



## **EXPORTER QUESTIONNAIRE**

### **deep drawn stainless steel sinks EXPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA**

**Period of Investigation:** 1 JANUARY – 31 DECEMBER 2013

**Response due by:** **24 APRIL 2014**

#### **CASE CONTACT**

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#### **RETURN OF QUESTIONNAIRE DETAILS**

**By mail  
(on CD-ROM or USB):** Attn: Director, Operations 2  
Anti-Dumping Commission  
5 Constitution Ave  
CANBERRA ACT 2601

**By email:** [operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au)

**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: Elkay (China) Kitchen Solutions Co., Ltd.*

Name: **Peter Hu**  
Position in the company: **Director of Finance**  
Address: **#5 Yongan Rd., LianGang Industrial Park  
JinWan District, Zhuhai, Chinam PCS19045**  
Telephone: **86-756-726-1222**  
Facsimile number: **86-756-726-1835**  
E-mail address of contact person: **phu@elkay.com.cn**

*Factory:*

Address: **#5 Yongan Rd., LianGang Industrial Park  
JinWan District, Zhuhai, Chinam PCS19045**  
Telephone: **86-756-726-1222**  
Facsimile number: **86-756-726-1835**  
E-mail address of contact person: **phu@elkay.com.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:

Name: **Ren Yongzhong**  
Address: **12/F,Tower B, Focus Place, No.19 Finance Street, Xicheng  
District, Beijing,P.R.China 100033**  
Telephone: **86-10-52682974**  
Facsimile/Telex number: **86-10-52682999**  
E-mail address of contact person: **renyz@dehenglaw.com**

*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.

**Answer:**

**Elkay (China) Kitchen Solutions, Co.Ltd.(hereinafter referred to as “Elkay” or “the company”) formulated in accordance with the Law of the People’s Republic of China on Wholly Foreign-Owned Enterprises by Elkay Asia, Inc.. Please refer to Exhibit A-3.1 Business Liscence of Elkay[Confidential]. For the export and/or sell goods, no other business names have been used.**

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).

**Answer:**

**Elkay (China) Kitchen Solutions, Co., Ltd. is a 100% wholly-owned subsidiary of [Confidential information concerning the identity of the parent company].**

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

**Answer:**

**[Confidential information concerning the identity of the parent company] is 100% owned by [Confidential information concerning the identity of the finnal parent company].**

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

**Answer:**

**The 2 largest shareholders of [Confidential information concerning the identity of the finnal parent company]are as follows: Please note: No other shareholder owns more than 5%:**

	<b>Name</b>	<b>Address</b>	<b>% of Shareholdings</b>
<b>1</b>			
<b>2</b>			

**[Confidential information concerning the shareholders and percentage of shareholdings of the finnal parent company]**

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

**Answer:**

**Please see Exhibit A-3.5 Associated Corperate Structure[Confidential].**

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

**Answer:**

**There are no management fees/corporate allocations charged to Elkay by its parent or related company.**

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

**Answer:**

**Elkay (China) Kitchen Solutions, Co.,Ltd. is a manufacturer and distributor of stainless steel sinks and distributes cabinetry primarily to the Chinese domestic market.**

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.

**Answer:**

**Elkay (China) Kitchen Solutions, Co.,Ltd. performs all above 4 functions.**

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

**Answer:**

**Please see Exhibit A-3.9 Organization Chart of Elkay[Confidential].**

10. Provide a copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities.

**Answer:**

**Please refer to Exhibit A-3.10 The Brouchure of Elkay[Confidential]. The Audited Report is provided below per the requirement of A-4.3.**

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

1. Indicate your accounting period.

**Answer:**

**Elkay's accounting year is from Jan. 1<sup>st</sup> to Dec.31<sup>st</sup> of each calendar year.**

2. Indicate the address where the company's financial records are held.

**Answer:**

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**Elkay's financial records are kept in the address of the company, No.5 Yongan Rd., LianGang Industrial Park, JinWan District, Zhuhai, China, PC519045.**

3. Please provide the following financial documents for the two most recently completed financial years plus all subsequent monthly, quarterly or half yearly statements:

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

These documents should relate to:

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

**Answer:**

**Please refer to Exhibit A-4.3.1 Chart of Account of Elkay[Confidential] and Exhibit A-4.3.2 Audited Report of 2012 and 2013[Confidential].**

**Elkay do not have internal financial statements, or management accounts, that are prepared and maintained in the normal course of business especially for the goods under consideration.**

4. 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.

**Answer:**

**Not applicable, as the Audited Reports have been provided.**

5. Do your accounting practices differ in any way from the generally accepted accounting principles in your country? If so, provide details.

**Answer:**

**The accounting practices of the company are consisted with the National Accounting Standard.**

6. 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);

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**Answer:**

**Weighted average is the method used for valuation for raw material, work-in-process, and finished goods inventories.**

- 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);

**Answer:**

**Working hours are the costing method used by the company.**

- valuation methods for damaged or sub-standard goods generated at the various stages of production;

**Answer:**

**Elkay uses actual cost method based on the market prices for the damaged or sub-standard goods generated during production.**

- valuation methods for scrap, by products, or joint products;

**Answer:**

**There are no by products or joint products during production. As for the scrap, the company uses actual cost method for it.**

- valuation and revaluation methods for fixed assets;

**Answer:**

**Original cost or Historical cost method is used for valuation of fixed assets. Repairs and maintenance of fixed assets are expensed as incurred. Subsequent expenditures for major reconstruction, expansion or improvement are capitalized when it is probable that future economic benefits in excess of the original assessment of performance will flow to the company.**

- average useful life for each class of production equipment and depreciation method and rate used for each;

**Answer:**

**Straight-line method is used for the depreciation of production equipment. The rate and useful life for each class of production equipment are as follows:**

<b>Category of Fixed Assets</b>	<b>Estimated Useful life</b>	<b>Annual Rate Depreciation %</b>
Buildings	3-30 years	3.20-32.00
Machinery	13-120 months	9.60-88.89
Moulds	51-60 months	19.20-22.59
Moter Vehicles	35-120 months	9.60-32.88
Furniture and other equipment	31-60 months	19.20-37.21
Leasehold improvements	34-60 months	19.20-33.92

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- treatment of foreign exchange gains and losses arising from transactions;

**Answer:**

**The foreign exchange gains and losses arising from transactions are included in the current financial expenses or gains.**

- treatment of foreign exchange gains/losses arising from the translation of balance sheet items;

**Answer:**

**Not applicable.**

- inclusion of general expenses and/or interest;

**Answer:**

**The general expenses and/or interest are included in current profits and losses.**

- provisions for bad or doubtful debts;

**Answer:**

**The provisions for bad or doubtful debts are based on aging of accounts. But due to cash on delivery policy, Elkay did not make provisions for bad debts during POI.**

- expenses for idle equipment and/or plant shut-downs;

**Answer:**

**Not applicable. There are no idle equipment and/or plant shutdowns.**

- costs of plant closure;

**Answer:**

**Not applicable. There are no plant disclosure.**

- restructuring costs;

**Answer:**

**Not applicable. There are no restructuring.**

- by-products and scrap materials resulting from your company's production process; and

**Answer:**

**There are no by products or joint products during production. As for the scrap, the company uses actual cost method for it.**

- effects of inflation on financial statement information.

**Answer:**

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**Not applicable. There are no significant inflation during POI.**

7. 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.

**Answer:**

**There are no changes of the accounting methods used by Elkay over the last two years.**

### **A-5 Income statement**

Complete the spreadsheet '**Income statement**' in the **Exporter Questionnaire spreadsheets – sinks** workbook.

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

You will note that the spreadsheet 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.

*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.*

**Answer:**

**Please refer to separately filed spreadsheet Exhibit A-5 Income Statement[Confidential].**

### **A-6 Sales**

Complete the spreadsheet '**Turnover**' in the **Exporter Questionnaire spreadsheets – sinks** workbook.

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

This requires you to 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.

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

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

**Answer:**

**Please refer to separately filed spreadsheet Exhibit A-6 Turnover [Confidential].**

## 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, or another level if considered appropriate.*

*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 manufacturer).

**Answer:**

**1)Name:**

**Address:**

**Contact**

**Phone:**

**Fax:**

**Trade Level:**

**2)Name:**

**Address:**

**Contact Name:**

**Phone:**

**Fax:**

**Trade Level:**

**[Confidential information concerning the Australian customers]**

**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.

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**Answer:**

The product concerned is manufactured in Elkay factory in Zhuhai. Once the product is finished, it is ready to be dispatched. The product will then be packed and sent to Jiuzhou Port and subsequently delivered to Australia by ocean vessel.

The customs broker[Name of the broker] will then be engaged to handle custom clearance. It will then notify the forwarder or logistic company when the goods are ready to be picked up. Finally the goods will be shipped to designated port in Australia.

Please refer to Exhibit B-2(a) Australian Sales Diagram for details [Confidential].

- (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.

**Answer:**

[Name of the forwarder]- [Name of the Australian customer]'s forwarder, take charge to arrange the shipment from Zhuhai Jiuzhou port to Australia port after getting Elkay's booking form. The expense will be paid after the goods load on board.

