

International Trade Remedies Branch

GOVERNMENT QUESTIONNAIRE - CHINA

PRODUCT CONCERNED: ALUMINIUM ROAD WHEELS FROM THE
PEOPLE'S REPUBLIC OF CHINA

INVESTIGATION PERIOD: 1 JULY 2010 TO 30 JUNE 2011

RESPONSE DUE BY: 6 JANUARY 2012

ADDRESS FOR RESPONSE: International Trade Remedies Branch
Australian Customs and Border
Protection Service
5 Constitution Avenue
Canberra ACT 2601
Australia
Attention: Director Operations 2

CASE MANAGER: Arthur VLAHONASIOS
TELEPHONE: +61-2-6275-8130
FAX: +61-2-6275-6990
EMAIL: tmops2@customs.gov.au

Please note that a non-confidential version of the reply to this questionnaire must also be provided.

TABLE OF CONTENTS

TABLE OF CONTENTS	2
ABBREVIATIONS	3
GLOSSARY OF TERMS	4
SECTION A: BACKGROUND AND GENERAL INSTRUCTIONS	9
SECTION B: GENERAL QUESTIONS	15
SECTION C: PARTICULAR MARKET SITUATION	18
SECTION D: SUBSIDIES	30
SECTION E - DECLARATION	48
LIST OF APPENDICES	49

ABBREVIATIONS

the Act	the <i>Customs Act 1901</i>
Aluminium	includes primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium cast into an ingot or a billet, whether as an aluminium alloy, including aluminium alloy A356 and A356.2 or similar, or aluminium alone
Aluminium enterprises	Entities involved with the manufacture or processing of aluminium products
ARW	Aluminium Road Wheels
billet	means a bar of aluminium metal, including aluminium alloy A356 and A356.2 or similar
China	the People's Republic of China
CTMS	cost to make and sell
Customs and Border Protection	Australian Customs and Border Protection Service
ESI	Enterprise with State Investment
EPZ	Export Processing Zones
FIE*	foreign invested enterprise
GOC*	Government of China
ingot	means an ingot of aluminium (including aluminium alloy A356 and A356.2 or similar) cast into a shape suitable for further processing
the goods	the goods the subject of the application (ARW)
the investigation period	1 July 2010 to 30 June 2011
SASAC	the State-owned Assets Supervision and Administration Commission of the State Council
SEZ*	special economic zone
State-prescribed price	means the price determined according to the law, regulations, decisions, orders or pricing policy of the relevant government authorities.
SOE*	state-owned enterprise

*Refer to this questionnaire's Glossary of Terms for a definition.

GLOSSARY OF TERMS

Throughout this questionnaire, there are certain words and terminology used that require some clarification. The following are their definitions for the purposes of this investigation.

Associated Persons and/or Companies

Persons shall be deemed to be associates of each other if:

(a) both being natural persons:

- (i) they are connected by a blood relationship or by marriage or adoption; or
- (ii) one of them is an officer or director of a body corporate controlled, directly or indirectly, by the other;

(b) both being bodies corporate:

- (i) both of them are controlled, directly or indirectly, by a third person (whether or not a body corporate); or
- (ii) both of them together control, directly or indirectly, a third body corporate; or
- (iii) the same person (whether or not a body corporate) is in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them; or

(c) one of them, being a body corporate, is, directly or indirectly, controlled by the other (whether or not a body corporate); or

(d) one of them, being a natural person, is an employee, officer or director of the other (whether or not a body corporate); or

(e) they are members of the same partnership.

Benefit

As further defined in relation to the definition of the term 'subsidy' below, 'benefit' may include:

- a direct transfer of funds;
- the acceptance of liabilities (e.g. debts or other liabilities), whether actual or potential, of your enterprise;
- the forgoing, or non-collection, of revenue (other than an allowable exemption or remission) that was otherwise due (e.g. reduced rate of income tax, waiving certain other taxes);
- the provision of goods or services otherwise than in the course of providing normal infrastructure; or
- the purchase of goods,

by the GOC (at any level), a public body of the GOC, or a private body entrusted by the GOC to carry out GOC functions.

