**Government Questionnaire – The People’s Republic of China**

**Product: Steel shelving**tomatoes

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

**Period of Investigation: 1 April 2015 to 31 March 2016**1-November-99

**Response due by:** **10 August 2016** 7-November-99

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| **Return completed questionnaire to:** | Anti-Dumping Commission  GPO Box 1632  Melbourne VIC 3001  Attention: Director Operations 4Director Operations 4 |

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# Table of contents

[Table of contents 2](#_Toc455401593)

[ABBREVIATIONS 3](#_Toc455401594)

[BACKGROUND AND GENERAL INSTRUCTIONS 4](#_Toc455401595)

[SECTION A: GENERAL QUESTIONS 8](#_Toc455401596)

[SECTION B: MARKET SITUATION 11](#_Toc455401597)

[SECTION C: SUBSIDIES 15](#_Toc455401598)

[DECLARATION 23](#_Toc455401599)

[Glossary of terms 24](#_Toc455401600)

# ABBREVIATIONS

|  |  |
| --- | --- |
| the Act | the *Customs Act 1901* |
| the Applicant or Summit | Summit Select Pty Ltd |
| China | the People’s Republic of China |
| CIF | Cost, Insurance & Freight |
| the Commission | Anti-Dumping Commission |
| EPZ | Export Processing Zones |
| FOB | Free On Board |
| GOC | Government of China |
| HRC | Hot rolled coil steel |
| the goods | the goods the subject of the application (steel shelving) |
| the investigation period | 1 April 2015 to 31 March 2016 |
| SAT | State Administration of Taxation |
| SASAC | the State-owned Assets Supervision and Administration Commission of the State Council |
| SEZ | Special economic zone |
| SIE | State-invested enterprise |

**BACKGROUND AND GENERAL INSTRUCTIONS**

1. **Background**

On 4 July 2016, following an application by Summit Select Pty Ltd (Summit), the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated a dumping investigation in respect of steel shelves exported to Australia from the People’s Republic of China (China).

Summit alleged that the Australian industry has suffered material injury caused by steel shelves exported to Australia from China at dumped and subsidised prices.

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

A notice advising initiation of the investigation was published on the Commission’s website on 4 July 2016. Anti-Dumping Notice (ADN) No. 2016/65 outlining the details of the investigation and the procedures to be followed during the investigation can be accessed on the Commission’s website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

1. **Goods under consideration**

The goods under consideration (the goods) ie the goods exported to Australia, allegedly at dumped prices, are:

* Unassembled steel framed shelving or workbench units with 2,3,4,5 or 6 shelves; the frame of which is either partially or totally:
* coated with paint or powder coated;
* galvanised; or
* made from colour bonded steel.
* Typically, the shelves of the units are made of medium density fibreboard (MDF), particle board, melamine or steel, however other materials may be used.
* Usually, the units are pre-packed for sale in a kit form, containing all or the majority of the components required to assemble the finished unit.

1. **Tariff classification**

The goods are typically classified to the following Subheadings in Schedule 3 of the *Customs Tariff Act 1995*.

* Tariff subheading 9403.10.00 with statistical code 40
* Tariff subheading 9403.20.00 with statistical code 19

These goods, if imported from China under these tariff subheadings, are not subject to a duty.

1. **Investigation period**

The existence and amount of any dumping and countervailable subsidisation in relation to steel shelves exported to Australia from China will be determined on the basis of an investigation period of 1 April 2015 to 31 March 2016 (the investigation period).

The Commission will examine details of the Australian market from 1 July 2011 for injury analysis purposes.

1. **Purpose of this questionnaire**

The purpose of this questionnaire is to assist the Commission to obtain the information from the Government of China (GOC) it considers necessary for the countervailing investigation and investigating the allegation that there is a ‘particular market situation’ in the domestic market for steel shelves in China.

Please note that the subsidy/countervailing sections of this questionnaire focus on identified programs that the Anti-Dumping Commission is specifically investigating at this stage. However, Commission may also investigate any additional subsidy program(s) that it considers may warrant investigation if additional information comes to light in relation to further programs.

Any additional questions may be posed to the GOC in the form of supplementary questionnaires.

A separate Exporter Questionnaire will be available for Chinese exporters of steel shelves to complete, if they chose to cooperate with the investigation. All known exporters have been sent notification of the investigation and advice how to access the Exporter Questionnaire.

