



**PUBLIC FILE VERSION**

## **Exporter Questionnaire**

**Product:** Silicon Metal

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

**Period of Investigation:** 1 January 2013 to 31 December 2013

**Response due by:** 20 March 2014 (revised to 28 March 2014)

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**Return completed  
questionnaire to:**

Anti-Dumping Commission  
Level 5, Customs House  
5 Constitution Ave  
Canberra ACT 2601  
Australia

Attention: Director Operations 2

**GOODS UNDER CONSIDERATION**

The goods under consideration (the goods) ie the goods exported to Australia, allegedly at dumped prices and/or in receipt of subsidies, are:

- Silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight; and
- Silicon metal containing between 89.00 percent and 96.00 percent silicon by weight that contains aluminium greater than 0.20 percent by weight,

**OF ALL FORMS (I.E. LUMPS, GRANULES OR POWDER) AND SIZES.**

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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 silicon metal has been exported to Australia from the People's Republic of China (China) at prices less than their normal value and/or were in receipt of countervailable subsidies 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, export prices and subsidy margins over the investigation period. This information will determine whether silicon metal is dumped and/or subsidised. 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 and/or subsidy margin for your company based upon other exporters' information, which may be less favourable to your company.

It is in your interest, therefore, to provide a complete submission.

### 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. There is a statutory time limit imposed for the investigation. The Commission may not be able to consider submissions received after the due date.

If you cannot lodge your submission by the due date please advise the investigation case manager as soon as possible.

### 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 Commission 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 J, 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. We 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. We will provide you with a draft of the report and then respond to any questions you have. We will ask you to prepare a non-confidential copy of the report for the public record.

### **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 of 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**

This exporter questionnaire comprises two separate parts:

- **Part 1** – Preliminary information about your company (**due by 26 February 2014**), and
- **Part 2** – Specific information about your company's sales/costs relating to export and domestic silicon metal. (**due by 20 March 2014**)

Part 2 of the questionnaire comprises the following sections:

**Section A**     General information relating to your company including financial reports.

<b>Section B</b>	A complete list of your company's exports to Australia over the investigation period.
<b>Section C</b>	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).
<b>Section D</b>	A detailed list of all of your company's sales of like goods in your domestic market.
<b>Section E</b>	Information to allow a fair comparison between export and domestic prices.
<b>Section F</b>	Information in relation to your company's exports of like goods to countries other than Australia.
<b>Section G</b>	Costs to make and sell, for exports to Australia and for the domestic market.
<b>Section H</b>	Countervailing.
<b>Section I</b>	Market Situation.
<b>Section J</b>	Your declaration.
<b>Section K</b>	A checklist.
<b>Appendix 1</b>	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.
- All documents provided must be translated into English.

## 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 provided with this application including the applicant's non-confidential submission, the booklet *Australia's Anti-Dumping and Countervailing Administration* and the Anti-Dumping Notice 2014/08 notifying the initiation of the investigation available on the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au). 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.



## PART 2 SPECIFIC EXPORTER INFORMATION

### 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: Zheng Zhiyong

Position in the company: General Manager

or

Name: Della Wu

Position in the company: SALES REPRESENTATIVE

Address: ROOM1003-1004,1#,Tong'an Building,No623 Sishui Road,Huli District,Xiamen,China

Telephone: 86-592-3102112

Facsimile number: 86-592-5560560

E-mail address of contact person: della@kmetal.cn

#### 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:

Names: Stephen Pearson/ M J Howard  
Staughtons Pty Ltd

Address: P.O Box 867,Bacchus Marsh 3340 VIC

Telephone: 0402 790 030/0459 21 2702

E-mail address of contact persons: stephen@pearsonsworld.com  
jack@itada.com.au

*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 (eg. company, partnership, sole trader)? Please provide details of any other business names that you use to export and/or sell goods.

**XIAMEN K METAL CO.,LTD  
COMPANY**

**No other name used to export GUC.**

2. 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).

---95%  
---5%

3. If your company is a subsidiary of another company, list the principal shareholders of that company.

**Not a subsidiary.**

4. If your parent company is a subsidiary of another company, list the principal shareholders of that company.

**Not a subsidiary.**

5. Provide a diagram showing all associated or affiliated companies and your company's place within that corporate structure.

**While the businesses are independently owned and managed, the owners of [REDACTED] and [REDACTED] a related ([REDACTED]).**

**Transactions are at arms length and at market prices**

6. Are any management fees/corporate allocations charged to your company by your parent or related company?

**No.**

7. Describe the nature of your company's business. Explain whether you are a producer or manufacturer, distributor, trading company, etc.

**We are a trading company.**

8. 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.

**We do not produce the GUC but we sell GUC both in domestic market and export to various foreign markets, including Australia.**

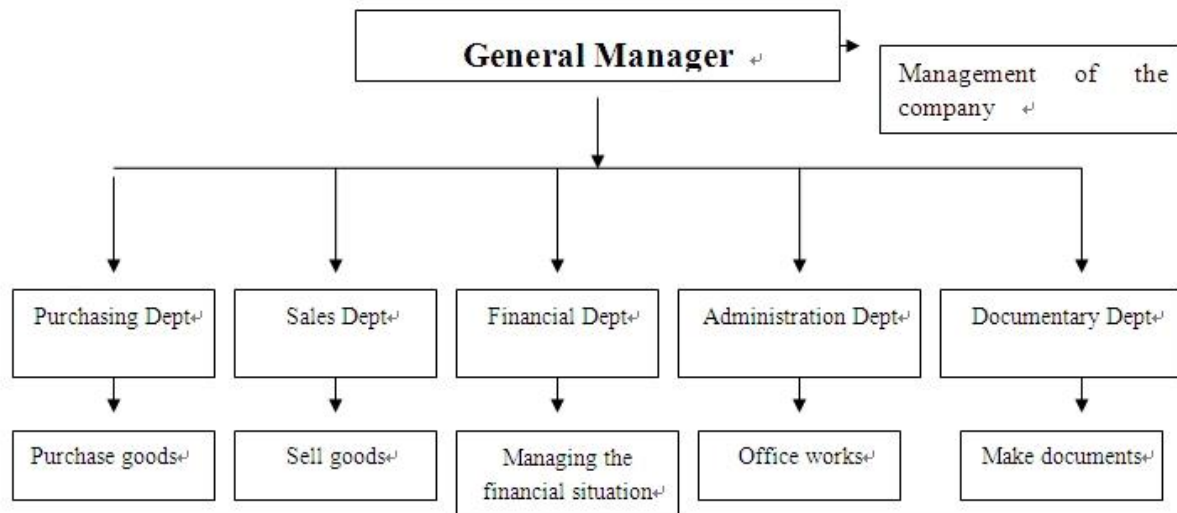
**For the GUC exported to Australia, we source the GUC from two independent company structures, namely:**

[REDACTED], Guizhou, CHINA.

