**Exporter Questionnaire**

**Zinc Coated (Galvanised) steel****tomatoes**

**Exported from**

**The Republic of Vietnam, 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**

**Important note:** The Commissioner will reject all requests for a longer period to provide a response to this exporter questionnaire received after this date. Extensions requested before this date will *only* be agreed to where necessary and reasonable.

7-November-99

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**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

# Goods under consideration

The goods under consideration (the goods) i.e. the goods exported to Australia, allegedly at dumped prices and/or in receipt of subsidies, 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.*

*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).*

T*rade 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*

*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:*



***Exclusion***

*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.*

**Tariff classification (*Schedule 3 of the Customs Tariff Act 1995)***

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

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# Instructions

## Why you have been asked to fill out this questionnaire?

The Anti-Dumping Commission (the Commission) is responsible for investigating the allegation that zinc coated (galvanised) steel has been exported to Australia from Vietnam, Malaysia and Vietnam at prices less than their normal value and were in receipt of countervailable subsidies from India and Vietnam, and that the dumping and/or subsidisation has caused material injury to the Australian industry.

The Commission will use the information you provide to determine normal values, if the goods exported were in receipt of countervailable subsidies and export prices over the investigation period. You may make separate submissions concerning any other matter, for example injury.

The Commission investigation will be carried out under the provisions of the Part XVB of the *Customs Act 1901*.

## What happens if you do not respond to this questionnaire?

You do not have to complete the questionnaire. However, if you do not respond, do not provide all of the information sought, do not provide information within a reasonable time period, or do not allow the Commission to verify the information, we may deem you uncooperative. In that case the Commission may be required to rely on information supplied by other parties (possibly information supplied by the Australian industry). In that case we may assess a dumping margin and/or subsidy margin for your company based upon normal values and/or subsidisation that may be the highest determined in your country during the investigation period.

It is in your interest, therefore, to provide a complete and accurate submission, capable of verification.

## Due date for response

Manufacturers and exporters are requested to respond to this questionnaire and return it to the Commission within the time specified on the cover page.

The Commissioner must consider the direction from the Minister for Industry, Innovation and Science as set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* (the Direction). This Direction sets out the particular considerations that the Commissioner must take into account when:

* deciding whether a longer period is reasonably required or practicable under subsection 269TC(6) and 269TC(9) of the Customs Act 1901 (the Act), or considering whether to allow any interested party a longer period to give any response;
* considering an insufficient response from an interested party;
* determining whether to have regard to a late response;
* determining whether an exporter is an uncooperative exporter;
* determining whether or not an entity is a non-cooperative entity for the purposes of section 269TAACA; and
* determining whether an entity has significantly impeded a case.

The full text of the Direction and the accompanying explanatory statement is available on the Comlaw website at [www.comlaw.gov.au](http://www.comlaw.gov.au). This and other reforms to Australia’s anti‑dumping system are explained in Anti-Dumping Notice 2015/129, available on the Commission’s website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## Confidential and non-confidential submissions

You are required to lodge one confidential version (for official use only) and one non-confidential version (for public record) of your submission by the due date.

Please ensure that *each page* of information you provide is clearly marked either “FOR OFFICIAL USE ONLY” or “PUBLIC RECORD”.

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

Please note, Australia’s anti-dumping and countervailing legislation requires that to the extent that information given to the Commission is claimed to be confidential or whose publication would adversely affect a business or commercial interest, the person giving the information must ensure that a summary of that information contains sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests.

The legislation allows that a person is not required to provide a summary for the public record if the Commissioner can be satisfied that no such summary can be given that would allow a reasonable understanding of the substance of the information. However, such a summary would add considerably to an interested party’s understanding of information contained in a document.

As provided for in Australia’s anti-dumping and countervailing legislation, all submissions are required to have a bracketed explanation of deleted or blacked out information for the non-confidential version of the submission. Note that if such an explanation is not provided, the Commission may disregard the information in the submission. An example of a statement to accompany deleted/blacked out text is:

[explanation of cost allocation through the divisions].

If, for some reason, you cannot produce a non-confidential summary, please contact the investigation case manager.

## Exporter’s declaration

At section H, you are required to make a declaration that the information contained in your submission is complete and correct. Alternatively, if you did not export the goods during the period of investigation, you may make a declaration to that effect.

You must return a signed declaration with your response to the questionnaire.

## Verification of the information that you supply

The Commission will seek to verify the information provided in your submission. Where there are a large number of exporters, the Commission may have to verify information from selected exporters only. The purpose of the visit is to verify the information submitted in response to this questionnaire. It is not meant to be a chance for you to provide new or additional information. The Commission expects your response to the questionnaire to be complete and accurate.

Verification visits take several days. The Commission will want to examine in detail your company’s records in respect of the goods and will ask for copies of documents relating to the manufacture and sale of the goods. We will need to consult with your staff, particularly your financial controller (or accountant) and your domestic and export sales people. We may also need to see your factory, in which case we will need to consult with your operational managers.

After gathering the information we will prepare a report of the visit that is suitable for public record. We will provide you with a draft of the report and then respond to any questions you have.

## If you do not manufacture the goods

You may export but not produce or manufacture the goods (for example, you are a trading company, broker, or vendor dealing in the goods).

In such cases it is important that you forward a copy of this questionnaire to the relevant manufacturers **immediately.** You should also inform the investigation case officer of the contact details for these manufacturers.

You should complete those sections of the questionnaire that you are reasonably able to complete. If, for example, you are unable to supply details of production costs, you should clearly explain why the section does not apply to your company.

## If you do not export the goods

Depending on the arrangement for sale of the goods to Australia through an intermediary, the Commission will have to determine who is the exporter of the goods for the purpose of this investigation.

In any case, information (such as cost of production data) supplied by the manufacturer will be relevant to establishing the normal value and/or countervailable subsidies received in relation to the goods. In the absence of verified information, the Commission may use other available information. This information may result in a decision less favourable to your company.

## Outline of information required by this questionnaire

|  |  |
| --- | --- |
| **Section A** | General information relating to your company including financial reports. |
| **Section B** | A complete list of your company’s exports to Australia over the investigation period. |
| **Section C** | A list of goods sold on the domestic market of the country of export (like goods) that may be compared to the goods under consideration (the goods). |
| **Section D** | A detailed list of all of your company’s sales of like goods in your domestic market. |
| **Section E** | Information to allow a fair comparison between export and domestic prices. |
| **Section F** | Information in relation to your company’s exports of like goods to countries other than Australia. |
| **Section G**  **Section H** | Costs to make and sell, for exports to Australia and for the domestic market.  Subsidy Programs |
| **Section I**  **Section J** | Particular Market Situation  Your declaration |
| **Section K** | A checklist. |
| **Appendix 1** | A glossary of terms used in this questionnaire |

## Some general instructions for preparing your response

* When answering the questionnaire please carefully read all instructions. The Commission requires a response to *all* sections of this questionnaire. Please provide an explanation if a question is not relevant to your situation.
* Answer questions in the order presented in the questionnaire. Please ensure that information submitted conforms to the requested format and is clearly labelled. Please repeat the question to which you are responding and place your answer below it.
* Identify source documents and advise where they are kept. During on-site verification you should be prepared to substantiate all the information you have submitted. Every part of the response should be traceable to company documents that are used in the ordinary course of business.
* We recommend that you retain all work sheets used in answering the questionnaire, in particular those linking the information supplied with management and accounting records. This will help us to verify the information.
* Clearly identify all units of measurement and currencies used. Apply the same measurement consistently throughout your response to the questionnaire.

## Instructions on providing electronic data

* It is important that information is submitted in electronic format.
* Electronic data should be emailed or submitted on a CD-ROM, in IBM/MS-DOS format, or another operating system whose disk format is compatible with this MS-DOS version.
* The data must be created as spreadsheet files, preferably in Microsoft Excel, or alternatively in an Excel compatible format (for example, Excel can normally access data in Dbase or as an ASCII file).
* The Excel files must be compatible to the USA version.
* If you cannot present electronic data in the requested format contact the investigation case officer as soon as possible.

## Further information

Before you respond to the questionnaire you should read all the documentation enclosed with this application including the applicant's non-confidential submission and the Anti-Dumping Notice notifying the initiation of the investigation. We also advise that you read the attached glossary of terms.

If you require further assistance, or you are having difficulties completing your submission, please contact the investigation case manager. The Commission will need to know the reasons.

# Section A Company structure and operations

This section requests information relating to company details and financial reports.

## A-1 Identity and communication

Please nominate a person within your company who can be contacted for the purposes of this investigation:

*Head Office:*

Name:

Position in the company:

Address:

Telephone:

Facsimile number:

E-mail address of contact person:

*Factory:*

Address:

Telephone:

Facsimile number:

E-mail address of contact person:

## A-2 Representative of the company for the purpose of investigation

If you wish to appoint a representative to assist you in this investigation, provide the following details:

Name:

Address:

Telephone:

Facsimile/Telex number:

E-mail address of contact person:

*Note that in nominating a representative, the Commission will assume that confidential material relating to your company in this investigation may be freely released to, or discussed with, that representative.*

## A-3 Company information

1. What is the legal name of your business? What kind of entity is it (e.g. Company, partnership, sole trader)? Please provide details of any other business names that you use to export and/or sell goods.

1. Who are the owners and/or principal shareholders? Provide details of shareholding percentages for joint owners and/or principal shareholders. (List all shareholders able to cast, or control the casting of, 5% or more of the maximum amount of votes that could be cast at a general meeting of your company).
2. If your company is a subsidiary of another company, list the principal shareholders of that company.
3. If your parent company is a subsidiary of another company, list the principal shareholders of that company.
4. Provide a diagram showing all associated or affiliated companies and your company’s place within that corporate structure.
5. Are any management fees/corporate allocations charged to your company by your parent or related company?
6. Describe the nature of your company’s business. Explain whether you are a producer or manufacturer, distributor, trading company, etc.
7. If your business does not perform all of the following functions in relation to the goods under consideration, then please provide names and addresses of the companies which perform each function:

* produce or manufacture
* sell in the domestic market
* export to Australia, and
* export to countries other than Australia.

1. Provide your company’s internal organisation chart. Describe the functions performed by each group within the organisation.
2. Provide a copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities.

## A-4 General accounting/administration information

1. Indicate your accounting period.
2. Indicate the address where the company’s financial records are held.
3. Please provide the following financial documents for the two most recently completed financial years plus all subsequent monthly, quarterly or half yearly statements:

* chart of accounts;
* audited consolidated and unconsolidated financial statements (including all footnotes and the auditor’s opinion);
* internal financial statements, income statements (profit and loss reports), or management accounts, that are prepared and maintained in the normal course of business for the goods under consideration.

These documents should relate to:

* the division or section/s of your business responsible for the production and sale of the goods under consideration, and
* the company.

1. If you are not required to have the accounts audited, provide the unaudited financial statements for the two most recently completed financial years, together with your taxation returns. Any subsequent monthly, quarterly or half yearly statements should also be provided.
2. Do your accounting practices differ in any way from the generally accepted accounting principles in your country? If so, provide details.
3. Describe:

The significant accounting policies that govern your system of accounting, in particular:

* the method of valuation for raw material, work-in-process, and finished goods inventories (e.g. last in first out –LIFO, first in first out- FIFO, weighted average);
* costing methods, including the method (e.g. by tonnes, units, revenue, direct costs etc.) of allocating costs shared with other goods or processes (such as front office cost, infrastructure cost etc.);
* valuation methods for damaged or sub-standard goods generated at the various stages of production;
* valuation methods for scrap, by products, or joint products;
* valuation and revaluation methods for fixed assets;
* average useful life for each class of production equipment and depreciation method and rate used for each;
* treatment of foreign exchange gains and losses arising from transactions;
* treatment of foreign exchange gains/losses arising from the translation of balance sheet items;
* inclusion of general expenses and/or interest;
* provisions for bad or doubtful debts;
* expenses for idle equipment and/or plant shut-downs;
* costs of plant closure;
* restructuring costs;
* by-products and scrap materials resulting from your company’s production process; and
* effects of inflation on financial statement information.

