

致：中华人民共和国商务部贸易救济调查局

正本

中华人民共和国商务部 贸易救济调查局

Trade Remedy and Investigation Bureau

Ministry of Commerce

People's Republic of China

关于向中国商务部提出对原产于澳大利亚
的相关葡萄酒进行
反倾销和反补贴复审的申请

【本申请无保密版本】

澳大利亚葡萄和葡萄酒协会

Australian Grape and Wine Incorporated

二〇二三年十月三十一日



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商务部贸易救济调查局局长
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BY INDUSTRY**

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尊敬的魏巍先生

澳大利亚葡萄和葡萄酒协会谨此致函, 向中国商务部针对澳大利亚葡萄酒的反倾销和反补贴税措施提出复审申请。

作为澳大利亚葡萄与葡萄酒协会的首席执行官, 我在此授权金诚同达律师事务所(JTN) 作为代表, 向商务部相关案件负责人的您提交这份书面申请。

我感谢你在本事宜中所给予的配合。

诚挚的问候

李·麦克林

首席执行官

2023年10月31日





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Mr Wei Wei
Director
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Dear Mr Wei Wei

I am writing to you about Australian Grape and Wine Incorporated's application to the Chinese Ministry of Commerce (MOFCOM) for a review of Anti-Dumping and Countervailing duty measures on Wine from Australia.

As Chief Executive Officer of Australian Grape and Wine Incorporated, I authorise a representative from the company JTN to lodge this hard copy application with you, as the relevant case officer at MOFCOM.

I thank you for your cooperation in this matter.

Kind regards

Lee McLean

Chief Executive Officer

31 October 2023





关于向中国商务部提出对原产于澳大利亚的葡萄酒进行反倾销和反补贴复审的申请

1. 介绍

2021 年 3 月 26 日, 中国商务部发布 2021 年第 6 号公告和 2021 年第 7 号公告, 公布对原产于澳大利亚的相关葡萄酒反倾销和反补贴调查的最终裁定。

澳大利亚葡萄和葡萄酒协会请求中国商务部根据中国法律法规规定进行复审, 以审查继续征收反倾销税的必要性。澳大利亚葡萄和葡萄酒协会认为没有必要继续征收反倾销税, 并请求取消征税, 因为其已不符合公众利益。

2. 申请人: 澳大利亚葡萄和葡萄酒协会

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AUSTRALIA 澳大利亚

关于澳大利亚葡萄和葡萄酒协会

澳大利亚葡萄和葡萄酒协会(Australian Grape & Wine)是澳大利亚全国性的葡萄和葡萄酒生产商协会。协会发挥行业领导作用, 制订战略, 提供代言和支持服务, 向澳大利亚葡萄和葡萄酒企业的现在和未来提供服务。根据《2013 年澳大利亚葡萄酒法》规定, 澳大利亚葡萄和葡萄酒协会被认可为澳大利亚葡萄种植者和酿酒商的指定代表机构。

作为全国性葡萄和葡萄酒行业的最高行业机构, 澳大利亚葡萄和葡萄酒协会通过以下方式领导和代表澳大利亚 6000 家酿酒葡萄种植者和 2500 家酿酒厂的利益:

- 在行业支持政策上推动全行业的统一立场;
- 制定并实施行业支持战略;
- 从事贸易和市场准入活动; 和
- 大力倡导行业长期可持续发展的政策立场。

协会不仅与澳大利亚国内的利益相关方密切合作, 还与世界各地的合作伙伴密切合作, 包括其他葡萄酒生产国的相应行业机构。

澳大利亚葡萄和葡萄酒协会是根据《1985 年南澳大利亚州协会注册法》成立的。协会的[《章程》](#)即从该法案中衍生而来。

3. 案件详情

反倾销调查

中国商务部 2020 年 7 月 6 日收到中国酒业协会(CADA)的申请后, 于 2020 年 8 月 18 日进行立案调查。中国商务部于 2020 年 11 月 27 日发布初步裁定, 并于 2021 年 3 月 26 日公布最终裁定。该公告发布于 2021 年第 6 号公告。

根据 2021 年第 6 号公告, 反倾销税于 2021 年 3 月 28 日起征收, 为期 5 年, 详情如下:

抽样公司:

富豪葡萄酒产业酒商有限公司	175.6%
卡塞拉酒业私人有限公司	170.9%
天鹅酿酒有限公司	116.2%
其他配合调查的公司	167.1%
所有其他公司	218.4%

反补贴调查

中国商务部 2020 年 7 月 6 日收到中国酒业协会(CADA)的申请后, 于 2020 年 8 月 31 日进行立案调查。中国商务部于 2020 年 12 月 10 日发布初步裁定, 并于 2021 年 3 月 26 日公布最终裁定。该公告发布于 2021 年第 7 号公告。

根据最终裁定附件 1 的规定, 计算出的从价补贴率如下:

抽样公司:

富豪葡萄酒产业酒商有限公司	6.3%
卡塞拉酒业私人有限公司	6.3%
天鹅酿酒有限公司	6.3%
保乐力加酿酒有限公司	6.4%
其他配合调查的公司	6.3%
所有其他公司	6.4%

反补贴税未征收。如 2021 年第 7 号公告所述,“为避免双重征税,经国务院关税税则委员会同意,商务部决定不对原产于澳大利亚的进口相关葡萄酒征收反补贴税。”

调查范围

原调查中列出的被调查产品如下:

