



Mr. Reuben McGovern  
Assistant Director  
Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601

Siemens Ltd  
(A.B.N. 98 004 347 880)

Your Reference

Our Reference

Date  
Melbourne, 29/11/19

**ADC Investigation 507**  
**Power Transformers exported from the People's Republic of China**

Dear Reuben

We refer to the submissions made by Wilson Transformer Company (**WTC**) dated 26 November 2019 in relation to this investigation and respond to its numbered submissions as follows:

1. WTC gives no reasons or evidence for asserting that the ADC failed to recognise the importance of determining whether transactions are on arms length terms. In fact, the ADC carefully analysed whether Siemens' transactions were on arms-length terms in the verification reports.
2. WTC has selectively misquoted the Siemens verification report. The verification report relevantly stated that "*the verification team found no evidence that ... the price was influenced by a commercial or other relationship between the buyer, or an associate of the buyer, and the seller, or an associate of the seller*". It goes without saying that, if there is no evidence that the price was influenced in the way referred to in section 269TAA of the Act, then the price cannot "*appear to be influenced*" in that way.
3. This submission proceeds from an assumption that sales between related entities cannot be at arms length within the meaning of section 269TAA(1). This is misconceived. The circumstances of each particular relationship (and transaction) must be analysed. The ADC has undertaken this analysis and found that the criteria in section 269TAA(1) have not been satisfied in respect of related party Siemens transactions.
4. This submission depends on submission 2 and falls away when submission 2 is rejected - as it inevitably should be.
5. This submission also depends on submission 2 and falls away when submission 2 is rejected.
6. This submission, again, misquotes and misunderstands the ADC's findings. For example, the ADC's findings on Projects 2, 3 and 4 was not made on the basis that the "tender evaluations were based solely on price". Rather, the SEF stated:

Melbourne Head Office  
Sydney Office  
Brisbane Office  
Perth Office  
Adelaide Office

885 Mountain Highway, Bayswater, VIC 3153, Australia  
160 Herring Road, Macquarie Park, NSW 2113, Australia  
Citilink Business Centre, 153 Campbell Street, Bowen Hills, QLD 4006, Australia  
185 Great Eastern Hwy, Belmont, WA 6104, Australia  
9 MAB Eastern Promenade, Tonsley, SA 5042, Australia

**National Contact Numbers**  
Telephone: 137 222  
Facsimile: 1300 360 222

# SIEMENS

Mr. R. McGovern  
Anti-Dumping Commission

---

The price difference in Projects 2, 3, and 4 was above this threshold. If the tender evaluations were based solely on price, the Commission considers that WTC was unlikely to have won these tenders. The Commission does not consider that WTC suffered injury in relation to Projects 2, 3, and 4 due to dumped exports from China.

It follows that Submission 6 is misconceived and should be rejected.

7. This submission also depends on submission 2 and falls away when submission 2 is rejected. Siemens does not agree to any disclosure of its confidential information to WTC or its lawyers.

Yours faithfully  
Siemens Ltd.



Emily Madder  
General Counsel