

For Publication

Mr G Gleeson
Director Operations 1
Anti-Dumping Commission
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

20 November 2014

Dear Mr Gleeson

Anti-Dumping Investigation (219) Power Transformers from China

We act for Siemens Ltd. and related entities including Siemens Transformer (Guangzhou) Co. Ltd, Siemens Transformer (Jinan) Co. Ltd and Siemens Transformer (Wuhan) Co. Ltd.

We refer to the submission made by Moulis Legal on behalf of ABB dated 18 November 2014 and placed on the electronic public record yesterday. Our client wishes to record its agreement with ABB's submission but supplement it as follows:

1. The WTO appellate body jurisprudence is overwhelming - zeroing is inconsistent with the text of the Anti-Dumping Agreement and thereby inconsistent with a proper application of s. 269TACB(3)(b) of the *Customs Act, 1901* (Cth) (**Act**).
2. Our Client referred the ADC to the relevant jurisprudence in its 8 October 2014 submission (see paragraphs 2.20 to 2.26) and again submits that there is no proper legal basis to deviate from that jurisprudence.
3. The ADC should pay due deference to WTO appellate body decisions on zeroing.
4. The ADC should retract its use of subsection 269TACB(3), utilise subsection 269TACB(2) of the Act for the purposes of determining dumping margins for Siemens China and correctly record that our client's margin is negative - as it was advised in May 2014.

Yours sincerely



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Our ref 11276/80154429