



4 October 2021

The Director – Investigations 1
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Copper tube exported from the Peoples Republic of China

This submission is made on behalf of Zhejiang Hailiang Co., Ltd, Shanghai Hailiang Co., Ltd., and Hailiang Copper Australia Pty Ltd (collectively referred to as the Hailiang Group), in response to the Anti-Dumping Commission's ("the Commission") findings outlined in Statement of Essential Facts Report No. 557 ("SEF 557"). In summary, the Hailiang Group supports the Commission's findings and proposed decision to terminate the investigation in so far as it relates to the Hailiang Group.

Margin of dumping / subsidisation

It is noted that the Commission has established that Zhejiang Hailiang's copper tube exports to Australia during the investigation period were not dumped, with a negative dumping margin of -4.7% being determined. With respect to the countervailing investigation, the Commission has determined a negligible subsidy margin relevant to Zhejiang Hailiang, of 0.4%.

The Hailiang Group supports and confirms that the Commission's dumping and subsidy findings outlined in SEF 557 provide an overall accurate summary of the verification team's findings following detailed examination of Zhejiang Hailiang's financial records.

Particular market situation

The Hailiang Group supports the Commission's finding that a particular market situation did not exist in respect of the domestic market for copper tube in China during the investigation period. The verified data submitted by Zhejiang Hailiang and analysed by the Commission at Appendix A of SEF 557, confirms that there was no basis for considering that a particular market situation existed, such that domestic sales could not be properly compared with corresponding export sales.

As the Commission notes, the particular market situation claims alleged by the petitioner rely heavily on the 2013 findings by the Canadian investigating authority ("CBSA"). Two points are worth noting with regards to CBSA's findings.

First, the analysis by the CBSA is outdated given the investigation period focused on domestic and export sales made between May 1, 2012 to April 30, 2013.

Second, the CBSA's inquiries were made in the context of a Section 20 inquiry provided by the relevant domestic legislation¹, which involves a sufficiently different methodology to the

¹ Special Import Measures Act (SIMA) which reflects Canada's implementation of the WTO Anti-Dumping Agreement and the Agreement on Subsidies and Countervailing Measures.

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particular market situation assessment required of the Commission in determining whether domestic sales are suitable pursuant to subsection 269TAC(1) of the *Customs Act 1901*.

Raw materials provided at less than adequate remuneration - Non-attribution

The Hailiang Group supports the Commission's calculation and determination of countervailing subsidies. With respect to the program examining whether raw materials were provided at less than adequate remuneration, it is noted that the Commission found that domestic copper cathode prices were on average higher than LME copper prices across the investigation period.

Whilst the verified raw material purchase data certainly confirms the Commission's finding, the Hailiang Group wishes to also highlight that irrespective of the purchase price differences between domestic and imported copper cathode, any benefits that may have been received were not attributable to the subject exports.