**Government Questionnaire —**

**Republic of India**

**Case numbers:** 521

**Product:** Zinc Coated (Galvanised) Steel

**From:** The Republic of India

**Review period:** 1 July 2018 to 30 June 2019 (the period)1-November-99

**Response due by:** 30 September 2019

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# Section A: Background and General Instructions

## Background

On 23 August 2019, following applications by BlueScope Steel Limited, the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated two reviews of measures:

* a review of measures applied to zinc coated (galvanised) steel exported to Australia from the People’s Republic of China (China), the Republic of Korea (Korea), the Republic of India (India), Malaysia, Taiwan and the Socialist Republic of Vietnam (Review 521); and
* a review of measures applied to aluminium zinc coated steel exported to Australia from the People’s Republic of China (China) (Review 522).

As India is not within the scope of Review 522, this questionnaire focuses only on matters relating to Review 521.

Anti-Dumping Notice (ADN) No. 2019/100 outlining the details of the inquiry and the procedures to be followed was published on 23 August 2019 on the Anti-Dumping Commission’s (the Commission) website at [www.industry.gov.au](http://www.industry.gov.au).

The following table summarises the existing measures with respect to Indian exporters.

|  |  |  |  |
| --- | --- | --- | --- |
| **Exporter** | **Measure** | **Form of measures** | **Effective rate of duty** |
| JSW Steel Limited | IDD & ICD | Combination | 10.0% |
| JSW Steel Coated Products Limited | IDD & ICD | Combination | 10.0% |
| Essar Steel India Limited | IDD & ICD | Combination | 7.6% |
| All other exporters | IDD & ICD | Combination | 14.3% |

Further details on the goods and existing measures is available on the Dumping Commodity Register at [www.industry.gov.au](http://www.industry.gov.au).

## Products concerned

|  |
| --- |
| **Full description of the goods the subject of the application** |
| In relation to China, Korea and Taiwan, the goods description is: Flat rolled products of iron and non-alloy steel of a width less than 600mm and, equal to or greater than 600mm, plated or coated with zinc and Flat rolled iron or steel products containing alloys of a width less than 600mm and, equal to or greater than 600mm, plated or coated with zinc exported from: China by Angang Steel Co., Ltd or Benxi Iron and Steel (Group) International Economic & Trading Co.; orTaiwan by Yieh Phui Enterprise Co., Ltd and In relation to India, Malaysia and Vietnam, the goods description is: Flat rolled iron and steel products (whether or not containing alloys) that are plated or coated with zinc exported to Australia from India, Malaysia and Vietnam. Galvanised steel of any width is included. |
| **Further information** |
| The amount of zinc coating on the steel is described as its coating mass and is nominated in grams per meter squared (g/m2) with the prefix being Z (Zinc) or ZF (Zinc converted to a Zinc/Iron alloy coating). Common coating masses used for zinc coating are: Z350, Z275, Z200, Z100, and for zinc/iron alloy coating are: ZF100, ZF80 and ZF30 or equivalents based on international standards and naming conventions. The Commission understands from previous inquiries that trade and other names often used to describe galvanised steel include:* “GALVABOND®” steel;
* “ZINCFORM®” steel;
* “GALVASPAN®” steel;
* “ZINCHITEN®” steel;
* “ZINCANNEAL”steel;
* “ZINCSEAL”steel;
* Galv;
* GI;
* Hot Dip Zinc coated steel;
* Hot Dip Zinc/iron alloy coated steel; and
* Galvanneal.

The goods description includes galvanised steel whether or not including any (combination of) surface treatment, for instance; whether passivated or not passivated, (often referred to as chromated or unchromated), oiled or not oiled, skin passed or not skin passed, phosphated or not phosphated (for zinc iron alloy coated steel only).Painted galvanised steel, pre-painted galvanised steel, electro-galvanised plate steel and corrugated galvanised steel are not subject to the measures. |
| **Tariff classification**  |
| The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the *Customs Tariff Act 1995:** 7210.49.00: statistical codes 55, 56, 57 and 58;
* 7212.30.00: statistical code 61;
* 7225.92.00\*: statistical code 38\*;
* 7226.99.00\*: statistical code 71\*.

