

15 December 2024  
Beijing, China

Trade Remedies Authority,  
North Gate House  
21-23 Valpy Street  
Reading  
RG1 1AF

**Re: INVESTIGATION INTO ALLEGED DUMPING OF CERTAIN EXCAVATORS  
IMPORTED INTO THE UNITED KINGDOM FROM THE PEOPLE’S REPUBLIC OF  
CHINA (INVESTIGATION NO. AD0047)  
COMMENTS ON THE STATEMENT OF ESSENTIAL FACTS**

This submission is being filed on behalf of **XCMG Excavator Machinery Co., Ltd.**, **Xuzhou Construction Machinery Group Imp.&Exp. Co., Ltd.**, **XCMG European Sales and Services GmbH** and **XCMG UK Sales and Services Limited** (hereinafter referred to as “**XCMG**”).

The dumping investigation on into certain excavators imported into the United Kingdom from the People’s Republic of China (Investigation No. AD0047) was initiated by the Trade Remedies Authority (hereinafter referred to as “**TRA**”) on 15 November 2023.

On 25 November 2024, the TRA published the Statement of Essential Facts of this investigation (hereinafter referred to as “**SEF**”), in which the TRA invited interested parties to submit comments by 16 December 2024. XCMG hereby submit its comments as below.

**I. Cooperation of XCMG in this investigation**

We request the TRA to note that XCMG has been cooperating throughout this investigation.

On 5 January 2024, XCMG has made the Registration of Interest and submitted responses to Pre-Sampling Questionnaire.

On 14 March 2024 and 30 April 2024, XCMG has provided full responses to the Exporter Questionnaire and the Notice of Deficiency respectively.

On 10 April 2024, we are informed by the TRA that it is considering limiting the investigation of interested parties to a sample. The TRA asked XCMG’s intention whether XCMG would prefer to be excluded from the sample. On 12 April 2024, we replied to the TRA and

confirmed that XCMG prefers to participate in this investigation as a sampled company.

Based on the above facts, XCMG has fulfilled its obligations as an overseas exporter and has responded to all requests for information in time. We respectfully request the TRA's consideration to treat XCMG as a sampled exporter and the possibility to make calculation of individual injury margin and dumping margin for XCMG.

## **II. Calculation of dumping amount for cooperating non-sampled exporters**

Even if the TRA considers XCMG can only be treated as a cooperating non-sampled overseas exporter, we request the method for calculation of anti-dumping duty to be adjusted.

We understand, in accordance with regulation 37(3) of the Regulations, the dumping amount for cooperating non-sampled overseas exporter should be calculated as the weighted average of the amounts determined for the overseas exporters in the sample. In this investigation, the sampled overseas exporters include Sany Group and Liugong Group.

According to para. 262 and 263 of the SEF, Sany Group has provided data of steel purchase transactions and its actual costs paid were compared with the comparator values. However, Liugong Group has not provided such equivalent data, the TRA therefore decided to use benchmark price instead.

We believe the outcome of a cooperating party should not be affected by the absence of data from other parties. Due to the fact that XCMG has been cooperating and provided full responses to questionnaires, we request the TRA's consideration to exclude the impact of Liugong Group's failure to provide purchase data and recalculate the weighted average dumping amount for cooperating non-sampled exporters.

## **III. Disclosure of method on weighted average calculation**

We understand the dumping margin calculated for Liugong Group and Sany Group are 73.21% and 33.03% respectively, between which we note a significant difference. Meanwhile, the dumping margin of cooperating non-sampled overseas exporters is 56.24%, much closer to the margin of Liugong Group which is the higher one.

As a cooperating non-sampled overseas exporter, XCMG wishes to understand the detailed methods used by the TRA to calculate the dumping margin for us. We thus request to receive disclosure of the calculation process including the weight between Sany Group and Liugong Group, which was used as the basis for calculation of weighted average dumping amount.