

EMAIL CORRESPONDENCE BETWEEN THE ANTI-DUMPING COMMISSION AND THE GOVERNMENT OF CHINA

From: weiwei [mailto:xxxxxxx@mofcom.gov.cn]
Sent: Tuesday, 16 September 2014 12:47 PM
To: KENNA Michael
Cc:
Subject: Re:Review of anti-dumping measures - aluminium extrusions

Dear Mr. Mick Kenna,

Your email is well received. Unfortunately, we want to reiterate that the Government of China believes the Commission's investigation on the new subsidy projects in the review of the Aluminium Extrusions case is inconsistent with relevant WTO rules. The position of the Government of China has been illustrated in the formal paper presented to your good commission dated July 24, 2014, and we do not agree with your point of view in the response date 25 August, 2014. Thus we will not respond to the questionnaires in this review.

Kind regards,

Wei Wei(Mr.)
Export Division No.1
Trade Remedy and Investigation Bureau
Ministry of Commerce of China

发信人:KENNA Michael <Michael.Kenna@adcommission.gov.au>

收信人:liukeyi <xxxxxxx@mofcom.gov.cn>

时 间:2014年09月15日 07时41分51秒

主 题:RE: Re:RE: Proposed meeting with Chinese Embassy Re:Review of anti-dumping measures - aluminium extrusions
[SEC=UNCLASSIFIED]

Dear Mr Liu

Thank you for your email. While it is entirely a matter for the Government of China to decide whether to participate in this review, the Commission is concerned that there may be some confusion as to the relationship between the 4th High Level Dialogue on Trade Remedies and the current investigations and inquiries that are being undertaken by the Commission that involve China. In the Commission's view, these are two separate processes with very different objectives.

The current review of anti-dumping and countervailing measures as they apply to certain aluminium extrusions exported to Australia from China is being conducted in accordance with a legislated process set out in Division 5 of Part XVB of the *Customs Act 1901*. As the Chinese Government is

aware, in this review the Commission has adopted its long-standing practice of issuing questionnaires to interested parties to gather information relevant to the review. This is an important part of the Commission's efforts to ensure that its recommendations are based on the most accurate and contemporary information possible. In issuing its questionnaires, the Commission has notified parties of the timeframes in which such information is to be provided for such information to be taken into account in formulating the statement of essential facts (SEF) in this review. A failure to meet these timeframes can impact the Commission's ability to have regard to such information in preparing the SEF and ultimately the final report and recommendations to the Parliamentary Secretary. Also, the Commission is obliged by law to maintain a public record of each investigation and any submissions to the review made by interested parties, including the Government of China, need to include a non-confidential version that can be placed on the public record. The questionnaire process is well-designed to meet this legal requirement.

In contrast, the High Level Dialogue is not the appropriate forum for raising issues as they relate to specific investigations. The Commission has consulted with the Department of Foreign Affairs and Trade on this matter and they have reiterated that attempts to raise issues relating to specific ongoing investigations are not appropriate and indeed contrary to what both sides have agreed is the purpose of the High Level Dialogue.

Kind regards

Mick Kenna

Manager | Anti-Dumping Commission

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E: michael.kenna@adcommission.gov.au

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From: Liu Keyi [mailto:xxxxx@mofcom.gov.cn]

Sent: Thursday, 11 September 2014 3:25 PM

To: KENNA Michael

Cc: 黄任刚; ya.zhang

Subject: Re:RE: Proposed meeting with Chinese Embassy Re:Review of anti-dumping measures - aluminium extrusions [SEC=UNCLASSIFIED]

Dear Michael,

My colleague in the Trade Remedy and Investigation Bureau responded that the review you mentioned will be discussed in the 4th High Level Dialogues on Trade Remedies to be held in Canberra on 19th September. The delegation from China will explain its positions then.

Cheers!

Yours,

刘克毅 Liu Keyi

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发信人:KENNA Michael <Michael.Kenna@adcommission.gov.au>

收信人:?? <xxxxxxxxx@miit.gov.cn>

时 间:2014年09月11日 07时37分37秒

主 题:RE: Proposed meeting with Chinese Embassy Re:Review of anti-dumping measures - aluminium extrusions
[SEC=UNCLASSIFIED]

Dear Mr Zhang

Thank you for meeting with us recently to discuss the review of anti-dumping measures on aluminium extrusions. I was just hoping to follow up on my email to Mr Liu of 25 July 2014 which sought the assistance of the Government of China in completing a questionnaire. The Anti-Dumping Commission requested the completed questionnaire be returned by 3 September 2014 to assist it in meeting the legislative deadlines for the review. Mr Liu advised on 27 July 2014 that the questionnaire had been forwarded to the Ministry of Commerce of China.

It appears the Commission has not yet received a response to the request for assistance. We understand completing the questionnaire imposes a significant administrative burden. However, the Commission considers it important to base its recommendations on accurate and up to date information and Government of China's response would be of great assistance in this regard. Could you kindly please confirm that the Government of China has not as yet submitted a completed questionnaire response and please advise whether it intends to do so.

Please do not hesitate to contact me if you wish to discuss.

Regards

Mick Kenna

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