

April 12, 2017

The Commissioner of the Anti-Dumping Commission
Anti-Dumping Commission
55 Collins Street
Melbourne VIC 3000

**Application for an accelerated review in respect of certain aluminium
road wheels exported by Qinhuangdao Sinolion Wheels Co., Ltd.**

Dear Commissioner,

I act on behalf of Qinhuangdao Sinolion Wheels Co., Ltd (Qinhuangdao Sinolion), a
producer and exporter of certain aluminium road wheels from the People's Republic of
China.

Please find attached an application for an accelerated review of the variable factors
applying to exports of certain aluminium road wheels by Qinhuangdao Sinolion.

If you have any questions concerning the application, please do not hesitate to contact me
directly.

Yours sincerely

Paul Chao

APPLICATION FOR ACCELERATED REVIEW
Qinhuangdao Sinolion Wheels Co., Ltd

1. Applicant

Name: Qinhuangdao Sinolion Wheels Co., Ltd.

Address: No.7, Heilongjiang West Street, Qinhuangdao Economic & Technological Development Zone, Qinhuangdao, Hebei, China

Entity: Company

Here referred to jointly throughout the application as "Qinhuangdao Sinolion".

2. Description of the goods to which the notice relates.

The Anti-Dumping Commission's (the Commission) recently completed Report No. 263 describes the goods as follows:

Aluminium road wheels for passenger motor vehicles, including wheels used for caravans and trailers, in diameters ranging from 13 inches to 22 inches.

For clarification, the goods include finished or semi-finished ARWs whether unpainted, painted, chrome plated, forged or with tyres and exclude aluminium wheels for go-carts and All-Terrain Vehicles.

The goods are classified to the following tariff subheadings in Schedule 3 of the Customs Tariff Act 1995:

- 8708.70.91 (statistical code 78)
- 8708.70.99 (statistical code 80)
- 8716.90.00 (statistical code 39)

3. Grounds for review

3.1 New exporter is defined under the legislative reforms to the anti-dumping system published and implemented in November 2015 as:

an exporter who did not export relevant goods during the investigation period but who can show they have since exported or will export.

Qinhuangdao Sinolion Wheels Co., Ltd (Qinhuangdao Sinolion) had not engaged in the exportation of aluminium road wheels to Australia during the investigation period 1 July 2010 to 30 June 2011.

3.2 The Commissioner may reject the application if satisfied in accordance with subsection 269ZE(2)(b) that:

the exporter is related to an exporter whose exports were examined in relation to the application for publication of that notice;

Qinhuangdao Sinolion can confirm that it is not related to any 'exporter whose exports were examined in relation to the application for publication of the notice'.

3.3 As outlined in the Commission's Dumping and Subsidy Manual, it is not required for a new exporter to have already exported a minimum quantity of the subject goods to Australia. This is supported by the findings of the WTO Panel and upheld by the Appellate Body which examined whether Article 9.5 of the Anti-Dumping Agreement subjected the right to an expedited new shipper review to a showing of a "representative" volume of export sales. The Panel found that:

Article 9.5 of the AD Agreement provides that the authorities shall promptly carry out a review, provided that the exporters or producers who have not exported the product subject to a duty during the period of investigation can show that they are not related to any of the exporters or producers in the exporting country who are subject to the anti-dumping duties on the product. In sum, in case a producer or exporter which (i) has not exported the product to the country concerned during the period of investigation and (ii) is not related to an exporter or producer already subject to the duty requests a new shipper review, the authority is required to promptly carry out such a review.

As outlined above, Qinhuangdao Sinolion complies with the necessary conditions to seek an accelerated review and individual dumping and countervailing duty rates.

