



Mr Daniel Moulis
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By email: daniel.moulis@moulislegal.com

Dear Mr Moulis

**INVESTIGATION INTO THE ALLEGED DUMPING OF
POWER TRANSFORMERS - POTENTIAL FOR USE OF ALTERNATIVE
APPROACH TO DUMPING MARGIN ASSESSMENTS**

I am writing in respect of your client, ABB Limited Thailand (ABB Thailand), and the Anti-Dumping Commission's (the Commission) calculation of a dumping margin for that entity for the purposes of the investigation into the alleged dumping of power transformers.

In particular, I am writing in relation to the file note¹ placed on the public record by the Commission that foreshadows the potential use of an alternative approach to dumping margin assessments in terms of subsection 269TACB(3) of the *Customs Act 1901*.

The Commission has re-examined the preliminary export prices and normal values established for ABB Thailand in the investigation period. The Commission has identified export prices that appear to differ significantly among purchasers in the investigation period. The Commission considers that those differences may make the methods for comparison of export price and normal value referred to in subsection 269TACB(2) of the Act inappropriate for use in respect of the whole investigation period.

The Commission's analysis of ABB Thailand's export prices of power transformers exported to Australia in the investigation period, which indicate those prices differed significantly among purchasers in that period, are contained in confidential **Attachment A**.

The Commission is presently considering whether the dumping margins should be calculated by comparing export prices determined in relation to individual

¹ Anti-Dumping Commission file note, Electronic public record (Case 219), document No. 136

transactions during the investigation period with the weighted average of corresponding normal values over that period. Specifically, the Commission is considering whether the export prices relating to sales to certain purchasers should form the basis of the dumping margin assessment.

The Commission invites comment from ABB Thailand, by **close of business 27 August 2014** as to why the export prices to certain (specified) Australian purchasers differ significantly from the prices to other Australian customers in the investigation period.

Should ABB Thailand wish to make a submission on the issue of whether or not it is appropriate to use subsection 269TACB(3) for assessing whether ABB Thailand was dumping during the investigation period, the Commission requests that such a submission should also be lodged by **27 August 2014**.

Yours sincerely

Geoff Gleeson
Director, Operations 1
Anti-Dumping Commission

20 August 2014