**Government Questionnaire**

**The People’s Republic of China**

**Investigation Inquiry 542**

**Product:** Certain aluminium micro-extrusions

**From:** The People’s Republic of China (China)

**Inquiry period:** 1 January 2019 to 31 December 2019

**Response due by:** 25 March 2020**7-November-99**

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**RETURN OF QUESTIONNAIRE DETAILS**

**Preferably by email to:** investigations1@adcommission.gov.au

**Or by mail (CD-ROM or USB):**

Attention: Director Investigations 1

Anti-Dumping Commission

GPO Box 2013

Canberra ACT 2601

Australia

Please note that a non-confidential version of the reply to this questionnaire must also be provided.

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# ABBREVIATIONS

|  |  |
| --- | --- |
| ADN | Anti-Dumping Notice |
| AluShapes | Aluminium Shapemakers Pty Limited |
| China | the People’s Republic of China |
| EPZ | Export Processing Zones |
| GOC | Government of China  |
| Guangdong Jiangsheng | Guangdong Jiangsheng Aluminium Co., Ltd |
| Guangdong Zhongya | Guangdong Zhongya Aluminium Co. Ltd |
| NDRC | National Development and Reform Commission |
| PRC | People’s Republic of China |
| SASAC | the State-owned Assets Supervision and Administration Commission of the State Council |
| SEZ | Special economic zone |
| SIE | State-invested enterprise  |
| the Accession Protocol | the Protocol on the Accession of the People’s Republic of China to the World Trade Organization |
| the Act | the Customs Act 1901 |
| the Commission | Anti-Dumping Commission |
| the Commissioner | The Commissioner of the Anti-Dumping Commission |
| the goods | the goods under consideration (aluminium micro-extrusions) |
| the inquiry period | 1 January 2019 to 31 December 2019 |
| the Price Law | Price Law of the People’s Republic of China |
| VAT | value-added tax |
| WTO | World Trade Organisation |

# SECTION A: BACKGROUND AND GENERAL INSTRUCTIONS

**A1 Background**

On 17 February 2020, following an application by Aluminium Shapemakers Pty Limited (AluShapes), the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated an investigation inquiry into the alleged dumping of certain aluminium micro-extrusions exported to Australia from the People’s Republic of China (China) by Guangdong Jiangsheng Aluminium Company Limited (Guangdong Jiangsheng) and Guangdong Zhongya Aluminium Company Limited (Guangdong Zhongya).

The applicant alleges that the Australian industry has suffered material injury caused by aluminium micro-extrusions exported to Australia from China at dumped prices by Guangdong Jiangsheng and Guangdong Zhongya.

The dumping investigation involves allegations that there is a situation within the domestic Chinese aluminium micro-extrusions market that renders sales within this market unsuitable for determining normal values under subsection 269TAC(1) of the Customs Act 1901 (the Act) (i.e. that a ‘particular market situation’ exists in this market).

Anti-Dumping Notice (ADN) No. 2020/013 outlining the details of the inquiry and the procedures to be followed was published on 17 February 2020 on the Anti-Dumping Commission’s (the Commission) website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

**A2 Goods under consideration**

The goods under consideration (the goods) i.e. the goods exported to Australia, allegedly at dumped prices, subject of the current investigation inquiry are:

*Aluminium micro-extrusions, in the form of hollow profiles, weighing less than 200 grams per metre (<0.2kg/m) in length, whether or not alloyed, mill finish, powder coated, anodised or further coated.*

Further information

Examples of hollow aluminium micro-extrusions in end use applications include flyscreen frame profiles (as used for domestic window flyscreens) and tubes (as used for television aerials).

Aluminium micro-extrusions are typically made from aluminium alloys 6060, 6063, 6005 and 6106. The temper of the alloy is typically T5, although some T6 may also be used in micro-extrusion production.

Solid aluminium micro-extrusions (including angles, rectangles, solid rounds and squares) are not covered by this application.

