



08 Jun 2020

Mr Matthew Williams
Director Investigations 3
Anti-Dumping Commission

TOSHIBA

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Case No. 507 – Power Transformers exported from PRC

Dear Mr Williams

Thank you very much for your response to my earlier email advising the implications of the ADRP's decision regarding the above matter and for advice that the investigation will resume as soon as the Commission publishes a new Statement of Essential facts (SEF).

In advance of this new SEF, Toshiba International Corporation would like the following issues to be considered:

- (i) Under point 94 of the ADRP report Mr Ellis explicitly states that "I am not persuaded that the applicant was likely to have been the successful tenderer in respect of the seven other identified projects".
- (ii) He also states under the same point that "It appears to me based on the material relating to project 8, and bearing in mind all the imponderables associated with the tender process, the applicant was more likely than not to have been the successful tenderer for project 8 in the absence of dumping and that the loss of that tender was probably caused by dumping.

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Toshiba's viewpoint is that Project 8 was won by a bidder whose power transformer was actually exported to Australia i.e. an actual exporter and an actual export of a power transformer, and thus cannot be considered to relate to "all other exporters" and, more specifically, cannot be logically applied to Toshiba International Corporation whose involvement was only in two of the other nominated 7 projects, in respect of which the ADRP explicitly states that it is not convinced that these projects would have been won by the applicant in any case, essentially agreeing with the finding of the ADC on this point.

Notwithstanding the fact that the ADRP indicates that it is unable to assess whether the loss on project 8 would amount to "material injury" and nor does it have to reach a conclusion on that point, in Toshiba's view there is no logical or established link between, on the one hand, injury caused by dumping by the successful bidder on project 8 and, on the other hand, "all other exporters".

Toshiba would be very appreciative if these concerns are addressed when the Commission publishes a new Statement of Essential Facts (SEF).

Kindest Regards

John Denyer

General Manager, Energy Systems and Solutions

Toshiba International Corporation