**Government Questionnaire**

**The Socialist Republic of Vietnam**

**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

**Case manager**: Lilly Tacksharp **Sanjay Sharma**

**Phone:** +61 2 6276 1462

**Fax**: +61 3 8539 2499

**E-mail**: lilly.tacksharp@customs.gov.au [operations5@adcommission.gov.au](mailto:operations5@adcommission.gov.au)

**Anti-Dumping Commission website:** [www.adcommission.gov.au](http://www.adcommission.gov.au)

**RETURN OF QUESTIONNAIRE DETAILS**

**Preferably by email to:** [operations5@adcommission.gov.au](mailto:operations5@adcommission.gov.au)

**Or by mail**

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

Anti-Dumping Commission

SAP House, Level 4, 224 Bunda Street

Canberra ACT 2600

Australia

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# ABBREVIATIONS

|  |  |
| --- | --- |
| CIF | Cost, Insurance & Freight |
| EPZ | Export Processing Zones |
| FOB | Free On Board |
| GOV | Government of Vietnam |
| 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 |
| Vietnam | The Socialist Republic of Vietnam |

**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 Anti-Dumping Commission’s (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 Vietnam 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 Vietnam (the GOV) it considers necessary for the countervailing investigation generally and ‘*a particular market situation’* claims.

Please note that the subsidy sections of this questionnaire focus on identified programs that the 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 GOV in the form of supplementary questionnaires.

A separate exporter questionnaire will be available for Vietnamese 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 GOV does not have to complete this questionnaire. However, if the GOV 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 anti-dumping measures).

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

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

1. **If you decide to respond**

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

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

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

The Commission may also seek to carry out a visit to the GOV 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 Vietnam. 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 GOV 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 government agency/department/ministry 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 Vietnamese galvanised steel industry, identifying what proportion of the industry is represented by SIEs, foreign-invested enterprises (FIEs), and Vietnamese domestic-owned private enterprises.

For each business where the GOV is a shareholder in the business, provide the name and percentage GOV 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 Vietnam 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 GOV is a shareholder in the business;
   9. if so the percentage of GOV holdings; and
   10. whether there is GOV 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 GOV is a shareholder and/or there is the GOV 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 Vietnam.

**SECTION B: SUBSIDIES**

The applicant alleges that producers of galvanised steel in Vietnam have benefited from a number of subsidies provided by the GOV (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 GOV or the relevant state/regional/local governments have in place*.

*In responding to this questionnaire, if the GOV 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 GOV is requested to provide information on each program, regardless of the year the benefit was granted by the GOV or the year that the benefit was received by the recipient company, as well as those further identified by the GOV, 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 Number** | **Program Title** |
| 1 | Preferential Import Tariff Rates contingent upon Localisation Ratios with respect to products and Parts of Mechanical-Electric-Electronic Industries (updating Program II of Notification of Subsidies period 2003-2004); |
| 2 | Support for the Implementation of Projects Manufacturing Priority Industrial Products (Updating Programme III of 2003-2004) |
| 3 | Investment Incentives Contingent upon Export Performance For Domestic Businesses (Updating Programme IV of 2003-2004) |
| 4 | Other Investment Incentives for Domestic Businesses (Updating Program V of Period 2003-2004) |
| 5 | Investment Incentives Contingent upon Export Performance for Foreign Invested Enterprises (Updating Programme VI of the Period 2003-2004) |
| 6 | Other Investment Incentives for Foreign Invested Enterprises (Updating Programme VII for Period 2003-2004) |
| 7 | Preferential Investment Credit for Development Contingent upon Export Criteria (Updating Programme VIII of Period 2003-2004) |
| 8 | Preferential Development Credit for Investment Contingent Upon Localisation Ratios (Updating Programme IX of Period 2003-2004) |
| 9 | Other Preferential Investment Credit for Development (Updating Program X of Period 2003-2004) |
| 10 | Export Promotion (Updating Program XII of Period 2003-2004) |
| 11 | Trade Promotion (Updating of Programme XIII of Period 2003-2004) |
| 12 | Support for Mechanical Products (Updating Program XV of Period2003-2004) |
| 13 | Support for Shipbuilding Industry (Updating of Programme XV of Period 2003-2004) |
| 14 | Assistance for Commercial Development in Mountainous, Island and Ethnic Minority Areas (Updating Programme XVI of Period 2003-2004) |
| 15 | Assistance to Enterprises Facing Difficulties Due to Objective Reasons (Updating of Programme XVII of Period 2003-2004) |
| 16 | Incentives for Investment Projects in Science and Technology (Updating Programme XVIII of Period 2003-2004) |
|  | **Program alleged to have benefited Hoa Sen Steel** |
| 17 | Preferential Import Tariff Rates for enterprises investing in regions or sectors entitled to investment incentives |
| 18 | Incentives on corporate income tax for enterprises operating in regions or sectors entitled to incentives |
| 19 | Incentives on Non-Agricultural Land Use Tax to encourage enterprises to invest in sectors or regions which require investment |

