**Government Questionnaire**

**The Republic of India**

**Zinc Coated (Galvanised) steel**

**tomatoes**

**Exported from**

**The Republic of India, Malaysia and the Socialist Republic of Vietnam**

**Period of Investigation: 1 July 2015 to 30 June 2016**1-November-99

**Response due by:** **13 November 2016**7-November-99

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**RETURN OF QUESTIONNAIRE DETAILS**

**Preferably by email to:** operations5@adcommission.gov.au

**Or by mail**

**(CD-ROM or USB):** Director Operations 5

 Anti-Dumping Commission

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Australia

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# ABBREVIATIONS

|  |  |
| --- | --- |
| CIF | Cost, Insurance & Freight |
| EPZ | Export Processing Zones |
| FOB | Free On Board |
| GOI | Government of India  |
| India | The Republic of India |
| SEZ | Special economic zone |
| SIE | State-invested enterprise  |
| the Act | the Customs Act 1901 |
| the Applicant or BlueScope | BlueScope Steel Ltd |
| the Commission | Anti-Dumping Commission |
| the goods | the goods the subject of the application (zinc coated (galvanised) steel) |
| the investigation period | 1  July 2015 to 30 June 2016 |

**BACKGROUND AND GENERAL INSTRUCTIONS**

1. **Background**

On 7 October 2016, following an application by BlueScope Steel Ltd. (BlueScope), the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated a dumping investigation in respect of zinc coated (galvanised) steel (the goods) exported to Australia from the Republic of India (India), Malaysia and the Socialist Republic of Vietnam (Vietnam) and a countervailing investigation in respect of the goods exported from India and Vietnam.

BlueScope alleges that the Australian industry has suffered material injury caused by galvanised steel exported to Australia from India Malaysia and Vietnam at dumped and/or subsidised prices.

Anti-Dumping Notice (ADN) No. 2016/105 outlining the details of the investigation and the procedures to be followed during the investigation was published on 7 October 2016 and can be accessed on the Commission’s website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

1. **Goods under consideration**

The goods the subject of the application (the goods) are:

*“Flat rolled iron or steel goods (whether or not containing alloys) that are plated or coated with zinc. The goods are also generically described as galvanised steel. Galvanised steel of any width is included in this application.*

*Trade or further generic names often used to describe the goods the subject of the application 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*
* *Galvanneal*

*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). The common coating masses used for zinc coating are: Z350, Z275, Z200/Z180, Z100, and for zinc/iron alloy coatings are ZF100, ZF80 and ZF30 or equivalents based on international standards and naming conventions.*

*Surface treatments can include but not be limited to; 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).*

*There are a number of relevant International Standards for zinc coated goods that cover BlueScope’s goods, including the recommended or guaranteed properties of each of these grades.*

Relevant International Standards for galvanised steel are set out below:



***Exclusions***

Painted galvanised steel, pre-painted galvanised steel, electro-galvanised steel, corrugated galvanised steel or aluminium zinc alloy coated or plated steel are excluded from the application.

1. **Tariff classification**

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

|  |  |  |
| --- | --- | --- |
| **Tariff code** | **Statistical code** | **Description** |
| 7210.49.00 | 55, 56, 57 and 58 | Flat -rolled products of iron or non-alloy steel, of width of 600mm or more, clad, plated or coated |
| 7212.30.00 | 61 | Flat- rolled products of iron or non-alloy steel, of a width of less than 600mm, clad, plated or steel coated. Otherwise plated or coated with zinc |
| 7225.92.00 | 38 | Flat-rolled products of other alloy steel, of a width of 600mm or more.Otherwise plated or coated with zinc. |
| 7226.99.00 | 71 | Flat-rolled products of other alloy steel, of a width of less than 600mm |

1. **Investigation period**

The existence and amount of any subsidy in relation to galvanised steel exported to Australia from India will be determined on the basis of an investigation period of 1 July 2015 to 30 June 2016 (the investigation period).

The Commission will examine details of the Australian market from 1 July 2012 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 India (the GOI) it considers necessary for the countervailing investigation generally.

Please note that the subsidy sections of this questionnaire focus on identified programs that the Anti-Dumping Commission is specifically investigating at this stage. However, the 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 GOI in the form of supplementary questionnaires.

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

The GOI does not have to complete this questionnaire. However, if the GOI 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 countervailing measures).

Therefore, it is considered to be in the GOI’s interests and the interests of Indian exporters of galvanised steel, to provide a complete response.

If the GOI chooses to respond to this questionnaire, the response is due by **13 November** **2016.**

1. **If you decide to respond**

Should the GOI choose to provide a response to this questionnaire, please note the following:

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

If the GOI 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 GOI’s response is complete and correct. You must return the signed declaration of an authorised GOI official at last section of this questionnaire with the GOI’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 GOI 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 GOI response to this questionnaire, the Commission may seek additional information from the GOI.

