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30 September 2026

AD0075 – Boom Lifts from the People's Republic of China

COMMENTS ON PROVISIONAL AFFIRMATIVE DETERMINATION

Introduction

1. This submission is made on behalf of Niftylift Limited ("**Niftylift**" or the "**Applicant**").

2. Niftylift welcomes the publication of the TRA's Provisional Affirmative Determination ("**PAD**") and recommendation to require a guarantee.

3. Niftylift appreciates the TRA's recommendation that provisional measures be imposed in the form of guarantees in respect of the estimated anti-dumping amounts.

4. Notwithstanding the future findings in the AS0076 anti-subsidy investigation, the Applicant agrees with the provisional findings that boom lifts imported from the People's Republic of China ("**China**") are being dumped, that such dumping has caused material injury to the UK industry, that a Particular Market Situation ("**PMS**") exists in China's boom lift industry, and that the Economic Interest Test is met.

5. While the Applicant agrees with the core findings of the PAD, it considers that certain conservative assumptions have resulted in the imposition of provisional anti-dumping duties that remain insufficient to remove the injury suffered by the UK industry, and that the final determination should result in higher anti-dumping duties than those currently recommended.

6. Accordingly, whilst Niftylift may not agree with every aspect of the TRA's reasoning, it does not consider it necessary to comment on a number of subsidiary findings that do not materially affect the overall conclusion that dumped imports from China have caused injury to the UK industry.

7. This submission addresses: (I) the level of provisional measures; (II) considerations on PMS; (III) the level of reasonable profit; (IV) the choice of Mexico as a representative third country; and (V) conclusions.

I Level of provisional measures

8. The PAD calculates provisional injury margins of 70.27% for Zhejiang Dingli, 139.41% for LGMG, 81.75% for cooperating non-sampled exporters and 184.55% for all others. However, because the lesser duty rule applies, the provisional guarantees are limited to the provisional dumping margins, namely 16.25%, 64.25%, 28.12% and 71.74%, respectively.

9. The Applicant notes that the currently identified injury margins substantially exceed the currently identified dumping margins for all exporters. This demonstrates that the scale of injury suffered by the UK industry is considerably greater than the level of remedy currently available under the provisional measures. While Niftylift notes the implications of the lesser duty rule, the disparity

between the injury margins and dumping margins strongly suggests that any increase in dumping margins following completion of verification activities and PMS analysis would result in a more effective remedy.

10. The Applicant therefore encourages the TRA to ensure that all distortions identified in the PAD are reflected appropriately in the final normal value calculations.

II Considerations on PMS

11. The Applicant strongly supports the TRA's finding that a PMS exists in the boom lift industry in China and that the PMS prevents a proper comparison between domestic prices in China and export prices to the UK.

12. While the Applicant welcomes the PMS findings, it notes that the PAD currently adjusts only certain categories of costs.

13. The TRA concluded that finance, land, labour, energy (including gas and electricity), steel and other raw materials reflect non-commercial factors. However, at the PAD stage adjustments have only been made for steel, hydraulics, batteries and "other" raw materials.

14. The Applicant notes, in particular, that the TRA has expressly stated that further work remains ongoing concerning: plastics; gas; fabrications; electrical parts; energy; labour; land-use rights; finance costs; and bankruptcy-related distortions (PAD, para. 339).

15. Niftylift respectfully submits that the final determination should fully reflect all distortions identified by the TRA wherever the evidence demonstrates a material impact on costs. Given the breadth of the distortions already identified, the Applicant considers that the currently identified dumping margins understate the full extent of dumping.

16. A further area that requires consideration relates to the treatment of AS&G costs and profits.

17. The TRA has explicitly stated that its analysis of distortions in AS&G costs and profits remains ongoing (PAD, paras. 284, 306). Nevertheless, for the PAD, the TRA continues to use the sampled exporters' own domestic AS&G costs and profits.

18. The Applicant notes that this approach is provisional and reserves further comments until the Statement of Essential Facts. However, given the extensive PMS findings throughout the broader Chinese economy and supply chain, Niftylift considers that further scrutiny of exporters' reported profitability and cost structures is warranted.

III Level of reasonable profit

19. The Applicant respectfully disagrees with the TRA's provisional selection of an 11% target profit (PAD, paras. 575-576).

20. Initially, the Applicant proposed a conservative benchmark of 8-12% and an alternative benchmark of 10-14% (PAD, para. 574).

21. However, following the submission of additional evidence, Niftylift demonstrated that those benchmarks materially understate the profitability reasonably achievable in an undistorted market. As explained in document "CD-01684_AD0075-Niftylift – Reasonable Level of Profit", a reasonable level of profit lies within the range of 12-19% to 16-24%, with 16-24% being the most appropriate benchmark for Niftylift.

22. Niftylift demonstrated that:

(a) MEWPs are highly engineered, capital-intensive products;

(b) the sector is characterised by significant R&D expenditure and technological investment;

(c) comparable producers have historically achieved significantly higher operating margins; and

(d) the previously proposed 8-12% and 10-14% benchmarks were conservative.

23. In the Applicant's view, the 11% benchmark materially understates the level of profit that Niftylift could reasonably expect to achieve in the absence of injury and therefore understates the injury margin. The Applicant therefore respectfully requests that the TRA revisit its provisional selection of an 11% target profit, and adopt a target profit which accurately reflects the more recent evidence on the record.

IV Mexico as a representative third country

24. The Applicant notes that the TRA selected Mexico as the appropriate representative third country but has not yet assessed the questionnaire responses received from Mexican producers (PAD, para. 328).

25. The Applicant welcomes the TRA's intention to complete this work before the final determination and notes that further analysis of benchmark-country data should support further normal value adjustments.

V Conclusion

26. Niftylift welcomes the TRA's provisional determination that dumped imports from China have caused material injury to the UK industry and welcomes the recommendation to require guarantees.

27. However, the Applicant submits that the provisional measures are insufficient to remove injury suffered by the UK industry.

28. The Applicant considers that the exercises still to be completed by the TRA, such as the analysis of the outcome of verifications, completion of PMS adjustment analysis, assessment of the representative third country, and gathering of additional information, are likely to result in higher margins and, subsequently, the imposition of higher anti-dumping duties.

29. Accordingly, Niftylift respectfully requests that the TRA give further consideration to the necessary adjustments resulting from the PMS, including AS&G, and continue its analysis so that the final duties fully reflect the true extent of dumping and remove the injury suffered by the UK industry.

30. Without prejudice to the TRA's findings in the AS0076 anti-subsidy investigation, the Applicant remains of the view that the final anti-dumping measures should be higher than the provisional duties currently recommended.

31. The Applicant also awaits the imposition of the countervailing measures.