**Tariff classification**

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 to the *Customs Tariff Act 1995:*

|  |  |  |  |
| --- | --- | --- | --- |
| **Tariff Classification** | **Statistical Code** | **Unit** | **Description** |
| 7604.10.00 | 06 | Kg | Non alloyed aluminium bars, rods and profiles |
| 7604.21.00 | 07 | Kg | Aluminium alloy hollow angles and other shapes |
| 08 | Kg | Aluminium alloy hollow profiles |
| 7604.29.00 | 09 | Kg | Aluminium alloy non hollow angles and other shapes |
| 10 | Kg | Aluminium alloy non hollow profiles |
| 7608.10.00 | 09 | Kg | Aluminium tubes and pipes, not alloyed |
| 7608.20.00 | 10 | Kg | Aluminium tubes and pipes, alloyed |
| 7610.10.00 | 12 | Kg | Aluminium structures and parts thereof (including profiles and tubes) |
| 7610.90.00 | 13 | Kg | Other aluminium structures and parts thereof |

These tariff classifications and statistical codes may include goods that are both subject and not subject to this investigation.

A3 **Inquiry period**

For the purposes of this inquiry, the Commission will examine the period from 1 January 2019 to 31 December 2019 (the inquiry period) to determine whether dumping has occurred.

A4 Purpose of this questionnaire

The purpose of this questionnaire is to assist the Commission to obtain information from the Government of China (GOC) it considers necessary for investigating the allegation that there is a particular market situation in the domestic market for aluminium micro-extrusions in China.

Any additional questions relating to a particular market situation in China will be posed to the GOC using supplementary questionnaires.

A separate questionnaire has been sent to Chinese exporters of aluminium micro-extrusions that were identified in the application as exporters the goods. This exporter questionnaire also requests information on particular market situation.

**A5 Response to this questionnaire**

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

However, if the GOC 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 GOC’s interests, and the interest of Chinese exporters of aluminium micro-extrusions, to provide a complete response.

If the GOC elects to respond to this questionnaire, the response is due by

**25 March 2020**.

**A6 If you decide to respond**

Should the GOC elect to provide a response to this questionnaire, please note the following:

Confidential and non-confidential versions

If the GOC 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 inquiry 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 GOC’s response is complete and correct. You must return the signed declaration of an authorised GOC official at Section E of this questionnaire with the GOC’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 GOC to ensure that a full and complete response to all sections of the questionnaire is submitted, and that responses from all levels of government, 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 GOC for any party acting on its behalf.

Provision of documents

Numerous documents are requested from the GOC 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 GOC 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 GOC 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 GOC, please provide this document.

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

* are current/in force;
* were current/in force during the inquiry 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 inquiry period.

Previous responses

The Commission recognises that, in previous responses to questionnaires, the GOC has provided numerous responses to questions. It is noted that some of these questions are repeated in this questionnaire, including supporting documents.

Doing so ensures that the GOC’s response in the current inquiry is up-to-date and that all information from the GOC relevant to the inquiry can be easily identified.

Where responses to specific questions and/or requested documents have previously been provided, and the GOC’s response or supporting documents are unaltered and remain current the GOC may refer to previous responses to questionnaires provided to the Commission or the Australian Customs and Border Protection Service. Please clearly identify where documents previously provided have been replaced with updated documents.

If the GOC chooses to reference previous questionnaire responses please ensure these references are clear and consistent throughout.

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-1) 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.

**A7 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 Page 1 of this questionnaire).

**A8 Future questions and verification**

The Commission may decide to visit the GOC 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 GOC, the assessment of a particular market situation may be based on the facts available to the Commission.

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

# SECTION B: GENERAL QUESTIONS

**B1** 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).

**B2** Describe the nature and structure of the aluminium micro-extrusions industry and market sector in China. Also describe the nature and structure of the aluminium industry and market sector in China.