原产于澳大利亚的进口装入 2 升及以下容器的葡萄酒。

被调查产品名称: 装入 2 升及以下容器的葡萄酒, 简称“相关葡萄酒”。

英文名称: Wines in containers holding 2 litres or less。

产品描述: 以鲜葡萄或葡萄汁为原料, 经全部或部分发酵酿制而成的装入 2 升及以下容器的葡萄酒。

主要用途: 主要作为饮料酒供人消费。

该产品归在《中华人民共和国进出口税则》: 22042100。

由于反倾销税只适用于装入 2 升及以下容器的无气葡萄酒, 散装葡萄酒、强化葡萄酒和起泡酒被排除在征税范围之外。

4. 请求的法律依据

《反倾销条例》第 49 条和《反补贴条例》第 48 条规定:

反倾销税 / 反补贴税生效后, 商务部可以在有正当理由的情况下, 决定对继续征收反倾销税 / 反补贴税的必要性进行复审; 也可以在经过一段合理时间, 应利害关系方的请求并对利害关系方提供的相应证据进行复审的基础上进行复审。

《反倾销条例》第 37 条和《反补贴条例》第 38 条规定:

终裁决定确定倾销成立, 并由此对国内产业造成损害的, 可以征收反倾销税。征收反倾销税应当符合公共利益。

澳大利亚葡萄和葡萄酒协会提出, 如上文第 2 节所述, 在原始调查中, 协会是这些案件中的利害关系方。澳大利亚葡萄和葡萄酒协会积极参与了原始调查, 例如, 包括提交立案后的评论意见、对初步裁定的评论意见和对终裁基本事实披露的评论意见等。

下文第 5 节列出的证据是《反倾销条例》第 49 条和《反补贴条例》第 48 条意义内的“相关证据”。因此, 澳大利亚葡萄和葡萄酒协会提出, 有“正当理由”对继续征收反倾销税的必要性进行复审。

澳大利亚葡萄和葡萄酒协会认为, 继续征税不符合公众利益, 因此应该予以取消。

5. 请求原因

澳大利亚葡萄和葡萄酒协会认为, 继续征收反倾销税已没有必要, 因为自 2021 年征税以来, 情况已经发生了重大变化。以下是对当前市场状况的分析以及请中国商务部进行考虑的其他因素。

中国葡萄酒市场发生的变化

中国葡萄酒的整体市场需求正在发生变化, 消费者饮酒量趋于减少, 但在购买时寻求更高的质量和更好的价值。该趋势与消费者健康保健的全球趋势相对一致。尽管中国葡萄酒市场面临挑战的根本原因将在下文详述, 但值得注意的是, 有证据表明中国消费者对优质葡萄酒仍有需求。澳大利亚以前向这部分市场供应过葡萄酒, 澳大利亚再次向中国消费者供应这类葡萄酒符合公众利益; 这将为消费者提供更多选择、更高质量、更高价值的葡萄酒。

正如阿德莱德大学的金·安德森(Kym Anderson)教授在最近的一项研究中所解释的那样¹, 中国经历了葡萄酒市场的整体下滑: 疫情影响以及全球经济逆向发展都加剧了这种下滑。

这表示许多出口国的对华出口都出现下滑。根据“贸易数据监测”提供的数字, 在截至 2023 年 8 月的 12 个月中, 中国进口的葡萄酒总量同比下降 27%, 为 2.7 亿升, 价值同比下降 17%, 至 13 亿美元。中国四大进口来源国为法国、智利、意大利、西班牙, 四国均录得出口大幅下降, 分别为:

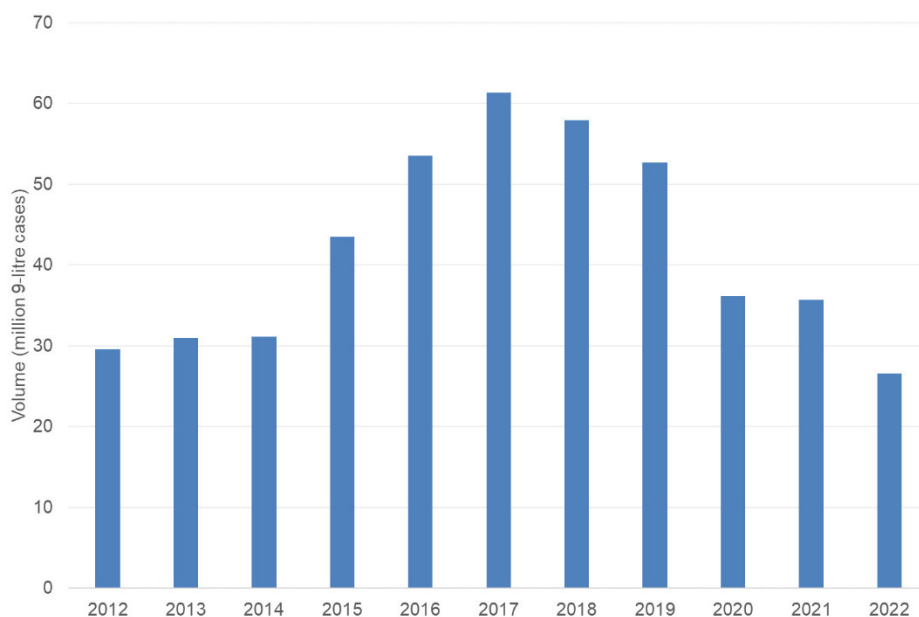
- 法国: 下降 12 %, 至 6.16 亿美元
- 智利: 下降 30 %, 至 2.49 亿美元
- 意大利: 下降 14 %, 至 1.24 亿美元
- 西班牙: 下降了 35 %, 至 7800 万美元

