



ANTI – DUMPING SPECIALISTS

ACN 056 514 213 ABN 87 056 514 213

15 July 2015

NON – CONFIDENTIAL

Ms Joanne Reid
Director
Anti-Dumping Commission
Customs House
5 Constitution Avenue
Canberra ACT 2600

Dear Ms Reid,

PV MODULES OR PANELS FROM CHINA

Further to our submission of 13 July 2015 concerning the captioned investigation, we would like to stress that to be satisfied that the situation in the domestic market of China is such that domestic sales of PV modules or panels are not suitable for determining a price for s269TAC(1) normal value (“NV”) purpose because of Government of China (“GOC”) policies, the Commission must **have proof** that these policies –

- a) have an impact on the prices at which domestic sales of PV modules or panels are made; and
- b) do not impact on the prices at which exports of PV modules or panels to Australia are made.

Neither the “Results of the Section 20 Inquiry” included in the Canada Border Services Agency’s Statement of Reasons concerning the final determination with respect to the dumping and subsidising of certain PV modules and laminates from China, nor Tindo Manufacturing Pty Ltd’s submissions concerning the GOC’s financing policies, provide this necessary proof.

There is no proof that the GOC’s industrial policies influencing production of PV modules and input products (PV cells, polysilicon and aluminium extrusions) and the price of solar generated electricity impact on the price at which domestic sales of PV modules or panels are made. Nor is there any proof that GOC policies provide for lower financing costs for PV module or panel producers which impact on prices at which their domestic sales are made. And we reiterate that if there were to be proof that these policies do impact on prices at which domestic sales of PV modules or panels are made, there must also be proof that they do not similarly impact on the prices at which exports of these goods to Australia are made. If they do similarly impact on the prices at which exports to Australia are made, the policies are not such that they do not permit a proper comparison of the price of exports to Australia and the

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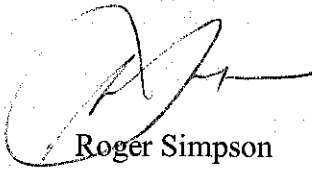
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price of like goods sold on the domestic market. That is, they do not create a situation which is such that prices of domestic sales are not suitable for s269TAC(1) NV purpose.

It is paramount that GOC policies found to influence the solar industry and/or its market cannot be such as to create a PMS unless it can be proved that these policies do not permit the comparison of export prices of PV modules or panels to Australia and prices of domestic sales of like goods. It is of important note in this regard that, if a s269TAC(8) adjustment can be used to enable comparison of export prices and domestic prices of like goods, then the GOC policies impacting on the solar industry or market are not such that they do not permit a comparison of prices of exports of PV modules or panels to Australia and prices in domestic sales of like goods. That is, they do not create a market situation such that domestic sales of like goods are not suitable for s269TAC(1) NV purpose.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Simpson', written over a printed name.

Roger Simpson