The Exporter Questionnaire also has a section requesting information on subsidies and market situation.

The GOC does not have to complete this questionnaire. However, if the GOC does not respond, the Commission may be required to rely on information supplied by other parties (including information supplied by the Australian industry – the applicant for the dumping and countervailing measures).

Therefore, it is considered to be in the GOC’s interests and the interests of Chinese exporters of steel shelves, to provide a complete response.

If the GOC chooses to respond to this questionnaire, the response is due by **10 August 2016.**

1. **If you decide to respond**

Should the GOC choose to provide a response to this questionnaire, please note the following.

***For official use only and public record***

If the GOC chooses to respond to this questionnaire, you are required to lodge a ‘for official use only’ and a ‘public record’ 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 ‘**FOR OFFICIAL USE ONLY’** or ‘**PUBLIC RECORD**’ in the header and footer.

All information provided to the Commission ‘for official use only’ will be treated confidentially. The public record version of your submission will be placed on the public record, which all interested parties can access.

Your public record submission must contain sufficient detail to allow a reasonable understanding of the substance of the “for official use only” version. If, for some reason, you cannot produce a public record summary, contact the investigation case manager (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 last section of this questionnaire with the GOC’s 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 require a written authorisation from the GOC for any party acting on its behalf.

***Provision of documents***

When providing documents, please indicate whether the documents:

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

Where the documents have been repealed, revised or superseded;

* 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.

Responses to questions should:

* be as accurate and complete as possible, and attach all relevant supporting documents, 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 answers such as: ‘Not Applicable’ or an answer that only refers to an exhibit or an attachment may not be considered by the Commission to be adequate. We therefore suggest that in answering the questions you outline the key elements of your response in the primary submission document, rather than merely pointing to supporting documents of varying degrees of relevance and reliability as your answer.

***Lodgement***

Lodgement by email is preferred. 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 ‘for official use only’ and ‘public record’ version of your submission by the due date.

You may also lodge your response by mailing it to the address shown on the front cover of this questionnaire. For questions requiring a response in a Microsoft Excel spreadsheet that cannot be emailed, please provide those spread sheets on a CD-ROM or on a USB device.

1. **Future questions and verification**

Please note that after receiving the GOC response to this questionnaire, the Commission may seek additional information from the GOC.

The Commission may also seek to carry out a visit to the GOC to examine relevant records and to verify the information provided.  You will be contacted in advance of such a meeting to make arrangements.

**SECTION A: GENERAL QUESTIONS**

1. Identify the administration co-ordinating the response to this questionnaire and provide the name and contact details of the official(s) (including email address) who can be contacted in the future.

This person(s) should be the one(s) the Commission can contact in respect of any further inquiries the Commission may have concerning the questionnaire response and to arrange any verification visits the Commission may request.

1. Describe the nature and structure of the steel shelves industry in China. Without limiting your response include details of any government involvement in the steel shelves industry including upstream materials (i.e. hot rolled coil steel, galvanised steel etc.). The response should include details of:
2. distribution channels;
3. any vertical integration;
4. any changes over the last 5 years (such as mergers and acquisitions); and
5. any changes to the government laws and regulations after 1 January 2010
6. 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).

Please provide:

1. a listing of the names of all such zones, areas, or other regions in China;
2. an explanation of each such type of zone, area or other region in China;
3. a listing and explanation of what location in each zone makes businesses eligible for (including any GOC assistance or differential treatment).
4. At all levels of government (central, provincial, regional, municipal, special economic zone, etc.) identify the names of the government departments, bureaus or agencies that are responsible for the administration of any GOC measures concerning the steel shelves.

Include information relating to the following areas:

1. import licensing for hot rolled coil steel and galvanised steel used in steel shelves manufacture;
2. export regulations, export licensing, ‘guidance prices’, free trade export zones, etc.; and
3. taxation - especially export taxes; export tax rebates and value added tax (including any rebates).

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

1. Describe the ownership structure of the Chinese steel shelves industry, identifying what proportion of the industry is represented by SIEs, foreign-invested enterprises (FIEs), and Chinese domestic-owned private enterprises.

For each business where the GOC is a shareholder in the business, provide the name and percentage GOC ownership of the enterprise.