然而, 在此期间, 来自一些国家的进口值却出现增加, 这包括美国(增长 9%, 至 5200 万美元)、新西兰(增长 24%, 至 3300 万美元)。澳大利亚目前在中国进口额和进口价值方面排名第十。

下图(图 1)显示, 中国葡萄酒进口在 2017 年**达到峰值**, 略高于 6130 万箱, 此后降至 2660 万箱: 不到 2017 年的一半, 也低于 2012 年的进口葡萄酒数量。

图 1 : 中国进口无气葡萄酒销售情况

¹ Anderson, Kym, 《中国葡萄酒市场发生了什么变化? 》(《葡萄酒经济期刊》 2023) [S1931436123000160jxx 1..11 \(cambridge.org\)](https://doi.org/10.1017/S1931436123000160jxx1..11)



资料来源: IWSR

市场中的这种下滑与全球其他主要市场的销量下降并不矛盾。市场研究公司 IWSR 的数据显示, 全球葡萄酒消费量正在出现下降, 2022 年消费量下降 3%。

然而, 尽管数量可能低于前几年, 但中国消费者对优质葡萄酒的需求仍然强劲。澳大利亚具备为中国消费者提供更多优质葡萄酒选择的条件。

这种消费升级的趋势与世界其他地区一致。高档葡萄酒细分市场(每瓶 10 美元或以上)在 2022 年有所增长, 而全球市场的普通商业消费端(每瓶不到 10 美元)则有所下降: 这表明消费者饮酒量减少, 但却在以更高的价格购买, 尽管增长率略低于近年的数字。IWSR 报告称, 随着食品和其他生活必需品的价格上涨, 消费者正在削减酒类支出。适量饮酒趋势不再仅仅是出于健康考虑, 也是一种理性消费策略: 消费者选择少喝酒, 少喝低价葡萄酒。散装葡萄酒经纪公司 Ciatti 的报告也称, 尽管与 2021 年和 2022 年相比, 运输挑战减少, 运费有所降低, 但消费者和散装葡萄酒买家购买葡萄酒的速度却在放缓。

这些趋势在澳大利亚的其他重要市场英美两国都很明显, 2022 年, 这两个市场的普通商业消费量和高端市场的消费量都有所下降, 其中普通商业葡萄酒的降幅更大。

然而, 就中国市场而言, 抛开疫情影响或澳大利亚葡萄酒反倾销税的影响等下降驱动的正常原因, 要单独分离和分析市场的有机下降因素(如健康问题因素或经济挑战因素)可能较为困难。



中国消费者对澳大利亚葡萄酒的需求

征收反倾销税之前, 中国是澳大利亚最大的出口市场。在截至 2020 年 10 月的 12 个月中, 中国进口了 1.21 亿升葡萄酒, 价值 13 亿澳元。²根据 IWSR 的数据, 澳大利亚是中国最大的进口来源国, 2020 年, 澳大利亚占中国进口葡萄酒总量的 27%, 占进口葡萄酒价值的 33%。

自从对瓶装澳大利亚葡萄酒征税以来, 澳大利亚对华葡萄酒出口大幅下降, 截至 2023 年 6 月的 12 个月中, 澳大利亚对华葡萄酒出口仅为 810 万澳元、100 万升。澳大利亚对华出口商的数量也从峰值的 2382 家降至 115 家。根据 IWSR 的数据, 到 2022 年, 澳大利亚在葡萄酒市场的份额按价值计算已降至 3%, 按量计降至 2%。

征税之前, 澳大利亚酿酒商能满足中国消费者对高品质葡萄酒的需求。我们完全可以预期这种消费升级将会继续下去, 甚至可能加速。在征税之前, 澳大利亚向中国消费者提供各类高品质的葡萄酒, 其中设拉子和赤霞珠尤其受欢迎。这些葡萄品种和澳大利亚的酿酒风格, 以及澳大利亚在产品质量、食品安全、原产地和价值保证等方面的声誉, 非常适合中国消费者在做出购买决定时的需求。

葡萄酒情报组织(Wine Intelligence)的研究表明, 尽管过去三年中市场上几乎见不到澳大利亚葡萄酒, 但中国葡萄酒消费者仍然非常看重澳大利亚葡萄酒。例如, 2022 年, 中国 88% 的进口葡萄酒饮用者表示, 他们很乐意推荐澳大利亚葡萄酒, 或非常高兴供应澳大利亚葡萄酒。此外, 中国葡萄酒消费者对澳大利亚葡萄酒的质量评价非常高, 得分为 8.49 分(满分 10 分)。这反映出澳大利亚对中国高端市场的关注。

在征税前的时间里, 从澳大利亚进口的大部分是瓶装葡萄酒, 在截至 2020 年 10 月的 12 个月里, 瓶装葡萄酒占澳大利亚对华葡萄酒出口价值的 96%、出口量的 84%。

传统上, 中国一直是澳大利亚的高端瓶装葡萄酒市场, 澳大利亚对华出口价值的 85% 以每升 5 澳元或以上(离岸价格)计价。事实上, 澳大利亚在 2020 年的市场地位也非常注重优质葡萄酒的销售。据 IWSR 称, 2020 年, 澳大利亚葡萄酒的平均销售额为每瓶 19 美元, 而所有来自其他国家的进口葡萄酒平均销售价为每瓶 14 美元。2022 年, 澳大利亚葡萄酒的平均销售价为每瓶 24 美元, 而所有来自其他国家的进口葡萄酒平均销售价为每瓶 15 美元。

