



Customs Act 1901(Cth) – Part XVB

ANTI-DUMPING NOTICE NO 2022/095

Power transformers

Exported to Australia from the People's Republic of China

Termination of Investigation No 507A

Public notice under section 269TDA(15) of the Customs Act 1901

On 8 October 2021, I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission (the Commissioner), published *Statement of Essential Facts No 507A* (SEF 507A).¹ My publication of SEF 507A followed a decision by the Anti-Dumping Review Panel (ADRP) to revoke the former Commissioner of the Anti-Dumping Commission's (former Commissioner) decision to terminate an investigation in relation to certain exporters² of power transformers exported to Australia from the People's Republic of China (China).³ After the publication of SEF 507A, the investigation was resumed.⁴

As a result of the resumed investigation, I am satisfied that there has been, or may be, dumping of some or all of the goods, but the injury, if any, to the Australian industry, that has been, or may be, caused by that dumping is negligible. Therefore, I have terminated the investigation in accordance with section 269TDA(13) of the Act.

In making the decision to terminate, I have had regard to:

- The Federal Court of Australia Full Court's decision set out in: *Wilson Transformer Company Pty Ltd v Anti-Dumping Review Panel [2022] FCAFC 4*
- Termination Report No 507
- ADRP Decision No 122 and 123
- SEF 507A
- Submissions in response to SEF 507A.

¹ I published SEF 507A in accordance with section 269ZZT(2)(a)(i) of the *Customs Act 1901* (the Act). SEF 507A is available at www.adcommission.gov.au.

² The resumed investigation covers all exporters of the goods from China except ABB Chongqing Transformer Co., Ltd, ABB Zhongshan Transformer Co., Ltd, Siemens Transformer (Jinan) Co., Ltd and Siemens Transformer (Wuhan) Co., Ltd. The investigation was terminated for these 4 exporters by the former Commissioner, Termination Report 507 refers. The ADRP affirmed the former Commissioner's decision to terminate the investigation for those 4 exporters.

³ ADRP Decision No 122 and 123.

⁴ Section 269ZZT(2)(a)(ii) of the Act.

Termination Report No 507A, which sets out reasons for my termination decision, including the material findings of fact or law upon which the decision is based, has been placed on the public record at www.adcommission.gov.au.

The applicant may request a review of this decision to terminate the investigation by lodging an application with the ADRP in the approved form and manner within 30 days of the publication of this notice.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2525 or email at investigations3@adcommission.gov.au.

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission

20 September 2022