[Name of the forwarder]- [Name of the Australian customer]'s forwarders, take charge to arrange the shipment from Zhuhai Jiuzhou port to Australia port after getting Elkay's booking form. The expense will be paid after the goods load on board.

[Name of the transportation company]—take charge of picking up containers from Elkay, then travel the container to Jiuzhou port. The expense is a pre-exportation expense and will be paid monthly.

[Name of the customs broker]—take charge of customs clearance after goods on the Jiuzhou port, the expense is pre-exportation expense and will be paid monthly.

- (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.

**Answer:**

We use [Confidential information concerning the incoterms] as incoterms. The goods ownership is belong to Elkay before goods on board. After goods on board, it belongs to Australian Customers.

- (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).

**Answer:**

Not Applicable. Elkay do not have any agency or distributor agreements or other contracts entered into in relation to the Australian market.

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- (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.

**Answer:**

Elkay negotiates terms of sales with Australian customers freely. The quotation was prepared based on [Confidential information concerning the price decision].

[Name of the Australian customer] provide their orders by email to us. Elkay makes Sales confirmation to [Name of the Australian customer] for order confirmation. Elkay books container with appointed forwarder by [Name of the Australian customer], then arrange loading container, customs clearance. Elkay makes commercial invoices and other documents to [Name of the Australian customer] after goods on board. [Name of the Australian customer] will T/T full payment within 7days after getting our document.

[Name of the Australian customer] provide their orders by email to us. Elkay makes Proforma invoice to [Name of the Australian customer], they arrange 10% deposit for order confiramation. Elkay books container with the appointed forwarder, then arrange loading container, customs clearance. Elkay makes commercial invoices and other documents to [Name of the Australian customer], after goods on board. They will T/T balance payment within 7days after getting our documents.

**Please refer to Exhibit B-2(e) Price List attached.**

- (f) 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).

**Answer:**

**Not Applicable. Elkay is not related to its Australian customers.**

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

**Answer:**

**Not Applicable. Elkay did not make forward orders with the customers.**

- 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.

**Answer:**

Elkay uses distribution channel of [Confidential information concerning distrabution channel] with the Australian customers. So the export prices will not vary accrding to the distribution channel, but may vary according to the prices of raw materails.

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**B-4 Australian sales data**

Complete the ‘**Australian sales**’ spreadsheet in the *Exporter Questionnaire spreadsheets – sinks* workbook.

This data should be provided on a transaction by transaction basis.

The below table provides some explanation of the data requested in the Australian sales spreadsheet.

<b>Column heading</b>	<b>Explanation</b>
Customer name	names of your customers
Level of trade	the level of trade of your customers in Australia
Model	commercial model/grade or type
Number of bowls	the number of bowls of the sink sold, for example single bowl, 1 and ½ bowls, double bowl, etc.
Drainer boards	If the sink includes one or more drainer boards, identify the number of these
Finish	sink surface finish e.g. polished, brushed, unfinished
Brand name	If the sink is sold under a particular brand name, identify this
Product tier	In the application, the Australian industry identified that sinks may be classified into entry-level, mid or top-range sinks, which is relative to their pricing. Identify if the sink sold is considered entry-level, mid or top-range product.
Accessories included	If the sink is sold with ‘accessories’ other than the sink and drainer board itself, identify which accessories are included (e.g. strainer, etc)
Product code	Code used in your records for the model/grade/type identified. Explain the product codes in your submission.
Invoice number	invoice number
Invoice date	invoice date
Date of sale	Refer to the explanation at the beginning of this section. If you consider that a date <i>other than</i> the invoice date best establishes the material terms of sale, report that date. For example, order confirmation, contract, or purchase order date.
Order number	If applicable, show order confirmation, contract or purchase order number if you have shown a date other than invoice date as being the date of sale.
Shipping terms	Delivery terms eg. CIF, C&F, FOB, DDP (in accordance with Incoterms)
Payment terms	Agreed payment terms eg. 60 days=60 etc
Quantity	Quantity in units shown on the invoice. Show basis eg kg.
Gross invoice value	Gross invoice value shown on invoice <i>in the currency of sale, excluding taxes.</i>
Discounts on the invoice	If applicable, the amount of any discount deducted on the invoice on each transaction. If a % discount applies show that % discount applying in another column.
Other charges	Any other charges, or price reductions, that affect the net invoice value. Insert additional columns and provide a description.
Invoice currency	the currency used on the invoice
Exchange rate	Indicate the exchange rate used to convert the currency of the sale to the currency used in your accounting system
Net invoice value in the currency of the exporting country	the net invoice value expressed in your domestic currency as it is entered in your accounting system
Rebates or other allowances	the amount of any deferred rebates or allowances paid to the importer in the currency of sale
Quantity discounts	the actual amount of quantity discounts not deducted from the invoice. Show a separate column for each type of quantity discount.
Ocean freight**	the actual amount of ocean freight incurred on each export shipment

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	listed.
Marine insurance	Amount of marine insurance
FOB export price**	the free on board price at the port of shipment.
Packing*	Packing expenses
Inland transportation costs*	inland transportation costs included in the selling price. For export sales this is the inland freight from factory to port in the country of export.
Handling, loading & ancillary expenses*	handling, loading & ancillary expenses. For example, terminal handling, export inspection, wharfage & other port charges, container tax, document fees & customs brokers fees, clearance fees, bank charges, letter of credit fees, & other ancillary charges incurred in the exporting country.
Warranty & guarantee expenses*	warranty & guarantee expenses
Technical assistance & other services*	expenses for after sale services, such as technical assistance or installation costs.
Commissions*	Commissions paid. If more than one type is paid insert additional columns of data. Indicate in your response to question B2 whether the commission is a pre or post exportation expense having regard to the date of sale.
Other factors*	<b>any other</b> costs, charges or expenses incurred in relation to the exports to Australia (include additional columns as required). See question B5.

\*\* FOB export price and Ocean Freight:

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

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

Freight allocations must be checked for consistency.

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

**Answer:**

**Please refer to the Spreadsheet Exhibit B-4 Australian Sales[Confidential].**

**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.

**Answer:**

**Please refer to the Spreadsheet Exhibit B-4 Australian Sales.**

**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.

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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.

**Answer:**

**There are no such discount, rebate, allowance offered on export sales to Australia.**

**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.

**Answer:**

**Elkay did not issue credit notes to Australian customers.**

**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:

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)

**Answer:**

**Elkay used [Confidential information concerning incoterms] terms in respect of export to Australia. So this question is not applicable.**

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

- the importer's purchase order, order confirmation, and contract of sale;
- commercial invoice;
- bill of lading, export permit;
- freight invoices in relation to movement of the goods from factory to Australia, including inland freight contract;
- marine insurance expenses; and
- letter of credit, and bank documentation, proving payment.

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

**Answer:**

**Please refer to Exhibit B-9 Australian Export Sales Documentations [Confidential].**

**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.

**Answer:**

**Please refer to Exhibit C-1 Details of Product Exported to Australia [Confidential].**

**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).

**Answer:**

**Please refer to Exhibit C-1 Details of Product Exported to Australia. All the type listed in “Australian Sales” has been included in the Exhibit.**

**C-3** If you sell like goods on the domestic market, for each type of the goods 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 the domestic goods (ie. the like goods – see explanation in glossary) are not identical to goods exported to Australia.

An example of how this information can be presented is provided in the below table.

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

**Answer:**

**After in-depth study of the specification details and technical features of both the exported products and domestic sales products, Elkay found that there are no identical or like goods sold on the domestic market, compared with the Model/type exported to Australia.**

**Please refer to Exhibit C-3 Details comparasion between exported products and domestic sales product[Confidential], which illustrates the differences points between domestic model [Model type] and exported model [Model type]. These two types are considered most similar products.**

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**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.

**Answer:**

**Please refer to Exhibit C-4 Details of Product of Domestic Sales[Confidential].**

## 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's 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.

#### **Answer:**

**There are mainly two distribution channels to domestic customers. Please refer to Exhibit D-1 Domestic Distribution Channels[[Confidential](#)].**

**Please refer to the Exhibit D-7 Domestic Sales Documentation(2) for the distributor agreement.**

**None of the domestic customers are related to Elkay.**

### **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.

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**Answer:**

**Elkay's Distributors who promote Elkay's brand and will follow up Elkay's standard price lists & package price set based on market price & promotion plan; While [Confidential information concerning distribution channel] the prices are set by negotiation with the customers based on transaction-by-transaction basis.**

**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.

**Answer:**

**Please refer to Exhibit D-3.1 Domestic Sales Process Chart[Confidential]. Elkay has a price list for domestic distributors, Please see Exhibit D-3.2 Domestic distribution Price List[Confidential]. The prices for the [Confidential information concerning distribution channel] domestic customers are set by negotiation with the customers based on transaction-by-transaction basis.**

### **D-4 Domestic sales data**

Complete the 'Domestic sales' spreadsheet in the *Exporter Questionnaire spreadsheets – sinks* workbook.

This data should be provided on a transaction by transaction basis.

The below table provides some explanation of the data requested in the Domestic sales spreadsheet.