从澳大利亚进口的葡萄酒售价高于竞争对手, 同时也在不同的价位上与中国生产的葡萄酒竞争, 尽管中国不同地区也在生产各种高质量和高价值的葡萄酒。

澳大利亚国内葡萄和葡萄酒行业发生的变化

自征税以来, 澳大利亚国内市场发生了显著变化。澳大利亚国内市场的这些变化也支持澳大利亚葡萄和葡萄酒协会的观点, 即反倾销税没有必要, 应该予以取消。

首先, 如上所述, 中国消费者倾向于购买澳大利亚高质量、高价值的葡萄酒。澳大利亚企业正在为其葡萄酒打开新市场, 有成功有失败。尽管一些企业发现, 在征税后, 很难找到替代市场, 但行业中超高端领域和高端领域的企业在将产品转移到其他国家方面取得的成功较大。

² 澳大利亚葡萄酒管理局, 2023

其次, 数据显示, 与世界其他许多地方一样, 中国的普通商业(低价)葡萄酒领域出现萎缩。虽然商业葡萄酒仍是澳大利亚出口组合中的重要组成部分, 但有充分证据表明, 中国消费者正从普通商业葡萄酒转向较高价值的葡萄酒。这与世界其他地方的情况一致。

第三, 澳大利亚的葡萄和葡萄酒行业正在经历萎缩和重组。虽然目前的数据在很大程度上还不全面, 但人们普遍认为, 全国某些地区的葡萄园面积正在出现缩小。此外, 一些葡萄酒企业已经停止运营, 或者决定改变商业模式, 许多企业选择更多地关注高端化、多元化市场, 或者转向澳大利亚国内市场的销售。

除此之外, 在征税之前, 澳大利亚有 2382 家出口商向中国出口葡萄酒。这些出口商中有许多不是葡萄和葡萄酒生产商, 而是专注于向中国出口澳大利亚葡萄酒的企业。目前, 这一数字降到 115, 其中绝大多数是葡萄酒生产商。出口商数量的减少, 加上相关行业特征的变化, 降低了澳大利亚大规模出口的能力。

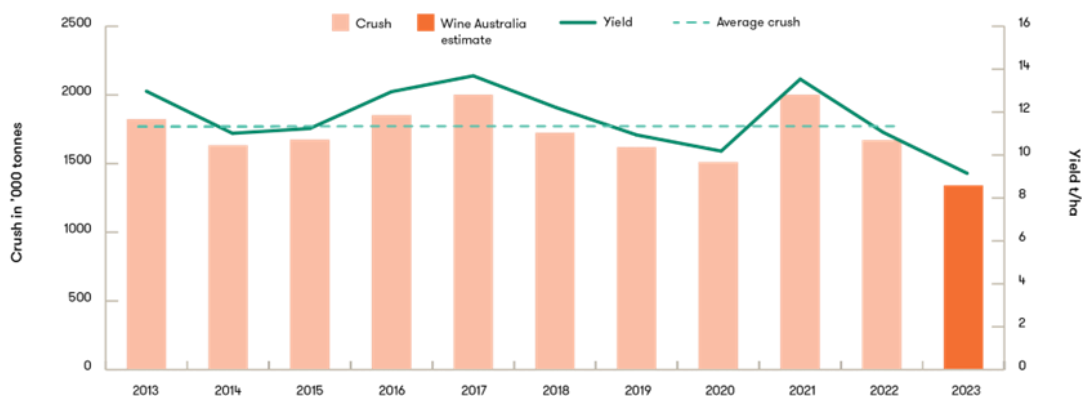
6. 背景

澳大利亚葡萄酒行业为澳大利亚经济贡献了 455 亿澳元; 这包括与葡萄园葡萄种植和葡萄酒生产相关的经济活动, 并延伸到与葡萄酒相关的旅游业等经济活动。澳大利亚葡萄酒行业的这三个组成部分也与澳大利亚经济的其他部门有着密切的联系, 特别是那些提供葡萄种植、葡萄酒酿造、葡萄酒旅游体验所需商品服务的企业, 以及员工所需的商品服务。因此, 澳大利亚葡萄酒行业对澳大利亚经济的贡献不仅是其直接影响。

澳大利亚各州都在种植酿酒葡萄, 其中南澳州、新南威尔士州、维多利亚州是最大的酿酒葡萄产地。在 65 个葡萄酒产区的葡萄园有 146,244 公顷。

根据澳大利亚葡萄酒管理局(Wine Australia)七月份所发布的《2023 年全国葡萄酒报告》(National Vintage Report 2023), 2023 年澳大利亚酿酒葡萄产量估计为 132 万吨, 比 2022 年下降 24%, 为 2000 年以来的最低水平。与 10 年平均水平相比, 减少的压榨量(46.6 万吨)相当于约 3.25 亿升葡萄酒。

图 2 : 2013-2023 年澳大利亚酿酒葡萄压榨量和产量



来源：澳大利亚葡萄酒管理局

7. 结论

澳大利亚葡萄和葡萄酒协会陈述了自征税以来，中国葡萄酒市场发生的变化；中国葡萄酒市场有所减小，更专注于高端市场；与全球消费者趋势一致。在征税后的同一时期，澳大利亚葡萄酒行业也在发生变化。在这些不断变化的全球趋势推动下，澳大利亚葡萄酒行业正从普通商业领域向优质增长领域转移，从而实现合理化目标。澳大利亚葡萄酒处于合适定位，在战略上着眼于服务贸易伙伴和消费者提供消费升级的机会(就像在征税之前一样)。

