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Your Ref: **Email:** [\[confidential\]@vvgb-law.com](mailto:[confidential]@vvgb-law.com) **Date:** 3 January 2025
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Subject: AD0047 – Anti-dumping investigation concerning certain excavators imported into the United Kingdom from the People's Republic of China – Comments on the Provisional Affirmative Determination by the Sany Group

Dear Madam, Sir,

In the context of the above-mentioned investigation, we refer to the Provisional Affirmative Determination ("PAD") of 20 December 2024, by which 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" – was informed of the Trade Remedies Authority's ("TRA") intention to recommend the imposition of provisional anti-dumping ("AD") duties on imports of certain excavators from China. For the Sany Group, the provisionally established dumping margin is 56.77% and the injury margin is 62.97%. Thus, the rate of provisional AD duty proposed for the Sany Group is 56.77%.

We also refer to (i) the Statement of Essential Facts ("SEF") of 25 November 2024, by which the essential facts and considerations on the basis of which the TRA intends to recommend the imposition of definitive AD duties were disclosed to our client; (ii) our comments on the SEF filed on 16 December 2024; (iii) the Trade Remedies Notice 2024/17 of 20 December 2024, by which the Secretary of State ("SoS") accepted the TRA's recommendations to impose the AD duties proposed in the PAD; and (iv) [CONFIDENTIAL].

In these comments, the Sany Group will address two rather straightforward issues.

First, our client respectfully submits that the imposition of the provisional duty rate of 56.77% for the Sany Group warrants reconsideration. While we understand the procedural steps in AD investigations, the application of this higher provisional rate contrasts with the TRA's own recalculated dumping margin, which reflects a notably lower figure for the Sany Group.

The provisional rate not only does not take into account the Sany Group's comments filed on 16 December 2024 but also does not align with the adjusted methodology for the final dumping margin assessment, as introduced in the SEF. As a result, the Sany Group is significantly impacted by a measure that may ultimately not be collected due to the anticipated lower final dumping margin.

Furthermore, the inability to verify or correct potential errors in the provisional dumping margin calculation compounds the difficulty for the Sany Group. This creates an operational burden, particularly given the substantial financial implications associated with the provisional duty at the current rate.

In light of the above, we respectfully request that the TRA consider the adverse impact of this measure on the Sany Group and assess whether a more equitable provisional rate could be aligned with the definitive calculation methodology and the WTO principles.

Second, the Sany Group notes that both the PAD and Notice 2024/17 of 20 December 2024 incorrectly refer to Sany Shanghai as "Sany Heavy Machinery Co., Ltd.". The correct name of the company is "Shanghai Sany Heavy Machinery Co., Ltd.". This mistake may result in Sany Shanghai not being able to benefit from its individual duty rate. Therefore, the Sany Group respectfully urges the TRA to (i) correct this error and (ii) request the SoS to do the same.

We thank you for considering these comments.

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

Yours faithfully,

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