<b>Column heading</b>	<b>Explanation</b>
Customer name	names of your customers. If an English version of the name is not easily produced from your automated systems show a customer code number and in a separate table list each code and name.
Level of trade	the level of trade of your domestic customer
Model	commercial model/grade or type of the goods
Number of bowls	the number of bowls of the sink sold, for example single bowl, 1 and ½ bowls, double bowl, etc.
Drainer boards	If the sink includes one or more drainer boards, identify the number of these
Finish	sink surface finish e.g. polished, brushed, unfinished
Brand name	If the sink is sold under a particular brand name, identify this
Product tier	In the application, the Australian industry identified that sinks may be classified into entry-level, mid or top-range sinks, which is relative to their pricing. Identify if the sink sold is considered entry-level, mid or top-range product.
Accessories included	If the sink is sold with 'accessories' other than the sink and drainer board itself, identify which accessories are included (e.g. strainer, etc)
Product code	code used in your records for the model/grade/type of the goods identified. Explain the product codes in your submission.
Invoice number	invoice number

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Invoice date	invoice date
Date of sale	refer to the explanation at the beginning of this section. If you consider that a date <i>other than</i> the invoice date best establishes the material terms of sale and should be used, report that date. For example, order confirmation, contract, or purchase order date.
Order number	show order confirmation, contract or purchase order number if you have shown a date other than invoice date as being the date of sale.
Delivery terms	eg ex factory, free on truck, delivered into store
Payment terms	payment terms agreed with the customer eg. 60 days=60 etc
Quantity	quantity in units shown on the invoice eg kg.
Gross Invoice value	gross value shown on invoice <i>in the currency of sale</i> , net of taxes.
Discounts on the Invoice	the amount of any discount deducted on the invoice on each transaction. If a % discount applies show that % discount applying in another column.
Other charges	any other charges, or price reductions, that affect the net invoice value. Insert additional columns and provide description.
Net invoice value in the currency of the exporting country	the net invoice value expressed in your domestic currency as recorded in your accounting system
Rebates or other Allowances	the actual amount of any deferred rebates or allowances in the currency of sale
Quantity discounts	the actual amount of quantity discounts not deducted from the invoice. Show a separate column for each type of quantity discount.
Packing*	packing expenses
Inland transportation Costs*	amount of inland transportation costs included in the selling price.
Handling, loading And ancillary Expenses*	handling, loading & ancillary expenses.
Warranty & Guarantee expenses*	warranty & guarantee expenses
Technical assistance & other services*	expenses for after sale services such as technical assistance or installation costs.
Commissions*	commissions paid. If more than one type is paid insert additional columns of data.
Other factors*	<b>any other</b> costs, charges or expenses incurred in relation to the domestic sales (include additional columns as required). See question D5.

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

**Answer:**

**Please refer to spreadsheet Exhibit D-4 Domestic Sales[Confidential].**

**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.

**Answer:**

**There are no other costs, charges, or expenses.**

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

- provide a description; and

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- 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.

**Answer:**

**There are no other commission, discount, rebate, allowance offered on domestic sales.**

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

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

**Answer:**

**Please refer to Exhibit D-7 Domestic Sales Documentations[[Confidential](#)].**

## SECTION E - FAIR COMPARISON

**Answer:**

**As we responded in Section C, there are no identical or like goods sold on the domestic market, compared with the Model/type exported to Australia. So Elkay's domestic sales are not appropriate base for Normal value.**

**This part is not applicable to Elkay.**

*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.

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

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

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

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

### **3. Credit**

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

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

### **4. Packing costs**

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

## PUBLIC RECORD

### 5. Commissions

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

- provide a description; and
- explain the terms and conditions that must be met.

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

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

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

### 7. Other factors

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

### 8. Currency conversions

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

## E-2 Costs associated with domestic sales

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

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

### 1. Physical characteristics

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

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

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

You should provide copies of your Bill of Materials for both the goods exported to Australia and those associated with domestic sales, and identify those components or inputs into production that are different, for example, specify different:

- Steel grades (Grade 304);
- Chrome/nickel content (18/10, compared with 18/8);
- Steel gauge (18, 20 or 22 gauge);
- Bowl finish (labour hours to achieve a brushed or polished finish);
- Inclusion or exclusion of a drainer board; and
- Inclusion or exclusion of a strainer/basket waste.

## 2. Import charges and indirect taxes

If exports to Australia:

- are partially or fully exempt from internal taxes and duties that are borne by the like goods in domestic sales (or on the materials and components physically incorporated in the goods), or
- if such internal taxes and duties have been paid and are later remitted upon exportation to Australia;

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

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

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

In substantiating the drawback claim the following information is required:

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- a copy of the relevant statutes/regulations authorising duty exemption or remission, translated into English;
- the amount of the duties and taxes refunded upon *exportation* and an explanation how the amounts were calculated and apportioned to the exported goods;
- an explanation as to how you calculated the amount of duty payable on imported materials is borne by the goods sold *domestically* but is not borne by the exports to Australia;

### Substitution drawback systems

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

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

### **3. Level of trade**

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

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

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

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

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

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

This requires the following information:

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

**or**

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

#### 4. Credit

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

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

- the rate, or average of rates, applying on actual short term borrowing's 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.

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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*

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.

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.

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

**5. Transportation**

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

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

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

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<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.

## PUBLIC RECORD

### 7. Packing

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

### 8. Commissions

For any commissions paid in relation to the domestic sales:

- provide a description
- explain the terms and conditions that must be met.

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

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

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

### 10. Other factors

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

- *inventory carrying cost*: describe how the products are stored prior to sale and show data relating to the average length of time in inventory. Indicate the interest rate used;
- *warehousing expense*: an expense incurred at the distribution point;
- *royalty and patent fees*: describe each payment as a result of production or sale, including the key terms of the agreement;
- *advertising*; and
- *bad debt*.

## E-3 Duplication

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

## **PUBLIC RECORD**

For example:

- adjustments for level of trade, quantity or other discounts may overlap, or
- calculation of the amount of the difference for level of trade may be based upon selling expenses such as salesperson's salaries, promotion expenses, commissions, and travel expenses.

Separate adjustment items must avoid duplication.

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

**SECTION F - EXPORT SALES TO COUNTRIES OTHER THAN AUSTRALIA (THIRD COUNTRY SALES)**

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

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

**F-1 Third country sales data**

Complete the ‘Third country’ spreadsheet in the **Exporter Questionnaire spreadsheets – sinks** workbook.

This data should be provided on a summary basis.

The below table provides some explanation of the data requested in the Third country spreadsheet.

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

**Answer:**

**Please refer to spreadsheet Exhibit F-1 Third Country Sales[Confidential].**

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

**Answer:**

**There are [Number of models] exported to Auspralia can be found comparable models in the third countries exports. Please refer to Exhibit F-2 Comparable Models between Australian and Third Country Sales.**

## 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.

**Answer:**

**Please refer to Exhibit G-1 Production Process[Confidential]. The only scap resulted from production is the offcut while cutting the sheets.**

### **G-2. Production capacity data**

Complete the 'Production' spreadsheet in the *Exporter Questionnaire spreadsheets – sinks* workbook.

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**Answer:**

**Please refer to the spreadsheet Exhibit G-2 Production[Confidential].**

### **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.

**Answer:**

**The accounting system used is [Name of the ERP system]. The actual cost is used in the cost accounting system. The labor cost and manufacturing overhead are allocated by working hours.**

**All Elkays' accounting practices are in accordance with the GAAP of PRC.**

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.

**Answer:**

**Not applicable. Elkay uses actual cost in the accounting practice.**

3. Provide details of any significant or unusual cost variances that occurred during the investigation period.

**Answer:**

**Not applicable. There are no such significant or unusual cost variances occurred during POI.**

4. Describe the profit/cost centres in your company's cost accounting system.

**Answer:**

**The cost centers are based on the product models/types. While the net profit is not allocated to the cost centers of each models/types.**

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.

**Answer:**

**The category costing method is used in the costing system. The manufacturing overhead is allocated based on the working hours of the finished goods.**

**The composite life method is used in the depreciation of assets. Please refer to relevant part of the audited report.**

6. Describe the level of product specificity (models, grades etc) that your company's cost accounting system records production costs.

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**Answer:**

The cost accounting system records production cost of the product concerned by modeles.

- 7 List and explain all production costs incurred by your company which are valued differently for cost accounting purposes than for financial accounting purposes.

**Answer:**

Not applicable. There are no such differences.

- 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.

**Answer:**

Not applicable. ElKay did not engaged in any start-up operations in relation to the goods under consideration.

- 9 State the total cost of the start-up operation and the way that your company has treated the costs of the start-up operation it its accounting records.

**Answer:**

Not applicable. ElKay did not engaged in any start-up operations in relation to the goods under consideration.

### 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>*

Complete the 'Domestic CTMS' spreadsheet in the *Exporter Questionnaire spreadsheets – sinks* workbook.

- Please provide the actual unit cost to make and sell **separately for 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.
- 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.
- Provide the information broken down into fixed and variable costs, and indicate the % total cost represented by fixed costs.