1. In the event that any of the accounting methods used by your company have changed over the last two years provide an explanation of the changes, the date of change, and the reasons for it.

## A-5 Income statement

Please fill in the following table. It requires information concerning all products produced and for the goods under consideration (*‘goods under consideration’* (the goods) is defined in the Glossary of Terms in the appendix to this form).You should explain how costs have been allocated.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Most recent completed financial year (specify)** | | **Investigation period** | |
|  | **All products** | **Goods Under Consideration** | **All products** | **Goods Under Consideration** |
| **Gross Sales (1)** |  |  |  |  |
| Sales returns, rebates  and discounts (2) |  |  |  |  |
| **Net Sales (3=1-2)** |  |  |  |  |
| Raw materials (4) |  |  |  |  |
| Direct Labour (5) |  |  |  |  |
| Depreciation (6) |  |  |  |  |
| Manufacturing overheads (7) |  |  |  |  |
| Other operating expenses (8) |  |  |  |  |
| **Total cost to make (9=4+5+6+7+8)** |  |  |  |  |
| **OPERATING INCOME**  **(10=3-9)** |  |  |  |  |
| Selling expenses (11) |  |  |  |  |
| Administrative & general expenses (12) |  |  |  |  |
| Financial expenses (13) |  |  |  |  |
| **SG&A expenses (14)=(11+12=13)** |  |  |  |  |
| **INCOME FROM NORMAL**  **ACTIVITIES (15)=(10-14)** |  |  |  |  |
| Interest income (16) |  |  |  |  |
| Interest expense (enter as negative) (17) |  |  |  |  |
| Extraordinary gains and  Losses – enter losses as negative (18) |  |  |  |  |
| Abnormal gains and losses – enter losses as negative (19) |  |  |  |  |
| **PROFIT BEFORE**  **TAX (20)=(15+16+17+18+19**) |  |  |  |  |
| Tax (21) |  |  |  |  |
| **NET PROFIT (22)=(20-21)** |  |  |  |  |

Note: if your financial information does not permit you to present information in accordance with this table please present the information in a form that closely matches the table.

Prepare this information on a spreadsheet named "**A-5 Income statement**".

*This information will be used to verify the completeness of cost data that you provide in Section G. If, because of your company’s structure, the allocations would not be helpful in this process, please explain why this is the case.*

## A-6 Sales

State your company's net turnover (after returns and all discounts), and free of duties and taxes. Use the currency in which your accounts are kept, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Most recent completed financial year (specify)** | | **Investigation period** | |
|  | **Volume** | **Value** | **Volume** | **Value** |
| Total company turnover  (**all products**) |  |  |  |  |
| Domestic market |  |  |  |  |
| Exports to Australia |  |  |  |  |
| Exports to Other Countries |  |  |  |  |
| Turnover of the nearest business unit, for which financial statements are prepared, which includes the goods under consideration |  |  |  |  |
| Domestic market |  |  |  |  |
| Exports to Australia |  |  |  |  |
| Exports to Other Countries |  |  |  |  |
| Turnover of the **goods under consideration** |  |  |  |  |
| Domestic market |  |  |  |  |
| Exports to Australia |  |  |  |  |
| Exports to Other Countries |  |  |  |  |

Prepare this information in a spreadsheet named "**A-6 TURNOVER**".

*This information will be used to verify the cost allocations to the goods under consideration in Section G.*

*Also, you should be prepared to demonstrate that sales data shown for the goods is a complete record by linking total sales of these goods to relevant financial statements.*

# Section B Sales to Australia (export price)

*This section requests information concerning your export practices and prices to Australia. You should include costs incurred beyond ex-factory. Export prices are usually assessed at FOB point, but the Commission may also compare prices at the ex-factory level.*

*You should report prices of* ***all*** *goods under consideration (the goods)* ***shipped*** *to Australia during the investigation period.*

*The invoice date will normally be taken to be the date of sale. If you consider:*

*the sale date is not the invoice date (see ‘date of sale’ column in question B4 below) and;*

*an alternative date should be used when comparing export and domestic prices*

*you* ***must*** *provide information in section D on domestic selling prices for a matching period - even if doing so means that such domestic sales data predates the commencement of the investigation period.*

**B-1** For each customer in Australia to whom you shipped goods in the investigation period list:

name;

address;

contact name and phone/fax number where known; and

trade level (for example: distributor, wholesaler, retailer, end user, original equipment).

**B-2** For each customer identified in B1 please provide the following information.

1. Describe how the goods are sent to each customer in Australia, including a diagram if required.
2. Identify each party in the distribution chain and describe the functions performed by them. Where commissions are paid indicate whether it is a pre or post exportation expense having regard to the date of sale.
3. Explain who retains ownership of the goods at each stage of the distribution chain. In the case of DDP sales, explain who retains ownership when the goods enter Australia.
4. Describe any agency or distributor agreements or other contracts entered into in relation to the Australian market (supply copy of the agreement if possible).
5. Explain in detail the process by which you negotiate price, receive orders, deliver, invoice and receive payment. If export prices are based on price lists supply copies of those lists.
6. State whether your firm is related to any of its Australian customers. Give details of any financial or other arrangements (e.g. free goods, rebates, or promotional subsidies) with the customers in Australia (including parties representing either your firm or the customers).
7. Details of the forward orders of the goods under consideration (include quantities, values and scheduled shipping dates).

**B-3** Do your export selling prices vary according to the distribution channel identified? If so, provide details. Real differences in trade levels are characterised by consistent and distinct differences in functions and prices.

**B-4** Prepare a spreadsheet named “**B-4 Australian sales**” listing all shipments (i.e. transaction by transaction) to Australia of the goods under consideration in the investigation period. You must provide this list in electronic format. Include the following export related information:

|  |  |
| --- | --- |
| **Column heading** | **Explanation** |
| Customer name | names of your customers |
| Level of trade | the level of trade of your customers in Australia |
| Model/grade/type | commercial model/grade or type |
| Product code | code used in your records for the model/grade/type identified. Explain the product codes in your submission. |
| Grade | Reports the steel grade of Galvanised steel. The steel grade determines the guaranteed or typical mechanical properties of the product. The Australian standard AS 1397 range of steel grades are noted in bold with the equivalent Japanese standard JIS 3302 steel grades noted alongside unbolded. |
| Base Steel (hot rolled or cold rolled) | Whether the galvanised steel substrate is a hot rolled base or whether it is a cold rolled base (i.e. hot rolled further processed via pickling, side trimming and cold reduction). |
| Hot Dipped coating type | The type of zinc coating on the steel surface. This is either a hot dipped coating of zinc or a coating of zinc that has been converted to a zinc/iron alloy post the hot dip process (excludes electro galvanised steel). The common term for zinc/iron alloy galvanised steel is Galvanneal for this product. |
| Coating mass (weight) | The amount of zinc (Z) or zinc/iron (ZF) coating that has been applied to the base steel. This is expressed as the total (both top and bottom sides) in grams/square metre of surface area. The designated coating mass is a guaranteed minimum value. Note: JIS 3302 expresses coating mass in a shortened manner compared to AS 1397 (i.e. AS 1397 coating of Z275 (g/m2) = Z27 in the JIS 3302 standard and AS 1397 coating of ZF100 (g/m2) = F10 in the JIS 3302 standard). |
| Thickness (BMT) | The Base Metal Thickness (BMT) of the substrate steel before the zinc coating or the zinc/iron coating is applied. For galvanised steel of the same coating mass, the thinner the base metal, the more square metres per tonne and therefore more coating metal is required to be applied and higher the cost and selling price. |
| Width | The width of the galvanised steel. In general narrow steel product requires extra processing via a slitting operation and incurs a price extra. |
| Form (Coil or Sheet) | The final shape of the galvanised steel - either in coil form or in sheet form. Sheeted product requires extra processing via a shearing operation and incurs a price extra |
| Prime / Non Prime | Whether the product is prime or non-prime (secondary) product. Non-prime could also be described as not meeting the intended or applicable specification. |
| Invoice number | invoice number |
| Invoice date | invoice date |
| Date of sale | refer to the explanation at the beginning of this section. If you consider that a date *other than* the invoice date best establishes the material terms of sale, report that date. For example, order confirmation, contract, or purchase order date. |
| Order number | if applicable, show order confirmation, contract or purchase order number if you have shown a date other than invoice date as being the date of sale. |
| Shipping terms | Delivery terms e.g. CIF, C&F, FOB, DDP (in accordance with Incoterms) |
| Payment terms | agreed payment terms e.g. 60 days=60 etc. |
| Quantity | Quantity in units shown on the invoice. Show basis e.g. kg. |
| Gross invoice value | gross invoice value shown on invoice *in the currency of sale*, *excluding taxes.* |
| Discounts on the invoice | if applicable, the amount of any discount deducted on the invoice on each transaction. If a % discount applies show that % discount applying in another column. |
| Other charges | any other charges, or price reductions, that affect the net invoice value. Insert additional columns and provide a description. |
| Invoice currency | the currency used on the invoice |
| Exchange rate | Indicate the exchange rate used to convert the currency of the sale to the currency used in your accounting system |
| Net invoice value in the currency of the exporting country | the net invoice value expressed in your domestic currency as it is entered in your accounting system |
| Rebates or other allowances | the amount of any deferred rebates or allowances paid to the importer in the currency of sale |
| Quantity discounts | the actual amount of quantity discounts not deducted from the invoice. Show a separate column for each type of quantity discount. |
| Ocean freight\*\* | the actual amount of ocean freight incurred on each export shipment listed. |
| Marine insurance | Amount of marine insurance |
| FOB export price\*\* | the free on board price at the port of shipment. |
| Packing\* | Packing expenses |
| Inland transportation costs\* | inland transportation costs included in the selling price. For export sales this is the inland freight from factory to port in the country of export. |
| Handling, loading & ancillary expenses\* | handling, loading & ancillary expenses. For example, terminal handling, export inspection, wharfage & other port charges, container tax, document fees & customs brokers fees, clearance fees, bank charges, letter of credit fees, & other ancillary charges incurred in the exporting country. |
| Warranty & guarantee expenses\* | warranty & guarantee expenses |
| Technical assistance & other services\* | expenses for after sale services, such as technical assistance or installation costs. |
| Commissions\* | Commissions paid. If more than one type is paid insert additional columns of data. Indicate in your response to question B2 whether the commission is a pre or post exportation expense having regard to the date of sale. |
| Other factors\* | **any other** costs, charges or expenses incurred in relation to the exports to Australia (include additional columns as required). See question B5. |

\*\* FOB export price and Ocean Freight:

FOB export price: An FOB export price must be calculated for each shipment - regardless of the shipping terms. FOB price includes inland transportation to the port of exportation, inland insurance, handling, and loading charges. It excludes post exportation expenses such as ocean freight and insurance. Use a formula to show the method of the calculation on each line of the export sales spreadsheet.

Ocean freight: as ocean freight is a significant cost it is important that the actual amount of ocean freight incurred on each exportation be reported. If estimates must be made you must explain the reasons and set out the basis - estimates must reflect changes in freight rates over the investigation period.

Freight allocations must be checked for consistency.

\* All of these costs are further explained in section E-1.

**B-5** If there are any other costs, charges or expenses incurred in respect of the exports listed above which have not been identified in the table above, add a column (see “other factors” in question B-4) for each item, and provide a description of each item. For example, other selling expenses (direct or indirect) incurred in relation to the export sales to Australia.

