

Beijing B&H Associates
P.R.C Lawyers

Rm 1205, Beiguang Plaza, No.23,Huangsi Street,
Xicheng District,Beijing 100120, P.R.China
Telephone: +8610-8223-0591/2/3/4
Facsimile: +8610-8223-0598
www.bohenglaw.com

Please reply to Mr. LAN, Xiong
Direct: +8610-8223-0597
Fascimile: +8610-8223-0598
Email: lx@bohenglaw.com

April 25, 2013

The Director
Operations 2, International Trade Remedies Branch,
Australian Customs and Border Protection Service
Customs House
2 Constitution Avenue
CANNERRA ACT 2601

Public file

**Re: Resumption of investigation into alleged dumping in respect of
formulated glyphosate exported to Australia from the People's
Republic of China**

Our client: Jiangsu Good Harvest Weien Agrochemical Co.LTD (Good Harvest)

Dear Sir,

We refer to the submission as filed by the petitioner dated April 17, 2013, in particular, they proposed to appoint U.S. as the appropriate third country export market for determining the normal value for Good Harvest.

We do not agree. We intended to file below comments for the consideration by the Customs, in addition to our submission dated November 29, 2012 and January 31, 3013.

- We have to reinstate that the information as filed by the petitioner were from unreliable sources, and thus could not be relied on in determining the normal value for Good Harvest. See Good Harvest submission at November 29, 2012 and January 31, 3013.
- Export to the US was not appropriate for fair comparison purpose, in that there were significant market entry barriers, in particular for the United States Market. See *Id.*
- Export to U.S. was not appropriate in any event. As reported, the Customs confirmed and fully verified the export sales data to the United States by Good Harvest in the POI. See *Id* at 7 (November 29, 2012) and the visit report at P.17 and confidential EXP.2. Those information were much more reliable and verified by the Customs in the investigation.

- 1) There were only [] transactions to [] at [f models] in the POI. That is, there were only [] transactions for one model, and single one transaction for other [] models. They were not sufficient for fair comparison purpose, in that they may be not in the ordinary course of trade transactions.
- 2) There were only []MT sales in the POI, rendering it less sufficient for fair comparison with sales to the Australia in any event.
- 3) Different product model were sold to the United States, even for the similar product type, they were extremely not comparable due to different packaging requirement and cost of production. In Particular,

	Sales to United States	Sales to Australia
		N/A

- Those sales to the United States were at unknown sales terms, and different sales arrangement would render it less comparable for fair comparison purpose.
- There would be no dumping even if based on sales to the United States to the extent possible fair comparison purpose. That is, the sales to the Australian were much higher than sales to United States for the similar product models, in particular,
 - 1) For the product type [] sales to the United States were at RMB[]per MT, while sales to the Australia were at averaged RMB[]er MT at FOB prices.
 - 2) For product type []the sales to the United States were at [RMB] per MT, while the sales to the Australian were much higher than [RMB] per MT at FOB price. Therefore those sales to Australian were much higher than sales to the United States, and thus there were no reason to believe that there is dumping if based on third country sales in determining the normal value.

Please let us know if there were other questions.

Yours sincerely,

Lan Xiong /s/

Consultant to Good Harvest