1. Complete the attached spreadsheet A-6 (using Microsoft Excel format) listing all manufactures/traders of steel shelves and upstream material (hot rolled coil steel, galvanised steel) providers in China including the following details:
2. name of the business entity;
3. location of the business entity;
4. function of the business (e.g. manufacturer, trader, exporter);
5. type of business (e.g. State invested enterprise (SIE), Foreign invested enterprise (FIE), private enterprise or other (please specify));
6. association with the GOC;
7. whether the business is a manufacturer of hot rolled coil steel or galvanised steel;
8. production quantity of hot rolled coil steel and galvanised steel;
9. whether GOC is a shareholder in the business, and if so the percentage of GOC holdings;
10. whether there is GOC representation in the business, and if so the type of representation (e.g. on the Board of Directors), the authority responsible, and indicate any special rights provided to the representative (e.g. veto rights); and
11. the value of total benefit received annually.

For each business where the GOC is a shareholder and/or there is GOC representations in the business provide:

1. the complete organisational structure, including subsidiaries and associated businesses; and
2. copies of annual reports of the business for the last 2 years.

Your response to this question will be referred to as response to Question A6 throughout this questionnaire.

1. Which industry associations represent steel shelves manufacturers?

Please provide names, address and contact details including their websites of the relevant industry associations. Include all national, provincial and regional producer organisations that represent the interests of steel shelves manufacturers and traders in China.

**SECTION B: MARKET SITUATION**

1. Identify and provide an explanation of the specific roles and responsibilities of government departments, agencies or institutions, which are either directly or indirectly involved in economic policy development, economic regulation and decision-making activities with respect to the steel shelves industries.
2. Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of steel shelves, and explain the nature of their involvement.
3. Provide details of any GOC policies that require different corporate tax rates to be applied to producers within the steel shelves sector. For example, for producers in any of these specific sectors, do taxation rates differ due to sales revenue, location, export / domestic market orientation etc. Detail any industry specific tax exemptions or tax rebates such as R&D expenditures.
4. Provide a detailed description of the domestic Chinese steel shelves industry and the relevant upstream industries, including the steel industries. The response should include details of:
5. distribution channels
6. any vertical integration
7. any changes over the last 5 years (such as mergers and acquisitions)
8. any changes to the government laws and regulations after 1 January 2010.
9. Provide quarterly data (using Microsoft Excel format) over the last 5 calendar years of:
10. import quantity (by volume and value) of steel shelves, HRC and galvanised steel;
11. export quantity (by volume and value) of steel shelves, HRC and galvanised steel;
12. 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.
13. Provide a schedule for the last 5 calendar years and provide supporting documentation of:
14. the corporate tax rate in relation to steel shelves, HRC and galvanised steel;
15. import tariff rates and/or import quotas applicable to steel shelves, HRC and galvanised steel;
16. export tariff rates and/or export quotas applicable to steel shelves, HRC and galvanised steel;
17. value added tax (VAT) export rebates applicable to exports of steel shelves, HRC and galvanised steel.
18. If export quotas applied to any of the items at Question 6(c) above, identify which agency of the GOC legislates and monitors the quotas.
19. The following series of questions concern the *Price Law of the People’s Republic of China* (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. For completeness, please provide a translated copy of the Price Law.
2. Have there been amendments to the Price Law since last being provided to the Commission (or its predecessors)? If so, in the copy provided of the current Price Law, highlight all such amendments.
3. Article 27 of the Price Law states that the government shall ‘…establish a price regulation fund to control and stabilise the market’.
4. What form does the ‘price regulation fund’ take generally and what department of the GOC is responsible for the fund?
5. What ‘price regulation fund’ regulations have applied to rod in coils or the iron and steel industry since 1 July 2006?
6. What ‘price regulation fund’ regulations have applied to steel shelves since 1 July 2006?
7. Article 28 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’.
8. What price monitoring system has been established generally and what department is responsible?
9. What ‘price monitoring’ has applied to steel shelves, HRC and galvanised steel since 1 July 2006?
10. Provide a list and copies of any specific laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and/or directives regarding
11. The regulation of the price of steel shelves, or any of the raw materials used to manufacture those products; and
12. Investment in projects related to steel shelves, or any of the raw materials used to manufacture those products
13. Identify the specific government department or institution responsible for the above-mentioned laws and regulations above.
14. Identify and document any financial assistance provided by the GOC since 2011 in support of the steel shelves, HRC and galvanised steel industry.
15. Has the GOC (at any level of government) issued or participated in the issuance of any debt or equity instruments[[1]](#footnote-1) in any business entity associated with the steel shelves, HRC or galvanised steel industries in the last 5 years? If so:
16. provide the names and address of the business entities
17. explain the reasons for using a particular financial instrument(s);
18. provide full details (such as number of shares and value of bonds), including the period of investments and the rate of return(s) (and/or expected yields)
19. are any of these instruments or securities listed in any securities exchange in China or overseas? If so:
20. provide the name(s) of the securities of exchange
21. identify any trading restrictions by the business entity and/or the securities exchange
22. Provide details (quantify the value) of any government guarantee provided for any commercial loans by a business entity associated with steel shelves, HRC and galvanised steel industries in the last 5 years.
23. Do enterprises need to be verified by the GOC prior to being approved entry to steel shelves, HRC and galvanised steel industries?
24. Are steel shelves, HRC and galvanised steel producers in China required to hold any types of licences for production? If so, provide details and documentary evidence.
25. Are there any production limits and/or export limits placed on steel shelves, HRC and galvanised steel producers? If so, provide documentary evidence.
26. Are there any price restrictions on steel shelves, HRC and galvanised steel domestic sales? If so, provide details.
27. Identify any GOC initiatives and/or policies that affect the steel shelves, HRC and galvanised steel industries, including raw materials. Provide all documentary evidence.
28. Have there been any changes to GOC policies and practices that impact the steel shelves, HRC and galvanised steel industries since June 2012 that support the view that the factors leading to the Australian Customs and Border Protection Service’s (ACBPS) finding in INV 177 of a particular market situation in the Chinese steel industry as outlined in REP 177 no longer exists. For example, have there been:
29. changes to the text or implementation of the National Steel Policy, National or State Five-Year Plans relating to iron and steel industries, or the Blueprint for Steel Industry Adjustment and Revitalization; or
30. the various measures identified by ACBPS as implementing the goals and aims of the GOC plans and policies?

