



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZRC(3)

Certain Wind Towers
Exported to Australia from the Socialist Republic of Vietnam

The Anti-Dumping Review Panel (ADRP) has received an application from Keppel Engineering Pty Ltd and Ottoway Fabrication Pty Ltd dated 6 March 2018 for review of a decision (“Reviewable Decision”) by the Commissioner of the Anti-Dumping Commission to terminate Investigation 405 into the alleged dumping of Certain Wind Towers exported to Australia from the Socialist Republic of Vietnam.

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 6 February 2018 (ADN 2018/20).

The goods to which this review relates are:

Certain utility scale wind towers, whether or not tapered, and sections thereof (whether exported assembled or unassembled), and whether or not including an embed being a tower foundation section.

The grounds for review advanced by the applicants are that the Commissioner:

- 1 wrongly treated the related companies in the CS Wind Group as separate entities;
- 2 wrongly treated CS Wind Vietnam as another seller and producer of like goods in the Vietnamese domestic market;
- 3 wrongly treated related party transactions between companies in the CS Wind Group as arms-length transactions;
- 4 wrongly used the weighted average profit of CS Wind Vietnam and CS Wind Korea to determine a profit for the normal value;
- 5 did not properly consider whether additional items to the export represented a consideration other than the price;
- 6 wrongly calculated a normal value which failed to include all relevant SG&A;
- 7 wrongly excluded an adjustment for non-market costs for electricity in calculating the normal value;

- 8 wrongly decided that the size of the dumping margin had not materially impacted the Australian Industry's economic performance; and
- 9 wrongly decided that non-price factors were determinative in the decisions to CS Wind Korea during the investigation period.

The ADRP is satisfied that the applicants' grounds are reasonable grounds for the Reviewable Decision not being the correct or preferable decision.

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the grounds for seeking review in full, and other documents are available on the public record of the review at www.adreviewpanel.gov.au

The reports of the original investigation are available on the ADC website at www.adcommission.gov.au

Scott Ellis
Panel Member
Anti-Dumping Review Panel
15 March 2018