[REDACTED],

**Zhangzhou City, Fujian, CHINA.**

9. Provide your company's internal organisation chart. Describe the functions performed by each group within the organisation.



10. Provide a copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities. **see brochure Attachment No A-3-10.**

**A-4 General accounting/administration information**

1. Indicate your accounting period.  
**Calendar year**
2. 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); **pls see 2012 Audited Financials - Confidential Attachment No A-4-2 in Chinese. Translation to English via a 3<sup>rd</sup> party is in progress and will be available w/e 4<sup>th</sup> April. Audited accounts for y/e 2013 (i.e. POI) not available for a few months**

-

- 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.
3. 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.
4. Do your accounting practices differ in any way from the generally accepted accounting principles in your country? If so, provide details. **No**
5. 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 (eg last in first out –LIFO, first in first out- FIFO, weighted average); **Weighted average**
- costing methods, including the method (eg by tonnes, units, revenue, direct costs etc) of allocating costs shared with other goods or processes (such as front office cost, infrastructure cost etc); **by tonnes**
- valuation methods for damaged or sub-standard goods generated at the various stages of production; **WE HAVE NO PRODUCTION..**
- valuation methods for scrap, by products, or joint products; **only minor waste in repackaging**
- valuation and revaluation methods for fixed assets; **no manufacturing equipment, warehousing outsourced. Fixed asset mainly office equipment and motor vehicles**
- 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; **Not much fluctuation in exchange rate between RMB & USD. [REDACTED] forward cover taken on sales to Australia. Decision made at time of receipt of cash from [REDACTED] by bank as to whether to [REDACTED]**
- treatment of foreign exchange gains/losses arising from the translation of balance sheet items; **Taken to P&L as incurred**
- inclusion of general expenses and/or interest; **included in overheads**

- provisions for bad or doubtful debts; **none due to payment terms**
  - expenses for idle equipment and/or plant shut-downs; **N/A**
  - costs of plant closure; **N/A**
  - restructuring costs; **N/A**
  - by-products and scrap materials resulting from your company's production process; and **. Immaterial**
  - effects of inflation on financial statement information. **N/A**
6. 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. **No change.**

## 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
<b>Gross Sales (1)</b>				
Sales returns, rebates and discounts (2)				
<b>Net Sales (3=1-2)</b>				
Raw materials (4)				
Direct Labour (5)				
Depreciation (6)				
Manufacturing overheads (7)				
Other operating expenses (8)				
<b>Total cost to make (9=4+5+6+7+8)</b>				

<b>OPERATING INCOME (10=3-9)</b>				
Selling expenses (11)				
Administrative & general expenses (12)				
Financial expenses (13)				
<b>SG&amp;A expenses (14)=(11+12=13)</b>				
<b>INCOME FROM NORMAL ACTIVITIES (15)=(10-14)</b>				
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)				
<b>PROFIT BEFORE TAX (20)=(15+16+17+18+19)</b>				
Tax (21)				
<b>NET PROFIT (22)=(20-21)</b>				

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 the spreadsheet named "**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.*

**Please refer to Confidential Attachment A-4-2, 2013 Financials. IMPORTANT: Please note that the most recent financial year is in fact the POI. Also IMPORTANTLY, there were NO [REDACTED].**

## 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 – 31 Dec 2013	
	Volume	Value	Volume	Value
Total company turnover				[REDACTED]

PLEASE REFER TO CONFIDENTIAL ATTACHMENT A-4-2, 2013 FINANCIALS. IMPORTANT: PLEASE NOTE THAT THE MOST RECENT FINANCIAL YEAR IS IN FACT THE POI. ALSO IMPORTANTLY, THERE WERE NO [REDACTED]

## 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).

[REDACTED]

has submitted responses to Importer questionnaire.

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

- (a) Describe how the goods are sent to each customer in Australia, including a diagram if required.

**Packed in FCL's and shipped.**

- (b) 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.

**As stated in response to B-1, the GUC is imported by [REDACTED] for use as industry inputs in [REDACTED]**

- (c) 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.



**K Metal retains ownership up to FOB and [REDACTED] has ownership from FOB..**

**There are no DDP sales**

- (d) Describe any agency or distributor agreements or other contracts entered into in relation to the Australian market (supply copy of the agreement if possible).

**N/A**

- (e) 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.

**Price is essentially based on monthly average price published by reporting service Asian Metal, being a reporting service similar to Metal Bulletin, but a specialist reporting service on the GUC. It is also our understanding that the reported prices are 'formula based'**

**Australian importer forwards enquiry, for specific items say 2-3 months out. The contract is not [REDACTED]. On the last day of the month immediately prior the month of export, [REDACTED]**

**[REDACTED]**

**[REDACTED]**

**3) [REDACTED]**

**K Metal check that [REDACTED] has done these calculation correctly, then confirm**

**For price negotiation with K Metal's selected supplier, K Metal knows the [REDACTED]. THERE is [REDACTED] formulae based pricing with the suppliers.**

**The profit margin will be [REDACTED] depending on the movement in the formula based selling price.**

**We arrange sales contract on selected manufacturer. Selected manufacturer arranges delivery to our nominated warehouse.**

**Warehouse arranges packaging, stuffing FCL, delivery to FOB.**

**Australian importer arranges shipping=post FOB costs**

**We issue Commercial invoice, B/L , packing statement, analysis certificate to importer.**

**Importer pays ■ days from B/L**

. State whether your firm is related to any of its Australian customers. Give details of any financial or other arrangements (eg free goods, rebates, or promotional subsidies) with the customers in Australia (including parties representing either your firm or the customers).

**No relationship other than supplier/customer.**

- (f) Details of the forward orders of the goods under consideration (include quantities, values and scheduled shipping dates).

**Details of forward orders –please refer Confidential attachment No B 2 e**

- 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.

**As per previous responses, only sell to Australian end user.**

- B-4** Prepare a spreadsheet named “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: **please refer confidential attachment**

Column heading	Explanation
Customer name	
Level of trade	
Model/grade/type	
Product code	
Invoice number	
Invoice date	
Date of sale	
Order number	
Shipping terms	
Payment terms	
Quantity	
Gross invoice value	
Discounts on the invoice	
Other charges	
Invoice currency	
Exchange rate	
Net invoice value in the currency of the exporting country	
Rebates or other allowances	
Quantity discounts	
Ocean freight**	
Marine insurance	

FOB export price**	
Packing*	
Inland transportation costs*	
Handling, loading & ancillary expenses*	
Warranty & guarantee expenses*	
Technical assistance & other services*	
Commissions*	
Other factors*	

\*\* 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.