If so, provide details and relevant evidence.

1. Describe and explain whether the national, provincial or local governments (including ministries or offices of those governments, or any quasi-governmental organisation identified) explicitly or implicitly recognises the industries that produces grinding balls, steel billet, and/or the iron and steel more generally, as a national provincial and/or local development objective, or otherwise directs the development of any of those industries.
2. Provide copies of the following documents:
3. Directory Catalogue on Readjustment of Industrial Structure
4. China Nonferrous Metals Yearbooks for the years 2011, 2012, 2013 and 2014
5. 12th Five-Year plans including:

* 12th Five-Year Plan for the Raw Materials Industry;
* 12th Five-Year Plan for Further Promoting the Economy of the Western Regions; and
* the two most recent five-year plans at **all levels** of the GOC (including, central, regional, provincial and for any special zones, areas or other such regions), as well as the original Chinese versions.

# SECTION C: SUBSIDIES

*The applicant alleges that producers in China of steel shelves have benefited from a number of subsidies granted by the GOC, and that these subsidies are countervailable.*

**INVESTIGATED PROGRAMS**

Table 1 below lists all the alleged countervailable subsidy programs that are being investigated for steel shelves. Table 1 provides the corresponding program number that was used for CON 355.

*Note: the 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 above titles may not exactly reflect any official titles that the GOC has in place. In responding to this questionnaire, if the GOC is unfamiliar with the title given to a program, but is aware of the existence of a similar program or one that it appears is being referred to, please identify this (including providing the official title of any such program) and respond to the questionnaire in relation to that program.*

The GOC is required to provide information on each program, regardless of the year the benefit was granted by the GOC or the year that the benefit was received by the recipient company, as well as those further identified by the GOC, where the program benefits impact on the production and sale of steel shelves during the investigation period.