**B-6** For each type of discount, rebate, and allowance offered on export sales to Australia:

provide a description; and

explain the terms and conditions that must be met by the importer to obtain the discount.

Where the amounts of these discounts, rebates etc are not identified on the sales invoice, explain how you calculated the amount shown in your response to question B4. If they vary by customer or level provide an explanation.

**B-7** If you have issued credit notes (directly or indirectly) to the customers in Australia, in relation to the invoices listed in the detailed transaction by transaction listing in response to question B4, provide details of each credit note if the credited amount has **not** been reported as a discount or rebate.

**B-8** If the delivery terms make you responsible for arrival of the goods at an agreed point within Australia (e.g. delivered duty paid), insert additional columns in the spreadsheet for all other costs incurred. For example:

|  |  |
| --- | --- |
| Import duties | Amount of import duty paid in Australia |
| Inland transport | Amount of inland transportation expenses within Australia included in the selling price |
| Other costs | Customs brokers, port and other costs incurred (itemise) |

**B-9** Select two shipments, in different quarters of the investigation period, and provide a complete set of all of the documentation related to the export sale. For example:

the importer’s purchase order, order confirmation, and contract of sale;

commercial invoice;

bill of lading, export permit;

freight invoices in relation to movement of the goods from factory to Australia, including inland freight contract;

marine insurance expenses; and

letter of credit, and bank documentation, proving payment.

The Commission will select additional shipments for payment verification at the time of the visit.

# Section C EXPORTED GOODS & Like goods

**C-1** Fully describe all of the goods you have exported to Australia during the investigation period. Include specification details and any technical and illustrative material that may be helpful in identifying, or classifying, the exported goods.

**C-2** List each type of goods exported to Australia (these types should cover all types listed in spreadsheet **“Australian sales**” **–** see section B of this questionnaire).

**C-3** If you sell like goods on the domestic market, for each type that your company has exported to Australia during the investigation period, list the most comparable model(s) sold domestically; and

provide a detailed explanation of the differences where those goods sold domestically (i.e. the like goods – see explanation in glossary) are not identical to goods exported to Australia.

|  |  |  |  |
| --- | --- | --- | --- |
| **EXPORTED TYPE** | **DOMESTIC TYPE** | **IDENTICAL?** | **DIFFERENCES** |
| Product code of each model of the goods exported to Australia | Product code of comparable model sold on the domestic market of the country of export | If goods are identical indicate “YES”. Otherwise “NO” | Where the good exported to Australia is not identical to the like goods, describe the specification differences. If it is impractical to detail specification differences in this table refer to documents which outline differences |

**C-4** Please provide any technical and illustrative material that may be helpful in identifying or classifying the goods that your company sells on the domestic market.

# Section D Domestic sales

*This section seeks information about the sales arrangements and prices in the domestic market of the country of export.*

*All domestic sales made during the investigation period must be listed transaction by transaction. If there is an extraordinarily large volume of sales data and you are unable to provide the complete listing electronically you* ***must*** *contact the case officer* ***before*** *completing the questionnaire. If the case officer agrees that it is not possible to obtain a complete listing he or she will consider a method for sampling that meets* the *Commission* *requirements. If agreement cannot be reached as to the appropriate method the Commission may not visit your company.*

*The Commission will normally take the invoice date as being the date of sale in order to determine which sales fall within the investigation period.*

*If, in response to question B4 (Sales to Australia, Export Price), you have reported that the date of sale is not the invoice date and you consider that this alternative date should be used when comparing domestic and export prices –*

*you* ***must*** *provide information on domestic selling prices for a matching period - even if doing so means that such domestic sales data predates the commencement of the investigation period.*

*If you do not have any domestic sales of like goods you must contact the case officer who will explain the infor*mation the Commission *requires for determining a normal value using alternative methods.*

**D-1** Provide:

a detailed description of your distribution channels to domestic customers, including a diagram if appropriate;

information concerning the functions/activities performed by each party in the distribution chain; and

a copy of any agency or distributor agreements, or contracts entered into.

If any of the customers listed are associated with your business, provide details of that association. Describe the effect, if any, that association has upon the price.

**D-2** Do your domestic selling prices vary according to the distribution channel identified? If so, provide details. Real differences in trade levels are characterised by consistent and distinct differences in functions and prices.

**D-3** Explain in detail the sales process, including:

the way in which you set the price, receive orders, make delivery, invoice and finally receive payment; and the terms of the sales; and

whether price includes the cost of delivery to customer.

If sales are in accordance with price lists, provide copies of the price lists.

**D-4** Prepare a spreadsheet named “**D-4 Domestic sales**” listing **all** sales of like goods made during the investigation period. The listing must be provided on a CD-ROM. Include all of the following information.

|  |  |
| --- | --- |
| **Column heading** | **Explanation** |
| Customer name | names of your customers. If an English version of the name is not easily produced from your automated systems show a customer code number and in a separate table list each code and name. |
| Level of trade | the level of trade of your domestic customer |
| Model/grade/type | commercial model/grade or type of the goods |
| Product code | code used in your records for the model/grade/type of the goods identified. Explain the product codes in your submission. |
| Grade | Reports the steel grade of Galvanised steel. The steel grade determines the guaranteed or typical mechanical properties of the product. The Australian standard AS 1397 range of steel grades are noted in bold with the equivalent Japanese standard JIS 3302 steel grades noted alongside unbolded. |
| Base Steel (hot rolled or cold rolled) | Whether the galvanised steel substrate is a hot rolled base or whether it is a cold rolled base (i.e. hot rolled further processed via pickling, side trimming and cold reduction). |
| Hot Dipped coating type | The type of zinc coating on the steel surface. This is either a hot dipped coating of zinc or a coating of zinc that has been converted to a zinc/iron alloy post the hot dip process (excludes electro galvanised steel). The common term for zinc/iron alloy galvanised steel is Galvanneal for this product. |
| Coating mass (weight) | The amount of zinc (Z) or zinc/iron (ZF) coating that has been applied to the base steel. This is expressed as the total (both top and bottom sides) in grams/square metre of surface area. The designated coating mass is a guaranteed minimum value. Note: JIS 3302 expresses coating mass in a shortened manner compared to AS 1397 (i.e. AS 1397 coating of Z275 (g/m2) = Z27 in the JIS 3302 standard and AS 1397 coating of ZF100 (g/m2) = F10 in the JIS 3302 standard). |
| Thickness (BMT) | The Base Metal Thickness (BMT) of the substrate steel before the zinc coating or the zinc/iron coating is applied. For galvanised steel of the same coating mass, the thinner the base metal, the more square metres per tonne and therefore more coating metal is required to be applied and higher the cost and selling price. |
| Width | The width of the galvanised steel. In general narrow steel product requires extra processing via a slitting operation and incurs a price extra. |
| Form (Coil or Sheet) | The final shape of the galvanised steel - either in coil form or in sheet form. Sheeted product requires extra processing via a shearing operation and incurs a price extra |
| Prime / Non Prime | Whether the product is prime or non-prime (secondary) product. Non-prime could also be described as not meeting the intended or applicable specification. |
| Invoice number | invoice number |
| Invoice date | invoice date |
| Date of sale | refer to the explanation at the beginning of this section. If you consider that a date *other than* the invoice date best establishes the material terms of sale and should be used, report that date. For example, order confirmation, contract, or purchase order date. |
| Order number | show order confirmation, contract or purchase order number if you have shown a date other than invoice date as being the date of sale. |
| Delivery terms | eg ex factory, free on truck, delivered into store |
| Payment terms | payment terms agreed with the customer e.g. 60 days=60 etc. |
| Quantity | quantity in units shown on the invoice e.g. kg. |
| Gross Invoice value | gross value shown on invoice *in the currency of sale*, net of taxes. |
| Discounts on the  Invoice | the amount of any discount deducted on the invoice on each  transaction. If a % discount applies show that % discount applying in another column. |
| Other charges | any other charges, or price reductions, that affect the net invoice value. Insert additional columns and provide description. |
| Net invoice value in the currency of the exporting country | the net invoice value expressed in your domestic currency as recorded in your accounting system |
| Rebates or other  Allowances | the actual amount of any deferred rebates or allowances in the currency of sale |
| Quantity discounts | the actual amount of quantity discounts not deducted from the invoice. Show a separate column for each type of quantity discount. |
| Packing\* | packing expenses |
| Inland transportation  Costs\* | amount of inland transportation costs included in the selling price. |
| Handling, loading  And ancillary  Expenses\* | handling, loading & ancillary expenses. |
| Warranty &  Guarantee expenses\* | warranty & guarantee expenses |
| Technical assistance  & other services\* | expenses for after sale services such as technical assistance or installation costs. |
| Commissions\* | commissions paid. If more than one type is paid insert additional columns of data. |
| Other factors\* | **any other** costs, charges or expenses incurred in relation to the domestic sales (include additional columns as required). See question D5. |

Costs marked with \* are explained in section E-2.

**D-5** If there are any other costs, charges or expenses incurred in respect of the sales listed which have not been identified in the table in question D-4 above add a column for each item (see “other factors”). For example, certain other selling expenses incurred.

**D-6** For each type of commission, discount, rebate, allowance offered on domestic sales of like goods:

provide a description; and

explain the terms and conditions that must be met by the customer to qualify for payment.

Where the amounts of these discounts, rebates etc. are not identified on the sales invoice, explain how you calculated the amounts shown in your response to question D4.

If you have issued credit notes, directly or indirectly to the customers, provide details if the credited amount has **not** been reported as a discount or rebate.

**D-7** Select two domestic sales, in different quarters of the investigation period, that are at the same level of trade as the export sales. Provide a complete set of documentation for those two sales. (Include, for example, purchase order, order acceptance, commercial invoice, discounts or rebates applicable, credit/debit notes, long or short term contract of sale, inland freight contract, bank documentation showing proof of payment.)

The Commission will select additional sales for verification at the time of our visit.

# Section E Fair comparison

Section B sought information about the export prices to Australia and Section D sought information about prices on your domestic market for like goods (i.e. the normal value).

Where the normal value and the export price are not comparable adjustments may be made. This section informs you of the fair comparison principle and asks you to quantify the amount of any adjustment.

As prices are being compared, the purpose of the adjustments is to eliminate factors that have unequally modified the prices to be compared.

To be able to quantify the level of any adjustment it will usually be necessary to examine cost differences between sales in different markets. The Commission must be satisfied that those costs are likely to have influenced price. In practice, this means that the expense item for which an adjustment is claimed should have a close nexus to the sale. For example, the cost is incurred because of the sale, or because the cost is related to the sale terms and conditions.

Conversely, where there is not a direct relationship between the expense item and the sale a greater burden is placed upon the claimant to demonstrate that prices have been affected, or are likely to have been affected, by the expense item. In the absence of such evidence the Commission may disallow the adjustment.

Where possible, the adjustment should be based upon actual costs incurred when making the relevant sales. However, if such specific expense information is unavailable cost allocations may be considered. In this case, the party making the adjustment claim must demonstrate that the allocation method reasonably estimates costs incurred.

A party seeking an adjustment has the obligation to substantiate the claim by relevant evidence that would allow a full analysis of the circumstances, and the accounting data, relating to the claim.

The investigation must be completed within strict time limits therefore you must supply information concerning claims for adjustments in a timely manner. Where an exporter has knowledge of the material substantiating an adjustment claim that material is to be available at the time of the verification visit. The Commission will not consider new claims made after the verification visit.

## E-1 Costs associated with export sales

(These cost adjustments will relate to your responses made at question B‑4, ‘**Australian sales**’)

**1. Transportation**

Explain how you have quantified the amount of inland transportation associated with the export sale (**“Inland transportation costs**”). Identify the general ledger account where the expense is located. If the amount has been determined from contractual arrangements, not from an account item, provide details and evidence of payment.