**Please refer to Confidential Attachment B-4, Australian Sales**

**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. **NO OTHER CHARGES.**

**B-6** For each type of discount, rebate, 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.

Please see answer to

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.

**See response to B-2-c above**

**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.

**NO CREDIT NOTES ISSUED.**

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

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)

**Our responsibility does not extend to Australian arrival.**

**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 verification visit.

**Pls see the attachments of "2013 March shipping docs" and "2013 July shipping docs" Confidential Attachment No B-9-1, B-9-2.**

## 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.

GRADE	Si (%Min)	Fe (%Max)	Al (%Max)	Ca (%Max)
441	99	0.4	0.4	0.1
3303	99	0.3	0.3	0.03
2202	99	0.2	0.2	0.02

- 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). **silicon metal**

- 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 (ie. the like goods – see explanation in glossary) are not identical to goods exported to Australia.

EXPORTED TYPE	DOMESTIC TYPE	IDENTICAL?	DIFFERENCES
As described C-1	As described C-1.	YES	

- 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.

**See C1 about, and the Brochure attachment**

## 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 information 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.

**In domestic sales, we always use truck to distribute silicon metal to customers' warehouse or factory. The fees depend on the location and the logistics companies' quotation. [REDACTED].**

#### 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.

**K Metal domestic customers are [REDACTED], but some [REDACTED]. Prices vary based each customers volume and payment record**

**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.

No price lists, but as responded to previous questions, Asian Metal publishes monthly reported market prices and we obtain price offers from selected domestic manufacturers.

- **Based on the selected [REDACTED] [REDACTED] we are able to determine monthly price offers for domestic customers.**
- **We advise domestic customers of our price offers when they contact us to make orders.**
- **We arrange delivery by truck which is [REDACTED]. Our payment terms are either [REDACTED] or [REDACTED].**

**D-4** Prepare a spreadsheet named “**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.

Columnheading	Explanation
Customer name	[REDACTED]
Level of trade	[REDACTED]
Model/grade/type	[REDACTED]
Product code	[REDACTED]
Invoice number	[REDACTED]
Invoice date	[REDACTED]
Date of sale	[REDACTED]
Order number	[REDACTED]
Delivery terms	[REDACTED]
Payment terms	[REDACTED]
Quantity	[REDACTED]
Gross Invoice value	[REDACTED]
Discounts on the Invoice	[REDACTED]
Other charges	[REDACTED]
Net invoice value in the currency of the exporting country	[REDACTED]
Rebates or other Allowances	[REDACTED]
Quantity discounts	[REDACTED]
Packing*	[REDACTED]
Inland transportation Costs*	[REDACTED]
Handling, loading And ancillary Expenses*	[REDACTED]

Warranty & Guarantee expenses*	■
Technical assistance & other services*	No
Commissions*	No
Other factors*	No

**PLEASE REFER TO CONFIDENTIAL ATTACHMENT D-4**

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.

**NO OTHER COSTS.**

**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.

**Sometimes** ■ (see D2), but no discount, rebate etc.

**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 the verification visit.

**PLEASE REFER TO CONFIDENTIAL ATTACHMENTS D-7-1. D-7-2**



## **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 (ie. 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.

Truck costs: To [REDACTED] port [REDACTED] / MT

To [REDACTED] port RMB [REDACTED] /MT

**General Ledger account No .....refers.**

**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.

	RMB /MT
Handling	[REDACTED]
Loading	[REDACTED]
Ancillary expenses	[REDACTED]
TOTAL	[REDACTED]

**GENERAL LEDGER ACCOUNT NO.....REFERS**

**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 eg, short term borrowing in the currency concerned.

Interest Rate @ [REDACTED]%, [REDACTED] days from B/L....[REDACTED]/365 x y/100 x value

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**'.

	RMB/MT
PACKING LABOR	
PACKING MATERIAL FEE	
PALLETS	
TOTAL	

All purchases are delivered in 1 MT bags. For domestic customers no [REDACTED]. [REDACTED] requires that K Metal unpacks the 1 MT bags and repack into a variety of sizes [REDACTED]. This work is [REDACTED]

#### 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. **N/A No commissions paid**

#### 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. **No SUCH EXPENSE incurred by K Metal.**

#### 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. **No known 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. **RMB and USD cross-rates are very stable**

## 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/grade. State the source of your data.

**No physical differences.**

### 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

**Domestic sales and costs, and export costs are subject to VAT of 17%**

- 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).

**Pls REFER to the domestic sales invoice we provided-Conf Attachments D-7-1, D-7-2. ('VAT invoice')**

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; **Not relevant to Australian exports.**
- 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; **N/A**

#### 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.

**Export prices should be compared to [REDACTED], who are similar in their activities to [REDACTED]. K Metal domestic customers prices vary based each customer's volume and payment record**

#### 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<sup>1</sup>, the average credit period may be determined as follows:

1. *Calculate an accounts receivable turnover ratio*

---

<sup>1</sup>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.

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.

**Answer: Receivables turn [REDACTED]x, or there is an average of [REDACTED] month sales in Receivables**

2. *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.

- 1) **For sales to Australia payment terms are [REDACTED] days B/L**
- 2) **For domestic sales many customers are required to pay [REDACTED]**

*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. **Average RMB [REDACTED]/MT**

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. **Average RMB [REDACTED]/MT**

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”**. **Average RBM**  **/MT**

#### 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. **Refer response at D-2**

#### 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. **No such expense incurred**

#### 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; **Inventory turned**  **x and there was on average**  **month COGS on hand**
- *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.

**No INTENDED duplication.**

**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	
Number of customers	
Level of trade	
Quantity	
Unit of quantity	
Value of sales	
Currency	
Payment terms	
Shipment terms	

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.**

**No differences**

## **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) - ie 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 (eg. 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.*

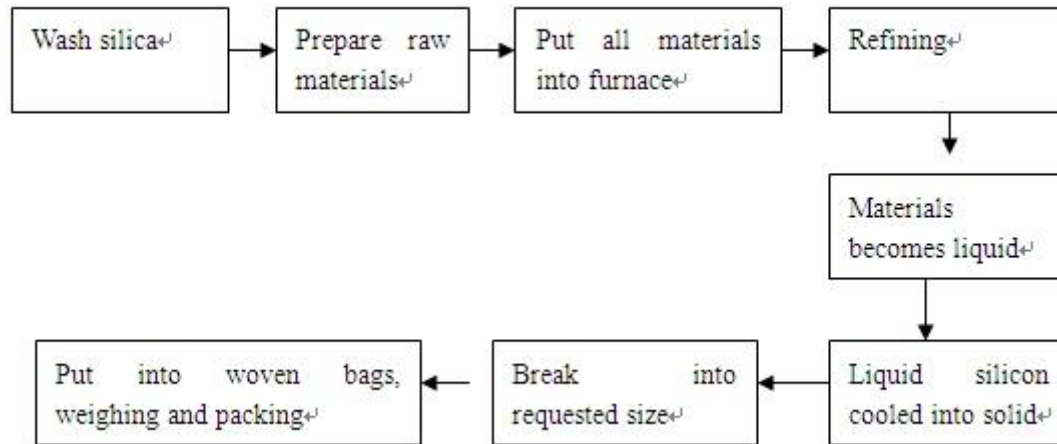
*At any verification meeting you must be prepared to reconcile the costs shown to the accounting records used to prepare the financial statements.*

#### **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.

**K Metal is not a manufacturer, but exporter of GUC to Australia.**

**Our understanding of our suppliers' manufacturing process is as described below:**



Scraps and by productions sold to local other factories.

