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**NON-CONFIDENTIAL**

**Your Ref:**           **Email:** [\[CONFIDENTIAL\]@vvgb-law.com](mailto:[CONFIDENTIAL]@vvgb-law.com)           **Date:** 17 April 2024  
[\[CONFIDENTIAL\]@vvgb-law.com](mailto:[CONFIDENTIAL]@vvgb-law.com)

**Subject:**       **AS0046 – Anti-subsidy investigation concerning certain excavators imported into the United Kingdom from the People's Republic of China – Comments on the Addendum to the Statement of Essential Facts by the Sany Group**

Dear Madam, Sir,

In the context of the above-mentioned investigation, we refer to the Addendum to the Statement of Essential Facts ("Addendum to the SEF") of 10 April 2025, by which the Trade Remedies Authority ("TRA") provided "*updates*" to the SEF published on 12 December 2024 following the inclusion of the Caterpillar Group in the sample of Chinese exporting producers.<sup>1</sup> Interested parties were invited to comment on the Addendum to the SEF by today, 17 April 2025.<sup>2</sup>

Our client – *i.e.*, Sany Heavy Machinery Ltd. ("Sany Kunshan"), Shanghai Sany Heavy Machinery Co., Ltd. ("Sany Shanghai"), and Sany Heavy Machinery (UK) Ltd. ("Sany UK"), collectively referred to as "the Sany Group" – is grateful for the opportunity to provide its views on the Addendum to the SEF.

The Sany Group would like to take this opportunity to reiterate its submission that the group-wide rate for the Sany Group should be calculated by (i) summing up the "*amount attributable to the goods concerned during the POI*" of Sany Kunshan and Sany Shanghai and (ii) dividing the resulting figure by the combined "*CIF value of the goods concerned in the POI*", *i.e.*:

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The Sany Group thus maintains that (i) the correct combined countervailing duty rate for the Sany Group should be [CONFIDENTIAL]%, *i.e.*, a rate corresponding to a "minimal" subsidy amount within the meaning of Regulation 2 of the Trade Remedies (Dumping and Subsidisation)

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<sup>1</sup> Case AS0046 - Certain excavators from China, Addendum to the SEF, paras. 2-5.

<sup>2</sup> Case AS0046 - Certain excavators from China, Addendum to the SEF, para. 6.

(EU Exit) Regulations 2019; and (ii) such a low rate should be disregarded, as done for the Liugong Group and Caterpillar Group in the present investigation.

The Sany Group would also like to reiterate its submission that the present investigation should be terminated pursuant to Regulation 64(1)(a) of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019.

This is because – (i) noting that the new countervailing duty rate calculated for the Caterpillar Group is only 0.02%; (ii) assuming that the Liugong Group's countervailing rate as calculated by the TRA in the SEF of 12 December 2024 is correct; and (iii) based on the understanding that the exports to the UK of both the Liugong Group<sup>3</sup> and Caterpillar Group<sup>4</sup> were higher in volume compared to the Sany Group's export volumes throughout the entire period considered – the country-wide weighted average subsidy amount should be minimal, *i.e.*, well below 2%.

We thank you for your consideration of these comments.

Please do not hesitate to contact us should you have any questions and/or comments.

Yours faithfully,

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<sup>3</sup> This understanding is based on the sales data provided by the Sany Group as Annex 2 to the SEF Comments filed on 9 January 2025.

<sup>4</sup> This understanding is based on paragraph 17 of the Addendum to the SEF, according to which the "*Caterpillar Group make up a greater proportion of market share for imports from the PRC than either of the other sampled exporters". [Underlining added].*