**2. Handling, loading and ancillary expenses**

List all charges that are included in the export price and explain how they have been quantified (**“Handling, loading & ancillary expenses”**). Identify the general ledger account where the expenses are located. If the amounts have been determined using actual observations, not from a relevant account item, provide details.

The various export related ancillary costs are identified in the table at question B4, for example:

* terminal handling;
* wharfage and other port charges;
* container taxes;
* document fees and customs brokers fees;
* clearance fees;
* bank charges, letter of credit fees
* other ancillary charges.

**3. Credit**

The cost of extending credit on export sales is not included in the amounts quantified at question B4. However, the Commission will examine whether a credit adjustment is warranted and determine the amount. Provide applicable interest rates over each month of the investigation period. Explain the nature of the interest rates most applicable to these export sales e.g., short term borrowing in the currency concerned.

If your accounts receivable shows that the average number of collection days differs from the payment terms shown in the sales listing, *and* *if* export prices are influenced by this longer or shorter period, calculate the average number of collection days. See also item 4 in section E-2 below.

**4. Packing costs**

List material and labour costs associated with packing the export product. Describe how the packing method differs from sales on the domestic market, for each model. Report the amount in the listing in the column headed ‘**Packing’**.

**5. Commissions**

For any commissions paid in relation to the export sales to Australia:

- provide a description; and

- explain the terms and conditions that must be met.

Report the amount in the sales listing in question B-4 under the column headed **“Commissions”.** Identify the general ledger account where the expense is located.

**6. Warranties, guarantees, and after sales services**

List the costs incurred. Show relevant sales contracts. Show how you calculated the expenses (**“Warranty & guarantee expenses”** and **“Technical assistance & other services”**), including the basis of any allocations. Include a record of expenses incurred. Technical services include costs for the service, repair, or consultation. Where these expenses are closely related to the sales in question, an adjustment will be considered. Identify the ledger account where the expense is located.

**7. Other factors**

There may be other factors for which an adjustment is required if the costs affect price comparability – these are identified in the column headed **“Other factors”**. For example, other variable or fixed selling expenses, including salesmen’s salaries, salesmen’s travel expenses, advertising and promotion, samples and entertainment expenses. Your consideration of questions asked at Section G, concerning domestic and export costs, would have alerted you to such other factors.

**8. Currency conversions**

In comparing export and domestic prices a currency conversion is required. Fluctuations in exchange rates can only be taken into account when there has been a ‘sustained’ movement during the period of investigation (see article 2.4.1 of the WTO Agreement). The purpose is to allow exporters 60 days to adjust export prices to reflect ‘sustained’ movements. Such a claim requires detailed information on exchange movements in your country over a long period that includes the investigation period.

## E-2 Costs associated with domestic sales

(These cost adjustments will relate to your responses made at question D‑4, **“domestic sales”**)

The following items are not separately identified in the amounts quantified at question D‑4. However you should consider whether any are applicable.

**1. Physical characteristics**

The adjustment recognises that differences such as quality, chemical composition, structure or design, mean that goods are not identical and the differences can be quantified in order to ensure fair comparison.

The amount of the adjustment shall be based upon the market value of the difference, but where this is not possible the adjustment shall be based upon the difference in cost plus the gross profit mark-up (i.e. an amount for selling general and administrative costs (S G & A) plus profit).

The adjustment is based upon actual physical differences in the goods being compared and upon the manufacturing cost data. Identify the physical differences between each model. State the source of your data.

**2. Import charges and indirect taxes**

If exports to Australia:

- are partially or fully exempt from internal taxes and duties that are borne by the like goods in domestic sales (or on the materials and components physically incorporated in the goods), or

- if such internal taxes and duties have been paid and are later remitted upon exportation to Australia;

the price of like goods must be adjusted downwards by the amount of the taxes and duties.

The taxes and duties include sales, excise, turnover, value added, franchise, stamp, transfer, border, and excise taxes. Direct taxes such as corporate income tax are not included as such taxes do not apply to the transactions.

Adjustment for drawback is not made in every situation where drawback has been received. Where an adjustment for drawback is appropriate you must provide information showing the import duty borne by the domestic sales. (That is, it is not sufficient to show the drawback amount and the export sales quantity to Australia. For example, you may calculate the duty borne on domestic sales by quantifying the total amount of import duty paid and subtracting the duty refunded on exports to all countries. The difference, when divided by the domestic sales volume, is the amount of the adjustment).

In substantiating the drawback claim the following information is required:

- a copy of the relevant statutes/regulations authorising duty exemption or remission, translated into English;

- the amount of the duties and taxes refunded upon *exportation* and an explanation how the amounts were calculated and apportioned to the exported goods;

- an explanation as to how you calculated the amount of duty payable on imported materials is borne by the goods sold *domestically* but is not borne by the exports to Australia;

Substitution drawback systems

Annex 3 of the WTO Agreement on Subsidies provides: *“Drawback systems can allow for the refund or drawback of import duties on inputs which are consumed in the production process of another product and where the export of this latter product contains domestic inputs having the same quality and characteristics as those substituted for the imported inputs”*

If such a scheme operates in the country of export adjustments can also be made for the drawback payable on the substituted domestic materials, provided the total amount of the drawback does not exceed the total duty paid.

**3. Level of trade**

Question D-4 asks you to indicate the level of trade to the domestic customer. To claim an adjustment for level of trade differences you will need to quantify the amount by which level of trade influences price.

Trade level is the level a company occupies in the distribution chain. The trade level to which that company in turn sells the goods and the functions carried out distinguish a level of trade. Examples are producer, national distributor, regional distributor, wholesaler, retailer, end user, and original equipment.

It may not be possible to compare export prices and domestic prices at the same level of trade. Where relevant sales of like goods at the next level of trade must be used to determine normal values an adjustment for the difference in level of trade may be required where it is shown that the difference affects price comparability.

The information needs to establish that there are real trade level differences, not merely nominal differences. Real trade level differences are characterised by a consistent pattern of price differences between the levels and by a difference in functions performed. If there is no real trade level differences all sales are treated as being at the same level of trade.

A real difference in level of trade (may be adjusted for using either of the following methods:

*(a) costs arising from different functions*: the amount of the costs, expenses etc. incurred by the seller in domestic sales of the like goods resulting from activities that would not be performed were the domestic sales made at the same level as that of the importer.

This requires the following information:

* a detailed description of each sales activity performed in selling to your domestic customers (for example sales personnel, travel, advertising, entertainment etc.);
* the cost of carrying out these activities in respect of like goods;
* for each activity, whether your firm carries out the same activity when selling to importers in Australia;
* an explanation as to why you consider that you are entitled to a level of trade adjustment.

**or**

(b) *level discount*: the amount of the discount granted to purchasers who are at the same level of trade as the importer in Australia. This is determined by an examination of price differences between the two levels of trade in the exporter’s domestic market, for example sales of like goods by other vendors or sales of the same general category of goods by the exporter. For this method to be used it is important that a clear pattern of pricing be established for the differing trade levels. Such pattern is demonstrated by a general availability of the discounts to the level - isolated instances would not establish a pattern of availability.

**4. Credit**

The cost of extending credit on domestic sales is not included in the amounts quantified at question D-4. However, the Commission will examine whether a credit adjustment is warranted and determine the amount. An adjustment for credit is to be made even if funds are not borrowed to finance the accounts receivable.

The interest rate on domestic sales in order of preference is:

* the rate, or average of rates, applying on actual short term borrowings by the company; or
* the prime interest rate prevailing for commercial loans in the country for credit terms that most closely approximate the credit terms on which the sales were made; or
* such other rate considered appropriate in the circumstances.

Provide the applicable interest rate over each month of the investigation period.

If your accounts receivable shows that the average number of collection days differs from the payment terms shown in the sales listing, and if domestic prices are influenced by this longer or shorter period, calculate the average number of collection days.

Where there is no fixed credit period agreed at the time of sale the period of credit is determined on the facts available. For example, where payment is made using an open account system[[1]](#footnote-1), the average credit period may be determined as follows:

1. *Calculate an accounts receivable turnover ratio*

This ratio equals the total credit sales divided by average accounts receivable.

(It is a measure of how many times the average receivables balance is converted into cash during the year).

In calculating the accounts receivable turnover ratio, credit sales should be used in the numerator whenever the amount is available from the financial statements. Otherwise net sales revenue may be used in the numerator.

An average accounts receivable over the year is used in the denominator. This may be calculated by:

* using opening accounts receivable at beginning of period plus closing accounts receivable at end of period divided by 2, or
* total monthly receivables divided by 12.

1. *Calculate the average credit period*

The average credit period equals 365 divided by the accounts receivable turnover ratio determined above at 1.

The resulting average credit period should be tested against randomly selected transactions to support the approximation.

*The following items are identified in the amounts quantified at question D-4:*

**5. Transportation**

Explain how you have quantified the amount of inland transportation associated with the domestic sales (**“Inland transportation Costs”**). Identify the general ledger account where the expense is located. If the amount has been determined from contractual arrangements, not from an account item, provide details and evidence of payment.

**6. Handling, loading and ancillary expenses**

List all charges that are included in the domestic price and explain how they have been quantified (**“Handling, loading and ancillary Expenses”**). Identify the general ledger account where the expense is located. If the amounts have been determined using actual observations, not from a relevant account item, provide details.

**7. Packing**

List material and labour costs associated with packing the domestically sold product. Describe how the packing method differs from sales on the domestic market, for each model. Report the amount in the listing in the column headed **“Packing”**.

**8. Commissions**

For any commissions paid in relation to the domestic sales:

- provide a description

- explain the terms and conditions that must be met.

Report the amount in the sales listing under the column headed “**Commissions”**. Identify the general ledger account where the expense is located.

**9. Warranties, guarantees, and after sales services**

List the costs incurred. Show relevant sales contracts. Show how you calculated the expenses (**“Warranty & Guarantee expenses”** and **“Technical assistance & other services”**), including the basis of any allocations. Include a record of expenses incurred. Technical services include costs for the service, repair, or consultation. Where these expenses are closely related to the sales in question, an adjustment will be considered. Identify the ledger account where the expense is located.

**10. Other factors**

There may be other factors for which an adjustment is required if the costs affect price comparability – these are identified in the column headed **“Other factors”**. List the factors and show how each has been quantified in per unit terms. For example:

- *inventory carrying cost*: describe how the products are stored prior to sale and show data relating to the average length of time in inventory. Indicate the interest rate used;

- *warehousing expense*: an expense incurred at the distribution point;

- *royalty and patent fees*: describe each payment as a result of production or sale, including the key terms of the agreement;

- *advertising*; and

- *bad debt*.

## E-3 Duplication

In calculating the amount of the adjustments you must ensure that there is no duplication.

For example:

- adjustments for level of trade, quantity or other discounts may overlap, or

- calculation of the amount of the difference for level of trade may be based upon selling expenses such as salesperson’s salaries, promotion expenses, commissions, and travel expenses.

Separate adjustment items must avoid duplication.

An adjustment for quantities may not be granted unless the effect on prices for quantity differences is identified and separated from the effect on prices for level of trade differences.