澳大利亚葡萄和葡萄酒协会认为，与中国国内葡萄酒行业、餐饮零售行业以及其他价值链合作伙伴合作，在中国发展葡萄酒品类能提供很好的机会。同时，我们愿意探索在其他领域开展合作的机会，包括葡萄酒行业专业人士的进修交流、气候变化、可持续性以及研究创新等。这项工作可以通过双边合作方式进行，或者通过参与国际论坛，如 OIV 和 APEC。

2023 年 5 月，中国农业农村部邀请澳大利亚葡萄酒管理局率领澳大利亚葡萄和葡萄酒代表团参加宁夏国际葡萄和葡萄酒产业大会。澳大利亚代表团成员包括来自澳大利亚政府、澳大利亚葡萄和葡萄酒协会、主要企业的商业代表等。

这种业界对业界的接触能找到在科学外交、技术教育交流、研究合作等领域的机会，从而：

- 加强中澳葡萄酒行业之间的关系，以便加强外交关系；
- 促进葡萄栽培和酿酒实践方面的研究合作，特别关注气候适应和可持续性；和
- 促进主要教育机构之间的关系，包括学生交流和其他能力建设合作等。

访问结束后，中国农业农村部致函代表团，对澳大利亚的合作和大力支持表示衷心感谢，并表示希望继续保持密切友好的沟通，通过推进以成果为导向的农业合作，包括在葡萄和葡萄酒领域的合作，改善两国人民的福祉。

这种交流对澳中两国的生产商是互惠互利的，并能支持价值链上的就业机会。取消征税将使澳大利亚企业和行业机构，如澳大利亚葡萄和葡萄酒协会和澳大利亚葡萄酒管理局，通过支持中国葡萄酒整个领域

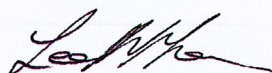
的增长, 有助于共同应对中国葡萄酒市场的挑战。这不仅有利于澳大利亚出口商, 也有利于中国葡萄种植者和酿酒商、供应链、物流合作伙伴以及餐馆经营者, 为中国人民的就业和繁荣提供支持。

8. 联系人

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Application to the Chinese Ministry of Commerce for review of Anti-Dumping and Countervailing duty measures on Wine from Australia

1. Introduction

On 26 March 2021, the Ministry of Commerce (MOFCOM) published notices No. 6 of 2021 and No. 7 of 2021 announcing final rulings in the anti-dumping and countervailing duty investigations on bottled wine from Australia.

In accordance with Chinese laws and regulations, Australian Grape and Wine Incorporated (Australian Grape & Wine) requests MOFCOM conducts a review to examine the necessity of continuing the duties. Australian Grape & Wine submits it is not necessary for the duties to be continued, and requests that they are revoked as the duties are not in the public interest.

2. Applicant: Australian Grape and Wine Incorporated

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Botanic Road
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About Australian Grape and Wine Incorporated

Australian Grape & Wine is Australia's national association of winegrape and wine producers. We provide leadership, strategy, advocacy and support that serves Australian grape and wine businesses now and into the future. Australian Grape & Wine is recognised under the *Wine Australia Act 2013* as the prescribed representative body for grape growers and winemakers across Australia.

As the peak national grape and wine industry body, Australian Grape & Wine leads and represents the interests Australia's 6,000 winegrape growers and 2,500 winemakers by:

- promoting united positions on policy in support of industry;
- developing and implementing strategy to support the industry;
- engaging in trade and market access activities; and
- strongly advocating policy positions for the long-term sustainability of the industry.

We work closely with stakeholders within Australia, but also with partners across the world, including equivalent industry bodies in other wine producing nations.

Australian Grape & Wine is incorporated under the SA Associations Incorporation Act 1985. Our [Constitution](#) is derived from that Act.

3. Case details

Anti-dumping investigation

Following receipt of an application from the China Alcoholic Drinks Association (CADA) on 6 July 2020, MOFCOM initiated an investigation on 18 August 2020. MOFCOM issued a disclosure of basic facts on 27 November 2020 and announced the final ruling of the investigation on 26 March 2021. The announcement was made in Notice No. 6 of 2021.

Pursuant to Notice No.6 of 2021, anti-dumping duties were imposed on 28 March 2021 for a period of 5 years as follows:

Sampled companies:

Treasury Wine Estates Vintners Limited	175.6%
Casella Wines Pty. Limited	170.9%
Australia Swann Vintage Pty Ltd	116.2%
Other cooperative companies in the investigation	167.1%
All others	218.4%

Countervailing duty investigation

Following receipt of an application from CADA on 6 July 2020, MOFCOM initiated an investigation on 31 August 2020. MOFCOM issued a disclosure of basic facts on 10 December 2020 and announced the final ruling of the investigation on 26 March 2021. The announcement was made in Notice No. 7 of 2021.

As set out in Attachment 1 of the final ruling, the following ad valorem subsidy rates were calculated:

Sampled companies:

Treasury Wine Estates Vintners Limited	6.3%
Casella Wines Pty. Limited	6.3%
Australia Swann Vintage Pty Ltd	6.3%
Pernod Ricard Winemakers Pty Ltd	6.4%
Other cooperative companies in the investigation	6.3%
All others	6.4%

Countervailing duties were not imposed. As set out in notice No. 7 of 2021, "to avoid double remedies, the Ministry of Commerce has decided not to impose countervailing duties on relevant imported wines originating in Australia, as agreed by the Customs Tariff Commission of the State Council."

Scope of investigation

The product under investigation, as set out in the original investigation, is set out as follows:

Imported wines originating in Australia in containers holding 2 litres or less.

