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**NOT CONFIDENTIAL**

**By email:**

Mr Geoffrey Gleeson  
Director Operations 1  
Australian Anti-Dumping Commission  
5th Floor, Customs House  
5 Constitution Avenue  
Canberra ACT 2601

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**Partner**  
Andrew Korbel

Dear Mr Gleeson

## **Anti-dumping investigation - power transformers**

As you know, we represent a number of interested parties in relation to this investigation.

We refer to the file note that was placed on the public file on 15 August 2014 advising that the Commission is considering using an alternative approach to dumping margin assessments based on section 269TACB(3) of the *Customs Act 1901*.

We note that the file note does not advise:

- (a) why this alternative approach is being considered, nor why it is being considered at this late stage of the investigation;
- (b) how the Commission anticipates that dumping margins would be calculated using this methodology and, in particular, whether the weighted average normal value would be calculated using a constructed normal value or using domestic sales in the country of export (or in either case, how the weighted average value will be adjusted to ensure a fair comparison with export transactions);
- (c) on what basis the Commission anticipates the Minister could be satisfied that export prices for power transformers differ significantly for different purchasers, regions or periods, taking into account that each power transformer is unique; and
- (d) why the Commission considers those differences might make the methodologies for dumping margin assessments in section 269TACB(2) of the *Customs Act 1901* unsuitable.

Without an explanation from the Commission as to those matters, our clients are not able to express a view on the approach that the Commission is proposing to take. We would be grateful if the Commission would publish further information clarifying those matters.

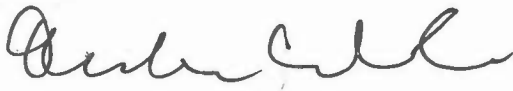
We also note that the file note also states that "*It is important to recognise that this means basing the dumping margin assessment on particular export transactions and setting aside the results of other export transactions*". It is not immediately clear, and no explanation has been provided, why only particular export transactions would be used in the dumping margin

assessment, and others would be set aside, and on what grounds or basis only selected export transactions would be used. Again, we would be grateful for if the Commission would publish further information clarifying those matters.

Once those various matters are clarified we expect that our clients will wish to make submissions to the Commission concerning the approach.

Yours faithfully

**Corrs Chambers Westgarth**



**Andrew Korbel**  
Partner