**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 (eg 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 the spreadsheet named "**Production**". **N/A for K Metals**

**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 (ie 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 in its accounting records.

**K Metal purchase in the finished goods, and account on a weight average cost basis**

**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.<sup>2</sup>*

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 X	Quarter X	Quarter X	Quarter X
Like Domestic Model/Type – from spreadsheet LIKEGOOD				

<sup>2</sup> The Commission applies the tests set out in s.269TAA 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.

Material Costs <sup>1</sup>				
Direct Labour				
Manufacturing Overheads				
Other Costs <sup>2</sup>				
<b>Total Cost to Make</b>				
Selling Costs				
Administration Costs				
Financial Costs				
Delivery Expenses <sup>3</sup>				
Other Costs <sup>3</sup>				
<b>Unit Cost to Make and Sell</b>				

Prepare this information in the spreadsheet named "**Domestic CTMS**".

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

<sup>2</sup> Relating to costs of production only; identify each cost separately.

<sup>3</sup> Identify each cost separately. Please ensure non-operating expenses **that relate to the goods under consideration** are included (including electricity). 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 X	Quarter X	Quarter X	Quarter X
<b>Model/Type exported to Australia – from spreadsheet LIKEGOOD</b>				
Material Costs <sup>1</sup>				
Direct Labour				
Manufacturing Overheads				
Other Costs <sup>2</sup>				
<b>Total Cost to Make</b>				
Selling Costs				
Administration Costs				
Financial Costs				
Delivery Expenses <sup>3</sup>				
Other Costs <sup>3</sup>				
<b>Unit Cost to Make and Sell</b>				

Prepare this information in the spreadsheet named "**Australian CTMS**".

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

<sup>2</sup> Relating to costs of production only; identify each cost separately.

<sup>3</sup> 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.

**No, K Metal is not the manufacture. Costs to make (i.e. purchases) for local vs Australia import are the same, albeit there are [REDACTED] set out in Section E**

- 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. **N/A**
- 3 In calculating the unit cost to make and sell, provide an explanation if the allocation method used (eg number, or weight etc) to determine the unit cost differs from the prior practice of your company. **Unit cost is on a per MT basis**

## **G-6 Major raw material costs**

List major raw material costs(including electricity), 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 (eg 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.**

**RESPONSE: THIS IS N/A AS K METAL IS NOT THE PRODUCER OF THE GUC**

**SECTION H – COUNTERVAILING**

*The applicant alleges that producers in China of silicon metal have benefited from a number of subsidies granted by the GOC (meaning any level of government – refer to the Glossary of Terms for further information), and that these subsidies are countervailable.*

**INVESTIGATED PROGRAMS**

The following are programs that the Commission is currently investigating:

Program Number	Program Name	Program Type
1	Electricity provided by government at less than adequate remuneration	Remuneration
2	Preferential Tax Policies for Enterprises with Foreign Investment Established in the Coastal Economic Open Areas and Economic and Technological Development Zones	Income Tax
3	Preferential Tax Policies for Foreign Invested Enterprises– Reduced Tax Rate for Productive Foreign Invested Enterprises scheduled to operate for a period of not less than 10 years	Income Tax
4	Preferential Tax Policies for Enterprises with Foreign Investment Established in Special Economic Zones (excluding Shanghai Pudong area)	Income Tax
5	Preferential Tax Policies for Enterprises with Foreign Investment Established in Pudong area of Shanghai	Income Tax
6	Preferential Tax Policies in the Western Regions	Income Tax
7	Land Use Tax Deduction	Income Tax
8	Preferential Tax Policies for High and New Technology Enterprises	Income Tax
9	Tariff and VAT Exemptions on Imported Materials and Equipment	Tariff & VAT
10	One-time Awards to Enterprises Whose Products Qualify for ‘Well-Known Trademarks of China’ and ‘Famous Brands of China’	Grant
11	Matching Funds for International Market Development for Small and Medium Enterprises	Grant
12	Superstar Enterprise Grant	Grant
13	Research & Development (R&D) Assistance Grant	Grant
14	Patent Award of Guangdong Province	Grant
15	Innovative Experimental Enterprise Grant	Grant

Program Number	Program Name	Program Type
16	Special Support Fund for Non State-Owned Enterprises	Grant
17	Venture Investment Fund of Hi-Tech Industry	Grant
18	Grants for Encouraging the Establishment of Headquarters and Regional Headquarters with Foreign Investment.	Grant
19	Grant for key enterprises in equipment manufacturing industry of Zhongshan	Grant
20	Water Conservancy Fund Deduction	Grant
21	Wuxing District Freight Assistance	Grant
22	Huzhou City Public Listing Grant	Grant
23	Huzhou City Quality Award	Grant
24	Huzhou Industry Enterprise Transformation & Upgrade Development Fund	Grant
25	Wuxing District Public List Grant	Grant
26	Anti-dumping Respondent Assistance	Grant
27	Technology Project Assistance	Grant
28	Capital injections	Equity
29	Environmental Protection Grant	Grant
30	High and New Technology Enterprise Grant	Grant
31	Independent Innovation and High-Tech Industrialization Program	Grant
32	VAT Refund on Domestic Sales by Local Tax Authority	Tariff & VAT
33	Environmental Prize	Grant
34	Jinzhou District Research and Development Assistance Program	Grant
35	Grant for Industrial enterprise energy management centre construction demonstration project Year 2009	Grant
36	Key industry revitalization infrastructure spending in budget Year 2010	Grant
37	Provincial emerging industry and key industry development special fund	Grant
38	Environmental protection fund	Grant
39	Intellectual property licensing	Grant
40	Financial resources construction special fund	Grant
41	Reducing pollution discharging and environment improvement assessment award	Grant
42	Comprehensive utilization of resources - VAT refund upon collection	Tariff & VAT
43	Grant of elimination of out dated capacity	Grant

Program Number	Program Name	Program Type
45	Grant from Technology Bureau	Grant

**PART H-1 ELECTRICITY PROVIDED AT LESS THAN ADEQUATE REMUNERATION (PROGRAM 1)**

The applicant claims a program exists, being the provision of electricity by State Invested Enterprises (SIEs) at less than adequate remuneration, which should be investigated as part of a subsidy investigation. The applicant refers to the Canada Border Services Agency(CBSA) finding that this program was countervailable.