Enterprise

"Enterprise" includes a group of enterprises, an industry and a group of industries.

Financial Contribution

There is a "financial contribution" by a government where:

- (a) a government practice involves a direct transfer of funds (grants, loans, and equity infusion), potential direct transfer of funds or liabilities (e.g. loan guarantees);
- (b) government revenue that is otherwise foregone or not collected (e.g. fiscal incentives such as tax credits);
- (c) the government provides goods or services, other than general governmental infrastructure, or purchases goods; or
- (d) a government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions illustrated in (a) to (c) above which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by the government.

Foreign Invested Enterprise (FIE)

An FIE may be:

1. Chinese-foreign equity joint venture:

Joint venture between a Chinese company, enterprise, or other business organisation and a foreign company, enterprise, business organisation or individual set up in the form of a Chinese limited liability company.

The characteristics of a Chinese-foreign equity joint venture are joint investment, joint operation, and the participants share profits, risks and losses in proportion to their respective contributions to the registered capital of the joint venture.

The proportion of the investment by the foreign party is no less than 25% in the registered capital of equity joint venture.

2. Chinese-foreign contractual joint venture:

A joint venture established between foreign enterprises and other economic organisations or individuals, and Chinese enterprises or

other economic organisations within the territory of China. The rights and obligations of each party are determined in accordance with the agreement specified in the contractual joint venture contract. The investment or conditions for cooperation contributed by the Chinese and foreign parties may be provided in cash or in kind, or may include the right to the use of land, industrial property rights, non-patent technology or other property rights.

3. Wholly foreign owned enterprises:

A wholly foreign owned enterprise is established by foreign enterprises and other economic organisations or by individuals pursuant to the Chinese laws within the territory of China. All of the wholly foreign owned enterprise's capital is invested by foreign investors. It may also be referred to as a Foreign Enterprise (FE).

Government of China (GOC)

For the purposes of this questionnaire, GOC refers to all levels of government, i.e., central, provincial, regional, city, special economic zone, municipal, township, village, local, legislative, administrative or judicial, singular, collective, elected or appointed.

It also includes any person, agency, enterprise, or institution acting for, on behalf of, or under the authority of any law passed by, the government of that country or that provincial, state or municipal or other local or regional government.

Particular market situation

Refers to a situation within the domestic market of exported goods that renders sales within that market of those goods unsuitable for determining normal values under s.269TAC(1) of the Act.

Program(s)

The term "program", as used throughout this questionnaire in reference to alleged subsidies, refers to broad categories of subsidies that Customs and Border Protection has reason to believe may be available to exporters of the goods.

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

PUBLIC RECORD



Special Economic Zone (SEZ)

Refers to a Special Economic Area, Economic and Technical Development Zone, Bonded Zone, Export Processing Zone, High Technology Industrial Development Zone, or any other designated area where benefits from the GOC (including central, provincial, municipal or county government) accrue to a company because of being located in such an area.

State Owned Enterprises (SOE)

For the purposes of this questionnaire, SOE refers to any company or enterprise that is wholly or partially owned by the GOC as defined above (either through direct ownership or through association).

In previous investigations and correspondence, the GOC has advised that the use of the term 'SOE' is declining in China, and that these enterprises are now referred to with terms such as:

- 'enterprises with state investment' (ESIs);
- 'state-owned assets';
- 'state-invested enterprises'; and
- 'enterprises under the supervision of SASAC',

of which there are several types.

For the purposes of this questionnaire, SOE refers to any and all of the above types of enterprises.