Without limiting your response, include information concerning the size and output (value and quantity) of these industries, the extent of vertical integration in the industries, the extent of the reliance on imported aluminium, and government involvement at each level of the industry, the extent of any restrictions, quotas or limits for the production volumes in these industries.

**B3** Are any of the companies listed in **Appendix A** located in an area or zone which entitles them to preferential tax or other preferential policies provided by the GOC including those provided by regional, provincial or municipal authorities?

These areas could be inter alia Export Processing Zones (EPZ) or Special Economic Zones (SEZ). If so identify which particular zone or area the company under investigation is located in.

**B4** Provide a list of all manufacturers/producers of aluminium[[2]](#footnote-2) in China that produced aluminium 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 (i.e. State Invested Enterprise (SIE), private, co-operative, FIE or joint venture);
* if the business is not an SIE, whether it is otherwise associated with the GOC;
* whether the entity produces ingot, billet, or both;
* the production volume of the business; and
* the value of benefits received by the business.

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

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

**B5**  It is the Commission’s understanding that within China there are various zones, areas, or other regions that encourage the operations of industries/enterprises located within that region and/or entitle/facilitate entities to access differential treatment (this may include preferential tax programs or other preferential policies).

The Commission notes it has observed these areas identified by various names, including special economic zones (SEZ), hi-tech zones and export processing zones (EPZ).

Provide:

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

**B6** Are any of the entities listed in **Appendix A** located in an area, zone or other region listed in your response to B5 above? If so identify which entities and which particular zone or area the entity is located in.

**B7** Provide the names and addresses of all national, provincial and regional producer organisations that represent the interests of aluminium micro-extrusions and aluminium manufacturers and traders in China.

**B8**  Specify and provide supporting documentation for the standard corporate tax rate during the inquiry period for:

1. companies that manufacture aluminium micro-extrusions;
2. companies that trade in aluminium micro-extrusions;
3. companies that manufacture aluminium;
4. companies that trade in aluminium.

**B9** Specify and provide supporting documentation for the corporate tax rates applicable in all provincial or local jurisdictions in China for those types of companies listed in (a) to (d) of Question B8 above.

# SECTION C: PARTICULAR MARKET SITUATION

*AluShapes in their application alleges that the market situation identified in prior investigations, reviews and inquiries for aluminium extrusions in relation to China continues in 2018/2019. As a consequence, AluShapes submitted that Chinese domestic selling prices are not suitable for determining normal values under subsection 269TAC(1).*

*This inquiry will investigate whether there is a situation within the domestic Chinese aluminium micro-extrusions market that renders sales within that market unsuitable for determining normal values under s.269TAC(1) of the Customs Act (i.e. that a ‘particular market situation’ exists in that market).*

*Information requested in this section will assist the Commission in its assessment.*

**PART C1 – BACKGROUND INFORMATION**

*This Part requests background information relevant to market situation, including the organisation of government and roles of relevant government agencies.*

**Organisation of government**

C1.1 At all levels of government (central, provincial, regional, municipal, SEZ, etc.) identify the names of the government departments, bureaus or agencies that are responsible for the administration of any GOC measures concerning the aluminium micro-extrusions and aluminium sectors.

Include information relating to the following areas:

* supervision of aluminium SIE senior management and administration;
* consolidation of domestic aluminium producers;
* industrial policy and guidance on the aluminium micro-extrusions and aluminium sectors;
* market entry criteria for the aluminium micro-extrusions and aluminium sectors;
* environmental enforcement for the aluminium micro-extrusions and aluminium sectors;
* management of land utilisation;
* the China Banking Regulatory Commission for the aluminium micro-extrusions and aluminium sectors;
* investigation and inspection of aluminium facilities;
* the section in the National Development and Reform Commission that is responsible for aluminium;
* import licensing for raw materials used in the aluminium sectors;
* export regulations, export licensing, “guidance prices”, free trade export zones, etc.; and
* taxation - especially changes to export taxes and export tax rebates.