Please answer the following questions in relation to your purchases of electricity from 1 January 2013 to 31 December 2013.

1. Does your business or related business purchase electricity to manufacture silicon metal? If not, what alternative power source is used in the production of silicon metal?
2. Provide a list, including a contact name and address, of all your suppliers of electricity, including those purchased through related businesses. Indicate whether the supplier is a SIE and provide evidence supporting this.

	Contact Name	Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

3. Did your business receive any reduction/reduced price for the purchase of electricity during the investigation period? If so, provide details of the reduction/reduced price and describe the eligibility criteria that your business had to meet in order to qualify for any reduction in the price paid for the electricity.
4. Please provide a summary of all payments your company made for electricity during the investigation period in the attached spreadsheet labelled "Electricity" and provide copies of invoices and evidence of payment for each.

**We are not manufacturer, no invoices OR evidence can be provided by K Metal. As far as we know, no subsidies are provider to our suppliers**

5. Provide copies of all contractual agreements that detail the obligations of the SIE and your business with reference to the granting and receipt of the assistance/benefits.

6. It is understood that the GOC determines the price for electricity in China (refer China's Accession to the WTO document where prices for utilities are confirmed as subject to governmental control). How does the price of electricity in your province differ to the price established by the GOC?

**Again, we are not the producer, and while we are of the belief no subsidies are provided to our suppliers, this question should be directed to them**

**PART H-2      PREFERENTIAL INCOME TAX PROGRAMS (PROGRAMS 2-8)**

1. Did your business or any company/entity related to your business receive any benefit<sup>3</sup> under the following seven programs during the investigation period (1 January 2013 to 31 December 2013):

**No**

**Program 2:** Preferential Tax Policies for Enterprises with Foreign Investment Established in the Coastal Economic Open Areas and in Economic and Technological Development Zones

**Program 3:** Preferential Tax Policies for Foreign Invested Enterprises - Reduced Tax Rate for Productive Foreign Invested Enterprises scheduled to operate for a period not less than 10 years

**Program 4:** Preferential Tax Policies for Enterprises with Foreign Investment Established in Special Economic Zones (excluding Shanghai Pudong area)

**Program 5:** Preferential Tax Policies for Enterprises with Foreign Investment Established in Pudong area of Shanghai

**Program 6:** Preferential Tax Policies in the Western Regions

**Program 7:** Land Use Tax Deduction

**Program 8:** Preferential Tax Policies for High and New Technology Enterprises

2. Please identify the general tax rate for enterprises in China from 1 January 2013.  
**Answer: 17%**

3. For each taxation year since 2009, complete the attached spreadsheet entitled '**Income Tax**' 'Silicon Metal Exporter Questionnaire' - provided alongside this questionnaire.

**Answer: K Metal has only been exporting GUC to Australia since [REDACTED], so respectfully we believe information [REDACTED]. If we are not correct, please let us know why. Audited accounts and tax returns for the POI ([REDACTED]) have not yet been completed.**

4. Provide a copy, bearing the official stamp of the appropriate level of the GOC of all
- corporate income tax acknowledgement form(s) and the income tax return(s) that your company filed since 2009; and
  - income tax instalment payment receipts, and all applicable income tax forms and schedules since 2009.

***Note: If your company did not file an income tax return since 2009, provide an explanation stating the reasons why you were exempt from filing such a return***

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<sup>3</sup> Refer to the Glossary of Terms for a definition of benefit in this context.

*and the applicable section[s] of the Income Tax Act under which you were exempt from doing so.*

**Answer: please see response to prior question**

5. If your business currently pays corporate income tax at a rate less than the general tax rate, 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. **N/A**

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. **N/A**

6. Please answer the following questions for each program identified at questions 5 and 6 above:

- i. Provide complete details of the amount of the benefit received, including whether it was received in total or in instalments.  
**N/A**
- ii. 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).  
**N/A**
- iii. Describe the application and approval procedures for obtaining a benefit under the program.  
**N/A**
- iv. 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 GOC in relation to the program.  
**N/A**
- v. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.  
**N/A**
- vi. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.  
**N/A**
- vii. 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.**We export silicon metal, belongs to trading industry.**
- viii. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.  
**N/A**
- ix. 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.  
**N/A**



- x. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.  
**N/A**
- xi. To your knowledge, does the program still operate or has it been terminated?  
**Not clear.**
- xii. If the program has been terminated, please provide details (when, 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?  
**N/A**

If the program terminated has been substituted for by another program, identify the program.

**N/A**

**PART H-3      TARIFF AND VAT EXEMPTIONS ON IMPORTED MATERIALS AND EQUIPMENTS (PROGRAMS 9, 32 AND 42)**

It is our understanding that certain enterprises in China are eligible for exemption from the payment of import duty and import VAT on imported inputs, technologies and machinery.

If your business or any company/entity related to your business received benefits under any such program during the period 1 January 2004 to 31 December 2013, please answer the following questions.

**No. we are trading company, so don't receive the benefits under such program.**

1. Provide complete details involving the amount of the VAT refund received, including whether the refund was received in a lump sum or multiple instalments.
2. Describe the application and approval procedures for obtaining a benefit under the program.
3. 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 GOC in relation to the program.
4. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.
5. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.
6. 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.
7. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.
8. 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.
9. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.
10. To your knowledge, does the program still operate or has it been terminated?
11. If the program has been terminated, please provide details (when, 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?
12. If the program terminated has been substituted for by another program, identify the program.

13. Were the materials and/or equipment that were entitled to a refund of VAT used in the production of the goods during the investigation period? If yes, provide the following information:
- (a) type of inputs;
  - (b) cost of inputs;
  - (c) quantity of inputs; and
  - (d) amount of VAT refunded.
14. Has your company received exemption from payment of or refunds of import duty and import VAT for 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:
- (a) description of imported product;
  - (b) country of origin;
  - (c) quantity of imported product;
  - (d) purchase price;
  - (e) terms of purchase (e.g. FOB, CIF);
  - (f) ocean freight;
  - (g) value for duty of imported product;
  - (h) regular rate of taxes and duties;
  - (i) concessionary rate of taxes and duties;
  - (j) amount of duties and taxes normally applicable;
  - (k) amount of duties and taxes paid;
  - (l) amount of duties and taxes exempt;
  - (m) date of importation;
  - (n) tariff classification number;
  - (o) customs entry number; and
  - (p) application fee.
15. Explain if (and how) the GOC determines which imported inputs are consumed by your business in the production of the subject goods and in what amounts, and the amount of duty paid or payable on the inputs (including any allowance for waste).
16. Explain how the GOC determined the percentage rate of duty exemption.
- Please note that goods consumed in the production of exported goods (inputs) include:
- (a) goods incorporated into the exported goods; and
  - (b) energy, fuel, oil and catalysts that are used or consumed in the production of the exported goods.
17. Provide a representative sample of 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.
18. In addition to the import entry documents, also provide copies, if applicable, of any applications submitted to and/or approval document received from the GOC relating to the exemption from the payment of import duty and import VAT on imported inputs and in relation to the VAT that is refunded on the exportation of the subject goods.