Subsidy

In relation to goods that are exported to Australia, means:

(a) a financial contribution:

- (i) by a government of the country of export, or country of origin, of those goods; or
- (ii) by a public body of that country, or of which government is a member; or
- (iii) by a private body entrusted, or directed by that government, or public body, to carry out a governmental function,

that is made in connection with the production, manufacture or export of those goods and that involves:

- (iv) a direct transfer of funds from that government or body to the enterprise by whom the goods are produced, manufactured or exported; or
- (v) a direct transfer of funds from that government or body to that enterprise contingent upon particular circumstances occurring; or

PUBLIC RECORD

PUBLIC
FILE

58

- (vi) the acceptance of liabilities, whether actual or potential, of that enterprise by that government body; or
 - (vii) the forgoing, or non-collection, of revenue (other than an allowable exemption or remission) due to that government or body by that enterprise; or
 - (viii) the provision by that government or body of goods or services to that enterprise otherwise than in the course of providing normal infrastructure; or
 - (ix) the purchase by that government or body of goods provided by that enterprise; or
- (b) any form of income or price support as referred to in Article XVI of the *General Agreement Tariffs and Trade 1994*, that is received from such a government or body;

if that financial contribution or income or price support confers a benefit in relation to those goods.

SECTION A: BACKGROUND AND GENERAL INSTRUCTIONS

1. Background

The Australian Customs and Border Protection Service (Customs and Border Protection) has initiated:

- an investigation into allegations that certain Aluminium Road Wheels (ARWs) from the People's Republic of China (China) have been exported to Australia at dumped prices, and because of that dumping, material injury has been caused to an Australian industry producing like goods; and
- an investigation into allegations that countervailable subsidies have been received in respect of ARWs exported from China to Australia, and because of that subsidisation, material injury has been caused to an Australian industry producing like goods.

The abovementioned dumping investigation involves allegations that there is a situation within the domestic Chinese ARW market that renders sales within that market unsuitable for determining normal values under s.269TAC(1) of the *Customs Act 1901* (the Act) (i.e. that a 'particular market situation' exists in that market).

2. Product concerned

Description

The goods the subject of the application (the goods) are described as follows:

aluminium road wheels ("ARWs") for motor vehicles of HTISC heading 8708.70.91/78, in diameters ranging from 13" to 22".

For clarification, the goods INCLUDE finished or semi-finished ARWs whether un-painted, painted, chrome plated or forged and EXCLUDE aluminium wheels for go-carts and All-Terrain Vehicles ("ATVs").

Tariff classification

The application stated that the goods are classified to tariff subheading 8708.70.91 (statistical code 78) in Schedule 3 to the Customs Tariff Act 1995.

Tariff subheading 8708.70.91/78 covers "road wheels for passenger motor vehicles including wheels used for caravans and trailers, unfinished wheels and wheels with tyres. This sub-heading does not cover parts of wheels.

The applicable rate of Customs Duty is 5%.

There are no Tariff Concession Orders applicable to the relevant tariff subheadings.

3. Investigation period

The existence and amount of any subsidy and/or dumping in relation to ARW exported to Australia from China will be determined on the basis of an investigation period from 1 July 2010 to 30 June 2011 (hereinafter referred to as 'the investigation period').

In order to permit the allocation of certain types of subsidy to the investigation period, information relating to earlier periods is also requested in certain sections of this questionnaire.

Customs and Border Protection will examine details of the Australian market from 1 July 2006 for injury analysis purposes.

4. Purpose of this questionnaire

The purpose of this questionnaire is to assist Customs and Border Protection to obtain the information from the Government of China (GOC) it considers necessary for:

- a. investigating the allegation that there is a particular market situation in the domestic market for ARWs in China; and
- b. the countervailing investigation generally.

Please note that the subsidy/countervailing sections of this questionnaire focus on 40 identified programs that Customs and Border Protection is specifically investigating at this stage. However, Customs and Border Protection may also investigate any additional subsidy program(s) that it considers may warrant investigation if additional information comes to light in relation to further programs.

Any additional questions (relating to either the investigation into alleged countervailable subsidies, or a particular market situation in China) will be posed to the GOC in the form of supplementary questionnaires.

A separate questionnaire will be sent to identified Chinese exporters of ARWs that chose to cooperate with the investigation. This exporter questionnaire also has a section requesting information on subsidies and market situation. A copy of this questionnaire will be provided to the GOC as a courtesy.

5. Response to this questionnaire

The GOC may elect not to respond to and complete the questionnaire.

However, if the GOC does not respond Customs and Border Protection may be required to rely on information supplied by other parties (possibly information supplied by the Australian industry – the applicant for anti-dumping and countervailing measures).

