

20 June 2017

The Director
Operations 5
Anti-Dumping Commission
Industry House, Level 7
10 Binara Street
Canberra
Australian Capital Territory 2601
Australia

Canberra
6/2 Brindabella Circuit
Brindabella Business Park
Canberra International Airport
Australian Capital Territory 2609

Canberra +61 2 6163 1000
Brisbane +61 7 3367 6900
Melbourne +61 3 8459 2276

www.moulislegal.com

Brisbane
Level 4, Kings Row Two
235 Coronation Drive
Milton, Brisbane
Queensland 4064

Melbourne
Level 39, 385 Bourke Street
Melbourne
Victoria 3000

Australia



commercial + international

By email

Dear Director

Essar Steel India Ltd – further comments regarding subsidy margin calculation

In this letter, we provide further clarifications regarding the subsidy received by Essar during the investigation period. Essar notes that this letter is confidential.

1 Program 23 – Export Promotion Capital Goods Scheme

Currently, the calculated benefit of this program is based on **[CONFIDENTIAL TEXT DELETED – confidential spreadsheet information]** the Export Promotion Capital Goods (“EPCG”) spreadsheet. In its response to the exporter questionnaire, Essar provided information to cover all EPCG licences **[CONFIDENTIAL TEXT DELETED – company information]**. Based on further examination of the data provided Essar identified that this listing included licenses **[CONFIDENTIAL TEXT DELETED – license information]** not related to the goods under consideration for this investigation

- **[CONFIDENTIAL TEXT DELETED - license details]**

The products **[CONFIDENTIAL TEXT Deleted – license details]** are not goods under consideration for this investigation. Accordingly, **[CONFIDENTIAL TEXT DELETED – licenses details]** should be removed from the subsidy margin calculation.

Please find attached:

- the revised EPCG spreadsheet which identifies **[CONFIDENTIAL TEXT DELETED – explanation of confidential spreadsheet]**; and
- sample EPCG license documentation which illustrate that the excluded license applies to **[CONFIDENTIAL TEXT DELETED – license details]**.

Essar submits that benefits pertaining to the licenses related to **[CONFIDENTIAL TEXT DELETED – license details]** should be removed from the subsidy margin calculation. As shown in the revised spreadsheet, the revised subsidy margin after removal of irrelevant licenses that apply to **[CONFIDENTIAL TEXT DELETED – license details]** is **[CONFIDENTIAL TEXT DELETED – number]**%.

NON - CONFIDENTIAL

2 Program 27 – Duty Drawback Scheme

In this regard, Essar noted that currently the calculations for duty drawback include amounts which relate to exports from outside the investigation period. [CONFIDENTIAL TEXT DELETED – explanation of confidential spreadsheet].

Please find attached the revised DBK spreadsheet in which [CONFIDENTIAL TEXT DELETED – explanation of confidential spreadsheet].

Further, as an example, Essar also provide the relevant shipping documents for your reference. [CONFIDENTIAL TEXT DELETED – explanation of confidential spreadsheet and documents]. Further samples can be provided if requested.

Essar submits that the amounts related to shipments outside of the POI must be excluded from subsidy margin calculation

[CONFIDENTIAL TEXT DELETED – comments regarding duty drawback amounts].

Yours sincerely

A handwritten signature in black ink, appearing to read 'Charles Zhan', with a stylized, cursive script.

Charles Zhan
Senior Associate