Ensure that your response includes contact information regarding the government officials responsible for the listed areas along with their full mailing addresses, phone numbers and fax numbers.

C1.2 At the provincial, regional, municipal and SEZ level where the exporters/producers listed in Appendix A are located, identify the names of the government departments, agencies or bureaus that are responsible for the administration of the GOC’s measures concerning the aluminium micro-extrusions industry.

Ensure that your response includes contact information regarding the regional, provincial or SEZ officials responsible for the areas listed below along with the full mailing address, phone numbers and fax numbers.

The areas are:

* industrial policy and guidance on the aluminium micro-extrusions sector;
* market entry criteria for the aluminium micro-extrusions sector;
* environmental enforcement for the aluminium micro-extrusions sector;
* management of land utilization;
* investigation and inspection of new aluminium micro-extrusion facilities;
* import licencing for raw materials;
* export regulations, export licencing, “guidance prices”, free trade export zones, etc.;
* taxes, especially changes to export taxes and export rebates.

**Roles of departments, agencies, and institutions**

C1.3 Identify and provide an explanation of the specific roles and responsibilities of government departments, agencies or institutions, which are directly or indirectly involved in economic policy development, economic regulation and decision-making activities with respect to the aluminium micro-extrusions and aluminium sectors.

**C1.4** Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of aluminium products, and explain the nature of their activities.

**C1.5** Provide a list and copies of any specific laws, decrees, rules, guidelines, promulgations, edicts, opinions, measures, regulations and directives regarding:

1. the regulation of aluminium prices;
2. the regulation of aluminium micro-extrusions prices;
3. investment in aluminium smelting and aluminium alloy projects;
4. each type of corporate and business structure including state-owned enterprises, private enterprises, co-operatives, foreign-owned firms and joint ventures (where not included above); and
5. sectors of the economy deemed to be “strategically important”[[3]](#footnote-3) sectors for purposes of economic stability.

**C1.6** Identify the specific government department or institution responsible for the above-mentioned laws and regulations in Question C1.5.

**Documentation**

**C1.7** (a) Unless previously provided, provide fully translated copies of the two most recent *Five-year Plans* and the original Chinese versions.

 (b) Unless previously provided, provide a fully translated copy of the two most recent Provincial *Five-year Plans* for all Provinces/Cities in which the companies listed at **Appendix A** are located.

**PART C2 - THE ALUMINIUM MICRO-EXTRUSIONS AND ALUMINIUM SECTORS**

*The information requested in this part will provide an understanding of the GOC involvement in the general economic activities of the Chinese aluminium micro-extrusions and aluminium sectors.*

**Price Controls**

**C2.1** (a) Identify any goods and services in the aluminium micro-extrusions and aluminium sectors (including aluminium raw materials and energy) whose prices are currently controlled or guided by the GOC, or were controlled or guided by the GOC during the period 1 January 2019 to 31 December 2019.

Fully explain the nature of and rationale for these price controls or guidelines. Your response should identify any prices in the aluminium sector that are controlled or guided by any level of government (provincial, municipal or local).

(b) The Commission understands that information on pricing in China may be published via the China Economic Herald, the National Development and Reform Commission (NDRC) website and the China Price Information Network website.

Please provide translated and original copies of the information published by each of the above entities relating to aluminium micro-extrusions and aluminium in the inquiry period.

Are there any other websites or information sources, which provide information on government price controls or guidelines or State-prescribed prices or State-guidance prices?

**C2.2** Are there any price restrictions on aluminium or aluminium micro-extrusions for domestic sales? If so, provide details.

**C2.3** (a) The GOC has previously stated that it maintains government pricing and government guidance pricing for certain products and services including those listed in “Annex 4– Products and Services Subject to Price Controls” of the Protocol on the Accession of the People’s Republic of China to the World Trade Organization (the Accession Protocol).