Therefore, it may be in the GOC's interests, and the interest of Chinese exporters of ARWs, to provide a complete response.

If the GOC elects to respond to this questionnaire, the response is due by **close-of-business 6 January 2012**.

6. If you decide to respond

Should the GOC elect to provide a response to this questionnaire, please note the following.

Confidential and non-confidential versions

If the GOC elects to respond to this questionnaire, you are required to lodge a confidential and a non-confidential version of your submission by the due date.

In submitting these versions, please ensure that each page of the information you provide is clearly marked either "IN-CONFIDENCE" or "NON-CONFIDENTIAL" in the header and footer.

All information provided to Customs and Border Protection in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the Public Record, which all interested parties can access.

Your non-confidential submission must contain sufficient detail to allow a reasonable understanding of the substance of the confidential version. If, for some reason, you cannot produce a non-confidential summary, contact the investigation case officer (see contact details on Page 1 of this questionnaire).

Declaration

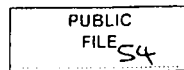
You are required to make a declaration that the information contained in the GOC's response is complete and correct. You must return the signed declaration of an authorised GOC official at Section E of this questionnaire with the GOC's response.

Coordination of responses

In completing the questionnaire, if a question requires information from other authorities (e.g. provincial or local governments, state owned entities, etc.) please forward the questions to the correct source.

However, it is the responsibility of the GOC to ensure that a full and complete response to all sections of the questionnaire is submitted, and that responses from all levels of government, agencies and/or other applicable entities are collated and coordinated in the one response.

PUBLIC RECORD



Consultants/parties acting on your behalf

If you intend to have another party acting on your behalf please advise Customs and Border Protection of the relevant details.

Customs and Border Protection will generally require a written authorisation from the GOC for any party acting on its behalf.

Provision of documents

Numerous documents are requested from the GOC throughout this questionnaire. In many cases, the titles or description of these documents within the questionnaire may not correlate to the official title that the GOC has granted each document, but is rather a descriptor of the document to the best of Customs and Border Protection's knowledge.

If the listed title is unknown to the GOC but a document that appears to be similar to the requested document, relates to a similar topic area, or otherwise would be considered to contain useful information is identified by the GOC, please provide this document.

Further, when providing requested documents, please indicate whether the documents:

- are current/in force;
- were current/in force during the investigation period; or
- have been repealed, revised or superseded.

Where the documents have been repealed, revised or superseded, where applicable:

- indicate when this revision occurred;
- provide any notice of repeal;
- provide the revised version;
- provide the document that supersedes the requested document; and;
- indicate whether the revised version was in force during the investigation period.

Previous responses

Customs and Border Protection recognises that, in previous responses to questionnaires, the GOC has provided numerous responses to questions and requested documents. It is noted that some of these questions are again posed, and documents requested again within this questionnaire.

This is in the interest of ensuring that the GOC's response to this questionnaire in relation to the current investigation is up-to-date and that all information from the GOC considered relevant to the current can be easily identified.

Where responses to specific questions and/or requested documents have previously been provided, and the GOC's response remains unaltered from previous responses or the previously-provided documents remain unaltered and current (noting where certain documents have been replaced or superseded, provide these documents instead), the GOC may make reference to previous responses to questionnaires provided to Customs and Border Protection where considered appropriate.

If the GOC chooses to reference previous questionnaire responses, ensure these references are clear and consistent throughout your response.

Lodgement

You may lodge your response by mailing it to the address for lodgement shown on the front cover of this questionnaire.

Alternatively you are welcome to lodge your response by email. The email address for lodgement is shown on the front cover of this questionnaire. If you lodge by email you are still required to provide a confidential and a non-confidential version of your submission by the due date.

In completing any lists of names and addresses requested throughout this questionnaire, electronic responses in a Microsoft Excel spreadsheet would be preferred. If lodging your response in hard copy, please include these lists in electronic format on the included CD-ROM.