Qinhuangdao Sinolion seeks an accelerated review of the notice as it is currently subject to the country-wide combined dumping and countervailing duty rate of 50.9% as outlined in the attached public notice. This rate reflects the dumping and countervailing margins determined for non-cooperating exporters during the review period 1 July 2013 to 30 June 2014, which was based on the following:

- ascertained export price was based on the 'lowest weighted average export price for the entire investigation period recorded for CITIC Dicastal, Jinfei Kaida and Pilotdoer, excluding any part of that price that relates to post-exportation charges.'
- ascertained normal value was based on facts available having regard to all relevant information, the Commission used the highest weighted average normal value for the review period (inclusive of an aluminium cost substitute) from CITIC Dicastal, Jinfei Kaida or Pilotdoer.

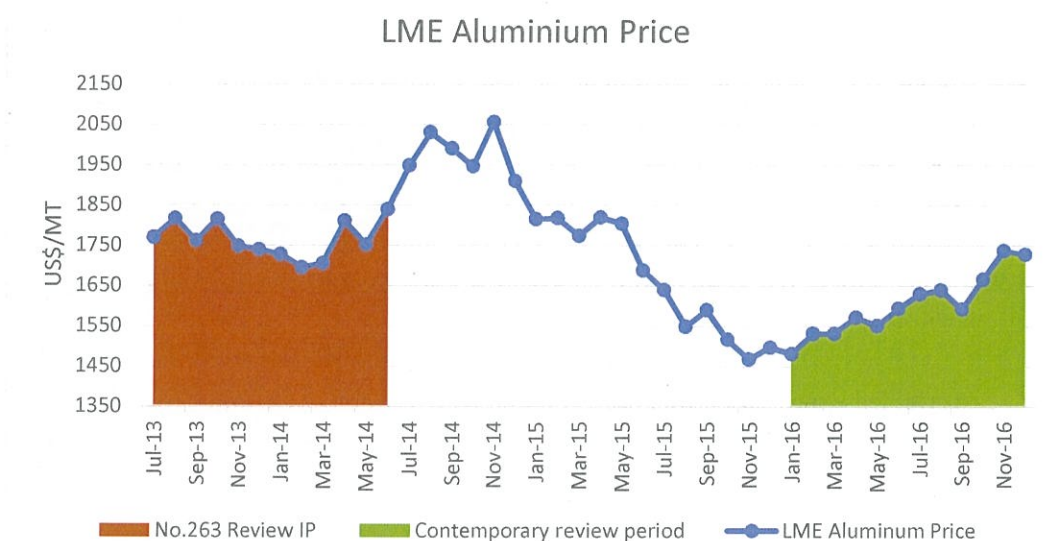
- ascertained amount of countervailable subsidy received was based on facts available and determined that financial contributions conferring a benefit were received under 32 subsidy programs found to be countervailable.

As Qinhuangdao Sinolion did not export the goods to Australia during the review period, it was not contacted and investigated by the Commission, and as such did not have the opportunity to participate in the review and seek an individual determination of its ascertained variable factors. Given the methods used to determine the ascertained variable factors for non-cooperating exporters in the Report 263, the imposed interim dumping and countervailing duties are clearly inappropriate and hindering Qinhuangdao Sinolion's ability to access the Australian market.

Therefore, Qinhuangdao Sinolion requests the determination of ascertained variable factors based on its own domestic sales, costs and other relevant financial information.

3.4 In the Report No.263, The Commission determined a benchmark price for aluminium and aluminium alloy by reference to published LME price. This benchmark was adjusted for additional charges and used to determine whether benefits were conferred under Program 1 and to uplift exporter's aluminium/aluminium alloy costs in calculating constructed normal values.

The chart below shows the movement in monthly LME aluminium prices from July 2013 through to December 2016, which covers the review period from Report 263 and the proposed contemporary review period for the requested accelerated review.



Source: www.indexmundi.com

This movement in the price of LME aluminium reflects a 9.1% decline in value between the average price during the No.263 review period and the proposed contemporary review

period. Qinhuangdao Sinolion considers that this further supports its view that the ascertained variable factors determined in Report 263 are no longer relevant.