# Section F Export sales to countries other than Australia (third country sales)

*Your response to this part of the questionnaire may be used by the Commission to select sales to a third country that may be suitable for comparison with exports to Australia.*

*Sales to third countries may be used as the basis for normal value in certain circumstances. The Commission may seek more detailed information on particular third country sales where such sales are likely to be used as the basis for determining normal value.*

**F-1 Using the column names and column descriptions below provide a summary of your export sales to countries other than Australia.**

|  |  |
| --- | --- |
| **Column heading** | **Explanation** |
| Country | Name of the country that you exported like goods to over the investigation period. |
| Number of customers | The number of different customers that your company has sold like goods to in the third country over the investigation period. |
| Level of trade | The level of trade that you export like goods to in the third country. |
| Quantity | Indicate quantity, in units, exported to the third country over the investigation period. |
| Unit of quantity | Show unit of quantity e.g. kg |
| Value of sales | Show net sales value to all customers in third country over the investigation period |
| Currency | Currency in which you have expressed data in column SALES |
| Payment terms | Typical payment terms with customer(s) in the country e.g. 60 days=60 etc. |
| Shipment terms | Typical shipment terms to customers in the third country e.g. CIF, FOB, ex-factory, DDP etc. |

Supply this information in spreadsheet file named “Third country”

**F-2 Please identify any differences in sales to third countries which may affect their comparison to export sales to Australia.**

# Section G Costing information and constructed value

*The information that you supply in response to this section of the questionnaire will be used for various purposes including:*

* *testing the profitability of sales of like goods on the domestic market;*
* *determining a constructed normal value of the goods under consideration (the goods) - i.e. of the goods exported to Australia; and*
* *making certain adjustments to the normal value.*

*You will need to provide the cost of production of both the exported goods (the goods) and for the like goods sold on the domestic market. You will also need to provide the selling, general, and administration costs relating to goods sold on the* *domestic market; the finance expenses; and any other expenses (e.g. non-operating expenses not included elsewhere) associated with the goods.*

*In your response please include a worksheet showing how the selling, general, and administration expenses; the finance expenses; and any other expenses have been calculated.*

*If, in response to question B4 (Sales to Australia, Export Price) you:*

* *reported that the date of sale is not the invoice date and consider that this alternative date should be used when comparing domestic and export prices, and*
* *provided information on domestic selling prices for a matching period as required in the introduction to Section D (Domestic Sales)*

*you must provide cost data over the same period as these sales even if doing so means that such cost data predates the commencement of the investigation period.*

*At any verification meeting you must be prepared to reconcile the costs shown to the accounting records used to prepare the financial statements.*

## G-1. Production process and capacity

1. Describe the production process for the goods. Provide a flowchart of the process. Include details of all products manufactured using the same production facilities as those used for the goods. Also specify all scrap or by-products that result from producing the goods.

## G-2. Provide information about your company's total production in the following table:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **PREVIOUS FINANCIAL YEAR** | **MOST RECENT FINANCIAL YEAR** | **Investigation Period** |
| A – Production capacity (eg kg, tonnes)\* |  |  |  |
| B – Actual production in volume (e.g. kg, tonnes) |  |  |  |
| C – Capacity utilisation (%)  (B/A x 100) |  |  |  |

\* rather than showing a ‘name-plate’ optimal capacity it is more meaningful to show the maximum level of production that may reasonably be attained under normal operating conditions. For example assuming: normal levels of maintenance and repair; a number of shifts and hours of operation that is not abnormally high; and a typical production mix.

Provide this information on a spreadsheet named "**Production**".

## G-3. Cost accounting practices

1. Outline the management accounting system that you maintain and explain how that cost accounting information is reconciled to your audited financial statements.
2. Is your company’s cost accounting system based on standard (budgeted) costs? State whether standard costs were used in your responses to this questionnaire. If they were state whether all variances (i.e. differences between standard and actual production costs) have been allocated to the goods - and describe how those variances have been allocated.
3. Provide details of any significant or unusual cost variances that occurred during the investigation period.
4. Describe the profit/cost centres in your company’s cost accounting system.
5. For each profit/cost centre describe in detail the methods that your company normally uses to allocate costs to the goods under consideration. In particular specify how, and over what period, expenses are amortised or depreciated, and how allowances are made for capital expenditures and other development costs.
6. Describe the level of product specificity (models, grades etc.) that your company’s cost accounting system records production costs.
7. List and explain all production costs incurred by your company which are valued differently for cost accounting purposes than for financial accounting purposes.
8. State whether your company engaged in any start-up operations in relation to the goods under consideration. Describe in detail the start-up operation giving dates (actual or projected) of each stage of the start-up operation.
9. State the total cost of the start-up operation and the way that your company has treated the costs of the start-up operation it its accounting records.

## G-4 Cost to make and sell on domestic market

*This information is relevant to testing whether domestic sales are in the ordinary course of trade.[[2]](#footnote-2)*

1. Please provide (in the format shown in the table below) the actual unit cost to make and sell each model/type\* (identified in section C) of the like goods sold on the domestic market. Provide this cost data for each quarter over the investigation period. If your company calculates costs monthly, provide monthly costs.
2. Indicate the source of cost information (account numbers etc.) and/or methods used to allocate cost to the goods. Provide documentation and worksheets supporting your calculations.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Quarter 1** | **Quarter 2** | **Quarter 3** | **Quarter 4** |
| **Like Domestic**  **Model/Type – from spreadsheet LIKE GOOD (section C-3)** |  |  |  |  |
| Production Volume |  |  |  |  |
| Material Costs1 |  |  |  |  |
| Thickness (BMT) |  |  |  |  |
| Coating mass (weight) |  |  |  |  |
| Base Steel (hot rolled or cold rolled) |  |  |  |  |
| Form (Coil or Sheet) |  |  |  |  |
| Direct Labour |  |  |  |  |
| Manufacturing Overheads |  |  |  |  |
| Other Costs2 |  |  |  |  |
| **Total Cost to Make** |  |  |  |  |
| Selling Costs |  |  |  |  |
| Administration Costs |  |  |  |  |
| Financial Costs |  |  |  |  |
| Delivery Expenses3 |  |  |  |  |
| Other Costs3 |  |  |  |  |
| **Unit Cost to Make and Sell** |  |  |  |  |

Prepare this information in a spreadsheet named "**G-4 Domestic CTMS**".

1 Identify each cost separately. Include indirect material costs as a separate item only if not included in manufacturing overheads.

2  Relating to costs of production only; identify each cost separately.

3  Identify each cost separately. Please ensure non-operating expenses **that relate to the goods** **under consideration** are included. Where gains/losses due to foreign currency exchange are incurred, please provide detail of the amounts separately for transaction and translation gains/losses.

*Provide this information for each quarter (or month if your company calculates costs on a monthly basis) over the period of the investigation.*

*Provide the information broken down into fixed and variable costs, and indicate the % total cost represented by fixed costs.*

*If you are unable to supply this information in this format, please contact the case officer for this investigation at the address shown on the cover of this questionnaire.*

*Please specify unit of currency.*

## G-5 Cost to make and sell goods under consideration (goods exported to Australia)

*The information is relevant to calculating the normal values based on costs. It is also relevant to calculating certain adjustments to the normal value.*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Quarter 1** | **Quarter 2** | **Quarter 3** | **Quarter 4** |
| **Model/Type exported to Australia – from spreadsheet LIKEGOOD** |  |  |  |  |
| Material Costs1 |  |  |  |  |
| Thickness (BMT) |  |  |  |  |
| Coating mass (weight) |  |  |  |  |
| Base Steel (hot rolled or cold rolled) |  |  |  |  |
| Form (Coil or Sheet) |  |  |  |  |
| Direct Labour |  |  |  |  |
| Manufacturing Overheads |  |  |  |  |
| Other Costs2 |  |  |  |  |
| **Total Cost to Make** |  |  |  |  |
| Selling Costs |  |  |  |  |
| Administration Costs |  |  |  |  |
| Financial Costs |  |  |  |  |
| Delivery Expenses3 |  |  |  |  |
| Other Costs3 |  |  |  |  |
| **Unit Cost to Make and Sell** |  |  |  |  |

Prepare this information in a spreadsheet named "**G-5 Australian CTMS**".

1 Identify each cost separately. Include indirect material costs as a separate item only if not included in manufacturing overheads.

2  Relating to costs of production only; identify each cost separately.

3  Identify each cost separately. Please ensure non-operating expenses **that relate to the goods** are included. Where gains/losses due to foreign currency exchange are incurred, please provide detail of the amounts separately for transaction and translation gains/losses.

*Provide this information for each quarter (or month if your company calculates costs on a monthly basis) over the period of the investigation.*

*Provide the information broken down into fixed and variable costs, and indicate the % total cost represented by fixed costs.*

*If you are unable to supply this information in this format, please contact the case officer for this investigation at the address shown on the cover of this questionnaire.*

*Please specify unit of currency.*

1 Where there are cost differences between goods sold to the domestic market and those sold for export, give reasons and supporting evidence for these differences.

2 Give details and an explanation of any significant differences between the costs shown, and the costs as normally determined in accordance with your general accounting system. Reference should be made to any differences arising from movements in inventory levels and variances arising under standard costing methods.

3 In calculating the unit cost to make and sell, provide an explanation if the allocation method used (e.g. number, or weight etc.) to determine the unit cost differs from the prior practice of your company.

## G-6 Major raw material costs

List major raw material costs, which individually account for 10% or more of the total production cost.

For these major inputs:

* identify materials sourced in-house and from associated entities;
* identify the supplier; and
* show the basis of valuing the major raw materials in the costs of production you have shown for the goods (e.g. market prices, transfer prices, or actual cost of production).

Where the major input is produced by an associate of your company the Commission will compare your purchase price to a normal market price. If the associate provides information on the cost of production for that input such cost data may also be considered.

Normal market price is taken to be the price normally available in the market (having regard to market size, whether the input is normally purchased at ‘spot prices’ or under long term contracts etc.).

The term associate is defined in section 269TAA of the *Customs Act*. Included in that definition are companies controlled by the same parent company (a company that controls 5% or more of the shares of another is taken to be an associated company); companies controlled by the other company; and companies having the same person in the board of directors.

**Important note: If the major input is sourced as part of an integrated production process you should provide detailed information on the full costs of production of that input.**

# Section H Subsidisation

The applicant alleges that producers of galvanised steel in Vietnam have benefited from a number of subsidies granted by the Government of Vietnam (the GOV)[[3]](#footnote-3), and that these subsidies are countervailable.

**The following PROGRAMS are being INVESTIGATED**

|  |  |
| --- | --- |
| **Program no.** | **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 |

The Commission has categorised the alleged programs into following three categories.

## Category h-1: Preferential tax Programs

**Programs 1, 17, 18 and 19**

Please complete the following questions a spreadsheet named "**H-1.1 Income Tax** **Programs”**

1. Did your business or any company/entity related to your business receive any benefit[[4]](#footnote-4) under the any of the above tax programs identified above during the investigation period (1 July 2015 to 30 June 2016)?
2. It is our understanding that the general tax rate for enterprises in Vietnam between 2011 and 2013 was 25% and from 2014 to current date is 22%. Confirm whether this is correct and if not, please identify the general tax rate for enterprises in Vietnam from 1 July 2011, indicating any changes in the taxation rate over the period July 2011 – June 2016.
3. If your business currently pays corporate income tax at a rate less than 22% (or whatever the rate of general tax is as discussed above), or paid at a rate less than that during the investigation period, please indicate whether the reduced rate relates to any of the preferential income tax programs identified above.
4. If the income tax rate of less than the general rate does not relate to any of the programs identified above, please provide an explanation for the reduced income tax rate and answer the questions 5 -18 below in relation to the income tax rate reduction.

For **each program** that you have identified above as conferring benefit on your entity, answer the following.

1. Provide complete details of the amount of the benefit received, including whether it was received in total or in instalments.
2. Indicate which goods you produced that benefited from the program (e.g. the program may have benefited all production or only certain products that have undergone research and development).
3. Describe the application and approval procedures for obtaining a benefit under the program.
4. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments and all contractual agreements entered into between your business and the GOV in relation to the program.
5. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.
6. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.
7. State whether your eligibility for the program was conditional on one or more of the following criteria:

a) whether or not your business exports or has increased its exports;

b) the use of domestic rather than imported inputs;

c) the industry to which your business belongs; or

d) the region in which your business is located.

1. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.
2. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.
3. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.
4. To your knowledge, does the program still operate or has it been terminated?
5. If the program has been terminated, please provide details (including when and why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?