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<sup>2</sup> The Commission applies the tests set out in s.269TAAD of the Customs Act 1901 to determine whether goods are in ordinary course of trade. These provisions reflect the WTO anti-dumping agreement – see Article 2.2.1.

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- 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.
- 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.
- 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.
- Supply your Bill of Materials **separately for each model/type** (identified in section C) of the like goods sold on the domestic market.

**Answer:**

**Please refer to Exhibit G-4 Domestic CTMS[Confidential]. Elkay here slightly changed the table, and provided the cost of all the Models/types sold on the domestic market, which we have cominicated with Ms,Stone and get permission.**

**[Confidential information concerning the constructed normal value method suggested].**

### **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.*

Complete the 'Australian CTMS' spreadsheet in the **Exporter Questionnaire spreadsheets – sinks** workbook.

- Please provide the actual unit cost to make and sell **separately for each model/type** (identified in section C) of the goods sold to Australia.
- Provide this cost data for each quarter over the investigation period. If your company calculates costs monthly, provide monthly costs.
- 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.
- Provide the information broken down into fixed and variable costs, and indicate the % total cost represented by fixed costs.

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- 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.
- 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.
- 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.
- 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.
- Supply your Bill of Materials **separately for each model/type** (identified in section C) of the like goods sold on the domestic market.

### Answer:

Please refer to the Exhibit G-5 Australian CTMS[[Confidential](#)].

**As we responded in Section C, there are no identical or like goods sold on the domestic market, compared with the Model/type exported to Australia. So there are obvious cost differences between the exported goods and domestic sales.**

## G-6 Major raw material costs

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

For these major inputs:

- identify materials sourced in-house and from associated entities;
- identify the supplier; and
- show the basis of valuing the major raw materials in the costs of production you have shown for the goods (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).

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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.**

**Answer:**

**Please refer to the Spreadsheet Exhibit I-3.4 Steel Purchases and other Products[Confidential].**

## SECTION H – PARTICULAR MARKET SITUATION

*The applicants claim that a ‘market situation’ exists in respect of deep drawn stainless steel sinks from China due to government influence on both the prices of the goods and the major raw material inputs (cold-rolled stainless steel) used in the manufacture of the goods.*

*The existence of a ‘market situation’ could affect the Commission’s approach to calculating 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 provides that the domestic selling prices are not an appropriate basis for normal value 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).*

*One of these situations may be where the domestic selling prices in the country of export have been materially affected by government influence rendering those prices unsuitable for use in establishing normal values.*

*Through this questionnaire, the Commission is providing producers/exporters of the subject goods in China the opportunity to supply evidence that the sector under investigation is operating under market conditions. In examining the matter, the Commission will also send questionnaires to the Government of China and continue to examine information available from third-party sources.*

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

There are three parts to this section:

- PART H-1 - Requests information concerning the organisation of your company and the Government of China’s involvement in the business of your company.
- PART H-2 - Requests information concerning the Government of China’s measures with respect to the steel industry in China.
- PART H-3 - Requests information concerning the deep drawn stainless steel sinks sector in the region where your company is located.

### **PART H-1 GENERAL INFORMATION**

The information requested in this part will provide an overview of your corporate organisation and the Government of China’s involvement in your business. In addition to your response to each of the questions, all necessary supporting documentation is requested.

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1. Specific questions are asked throughout this questionnaire in relation to the Government of China's interaction with your businesses.

However, please generally describe all interaction that your business has with the Government of China at all levels, including (but not limited to):

- a) reporting requirements;
- b) payment of taxes;
- c) senior management representation within your business;
- d) supervision by the State-owned Assets Supervision and Administration Commission (SASAC) or a body under the control of SASAC.
- e) approval/negotiation of business decisions (e.g. investment decisions, management decisions, pricing decisions, production decisions, sales decisions);
- f) licensing;
- g) restrictions on land use;
- h) provision of loans; or
- i) provision of grants, awards or other funds.

**Answer:**

**Please refer to the responses to the below questions.**

2. **Business structure, ownership and management**

- a) Indicate whether your company is a state-owned or state-invested enterprise (SIE) (refer to the Glossary of Terms for definition).

**Answer:**

**Elkay formulated in accordance with the Law of the People's Republic of China on Wholly Foreign-Owned Enterprises by Elkay Asia, Inc.. Please refer to Exhibit A-3.1 Business Liscence of Elkay.**

- b) List the Board of Directors and Board of Shareholders of your business and all other entities/businesses your business is related to.

Indicate the names of common directors and officers between yours and related businesses, where applicable.

**Answer:**

**Elkay is a 100% wholly-owned subsidiary of [Confidential information concerning the identity of the parent company].**

**According to the Articles of Association, the investor[Confidential information concerning the identity of the parent company] is the organ of power of the company. The Board of Directors shall be accountable to**

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the the Investor. Please refer to the Exhibit H-1.2(b) The Members of the Board of Directors[Confidential].

For the related companies of Elkay, Please refer to Exhibit A-3.5 Associated Corporate Structure.

[Name of the member of Board of Director] holds a cocurrent post as the COO in [Confidential information concerning the identity of the parent company].

- c) Are any members of your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders representatives, employees, or otherwise affiliated with the Government of China (at any level, from any agency, party, or otherwise associated entity, including SASAC)?

If so, identify the individuals, their role on that Board and their affiliation with the Government of China.

**Answer:**

**Elkay is a 100% wholly-owned subsidiary of [Confidential information concerning the identity of the parent company]. The finnal parent company is [Confidential information concerning the identity of the finnal parent company], So None of any members of Elkay's (and/or all other entities Elkay is related to) Board of Directors representatives, employees are affiliated with the Government of China (at any level, from any agency, party, or otherwise associated entity, including SASAC).**

- d) Does your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders have a representative from the Chinese Communist Party (CCP)? If so, identify their name and title and indicate their position at the board level.

**Answer:**

**As explained above, None of Elkay's members of(and/or all other entities Elkay is related to) Board of Directors or Investor have a representative from the Chinese Communist Party (CCP).**

- e) Are any members of your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders appointed, managed or recommended by the Government of China? If so, identify any relevant government department(s) they are affiliated with.

**Answer:**

**As explained above, None of Elkay's members of(and/or all other entities Elkay is related to) Board of Directors or Investor are appointed, managed or recommended by the Government of China.**

- f) Indicate who owns what percentage of all shares in your business and identify whether they are:

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- an affiliate, representative, agency or otherwise representative of the Government of China;
- employees of your business;
- foreign investors; or
- other (please specify).

**Answer:**

**As explained above, Elkay is a 100% wholly-owned subsidiary of [Confidential information concerning the identity of the parent company]. All shares of Elkay are owned by Foreign investors.**

- g) Provide the details of any significant changes in the ownership structure of your business during the investigation period.

**Answer:**

**There were No changes in the ownership structure of Elkay during POI.**

- h) Identify any positions within your business that are appointments or designated to act on behalf of Government of China authorities.

**Answer:**

**As explained above, This question is not applicable.**

- i) Explain whether there are requirements in law and in practice to have government representation at any level of your business. If there is such a requirement, explain the role of government representatives appointed to any level of your business.

**Answer:**

**There are No such requirements in law and in practice to have government representation at any level of Elkay.**

- j) If your business is a publicly-traded company, what are the rules regarding the issuance of shares by your business? Identify any stock exchanges on which your business is listed.

**Answer:**

**Not applicable. Elkay is not a public-traded company.**

- k) Who has the ability to reward, fire or discipline your business' senior managers?

**Answer:**

**According to the Articles of Association, The Board of Directors shall determines the term of office, duties, remuneration, welfare and benefits and other matters with respect to the General Manager, the Financial Director and other officers of the company and shall have the right to dismiss any and all of above officers at any time for any reasons.**

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- l) Do any of your company's senior managers hold positions in any Government of China departments or organisations, associations or Chambers of Commerce? If so describe the nature of these positions.

**Answer:**

**Not applicable. None of Elkay's senior managers hold positions in any Government of China departments or organisations, associations or Chambers of Commerce.**

- m) Provide the names and positions of your company's pricing committee.

**Answer:**

**Elkay do not have a pricing committee in the company. According to the usual practice in the pricing decision, Firstly, [Confidential information concerning the procedure of price decision making].**

### 3. Licensing

- a) Provide a copy of your business license(s).

**Answer:**

**Please refer to the Exhibit A-3.1 Business Liscence of Elkay.**

- b) Identify the Government of China departments or offices responsible for issuing the license(s).

