

PUBLIC VERSION

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14 July 2020

Mr Matthew Williams
Director, Investigations 3
Anti-Dumping Commission

Our ref: RXW/RXW
Matter no: 9627025

By email: reuben.mcgovern@adcommission.gov.au

Dear Mr Williams

Investigation 507 – Power transformers exported from the People's Republic of China

We refer to our submission 18 June 2020. The Anti-Dumping Review Panel has now published Report No. 100 that is relevant to some of the matters raised by GE High Voltage Equipment (Wuhan) Co., Ltd (**GE**) in its 18 June 2020 submission. In particular, the Review Panel found at paragraph 43 that **if** for the purpose of using 269TAC(2)(c) of the *Customs Act 1901* there are no sales of "like goods", **than** the ordinary course of trade test in regulation 45(2) of the *Customs (International Obligations) Regulations 2015 (Regulations)* is not available to be used.

In the Termination Report 507 the ADC set out at section 6.2 that:

"there is an absence of sales of like goods in the market of the country of export that would be relevant for the purposes of determining a price of the exported goods under section 269TAC(1)."

Despite this finding, the Anti-Dumping Commission (**ADC**) sought to calculate profit for GE in accordance with regulation 45(2) of the *Regulations* (see section 6.8.3) .

This approach is clearly contrary to the findings of the Review Panel. The ADC is required to calculate profit in accordance with regulation 45(3) of the *Regulations*.

We believe that without the correct calculation of the exporters' dumping margin, the ADC cannot properly assess whether any dumping resulted in material injury to the Australian industry.

Please contact us if you would like to discuss these issues further.

Yours faithfully

Hunt & Hunt



Russell Wiese
Principal

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