
HOWARD CONSULTING PTY LTD

ABN 79 126 290 444

Ms Lydia Cooke,
International Trade Remedies Branch,
Australian Customs & Border Protection Service,
Customs House, Canberra, ACT.

Non Confidential
Re: PAD 177 & YiehPhui /Shin Yang.

Dear Ms Cooke,

Thank you for sending the Agenda for the verification visit to the above named exporters from Taiwan. The exporters look forward to your visit and the opportunity to reverse the current interim dumping duty measure of 15.7%.

The effect such interim measures have on not only the exporters current and future business but also the business viability of the Australian customers of the importers of these goods is more than the resultant and intended chilling effect in that it can, as more likely intended by the sole producer applicant, result in serious impairment of both the exporter supplier and their end customers.

For this reason alone, the exporters welcome your visit to have their data verified in order that the current interim measures are remedied at the earliest opportunity prior to any publication of an SEF.

As you are aware, both companies, YiehPhui and Shin Yang, produced and exported the GUC to Australia during the investigation period (I.P) and as the responses to the EQ's demonstrate, YiehPhui is Shin Yang's parent company with 100% shareholding .

Both exporters are clearly related entities and both submitted responses to the EQ. YiehPhui however was engaged in the production and export of the GUC to Australia for ten months of the I.P. being from July 2010 to April 2011 whereas Shin Yang only became a producer and exporter of the same GUC from May 2011 being for only two months of the I.P.

Ph: 61-3-53694310; Fax: 61-3-53694253
Email: mjh@howardconsulting.com.au

The exporters are concerned that the interim dumping duty margin being applied to all Taiwan exporters as published in PAD 177 would appear to have been based only on Shin Yang's exports of GUC being for the two months of May and June 2011.

ACBPS is clearly aware of the relationship between YiehPhui and Shin Yang and the exporters seek an assurance that the verification process will not exclude the YiehPhui data and thus preclude a finding based on the combined data of the two exporters .

The exporters respectfully submit therefore that this consideration be included in the Agenda for the verification visit for reasons that the YiehPhui data may not have been taken into consideration and since YiehPhui is clearly entitled to receive an individual assessment in accordance with Article 6.10 of the WTO Anti Dumping Agreement.

Our position, given the obvious relationship and circumstances of their exports, is that YiehPhui and Shin Yang should be given a combined dumping duty margin based on the weighted- averaging of both exporters data for the whole of the I.P. We believe that this has been the longstanding and accepted practice and policy of the ACBPS .

We thank you for your consideration and look forward to the verification process.

Sincerely



M J Howard
Representative
12th January 2012

M.J. Howard – Mobile: 0459 212 702
Ph: 61-3-53694310; Fax: 61-3-53694253
Email: mjh@howardconsulting.com.au