**Answer:**

**Elkay's business liscence was issued by Zhuhai Administration for Industry and Commerce.**

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

**Answer:**

**According to the *Rules for the Implementation of the Law of the People's Republic of China on Foreign-Capital Enterprises*, the following steps shall be followed:**

**Firstly, A foreign investor shall, prior to the filing of an application for the establishment of a foreign-capital enterprise, submit a report to the local people's government at or above the county level at the place where the proposed enterprise is to be established. The report shall include:the aim of the establishment of the proposed enterprise; the scope and scale of business operation; the products to be produced; the technology and equipment to be adopted and used; the area of land to be used; the conditions and quantities of water, electricity, coal, coal gas and other forms of energy resources required; and the requirement of public facilities. The local people's government shall within 30 days after receiving the report submitted by the foreign investor, give a reply in writing to the said foreign investor.**

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**Secondly, In case that a foreign investor wishes to establish a foreign-capital enterprise, an application shall be submitted to the examining and approving organ through the local people's government, together with the following documents:**

- (1) the written application for the establishment of a foreign-capital enterprise;**
- (2) a feasibility study report;**
- (3) the articles of association of the foreign-capital enterprise;**
- (4) the name-list of the legal representatives (or the candidates for members of the board of directors) of the foreign-capital enterprise;**
- (5) the legal certifying documents and the credit position certifying documents of the foreign investor;**
- (6) the written reply given by the local people's government, where the enterprise is to be established;**
- (7) an inventory of goods and materials needed to be imported;**
- (8) other documents that are required to be submitted.**

**The examining and approving organ shall, within 90 days after receiving all the required documents with respect to an application for the establishment of foreign-capital enterprise, make a decision whether to approve or disapprove the application.**

**Finally, After the approval of the application for the establishment of a foreign-capital enterprise by the examining and approving organ, the foreign investor shall, within 30 days after receiving the certificate of approval, file an application with the local administrative department for industry and commerce for registration, and obtain a business licence.**

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

**Answer:**

**According to the *Rules for the Implementation of the Law of the People's Republic of China on Foreign-Capital Enterprises*, Application for the establishment of a foreign-capital enterprise shall not be approved if the proposed enterprise would involve one of the following circumstances:**

- (1) injury to China's sovereignty or to social and public interests;**
- (2) impairment of China's national security;**
- (3) violation of Chinese laws and regulations;**
- (4) incompatibility with the requirements of China's national economic development; or**
- (5) possible creation of environmental pollution.**

**No other requirements or conditions that must be met in order to obtain the license(s).**

- e) Describe and explain any restrictions imposed on your business by the business license(s).

**Answer:**

## **PUBLIC RECORD**

**According to the *Rules for the Implementation of the Law of the People's Republic of China on Foreign-Capital Enterprises*, A foreign-capital enterprise shall make its own managerial decisions within the approved scope of business operations and shall not be subject to intervention.**

**No other restrictions imposed on the operations of Elkay by the business license(s).**

- f) Describe any sanctions imposed on your business if you act outside the scope of your business license(s).

**Answer:**

**According to *Regulations of the People's Republic of China on Administration of Registration of Companies*, A company which is engaged in business activities beyond the business scope as approved to register shall be ordered to remedy the wrongs by the company registration authority, and it may also be subject to a fine of at least RMB 10,000 and no more than RMB 100,000.**

- g) Describe and explain any rights or benefits conferred to your business under the license(s).

**Answer:**

**A foreign-capital enterprise shall make its own managerial decisions within the approved scope of business operations and shall not be subject to intervention.**

**No other benefits conferred to Elkay under the business license.**

- h) Describe the circumstances under which your business license(s) can be revoked, and who has the authority to revoke the license(s).

**Answer:**

**Pursuant to relevant provisions of *Company Law* and the *Regulations of the People's Republic of China on Administration of Company Registration*, the business license will be withdrawn under the following circumstances:**

**i) A company which, when registering, falsely reports its registered capital and has obtained registration of company shall be ordered to remedy the situation and fined at least five per cent and no more than fifteen per cent of the amount of the registered capital falsely reported by the company registration authority. If the case is serious, the company's registration shall be cancelled and the business license withdrawn.**

**ii) A company which, when registering, presents false documents or employs other deceptions and has obtained registration of company shall be ordered to remedy the situation and fined by the company registration authority. If the case is serious, the company's registration shall be cancelled and the business license withdrawn.**

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**iii) A company which, without justification, fails to commence business more than six months after establishment or ceases to do business for more than six consecutive months after commencing business shall have its business license cancelled by the company registration authority.**

**iv) Where the organ in charge of company registration decides to alter, write off the registration or revoke its decision on alteration registration; where the relevant company refuses to submit or fails to submit its Business License, the organ in charge of company registration shall announce to cancel the company's business license.**

**v) If a company fails to go through the prescribed procedures for registering changes, the company registration organ shall order it to go through the procedures within a prescribed limit of time. If it has failed to do so within the prescribed time limit, a fine of anywhere from more than RMB 10,000.00 to less than RMB 100,000.00 shall be imposed. In case that the business scope to be changed is subject to the approval according to laws, administrative regulations and other orders of the State Council, but the company conducts the operation without such approvals, if the case is serious, its business license shall be revoked.**

**vi) If a company refuses annual checking according to regulations, the company registration organ shall impose a fine of anywhere from more than RMB 10,000.00 to less than RMB 100,000.00 and order it to accept annual checking within the prescribed time limit. If it still refuses to accept annual checking within the prescribed time limit, its business license shall be revoked. If a company is found to have concealed facts in its annual checking or resorted to deception the company registration organ shall impose a fine of anywhere from more than RMB 10,000.00 to less than RMB 100,000.00 and order it to correct within the prescribed time limit. If the case is very serious, its business license shall be revoked.**

**vii) If a company is found to have forged, altered, rented out, lent or transferred its business license, the company registration organ shall impose a fine of anywhere from more than RMB 10,000.00 to less than RMB 100,000.00. If the case is very serious, its business license shall be revoked.**

**viii) Where any company takes advantage of its name to engage in any serious illegal act that may injure the state security or social public interest, its Business License shall be revoked.**

#### **4. Decision-making, planning and reporting**

**a) Provide a description of your business' decision-making structure in general and in respect of steel products. This should identify the persons or bodies primarily responsible for deciding:**

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- (i) what goods are produced;
- (ii) how the goods are produced;
- (iii) how levels of inputs such as raw materials, labour and energy are set and secured;
- (iv) how the use of your outputs, such as how your product mix is determined; and
- (v) how your business' profit is distributed, etc., is determined.

**Answer:**

**The decision-making with respect of above matters shall be mainly in accordance with Articles of Association and Investor's decision.**

- b) Provide a description of any Government of China input into the decision-making process respecting your manufacture, marketing and sale of steel products.

**Answer:**

**Not Applicable. No Government of China input into the decision-making process respecting the manufacture, marketing and sale of sink products.**

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

**Answer:**

**Not Applicable. No Government of China input into the decision-making process respecting the manufacture, marketing and sale of sink products.**

- d) List and describe all reports that must be submitted to the Government of China periodically by your company, and identify the government department/office where each report is filed.

**Answer:**

**There are no specific report that must be submitted to the Government of China periodically by Elkay, Except Reponse to Part H-3.6.**

- e) Provide a copy of the last two Provincial/City Five Year Plans (including the appendices) for the province/city in which your business is located, whichever is applicable. The copies should be fully translated including the appendices, along with the original Chinese version.

**Answer:**

**Elkay is not aware of any Provincial/City Five Year Plans in Guangdong Province and Zhuhai City.**

- f) Does your business develop any five-year plans or similar planning documents? If so, provide copies of these plans and advise whether these plans have been submitted, reviewed or approved by the

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Government of China (including the National Development and Reform Commission).

**Answer:**

**Elkay never develop any five-year plans or similar planning documents.**

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

**Answer:**

**Please refer to Exhibit H-1.4(g) Board Resolution of Elkay[Confidential].**

h) Provide copies of the notes to company meetings where pricing decisions on steel products have been made over the investigation period.

**Answer:**

**Please refer to Exhibit H-1.4(g) Board Resolution of Elkay.**

## **PART H-2 GOVERNMENT OF CHINA MEASURES IN THE STEEL SECTOR**

The information requested in this part will allow for a better understanding of the Government of China's measures in respect of steel in China, in addition to your response to each of the questions, all necessary supporting documentation is requested.

1. Are there any other Government of China opinions, directives, decrees, promulgations, measures, etc. concerning the steel industry/sector that were put in place or operating during the investigation period?

If yes, please provide a copy of that documentation and a translation as well. Also provide documentation concerning the Government of China or any association of the Government of China's notification of the measures concerning steel to your company over the investigation period.

**Answer:**

**Elkay is aware of the Steel and Iron Industry Development Policy. However as a foreign-invested company, Elkay has no knowledge of the contents of the policy and any other influences in the upstream steel industry.**

2. Provide information concerning the name of any Government of China departments, bureaus or agencies responsible for the administration of all Government of China measures concerning the steel industry in the regions, provinces or special economic zones where your company is located.

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

- industrial policy and guidance on the steel industry sector;

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- market entry criteria for the steel industry sector;
- environmental enforcement for the steel industry sector;
- management of land utilization;
- the China Banking Regulatory Commission for the steel industry sector;
- investigation and inspection of new steel expansion facilities;
- the section in the National Development and Reform Commission that is responsible for the steel industry sector; and
- import licensing for iron ore, steel and other steel raw materials.

**Answer:**

**Elkay has no knowledge concerning the name of any Government of China departments, bureaus or agencies responsible for the administration of all Government of China measures concerning the steel industry in Guangdong Province, Zhuhai City.**

### 3. National Steel Policy

the Commission is aware of the 2005 *National Steel Policy* (also referred to as the Steel and Iron Industry Development Policy, as well as by several other titles). The following questions relate to that policy.