Yours Sincerely

Paul Chao

April 12, 2017



ANTI-DUMPING NOTICE NO. 2015/113

Aluminium Road Wheels

Exported from the People's Republic of China

Findings in Relation to a Review of Anti-Dumping Measures

Customs Act 1901 – Part XVB

I Dale Seymour, the Commissioner of the Anti-Dumping Commission (Commissioner) have completed the review, which commenced on 15 September 2014, of the anti-dumping measures applying to aluminium road wheels ("the goods") exported to Australia from the People's Republic of China.

Findings and recommendations were reported to the Parliamentary Secretary to the Minister for Industry, Innovation and Science (Parliamentary Secretary) in *Anti-Dumping Commission Report No. 263* (REP 263). The Parliamentary Secretary has considered REP 263 and has accepted the recommendations and reasons for the recommendations, including all material findings of fact or law set out in the Report.

Under subsection 269ZDB(1)(a)(iii) of the *Customs Act 1901* (the Act), the Parliamentary Secretary declared that, for the purposes of the Act and the *Customs Tariff (Anti-Dumping) Act 1975*, with effect from the date of publication of the notice under subsection 269ZDB(1)(a)(iii), the dumping and countervailing duty notices currently applying to the goods exported to Australia from China are to be taken to have effect, or to have had effect, as if different variable factors had been fixed in respect of all exporters relevant to the determination of duty.

The duty that has been determined is an amount worked out in accordance with the combination of fixed and variable duty method, or the floor price duty method, as detailed in the table below.

Particulars of the dumping and subsidy margins established for each of the exporters and the effective rates of duty are set out in the following table.

Exporter	Dumping Margin	Subsidy Margin	Effective rate of combined interim countervailing duty and interim dumping duty*	Duty Method
CITIC Dicastal Wheel Manufacturing Co. Ltd	8.4%	N/A	8.4%	Combination of fixed and variable duty method
Pilotdoer Wheel Co., Ltd.	18.4%	2.5%	19.9%	Combination of fixed and variable duty method
Zhejiang Jinfei Kaida Co., Ltd.	7.8%	3.4%	9.0%	Combination of fixed and variable duty method
Zhejiang Yueling Co. Ltd	40.3%	18.5%	50.9%	Combination of fixed and variable duty method

Jiangsu Yaozhong Aluminium Wheels Co., Ltd	N/A	2.2%	N/A	Floor price duty method
Residual exporters	8.4%	6.7%	13.9%	Combination of fixed and variable duty method
Uncooperative and all other exporters, excluding Zhejiang Shuguang Industrial Co., Ltd	40.3%	57.6%	50.9%	Combination of fixed and variable duty method

To preserve confidentiality, details of the revised variable factors such as ascertained export price, normal value and non-injurious price will not be published.

The calculation of combined dumping and countervailing duties is not simply a matter of adding the dumping and subsidy margins together for any given exporter, or group of exporters. Rather, the collective interim dumping duty and interim countervailing duty imposed in relation to the goods is the sum of:

- the subsidy rate calculated for all countervailable programs, and
- the dumping rates calculated, less an amount for the subsidy rate applying to Program 1.

The actual duty liability may be higher than the effective rate of duty due to a number of factors. Affected parties should contact business.gov.au on 13 28 46, or the Anti-Dumping Commission's client support team at clientsupport@adcommission.gov.au, for further information regarding the actual duty liability calculation in their particular circumstance.

Notice of the Parliamentary Secretary's decision was published in *The Australian* newspaper and the *Commonwealth of Australia Gazette* on 22 October 2015.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel (www.adreviewpanel.gov.au) in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication in *The Australian*.

REP 263 has been placed on the Commission's public record. The public record may be examined at the Commission office during business hours by contacting the case manager on the details provided below. Alternatively it is available at www.adcommission.gov.au

Enquiries about this notice may be directed to the case manager on telephone number (03) 8539 2416, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or Operations4@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

22 October 2015