|  |  |  |
| --- | --- | --- |
| **Program**  **Number** | **Program Name** | **Program Type** |
| 3 | Income Tax Benefits for FIEs based on Geographic Location | Tax |
| 5 | Income Tax Reduction for High or New Technology Enterprises | Tax |
| 8 | Import Tariff and Value-Added Tax (VAT) Reductions for FIEs and Certain Domestic Enterprises Using Imported Equipment in Encouraged Industries | Tax |
| 10 | Tax Rebates Based on Location in Shiqiao Town Industrial Cluster Zone | Tax |
| 13 | GOC and Sub-Central Government Subsidies for the Development of Famous Brands and World Top Brands | Grant |
| 14 | Special Fund for Energy Savings Technology Reform | Grant |
| 15 | International Market Exploration (SME) Fund | Grant |
| 16 | Export Assistance/Outward Expansion Grants in Guangdong Province | Grant |
| 17 | Guangdong Province Funds to Support the Adoption of E-Commerce by Foreign Trade Enterprises | Grant |
| 18 | Technology to Improve Trade Research and Development Fund | Grant |
| 19 | Rental/Purchase Assistance in Ningbo Municipality Yinzhou District Southern Commercial Zone | Grant |
| 20 | Exhibition Subsidy | Grant |
| 21 | Foreign Trade Bureau Award | Grant |
| 22 | Export Credit Insurance Subsidy | Grant |
| 23 | Export Subsidy for High-tech Merchandise | Grant |
| 24 | Clean Energy Measure Subsidy | Grant |
| 25 | Innovative Growth Grant | Grant |
| 26 | Provision of Hot Rolled Coil Steel for Less Than Adequate Remuneration | LTAR |
| 27 | Provision of Electricity for Less Than Adequate Remuneration | LTAR |
| 28 | Provision of Galvanised Steel For Less Than Adequate Remuneration | LTAR |

**Table 1: alleged countervailable subsidies being investigated**

**ANY OTHER PROGRAM NOT PREVIOUSLY ADDRESSED**

If the GOC, 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 steel shelves in China, identify these program(s).

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 D-1 for each program identified above and any additional programs you have identified

**PART 1 - GENERAL QUESTIONS**

For **each of the 20 programs** identified above, and any applicable additional programs the GOC 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 GOC or the year that the benefit was received by the recipient company, as well as those further identified by the GOC, where the program benefits impact on the production and sale of steel shelves and/or galvanised steel and/or HRC during the investigation period.*

Provide a copy of the laws, regulations, circulars, notice or other documents identified in Appendix B to this questionnaire.

* 1. For **all programs under investigation** provide any amendments to law, regulations or policy that makes a particular program redundant for this investigation. Provide all documentary evidence.

***The following questions relate to Programs 26 and 28***

* 1. In INV 277, Commission was provided with a copy of the ‘Law of the People’s Republic of China on State-Owned Assets of Enterprises’. Confirm whether this law is current and has not been superseded or supplemented by other laws. Provide any superseding or supplementary laws to the ‘Law of the People’s Republic of China on State-Owned Assets of Enterprises’.
  2. Outline how each of the following is determined for the entities identified in Section A, Question 6 above **and** for manufacturers of hot rolled coil steel and galvanised steel in China (where this differs across enterprise or type (e.g. SIEs, FIEs), describe this differently):

1. suppliers of raw material inputs (including any restrictions as to what entities can supply raw materials) by completing attached spreadsheet C-1.3;
2. purchase prices of raw material inputs;
3. allocation of inputs into production process, including raw materials and labour costs;
4. quality by volume and value;
5. selling prices;
6. customers (including restrictions on entities that can purchase goods produced from the enterprise);
7. production output (detail any restrictions on production output);
8. safety standards; and
9. electricity/energy costs.

***The following questions relate to Program 27***

* 1. Complete the attached spreadsheet C-1.4 (using Microsoft Excel format) listing all electricity providers who service those entities identified in question A-4 including the following details:

1. name of the business entity
2. location of the business entity
3. function of the business
4. type of business (e.g. State invested enterprise (SIE), Foreign invested enterprise (FIE), private enterprise or other (please specify))
5. whether GOC is a shareholder in the business, and if so the percentage of GOC holdings
6. the company to which the electricity provider supplied
7. the percentage of GOC holding if the GOC is a shareholder
8. whether there is GOC representation in the business, and if so the type of representation (e.g. on the Board of Directors), the authority responsible, and indicate any special rights provided to the representative (e.g. veto rights)
   1. The Commission understands that China’s National Development and Reform Council regulate prices for electricity.
9. How does the government regulate electricity prices at national, provincial or local levels?
10. Provide names of all the agencies in each region, province or special economic zone responsible for electricity price regulation.
11. How does the government’s electricity policy apply to or promote the silicon metal industry?
    1. Provide full details of Program 27 including the following:
12. policy objective and/or purpose of the program
13. legislation under which the subsidy is granted
14. nature or form of the subsidy
15. when the program was established
16. duration of the program
17. how the program is administered and explain how it operates
18. to whom and how is the program provided
19. the eligibility criteria in order to receive benefits under the program
    1. Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports published since 1 January 2011 pertaining to Program 27.
    2. Identify and explain the types of records maintained by the relevant government or governments (e.g. accounting records, company-specific files, databases, budget authorizations, etc.) regarding the program.
    3. Identify which of the companies in your response to Section A - Question 6 applied for, accrued or received benefits under program 27 during the investigation period.

