

PUBLIC FILE

12 May 2014

The Director Operations 1  
Anti-Dumping Commission  
Customs House  
5 Constitution Avenue  
Canberra ACT 6201

Our ref: ATH  
Matter no: 9572278

By email: [Operations1@adcommission.gov.au](mailto:Operations1@adcommission.gov.au)

Dear Sir

**Investigation into alleged dumping of Power Transformers exported from the People's Republic of China, the Republic of Indonesia, the Republic of Korea, Taiwan, Thailand and the Socialist Republic of Vietnam  
TBEA Shenyang Transformer Group Co. Ltd**

We refer to our submission to the ADC on behalf of TBEA Shenyang Transformer Group Co. Ltd ("**TBEA Shenyang**") dated 12 May 2014 ("**Submission**") and make additional comments in this letter to be read in conjunction with the Submission ("**Further Submission**").

For the purposes of this Further Submission, all defined terms have the same meaning as those set out in the Schedule of Definitions of the Submission, unless otherwise defined.

**1. Correction to date of meeting**

TBEA Shenyang would like to highlight that the Submission mistakenly refers to the date of our meeting with the ADC on 5 April 2014. This should refer to the meeting on 5 May 2014.

**2. Accelerated review**

At that meeting, the ADC explained that if TBEA Shenyang is ultimately found to not have exported the GUC during the Investigation Period, it would be able to apply for an accelerated review in accordance with Division 6 of the Act.

Not only would this delay any confirmation for TBEA Shenyang and further disadvantage its current commercial position (with its Panel Agreement with **[redacted – customer information]**) as an application cannot be made until a dumping duty notice is published, Mr Geoff Gleeson of the ADC also confirmed in our conversation on Friday 9 May 2014 that TBEA Shenyang cannot be defined as a "new exporter".

Section 269T of the Act defines a "new exporter" as an exporter who did not export goods the subject of a dumping or countervailing duty notice to Australia at any time between the start of the Investigation Period and the day before the day the Commissioner places the SEF in relation to the Investigation on the public record.

As such, based on the ADC's interpretation of "exported to Australia during the investigation period", it appears that TBEA (as an exporter that physically shipped the GUC shortly after the initiation of the Investigation and before the SEF has been published) falls into a period that is not considered at all by the ADC.

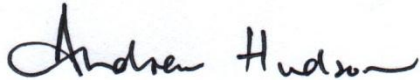
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This gives further weight to TBEA Shenyang's contention that in this unique Investigation, its contracts should be considered to be "exported to Australia during the investigation period" to avoid inequitable treatment and consequences from the investigation.

It is grossly unfair to fail to consider and deal with an exporter in an investigation that concerns such unique products and sales processes, especially when the material terms of the sale were clearly agreed to and much of the contract completed during the Investigation Period. It is particularly unfair when TBEA Shenyang has fully cooperated with the ADC since the initiation of the Investigation and has invested in protecting its interests to now be told that its case will not be considered individually.

We look forward to the ADC's urgent response to this matter.

Yours faithfully  
**Hunt & Hunt**

A handwritten signature in black ink that reads "Andrew Hudson". The signature is written in a cursive, flowing style.

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