- b) Explain in detail how the policy and any updates regarding the policy were communicated to your company.

**Answer:**

**Elkay is aware of that there is a Steel and Iron Industry Development Policy. However as a foreign-invested company, Elkay, as a sink manufacturer, has no knowledge of the contents of this policy and any other influences in the upstream steel industry. Elkay has never been informed of the said policy by other entities.**

- c) Identify the government department, association, or company official that communicated this policy or any related measures, to your company as well as the government office or association and the names of the officials who are responsible for the administration of this policy.

**Answer:**

**Elkay has never been informed of the said policy by other entities.**

- d) Explain in detail the information that has been provided to you from official and unofficial channels concerning action to be taken by your company in relation to the policy.

**Answer:**

**Elkay, as a sink manufacturer, has no knowledge of the contents of this policy and any other influences in the upstream steel industry. Elkay has never been informed of the said policy by other entities.**

- e) Do you have designated officials that have provided direction to your company regarding the Government of China's measures and how to

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proceed with your current project or future plans within the scope of the policy?

**Answer:**

**Elkay has never been informed of the said policy by other entities.**

- f) Explain in detail if there are additional directives or measures from the Government of China that have been communicated to your company, since the inception of the policy.

**Answer:**

**Elkay has never been informed of the said policy or any other directives or measures by other entities.**

- g) Explain in detail whether the policy has ever impacted your company's investment plans. This may include reference to specific measures considered or taken by your company to address issues and/or objectives raised by the policy. Such items may include but are not limited to items such as project approval process, credit and loans (including discounted interest payments), the environment, the scale of production, energy use, raw material inputs etc.

**Answer:**

**Elkay has been a leading sink manufacturer over 90 years in U.S.A. As china has been a big market for kitchenware, Elkay established Zhuhai Plant in China. Elkay's investment here in China has never impacted by China' steel policy.**

- h) Explain the ongoing mechanism used by the Government of China to measure your company's compliance with the policy directives and/or guidelines.

**Answer:**

**Since establishment, Elkay has not been aware of such ongoing mechanism.**

- i) The policy includes directives and/or guidelines that permit authorities to limit the supply of water, power, land and bank loans etc. to steel producers, which do not meet the objectives of the policy.
- Explain in detail whether your company's expansion or investment plans have ever been or may be impacted by these criteria.
  - Explain the procedure to be followed by a steel company in making a request for approval of a steel investment for an existing steel enterprise or new steel enterprise.

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- Identify any Government of China bodies at the regional or provincial level that have the responsibility to grant the approval, or refuse approval regarding an investment in the steel sector.
- Are review and approval decisions regarding investments in the steel sector made by the central government or are they delegated to the regional or provincial level?

**Answer:**

**According to Elkay's understanding, the National Steel Policy is related to the upstream steel manufacturers. Elkay, as a sink manufacturer, which is a total different industry from steel industry, has no knowledge of the contents of this policy and any other influences in the upstream steel industry.**

**Since establishment, Elkay has not experienced expansion, so Elkay is not aware of above review and approval proceedings.**

- j) Describe the role of the National Development and Reform Commission in terms of communicating, implementing and overseeing policies governing the steel sector, including but not limited to, China's National Steel Policy.

**Answer:**

**After doing some research of the steel industry policy, Elkay is aware of , that the National Development and Reform Commission is the supervision organ to implement the policy and has the right to review and approve the application of the investment of steel makers.**

#### 4. Other government approvals

The below questions address the approvals that are necessary from various Government of China agencies, including the National Development and Reform Commission, in order to continue or initiate steel investments.

- a) Explain whether your company has undertaken an approval process through the Government of China for any steel investments in the last 10 years.

**Answer:**

**As explained in response to H-1.3, the procedures in applying for the business license. Elkay, as a foreign investor shall, prior to the filing of an application for the establishment of a foreign-capital enterprise, submit a report to the local government where the proposed enterprise is to be established. The report shall include:the aim of the establishment of the proposed enterprise; the scope and scale of business operation; the products to be produced; the technology and equipment to be adopted; the area of land to be used; the conditions and quantities of water, electricity, coal, coal gas and other forms of energy resources required; and the requirement of public facilities. The local government shall within 30 days after receiving the report**

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submitted by the foreign investor, give a reply in writing to the said foreign investor.

After getting the written reply from the local government, an application shall be submitted to the examining and approving organ through the local government.

Then, the examining and approving organ shall, within 90 days after receiving all the required documents with respect to an application for the establishment of foreign-capital enterprise, make a decision whether to approve or disapprove the application.

Finally, After the approval of the application for the establishment of a foreign-capital enterprise, the foreign investor shall, within 30 days after receiving the certificate of approval, file an application with the relevant administrative department for industry and commerce for registration, and obtain a business licence.

However, the above mentioned approval process was related to the establishment of a foreign-invested company, NOT related to steel investment, let alone sink industry.

- b) Explain whether any applicable investments received the necessary approval and if so, provide documentation confirming this approval.

**Answer:**

**As explained above, This question is not applicable to Elkay.**

- c) If your investment was not approved, provide the reasons given for the refusal.

**Answer:**

**As explained above, This question is not applicable to Elkay.**

- d) Describe the process your company has to follow to obtain these approvals.

**Answer:**

**As explained above, This question is not applicable to Elkay.**

- e) Provide a translated copy of the application form along with the original Chinese version.

**Answer:**

**As explained above, This question is not applicable to Elkay.**

- f) Identify the office that sent communication of these requirements to your company along with the office address, contact names, phone numbers and fax numbers.

**Answer:**

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As explained above, This question is not applicable to Elkay.

### 5. Steel industry rationalisation

The below questions address the efforts of the Government of China to rationalise the steel industry sector in China through a combination of closures and consolidations of steel making assets.

- a) Describe to what extent, if any, your company has been directed, encouraged or requested to merge or consolidate operations with one or several other steel in China either by the National Development and Reform Commission or any other entities.

**Answer:**

**This question is not applicable to Elkay. Elkay has NEVER been directed, encouraged or requested to merge or consolidate operations with one or several other steel makers in China either by the National Development and Reform Commission or any other entities.**

- b) Describe to what extent, if any, a facility owned by your company has ever been identified by the Government of China as a candidate for closure within the next two years.

**Answer:**

**This question is not applicable to Elkay. Elkay has NEVER been identified by the Government of China as a candidate for closure within the next two years.**

## PART H-3 THE DEEP DRAWN STAINLESS STEEL SINKS SECTOR

The information requested in this part will assist in providing a better understanding of the Government of China measures and your business' sales and production of deep drawn stainless steel sinks.

In addition to your narrative response to each of the questions, all necessary supporting documentation is requested.

### 1. Export quotas and licensing

- a) Are deep drawn stainless steel sinks sold by your company subject to any export quotas?

If so, explain why deep drawn stainless steel sinks are subject to quotas and the method by which the quotas are allocated.

Does this process involve any Government of China participation in determining the selling prices of the goods? If so, explain.

**Answer:**

## **PUBLIC RECORD**

**This question is not applicable to Elkay. The product concerned of Elkay has NEVER been subject to export quotas.**

- b) If deep drawn stainless steel sinks are not presently subject to export quotas, indicate if quotas existed during the investigation period and when and why they were removed.

**Answer:**

**This question is not applicable to Elkay. The product concerned of Elkay has NEVER been subject to export quotas during POI.**

- c) Identify which Government of China agency legislates and monitors any such quotas.

**Answer:**

**This question is not applicable to Elkay.**

- d) Has the Government of China set any targets or limits regarding the quantity of deep drawn stainless steel sinks that you may sell on the domestic or export markets? If so, provide details.

**Answer:**

**This question is not applicable to Elkay. The Government of China Never set any targets or limits regarding the quantity of deep drawn stainless steel sinks that Elkay may sell on the domestic or export markets.**

- e) Are there any export licence requirements for deep drawn stainless steel sinks? If so, provide details.

**Answer:**

**This question is not applicable to Elkay. There are no export licence requirements for deep drawn stainless steel sink.**

## **2. Taxation**

- a) Were there any export taxes on the exports of deep drawn stainless steel sinks during the investigation period?

**Answer:**

**The VAT taxes were imposed on the exports of deep drawn stainless steel sinks during the investigation period.**

- b) What was the VAT rebate applicable to deep drawn stainless steel sinks exports during the investigation period?

**Answer:**

**The VAT rebate applicable to deep drawn stainless steel sinks exports during the investigation period was 9%.**

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- c) Have there been any changes to the value-added tax rebate applicable to steel exports in the last 5 years? If yes, provide:
- i. a detailed chronological history of the value-added tax rebate rates;
  - ii. products affected;
  - iii. the effective dates of the rate changes;
  - iv. fully translated copies of any Government of China notices regarding these changes, including the relevant appendices.

**Answer:**

**There have been No changes to the value-added tax rebate applicable to sink exports in the last 5 years.**

- d) Are you aware of any tax changes being planned that would impact the deep drawn stainless steel sinks sector?

**Answer:**

**Elkay is not aware of any tax changes being planned that would impact the deep drawn stainless steel sinks sector.**

### 3. Sales terms

- a) Identify the person who authorises the sales terms, prices and other contract provisions for the sale of deep drawn stainless steel sinks by your business.