Provide, on an annual basis, the value and/or nature of the benefit or concession granted (monetary and/or non-monetary) under program 27.

***The following questions relate to Programs 3 - 25 identified above***

* 1. Provide details of the program including the following:

1. Policy objective and/or purpose of the program.
2. Legislation under which the subsidy is granted.
3. Nature or form of the subsidy.
4. When the program was established.
5. Duration of the program.
6. How the program is administered and explain how it operates.
7. To whom and how is the program provided.
8. The eligibility criteria in order to receive benefits under the program.
   1. 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 investigation period.
   2. Provide copies together with translations in English of all legislative, regulatory, administrative and public documents relating to this program.
   3. Identify the GOC department or agency administering the program.
   4. Identify and explain the types of records maintained by the relevant government or governments (e.g., accounting records, company-specific files, databases, budget authorizations, etc.) regarding the program.

Indicate which of the companies listed in your response to Question A6 applied for, accrued, or received benefits under the program for 1 January 2011 to 30 June 2016.

Provide, on an annual basis by calendar year the amount(s) and/or nature of the benefit or concession granted (monetary and/or non-monetary) under the program.

* 1. 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 disapproved.
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 not approved, provide the disapproval documents together with the reasons for disapproval.
   1. Answer the following questions regarding eligibility for and actual use of the benefits provided under this program.
5. 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.
6. 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.
7. 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.
8. 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.
   1. Respond to the following questions regarding the criteria governing the eligibility for and receipt of any benefit under this program.
9. Describe the criteria governing the size of the benefit provided.
10. Provide a copy of any law, regulation or other official document detailing these criteria.
11. 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?
12. 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?
13. Provide any contractual agreements between the GOC and the companies that are receiving the benefits under the program (e.g., loan contracts, grant contracts, etc.).
    1. 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 during the investigation period. Include the following details in the spreadsheet provided as C-1.18 (or in a Microsoft Excel compatible format):
14. the business’ name;
15. the business’ address (including the city, province and region);
16. the function of the business (e.g. manufacturer, trader, exporter);
17. the type of business (e.g. State invested enterprise (SIE), Foreign invested enterprise (FIE), private enterprise, joint venture, co-operative, FIE or other);
18. whether they are a manufacturer of steel shelves;
19. the production quantity of steel shelves in the last Financial Year;
20. the value of total benefit received annually;
21. if the business is not an SIE, whether it is otherwise associated with the GOC;
22. the percentage of GOC holdings if GOC is a shareholder; and
23. whether there is GOC representation in the business, and if so the type of representation (e.g. on the Board of Directors), the authority responsible, and indicate any special rights provided to the representative (e.g. veto rights).
    1. For each of the companies listed in spreadsheet C-1.18, provide the total amounts of benefits received by each type of industry in each region in the year the provision of benefits was approved and each of the years from 1 January 2011 to 30 June 2016.
    2. For each of the companies listed in spreadsheet C-1.18 above that is an SIE, answer the following questions regarding their performance and profits:
24. How are the operations of the enterprise funded?
25. Provide details of any debts or other liabilities the enterprise has with any banks or financial institutions in which the GOC holds an interest.
26. How is the performance of the enterprise measured? For example, profitability, employment, output, social wellbeing, etc.
27. Provide details and explain how the State-owned Assets Supervision and Administration Commission of the State Council (SASAC) or any other government entity inspects or evaluates enterprise performance, including:

* output and quality performance;
* performance of employees/directors/managers; and
* financial performance.