Table 1: Alleged Subsidy Programs

If the GOV, 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 Vietnam, identify those 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 GOV is requested to provide the information requested for each of the programs identified above and any additional programs the GOV 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 GOV provide any amendments to law, regulations or policy that makes a particular program redundant for this investigation. Provide all documentary evidence.

## PART B-3 SUBSIDY PROGRAMS

The questions in this part relate to **programs 1- 19** 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 GOV 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-1** (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 GOV;and
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 4 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 GOV 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 GOV 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 GOV 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 5 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 GOV.
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 GOV 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 (i.e. programs 1 to 19), 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?

**SECTION C: PARTICULAR MARKET SITUATION**

## PART C -1 BACKGROUND

The applicant claims that a ‘particular market situation’ exists in respect of galvanised steel (the goods) in Vietnam due to government influence on both the prices of the goods and the major raw material inputs including hot-rolled coil (HRC), iron ore, coal, and cold-rolled steel used in the manufacture of the goods.

The existence of a ‘particular market situation’ could affect the Commission’s approach to calculating the normal value within its dumping assessment.

In broad terms, it is generally the case that the normal value of the goods is the price paid for like goods sold for home consumption in the country of export. One of the exceptions to using domestic selling prices for this purpose is if the Minister is satisfied that a situation in the market has rendered domestic selling prices unsuitable for establishing normal values (i.e. a ‘particular market situation’ exists).

These situations may be where the domestic selling prices in the country of export have been materially influenced by the government rendering those prices unsuitable for use in establishing normal values.

Through this questionnaire, the Commission is seeking information from the GOV, supported by evidence, in assessing the market situation claims made by the applicant. All document provided must be accompanied with a translated English version as well as the original version.

It may be necessary for the Commission to request additional information following receipt and review of your responses.

## PART C -2 A PARTICULAR MARKET SITUATION

The following questions relate to the allegations that ‘a particular market situation’ exists in Vietnam in the galvanised steel industry.