If the program terminated has been substituted for by another program, identify the program and answer all the questions in Part H-1 above in relation to this program.

1. For each taxation year from 2011 to 2016, complete the "**H1.2 Preferential Tax Program**" tab
2. Provide a copy, bearing the official stamp of the appropriate level of the GOV of all

* corporate income tax acknowledgement form(s) and the income tax return(s) that your company filed for the 2011, 2012, 2013, 2014, 2015 and 2016 tax years; and
* income tax instalment payment receipts, and all applicable income tax forms and schedules for the 2011, 2012, 2013, 2014, 2015 and 2016 tax years.

*Note: If your company did not file an income tax return in any of the tax years indicated, provide an explanation stating the reasons why you were exempt from filing such a return and the applicable section[s] of the Income Tax Act under which you were exempt from doing so.*

It is our understanding that certain enterprises in Vietnam are eligible for exemption from the payment of import duty on imported inputs, technologies and machinery, and Duty exemption/Remission schemes, credit for Credit for Service Tax Reimbursement on certain resources and goods.

If your business or any company/entity related to your business received benefits under any such program during the period 1 July 2005 to 30 June 2016, please answer the following questions.

For the following questions, please provide responses to questions in the **"H-1.3 Tariff Programs"**

1. Did your company receive any benefit under the programs listed above or any other program related to exemptions/refunds/Duty drawback/Credit etc. for Service Tax paid exemptions or refunds?
2. What type of benefit was received (provide a list):
   1. e.g. Tariff exemption,
3. What was the amount of benefit received?
4. Was the benefit received as a lump sum payment or in multiple instalments?
5. Describe the application and approval procedures for obtaining a benefit under the program.
6. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments and all contractual agreements entered into between your business and the GOV in relation to the program.
7. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.
8. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.
9. State whether your eligibility for the program was conditional on one or more of the following criteria:

a) whether or not your business exports or has increased its exports;

b) the use of domestic rather than imported inputs;

c) the industry to which your business belongs; or

d) the region in which your business is located.

1. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.
2. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.
3. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.
4. To your knowledge, does the program still operate or has it been terminated?
5. If the program has been terminated, please provide details (including when and why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?
6. If the program terminated has been substituted for by another program, identify the program.
7. Were the materials and/or equipment that were entitled to a refund of VAT /State tax (or any other form of tax) used in the production of the goods during the investigation period? If yes, provide the following information for each item that received a refund:
8. type of inputs;
9. cost of inputs;
10. quantity of inputs; and
11. amount of VAT/Sales tax (or any other form of tax) refunded.
12. Has your company received exemption from payment of or refunds and/or exemption of import duty imported material inputs at any time that were used in the production of the goods during the investigation period? If yes, provide the following information for each transaction:
13. description of imported product;
14. country of origin;
15. quantity of imported product;
16. purchase price;
17. terms of purchase (e.g. FOB, CIF);
18. ocean freight;
19. value for duty of imported product;
20. regular rate of taxes and/or duties;
21. concessionary rate of taxes and/or duties;
22. amount of duties and taxes normally applicable;
23. amount of duties and taxes paid;
24. amount of duties and taxes exempt;
25. date of importation;
26. tariff classification number;
27. customs entry number; and
28. application fee.
29. Provide sample documents for two items from two different quarters in the investigation period included in your response to Question 17. The sample documents should include:
    1. copies of import entry documents (for example: bill of entry, invoice from supplier, etc.) for each type of importation covering duty-exempt inputs and duty-paid inputs imported for use in the manufacturing of the subject goods,
    2. any applications submitted to and/or approval document received from the GOV relating to the exemption from the payment of import duty and exemption of duty on imported inputs and in relation to the duty refunded on the exportation of the subject goods.
    3. copies of reports and audits by the GOV authority responsible for administering the duty rebate or duty drawback scheme with respect to the verification of the importation and use of inputs and the remittance or drawback of the related duty paid or payable.

## Category H-2: Financial grant Programs

**Programs 2-6 and 10-16**

The Commission understands that the Government of Vietnam may be providing grants to enterprises in Vietnam including the above programs (as identified by the applicant).

For the following questions, please provide responses to questions in the **"H-2 Grants"**.

1. Did your business or any company/entity related to your business receive any benefit under the above programs during the period **1 July 2011 to 30 June 2016**?
2. Did your business receive benefits under any other grant program during the period **1 July 2011 to 30 June 2016**?

For each program identified in your answer to 1 and 2 above, answer the following questions:

1. Provide complete details involving the amount of the grant received, including whether the grant was received in a lump sum or multiple instalments.
2. Indicate which goods you produced that benefited from the program (e.g. the program may have benefited all production, or only certain products that have undergone research and development).
3. Describe the application and approval procedures for obtaining a benefit under the program.
4. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments and all contractual agreements entered into between your business and the Government of Vietnam in relation to the program.
5. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.
6. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.
7. State whether your eligibility for the program was conditional on one or more of the following criteria:

a) whether or not your business exports or has increased its exports;

b) the use of domestic rather than imported inputs;

c) the industry to which your business belongs; or

d) the region in which your business is located.

1. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.
2. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.
3. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.
4. To your knowledge, does the program still operate or has it been terminated?
5. If the program has been terminated, please provide details (including when and why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?  
     
   If the program terminated has been substituted for by another program, identify the program and answer all the questions in Part H-2 in relation to this programme.
6. Identify the body responsible for administering the grant.
7. Identify the date of approval of the grant and the date the grant was received.
8. Indicate where the grant was accounted for on your business’ financial statements.

## Category H-3: Preferential loans

**Programs 7, 8 and 9**

It is our understanding that certain enterprises in Vietnam benefit from low (subsidised) interest rates from state owned commercial banks (SOCB) and government banks in accordance with the GOV policy to support and develop the expansion of the Vietnamese steel industry.

If your business or any company/entity related to your business received benefits under any such program during the period 1 July 2011 to 30 June 2016, answer the following questions.

1. Provide give a general overview of how your company secures necessary financial resources on the financial market (e.g. Loans, issuance of bonds etc.)

Provide answers to the following questions in "**H-3 Preferential Loans**".

1. Provide a list of all the loans provided to your company from banks and financial institutions which have not been fully reimbursed by the end of the investigation period.
2. Provide specific details of the loan, including the start date of the loan, the principal amount of the loan, terms and conditions of the loan, purpose of the loan, the repayment terms/frequency, repayment amount, interest rate, interest type (e.g. fixed, variable etc.), if the loan has been redrawn any time during its duration, please provide the redraw date, amount and the reason for redraw.
3. Indicate whether each bank is Vietnamese or foreign-owned and give the percentage of government ownership of each bank (including ownership by entities owned or controlled by a government).
4. In the case of each loan from government-owned or controlled, please explain the reason for borrowing from such a bank rather than a commercial bank. What are the differences in the terms and conditions of loans between the government and commercial banks?
5. Explain how the decisions to grant the loan or its conditions are dependent on the purpose of the loan and give details on the process your company went through to apply for the loan. Please provide detail on what conditions or criteria your company needed to fulfil to be granted the loan.
6. For each of the loans listed, provide copies of signed loan agreements between the bank which provided the loan and company which was the addressee of the loan specifying the conditions of the loan such as amount, term of repayment, interest rate etc. Also provide a copy of your application for the loan.

*Note: If your company has more than one loan from same bank/financial Institution which were not repaid by the end of the investigation period and the loan agreements for these loans are standardised, it is sufficient* ***at this stage*** *to provide an English translation for one of them only (e.g. If your company has multiple loans from one particular bank which only differ in amounts you only need to translate one of them into English for your questionnaire response. However it is necessary to translate all credit line agreements from which loans not repaid by the end of the investigation period were drawn.*

1. Please explain whether the granting of the specific loan depended on the link between the purpose of the loan and the goals specified in any government plan or development program. Provide a copy of the laws, regulations, administrative guidelines and any other acts relevant for the operation of this lending with any subsequent amendments. Also include a copy of any governmental or development plan of which the scheme represents a direct implementation.
2. For each loan application, please explain the involvement of third parties such as government departments, local councils, party committees in the whole process since the application for the loan up to the decision whether the loan is granted or not.
3. In the “H-3 Preferential Loans” spreadsheet, provide the information requested on guarantees for the loans provided to your company.
4. Please give details of all loan applications during the investigation period which were refused; give the name of the bank, the amount of the loan requested and the reasons for refusal.
5. Provide any other information you may deem necessary for the commission to make an assessment on the subsidisation of producers/exporters of the product under investigation. You may adjust the table in the “Loans” tab as necessary to include this additional information.

## Category H-4 ANY OTHER PROGRAMS

Provide answers to the following questions in the "**H-5 Any Other programs**" tab.

1. Provide a list of all the economic zones in which you have business operations (including locations of factories, sales offices, or other places of business).
2. Are you aware of any programs of the Government of Vietnam, any of its agencies or any other authorised body, that benefits[[5]](#footnote-5) manufacturers of galvanised steel that have not been accounted for in this questionnaire? Provide the name of those programs you are aware of (even if your company is not eligible to receive benefit under the program.)
3. Indicate the location of the program by state, region, province or municipal level.
4. Indicate the type of program, for example:
5. the provision of grants, awards or prizes;
6. the provision of goods or services at a reduced price (e.g. electricity, gas, raw materials (including, for example, zinc), transport);
7. the reduction of tax payable including income tax, state tax and sales tax;
8. reduction in land use fees;
9. loans from Policy Banks at below-market rates; or
10. any other form of assistance.

For **each program** that you have identified, answer the following.

1. Indicate whether your company benefited from any of the listed programs.
2. Indicate which goods you produced that benefited from the program (e.g. the program may have benefited all production or only certain products that have undergone research and development).
3. Describe the application and approval procedures for obtaining a benefit under the program.
4. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments and all contractual agreements entered into between your business and the Government of Vietnam in relation to the program.
5. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.
6. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.
7. State whether your eligibility for the program was conditional on one or more of the following criteria:
   1. whether or not your business exports or has increased its exports;
   2. the use of domestic rather than imported inputs;
   3. the industry to which your business belongs; or
   4. the state in which your business is located.
8. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.
9. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.
10. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.
11. To your knowledge, does the program still operate or has it been terminated?
12. If the program has been terminated, please provide details (including when and why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?

If the program terminated has been substituted for by another program, identify the program and answer all the questions in Category H-5 in relation to this programme.