\*These tariff subheadings only apply: (1) All exporters from India, Malaysia and Vietnam, (2) Angang Steel Co. Ltd (China); (3) Benxi Iron and Steel (Group) International Economic and Trading Co. (China); and (4) Yieh Phui Enterprise Co. Ltd (Taiwan). |

**Table 1: Goods description and tariff classifications of zinc coated galvanised steel**

## Review period

The existence and amount of any dumping or countervailing subsidy in relation to the goods exported to Australia from India will be determined on the basis of the period of **1 July 2018 to 30 June 2019** (the review period).

## Purpose of this questionnaire

The purpose of this questionnaire is to assist the Commission to obtain information from the Government of the Republic of India (GOI) it considers necessary for the review into dumping and countervailable subsidies received by exporters of the goods from India.

Please note that the subsidy/countervailing sections of this questionnaire focus on the programs alleged in the application. The Commission may also investigate any additional subsidy program(s) if additional information becomes available.

Any additional questions will be posed to the GOI using supplementary questionnaires.

Separate questionnaires have been sent to identified exporters of the goods from India. These exporter questionnaires also request information on subsidies.

## Response to this questionnaire

The GOI may elect not to respond to and complete the questionnaire.

However, if the GOI does not respond the Commission may be required to rely on information supplied by other parties (possibly information supplied by the Australian industry).

Therefore, it may be in the GOI interests, and the interest of Indian exporters of zinc coated (galvanised) steel, to provide a complete response.

If the GOI elects to respond to this questionnaire, the response is due by
**30 September 2019.**

## If you decide to respond

Should the GOI elect to provide a response to this questionnaire, please note the following.

### Confidential and non-confidential versions

If the GOI elects to respond to this questionnaire, you are required to lodge a confidential and a non-confidential version of your submission by the due date.

In submitting these versions, please ensure that each page of the information you provide is clearly marked either “**IN-CONFIDENCE**” or “**NON-CONFIDENTIAL**” in the header and footer.

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the Public Record, which all interested parties can access.

Your non-confidential submission must contain sufficient detail to allow a reasonable understanding of the substance of the confidential version. If, for some reason, you cannot produce a non-confidential summary, contact the investigation case officer (see contact details on Page 1 of this questionnaire).

### Declaration

You are required to make a declaration that the information contained in the GOI’s response is complete and correct. You must return the signed declaration of an authorised GOI official at Section D of this questionnaire with the GOI’s response.

### Coordination of responses

In completing the questionnaire, if a question requires information from other authorities (e.g. provincial or local governments, state owned entities, etc.) please forward the questions to the correct source.

However, it is the responsibility of the GOI to ensure that a full and complete response to all sections of the questionnaire is submitted, and that responses from all levels of governments, agencies and/or other applicable entities are collated and coordinated in the one response.

### Consultants/parties acting on your behalf

If you intend to have another party acting on your behalf please advise the Commission of the relevant details.

The Commission will generally require a written authorisation from the GOI for any party acting on its behalf.

### Provision of documents

Numerous documents are requested from the GOI throughout this questionnaire. In many cases, the titles or description of these documents within the questionnaire may not correlate to the official title that the GOI has granted each document, but is rather a descriptor of the document to the best of the Commission’s knowledge.

If the listed title is unknown to the GOI but a document that appears to be similar to the requested document, relates to a similar topic area, or otherwise would be considered to contain useful information is identified by the GOI, please provide this document.

Further, when providing requested documents, please indicate whether the documents:

* are current/in force;
* were current/in force during the investigation period; or
* have been repealed, revised or superseded.

Where the documents have been repealed, revised or superseded, where applicable:

* indicate when this revision occurred;
* provide any notice of repeal;
* provide the revised version;
* provide the document that supersedes the requested document; and
* indicate whether the revised version was in force during the investigation period.

### Lodgement

You may lodge your response by mailing it to the address for lodgement shown on the front cover of this questionnaire.