19. Provide copies of reports and audits by the GOC 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.

**PART H-4 GRANTS/EQUITY (PROGRAMS 10 TO 31, 33 TO 41, 43 AND 45)**

The Commission understands that the GOC may be providing grants to enterprises in China including the following identified programs:

**Program 10:** One-time Awards to Enterprises Whose Products Qualify for 'Well-Known Trademarks of China' and 'Famous Brands of China'

**Program 11:** Matching Funds for International Market Development for Small and Medium Enterprises

**Program 12:** Superstar Enterprise Grant

**Program 13:** Research & Development (R&D) Assistance Grant

**Program 14:** Patent Award of Guangdong Province

**Program 15:** Innovative Experimental Enterprise Grant

**Program 16:** Special Support Fund for Non State-Owned Enterprises

**Program 17:** Venture Investment Fund of Hi-Tech Industry

**Program 18:** Grants for Encouraging the Establishment of Headquarters and Regional Headquarters with Foreign Investment.

**Program 19:** Grant for key enterprises in equipment manufacturing industry of Zhongshan

**Program 20:** Water Conservancy Fund Deduction

**Program 21:** Wuxing District Freight Assistance

**Program 22:** Huzhou City Public Listing Grant

**Program 23:** Huzhou City Quality Award

**Program 24:** Huzhou Industry Enterprise Transformation & Upgrade Development Fund

**Program 25:** Wuxing District Public List Grant

**Program 26:** Anti-dumping Respondent Assistance

**Program 27:** Technology Project Assistance

**Program 28:** Capital injections

**Program 29:** Environmental Protection Grant

**Program 30:** High and New Technology Enterprise Grant

**Program 31:** Independent Innovation and High-Tech Industrialization Program

**Program 33:** Environmental Prize

**Program 34:** Jinzhou District Research and Development Assistance Program

**Program 35:** Grant for Industrial enterprise energy management centre construction demonstration project Year 2009

**Program 36:** Key industry revitalization infrastructure spending in budget year 2010

**Program 37:** Provincial emerging industry and key industry development special fund

**Program 38:** Environmental protection fund

**Program 39:** Intellectual property licensing

**Program 40:** Financial resources construction special fund

**Program 41:** Reducing pollution discharging and environment improvement assessment award

**Program 43:** Grant of elimination of out dated capacity

**Program 45:** Grant from Technology Bureau

1. Did your business or any company/entity related to your business receive any benefit under the above programs during the period 1 January 2010 to 31 December 2013?  
**N/A**
2. Did your business receive benefits under any other grant (including awards, prizes, funds) program during the period 1 January 2010 to 31 December 2013?  
**N/A**
3. Provide copies of management reports showing your business' non-operating income (or another ledger account) during the period 1 January 2010 to 31 December 2013 and highlight the entry referring to income from the grants identified above.

For each program identified in your answers above:

- i. Provide complete details involving the amount of the grant received, including whether the grant was received in a lump sum or multiple instalments.  
**N/A**
- ii. 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).  
**N/A**
- iii. Describe the application and approval procedures for obtaining a benefit under the program.  
**N/A**
- iv. 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 GOC in relation to the program.  
**N/A**
- v. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.  
**N/A**

- vi. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.

**N/A**

- vii. 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.

**N/A**

- viii. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.

**N/A**

- ix. 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.

**N/A**

- x. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.

**N/A**

- xi. To your knowledge, does the program still operate or has it been terminated? If the program has been terminated, please provide details (when, 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?

**N/A**

If the program terminated has been substituted for by another program, identify the program.

- xii. Identify the body responsible for administering the grant.
- xiii. Identify the date of approval of the grant and the date the grant was received.
- xiv. Indicate where the grant was accounted for on your business' financial statements.

## SECTION I - PARTICULAR MARKET SITUATION

*The applicant claims that a 'particular market situation' exists in respect of silicon metal (the goods) from China due to government influence on the ferroalloy sector, which includes silicon metal.*

*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 supplementary 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.*

### I1 GENERAL INFORMATION

#### 1. Ownership and management

a) Has the Government of China (GOC)<sup>4</sup> 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. **NO**

b) List all the directors and major shareholders of your business and identify any common directors and executive officers between your business and related businesses.

██████████ ----95%

██████████ ----5%

c) Are any directors or major shareholders, employees, or otherwise affiliated with the GOC? If so, identify the individuals, their role and their affiliation with the GOC. **NO**

d) Are any directors or employees of your business appointed, managed or recommended by the GOC? If so, identify the government department(s) they were recommended by. **NO**

e) Provide details of any significant changes in the ownership structure of your

<sup>4</sup> References to the GOC include any government authorities at any level (e.g. National, Provincial, Regional, Local), agency, party, or otherwise associated entity, including the State-owned Assets Supervision and Administration Commission of the State Council (SASAC).

business over the last 5 years. **No any significant changes happened in last 5 years**

- f) Identify all positions within your business that are appointed or designated to act on behalf of GOC authorities.

**No positions requested.**

- g) Explain whether there are any GOC requirements by law and/or any internal business policy to have GOC representation in your business. If so explain their role. **No**

- h) Does the GOC representative(s) or the person(s) appointed by the GOC 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. **N/A**

- i) Who has the ability to reward, hire, fire or discipline your business' senior managers and executives? **Boss**

- j) Do any of your business' senior managers hold positions in any GOC departments or organisations, associations or Chambers of Commerce? If so describe the nature of their positions. **No**

- k) Is your business publicly listed and traded on a securities exchange? **No**

- l) If so, identify all types of securities listed and name all securities exchange's on which they are traded. **N/A**

- m) Are there any restrictions to trade these securities (e.g. restricted only to Chinese nationals etc.)? **No**

## 2. Business planning

- a) Explain your business' decision-making process in general and in respect of silicon metal products in relation to:

- i. what goods are produced; **silicon metal**
- ii. how the goods are produced; **pls see G-1**
- iii. how much is produced; **depends on orders**
- iv. the quantity of inputs (such as raw materials and energy) purchased and how it is allocated to the manufacture of different products; **we only produce silicon metal**
- v. the location of your production facility; **[REDACTED]; Fujian**
- vi. how your business' profit is distributed (e.g. dividends, share buyback etc); and **dividends**
- vii. how you make decisions regarding your companies' growth target and other strategic decisions (e.g. expansions, mergers, acquisitions, restructures).

