

NOTICE OF INITIATION

Certain Excavators Imported into the United Kingdom from the People's Republic of China

Initiation of an Investigation into Alleged Subsidisation Investigation No. AS0046

The Trade Remedies Authority (TRA) makes the following Notice under paragraph 9(6) of Schedule 4 to the Taxation (Cross-border Trade) Act 2018 (the Act) to initiate an investigation into alleged dumping.

The date of initiation of the investigation is 15 November 2023.

The decision to initiate the investigation follows an application lodged by JCB Heavy Products Ltd, Rocester, Uttoxeter, Staffordshire, ST14 5JP (the Application).

The Application was made on behalf of the UK industry for assembly of certain types of self-propelled track-laying excavators, with a 360° revolving superstructure. .

A non-confidential copy of the [Application](#) is available on our public file relating to this investigation.

HOW TO TAKE PART IN THE INVESTIGATION

Registration period

Anyone who wants to participate in the investigation can register their interest through the Trade Remedies Service at <https://www.trade-remedies.service.gov.uk/> by 30 November 2023.

Please contact AS0046@traderemedies.gov.uk if you have any difficulties using this service.

Anyone registering their interest after 30 November 2023 may not be able to participate fully in the investigation process.

Interested parties and contributors

Once registered, interested parties and contributors can submit comments on any issues relevant to the investigation through the Trade Remedies Service.

Interested parties may include:

- the government of the People's Republic of China;
- any overseas exporter or importer of the goods concerned;
- any overseas producer of the goods concerned;
- any trade or business association of overseas producers, overseas exporters or importers of the goods concerned;
- any producer of the like goods in the UK; and
- any trade or business association of UK producers of the like goods.

Contributors are those, other than interested parties, who have notified the TRA that they would like to participate in the investigation.

SUMMARY OF THE INVESTIGATION

The Goods

The goods subject to investigation (the Goods Concerned) are:

Self-propelled track-laying (i.e., tracked) excavators with a 360° revolving superstructure and with an operating weight of 11,000 kg (i.e., 11 tons) or more.

The Goods Concerned are subject to the following commodity codes:

8429521000

The applicant considers that the Like Goods are considered the same as the Goods Concerned for the purposes of this investigation.

Allegations of subsidisation and injury

The Application alleges that Goods Concerned imported into the United Kingdom from the People's Republic of China were in receipt of countervailable subsidies. Details of the alleged subsidy practices are broadly include:

- direct or potential direct transfer of funds or liabilities;
 - revenue otherwise due that is foregone or not collected;
 - provision of goods and services at less than adequate remuneration;
- other subsidies provided in special economic zones.

The Applicant claims that the alleged subsidisation has caused injury to industry in the United Kingdom through the effects on:

- profitability;
- market share;
- price depression;
- growth.

SUMMARY OF THE INVESTIGATION PROCESS

The period of investigation is 1 July 2022 to 30 June 2023. In order to assess injury, the Secretary of State will examine the period from 1 July 2019 to 30 June 2023.

The investigation will involve the following process:

- inviting parties to register their interest in the investigation;
- issuing questionnaires, where practicable, to:

- all interested parties (including the Government of the People's Republic of China who have registered an interest in the investigation;
 - all contributors who have registered an interest in the investigation;
 - all UK producers, importers, and overseas exporters and overseas producers identified in the Application; and
 - any trade or business association of UK producers, importers and overseas exporters identified in the Application.
- carrying out verification visits to further assess and examine information;
 - analysing information gathered;
 - determining whether subsidised goods are being imported into the UK and the importation of these goods is causing injury to the UK industry;
 - determining an amount adequate to remove injury;
 - considering whether applying a countervailing amount would be in the economic interests of the UK;
 - publishing a Statement of Essential Facts. On publication, we will set a period of time, which will be no longer than 30 days, during which parties will be able to comment on the Statement of Essential Facts; and
 - at the end of the investigation we will make a recommendation to the Secretary of State for International Trade (the Secretary of State) which may include provision for a countervailing amount to be applied. The Secretary of State will then decide whether to accept or reject that recommendation.

Our [Trade Remedies Guidance](#) provides more information about the investigations process.

Provisional Affirmative Determination

If, at any time during the investigation, we are satisfied that there are sufficient grounds for recommending imposition of a countervailing amount, we may make a provisional affirmative determination under paragraph 11 of Schedule 4 to the Act and make a recommendation to the Secretary of State under paragraph 13 of that Schedule that importers of the goods concerned are required to give a guarantee in respect of an estimated countervailing amount. We will only require a guarantee where we are satisfied that it is necessary to prevent injury being caused during the investigation to UK industry in the relevant goods, and that it meets the economic interest test.

Parties are invited to comment on the issue of making a provisional affirmative determination and requiring a guarantee throughout the investigation.

Sampling

Depending on the number of parties registering an interest in the investigation, we may consider it appropriate to limit examination to a sample of:

- overseas exporters;

- overseas producers;
- importers;
- categories of goods;
- UK producers;
- transactions for the purchase of the like goods in the UK; or
- anything else we consider it appropriate to sample.

Hearings

Interested parties can request a hearing by using the Trade Remedies Service at <https://www.trade-remedies.service.gov.uk/>.

For further information about hearings during an investigation, please see our [Meetings, Hearings and Visits Guidance](#).

Confidential information

Information provided during an investigation may be treated as confidential. Anyone requesting that information be treated as confidential must demonstrate why, and provide:

- a non-confidential summary of that information; or
- where that is not possible, a statement of reasons explaining why the information should be treated as confidential, and why it cannot be summarised.

FURTHER INFORMATION

Our [Trade Remedies Guidance](#) provides more information about the investigations process, including our requirements for [submitting and summarising confidential information](#).

Oliver Griffiths
Chief Executive Officer
Trade Remedies Authority

15 November 2023