



Anti-Dumping Commission
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Mr Andrew Percival
Special Counsel
Corrs Chambers Westgarth Lawyers

By email

Dear Mr Percival

**INVESTGATION INTO THE ALLEGED DUMPING OF POWER TRANSFORMERS
EXPORTED TO AUSTRALIA FROM THE REPUBLIC OF INDONESIA BY
PT CG POWER SYSTEMS INDONESIA**

I refer to your letter of 14 March 2014 which was in response to a letter from the Anti-Dumping Commission of 3 March 2014. In the latter correspondence, Mr Bracic advised that the Commission will recommend to the Commissioner of the Anti-Dumping Commission that PT CG Power Systems Indonesia (CG Power) be considered an uncooperative exporter as defined under section 269T of the *Customs Act 1901* (the Act) as it did not provide information relevant to the investigation within a reasonable period.

You raised a number of concerns about this decision in your letter of 14 March 2014 and you indicated that it was not clear what relevant information the Commission had not been provided. I can confirm that the Commission considers it was unable to clearly identify relevant sales and cost data for power transformers manufactured by CG Power to adequately determine if power transformers have been exported at dumped prices. More specifically, I note that while numerous spreadsheets were provided, the relevance of data within each spreadsheet was not adequately explained and relationships between the spreadsheets were not adequately explained. Accordingly, the Commission considers the CG Power response to the exporter questionnaire was not substantially compliant with the information requirements of the exporter questionnaire.

I refer also to an email dated 21 July 2014, sent on behalf of CG Power, attaching a spreadsheet calculating a dumping margin for power transformers exported to Australia during the investigation period by CG Power. [REDACTED]

To be clear, I do not consider it would be appropriate to open a further window for CG Power to provide additional information and for the Commission to take such

information into account given the earlier finding that CG Power should be regarded as an uncooperative exporter.

Notwithstanding this position, the Commission undertook a cursory examination of the data contained in the email of 21 July 2014 and identified certain omissions of relevant data, and inconsistencies with earlier versions of the same data, such as the following:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Accordingly, the Commission maintains its position and will recommend to the Commissioner of the Anti-Dumping Commission that CG Power be considered an uncooperative exporter as defined under section 269T of the Act. Accordingly, a dumping margin for CG Power will be determined in accordance with section 269TACB(1) of the Act.

As an interested party defined under section 269T(1) of the Act, CG Power may still participate in the investigation by providing the Commission with submissions on any issues relevant to the consideration of the publication of a dumping duty notice.

The Commission will place this letter on the public record. Please advise if you would like to remove any information from the public record version.

Yours sincerely

Geoff Gleeson
Director Operations 1

11 August 2014