Name of the product under investigation: Wines in containers holding 2 litres or less, hereinafter referred to as "relevant wines".

English name: Wines in containers holding 2 litres or less

Product description: wines in containers holding 2 litres or less that are made from full or partial fermentation, with fresh grapes or grape juice as raw material.

Main use: Mainly used for consumption as an alcoholic beverage.

This product is listed under tariff numbers 22042100 in the Customs Import and Export Tariff of the People's Republic of China.

As the import duties only applied to still wines in containers holding 2 litres or less, bulk wine, fortified wines and sparkling wines were excluded from the import duties regime.

4. Legal basis for request

Article 49 of the Anti-dumping Regulations and Article 48 of the Countervailing Regulation provide that:

After an anti-dumping duty/countervailing duty has taken effect, the Ministry of Commerce may decide on justifiable grounds to review the need for the continued imposition of the anti-dumping duty; such a review may also be conducted, provided that a reasonable period of time has elapsed, upon request by the interested parties and on the basis of examination of the relevant evidence submitted by the interested parties.

Article 37 of the Anti-dumping Regulations and Article 38 of the Countervailing Regulation provide that:

If a final determination establishes the existence of dumping and injury caused by dumping to a domestic industry, an anti-dumping duty may be imposed. Imposition and collection of anti-dumping duties shall be in the public interest.

Australian Grape & Wine submits that, as set out in section 2 above and consistent with the original investigation, it is an interested party in these proceedings. Australian Grape & Wine actively participated in the original investigation, including for example, comments following initiation of the investigation and publication of the disclosure of essential facts.

The evidence set out in section 5 below is "relevant evidence" within the meaning of Article 49 of the Anti-Dumping Regulations and Article 48 of the Countervailing Regulation. As such, Australian Grape & Wine submits there are "justifiable grounds" to conduct a review into the necessity for continued imposition of the anti-dumping and countervailing duties.

Australian Grape & Wine submits that the continued imposition of the duties is not in the public interest, and therefore should be revoked.

5. Reason for request

Australian Grape & Wine submits that the import duties are not necessary on the grounds that there have been significant changes since the import duties were implemented in 2021. An analysis of current market conditions, and other factors for MOFCOM's consideration, are presented below.

Changes in China's wine market

The overall market demand for wine in China is evolving, with consumers tending to drink less by volume, but seeking greater quality and value in their purchases. This trend is relatively consistent with global trends towards health and wellness among consumers. While the nature of the decline in China's wine market is set out in greater detail below, it is important to note that there is evidence of demand for premium wines with Chinese consumers. Australia had previously supplied this market segment and it is in the public interest for Australia to once again offer these types of wines to Chinese consumers. This would provide greater choice, quality, and value in the range of wines available to Chinese consumers.

As has been explained in a recent study by Professor Kym Anderson¹ of the University of Adelaide, China has experienced a decline in the overall wine market – something that was exacerbated by COVID-19, associated lock-down periods, and global economic headwinds.

This means various exporter nations have experienced a decrease in exports to China. According to the Trade Data Monitor, in the 12 months to August 2023, the total volume of wine imported by China declined in volume by 27 per cent year-on-year to 270 million litres and value by 17 per cent year-on-year to US\$1.3 billion. China's top four import sources - China are France, Chile, Italy and Spain - all recorded significant declines in imports to:

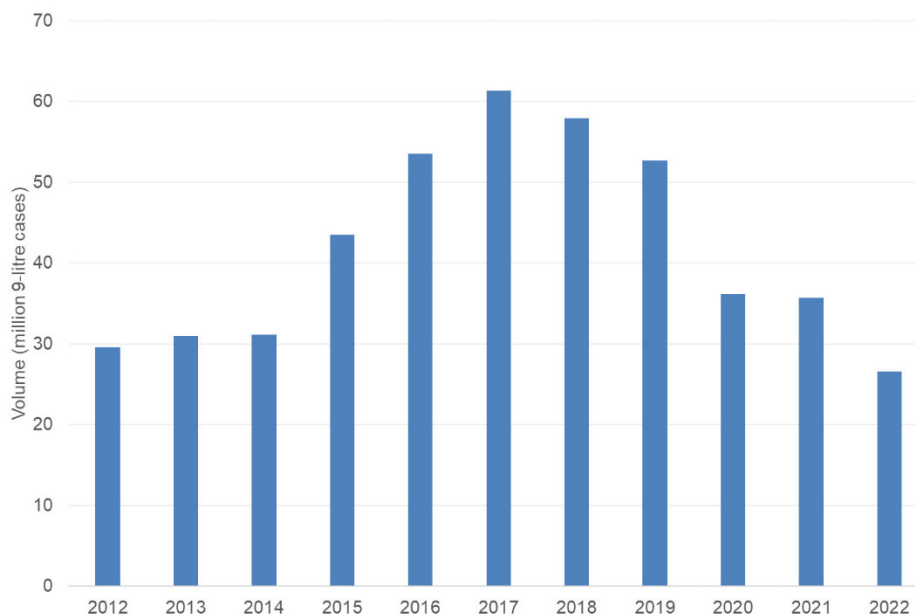
- France – down 12 per cent to US\$616 million
- Chile – down 30 per cent to US\$249 million
- Italy – down 14 per cent to US\$124 million
- Spain – down 35 per cent to US\$78 million

However, the value of imports from some countries did increase over this period. This included the United States of America (up 9 per cent to US\$52 million) and New Zealand (up 24 per cent to US\$33 million). Australia now ranks 10th in the volume and value of imports in China.