General matters

Responses to questions should:

- be as accurate and complete as possible, and attach all relevant supporting documents,¹ even where not specifically requested in this questionnaire;
- be in English (with fully translated versions of all requested and other applicable documents submitted);
- list your source(s) of information for each question;
- identify all units of measurement used in any tables, lists and calculations;
- show any amounts in the currency in which they were originally denominated.

Please note that references throughout this questionnaire to companies benefiting from a particular program should be read as including any parent and otherwise associated companies, and, if the company has been subject to

¹ This includes, but is not limited to, any laws, decrees, regulations, statements of policy, or other administrative guidelines. In each case, include any legislative history as well as other descriptive materials and explanations of the criteria underlying the decisions relating to each of the programmes mentioned in this questionnaire. If applicable, a sample of each of the applications that a company must complete to participate in each of the programs should also be included.

merger or acquisition, any former associated companies or former parent companies.

Please note that answers such as: "Not Applicable" or an answer that only refers to an exhibit or an attachment may not be considered by Customs and Border Protection to be adequate. We therefore suggest that in answering the questions you outline the key elements of your response in the primary submission document, rather than merely pointing to supporting documents of varying degrees of relevance and reliability as your answer.

7. Clarification

If you have any difficulties in completing the questionnaire, or require clarification on any questions asked, contact the case manager as soon as possible (contact details are provided on Page 1 of this questionnaire).

8. Future questions and verification

Customs and Border Protection may seek to carry out a visit to the GOC to examine relevant records and to verify the information provided. It is common practice for Customs and Border Protection officers to visit government officials, exporters and manufacturer(s) of the subject goods in order to verify the information submitted. You will be contacted in advance of such a meeting to make arrangements as to the time and place of the verification meeting.

A complete response, including all of the documentation requested, must be submitted to Customs and Border Protection before a verification meeting will be considered.

If such a verification is undertaken, it is preferable that the key government officials involved in preparing the response and who have knowledge of the source documentation and the information contained therein be available to meet with Customs and Border Protection officers and to provide additional clarification and explanation, as required.

If verification meetings are unreasonably delayed, cancelled, or otherwise hindered by the GOC, the assessment of a particular market situation and the assessment as to the receipt and/or countervailability of subsidy programs may be based on the facts available to Customs and Border Protection.

The purpose of the verification meeting is to verify information already provided to Customs and Border Protection in your submission prior to the meeting. It is not intended to be a second opportunity for the GOC to provide new or additional information. Accordingly, your original response should be complete and accurate.

SECTION B: GENERAL QUESTIONS

- B1** Identify the administration co-ordinating the response to this questionnaire and provide the name and contact details of the official(s) (including email address) who can be contacted in the future.

This person(s) should be the one(s) Customs and Border Protection can contact in respect of any further inquiries Customs and Border Protection may have concerning the questionnaire response and to arrange any verification visits Customs and Border Protection may request.

- B2** Describe the nature and structure of:

- (i) the ARW industry and market sector in China;
- (ii) the aluminium (including primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium) industry and market sector in China.

Without limiting your response, include information concerning:

- the total size (value and quantity) of these industries for the period 1 July 2006 – 30 June 2011, indicating:
 - domestic production by type of enterprise (e.g. state-owned, foreign invested, domestic private);
 - total imports (including source of imports);
 - total exports;
 - the identity of key domestic manufacturers;
 - growth indications;
 - the extent of vertical integration in the industries;
 - the extent of the reliance on imported aluminium and aluminium raw materials (including upstream raw materials such as bauxite); and
 - government involvement at each level of the industry including the extent of any restrictions, quotas or limits on the production volumes of these industries.

- B3** Provide a list of all Chinese ARW producers and/or exporters that have produced and/or exported ARW destined for Australia during the investigation period. If possible, please provide this listing in Microsoft Excel format.

This listing will be referred to as 'your response to Question B3' throughout this questionnaire.

Within this list, indicate the following:

- the business' address (including the city/town and province);
- whether the business is a producer, producer/exporter or trader of ARWs;

- the ownership structure of the business, including indirect ownership through associated companies (i.e. SOE, private, co-operative, FIE or joint venture); and
- if the business is not an SOE, whether it is otherwise associated with the GOC.

