a particular difference affects price comparability.*

*Adjustments are made to normal value established under s 269TAC(1) and/or 269TAC(2)(c) (and in rare cases, s. 269TAC(4)(e)) in order to make a fair comparison with export prices.*

*The exporter questionnaire informs about adjustment claims and seeks evidence in support of adjustments. Further adjustments are made if data obtained in the course of an investigation demonstrates a particular difference affects price comparability.*



The ADA shows a non-exhaustive list of factors that may affect price comparability:

- conditions and terms of sale (which may include a range of factors related to the sale);
- taxation;
- levels of trade;
- quantities;
- physical characteristics.

#### 14.3 PRACTICE

Section 269TAC(8) places a responsibility on the Commission, as part of its fact finding responsibility throughout an investigation or review, to make adjustments. The Commission seeks relevant data and makes adjustments where evidence exists that a particular difference has affected price comparability.

Exporters making adjustment claims also have a responsibility – in providing evidence in support because this information is normally in their possession. Claims should be provided in a timely manner to enable an examination of the circumstances and to verify the supporting accounting information.

If an adjustment claim is made after the verification visit to the exporter, the Commission will assess its appropriateness having regard to the reliability of the information provided and the remaining time available to complete the report.

4. We submit the following:-
- a. Although “No claim for adjustment was made by Tung Ho Enterprise Steel Corporation in its REQ, or during the course of the verification visit”<sup>1</sup>, the matter was brought to the Commission’s attention by One Steel Manufacturing (OSM) on 28 May 2014 (50 days before extended SEF due date) and by THS on 10 June 2014 (37 days before extended SEF due date);
  - b. In addition, theoretical and actual weights were provided in REQ and were verified by Commission verification team;
  - c. The Commission should amend calculations to allow for “fair comparison”. The weighted average selling prices should be calculated using actual weights for both normal value and export sales, as these are the actual **quantities** of goods under consideration sold.
  - d. Otherwise the goods compared are **not** identical.

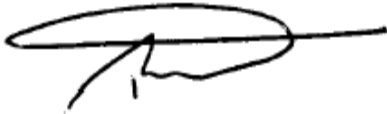
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<sup>1</sup> SEF No 223 – Page 46



5. Should you require any additional information, please contact the writer.
6. This letter is non-confidential and can be placed on the public record for this case.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Troy Morrow', with a long horizontal stroke extending to the right.

Troy Morrow

Non-Confidential