The chart below (Figure 1) shows that Chinese wine imports peaked at just over 61.3 million cases in 2017 and has since fallen to 26.6 million cases – less than the half the size in 2017, and lower than the volume of imported wine in 2012.

¹ Anderson, Kym, "What's happened to the wine market in China?", *Journal of Wine Economics*, 2023
[S1931436123000160jxx 1..11 \(cambridge.org\)](https://doi.org/10.1017/S1931436123000160jxx.1..11)

Figure 1: Imported Still Wine Sales in China over time.



Source: IWSR

Such market decline is not inconsistent with decreases in sales seen in other major markets around the world. Global wine consumption is in decline, with volume consumer falling by 3 per cent in 2022 according to market research firm IWSR.

However, while volumes may be lower than in previous years, there is still strong demand for premium wines by Chinese consumers. Australia is well placed to supply Chinese consumers with greater choice in premium wines.

This trend towards premiumisation is consistent with other parts of the world. Premium wine segments (US\$10 or more per bottle) grew in 2022, while the commercial end (less than US\$10 per bottle) of the global market declined – indicating that consumers are drinking less but choosing to purchase at higher price points, although at slightly lower growth rates than recent years. IWSR reports that consumers are cutting back on alcohol spending as prices rise for food and other necessities. Moderation trends are no longer solely driven by health considerations, but also as a money saving strategy – with consumers choosing to drink less volume, rather than lower priced wine. Ciatti, a bulk wine brokerage, has also reported slowness in wine purchases, both by consumers and bulk wine buyers, even with reduced shipping challenges and freight costs compared to 2021 and 2022.

These trends are evident in Australia's top markets of the UK and US, where volume consumed in both the commercial and premium ends of the market declined in 2022, with commercial wine experiencing a steeper decline.

However, in the case of China it is perhaps more difficult to isolate and analyse the organic decline of the market – such as health and wellness concerns or economic challenges – as compared to the anomaly drivers of decline such as Covid-19 reasons, or the impact of import duties on Australian wine.

Chinese consumer demand for Australian wine

Prior to the introduction of the import duties, China was Australia's largest export market. Imports peaked, in the twelve months to October 2020, at 121 million litres of wine imported to China, valued at AUD \$1.3 billion.² According to IWSR data, Australia was China's top import source accounting for 27 per cent of the volume and 33 per cent of the value of imported wine in 2020.

Since the introduction of the import tariffs on bottled Australian wine, Australian wine imports to China have fallen dramatically, to just \$8.1 million and 1 million litres in the 12 months to June 2023. The number of Australian exporters to China has also fallen from a peak of 2,382 to 115. According to IWSR, Australia's market share of the wine market has fallen to 3 per cent by value and 2 per cent by volume in 2022.

Prior to the implementation of the import duties, Australian winemakers were catering to Chinese consumers' desire for high-quality wines. We would fully expect this trend towards premiumisation to continue, and possibly accelerate. Before import duties were imposed, Australia was supplying Chinese consumers with a variety of high-quality wines, with Shiraz and Cabernet Sauvignon varieties proving particularly popular. These grape varieties and Australia's winemaking style, along with our reputation for quality, food safety, assurances of provenance and value, are well suited to Chinese consumers' desires when they are making purchasing decisions.

Research from Wine Intelligence shows that wine consumers in China still have a very high regard for Australian wine, despite Australian wine being largely absent from the market for the past three years. For example, in 2022, 88 per cent of imported wine drinkers in China said they would be happy to recommend wines from Australia or proud to serve wines from Australia. Furthermore, wine consumers in China rate the quality of Australian wine very highly, scoring it 8.49 out of 10. This reflects Australia's focus on the premium end of the Chinese market.

The majority of imports from Australia during this period before import duties were imposed were bottled wines, which contributed 96 per cent of the value and 84 per cent of the volume of Australian wine exports to China in the 12 months to October 2020.

China has traditionally been a premium bottled wine market for Australia, with 85 per cent of Australia's export value to China priced at AUD\$5 or more per litre (FOB). Indeed, Australia's position in the market in 2020 was also heavily focussed on premium wine sales. According to IWSR, in 2020, Australian wine sales averaged US\$19 per bottle, compared with all other imported wine at US\$14 per bottle. In 2022, Australian wine sales averaged US\$24 per bottle compared with US\$15 per bottle for all other imported wine.

Australian wine imports are selling at higher price points than competitor nations, and also competing at a different price point to Chinese produced wines, notwithstanding the various examples of high-quality and high-value wines made in Chinese regions.

Changes in Australia's domestic grape and wine sector

Since the imposition of duties, the profile of the Australian domestic market has changed significantly. These changes in Australia's domestic market support Australian Grape & Wine's submission that the duties are not necessary and should be revoked.

Firstly, as noted above, Chinese consumers tend to demand high-quality and higher-value wines from Australia. Australian businesses have sought out new markets for their wines, with mixed success. While some have found it

² Wine Australia, 2023

difficult to find alternative markets following the imposition of the duties, those in the luxury and premium segments of the industry have had more success in diverting product to other countries.

Secondly, data suggests there has been a contraction in the commercial (lower priced) wine segment in China, in line with many other parts of the world. While commercial wine remains an important part of Australia's export mix, it is well documented that Chinese consumers are trending away from commercial wines in favour of higher-value wines. This is consistent with the situation experienced in other parts of the world.

Thirdly, Australia's grape and wine sector is experiencing a period of retrenchment and restructuring. While data is largely anecdotal at this point, it is widely understood that the industry is going through a process of reducing its vineyard area across some parts of the country. In addition, some wine businesses have either ceased operations or made the decision to change their business models, with many choosing to focus more on premiumisation, diversifying market opportunities, or pivoting to sales in the Australian domestic market.