For all companies that are SOEs, indicate the percentage ownership held by the GOC during the investigation period.

For all companies that are otherwise associated with the GOC, explain this association as it was during the investigation period.

- B4** Provide a list of all manufacturers/producers of aluminium² in China that produced aluminium during the investigation period. If possible, please provide this listing in Microsoft Excel format.

This listing will be referred to as 'your response to Question B4' throughout this questionnaire.

Within this list, indicate the following:

- the business' address (including the city/town and province);
- the ownership structure of the business, including indirect ownership through associated companies (i.e. SOE, private, co-operative, FIE or joint venture);
- if the business is not an SOE, whether it is otherwise associated with the GOC;
- whether the entity produces ingot, billet, or both.

For all companies that are SOEs, indicate the percentage ownership held by the GOC during the investigation period.

For all companies that are otherwise associated with the GOC, explain this association as it was during the investigation period.

- B5** It is Customs and Border Protection's understanding that within China there are various zones, areas, or other regions that encourage the operations of industries/enterprises located within that region and/or entitle/facilitate entities to access differential treatment (this may include preferential tax programs or other preferential policies).

Customs and Border Protection notes it has observed these areas identified by various names, including special economic zones (SEZs), hi-tech zones and export processing zones (EPZ).

² Throughout this questionnaire, aluminium has been used to refer to including primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium, and aluminium cast into billets of aluminium alloy or alone.

PUBLIC RECORD

PUBLIC
FILE

49

Provide:

- a listing of the names of all such zones, areas, or other regions in China;
- an explanation of each such type of zone, area or other region in China; and
- a listing and explanation of what location in each zone makes businesses eligible for (including any GOC assistance or differential treatment).

B6 Are any of the entities listed in your response to Question B3 or your response to Question B4 located in an area, zone or other region listed in your response to B5 above? If so identify which entities and which particular zone or area the entity is located in.

B7 Provide the names and addresses of all national, provincial and regional producer organisations that represent the interests of ARW and aluminium manufacturers and traders in China.

B8 Provide total volume and value of the following (sourced from official government statistics) for the period **1 July 2006 to 30 June 2011**, in domestic currency and Australian dollars.

Indicate the source of the information.

- (a) Exports of ARWs to Australia;
- (b) Exports of ARWs to Australia, by company;
- (c) All exports of aluminium; and
- (d) All imports of aluminium.

For export and import values, specify if the value is based on ex-factory, F.O.B. (port, shipping point, etc.), C.I.F. or some other value.

B9 Specify and provide supporting documentation for the standard corporate tax rate during the investigation period for:

- (a) companies that manufacture ARWs;
- (b) companies that trade in ARWs;
- (c) companies that manufacture aluminium;
- (d) companies that trade in aluminium.

B10 Specify and provide supporting documentation for the corporate tax rates applicable in all provincial or local jurisdictions in China for those types of companies listed in (a) to (d) of Question B9 above.

SECTION C: PARTICULAR MARKET SITUATION

The applicant claims that a 'particular market situation' exists in respect of ARWs from China due to government influence on both the prices of the goods and the major raw material input (aluminium) used in the manufacture of the goods.

Information requested in this section will assist Customs and Border Protection in assessing these claims.

PART C1 - ORGANISATION OF THE GOVERNMENT

At all levels of government (central, provincial, regional, municipal, SEZ, etc.) identify the names of the government departments, bureaus or agencies that are responsible for the administration of any GOC measures concerning the ARW and aluminium sectors.

Include information relating to the following areas:

- supervision of aluminium SOE senior management and administration;
- consolidation of domestic aluminium producers;
- industrial policy and guidance on the ARW and aluminium sectors;
- market entry criteria for the ARW and aluminium sectors;
- environmental enforcement for the ARW and aluminium sectors;
- management of land utilization;
- the China Banking Regulatory Commission for the ARW and aluminium sectors;
- investigation and inspection of aluminium facilities;
- the section in the National Development and Reform Commission that is responsible for aluminium;
- import licensing for raw materials used in the aluminium sectors;
- export regulations, export licensing, "guidance prices", free trade export zones, etc.; and
- taxation - especially changes to export taxes and export tax rebates.