Alternatively, you are welcome to lodge your response by email. The email address for lodgement is shown on the front cover of this questionnaire. If you lodge by email you are still required to provide a confidential and a non-confidential version of your submission by the due date.

In completing any lists of names and addresses requested throughout this questionnaire, electronic responses in a Microsoft Excel spreadsheet would be preferred. If lodging your response in hard copy, please include these lists in electronic format.

### General matters

Responses to questions should:

* be as accurate and complete as possible, and attach all relevant supporting documents,[[1]](#footnote-2) even where not specifically requested in this questionnaire;
* be in English (with fully translated versions of all requested and other applicable documents submitted);
* list your source(s) of information for each question;
* identify all units of measurement used in any tables, lists and calculations;
* show any amounts in the currency in which they were originally denominated.

Please note that references throughout this questionnaire to companies benefiting from a particular program should be read as including any parent and associated companies, and, if the company has been subject to merger or acquisition, any former associated companies or former parent companies.

Please note that answers such as "Not Applicable", or an answer that only refers to an exhibit or an attachment without any explanation, may be considered to be inadequate by the Commission. We therefore suggest that in answering the questions you outline the key elements of your response in the primary submission document, and not merely refer to supporting documents the relevance and reliability of which has not been explained in your answer.

### Clarification

If you have any difficulties in completing the questionnaire, or require clarification on any questions asked, contact the case manager as soon as possible (contact details are provided on the cover page of this questionnaire).

## Future questions and verification

The Commission may decide to visit the GOI to examine records and to verify the information provided. It is common practice for Commission officers to visit Government officials, exporters and manufacturers of the subject goods, in order to verify the information submitted. You will be contacted in advance of such a meeting in order to make arrangements.

A complete response, including all of the documentation requested, must be submitted to the Commission before a verification meeting will be considered.

If a verification visit is undertaken, the key Government officials involved in preparing the response and those who have knowledge of the source documentation and the information contained therein should be available to meet with Commission officers and to provide additional clarification and explanation, as required.

If verification meetings are unreasonably delayed, cancelled, or otherwise hindered by the GOI, the assessment of a particular market situation and the assessment as to the amount of countervailable subsidy may be based on the facts available to the Commission.

The verification meeting would verify the information provided in your questionnaire response. It is not intended to be a second opportunity for the GOI to provide new or additional information. Accordingly, it is important that your response be as complete and accurate as possible.

# Section B: General Questions

#### Identify the administration co-ordinating the response to this questionnaire and provide the names and contact details of the official(s) (including email addresses). Please note that the Commission may have further inquiries concerning the questionnaire response and a contact must be available to respond to any further information requests.

#### Describe the nature and structure of the zinc coated (galvanised) steel industry and market sector in India.

Without limiting your response, include information concerning:

1. the size and output (value and quantity) of these industries for the period of 1 July 2018 to 30 June 2019, indicating:
2. Details regarding the following:
	1. domestic production by type of enterprise (e.g. state-invested, foreign invested, domestic private);
	2. total imports (including source of imports);
	3. total exports;
	4. the identity of key domestic manufacturers;
	5. growth indications;
	6. the extent of vertical integration in the industries;
	7. the extent of the reliance on imported stainless steel coil and steel making raw materials (including upstream raw materials such as iron ore and coking coal); and
	8. government involvement at each level of the industry including the extent of any restrictions, quotas or limits on the production volumes of these industries.

#### Provide a list of all Indian zinc coated (galvanised) steel producers and/or exporters that have produced and/or exported zinc coated (galvanised) steel destined for Australia during the inquiry period. If possible, please provide this listing in Microsoft Excel format.

This listing will be referred to as ‘your response to Question B-3’ throughout this questionnaire.

Within this list, indicate the following:

* the business’ address (including the city/town and province);
* whether the business is a producer, producer/exporter or trader of zinc coated (galvanised) steel; and
* the ownership structure of the business, including indirect ownership through associated companies (i.e. SIE, private, co-operative, FIE or joint venture); and if the business is not an SIE, whether it is otherwise associated with the GOI.

For all companies that are SIEs, indicate the percentage ownership held by the GOI during the inquiry period.

