

October 11, 2004

The Honorable James. J. Jochum  
Assistant Secretary for Import Administration  
U.S. Department of Commerce  
Central Records Unit, Room 1870  
Pennsylvania Avenue and 14<sup>th</sup> Street NW  
Washington, DC 20230

**Re: Comments on Separate Rates Practice in Antidumping Proceedings  
Involving Non-Market Economy Countries**

Dear Mr. Jochum,

We, China Chamber of Commerce for Import & Export of Machinery and Electronic Products (CCCME), hereby submit these comments on USDOC's notice of Separate-Rates Practice in Antidumping Proceedings involving Non-Market Economy Countries published on 16 September, 2004. In fact, at the end of May, we have submitted our comments on USDOC's notice on its separate rates practice. This time, to the three options in the Appendix, our comments are as followed:

1. Change of Section A response process to an application process.

First, we agree the change of Section A response process to an application process.

Second, we think the contents of the application form should be in most part similar to the questions of Section A. Because through Section A, USDOC could find satisfied answer of those issues most relevant to separate rate eligibility. More information of suppliers could be added into the new application form to make sure the suppliers are also independent from government control.

Third, if more information of suppliers and other information are required, the deadline for fulfill the application should be longer because of the burden both of exporters and USDOC staffs.

So, contents of the application USDOC required should not exceed that of Section A. Because all the issues concerning corporation structure and control are included in Section A, other information such as domestic sale and export are unnecessary for the decision of granting separate rates.

2. The grant of exporter-producer combination rates.

We don't make comments on this point.

3. Policy and practice concerning third-country resellers.

We object the rebuttable presumption that NME producers shipping subject merchandise through third countries are aware that their goods are bound for the United States, because:

- 1) Thus presumption is against the general legal presumption of *NON ERROR*.
- 2) If dumping is made by third-country resellers but Chinese exporters must respond in the investigation, this would make more burdens on Chinese exporters.

We think this problem is something like circumvention. USDOC could make more specific anti-circumvention regulation like the way in EU.

Finally, in calculating average rate of those non-selected cooperative exporters, the rate of zero should be taken into consideration.

Sincerely yours,

Liu Pengxu  
Legal Affairs Dep., CCCME