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01 March 2019

Ms H Yang
Assistant Director - Investigations 1
Anti-Dumping Commission
55 Collins Street
Melbourne
Victoria 3000

By email

Dear Heidi

Shanghai Taisheng Wind Power Equipment Co., Ltd Comment on submission by Spring Street Advisory

We refer to the letter by Spring Street Advisory (“SSA”) to the Commission dated 27 February 2019 (“the SSA letter”) in this matter, placed on the public record on 28 February 2019.

We note that it is said to be on behalf of Keppel Prince Engineering Pty Ltd (“KPE”) on the bases that SSA is KPE’s representative in relation to the continuation “action” and that the Commission is aware of that representation.

The SSA letter states that:

- SSA and KPE *“do not support what TSP is seeking”*;
- there should be *“no exemption for any dumped steel wind towers from China and Korea”*;
- the information about a commercial relationship *“is not relevant to SEF 487 and should not influence or in any way bear upon the [Commission’s] findings”*.

The SSA letter offers no evidence or argumentation for these statements.

The SSA letter does not address the legislative requirements for a decision with respect to the continuation of dumping measures.

The SSA letter does not address the relevant considerations advanced by TSP with respect to those legislative requirements.

The statements in the SSA letter are advanced as demands on the Commission, to the extent that underlining is required to make the importance of those demands very clear to the Commission.

Contrastingly, TSP has provided evidence and detailed explanations relating to the twin requirements of Section 269ZHF(2).

NON – CONFIDENTIAL

The Commissioner must not recommend that the Minister take steps to secure the continuation of the anti-dumping measures unless the Commissioner is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping or subsidisation and the material injury that the anti-dumping measure is intended to prevent. These are the very words of the Section. They are quite clear.

TSP maintains that its exports to Australia were not dumped, and has carefully and courteously explained why that is the case. Further, TSP's behaviour towards KPE, and its Australian market behaviour more widely, in the context of the Australian market's requirements and KPE's capacity constraints, has not been injurious.

TSP has shown, by its earnest participation in this inquiry, by its understanding of Australian dumping laws gained as a result, by its explanation of its own capacity constraints, and by its commercial actions, that the expiration of the measures would not be likely to lead to a recurrence of dumping TSP or of material injury caused by TSP. These are the demonstrated facts, none of which speak to the opposite conclusion.

The SSA letter does not refute or address any of the evidence and reasoning put forward by TSP. The information provided by TSP to which the SSA letters refers is centrally relevant, because it is evidence of TSP's behaviour. Whether or not it is evidence of KPE's behaviour is secondary, because it is not up to KPE to issue a "royal command" to the Commission about who should or should not be subject to continued dumping measures. That is a matter that is to be decided by the Commission based on a proper assessment of the facts.

Accordingly, we again respectfully submit that the Commission recommend to the Minister that the notice cease to apply to TSP.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Charles Zhan', written in a cursive style.

Charles Zhan
Senior Associate