For all companies that are otherwise associated with the GOI, explain this association as it was during the inquiry period.

#### Provide a list of all manufacturers/producers of Hot Rolled Coil (HRC) in India that produced HRC during the inquiry period. If possible, please provide this listing in Microsoft Excel format

 This listing will be referred to as ‘your response to Question B4’ throughout this questionnaire.

 Within this list, indicate the following:

* the business’ address (including the city/town and province);
* the ownership structure of the business, including indirect ownership through associated companies .

For all companies that are otherwise associated with the GOI, explain this association as it was during the inquiry period.

#### Are any of the companies listed in **Appendix A** (see end of document) located in an area or economic zone which entitles them to preferential tax or other preferential policies provided by the GOI including those provided by regional, provincial or municipal authorities?

If so provide the following information:

* a listing of the names of all such zones, areas, or other regions in India;
* an explanation of each such type of zone, area or other region in India; and
* a listing and explanation of what location in each zone makes businesses eligible for (including any GOI assistance or differential treatment).

#### Are any of the entities listed in Appendix A located in an area, zone or other region listed in your response to B-4 above? If so identify which entities and which particular zone or area the entity is located in.

#### Provide the names and addresses of all national, provincial and regional producer organisations that represent the interests of zinc coated (galvanised) steel manufacturers and traders in India.

#### Provide total volume and value of the following (sourced from official government statistics) for the period **1 July 2018 to 30 June 2019**, in domestic currency and Australian dollars.

Indicate the source of the information

1. exports of zinc coated (galvanised) steel to Australia, in total;
2. exports of zinc coated (galvanised) steel to Australia, by company;
3. all exports of HRC; and
4. all imports of HRC.

For export and import values, specify if the value is based on ex-factory, F.O.B. (port, shipping point, etc.), C.I.F. or some other value.

#### Specify and provide supporting documentation for the standard corporate tax rate during the investigation period for:

1. companies that manufacture zinc coated (galvanised) steel;
2. companies that trade in zinc coated (galvanised) steel;
3. companies that manufacture steel;
4. companies that trade in steel.

#### Specify and provide supporting documentation for the corporate tax rates applicable in all provincial or local jurisdictions in India for those types of companies listed in (a) to (d) of Question B-8 above.

# Section C: Subsidies

## Introduction

In Review of Measures No. 370, the Commission identified the following nine subsidy programs listed in the table below as being countervailable. As a result, the following subsidy programs are being investigated during this inquiry.

|  |  |  |
| --- | --- | --- |
| **No.[[2]](#footnote-3)** | **Program name** | **Type** |
| 1 | Export Promotion Capital Goods Scheme | Tariff Policy |
| 2 | Duty Exemption/Remission Schemes – Advance Authorization Scheme | Tariff Policy |
| 3 | Duty Exemption/Remission Schemes – Duty Entitlement Passbook Scheme | Tariff Policy |
| 4 | Duty Exemption/Remission Schemes – Duty Drawback Scheme | Tariff Policy |
| 5 | 80-IA Income Tax Deduction Program | Tax |
| 6 | SGOM – Exemption from Electricity Duty | Electricity |
| 7 | SGOM – Special Incentives of the SGOM for Mega Projects | Grant |
| 8 | Sales Tax Deferral Program | Tax |
| 9 | Electricity Duty Exemption | Electricity |
| 10 | Interest free loan | Loan |

**Table C-1 Zinc coated (galvanised) steel subsidy programs**

*Note: the above titles of programs are to the best of the Commission’s knowledge and in some cases may simply be descriptions of the program. Consequently, the below titles may not exactly reflect any official titles that the GOI has in place*.

## Any other programs not previously addressed

Please identify any programs where the GOI, any of its agencies, or any other authorised non-Governmental body, provides any other assistance programs not previously addressed (including market development assistance programs or any domestic support programs related to the manufacture of subject goods) to manufacturers of zinc coated (galvanised) steel in India.

Such assistance programs are those that constitute a subsidy as defined in the Glossary of Terms.

Please provide the information requested in the following Section C-3 for each program identified above and any additional programs you have identified. In addition, please respond to the program-specific information requested.