**Answer:**

**According to the usual practice in the pricing decision, Firstly, [Confidential information concerning the price decision process]. The sales terms and other contract provision are decided by the sales department.**

- b) Explain how the selling prices of deep drawn stainless steel sinks by your business are determined, including any Government of China involvement in your business' pricing decisions, and indicate if the goods are subject to Government of China direct or indirect pricing or government guidance pricing.

**Answer:**

**Please refer to the answer to previous question. There are no government involvement in price decision.**

- c) Does your business coordinate the selling prices or supply of deep drawn stainless steel sinks with other domestic steel and steel product producers, any Government of China departments, or the China Iron and Steel Association? If so, provide details.

**Answer:**

**Not applicable. There are no such prices coordinations.**

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- d) Explain whether your business provides deep drawn stainless steel sinks price information/data to the Government of China, the China Iron and Steel Association (CISA), other government officials or commercial/industry organisations, including those outside of China, which report on the steel sector.

**Answer:**  
**Not applicable.**

- e) Explain whether your business provides deep drawn stainless steel sinks price data to any other person at the provincial, regional or special economic zone level of government.

**Answer:**  
**Not applicable.**

#### 4. Involvement with CISA

- a) Is your business a member of CISA or regional Iron & Steel Associations? If so, explain your business' relationship with the association and the involvement of the Government of China with the CISA.

**Answer:**  
**Elkay is not a member of CISA or regional Iron & Steel Associations.**

- b) If your business is a member of the CISA, indicate whether this membership is voluntary or compulsory. Explain the functions that the CISA provides for your business. Explain in detail the role of the CISA with respect to the directives as provided by the Government of China concerning the steel industry.

**Answer:**  
**Not applicable.**

#### 5. Other industry associations

- a) Is your business a member of any other industry associations? If so, explain your business' relationship with the association and the involvement of the Government of China with the association.

**Answer:**  
**Elkay is not a member of any other industry associations.**

- b) If your business is a member of another industry association, indicate whether this membership is voluntary or compulsory. Explain the functions that the association provides for your business. Explain in detail the role of the association with respect to the directives as provided by the Government of China concerning the steel industry.

**Answer:**  
**Not applicable.**

**6. Statistics submission/recording**

- a) Indicate if your business makes submissions<sup>3</sup> to the Chinese Bureau of Statistics and/or any other government organisation. If yes, explain the purpose of these submissions and the type of information submitted.

**Answer:**  
**Yes. Elkay makes submission to the Bureau of Statistics for social statistics only.**

- b) Provide a recent example of a submission that has been made to the Bureau of Statistics and/or any other government organisation. For example, monthly data relating to sales, production and costs.

**Answer:**  
**Please refer to Exhibit H-3.6 An Example of Submission to the Bureau of Statistics[Confidential].**

- c) Do the organisations approve or assess your submission? If yes, provide a detailed explanation.

**Answer:**  
**No.**

- d) Do the organisations provide feedback on your submission? If yes, provide a detailed explanation.

**Answer:**  
**No.**

**7. Raw material supply**

- a) Is there a price difference in purchase price for raw materials (i.e. cold-rolled stainless steel or any other raw material) between your suppliers?

**Answer:**  
**Yes. There is price difference in purchase price for raw materials between suppliers.**

- b) Is there a price difference between purchase price of raw materials from SIEs and non-SIEs? Provide explanation.

**Answer:**  
**No. The price difference is related to the quality of the raw materials, not related to the SIEs or non-SIEs.**

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<sup>3</sup> For example, monthly data relating to sales, production and costs.

## PUBLIC RECORD

*Note: the applicant alleges that producers in China of deep drawn stainless steel sinks have benefited from the provision of cold-rolled stainless steel by the Government of China at less than fair market value (see Program 1 in Section I of this questionnaire).*

*Further questions regarding cold-rolled stainless steel supply and pricing are asked in Section I of this questionnaire. Your responses to these questions are relevant to the assessment of whether a market situation exists. Ensure responses to these questions are complete.*

### 8. Regional differences

- a) If you have production facilities in more than one region/province, are the laws and regulations in each region the same with respect to pricing? Provide details on any regional differences.

**Answer:**

**Not applicable. Elkay has only one production facility in Zhuhai.**

### 9. Deep drawn stainless steel sinks production/output during the investigation period

- a) Is any part of your production of deep drawn stainless steel sinks subject to any national/regional industrial policy or guidance? If so, provide details including a background of the policy/guidance and explain any restriction imposed by the policy/guidance.

**Answer:**

**Not applicable. Elkay's production of deep drawn stainless steel sink is not subject to any national/regional industrial policy or guidance.**

- b) To what extent are any of the policies/guidelines identified in a) applicable to your business?

**Answer:**

**Not applicable.**

- c) Where applicable, how did your business respond to the policies/guidelines?

**Answer:**

**Not applicable.**

- d) Provide details regarding any other restrictions (e.g., geographic/regional, downstream, use, etc.) to the sale of deep drawn stainless steel sinks that may be imposed by the Government of China.

**Answer:**

**Not applicable. No such restrictions.**

**10. Sales price during the investigation period**

- a) Explain whether your business has been subjected to any direct or indirect price guidance or controls by the Government of China during the investigation period, with respect to domestic steel prices.

**Answer:**

**Not applicable. No such price guidance or controls.**

- b) Explain whether your business has been subjected to any direct or indirect price guidance or controls by the Government of China during the investigation period, with respect to raw material inputs (i.e. iron ore, coal, billet, cold-rolled stainless steel, etc.).

**Answer:**

**Not applicable. No such price guidance or controls.**

- c) Explain whether your business has encountered any price guidance or controls established by regional, provincial or special economic zone officials and/or organisations.

**Answer:**

**Not applicable. No such price guidance or controls.**

**11. Adding capacity and/or joint ventures**

- a) Provide a detailed explanation with respect to the government approval process on adding capacity and/or joint ventures in relation to your business.

**Answer:**

**Not applicable. Elkay is not aware of such approval process on adding capacity and/or joint ventures.**

- b) Does the government have the right to request modifications in the terms of adding capacity and/or joint ventures? If yes, provide a detailed explanation.

**Answer:**

**Not applicable. Elkay has not experienced adding capacity and/or joint ventures.**

**SECTION I - COUNTERVAILING (SUBSIDISATION)**

*The applicant alleges that producers in China of deep drawn stainless steel sinks have benefited from a number of subsidies granted by the Government of China (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:

<b>Program Number</b>	<b>Program Name</b>	<b>Program Type</b>
Program 1	Raw Materials Provided by the Government at Less than Fair Market Value	Provision of goods
Program 2	Research & Development (R&D) Assistance Grant	Grant
Program 3	Grants for Export Activities	Grant
Program 4	Allowance to pay loan interest	Grant
Program 5	International Market Fund for Export Companies	Grant
Program 6	International Market Fund for Small and Medium-sized Export Companies	Grant
Program 7	Reduced tax rate for productive FIEs scheduled to operate for a period not less than 10 years	Income Tax
Program 8	Tax preference available to companies that operate at a small profit	Income Tax

Please answer the questions within parts I-1 to I-3 in relation to these programs.

## PUBLIC RECORD

### PART I-1 PREFERENTIAL INCOME TAX PROGRAMS (PROGRAMS 7 AND 8)

1. Did your business or any company/entity related to your business receive any benefit<sup>4</sup> under the following two programs during the investigation period (1 January to 31 December 2013):
  - **Program 7** - Reduced tax rate for productive FIEs scheduled to operate for a period not less than 10 years
  - **Program 8** - Tax preference available to companies that operate at a small profit

**Answer:**

**Not applicable. Elkay has not received any benefit under above two programs during POI.**

2. It is our understanding that the general tax rate for enterprises in China from 1 July 2010 was 25%. Confirm whether this is correct and if not, please identify the general tax rate for enterprises in China from 1 July 2010, indicating any changes in the taxation rate over the period July 2010 – December 2103.

**Answer:**

**Yes. The ongoing general tax rate for enterprises in China is 25%.**

3. If your business currently pays corporate income tax at a rate less than 25% (or whatever the rate of general tax is as discussed above) , or paid at a rate less than that during the investigation period, please indicate whether the reduced rate relates to any of the preferential income tax programs identified above.

**Answer:**

**Elkay's income tax rate is 25%.**

4. If the income tax rate of less than the general rate does not relate to any of the programs identified above, please provide an explanation for the reduced income tax rate and answer the questions in Part I-1 above in relation to the income tax rate reduction.

**Answer:**

**Not applicable.**

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

5. Provide complete details of the amount of the benefit received, including whether it was received in total or in instalments.

**Answer:**

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<sup>4</sup> Refer to the Glossary of Terms for a definition of benefit in this context.

## PUBLIC RECORD

**Not applicable.**

6. 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).

**Answer:**

**Not applicable.**

7. Describe the application and approval procedures for obtaining a benefit under the program.

**Answer:**

**Not applicable.**

8. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments and all contractual agreements entered into between your business and the Government of China in relation to the program.

**Answer:**

**Not applicable.**

9. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.

