

Canberra Office
6/2 Brindabella Circuit
Brindabella Business Park
Canberra International Airport
Australian Capital Territory 2609
+61 2 6163 1000

facsimile: +61 2 6162 0606
email: info@moulislegal.com
www.moulislegal.com



Brisbane Office
Level 4, Kings Row Two
235 Coronation Drive
Milton, Brisbane
Queensland 4064
+61 7 3367 6900

Australia

commercial + international

25 September 2014

**Director
Operations 1
Anti-Dumping Commission
5 Constitution Avenue
Canberra
Australian Capital Territory 2601**

By email

Dear Director

Dumping investigation ADC 219 Power transformers exported from China, Indonesia, Korea, Taiwan, Thailand and Vietnam

As you know, we are the lawyers for the ABB group of companies in this matter.

We refer to the publication of the Statement of Essential Facts ("SEF") on 18 September 2014.

Our client wishes to request additional information, and explanations and clarifications, in relation to the SEF and certain matters raised by the SEF.

We respectfully ask the Commission to deal with these requests urgently, and that the Commission place its response on the public record on or before Wednesday 2 October. In that way our client and other interested parties will still have five business days available to consider that response for the purposes of responding to the SEF before the expiry of the 20 day period referred to in Section 269TC(4)(f) of the *Customs Act 1901* ("the Act").

- 1 At page 40 of the SEF, reference is made to a submission of 10 June 2014 by Wilson Transformer Company Pty Limited ("WTC") in which WTC "*raised the issue of 'targeted dumping' in respect of exporters from Thailand*". It is assumed that this is a reference to document 119 on the public record, which is a letter from WTC which bears that date. The letter is heavily redacted. Only the heading of the public record version of that letter refers to "targeted dumping". Nothing else in that version of the letter appears to deal with the concept that is referred to as "targeted dumping" in the SEF, and there is no summary allowing interested parties to understand the substance of any information or argumentation relating to "targeted dumping". Could you please require WTC to comply with Section 269ZJ(2) of the Act in relation to that letter?

If WTC will not do so, and if you are satisfied in terms of Section 269ZJ(3), then we would have to assume that there is no *argumentation* about targeted dumping in that letter. We say this because we would not expect a submission indicating WTC's argumentation on how to identify the circumstances referred to in Section 269TACB(3), and how to deal with those circumstances, to be confidential.

- 2 Document 119 refers to an “e-mail to Mr John Bracic of 10 January 2014”. In relation to this email:
- (a) in so far as it is considered to be relevant correspondence within the terms of Section 269ZJ(1)(a) of the Act, could the Commission please comply with Section 269ZJ(1) of the Act in relation to that email?
 - (b) if any aspect of it is claimed by WTC to be confidential, and if the Commission agrees with that claim, could you please require WTC to comply with Section 269ZJ(2) of the Act in relation to that email?
- 3 In relation to the charts on page 72 of the SEF, could you please:
- (a) advise what is meant by “*Estimate of capacity*” (in other words, what is it that the “y” axis indicates in the first chart)?
 - (b) explain why is it that “dumped imports” are shown for periods that are outside the POI?
 - (c) advise whether “*Undumped imports*” include imports of the goods under consideration from countries other than those under investigation?
 - (d) advise whether “*Dumped imports*” include imports of the goods under consideration from China and Korea?
 - (e) provide versions showing the actual gradations of the “y” axes and the values used, so as to enable interested parties to better understand the data that is presented in those charts?

Please place this letter on the public record as soon as possible, and do not hesitate to contact me if you wish to discuss any aspects.

Yours sincerely



Daniel Moulis
Principal