**N/A**

- b) Provide a description of any GOC input/guidance into the decision-making process regarding your manufacturing, marketing and sale of silicon metal products.

**Cancel silicon metal export tax.**

- c) Provide a list of all government departments/offices that are involved, either directly or indirectly, in your manufacture, sale or purchase of silicon metal products.

**Industrial and Commercial Bureau; Tax Bureau; Customs.**



- d) Provide copies of the minutes of your Board of Directors and Board of Shareholders meetings over the investigation period.

**N/A**

- e) Provide copies of the notes to business meetings where pricing decisions on silicon metal products have been made over the investigation period.

**Price decision/ market process/encouragement.**

- f) Provide the copies of your Business and/or Corporate Plan that were effective during the Investigation period.

**Enter into Australian market and maintain.**

- g) Has your business been involved in any mergers and/or acquisitions in the last 5 years? Is so, provide details.

**No**

- h) Has your business undergone any major restructuring in the last 5 years? Is so, provide details.

**No**

- i) Is your business currently, or in the last 5 years, been involved in a joint venture? If so, provide details.

**No**

**3. Licensing**

- a) Provide a copy of your business license(s).
- b) Identify the GOC departments or offices responsible for issuing the license(s).  
**Industrial and Commercial Bureau**

- c) Describe the procedures involved in applying for your business license(s).

**Apply registration, after examine and verify, get business license.**

- d) Describe all requirements and/or conditions that must be met in order to obtain the license(s).

**Legally running business and paying related taxes.**

- e) Describe any sanctions and/or restrictions imposed on your business if you act outside the scope of your business license(s). **N/A**
- f) Describe and explain any rights or benefits conferred to your business under the license(s). **Running business normally.**
- g) Describe the circumstances under which your business license(s) can be revoked, and who has the authority to revoke the license(s). **Illegally running business / Industrial and Commercial Bureau.**
- h) 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? **Industrial and Commercial Bureau**

**4. Capital investment activities**

- a) 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.

**N/A**

- b) If an application for your capital investment activity was not approved, provide details and documentation for the refusal.

**N/A**

- c) 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. **Industrial and Commercial Bureau of Xiamen, Fujian Province**

## **5. Financing and investment activities**

- a) How is your business debt funded? Provide a list of all major lenders. **N/A**
- b) What is the rate of interest paid by your business on all debt instruments over the last 5 years? **N/A**
- c) Has your business benefited from any concessional interest rates for your loans/debts in the last 5 years? If so, provide details. **No**
- d) 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: **No**.
- i. explain what instruments were used;
  - ii. identify the type (e.g government guarantee) and provider of the security; and
  - iii. explain the reasons for raising the capital.
- e) Does your business have policies on how cash reserves are to be invested? If so, provide details. **No**
- f) 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). **No**.

## **6. Industry associations**

- a) Are you a member of any industry association (either governmental or non-governmental)? If so, for each association provide details including: **No**
- i. The name of the association.
  - ii. When your business joined the association.
  - iii. Whether there are any membership fees.
  - iv. The purpose of the association.
  - v. The benefits of the association.
  - vi. Any restrictions or conditions placed on your business by being a member of the association.
  - vii. Any other on-going requirements for the association.

## **7. Interaction with the GOC**

- a) Provide details of all interactions that your business has with the GOC including reporting requirements to the GOC. **N/A**
- b) Provide contact details of any GOC departments, bureaus or agencies that your business has had any dealings with that are responsible for the administration of measures in the silicon metal industry. **Industrial and Commercial Bureau of Xiamen, Fujian Province**

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

- i. industrial policy and guidance on the silicon metal industry sector;
  - ii. market entry criteria for the silicon metal industry sector;
  - iii. environmental enforcement for the silicon metal industry sector;
  - iv. management of land utilization;
  - v. the China Banking Regulatory Commission for the silicon metal industry sector;
  - vi. investigation and inspection of new silicon metal expansion facilities;
  - vii. the section in the National Development and Reform Commission that is responsible for the silicon metal industry sector; and
  - viii. import licensing for silicon metal raw materials.
- c) Have you had dealings or communications with the National Development and Reform Commission (NDRC) and/or the Ministry of Industry and Information Technology (MIIT) in the last 5 years? If so, provide details. **No**
- d) 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. 各种税
- e) List and describe all reports that are required to be submitted to the GOC? How often such reports are required? Identify the government department/office where each report is filed. **N/A**
- f) Does your business provide selling price information or participate in surveys to an external agency? If so, provide details. **N/A**

**PART 2 SILICON METAL****1. Sales and production**

- a) Provide a list of all your domestic customers of the goods, include the location (city and province) of the customer and indicate whether each customer is an SIE.

Company Name	Location
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

- b) Does your business need to obtain approval or a licence to manufacture and sell the goods? If so, provide details. **Yes, pls see our business licence attached.**
- c) 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. **No**
- d) Does your business require an export licence? If so, provide details. **Yes, pls see export licence attached.**
- e) Are the goods sold by your business subject to any export restrictions and/or limits during the previous 5 year? If so, provide details. **Has anti-dumping duty in USA and Canada.**
- f) Provide details regarding any other restrictions (e.g., geographic/regional, downstream, end use) placed upon your business on the sale of the goods. **It has no market competitiveness in USA, Europe and Canada.**
- g) Have there been any changes to your production capacity of the goods over the last 5 years? If so, provide details. **No.**

**2. Selling price**

- a) 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. **Based on [REDACTED] and our company situation.**
- b) Which organisation/business entity do you consider as the price leader of the goods? **some famous metal-industry website.**
- c) 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. **No. The price made by boss and general manager.**
- d) 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. **Once a week to update price.**
- e) Identify the person who authorises the sales terms, prices and other contract provisions for the sale of the goods by your business. **boss and general manager**

- f) If you have production facilities of the goods in more than one 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. **Yes, the same.**

**3. Raw material purchases**

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

- a) Provide a detailed listing of your raw material purchases (e.g. quartz, charcoal, coal, petroleum coke, electricity) by completing the Raw Material Purchases tab of the attached spreadsheet.
- b) 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?
- c) 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 criteria/conditions.
- d) If any of your raw materials for the production of silicon metal are imported by your business, or related businesses :
  - i. Provide details including a description of the raw material imported, the supplier and country of origin.
  - ii. Explain the process required to import the raw materials (e.g. obtaining an import licence, import declarations).
  - iii. Provide details of any conditions to importing the raw materials (e.g. customs and/or quarantine).
  - iv. Are you eligible for a duty drawback? If so, provide details.

**SECTION J  
EXPORTER'S DECLARATION**

I hereby declare that.....XIAMEN K METAL CO.,LTD.....(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.

