

Telephone: +61(0) 425 221 036

Email: andrew.percival@percivallegal.com.au

Date: 17 August 2018

**Non-Confidential**

**By Email**

Mr Dale Seymour  
Commissioner  
Anti-Dumping Commission  
55 Collins Street  
Melbourne VIC 3000

Dear Commissioner,

***RE: Dumping investigation into certain railway wheels exported from the People's Republic of China***

As you know, I act for Maanshan Iron and Steel Co., Ltd (**Masteel**), amongst others, in relation to this investigation.

I refer to the Preliminary Affirmative Determination (**PAD**) that you made on 18 June 2018 in relation to the above-mentioned investigation.

I have previously expressed concerns regarding the PAD as you would be aware.

I note that the verification investigation team into Masteels exports of railway wheels into Australia in its report did not calculate a normal value for such exports nor a dumping margin nor made any finding that a "particular market situation" existed in its supply of railway wheels into the Chinese domestic market. It, however, did agree that Masteel did not supply "like goods" into the Chinese domestic market to those supplied to Australia.

In such circumstances there is no reasonable or legal basis for you to make a PAD nor to impose securities. What injury would or could any such securities preclude during the continuation of the investigation and how and what injury has been caused by imports, dumped or otherwise or are reflected by the monopolist behaviour of the Australian industry as reflected in the submissions from Rio Tinto and BHP. This does not seem to have been considered in the PAD. Why not? Is this proper discharge of your statutory duties?

If you are of a different view, please provide me with details of why you have a different opinion.

This memo may be placed on the public file. Please let me know if you have any questions.



Kind regards

Andrew Percival

T: +61 (0) 425 221 036

E: [andrew.percival@percivallegal.com.au](mailto:andrew.percival@percivallegal.com.au)

W: [www.percivallegal.com.au](http://www.percivallegal.com.au)