Indicate specifically the current status of the products and services listed in Annex 4.

(b) Under “Annex 2B– Products Subject to Designated Trading” of the Accession Protocol, the GOC committed that products, including some types of aluminium products listed in Annex 2B, would be liberalised within three years after its accession to the World Trade Organisation (WTO).

Indicate specifically the current status of each of the aluminium products listed in Annex 2B and provide official documentation filed with the WTO during the inquiry period with respect to the GOC’s commitments under the Protocol requirements.

**GOC purchases of aluminium**

**C2.4** This question concerns purchases by any level of government (provincial, regional, municipal, central, etc.).

1. Are there any established local purchase and reserve schemes relating to the aluminium sector.
2. If yes, provide a general explanation of this measure, including the policy objectives of this measure and details of the entity responsible for administering the measure.
3. Provide details of:
* the quantity and type of aluminium purchased by the entity administering the measure during the inquiry period;
* the purchase price of aluminium purchased by the entity administering the measure during the inquiry period;
* the market price of equivalent aluminium at the time of purchase by the entity administering the measure; and
* the effect this measure has had on domestic aluminium prices.
1. Provide a list of the companies that the entity administering the measure has purchased aluminium from during the inquiry period. Indicate whether each business is state-owned, partially state-owned (either through direct investment or through association), or otherwise associated with the GOC.

**The Price Law**

**C2.5** The following series of questions concern the *Price Law of the People’s Republic of China*[[4]](#footnote-4) (the Price Law).

 These questions are based on the text of the Price Law, as provided to the Commission by the GOC in the past.

1. Have there been amendments to the Price Law? If so, provide a copy of the current Price Law incorporating and highlighting all such amendments.
2. Article 27 of the Price Law states that the government shall:

“…establish a ***price regulation fund*** to control and stabilise the market” [emphasis added]

1. What form does the ‘price regulation fund’ take generally and what department, agency or authority of the GOC is responsible for the fund?
2. What ‘price regulation fund’ regulations, if any, have applied to aluminium micro-extrusions and aluminium since 1 January 2016?
3. Article 28 of the Price Law states that:

“in order to better control prices government price departments shall establish a ***price monitoring system*** to monitor changes in the prices of major merchandises and services” [emphasis added]

1. What ‘price monitoring system’ has been established generally and what department, agency or authority of the GOC is responsible?
2. What ‘price monitoring system’ has applied to aluminium, aluminium raw materials and aluminium products since 1 January 2016?

**Electricity Prices**

**C2.6** The Commission understands that China’s National Development and Reform Council regulates prices for electricity.

* + - 1. How does the government regulate electricity prices at a national, provincial or local level? Explain the role of local Price Bureaus of the National Development and Reform Commission (NDRC) bureau (Price Bureaus);
			2. Provide the names of all the agencies (including details of Price Bureaus) in each region, province or special economic zone responsible for electricity price regulation.
			3. How does the government’s electricity policy apply to or promote the aluminium industry?
			4. Do any of the zones or regions outlined in your response to Question B5 provide concessions or benefits in electricity prices to manufacturing, including aluminium production?

**GOC regulations for market entry and production efficiency**

**C2.7** (a) For each company identified at **Appendix A**, indicate whether the government controls, guides or approves the prices or allocation of inputs into their production processes, including raw materials, energy and labour costs.

If the government controls, guides or approves the prices or allocation of any inputs, indicate and explain the mechanisms/systems used.

(b) For each company identified at **Appendix A**, indicate whether the government controls, guides or approves the price and/or quantity of the goods produced by those companies.

If the government controls, guides or approves the price or quantities produced, indicate and explain the mechanisms/systems used.

**C2.8** For those companies identified in your response to **Section B Question 4 (question B4)** that are wholly or partially state-owned, or are otherwise associated with the GOC, explain:

(a) The reporting hierarchy of the company and who directs, manages and controls the operations of the entity.

