

January 29, 2016

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 Danyang Jingyi Aluminum Industry Co.,Ltd**

Dear Commissioner,

I act on behalf of Danyang Jingyi Aluminum Industry Co.,Ltd (Jingyi), 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 Jingyi.

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

Yours sincerely

APPLICATION FOR ACCELERATED REVIEW
Danyang Jingyi Aluminum Industry Co.,Ltd

1. Applicant

Name: Danyang Jingyi Aluminum Industry Co.,Ltd.

Address: DanYang Economic Development Zone, Jiangsu Province, China

Entity: Company

Here referred to jointly throughout the application as “Jingyi”.

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 reforms to the *Customs Act 1901* (the Act) published on 2 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.

Danyang Jingyi Aluminum Industry Co.,Ltd (Jingyi) 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;

Jingyi 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, Jingyi complies with the necessary conditions to seek an accelerated review and individual dumping and countervailing duty rates.

Jingyi 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 Jingyi 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 Jingyi's ability to access the Australian market.

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

Yours Sincerely

Paul Chao

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