



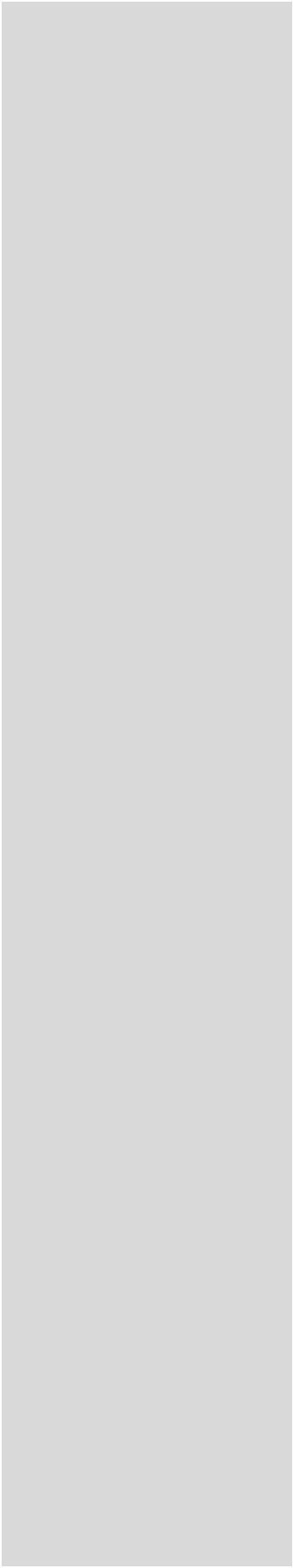
Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**



CS Wind China Co., Ltd

Application for an
accelerated review of
anti-dumping measures



APPLICATION UNDER SECTION 269ZE OF THE *CUSTOMS ACT 1901* FOR AN ACCELERATED REVIEW OF ANTI-DUMPING MEASURES


In accordance with section 269ZE of the *Customs Act 1901* (the Act), I request that the Commissioner of the Anti-Dumping Commission conduct an accelerated review of a dumping duty notice and/or countervailing duty notice (the notice(s)) insofar as it affects this exporter.¹

NB: Only a new exporter is eligible to apply for an accelerated review. A new exporter means that, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).

DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for an accelerated review of the dumping or countervailing duty notice(s) in so far as it relates to the applicant; and
- is complete and correct.

Signature: 

Name: [Ms. Vivian Wang](#)

Position: [Partner/Lawyer](#)

Law firm: [East & Concord Partners \(Agent\)](#)

Date: [16 March 2022](#)

Please refer to [Annex 1](#) for the Authorisation Letter.

¹ All legislative references are to the *Customs Act 1901*.

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Anti-Dumping Commission's (Commission's) client support section for advice.

NB: Where an application is made by an agent acting with authority on behalf of a company, joint venture, trust or sole trader, an authority to act letter must be provided with this application.

Assistance with the application

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Required information

1. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
 - identify the notice(s) imposing measures that the applicant seeks an accelerated review of; and
 - a description of the goods to which the notice(s) relates.

Response:

The notice imposing measures that the applicant seeks an accelerated review of is ANTI-DUMPING NOTICE NO. 2014/33, as modified by ANTI-DUMPING NOTICE NO. 2019/33 after the completion of Continuation Inquiry No. 487. Then after a review of the Anti-Dumping Review Panel (ADRP), ANTI-DUMPING NOTICE NO. 2019/33 was revoked in so far as it relates to Shanghai Taisheng Wind Power Equipment Co., Ltd (TSP) and substituted by a new decision as recommended by the ADRP, through a Notice under section 269ZZM(4).

The description of the goods to which the notice relates is as follows:

Certain utility scale wind towers, whether or not tapered, and sections thereof (whether exported assembled or unassembled), and whether or

not including an embed being a tower foundation section.

Wind turbines that have electrical power generation capacities equal to or in excess of 1.00 megawatt (MW) and with a minimum height of 50 metres measured from the base of the tower to the bottom of the nacelle (i.e. where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment or method of manufacture, and with or without flanges, doors, or internal or external components (e.g., flooring/decking, ladders, lifts, electrical junction boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section.

Goods specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Any internal or external components which are not attached to the wind towers or sections thereof are also excluded.

The goods may be classified to 7308.20.00 in Schedule 3 to the Customs Tariff Act 1995. This applies to complete towers, unassembled or assembled, and applies to a basic tower that includes doors, ladders, landings and embed or tower foundation. Steel tower sections, including sections with doors etc. are classified to 7308.90.00, assembled or disassembled, provided there are insufficient sections in a shipment to be considered a complete tower.

Combinations of towers and tower sections may vary on a case by case basis for assessment of tariff classification. Classification may vary when there is more of one item than another, for example a tower section and lift or a tower section with lift, electrical junction boxes and other equipment. An assembled complete wind powered generator is a composite machine consisting of two or more machines fitted together to form a whole; wind engine, generator, gearbox, yaw controls etc. fitted in a steel tower and nacelle, and has a classification to subheading 8502.31.10.

2. Provide details of the name, street and postal address, of the applicant seeking the accelerated review;

Response:

The information of the applicant seeking the accelerated review is as follows:

Name: CS Wind China Co., Ltd (Hereinafter referred to as "CS WIND")

Street and postal address: 30# Yunyang Road, LianYungang Economic & Technological Development Zone, Jiangsu, China.

3. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address;

Response:

The information of the contact person is as follows:

Name: Ms. Vivian Wang
Position: Partner/Lawyer
Telephone number: +86-10-65107050
Facsimile number: +86-10-65107030
Email address: vivian_wang@east-concord.com

4. Describe the applicant's role in the exportation of the goods (e.g. producer or manufacturer, distributor or trader of the goods);

Response:

CS WIND is a producer of the goods.

5. Confirm that the applicant is a 'new exporter', meaning, in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods, an exporter who did not export such goods to Australia at any time during the investigation period in relation to the application (ss 269ZE(1) and 269T(1) refers).

Response:

CS WIND confirms that it is a "new exporter", i.e. in relation to goods the subject of an application for a dumping duty notice or countervailing duty notice or like goods (in this case, wind towers), CS WIND did not export such goods to Australia at any time during the investigation period in relation to the application (in this case, 1 January 2012 to 30 June 2013).

6. Confirm whether the applicant has previously applied for an accelerated review in relation to the notices the subject of this application.

Response:

CS WIND confirms that it has never applied for an accelerated review in relation to the notices the subject of this application.

7. Confirm whether the applicant is related to an exporter whose exports were examined in relation to the application for publication of the notice(s), and the nature of the relationship (s 269ZE(2)(b) refers).

In determining whether the applicant is an associate of an exporter whose exports were examined in relation to the application for publication of the notice(s), answer the following (s 269TAA(4) refers):

- (a) Are both natural persons?
If yes:
(i) Are they members of the same family? Or;
(ii) Is one of them an officer or director of a body corporate controlled, directly or indirectly, by the other?
- (b) Are both body corporates?
If yes:
(i) Are both of them controlled by a third person (whether or not a body corporate)? Or;
(ii) Do both of them together control, directly or indirectly, a third body corporate? Or;
(iii) Is the same person (whether or not a body corporate) in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them?
- (c) Is one of them, being a body corporate, directly or indirectly, controlled by the other (whether or not a body corporate)?
- (d) Is one of them, being a natural person, an employee, officer or director of the other (whether or not a body corporate)?
- (e) Are they members of the same partnership?

NB: Please include appropriate evidence in support of your view that the applicant is or is not related to another company whose exports were examined in relation to the application for publication of the notice(s) (i.e. during the original investigation). This should include an overview of your corporate structure, including entities that the applicant has an interest in and entities that have an interest in the applicant, list of directors and annual report(s) where applicable.

Response:

CS WIND confirms that it is not related to any exporter whose exports were examined in relation to the application for publication of the notice(s) (i.e. during the original investigation).

CS WIND only has one Chinese related company, **【Confidential】** .

【Confidential information regarding the Chinese related company.】

The list of directors of CS WIND is as follows:

【Confidential】

【Confidential information regarding names and titles of directors of CS WIND.】

8. Provide a statement setting out the basis on which you consider the particular dumping or countervailing duty notice is inappropriate, so far

as the applicant is concerned.

Response:

CS WIND did not export the goods to Australia during the investigation period of the original investigation, so it was not examined in the original investigation. Also, CS WIND is not related to any exporter whose exports were examined in the original investigation. CS WIND understands that it has met the criteria for a new exporter.

Currently CS WIND is subject to the dumping duty rate applied to “all other exporters”, which is 10.9%. CS WIND considers this dumping duty inappropriate so far as CS WIND is concerned, as this duty rate was not calculated based on CS WIND’s own data and cannot reflect the actual dumping level of CS WIND.

In addition, upon the request by TSP, ADRP conducted a review of the Decision for Continuation Inquiry No. 487 (“ANTI-DUMPING NOTICE NO. 2019/33”). After the review, ADRP has recommended a revised method of calculating the dumping margin, upon which ADRP has recommended to revoke ANTI-DUMPING NOTICE NO. 2019/33 in so far as it relates to TSP. Therefore, CS WIND understands that the revised method of calculating the dumping margin should also be applied to other exporters.

Thus, CS WIND seeks an accelerated review to obtain an individual duty rate.

Impact of an all exporter review of measures

Where a review of measures applies to all exporters of the goods generally (that is, not a single exporter), the changes to the notice(s) that result from the review may apply to all relevant exporters of the goods, including past applicants for an accelerated review. This means that changes to a notice as an outcome of an all exporter review of measures may replace an earlier published outcome of an accelerated review.

Lodgement of the application

This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- pre-paid post to:
The Commissioner of the Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601, or
- facsimile, using the number (03) 8539 2499 or +61 3 8539 2499 **(outside Australia)**

Public Record

There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for an accelerated review will be opened and accessible on the Commission’s website at www.adcommission.gov.au. The public record will

contain, among other things, a copy of the application, all submissions from interested parties and Commission reports.

At the time of making the application, the Commission requests both a confidential version (for official use only) and non-confidential version (public record) of the application be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the accelerated review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

Annex 1

Authorisation Letter

CS WIND CHINA

14 March 2022

To: Australian Anti-Dumping Commission

Dear Sir/Madam,

Application for an accelerated review – wind towers

We are writing to you to advise that CS Wind China Co., Ltd has engaged East & Concord Partners to represent it in its application for an accelerated review in relation to its exports of wind towers to Australia. All communications concerning this application should be to:

Ms. Vivian Wang
East & Concord Partners
Phone: (86.10) 6510.7050
Email: vivian_wang@east-concord.com

If you have any queries, please do not hesitate to contact us.

Yours sincerely,

CS Wind China Co., Ltd

By: _____

Mr. Jo, Sup-Keun



Title: General Manager