The Commission may also seek to carry out a visit to the GOI 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. Describe the nature and structure of the galvanised steel industry in India. Without limiting your response, include details of any government involvement in the galvanised steel industry including upstream raw materials (i.e. hot rolled coils (HRC), coking coal, coke, iron ore and scrap steel). 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)
5. any changes to the government laws and regulations after 1 January 2011
6. At all levels of government (central, state, regional, municipal, special economic zone (SEZ), etc.) identify the names of the government departments, bureaus or agencies that are responsible for the administration of any the GOI measures concerning the galvanised steel and / or the iron and steel industry.

Include information relating to the following areas:

* supervision of galvanised steel , State-owned/invested enterprise (SIE) senior management and administration;
* consolidation of domestic galvanised steel and/or iron and steel producers;
* industrial policy and guidance on the galvanised steel and/or the iron and steel sectors;
* market entry criteria for the galvanised steel and/or the iron and steel industry;
* environmental enforcement for the galvanised steel and /or iron and steel industry;
* management of land utilization;
* banking regulations in relation to galvanised steel and /or the iron and steel industry;
* investigation and inspection of galvanised steel manufacturing facilities;
* the section in the Board for Reconstruction of Public Sector Enterprises (BRPSE) that is responsible for the galvanised steel and / or the iron and steel sector;
* import licensing for raw materials used in galvanised steel manufacture;
* export regulations, export licensing, “guidance prices”, free trade export zones, etc.; and
* taxation - especially export taxes; export tax rebates and any other indirect taxes such as goods and services taxes (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 Indian galvanised steel industry, identifying what proportion of the industry is represented by SIEs, foreign-invested enterprises (FIEs), and Indian domestic-owned private enterprises.

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

1. Complete the attached spreadsheet A-4 (using Microsoft Excel format) listing all manufactures/traders of galvanised steel and upstream raw material (hot rolled coils, coking coal, coke, iron ore and scrap steel) and land providers in India including the following details:
	1. name of the business entity;
	2. location of the business entity;
	3. function of the business (e.g. manufacturer, trader, exporter);
	4. type of business (e.g. State invested enterprise (SIE), Foreign invested enterprise (FIE), private enterprise or other (please specify));
	5. whether the business is a manufacturer of galvanised steel;
	6. production quantity of galvanised steel;
	7. value of total benefit provided to each company;
	8. whether GOI is a shareholder in the business;
	9. if so the percentage of GOI holdings; and
	10. whether there is GOI 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).

For each business where the GOI is a shareholder and/or there is the GOI 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.
3. Which industry associations represent galvanised steel 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 galvanised steel manufacturers and traders in India.

**SECTION B: SUBSIDIES**

The applicant alleges that producers of galvanised steel in India have benefited from a number of subsidies provided by the GOI (including state governments), and that these subsidies are countervailable*.*

Table 1 below lists all the alleged countervailable subsidy programs for galvanised steel that are being investigated.

*Note: the below 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 or the relevant state governments have in place*.

*In responding to this questionnaire, if the GOI 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 GOI is requested 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 galvanised steel during the investigation period.

**TABLE 1: programs UNDER INVESTIGATION**

The following are programs that the Commission is currently investigating:

|  |  |
| --- | --- |
| **Program no.** | **Program Title** |
| 1 | Duty-Free Importation of Capital Goods and Raw Materials, Components, Consumables, Intermediates, Spare Parts and Packing Material in Special Economic Zones (SEZs) |
| 2 | Export Income Tax Exemptions in SEZs |
| 3 | Exemption in SEZs from Minimum Alternate Tax |
| 4 | Exemption in SEZs from Payment of Central Sales Tax on Purchases of Capital Goods and Raw Materials, Components, Consumables, Intermediates, Spare Parts and Packing Material |
| 5 | Exemption in SEZs from Service Tax |
| 6 | Discounted Land Fees and Leases in SEZs |
| 7 | Discounted Electricity Rates in SEZs |
| 8 | Exemption in SEZs from State Sales Tax and Other Levies as Extended by State Governments |
| 9 | Duty-Free Importations for Companies Designated as Export Oriented Units (EOUs) |
| 10 | Reimbursement to EOUs of Central Sales Tax |
| 11 | Duty Drawback for EOUs on Fuel Procured from Domestic Oil Companies |
| 12 | Credit for Service Tax paid by EOUs |
| 13 | Exemptions from Income Tax for EOUs |
| 14 | Exemption from Central Excise Duty on Goods Procured from Domestic Tariff Areas and On Goods Manufactured in India |
| 15 | Assistance to States for Developing Export Infrastructure and Allied Activities |
| 16 | Market Access Initiative |
| 17 | Market Development Assistance |
| 18 | Meeting Expenses for Statutory Compliances in Buyer Country for Trade Related Matters |
| 19 | Brand Promotion and Quality |
| 20 | Test Houses |
| 21 | Focus Product Scheme |
| 22 | Rupee/Foreign Currency Export Credit & Customer Service to Exporters |
| 23 | Export Promotion Capital Goods Scheme |
| 24 | Duty Exemption/Remission Schemes – Duty-Free Import Authorization Scheme |
| 25 | Duty Exemption/Remission Schemes – Advance Authorization Scheme |
| 26 | Duty Exemption/Remission Schemes – Duty Entitlement Passbook Scheme |
| 27 | Duty Exemption/Remission Schemes – Duty Drawback Scheme |
| 28 | Provision of Captive Mining Rights for Minerals Including Iron Ore and Coal |
| 29 | Purchase of Iron Ore From State-owned Enterprises for Less Than Fair Market Value |
| 30 | 80-IB Income Deduction Program |
| 31 | 80-IA Income Tax Deduction Program |
| 32 | Steel Development Fund Loans |
| 33 | Steel Development Fund R&D Grants |
| 34 | State Government of Maharashtra (SGOM) – Industrial Promotion Subsidy |
| 35 | SGOM – Exemption from Electricity Duty |
| 36 | SGOM – Waiver of Stamp Duty |
| 37 | SGOM – Power Tariff Subsidy |
| 38 | SGOM – Incentives to Strengthen Micro, Small and Medium Enterprises (MSME) |
| 39 | SGOM – Special Incentives of the SGOM for Mega Projects |
| 40 | State Government of Gujarat (SGOG) – Assistance to MSMEs – Interest Subsidy |
| 41 | SGOG – Assistance to MSMEs – Quality Certification |
| 42 | SGOG – Sales Tax Exemptions and Deferrals On Purchase of Goods |
| 43 | SGOG – VAT Remission Scheme |
| 44 | SGOG – Scheme for Assistance to Industrial Parks/Industrial Estates Set Up By Private Institutions |
| 45 | SGOG – Critical Infrastructure Projects |
| 46 | State Government of Chhattisgarh (SGOC) – Industrial Policy 2009-2014: Fixed Capital Investment Subsidy |
| 47 | SGOC – Industrial Policy 2009-2014: Interest Subsidy |
| 48 | SGOC – Industrial Policy 2009-2014: Quality Certification |
| 49 | SGOC – Industrial Policy 2009-2014: Electricity Duty Exemption |
| 50 | SGOC – Industrial Policy 2009-2014: Stamp Duty Exemption |
| 51 | SGOC – Industrial Policy 2009-2014: Provision of Land for Less than Adequate Remuneration |
| 52 | State Government of Jharkhand (SGOJ) – Comprehensive Project Investment Subsidy |
| 53 | SGOJ – Stamp Duty and Registration |
| 54 | SGOJ – Incentive for Quality Certification |
| 55 | SGOJ – VAT and Tax Incentives |

**Table 1: Alleged Subsidy Programs**

If the GOI, any of its agencies, or any other authorised non-governmental body provides any other assistance programs not referred to in table 1 (including market development assistance programs or any domestic support programs related to the manufacture of subject goods) to manufacturers of galvanised steel in India, identify these program(s). Such assistance programs are those that constitute a subsidy as defined in the attached ‘Glossary of Terms’.

## PART B-1 GENERAL INFORMATION FOR ALL PROGRAMS

The GOI is requested to provide the information requested for each of the programs identified above and any additional programs the GOI has identified. In addition, please respond to the program-specific information requested.

For all programs under investigation and any other program/s identified by the GOI provide any amendments to law, regulations or policy that makes a particular program redundant for this investigation. Provide all documentary evidence.

## PART B-2 RAW MATERIAL, LAND AND ELECTRCITY

The applicant claims that public bodies (in the form of state-invested enterprises (SIEs[[1]](#footnote-1))) are supplying upstream raw material (Iron ore) and land, directly or indirectly, to manufacturers of galvanised steel at less than fair value:

**Program 29:** Purchase of Iron Ore From State-owned Enterprises for Less Than Fair Market Value

**Program 51:** State Govt. of Chhattisgarh (SGOC) – Industrial Policy 2009-2014: Provision of Land for Less than Adequate Remuneration

In relation to these programs, provide the following information:

1. Outline how each of the following is determined for the entities identified in Section A, Question 5 above and for manufacturers of galvanised steel in India (where this differs across enterprise or type (e.g. SIEs, FIEs), describe this differently):
2. suppliers of raw material inputs (including any restrictions as to what entities can supply raw materials);
3. purchase prices of raw material inputs;
4. allocation of inputs into production process, including raw materials and labour costs;
5. quality by volume and value;
6. selling prices;
7. customers (including restrictions on entities that can purchase goods produced from the enterprise);
8. production output (detail any restrictions on production output);
9. safety standards; and
10. electricity costs.
11. For **programs 29 and 51**, provide full details of 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
20. Please complete the attached spreadsheet **B-3** (using Microsoft Excel format) listing all providers of iron ore and land 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. type of business (e.g. State invested enterprise (SIE), Foreign invested enterprise (FIE), private enterprise or other (please specify))
	4. whether GOI is a shareholder in the business, and if so the percentage of GOI holdings
	5. whether there is GOI 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)
21. The applicant claims that the manufacturers of galvanised steel in India are in receipt of following countervailable subsidies provided by the GOI:

**Program 7:** Discounted Electricity Rates in SEZs

**Program 35:** SGOM – Exemption from Electricity Duty

**Program 37:** SGOM – Power Tariff Subsidy

In relation to these programs please ccomplete the attached spreadsheet **B-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. type of business (e.g. State invested enterprise (SIE), Foreign invested enterprise (FIE), private enterprise or other (please specify))
		4. whether GOI is a shareholder in the business, and if so the percentage of GOI holdings
		5. whether there is GOI 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. 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 **Programs 7, 29, 35, 37 and 51**.
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 4 applied for, accrued or received benefits under **programs 7, 29, 35, 37 and 51during** the investigation period (Complete spreadsheet **B-7).**
4. Provide, on an annual basis, the value and/or nature of the benefit or concession granted (monetary and/or non-monetary) under **programs 7, 29, 35, 37 and 51**.

## PART B-3 OTHER SUBSIDY PROGRAMS

The questions in this part relate to **Programs 1-6, 8-28, 30-34,36-50 and 52 -55** as listed in **Table 1**.

1. Provide full details of the each of the above programs including the following:
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 explain how it operates.
8. to whom and how is the program provided.
9. the GOI department or agency administering the program.
10. the eligibility criteria in order to receive benefits under the program.
11. Provide the decrees, laws and regulations relating to the programs and any reports pertaining to the programs.
12. 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.
13. Identify all companies that accrued or received benefits under the programs during the investigation period. Include the following details in the spreadsheet provided as **B-7** (or in a Microsoft Excel compatible format):
14. the business’ address (including the city, province and region);
15. the ownership structure of the business, including indirect ownership through associated companies (i.e. SIE, private, co-operative, FIE or joint venture);
16. if the business is not an SIE, whether it is otherwise associated with the GOI;
17. whether the entity produces galvanised steel

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

1. For each entity identified in your response to Question 12 above that is an SIE, answer the following questions regarding their performance and profits.
2. How are the operations of the enterprise funded?
3. Provide details of any debts or other liabilities the enterprise has with any banks or financial institutions in which the GOI holds an interest.
4. How is the performance of the enterprise measured? For example, profitability, employment, output, social wellbeing, etc.
5. Provide details and explain how the a particular government entity/Authority inspects or evaluates enterprise performance, including:
* output and quality performance;
* performance of employees/directors/managers; and
* financial performance.

*If any other GOI 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 a government entity/Authority if the enterprises makes a loss or under-performs.
5. Over the past 10 years, has the GOI 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.
2. For each entity identified in Question 13 above, answer the following questions regarding enterprise functions:
3. Provide a list of functions the enterprise performs.
4. Provide details of any government policies the enterprise administers or carries out on behalf of the GOI.
5. Indicate whether any of the enterprise’s functions are considered to be governmental in nature.
6. 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.
7. Indicate whether the enterprise has the authority or power to entrust or direct a private body to undertake responsibilities or functions.
8. Explain whether the enterprise is in pursuit of, or required to support governmental policies or interests.
9. Describe the application process (including any application fees charged by the government agency or authority) for the program.
10. After an application is submitted, describe the procedures by which an application is analysed and eventually approved or disapproved.
11. Answer the following questions regarding eligibility for and actual use of the benefits provided under this program.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.).
17. 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.
18. For all programs listed in **Table 1 (Programs 1 to 55)**, 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.

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

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

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

 **Name of authorised official**

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

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| --- |
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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.

***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 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.

***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, state, 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 GOI as defined above (either through direct ownership or through association) including.

* ‘enterprises with state investment’
* ‘state-owned assets’
* ‘state-invested enterprises’

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. For the purpose of this Questionnaire State Owned enterprise (SOE) and State Invested Enterprise (SIE) are together referred to as SIE. The term SIE is defined in the glossary of this questionnaire. [↑](#footnote-ref-1)