# Section I

# Particular Market Situation

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 section of the questionnaire, the Commission is seeking information from your business, 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 I-1 General information

1. **Ownership and management**
2. Has the Government of Vietnam (GOV)[[6]](#footnote-6) anytime in the previous 5 years been a shareholder (or invested either directly or indirectly) in your business? If so, provide details of shareholding and/or investments.
3. List all the directors and major shareholders of your business and identify any common directors and executive officers between your business and related businesses.
4. Are any directors or major shareholders, employees, or otherwise affiliated with the GOV? If so, identify the individuals, their role and their affiliation with the GOV.
5. Are any directors or employees of your business appointed, managed or recommended by the GOV? If so, identify the government department(s) they were recommended by.
6. Provide details of any significant changes in the ownership structure of your business over the last 5 years.
7. Identify all positions within your business that are appointed or designated to act on behalf of GOV authorities.
8. Explain whether there are any GOV requirements by law and/or any internal business policy to have GOV representation in your business. If so explain their role.
9. Does the GOV representative(s) or the person(s) appointed by the GOV have any VETO rights for any decisions made by the Board and/or the senior executives of your business? If so explain how and when such powers are exercised.
10. Who has the ability to reward, hire, fire or discipline your business’ senior managers and executives?
11. Do any of your business’ senior managers hold positions in any GOV departments or organisations, associations or Chambers of Commerce? If so describe the nature of their positions.
12. Is your business publicly listed and traded on a securities exchange?
13. If so, identify all types of securities listed and name all securities exchange’s on which they are traded.
14. Are there any restrictions to trade these securities (e.g. restricted only to Chinese nationals etc.)?
15. **Business planning**
16. Explain your business’ decision-making process in general and in respect of steel products in relation to:
17. what goods are produced;
18. how the goods are produced;
19. how much is produced;
20. the quantity of inputs (such as raw materials and energy) purchased and how it is allocated to the manufacture of different products;
21. how price of the goods is determine in the domestic market;
22. the location of your production facility;
23. does your company supply the goods certain regions only
24. how your business’ profit is distributed (e.g. dividends, share buyback etc.); and
25. how you make decisions regarding your companies’ growth target and other strategic decisions (e.g. expansions, mergers, acquisitions, restructures).
26. Has there any changes to your business model since 2010.
27. Provide a description of any GOV input/guidance into the decision-making process regarding your manufacturing, marketing and sale of steel products.
28. Provide a list of all government departments/offices that are involved, either directly or indirectly, in your manufacture, sale or purchase of steel products.
29. Provide copies of the minutes of your Board of Directors and Board of Shareholders meetings over the investigation period.
30. Provide copies of the notes to business meetings where pricing decisions on steel products have been made over the investigation period.
31. Provide the copies of your Business and/or Corporate Plan that were effective during the Investigation period.
32. Has your business been involved in any mergers and/or acquisitions in the last 5 years? Is so, provide details.
33. Has your business undergone any major restructuring in the last 5 years? Is so, provide details.
34. Is your business currently, or in the last 5 years, been involved in a joint venture? If so, provide details.
35. **Licensing**
36. Provide a copy of your business license(s).
37. Identify the GOV departments or offices responsible for issuing the license(s).
38. Describe the procedures involved in applying for your business license(s).
39. Describe all requirements and/or conditions that must be met in order to obtain the license(s).
40. Describe any sanctions and/or restrictions imposed on your business if you act outside the scope of your business license(s).
41. Describe and explain any rights or benefits conferred to your business under the license(s).
42. Describe the circumstances under which your business license(s) can be revoked, and who has the authority to revoke the license(s).
43. What are the on-going conditions and/or requirements of your business license? Name the authority that manages the compliance of these conditions and/or requirements?
44. What licensing arrangement / regulations exist for accessing major raw materials used in the production of steel?
45. **Capital investment activities**
46. List all capital investment activities (e.g. new production line, upgrades) your business has undertaken in the last 5 years and provide details of the approval process and any conditions placed upon the approval. Provide all relevant documentation, including copies of application forms and approval letters.
47. If an application for your capital investment activity was not approved, provide details and documentation for the refusal.
48. Identify all relevant authorities responsible for approving capital investments including the office address, phone and fax numbers. Also provide a brief description of the role of the authority in the approval process.
49. Provide details of approval process from state, regional, provincial, local government etc. indication including how the bodies at different levels interact.

For capital investments undertaken since 2010, what were key factors driving each investment and how the investment was undertaken i.e. internal or externally funded, undertaken through joint venture of as separate company or subsidiary. Please provide details.

1. **Financing and investment activities**
2. How is your business debt funded? Provide a list of all major lenders.
3. What is the rate of interest paid by your business on all debt instruments over the last 5 years?
4. Has your business benefited from any concessional interest rates for your loans/debts in the last 5 years? If so, provide details.
5. Has your business raised any capital using issuance of shares, preferential shares, rights issue, bonds, warrants, debentures, sub-ordinate loans or any other debt and/or equity instruments in the last 5 years? If so:
   1. explain what instruments were used;
   2. identify the type (e.g. government guarantee) and provider of the security; and
   3. explain the reasons for raising the capital.
6. Does your business have policies on how cash reserves are to be invested? If so, provide details.
7. Has your business invested in either government or non-government debt securities (such as bonds, quasi-government bonds)? If so provide details (e.g. type of instrument, amount invested and the expected rate of return).
8. Was there any restriction placed of capital provided by particular institution(s)? if so provide details explaining the type of restriction, who placed the restriction and reasons for the restriction.
9. **Industry associations**
10. Are you a member of any industry association (either governmental or non-governmental)? If so, for each association provide details including:
    1. The name of the association.
    2. When your business joined the association.
    3. Whether there are any membership fees.
    4. The purpose of the association.
    5. The benefits of the association.
    6. Any restrictions or conditions placed on your business by being a member of the association.
    7. Any other on-going requirements for the association.
11. **Interaction with the GOV**
12. Provide details of all interactions that your business has with the GOV including reporting requirements to the GOV.
13. Provide contact details of any GOV departments, bureaus or agencies that your business has had any dealings with that are responsible for the administration of measures in the steel industry.

Ensure that your response includes contact information regarding the following areas:

1. industrial policy and guidance on the steel industry sector;
2. market entry criteria for the steel industry sector;
3. environmental enforcement for the steel industry sector;
4. management of land utilization;
5. investigation and inspection of new steel expansion facilities;; and
6. import licensing for HRC, iron ore, steel and other steel raw materials.
7. How has the *GOV’s* *National Steel Policy[[7]](#footnote-7)* impacted on your business and how do you ensure compliance with this policy?
8. Have you had dealings or communications with the government department and/or relevant ministry in the last 5 years? If so, provide details.
9. Provide details of all the taxes paid by your business in the last 5 years (e.g. company tax, sales tax, levies, royalties). Ensure that you include the tax rate, whether it is a reduced rate and the name of the authority that it is paid to.
10. List and describe all reports that are required to be submitted to the GOV? How often such reports are required? Identify the government department/office where each report is filed.
11. Does your business provide selling price information or participate in surveys to an external agency? If so, provide details.
12. Are there any licensing requirements to access key inputs or capital? If so provide details.

## PART I-2 THE Galvanised steel

1. **Sales and production**
2. Provide a list of all your domestic customers of the goods, include the location (city, state or province) of the customer and indicate whether each customer is a State Invested Entity (SIE) and/or State Owned Entity (SOE).
3. Does your business need to obtain approval or a licence to manufacture and sell the goods? If so, provide details.
4. Are there any restrictions and/or conditions in relation to the quality or quantity of the production of the goods placed upon your business? If so, provide details.
5. Does your business require an export licence? If so, provide details.
6. Are the goods sold by your business subject to any export restrictions and/or limits during the previous 5 year? If so, provide details.
7. Provide details regarding any other restrictions (e.g., geographic/regional, downstream, end use) placed upon your business on the sale of the goods.
8. Have there been any changes to your production capacity of the goods over the last 5 years? If so, provide details.
9. **Selling price**
10. Describe in detail how the selling price of the goods is determined. In particular, provide details of any restrictions, limitations, or other considerations imposed on your business.
11. Which organisation/business entity do you consider as the price leader of the goods?
12. Does your business have a pricing committee in respect of the goods? If so provide the names and positions of all members of the Committee.
13. How often does the pricing committee meet to discuss selling prices of the goods? Provide the minutes or any other relevant documents of all meetings of the pricing committee during the investigation period.
14. Identify the person who authorises the sales terms, prices and other contract provisions for the sale of the goods by your business.
15. If you have production facilities of the goods in more than one state, region and/or province, are the laws and regulations in each region the same with respect to pricing of the goods? If not, provide details on the differences.
16. **HRC purchases**

***Only answer the following questions if your business, or related businesses, purchase HRC***

1. Provide a detailed listing of your HRC purchases by completing the **I-2.3 HRC Purchases** tab of the attached spreadsheet.
2. Do you have more than one supplier of HRC? If so, provide an explanation of the reasons of price differences between these suppliers?
3. Describe in detail your business’ purchase procedures of HRC and the considerations in selecting a supplier. If it is by tenders, provide details of the criterions/conditions.
4. If HRC is imported by your business, or related businesses:
   1. Provide details including a description of the HRC imported, the supplier and country of origin.
   2. Explain the process required to import HRC (e.g. obtaining an import licence, import declarations).
   3. Provide details of any conditions to importing the HRC (e.g. customs and/or quarantine).
   4. Is your business eligible for a duty drawback? If so, provide details.

## PART I- 3 Hot rolled COIL steel

**1. Sales and production**

***Only answer the following questions if your business, or related businesses, sell HRC***

1. Provide a list of all your domestic customers of HRC and indicate whether each customer is an SIE/SOE.
2. Are you required to obtain approval or a licence to sell HRC? If so, provide details.
3. Are there any restrictions and/or conditions in relation to the quality or quantity of the production of HRC placed upon your business? If so, provide details.
4. Do you have an export licence for exports of HRC? If so, provide details.
5. Is HRC sold by your business subject to any export restrictions and/or limits during the previous 5 year? If so, provide details.
6. Provide details regarding any other restrictions (e.g., geographic/regional, downstream, end use) placed upon your business on the sale of HRC.
7. Have there been any changes to your production capacity of HRC over the last 5 years? If so, provide details.

**2. Selling price**

***Only answer the following questions if your business, or related businesses, sell HRC***

1. Describe in detail how the selling price of HRC is determined. In particular, provide details of any restrictions, limitations, or other considerations faced by your business.
2. Which organisation/business entity do you consider as the price leader of HRC?
3. Does your business have a pricing committee in respect of HRC? If so provide the names and positions of all members of the Committee.
4. How often does the pricing committee meet to discuss selling prices of HRC? Provide the minutes or any other relevant documents of all meetings of the pricing committee during the investigation period.
5. Identify the person who authorises the sales terms, prices and other contract provisions for the sale of HRC by your business.
6. If you have production facilities of HRC in more than one state, region and/or province, are the laws and regulations in each region the same with respect to pricing of HRC? If not, provide details on the differences.
7. If you have customers of HRC located in more than one state, region and/or province, are the selling prices of HRC different? If so, explain the reasons on the differences.

## Part I-4 Raw material purchases

***Only answer the following questions if your business, or related businesses, manufacture HRC***

1. Provide a detailed listing of you raw material purchases (e.g. iron ore, coking coal) by completing the ***H-4 Raw Material Purchases*** tab of the attached spreadsheet).
2. Do you have more than one supplier of the raw materials? If so, provide an explanation of the reasons of price differences between these suppliers?
3. Describe in detail your business’ purchase procedures of the raw materials and the considerations in selecting a supplier. If it is by tenders, provide details of the criterions/conditions.
4. If any of your raw materials for the production of HRC are imported by your business, or related businesses:
   * 1. Provide details including a description of the raw material imported, the supplier and country of origin.
     2. Explain the process required to import the raw materials (e.g. obtaining an import licence, import declarations).
     3. Provide details of any conditions to importing the raw materials (e.g. customs and/or quarantine).
     4. Are you eligible for a duty drawback? If so, provide details.

# Section J Exporter's declaration

* I hereby declare that.............................................................(company)

did, during the period of investigation export the goods under consideration and have completed the attached questionnaire and, having made due inquiry, certify that the information contained in this submission is complete and correct to the best of my knowledge and belief.

* I hereby declare that.............................................................(company)

did not, during the period of investigation, export the goods under consideration and therefore have not completed the attached questionnaire.

