



# 中国机电产品进出口商会

China Chamber of Commerce for Import & Export  
of Machinery & Electronic Products

TO: Director Operations 1  
Anti-dumping Commission, Customs House  
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FROM: Ms. Chen Huiqing,  
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June 9<sup>th</sup>, 2014

**SUBJECT: Antidumping Investigation Concerning 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**

Your Learned Director,

It is of great honor to write this letter to you, expressing our views on the ongoing Power Transformers Case.

I am the Director for the Legal Service Department of China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME), a nationwide trade organization. We have more than 10,000 member companies, among them 3000 are local backbone enterprises engaging in international trade. We are very proud that our member companies contribute a large share of the booming Sino-Australia trade. To assist member companies to tackle with anti-dumping and countervailing problems is one of our duties.

TBEA Shenyang Transformer Group Co. Ltd (TBEA) is one of our member companies. The Issues Papers 2014/01 from your esteemed Commission was communicated to us by TBEA, and we are briefed about the background of the Case. We noticed that, your esteemed Commission in the Issues Papers disclosed opines that,

*The ADC's considers that the date of sale of goods and the date of export of goods can be, and often are, different. In any case, the ADC considers that the physical movement of the goods from one country, with another country being the destination, is clearly an important consideration for determining the date of export. This does not detract from any finding that the material terms of sale may well have been settled on a different date.*

*Accordingly, the ADC proposes to determine the date of export as the one that best represents the physical movement of the goods in the act of exportation. In practical terms, it will consider such date to be the one shown*

*on the bill of lading.*

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*Therefore, the ADC proposes to calculate dumping margins for power transformers only in relation to power transformers exported to Australia during the investigation period. This may include goods exported for which the contract, and date of sale, occurred before the investigation period. However, it will not include goods exported after the investigation period, regardless of contract date.*

And basing on the aforesaid points, TBEA was supposed to be rejected to be conferred individual margin status.

However, as mentioned in the Issues Papers, "the date of sale for these contracts was during the investigation period as this was when the material terms of sale were established", "TBEA undertook most of the work for that contract during the investigation period", and report 219 indicated that the date of export would be explored during the investigation when it stated that "where the date of sale reflects a date prior to the physical shipment of the goods from the country of export, whether it is reasonable to consider that the goods are taken to have been exported at that date".

With all due respect, we hope that your esteemed Commission could conform with the practices been followed in the previous procedures, confer individual margin status on TBEA.

Yours sincerely,

Ms. Chen Huiqing  
Director for the Legal Service Department  
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