## General questions

*For each program identified above in Table C-1, and any other additional programs that the GOI identifies, answer the following questions.*

*Note: In responding to the questions in this part you are required to provide information on each program, regardless of the year the benefit was granted by the GOI or the year that the benefit was received by the recipient company, as well as those further identified by the GOI, where the program benefits impact on the production and sale of rebar during the investigation period.*

*For the programs identified above it is only necessary to answer the questions and provide documents to the extent that there has been a change in the answer since Investigation No. 370.*

#### Provide details of the program including the following.

1. Title of the program.
2. Policy objective and/or purpose of the program.
3. Legislation under which the subsidy is granted.
4. Nature or form of the subsidy.
5. When the program was established.
6. Duration of the program.
7. How the program is administered and how it operates.
8. To whom and how the program is provided.
9. The eligibility criteria in order to receive benefits under the program.

#### Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports pertaining to the program published during or since the review period. Specify the sections that govern the program.

#### Provide copies together with translations in English of all legislative, regulatory, administrative and public documents relating to this program.

#### Identify the GOI department or agency administering the program.

#### Identify and explain the types of records maintained by the relevant Government or agency (e.g., accounting records, company-specific files, databases, budget authorisations, etc.) regarding the program.

#### Indicate whether any of the companies listed in **Appendix A** applied for, accrued, or received benefits under the program during the review period.

#### Answer the following questions regarding the application process:

1. Describe the application process (including any application fees charged by the Government agency or authority) for the program and provide a blank copy of the application form (translated, if necessary).
2. After an application is submitted, describe the procedures by which an application is analysed and eventually approved or refused.
3. If the application is approved, provide the approval documents together with any conditions or criteria subject to which the approval is made.
4. If the application is refused, provide the refusal documents together with the reasons for refusal.

#### Answer the following questions regarding eligibility for and actual use of the benefits provided under this program.

1. Is eligibility for, or actual use of this program contingent, whether solely or as one of several other conditions, upon export performance? If so, please describe.
2. Is eligibility for this program contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods? If so, please describe.
3. Is eligibility for the subsidy limited to enterprises or industries located within designated regions? If so, specify the enterprises or industries and the designated regions.
4. Is eligibility limited, by law, to any enterprise or group of enterprises, or to any industry or group of industries? If so, describe and specify the eligible enterprises or industries.

#### Respond to the following questions regarding the criteria governing the eligibility for and receipt of any benefit under this program.

1. Describe the criteria governing the size of the benefit provided.
2. Provide a copy of any law, regulation or other official document detailing these criteria.
3. If the eligibility criteria as listed in the applicable law, regulation or other official documents are met, will the applicant always receive a benefit or is final approval contingent upon the Government agency or authority that administers the program?
4. Is the amount of the benefit provided exclusively determined by established criteria found in the law, regulation or other official document or does the Government agency or authority that administers the program determine the benefit amount?
5. Provide any contractual agreements between the GOI and the companies that are receiving the benefits under the program (e.g., loan contracts, grant contracts, etc.).

#### Provide a list by industry and by region of the companies that have received benefits under this program in the year the provision of benefits was approved and in each of the years 2016, 2017 and 2018.

#### How many applicants have received financial assistance/benefit and how many applicants have been rejected in the year the financial assistance/benefit was approved and in each of the years 2016, 2017 and 2018? Provide the main reasons why applicants have been rejected.

#### Describe any anticipated changes in the program. Provide documentation substantiating your answer. If the program has been terminated, state the last date that a company could apply for or claim benefits under the program. When is the last date that a company could receive benefits under the program?