**Name :.............................................................................**

**Signature :.............................................................................**

Position in

**Company :.............................................................................**

**Date :.............................................................................**

# Section K Checklist

*This section is an aid to ensure that you have completed all sections of this questionnaire.*

|  |  |
| --- | --- |
| **Section** | Please tick if you have responded to all questions |
| Section A – general information |  |
| Section B – export price |  |
| Section C – like goods |  |
| Section D – domestic price |  |
| Section E – fair comparison |  |
| Section F – exports to third countries |  |
| Section G – costing information |  |
| Section H – Subsidy Programs |  |
| Section I – Particular Market Situation |  |
| Section J – Declaration |  |

|  |  |
| --- | --- |
| **Electronic Data** | Please tick if you have provided spreadsheet |
| **INCOME STATEMENT** |  |
| **TURNOVER** – sales summary |  |
| **AUSTRALIAN SALES** – list of sales to Australia |  |
| **DOMESTIC SALES** – list of all domestic sales of like goods |  |
| **THIRD COUNTRY** – third country sales |  |
| **PRODUCTION** – production figures |  |
| **DOMESTIC COSTS** – costs of goods sold domestically |  |
| **AUSTRALIAN COSTS** – costs of goods sold to Australia |  |
| **INCOME TAX PROGRAMS** |  |
| **PREFERENTIAL TAX PROGRAMS** |  |
| **TARIFF PRGRAMS** |  |
| **GRANTS** |  |
| **RAW MATERIAL PURCHASES** |  |
| **OTHER PROGARM** |  |
| **ALL OTHER PROGRAMS** |  |

# Appendix 1 Glossary of terms

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

##### Adjustments

To enable a fair comparison between the export price and the normal value Australian legislation provides for the adjustment of the domestic price paid for like goods. Adjustments are made to account for sales occurring at different times, specification differences, and differences in the terms or circumstances of the sales. The adjustment to the normal value may be upward or downward. Areas where you believe an adjustment is necessary should be identified. Section E of the questionnaire refers*.*

Examples of adjustments that may be made include: sa*les occurring at different times*

(it is sometimes necessary to compare domestic and export sales made at different times - in these circumstances an adjustment may be made to reflect price movements during that time); s*pecification differences; packaging; taxes; level of trade; advertising; servicing/warranty; inland freight; warehousing; export charges; credit terms; duty drawback; commissions.*

Adjustments may also be required where the normal value is based upon costs to make and sell.

##### Arms length

Sales are not considered to be at "arms length" on your domestic market if there is any consideration payable for the goods other than their price, or there is an association between the buyer and the seller which affects the price, or there will be a reimbursement, compensation or benefit for, or in respect of, the price.

##### Associated Companies

Persons shall be deemed to be associates of each other if, and only if:

(a) both being natural [persons](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s153b.html#person):

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

(ii) one of them is an [officer](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s4.html#officer) or director of a body corporate controlled, directly or indirectly, by the other;

(b) both being bodies corporate:

(i) both of them are controlled, directly or indirectly, by a third [person](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s153b.html#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](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s153b.html#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](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s153b.html#person), is an employee, [officer](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s4.html#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 the Government of Vietnam (GOV) (at any level), a public body of the GOV, or a private body entrusted by the GOV to carry out GOV functions.

##### Constructed value

In cases where domestic prices paid for the goods under consideration in the country of export cannot be used for the determination of normal value, i.e. when there are no or insufficient sales or where such sales were not made in the ordinary course of trade, normal value may be based on a constructed value. Constructed value is calculated on the basis of the cost of production of the goods under consideration plus a reasonable amount for selling, general and administration costs, and for profits, that are associated with sales on the domestic market of the country of export.

##### Cost of production/manufacturing

The cost of production or manufacture consists of all manufacturing costs associated with the goods. It is the sum of direct materials, direct labour and factory overheads.

##### Cost to make and sell

The cost to make and sell is the sum of the cost of production or manufacture, and the selling, general and administration costs associated with the sale of those goods.

##### Country of origin

The country in which the last significant process in the manufacture or production of the goods was performed.

##### Date of sale

The Commission will normally use the invoice date as recorded in the exporter or producer’s records. Another date may be used if this better reflects the material terms of sale. The questionnaire directs attention to matching data sets of domestic and export sales where some other date is used, as well as matching cost information.

##### Direct labour cost

Direct labour is categorised as a variable cost, i.e. the value varies with the level of production.

##### Dumping

Dumping occurs when the products of one country are exported to another country at a price less than their normal value.

##### Dumping margin

Where the export price is less than the normal value the dumping margin is the amount of the difference. It can be expressed as a value or as a percentage of the export price.

##### Export price

The export price of the goods is usually the price paid or payable to the exporter in arms length transactions, in most instances calculated at the Free on Board (FOB) level.

##### Exporting country

The country of export is normally the country of origin from which the goods are shipped. The country of export may be an intermediate country, except where the products are merely transhipped through that country, or the products concerned are not produced in that country, and there is no comparable price in that country.

##### Factory overheads

Factory overheads consist of variable costs e.g. power, supplies, indirect labour and fixed costs eg. factory rent, factory insurance, factory depreciation etc.

##### Government of Vietnam (GOV)

Any level of Vietnam government, including central, state, regional, provincial, municipal, county or any other level of government.

##### Goods under Investigation (the goods)

The goods to which the application for anti-dumping action relates. That is, the goods that you have exported to Australia allegedly at dumped and subsidised prices.

##### Incoterms

The following abbreviations are commonly used (comment is provided concerning costs that are normally borne by the seller):

EXW ex works (the seller’s minimum obligation as costs relate to goods being made available at the sellers premises)

FCA free carrier (main carriage not paid by seller. Pay costs until such time that the goods have been delivered at the named point into custody of a carrier named by the seller. Customs formalities, taxes etc. paid if required)

FAS free alongside ship (main carriage not paid by seller. Deliver the goods alongside the ship)

FOB free on board (main carriage not paid by seller. Deliver the goods on board, provide export clearance if required, pay loading costs to the point the goods have passed the ship’s rail, pay customs formalities, taxes etc. payable upon exportation)

CFR cost and freight (main carriage paid by seller. Pay all costs until delivered as well as freight, loading and unloading, pay customs formalities, taxes etc. payable upon exportation)

CIF cost, insurance and freight (main carriage paid by seller. Pay all costs as under CFR as well as marine insurance)

the terms CFR and CIF are only used where goods are carried by sea or waterway transport

CPT carriage paid to

CIP carriage and insurance paid to

the terms CPT and CIP are used as alternatives to CFR and CIF where the goods are carried by air, road, rail etc.

DAF delivered at frontier (goods carried by rail or road and cleared for export at the named place at the frontier. Pay costs until delivered at the frontier plus any discharge costs incurred to place the goods at the customers disposal)

DES delivered ex ship (goods made available to the buyer on board the ship uncleared for import at the named port of destination. Pay all costs incurred in placed at the disposal of the buyer, pay customs formalities, taxes etc. payable upon exportation, and where necessary for transit through another country)

DDU delivered duty unpaid (Pay all costs for carriage to the agreed point, pay customs formalities, taxes etc. payable upon exportation, and where necessary for transit through another country)

DDP delivered duty paid (goods made available at the named place in the country of importation – all risks and costs being incurred by the seller including duties, taxes etc. incurred upon importation).

##### Investigation period

A period defined by the Commission over which importations of the goods are examined .

##### Program(s)

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

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

##### Like goods

Like goods are goods sold on the domestic market of the country of export (or to a third country) that are identical in all respects to the goods under consideration or that, although not alike in all respects have characteristics closely resembling those of the goods under consideration. The term ‘like goods’ also refers to the goods produced by the Australian industry allegedly being injured by dumped imports.

##### Normal value

Australian legislation sets out several ways to assess "normal value".

The preferred method is to use the price paid for like goods sold for domestic consumption in the country of export. Usually, these sales are made by you, but there may be circumstances where it is appropriate to use sales made by other sellers on the domestic market.

Sale prices must be at arms length and in the ordinary course of trade. In the absence of relevant or suitable domestic sales, the normal value may be determined by constructing a price based upon all costs to make and sell the goods. Profit may also be included if the sales on the domestic market are profitable. Alternatively the normal value may be ascertained using the price paid for like goods sold in the ordinary course of trade at arms length to customers in a country other than Australia, however this option is rarely used.

Finally, when a normal value cannot be ascertained by any of the above methods, or if no information is provided, the Commission will determine the normal value by considering all the relevant information, including the applicant's information. This allows the applicant's information to be used where sufficient information has not been furnished or is not available.

Where domestic price generally, and the trade of the exporting country are determined or substantially influenced by the government of the exporting country, an alternative/surrogate market economy is selected by the Commission and the normal value is determined as if the surrogate country were the export source.

##### Ordinary course of trade

Testing for "ordinary course of trade" includes a comparison of the selling price and the unit cost to make and sell for the same period. If sales in respect of a substantial quantity of goods over an extended period of time, usually 12 months, do not recover all costs and these losses are not likely to be recovered within a reasonable period of time, (again usually 12 months) then the sales are regarded as being not in the ordinary course of trade.

There may be circumstances where it is appropriate to use a period other than 12 months in assessing whether sales are in the ordinary course of trade.

Unprofitable sales are to be taken to have occurred in substantial quantities during an extended period where the unprofitable sales amount to 20% or more of the total volume of sales of the goods by the exporter over the period. An extended period of time is usually taken to be a period not less than 12 months. Where unprofitable sales are rejected, normal value is based upon remaining profitable sales provided they occur in sufficient number. Where all sales have been made at a loss, or profitable sales are insufficient, the normal value may be constructed from costs to make and sell.

##### Selling, general and administration expenses (SG&A)

The selling, general and administration expenses includes all selling, distribution, general and administration expenses including finance costs that would be incurred if the goods were sold for domestic consumption in the country of export. The amounts are determined in each case using all the available information and may include expenses incurred in:

. domestic sales of like goods;

. sale of goods of the same general category by the exporter; or

. sales in the industry in the country of export.

The expenses must, however, reflect the selling, general and administration costs of the goods. Administrative and selling expenses include: director’s fees, management salaries and benefits, office salaries and benefits, office supplies, insurance, promotion, entertainment, depreciation and corporate overheads.

##### Subsidy

In respect of goods exported to [Australia](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s4.html#australia), means:

(a) a financial contribution:

(i) by a government of the [country of export](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s269t.html#country_of_export) or [country of origin](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s269t.html#country_of_origin) of the goods; or

(ii) by a public body of that [country](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s4.html#country) or a public body of which that government is a member; or

(iii) by a private body entrusted or directed by that government or public body to [carry](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s4.html#carry) out a governmental function;

that involves:

(iv) a direct transfer of funds from that government or body; or

(v) the acceptance of liabilities, whether actual or potential, by that government or body; or

(vi) the forgoing, or non-collection, of revenue (other than an [allowable exemption or remission](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s269t.html#allowable_exemption_or_remission)) due to that government or body; or

(vii) the provision by that government or body of goods or services otherwise than in the course of providing normal infrastructure; or

(viii) the purchase by that government or body of goods or services; or

(b) any form of income or price support as referred to in Article XVI of the General Agreement on Tariffs and Trade 1994 that is received from such a government or body;

if that financial contribution or income or price support confers a benefit (whether directly or indirectly) in relation to the goods exported to [Australia](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1901124/s4.html#australia)

1. Under an open account system, following payment the balance of the amount owing is carried into the next period. Payment amounts may vary from one period to the next, with the result that the amount owing varies. [↑](#footnote-ref-1)
2. *The Commission applies the tests set out in s.269TAAD of the Customs Act 1901 to determine whether goods are in ordinary course of trade. These provisions reflect the WTO anti-dumping agreement – see Article 2.2.1.* [↑](#footnote-ref-2)
3. Meaning any level of government – refer to the Glossary of Terms for further information [↑](#footnote-ref-3)
4. Refer to the Glossary of Terms for a definition of benefit in this context. [↑](#footnote-ref-4)
5. Refer to the Glossary of Terms for a definition of benefit in this context. [↑](#footnote-ref-5)
6. References to the GOV include any government authorities at any level (e.g. National, Provincial, Regional, Local), agency, party, or otherwise associated entity. [↑](#footnote-ref-6)
7. also referred to as the Steel and Iron Industry Development Policy, as well as by several other titles [↑](#footnote-ref-7)