**Answer:**

**Not applicable.**

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

**Answer:**

**Not applicable.**

11. 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.

**Answer:**

**Not applicable.**

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

**Answer:**

**Not applicable.**

## PUBLIC RECORD

13. 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.

**Answer:**  
**Not applicable.**

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

**Answer:**  
**Not applicable.**

15. To your knowledge, does the program still operate or has it been terminated?

**Answer:**  
**Not applicable.**

16. 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?

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

**Answer:**  
**Not applicable.**

17. For each taxation year from 2011 to 2013, complete the "Income Tax" spreadsheet in the *Exporter Questionnaire spreadsheets – sinks* workbook.

**Answer:**  
**Please refer to the spreadsheet Exhibit I-1.17 Income Tax[Confidential].**

18. Provide a copy, bearing the official stamp of the appropriate level of the Government of China of all
- corporate income tax acknowledgement form(s) and the income tax return(s) that your company filed for the 2011, 2012 and 2013 tax years; and
  - income tax instalment payment receipts, and all applicable income tax forms and schedules for the 2011, 2012 and 2013 tax years.

**Answer:**  
**Please refer to the Exhibit I-1.18 Income Tax Return for 2011 and 2012[Confidential]. The income tax return for 2013 is not available till now. Elkay can submit later when it is ready as you requested.**

## PUBLIC RECORD

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

### **PART I-2 GRANTS (PROGRAMS 2, 3, 4, 5 AND 6)**

It is the Commission 's understanding that the Government of China may be providing grants to enterprises in China including the following identified programs:

- **Program 2** - Research & Development (R&D) Assistance Grant
- **Program 3** - Grants for Export Activities
- **Program 4** - Allowance to pay loan interest
- **Program 5** - International Market Fund for Export Companies
- **Program 6** - International Market Fund for Small and Medium-sized Export Companies

1. Did your business or any company/entity related to your business receive any benefit under the above programs during the period **1 January to 31 December 2013**?

**Answer:**

**Not applicable. Elkay has not received any benefit under above mentioned programs during POI.**

2. Did your business receive benefits under any other grant (including awards, prizes, funds) program during the period 1 January to 31 December 2013?

**Answer:**

**Not applicable. Elkay has not received any benefit under any other grants during POI.**

For each program identified in your answer to I-2.1 and I-2.2 above, answer the following.

3. Provide complete details involving the amount of the grant received, including whether the grant was received in a lump sum or multiple instalments.

**Answer:**

**Not applicable.**

4. 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).

**Answer:**

**Not applicable.**

## PUBLIC RECORD

5. Describe the application and approval procedures for obtaining a benefit under the program.

**Answer:**  
**Not applicable.**

6. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments and all contractual agreements entered into between your business and the Government of China in relation to the program.

**Answer:**  
**Not applicable.**

7. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.

**Answer:**  
**Not applicable.**

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

**Answer:**  
**Not applicable.**

9. State whether your eligibility for the program was conditional on one or more of the following criteria:

- a) whether or not your business exports or has increased its exports;
- b) the use of domestic rather than imported inputs;
- c) the industry to which your business belongs; or
- d) the region in which your business is located.

**Answer:**  
**Not applicable.**

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

**Answer:**  
**Not applicable.**

11. 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.

**Answer:**  
**Not applicable.**

## PUBLIC RECORD

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

**Answer:**

**Not applicable.**

13. To your knowledge, does the program still operate or has it been terminated?

**Answer:**

**Not applicable.**

14. 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?

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

**Answer:**

**Not applicable.**

15. Identify the body responsible for administering the grant.

**Answer:**

**Not applicable.**

16. Identify the date of approval of the grant and the date the grant was received.

**Answer:**

**Not applicable.**

17. Indicate where the grant was accounted for on your business' financial statements.

**Answer:**

**Not applicable.**

### **PART I-3      PROVISION OF COLD-ROLLED STAINLESS STEEL (PROGRAM 1)**

The applicant claims that public bodies (in the form of state-owned or invested enterprises (SIEs)) are supplying cold-rolled stainless steel, directly or indirectly, to manufacturers of deep drawn stainless steel sinks at less than fair value.

In this questionnaire, the term cold-rolled stainless steel refers to both coil or sheets.

The term SIE is defined in the glossary of this questionnaire.

## PUBLIC RECORD

In relation to this program, provide the following information.

1. Did your business or any company/entity related to your business receive any benefit under the above program during the period **1 January to 31 December 2013**.

**Answer:**

**Not applicable. Elkay has not received any benefit under above mentioned programs during POI.**

2. Does your business purchase any goods/services from SIEs, e.g., raw materials (including cold-rolled stainless steel), energy, water, other utilities, etc?

**Answer:**

**Please refer to the response to Question I-3.4.**

3. Provide a list, including a contact name and address, of all your suppliers of cold-rolled stainless steel. Indicate whether the supplier is a SIE.

**Answer:**

**Please refer to Exhibit I-3.3 List of Contact Information of Suppliers [Confidential].**

4. Complete the '**Steel purchases**' spreadsheet in the *Exporter Questionnaire spreadsheets – sinks*.

Provide this data on a **transaction-by-transaction basis, for all purchases of cold-rolled stainless steel** during the period **1 January to 31 December 2013**. This data should be provided for all purchases, not only those of Chinese origin (i.e. include imported materials as well).

Please add more space for additional suppliers and categories of product as required.

**Answer:**

**Please refer to the Exhibit I-3.4 Steel Purchases and other Products [Confidential].**

5. Did your business receive any reduction/reduced price for the purchase of these goods/services during the investigation period? If so, describe the eligibility criteria that your business had to meet in order to qualify for any reduction in the price paid for the goods/services.

**Answer:**

**Elkay did not received any reduction/reduced price for the purchase of these goods/services during the investigation period.**

6. 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.

**Answer:**

**Not applicable. No such agreements.**

7. If your business purchased imported cold-rolled stainless steel, explain the reason/s for your business' decision to purchase imported over domestic raw materials, including the key factors affecting the decision such as price, availability etc.

**Answer:**

**Not applicable. Elkay purchased cold-rolled stainless steel from domestic market.**

#### **PART I-4 ANY OTHER PROGRAMS**

If the Government of China, any of its agencies or any other authorised body has provided any other benefit<sup>5</sup> under any other assistance programs to your entity not previously addressed, identify the program(s).

**Answer:**

**Not applicable. Elkay has not received any other benefit under any other assistance programs.**

This may have included:

- the provision of grants, awards or prizes;
- the provision of goods or services at a reduced price (e.g. electricity, gas, raw materials (including, for example, zinc), transport);
- the reduction of tax payable including income tax and VAT;
- reduction in land use fees;
- loans from Policy Banks at below-market rates; or
- any other form of assistance.

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

1. 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).

**Answer:**

**Not applicable.**

2. Describe the application and approval procedures for obtaining a benefit under the program.

**Answer:**

**Not applicable.**

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<sup>5</sup> Refer to the Glossary of Terms for a definition of benefit in this context.

## PUBLIC RECORD

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 Government of China in relation to the program.

**Answer:**  
**Not applicable.**

4. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.

**Answer:**  
**Not applicable.**

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

**Answer:**  
**Not applicable.**

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.

**Answer:**  
**Not applicable.**

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.

**Answer:**  
**Not applicable.**

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.

**Answer:**  
**Not applicable.**

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

**Answer:**  
**Not applicable.**

10. To your knowledge, does the program still operate or has it been terminated?

## PUBLIC RECORD

**Answer:**  
**Not applicable.**

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?

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

**Answer:**  
**Not applicable.**

**SECTION J - EXPORTER'S DECLARATION**

I hereby declare that...Elkay (China) Kitchen Solutions 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.

I hereby declare that.....(company) did not, during the period of investigation, export the goods under consideration and therefore have not completed the attached questionnaire.

Name : Tracy Wu

Signature : 

Position in Company : General Manager

Date : Apr. 18, 2014

**SECTION K - CHECKLIST**

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

<b>Section</b>	Please tick if you have responded to all questions
Section A – general information	✓
Section B – export price	✓
Section C – like goods	✓
Section D – domestic price	✓
Section E – fair comparison	<input type="checkbox"/>
Section F – exports to third countries	✓
Section G – costing information	✓
Section H – particular market situation	✓
Section I – countervailing (subsidisation)	✓
Section J - declaration	✓

<b>Electronic Data</b>	Please tick if you have provided spreadsheet
<b>INCOME STATEMENT</b>	✓
<b>TURNOVER</b> – sales summary	✓
<b>AUSTRALIAN SALES</b> – list of sales to Australia	✓
<b>DOMESTIC SALES</b> – list of all domestic sales of like goods	✓
<b>THIRD COUNTRY</b> – third country sales	✓
<b>PRODUCTION</b> – production figures	✓
<b>DOMESTIC CTMS</b> – costs of goods sold domestically	✓
<b>AUSTRALIAN CTMS</b> – costs of goods sold to Australia	✓
<b>INCOME TAX</b> – tax paid by your business for tax years 2011 to 2013	✓
<b>STEEL PURCHASES</b> – data for all cold-rolled stainless steel purchased during the investigation period	✓