In addition to this, prior to import duties being introduced, there were 2,382 Australian exporters shipping wine to China. Many of these exporters were not grape and wine producers, but businesses focused solely on exporting Australian wine to China. Today, that figure sits at 115, the vast majority of whom are wine producers. This reduction in the number of exporters, and the changes in the characteristics of the businesses concerned, has reduced Australia's ability to export in large volumes.

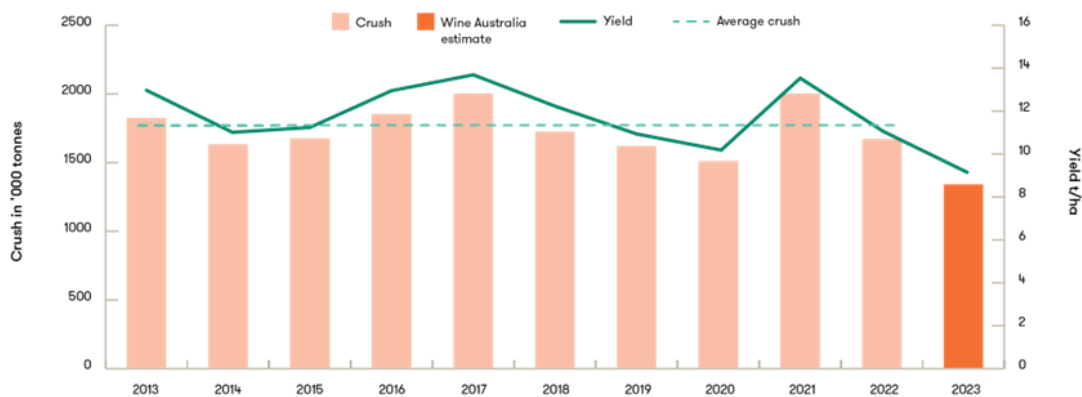
6. Background

The Australian wine sector contributes \$45.5 billion to the Australian economy. This includes the economic activity associated with grape growing in vineyards and wine production, and extends to the economic activity from wine related tourism. These three components of the Australian wine sector also have strong linkages to other sectors of the Australian economy, in particular the businesses that supply the goods and services required for grape growing, wine making and the wine tourism experience, as well as the goods and services demanded by employees. Consequently, the contribution of the Australian wine sector to the Australian economy is greater than just its direct effects.

Wine grapes are grown in every Australian state with South Australia, NSW and Victoria being the largest wine grape producers. There are 146,244 hectares under vine across 65 winegrowing regions.

According to the National Vintage Report 2023 released by Wine Australia in July, the 2023 Australian winegrape vintage is estimated to be 1.32 million tonnes, down 24 per cent on the 2022 crush and the lowest recorded since 2000. Compared with the 10-year average, the reduction in the crush (466,000 tonnes) is equivalent to approximately 325 million litres of wine.

Figure 2: Australian winegrape crush and yield 2013–2023



Source: Wine Australia

7. Conclusion

Australian Grape & Wine has set out how the Chinese wine market has changed since the imposition of import duties. It is smaller and more focussed on the premium end. This is consistent with global consumer trends. In this same period since the imposition of import duties, the Australian wine industry has also changed. It is rationalising with a shift away from commercial towards premium growth areas driven by these changing global trends. Australian wine is well placed and strategically oriented to service that premium opportunity for the benefit of trade and consumers (as it was before the imposition of import duties).

Australian Grape & Wine believes there is a strong opportunity to work with China's domestic wine sector, the restaurant and retail trade, and other value-chain partners, to grow the wine category in China. We would also note our willingness to explore opportunities to collaborate in other areas, including the development and exchange of wine industry professionals, climate change and sustainability, and research and innovation. This work could happen on a bilateral basis, or through engagement in international forums such as the OIV and APEC.

In May 2023 China's Ministry for Agricultural and Rural Affairs (MARA) extended an invitation to Wine Australia to lead a delegation of Australian grape and wine representatives to attend the International Conference on Grape and Wine Industries in Ningxia. The Australian delegation included representatives from the Australian Government, Australian Grape & Wine as the peak industry body, and key business representatives.

This industry-to-industry engagement identified opportunities to engage in scientific diplomacy, technical and educational exchange, and research cooperation with a view to:

- strengthen the relationship between the Chinese and the Australian wine industries, thus strengthening diplomatic ties;
- promote collaboration in research in viticulture and oenological practices, with a particular focus on climate adaptation and sustainability; and
- foster relationships between key educational institutions, including student exchanges and other capacity building collaboration.

Following the visit, MARA sent correspondence to the delegation with warm appreciation of Australia's cooperation and strong support, noting the desire to continue the close and amicable communication, and improve the wellbeing of the two peoples by advancing results-oriented cooperation in agriculture, including the grape and wine sectors.

This would be mutually beneficial for Australian and Chinese producers and support jobs along the value-chain. Revoking the duties would enable Australian businesses and industry bodies such as Australian Grape & Wine and Wine Australia to assist in halting the decline in the Chinese wine market by supporting growth in the overall wine category in China. This would benefit not only Australian exporters, but also Chinese grape growers and winemakers, supply-chain and logistics partners, and restaurateurs, supporting employment and prosperity for Chinese people.

8. Contact

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A handwritten signature in black ink, appearing to read "Lee McLean".A handwritten signature in blue ink, appearing to be a stylized name.