(b) Who selects and/or approves the members of the Board of Directors?

(c) Describe the roles and responsibilities of the Board of Directors.

(d) Who selects and/or approves the members of the Board of Shareholders?

(e) Describe the roles and responsibilities of the Board of Shareholders.

(f) How are the operations of the company funded?

(g) How is the performance of the company measured? For example, profitability, employment, output, social wellbeing, etc.

(h) How are profits of the company distributed and to whom?

**C2.9** (a) Provide a detailed explanation with respect to the government approval process for adding capacity in the aluminium sector (including aluminium micro-extrusions).

(b) Does the government have the right to request modifications in terms of adding or reducing capacity concerning aluminium micro-extrusions production? Provide a detailed explanation.

(c) Has the State-Owned Assets Supervision and Administration Commission (SASAC), the Ministry of Commerce or NDRC approved the addition or reduction of capacity with respect to aluminium micro-extrusions or aluminium production or aluminium products since

1 January 2016?

If yes, provide a list of these projects.

C2.10 What restrictions are there on the production capacity of newly built aluminium plants and the capacity of existing aluminium processing plants?

**GOC taxes and tariffs**

**C2.11** (a) Have there been any changes to the value-added tax (VAT) rebate applicable to exports of aluminium or aluminium micro-extrusions since 1 January 2016:

If yes, provide fully translated copies of any GOC laws, notices or other documents regarding these changes, including the relevant appendices.

(b) Provide a schedule showing the VAT rebate rates that have been in effect for aluminium and aluminium micro-extrusions from **1 January 2016 to 31 December 2019** by tariff classification.

The information should show:

* the products that were affected;
* the applicable rebate rates;
* the effective dates of rate changes; and
* the GOC law, notice or other document that implemented these changes.

(c) Are there any additional tax changes or VAT rebate changes being planned that would impact the aluminium micro-extrusions or aluminium sectors in the future (including raw materials)?

**C2.12** (a) Provide fully translated copies of any GOC notices, circulars or other documents regarding any changes in export tax rates for aluminium or aluminium micro-extrusions since 1 January 2016.

(b) Provide a schedule showing the export tariff rates that have been in effect for aluminium and aluminium micro-extrusions from 1 January 2016 to 31 December 2019, by tariff classification.

The information should show:

* the products that were affected;
* the applicable rebate rates;
* the effective dates of rate changes; and
* the GOC law, notice or other document that implemented these changes.

(c) Are there any export tax changes being planned that would impact the aluminium micro-extrusions or aluminium sectors in the future (including raw materials)?

**C2.13** (a) Provide fully translated copies of any GOC notices, circulars or other documents regarding any changes in import tax rates for aluminium and micro-aluminium extrusions since 1 January 2016.

(b) Provide a schedule showing the import tax rates that have been in effect for aluminium and aluminium micro-extrusions from **1 January 2016 to 31 December 2019**, by tariff classification.

The information should show:

* the products that were affected;
* the applicable rebate rates;
* the effective dates of rate changes; and
* the GOC law, notice or other document that implemented these changes.

(c) Are there any import tax changes being planned that would impact the aluminium micro-extrusions or aluminium sectors in the future (including raw materials)?

**C2.14** Are there (or have there been) any **export** restrictions (quantity, price or restricted access to certain enterprises) placed on aluminium or aluminium micro-extrusions since 1 January 2016? If so, provide details.

**C2.15** Are there (or have there been) any **import** restrictions (quantity, price, or restricted access to certain enterprises) placed on aluminium or aluminium micro-extrusions since 1 January 2016? If so, provide details.

**C2.16** Provide the necessary laws, circulars and regulations, and an explanation of processing trade as it relates to aluminium and aluminium micro-extrusions.

Is aluminium currently on the list of products prohibited from processing trade? If so, provide the effective date of this prohibition and the related notice announcing the prohibition.

