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9 February 2024

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

**By Email:** [investigations2@adcommission.gov.au](mailto:investigations2@adcommission.gov.au)

Dear Director

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

- 1 We are writing on behalf of NAN Electrical Cables Australia Pty Ltd (**NAN**) and Nanyang Cable (Tianjin) Co. Ltd (**Nanyang Cable**) to provide our clients' response to the Statement of Essential Facts (**SEF**) published by the Anti-Dumping Commission (**ADC**) on 1 February 2024.
- 2 The SEF was published as part of the ADC's Continuation Inquiry into anti-dumping measures levied on PVC flat electrical cables (**Goods**) imported into Australia from the People's Republic of China (**China**).
- 3 We refer to the ADC's preliminary conclusion that the Commissioner is satisfied that the expiration of the anti-dumping measures (**Measures**) currently in place would be likely to lead to a continuation and/or reoccurrence of dumping, subsidisation and the material injury the Measures intended to prevent.
- 4 We further refer to the ADC's proposed rates of interim dumping duty and interim countervailing duty to apply from 14 May 2024 as in the table below.

Exporter	Fixed rate of IDD	Fixed rate of ICD	Duty method	Total effective rate of duties
Jiangsu Etern Electric Co Ltd	11.8%	0.1%	Combination duty	11.9%
Nanyang Cable (Tianjin) Co Ltd	29.1%	2.8%	Combination duty	31.9%
Uncooperative and all other exporters	29.1%	3.3%	Combination duty	32.4%

- 5 Both NAN and Nanyang Cable wish to make it known on the electronic public record that they do not agree with the ADC's preliminary conclusion to continue the

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Measures in place, or the methodology and assumptions adopted by the ADC in reaching that conclusion.

- 6 As previously stated by NAN and acknowledged by the ADC, NAN made no imports of the Goods at any stage during the inquiry period. Therefore, any movements in import volumes during the inquiry period could not have been influenced by any business activities undertaken by NAN.
- 7 Despite this lack of any imports of the Goods by NAN during the Continuation inquiry period, the SEF has recommended that as of 14 May 2024 Goods exported by Nanyang Cable be subject to a total effective rate of anti-dumping and countervailing duty of 31.9%.
- 8 This is in effect an **increase** in the rate of duties which Nanyang Cable was subject to at the conclusion of the previous dumping and subsidy investigation 469 where Nanyang Cable has since been subject to an effective rate of combined duties of 22.0%.
- 9 In reaching this recommendation, it appears that the ADC has relied upon dumping and subsidy margins obtained for Nanyang Cable during investigation 469, at a time where NAN was actively importing significant volumes of the Goods to Australia from China.
- 10 Since that time, NAN has ceased all imports of the Goods from China, undergone significant restructuring of its business operations [REDACTED]  
[REDACTED] [Details of NAN's altered business operations after the imposition of the Measures]
- 11 Accordingly, NAN and Nanyang disagree with the ADC's decision to rely on historical and no longer relevant data to put forward a recommendation to the Minister leading to an effective increase the dumping duty rate for Nanyang Cable's exports to Australia.
- 12 This approach by the ADC can be seen in various statements made in the SEF. For instance, in paragraph 7.7.1 of the SEF, the report notes that *'the commission also reviewed the ABF import database of the REP 469 investigation period, and notices that both importers, Electra and NAN, increased their import volumes of the goods.'*
- 13 NAN and Nanyang Cable submit that it is not reasonable to rely upon an increase in import volumes during an investigation period in 2017 to recommend an increase in dumping duty rates for a Continuation inquiry in 2024, particularly in circumstances where NAN has ceased all imports of the Goods during the relevant April 2022 to March 2023 inquiry period.
- 14 We also note the ADC's comments that during the Continuation inquiry period it identified a new entrant to the PVC flat electric cables market, Jiangsu Etern Electric Co Ltd (**Jiangsu**). The ADC went on to establish variable factors for Jiangsu and has recommended that a total effective rate of duties of 11.9% be imposed on Jiangsu's exports.

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- 15 We understand that as an 'all other exporter' which was not assigned a specific rate of duty in the original investigation 469, Jiangsu's exports of the Goods to Australia would have been subject to the 'uncooperative and all other exporters' combined effective duty rate of 22.0%.
- 16 Accordingly, it would not seem reasonable that the ADC has effectively lessened the rate of duty for Jiangsu to 11.8% while it has been importing dumped Goods into the Australian market during the Continuation inquiry period. Such a measure would effectively increase Jiangsu's competitiveness in the Australian market potentially leading to increased risk of material injury to Australian industry, an outcome which the measures are intended to prevent. This decrease in the rate of duty for Jiangsu would occur while simultaneously increasing the rate of duty for Nanyang Cable which has made no imports during the Continuation inquiry period.
- 17 We also refer to the ADC's comments that Guilin International Wire & Cable Co Ltd (**Guilin**) continues to make up the bulk of exports of the Goods to Australia at the current effective rate of duty of 2.8%.
- 18 NAN and Nanyang Cable submit that it is not a fair outcome of the Continuation inquiry that the exporters actually supplying dumped Goods to the Australian market will have significantly lower dumping rates applied to them when compared with Nanyang Cable, an exporter which has already exited the Australian market.
- 19 Such an outcome effectively permanently bars NAN and Nanyang Cable from re-entering the Australian market on the basis of outdated data while allowing Nanyang Cable's competitors to continue to export significant volumes of the Goods to Australia.

Both NAN and Nanyang Cable would be pleased for the ADC to provide further clarity in relation to the above issues and its grounds for continuing and increasing dumping duty rates for Nanyang Cable based on historical and no longer accurate data.

If the ADC requires any further information from either NAN or Nanyang Cable, 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