*If any other GOC entity plays such a role, provide a detailed explanation of this entity and the role it plays with regard to SIEs.*

1. Provide details of any official reporting mechanisms that the enterprise must comply with.
2. Provide an explanation of the systems that exist for assessing the performance of administrators of SIEs. Provide examples of recent appraisals of SIE administrators of the enterprise.
3. How are profits of the enterprise distributed and to whom?
4. Outline what action, if any, is taken by SASAC or any other government entity if the enterprises makes a loss or under-performs.
5. Over the past 10 years, has the GOC provided any payment or made any injection of funds to the enterprise, including but not limited to:

* grants;
* prizes;
* awards;
* stimulus payments and rescue type payments;
* injected capital funds;
* purchasing of shares.

1. If so, provide details, indicating the amount, circumstance, and purpose of any such payment or injection of funds, as well as whether they were tied to any past or future performance, direction or action of the enterprise.
   1. For each of the companies listed in spreadsheet C-1.18 above, answer the following questions regarding enterprise functions:
2. Provide a list of functions the enterprise performs.
3. Provide details of any government policies the enterprise administers or carries out on behalf of the GOC.
4. Indicate whether any of the enterprise’s functions are considered to be governmental in nature.
5. Indicate whether the enterprise has been trusted, tasked, vested with any government authority. Provide details of this authority including how it is exercised or administered, as well as copies of relevant statutes or other legal instruments that vest this authority.
6. Indicate whether the enterprise has the authority or power to entrust or direct a private body to undertake responsibilities or functions.
7. Explain whether the enterprise is in pursuit of, or required to support governmental policies or interests.
8. Provide examples of any ‘social responsibilities’ the enterprise undertakes or is involved in (reference is made to Article 17 of the Law on State Owned Assets)?
   1. How many companies have applied for benefits under this program in the year the financial assistance or benefit was approved and in each of year from 1 January 2011 to 30 June 2016?
   2. 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 1 January 2011 to 30 June 2016? Provide the main reasons why applicants have been rejected.
   3. 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?

**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.

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**Date** **Signature of authorised official**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Name of authorised official**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Title of authorised official**

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# Glossary 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:

(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 of 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.

***Benefit***

As further defined in relation to the definition of the term ‘subsidy’ below, ‘benefit’ may include:

* a direct transfer of funds;
* the acceptance of liabilities (e.g debts or other liabilities), whether actual or potential, of your enterprise;
* the forgoing, or non-collection, of revenue (other than an allowable exemption or remission) that was otherwise due (e.g. reduced rate of income tax, waiving certain other taxes);
* the provision of goods or services otherwise than in the course of providing normal infrastructure; or
* the purchase of goods

by any the GOC (at any level), a public body of the GOC, or a private body entrusted by the GOC to carry out GOC functions.

***Enterprise***

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

***Financial Contribution***

There is a "financial contribution" by a government where:

(a) a government practice involves a direct transfer of funds (grants, loans, and equity infusion), potential direct transfer of funds or liabilities (e.g. loan guarantees);

(b) government revenue that is otherwise foregone or not collected (e.g. fiscal incentives such as tax credits);

(c) the government provides goods or services, other than general governmental infrastructure, or purchases goods; or

(d) a government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions illustrated in (a) to (c) above which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by the government.

***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) 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***

In relation to goodsthat are exported to Australia, means:

1. a financial contribution:
2. by a government of the country or export or country of origin of those goods; or
3. by a public body of that country or of which 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 is made in connection with the production, manufacture or export of those goods and that involves:

1. a direct transfer of funds from that government or body to the enterprise by whom the goods are produced, manufactured or exported; or
2. a direct transfer of funds from that government or body to that enterprise contingent upon particular circumstances occurring; or
3. the acceptance of liabilities, whether actual or potential, of that enterprise by that government body; or
4. the forgoing, or non-collection, of revenue (other than an allowable exemption or remission) due to that government or body by that enterprise; or
5. the provision by that government or body of goods or services to that enterprise otherwise than in the course of providing normal infrastructure; or
6. the purchase by that government or body of goods provided by that enterprise; or
7. any form of income or price support as referred to in Article XVI of the General Agreement 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 in relation to those goods.

1. Examples of such instruments include ordinary shares (including initial public offers), preferential shares, rights issue, bonds, quasi-government bonds warrants, debentures, sub-ordinate loans. [↑](#footnote-ref-1)