**Name** :..... XIAMEN K METAL CO.,LTD.....

**Signature** :.....

**Position in**

**Company** :.....GENERAL MANAGER.....

**Date** :.....2014 March 25th.....

## 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	<input type="checkbox"/>
Section B – export price	<input type="checkbox"/>
Section C – like goods	<input type="checkbox"/>
Section D – domestic price	<input type="checkbox"/>
Section E – fair comparison	<input type="checkbox"/>
Section F – exports to third countries	<input type="checkbox"/>
Section G – costing information	<input type="checkbox"/>
Section H – Countervailing	<input type="checkbox"/>
Section I – Market Situation	<input type="checkbox"/>
Section J – declaration	<input type="checkbox"/>

Electronic Data	Please tick if you have provided spreadsheet
<b>INCOME STATEMENT</b>	<input type="checkbox"/>
<b>INCOME TAX</b>	<input type="checkbox"/>
<b>TURNOVER</b> – sales summary	<input type="checkbox"/>
<b>AUSTRALIAN SALES</b> – list of sales to Australia	<input type="checkbox"/>
<b>DOMESTIC SALES</b> – list of all domestic sales of like goods	<input type="checkbox"/>
<b>THIRD COUNTRY</b> – third country sales	<input type="checkbox"/>
<b>PRODUCTION</b> – production figures	<input type="checkbox"/>
<b>DOMESTIC COSTS</b> – costs of goods sold domestically	<input type="checkbox"/>
<b>AUSTRALIAN COSTS</b> – costs of goods sold to Australia	<input type="checkbox"/>
<b>RAW MATERIAL PURCHASES</b>	<input type="checkbox"/>
<b>ELECTRICITY</b>	<input type="checkbox"/>

## **APPENDIX 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: *sales 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); *specification 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.

### **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, ie. 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, ie. 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 eg. power, supplies, indirect labour and fixed costs eg. factory rent, factory insurance, factory depreciation etc.

## Goods under consideration (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 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.

## **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.

## K METAL –Exporter Questionnaire: Attachments:

A.3.10	K Metal Company Brochure	Non Confidential
A.4.2	Confidential Attachments:	<p>-*<b>Chart of ACCOUNTS</b>-Chinese</p> <p>-*English version to follow</p> <p>-<b>Audited 2012</b> Accounts</p> <p>-Year <b>2013 FINANCIALS</b></p> <ul style="list-style-type: none"> <li>• -Unaudited</li> <li>• -Income &amp; Expenditure– A.5</li> </ul> <p style="text-align: right;">A.6</p> <ul style="list-style-type: none"> <li>• -Balance Sheet</li> <li>• -Cash Flow statement</li> </ul>
B.4	Confidential spreadsheet:	<b>Australian Sales GUC.</b>
B.9.1-2	Confidential Docs:	Sample shipping docs x 2
C.3	Like Goods comparison:	Refer A.3.10
D,4	Confidential spreadsheet:	<b>D. 4 Domestic Sales of GUC</b>
D.7.1-2	Confidential Docs:	Sample shipping docs x 2
F.1	Confidential spreadsheet:	<b>Third Country sales GUC</b>
G.4	Domestic CTM& S:	A.4.2 REFERS-Purchase Price + SGA
		E.1 REFERS
G.5	Australian CTM& S:	A.4.2 REFERS-
		E.2 REFERS

**Section H** K Metal is not a manufacturer and has not knowingly received any benefit or preferential treatment by way of any Government grant or preference.





### Profile for Xiamen K Metal Co., Ltd

Xiamen K Metal Co., Ltd is a branch of linan group co., ltd, which is a factory integrated with the research, production and sale of silicon Metal lump, silicon Metal powder, ferro silicon, ferro manganese, aluminium ingot textile ect.

There are more than 10 silicon furnaces located in Fujian and Guizhou province in China. With an annual output of 50-60 thousand tons for silicon 553 441 3303 2202 2502, we have great advantage in high grade, low ferro, and low phosphy silicon products. It is located in Fengtian Development Zone, Nanjing, Zhangzhou city, Fujian province, China, with registered capital 15,000,000 and an area of 30,000 square meters. Equipped with an advanced direct-reading spectrometer, metallographic analyzer, universal testing machine, brinell hardness tester and other advanced detection equipment, as well as a set of 20 tons of molten aluminum reflector oven, (set of 45 tons under construction), its monthly production capacity reaches 8,000 tons ranking the second place in the whole province, and the first in the province's annual sales.

Our company gained the ISO9001:2000 Certificate and set up a quality control and management system, after years' practice and improvement; due to the strict control for every stage of the production, purchase, transportation and sale, we ensure supplying our customer the top quality and best service. To meet customer's requirement for the quality and quantity, we have equipped advanced test machines and top productive technics. Xiamen K Metal Co., Ltd will always supply our customers with the top quality and best service, and welcome worldwide customers to cooperate for the common prospect.



# 金属硅成型图





## 型号介绍

### 冶金硅

#### 产品说明

冶金用金属硅，固体呈暗灰色，有金属光泽、熔点高、耐热性好、电阻率高，高温熔体状态为良导体，质坚性脆。

#### 应用领域

广泛应用于电子级硅，硅树脂和研制铝合金催化剂，有色金属脱氧剂和特种钢的冶炼，还可用作特种钢的添加剂，也用作要求严格的硅钢的合金剂，冶炼特种钢和非铁基合金的脱氧剂。

#### 化学成分

规格	Si(%Min)	Fe(%Max)	Al(%Max)	Ca(%Max)	P(ppm)
2202	99.5	0.2	0.2	0.02	30-100
2502	99.4	0.25	0.25	0.02	40-100
3303	99.3	0.3	0.3	0.03	40-100
331	99.1	0.3	0.3	0.05	40-100
441	99	0.4	0.4	0.1	40-100
553	98.5	0.5	0.5	0.3	40-100



#### Description

Alusi is standard refined silicon with si 99%min and unrefined Silicon with si 97%

#### Application

Alusi is mostly used in aluminum casting area to give aluminum alloys and added strength, hardness and other casting properties.

#### Chemical analysis and size

规格	Si(%Min)	Fe(%Max)	Al(%Max)	Ca(%Max)	P(ppm)
2202	99.5	0.2	0.2	0.02	30-100
2502	99.4	0.25	0.25	0.02	40-100
3303	99.3	0.3	0.3	0.03	40-100
331	99.1	0.3	0.3	0.05	40-100
441	99	0.4	0.4	0.1	40-100
553	98.5	0.5	0.5	0.3	40-100

Size: 10-100mm(90% min) or per customer's request.

Packing in plastic woven bags of 1MT.



金属硅 Silicon metal



化验室 Laboratory



厦门市鑫利南进出口有限公司  
XIAMEN K METAL CO., LTD.