#### If assistance under the program was provided by an entity other than a national, state or local Government entity, please respond to the following questions:

1. What is the legal status of the entity e.g. is it a separately incorporated entity and/or a Government corporation, Government lending institution, commercial entity?
2. Please explain how the entity was established and whether the entity operates pursuant to statutes, decrees and/or regulations. Please explain the relevant statute, decrees and regulations under which the entity was established and operates.
3. What is the legal basis that governs the entity’s provision of assistance under the program? Please provide translated copies of the relevant legal measures.
4. Has the entity received any direct or indirect funding or support from a Government entity? Please specify if the Government provided any such direct or indirect funding for the purpose of providing assistance under this program.
5. Did the entity provide assistance under the program pursuant to specific guidelines and/or criteria under this program? Please describe those guidelines and/or criteria.
6. Please provide the ownership structure of each such entity and specify the amount of any direct or indirect Government ownership during the review period (and for each year in which the assistance was provided).
7. Please provide the translated annual report during the review period (and for each year in which the assistance was provided) for each such entity.
8. What are the core activities and functions of each entity that provided the assistance under the program?
9. Explain why the assistance under this program was provided by this entity rather than directly by the Government.

## Specific questions: Preferential tax policies

#### In addition to the general questions above, please answer the following specific questions in relation to any tax programs.

#### If any of the companies listed in Appendix A used the program to take deductions from taxable income, to receive credit towards taxes payable, to take exemptions from taxes owed, to reduce the tax rate, to defer payment of taxes, to carry forward losses from previous tax years, to use accelerated depreciation, or to benefit from other tax advantages on the tax return filed during the investigation period, please respond to the following questions.

#### Explain whether the assistance is a deduction from taxable income, a credit towards taxes payable, an exemption from taxes owed, a reduction in the tax rate, a deferral of taxes, a loss carry-forward from previous tax years, accelerated depreciation, or other tax benefit.

#### How do companies using this program calculate the tax benefit they claim? Please be specific and provide a sample calculation using a blank tax form.

#### If the company carried forward a loss from prior years and used that loss to offset taxes due on the tax return filed during the investigation period, demonstrate that this loss was not generated by use of any countervailable tax program.

#### If the program involves a deferral of taxes owed, please provide the amount and length of the deferral, and the details of any interest charged on the deferral.

#### If the tax assistance results in negative income for tax purposes, for example through accelerated depreciation, is the company able to carry forward this loss?

#### For a program that provides a reduction in the tax rate or an exemption from taxes payable, please report the tax rate that was paid under the program and the tax rate that would have applied in absence of the program.

# Section E: Declaration

The undersigned certifies that all information supplied herein in response to the questionnaire (including any data supplied in an electronic format) is complete and correct to the best of his/her knowledge and belief.

|  |  |  |
| --- | --- | --- |
| **Date** |  | **Signature of authorised official** |
|  |  |  |
|  |  | **Name of authorised official** |
|  |  |  |
|  |  | **Title of authorised official** |

# APPENDIX ALIST OF IDENTIFIED EXPORTERS OF ZINC COATED (GALVANISED) STEEL

* ESSAR STEEL LTD
* DIAMOND METAL SCREENS
* JSW STEEL LIMITED
* JSW STEEL COATED PRODUCTS LIMITED

# Appendix BGlossary of terms

This glossary is intended to provide you with a basic understanding of technical terms that appear in the questionnaire.

***Associated Persons and/or Companies***

Persons shall be deemed to be associates of each other if:

1. both being natural persons:
2. they are connected by a blood relationship or by marriage or adoption; or
3. one of them is an officer or director of a body corporate controlled, directly or indirectly, by the other;
4. both being bodies corporate:
5. both of them are controlled, directly or indirectly, by a third person (whether or not a body corporate); or
6. both of them together control, directly or indirectly, a third body corporate; or
7. the same person (whether or not a body corporate) is 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; or
8. one of them, being a body corporate, is, directly or indirectly, controlled by the other (whether or not a body corporate); or
9. one of them, being a natural person, is an employee, officer or director of the other (whether or not a body corporate); or
10. they are members of the same partnership.

***Enterprise***

“Enterprise" includes a group of enterprises, an industry and a group of industries.

***Foreign Invested Enterprise (FIE)***

An FIE may be:

1. Indian-foreign equity joint venture:

Joint venture between a Indian company, enterprise, or other business organisation and a foreign company, enterprise, business organisation or individual set up in the form of a Indian limited liability company.

The characteristics of a Indian-foreign equity joint venture are joint investment, joint operation, and the participants share profits, risks and losses in proportion to their respective contributions to the registered capital of the joint venture.