**C2.17** Are there (or have there been) any **export licence** restrictions on any aluminium or aluminium micro-extrusions since 1 January 2016? If so, provide details.

Provide a translation of the applicable circular along with the original Chinese version.

**C2.18** (a) Are there (or have there been) any **import licence** restrictions on aluminium or micro-aluminium extrusions since 1 January 2016? If so, provide details.

(b) Provide a translation of the applicable circular along with the original Chinese version.

**GOC Guidelines on tackling severe overcapacity problem**

**C2.19** The following series of questions concern the GOC’s *Guidelines for tackling severe overcapacity problem.*

1. When were the guidelines issued? Provide an English translation of the guidelines.
2. Are these guidelines still applicable? Why does the GOC have the *Guidelines for tackling severe overcapacity problem*? What is its purpose?
3. Provide a list and copies of any laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and directives that were developed and implemented as part of the *Guidelines for tackling severe overcapacity problem*.
4. Have there been amendments to the *Guidelines for tackling severe overcapacity problem* since their publication? If so, provide a copy of the current *Guidelines for tackling severe overcapacity problem* incorporating and highlighting all such amendments.
5. Identify the office and the officials who are responsible for the administration and delivery of the *Guidelines for tackling severe overcapacity problem*, including officials at the central, provincial, regional and/or SEZ levels.
6. Explain any impact the guidelines have had on the aluminium and aluminium micro-extrusion industries.

# SECTION D - DECLARATION

**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**

# GLOSSARY OF TERMS

*Throughout this questionnaire certain words and terminology have been used and they have the following meaning:*

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

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

(a) both being natural persons:

(i) they are connected by a blood relationship or by marriage or adoption; or

(ii) one of them is an officer or director of a body corporate controlled, directly or indirectly, by the other;

(b) both being bodies corporate:

(i) both of them are controlled, directly or indirectly, by a third person (whether or not a body corporate); or

(ii) both of them together control, directly or indirectly, a third body corporate; or

(iii) 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

(c) one of them, being a body corporate, is, directly or indirectly, controlled by the other (whether or not a body corporate); or

(d) one of them, being a natural person, is an employee, officer or director of the other (whether or not a body corporate); or

(e) 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. Chinese-foreign equity joint venture:

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

The characteristics of a Chinese-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. Chinese-foreign contractual joint venture:

A joint venture established between foreign enterprises and other economic organisations or individuals, and Chinese enterprises or other economic organisations within the territory of China. 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 Chinese 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 Chinese laws within the territory of China. 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 China (GOC)***

For the purposes of this questionnaire, GOC 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.

***Particular market situation***

Refers to a situation within the domestic market of exported goods that renders sales within that market of those goods unsuitable for determining normal values under s.269TAC(1) of the Act.

***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 GOC(including central, provincial, municipal or county government)accrue to a company because of being located in such an area.

***State Invested Enterprises (SIE)***

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

## APPENDIX A

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| --- | --- |
| **Company name** | **Address** |
| Guangdong Zhongya Aluminium Company Ltd | Asia Industrial City New & Hi-tech Industrial Development zone Zhaoqing City 526238 Guangdong ProvinceThe People's Republic of China |
| Guangdong Jiangsheng Aluminium Co., Ltd | No.11-13 XiHu Foreign Investment Demonstration Area Taishan City Guangdong The People's Republic of China |

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-1)
2. Throughout this questionnaire, aluminium has been used to refer to a range of aluminium related items including primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium, and aluminium cast into billets of aluminium alloy or alone. [↑](#footnote-ref-2)
3. Also referred to as an important basic industry for the national economy or a pillar industry for industrialization. [↑](#footnote-ref-3)
4. Issued on December 29, 1997 and by President's decree of PRC (No. 92). Adopted at the 29th Meeting of the Standing Committee of the Eighth National People's Congress and implementation as of May 1, 1998.) [↑](#footnote-ref-4)