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30 June 2023

Mr Ben Merlin
Assistant Director, Investigations Unit 2
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2601
AUSTRALIA

By Email: investigations2@adcommission.gov.au

Non-Confidential

Dear Mr Merlin

**NAN Electrical Cable Australia Pty Ltd
Nanyang Cable (Tianjin) Co. Ltd
Continuation Inquiry 626 – PVC flat electrical cables from China**

We act for NAN Electrical Cables Australia Pty Ltd (**NAN**) and Nanyang Cable (Tianjin) Co. Ltd (**Nanyang Cables**) in relation to the present Continuation Inquiry into anti-dumping measures levied on PVC flat electrical cables (**Goods**) imported into Australia from the People's Republic of China (**China**).

Please see **enclosed** letters of authority from both of our clients authorising us to act on their behalf in this matter.

1 **Background**

- 1.1 NAN is an Australian company which sells various types of electrical cables to the Australian market.
- 1.2 NAN sources its products from its Chinese supplier, Nanyang Cables, located in Tianjin, China, which is responsible for the manufacturing of several different types of electrical cables which it exports to various third countries.
- 1.3 Both NAN and Nanyang have been identified by the Anti-Dumping Commission (**ADC**) as being interested parties in relation to the current Continuation Inquiry 604 (**Continuation Inquiry**) into anti-dumping measures imposed on the Goods (**Measures**).
- 1.4 We note that both NAN and Nanyang were identified by the ADC as a relevant importer and exporter respectively of the Goods which were the subject of the original dumping and subsidy investigation (**Investigation 469**). Both NAN and Nanyang were

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active participants of Investigation 469 and cooperated with the ADC throughout the original investigation process.

1.5 As a result of Investigation 469, the ADC determined that the dumping margin for Nanyang Cables was 33.2% and the subsidy margin was 3.1%. The ADC subsequently implemented an effective rate of combined dumping and countervailing duty of 22.0% for Nanyang Cables. This rate of duty was the same as the 'uncooperative and all other exporters' rate of duty.

1.6 Prior to the commencement of the Measures, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [Details of how NAN's business operations have changed since the imposition of Measures]

1.7 As a result of the Measures imposed on the goods, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [Details of the financial impact of the Measures on NAN's business.]

1.8 [REDACTED]
[REDACTED] [Details of impact of the Measures on NAN's business operations] NAN ceased all imports of the Goods, which it has not imported into Australia since the commencement of the Measures in January 2019.

1.9 In addition, because of the Measures, NAN also reduced the number of staff in Australia [REDACTED]
[REDACTED]
[REDACTED] [Details of staff reductions].

1.10 The consequence of these actions is evident from the inventory value [REDACTED]
[REDACTED]
[REDACTED] [Details of inventory value reductions].

2 Continuation Inquiry 626

2.1 NAN was contacted by the ADC on 9 June 2023 by email advising that it had been identified as an importer of the Goods. This email correspondence requested that NAN complete an importer questionnaire for the purposes of the inquiry and facilitate a visit to the company's premises to enable the ADC to conduct a verification of NAN's responses to the importer questionnaire.

2.2 A similar email was sent to Nanyang Cables providing an exporter questionnaire and requesting Nanyang Cables' cooperation with the investigation.

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2.3 We note that NAN subsequently contacted the ADC to request an extension to the various time limits to provide a response to the sections of the importer questionnaire, which was granted by the ADC, with an extension being granted to submit Part A of the importer questionnaire until 30 June 2023.

2.4 Please see **enclosed** with this submission NAN's response to Part A of the importer questionnaire.

2.5 In addition to NAN's response to Part A of the importer questionnaire, our clients wish to bring the following matters to the attention of the ADC.

- (a) Both NAN and Nanyang Cables wish to cooperate fully with the ADC's investigation and will provide as much information and data as possible to assist the ADC with its inquiries.
- (b) However, NAN and Nanyang Cables will only be able to provide limited responses to much of the information and data requested by the ADC. This is because NAN has ceased **all** imports of the Goods to Australia. Accordingly, NAN does not possess any data relating to requested information such as cost to import and sell, sales etc.

(c) [Redacted]
[Redacted]
[Redacted] [Details of NAN's altered business operations after the imposition of the Measures.]

(d) Accordingly, both NAN and Nanyang cables are willing to supply all relevant documents and data which relate to these goods if required by the ADC. However, as explained above, these are a completely different class and category of goods which would not fall within the definition of the goods under consideration and would be outside the scope of the ADC's inquiries for the purposes of this consideration.

(e) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] [Details of how the removal of Measures would impact NAN's business and the viability of recommencing imports of the Goods.]

(f) [Redacted]
[Redacted]
[Redacted]
[Redacted]

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[Details of the viability of recommencing imports of the Goods and potential impact on Australian industry.]

[REDACTED]

[REDACTED], [Details of the impact of the Measures on NAN's business.] our clients are willing to be guided by the ADC in relation to whether further detailed responses to the importer questionnaire and spreadsheets are required for the purposed of this Continuation Inquiry.

Our clients wish to reiterate that much of the requested data does not exist due to NAN having stopped all imports of the Goods following the imposition of Measures.

However, our clients both wish to be as cooperative as possible, and are willing to provide all the information and data that they are able to, if this is required by the ADC.

Accordingly, we will await the ADC's response to this submission to be guided as to how to proceed throughout the next stages of the inquiry.

If the ADC requires any further information from either NAN or Nanyang Cables, please do not hesitate to contact us.

We look forward to hearing from you shortly in relation to this matter.

Yours faithfully



Andrew Hudson
Partner