The proportion of the investment by the foreign party is no less than 25% in the registered capital of equity joint venture.

2. Indian-foreign contractual joint venture:

A joint venture established between foreign enterprises and other economic organisations or individuals, and Indian enterprises or other economic organisations within the territory of India. The rights and obligations of each party are determined in accordance with the agreement specified in the contractual joint venture contract. The investment or conditions for cooperation contributed by the Indian and foreign parties may be provided in cash or in kind, or may include the right to the use of land, industrial property rights, non‑patent technology or other property rights.

3. Wholly foreign owned enterprises:

A wholly foreign owned enterprise is established by foreign enterprises and other economic organisations or by individuals pursuant to the Indian laws within the territory of India. All of the wholly foreign owned enterprise’s capital is invested by foreign investors. It may also be referred to as a Foreign Enterprise (FE).

***Government of the Republic of India (GOI)***

For the purposes of this questionnaire, GOI refers to all levels of Government, i.e., central, provincial, regional, city, special economic zone, municipal, township, village, local, legislative, administrative or judicial, singular, collective, elected or appointed.

It also includes any person, agency, enterprise, or institution acting for, on behalf of, or under the authority of any law passed by, the Government of that country or that provincial, state or municipal or other local or regional Government.

***Program(s)***

The term “program”, as used throughout this questionnaire in reference to alleged subsidies, refers to broad categories of subsidies that the Commission has reason to believe may be available to exporters of the goods.

In this regard, the term “program” as used in this questionnaire should not be taken to necessarily refer to formal programs maintained by the GOI, nor should it be taken to refer to one specific subsidy. Rather, “program” as used in this questionnaire can refer to informal subsidies provided by the GOI, and can also refer to multiple individual, albeit similar, subsidies.

***Special Economic Zone (SEZ)***

Refers to a Special Economic Area, Economic and TechnicalDevelopment Zone, Bonded Zone, Export Processing Zone,High Technology Industrial Development Zone, or any otherdesignated area where benefits from the GOI(including central, provincial, municipal or county Government)accrue to a company because of being located in such an area.

***State Invested Enterprises (SIE), also known as a State Owned Enterprises (SOE)***

For the purposes of this questionnaire, SIE refers to any company or enterprise that is wholly or partially owned by the GOI as defined above (either through direct ownership or through association) including:

* ‘enterprises with state investment’
* ‘state-owned assets’
* ‘state-invested enterprises’
* ‘enterprises under the supervision of SASAC’

For the purposes of this questionnaire, SIE refers to any and all of the above types of enterprises.

***Subsidy***

Subsidy, in respect of goods exported to Australia, means:

1. a financial contribution:
2. by a Government of the country of export or country of origin of the goods; or
3. by a public body of that country or a public body of which that Government is a member; or
4. by a private body entrusted or directed by that Government or public body to carry out a Governmental function;

that involves:

1. a direct transfer of funds from that Government or body; or
2. the acceptance of liabilities, whether actual or potential, by that Government or body; or
3. the forgoing, or non‑collection, of revenue (other than an allowable exemption or remission) due to that Government or body; or
4. the provision by that Government or body of goods or services otherwise than in the course of providing normal infrastructure; or
5. the purchase by that Government or body of goods or services; or
6. any form of income or price support as referred to in Article XVI of the General Agreement on Tariffs and Trade 1994 that is received from such a Government or body;

if that financial contribution or income or price support confers a benefit (whether directly or indirectly) in relation to the goods exported to Australia.

1. This includes, but is not limited to, any laws, decrees, regulations, statements of policy, or other administrative guidelines. In each case, include any legislative history as well as other descriptive materials and explanations of the criteria underlying the decisions relating to each of the programmes mentioned in this questionnaire. If applicable, a sample of each of the applications that a company must complete to participate in each of the programs should also be included. [↑](#footnote-ref-2)
2. Program numbers do not correspond with program numbers in Report 370; many programs identified in Report 370 have been excluded as they were found not to be countervailing subsidies at the report’s findings. [↑](#footnote-ref-3)