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Public File

Anti-Dumping Review 615 – Wind Towers exported from the People's Republic of China

1. Introduction

Keppel Prince Engineering Pty Limited (**KPE**) is an Australian manufacturer of Certain Utility Scale Wind Towers (**wind towers**), and was the applicant company that requested the above-noted variable factors review (**REV 615**) – refer ADN No. 2023/011. KPE makes the following initial submission in relation to the revocation application by Chenxi Shipyard Co., Ltd (**Chenxi**).

2. Chenxi's claims for revocation

The application to extend the review of measures to include consideration of the revocation of the measures to exports by Chenix centres on the Chinese exporter's assertion that the subject measure is no longer warranted because of the lack and unlikelihood of dumping, and the unlikelihood of injury caused by such dumping. However, many of the claims made by Chenxi in its application are not relevant to an assessment by the Anti-Dumping Commission (**the Commission**) of whether the measures applicable to it should be revoked.

Section 269ZDA(1A)(b) of the *Customs Act 1901*[1] requires the Commissioner to:

> *..otherwise…make a revocation recommendation in relation to the measures, unless the Commissioner is satisfied as a result of the review that revoking the measures would lead, or be likely to lead, to a continuation of, or a recurrence of, the dumping or subsidisation and the material injury that the measures are intended to prevent.*

When examining a revocation claim, the Commission conducts a prospective examination—the issue is whether, if the anti-dumping measures were to be revoked, dumping causing injury to the industry would be likely to continue or recur.[2] In examining the likelihood of injury as a result of any future dumping, the Commission takes 'likely' to mean 'probable' and the evidence relied upon will be appropriate to circumstances of practical reasoning intrinsic to a review process.[3]

KPE considers that Chenxi's revocation claims do not provide the requisite level of positive evidence for the Commissioner to be satisfied that the revocation of measures applicable to it would not lead, or be likely to lead,

[1] A reference in this submission to "the Act", or to a "Section", "Subsection", or "Subparagraph" is a reference to a Section, Subsection, or Subparagraph of the Act, unless otherwise specified.
[2] Dumping and Subsidy Manual, December 2021, p. 130.
[3] Ibid.

to a continuation of, or a recurrence of, the dumping that the measures are intended to prevent. The topics covered by Chenxi have little relevance to the applicable revocation tests prescribed by the legislation.

KPE refers the Commission to concurrent Continuation inquiry No. 621 (**CON 621**) where KPE's evidence on the record to-date provides the requisite positive details that this is in fact highly likely, for all Chinese exporters. KPE's application to CON 621 indicated that the likely impact of wind tower imports from China on the domestic industry will be significant if the measures are discontinued – should the discipline of the measures be removed, Chinese wind towers producers will likely export a significant volume of the goods to the Australian market. Those unfairly traded imports would likely take sales from the Australian industry and depress and/or suppress Australian prices. These developments would then likely cause Australian industry's output, sales, market share, profits, productivity, return on investments, and capacity utilisation to decline. They would also likely have significant negative effects on other aspects of the industry's performance, such as employment, wages, growth, and investment.

KPE therefore asserts that should the measures be revoked, it is likely that Chenxi would export at dumped prices causing material injury. Retention of the measures is important to ensure that the Australian industry is not again exposed to material injury that the measures are intended to prevent.

For and on behalf of KPE.