1. Provide a detailed description of the domestic Vietnamese galvanised steel industry and the relevant upstream industries, including HRC, iron ore, coking coal, coke and scrap metal industries. 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 July 2011
6. degree or proportion of government ownership in the industry
7. Provide quarterly data (using Microsoft Excel format) over the period 1 July 2011 to 30 June 2016 for:
8. import quantity (by volume and value) of
   * 1. iron ore
     2. coking coal
     3. coke
     4. HRC
     5. scrap metal
     6. galvanised steel
9. export quantity (by volume and value) of
10. iron ore
11. coking coal
12. coke
13. HRC
14. scrap metal
15. galvanised steel
16. Provide a schedule for the period 1 July 2011 to 30 June 2016 of:
17. the corporate tax rate in relation to:
18. the iron ore, coke and coking coal miners/importers/traders
19. HRC manufacturers/traders
20. scrap metal traders
21. galvanised steel manufacturers/traders
22. import tariff rates and/or import quotas applicable to:
23. iron ore
24. coking coal
25. coke
26. HRC
27. scrap metal
28. galvanised steel
29. export tariff rates and/or export quotas applicable to:
30. iron ore
31. coking coal
32. coke
33. HRC
34. scrap metal
35. galvanised steel
36. Sales tax such as GST[[1]](#footnote-1)/VAT[[2]](#footnote-2) or any other form of export rebates applicable to exports of:
37. iron ore
38. coke
39. coking coal
40. HRC
41. scrap metal
42. galvanised steel
43. If export quotas applied to any of the items at Question 3(c) above, identify which agency of the GOV legislates and monitors the quotas.
44. Complete the attached spreadsheet **C–2.5** (using Microsoft Excel format) listing all Vietnamese galvanised steel producers and/or exporters that have produced and/or exported those goods destined for Australia during the investigation period, including the following details:
    1. name of the business
    2. address of the business (including the state, city, province and region)
    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, joint venture or other (please specify))
    5. if the business is not a SIE, whether it is otherwise associated with the GOV
    6. whether the business also manufactures HRC
    7. whether the business is also an iron ore and/or coking coal miner
    8. production quantity of galvanised steel
    9. whether GOV is a shareholder in the business, and if so the percentage of GOV holdings
    10. whether there is GOV 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 GOV is a shareholder and/or there is GOV 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 your response to question **C-2.5**’ throughout the remainder of the questionnaire.

1. Complete the attached spreadsheet **C–2.6** (using Microsoft Excel format) listing all manufacturers/traders of iron ore, coking coal, coke, HRC and scrap steel in Vietnam including the following details:
   1. name of the business
   2. address of the business (including the city, province and region)
   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, joint venture or other (please specify))
   5. if the business is not a SIE, whether it is otherwise associated with the GOV
   6. production quantity of coking coal, coke or scrap steel
   7. whether the GOV is a shareholder in the business, and if so the percentage of GOV holdings
   8. whether there is GOV 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 GOV is a shareholder and/or there is GOV 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 your response to question

**C-2.6**’ throughout the remainder of the questionnaire

1. Provide names of all industry associations that represent the above business types, provide names, address and contact details including the websites of the relevant industry association.
2. Has the GOV issued or participated in the issuance of any debt or equity instruments[[3]](#footnote-3) in any business entity associated with galvanised steel (including HRC, iron ore, coke, coking coal and scrap metal) industries in the last 5 years? If so:
3. provide the names and address of the business entities
4. explain the reasons for using a particular financial instrument(s)
5. 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)
6. are any of these instruments or securities listed in any securities exchange in Vietnam or overseas? If so:
   1. Provide the name(s) of the securities of exchange;and
   2. Identify any trading restrictions by the business entity and/or the securities exchange
7. Provide details (quantify the value) of any government guarantee provided for any commercial loans by a business entity associated with galvanised steel (including HRC, Iron ore, coke, coking coal and scrap metal) industries in the last 5 years.
8. Describe and explain whether the national, state, regional, provincial or local governments (including ministries or offices of those governments, or any quasi-governmental organisation identified) explicitly or implicitly recognises the industry that produces galvanised steel as a national, state, regional provincial, and/or local development objective, or otherwise directs the development of that industry.
9. Provide a list and copies of any specific laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and directives regarding:
10. The regulation of the price of galvanised steel or any of the upstream raw materials used to manufacture galvanised steel products; and
11. Investment in projects related to galvanised steel or any of the upstream raw materials used to manufacture galvanised steel products.
12. Identify the specific government department or institution responsible for the above-mentioned laws and regulations in Question 10 above.

**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.

***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 Vietnam (GOV)***

For the purposes of this questionnaire, GOV 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 GOV(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 GOV 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. Goods and services tax [↑](#footnote-ref-1)
2. Value added tax [↑](#footnote-ref-2)
3. 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-3)