

14 June 2024

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

via UK Trade Remedies Services

OPEN

Dear Mesdames,
Dear Sirs,

Re: AS0046 – Comments on notification of sampling approach
Our client: JCB Heavy Products Limited ("Applicant")

We refer to the UK Trade Remedy Authority's ("**TRA**") notification of sampling approach ("**Sample Notice**") in the captioned investigation ("**Investigation**") concerning imports of certain excavators ("**Excavators**") from China.¹ In the Sample Notice, the TRA considered Sunward as a non-sampled cooperating Chinese manufacturer of Excavators.

The TRA invited comments on the Sample Notice by 21 June 2024. The Applicant hereby submits its comments. In sum, the Applicant reiterates that the TRA should treat Sunward as a non-cooperating Chinese manufacturer.²

The facts are as follows. Following initiation of the Investigation, Sunward indicated that it exported Excavators from China to the UK during the investigation period.³ The TRA then decided that it would not (yet) use sampling.⁴ On that basis, Sunward should have completed an exporter questionnaire. It appears from the public file that Sunward did not.

The Sample Notice was issued after the deadline for Sunward to submit its questionnaire. The Sample Notice thus cannot retroactively remedy Sunward's failure to submit its questionnaire.

As Sunward has not acted to the best of its ability to cooperate with the investigation (by failing to submit its questionnaire), the TRA should treat Sunward as a non-cooperating Chinese manufacturer as per Regulation 49 of the Trade Remedies (Dumping and Subsidisation) Regulations 2019.

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¹ TRA, AS0046: Notification of sampling approach, 11 June 2024.

² JCB, AS0046: Comments on interested parties' comments and questionnaires, 15 May 2024, Section 2.1.

³ Sunward, AS0046: Pre-sampling questionnaire response.

⁴ TRA, AS0046: Notification of sampling approach, 25 January 2024, p. 1.