Ensure that your response includes contact information regarding the government officials responsible for the listed areas listed along with their full mailing addresses, phone numbers and fax numbers.

PART C2 - GENERAL ECONOMIC ACTIVITIES WITH RESPECT TO THE ARW AND ALUMINIUM SECTORS

The information requested in this part will provide a better understanding of economic activities with respect to the Chinese ARW and aluminium sectors undertaken by the GOC.

- C2.1** Identify and provide an explanation of the specific roles and responsibilities of government departments, agencies or institutions, which are directly or indirectly involved in economic policy development, economic regulation and decision-making activities with respect to the ARW and aluminium sectors.
- C2.2** Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of aluminium products, and explain the nature of their involvement.
- C2.3** Provide a list and copies of any specific laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and directives regarding:
- (a) the regulation of aluminium prices;
 - (b) the regulation of ARW prices;
 - (c) investment in aluminium smelting and aluminium alloy projects;
 - (d) each type of corporate and business structure including state-owned enterprises, private enterprises, co-operatives, foreign-owned firms and joint ventures (where not included above); and
 - (e) sectors of the economy deemed to be "strategically important"³ sectors for purposes of economic stability.
- C2.4** Identify the specific government department or institution responsible for the above-mentioned laws and regulations in Question C2.3.
- C2.5** If not already provided in response to Question C2.4 or elsewhere throughout this questionnaire, provide the documents listed at Appendix A of this questionnaire (supply documents which are fully translated, along with the original Chinese version).

If the requested documents are provided elsewhere throughout this questionnaire, identify the question they have been provided in response to.

In addition, if any of these documents have been superseded or replaced, please provide updated versions of the documents.

³ Also referred to as an important basic industry for the national economy or a pillar industry for industrialization.

PUBLIC RECORD

PUBLIC
FILE 46

- C2.6** (a) Identify any goods and services in the ARW and aluminium sector (including aluminium raw materials and energy) whose prices are currently controlled or guided by the GOC, or were controlled or guided by the GOC during the period 1 July 2006 – 30 June 2011.

Fully explain the nature of and rationale for these price controls or guidelines. Your response should identify any prices in the aluminium sector that are controlled or guided by any level of government (provincial, municipal or local).

(b) Customs and Border Protection understands that information on pricing in China is published via the China Economic Herald, the National Development and Reform Commission (NDRC) website and the China Price Information Network website.

Please provide translated and original copies of the information published by each of the above entities relating to ARW and aluminium in the investigation period.

Are there any other websites or information sources, which provide information on government price controls or guidelines or State-prescribed prices or State-guidance prices?

- C2.7** Customs and Border Protection understands that China's National Development and Reform Council regulate prices for electricity.

- (a) How does the government regulate electricity prices at a national, provincial or local level? Explain the role of local Price Bureaus of the National Development and Reform Commission (NDRC) bureau (Price Bureaus) and provide copies of the *Price Law 1997*;
- (b) Provide the names of all the agencies (including details of Price Bureaus) in each region, province or special economic zone responsible for electricity price regulation.
- (c) How does the government's electricity policy apply to or promote the aluminium industry?
- (d) Do any of the zones or regions outlined in your response to Question B5 provide concessions or benefits in electricity prices to manufacturing, including aluminium production?

- C2.8** Provide fully translated copies of the two most recent⁴ *Five-year Plans* at **all levels** of the GOC (including, central, regional, provincial and for any special zones, areas or other such regions), as well as the original Chinese versions.

⁴ Eleventh and Twelfth Five-Year Plans.

C2.9 The following series of questions concern the GOC's *Guidelines for accelerating the restructuring of the Aluminium Industry*.

These questions are based on the text of the *Guidelines for accelerating the restructuring of the Aluminium Industry*, as provided to Customs and Border Protection by the GOC in the past (most recently as Attachment 44 to the GOC's response to the government questionnaire made in September 2009 during the investigation concerning certain aluminium extrusions exported from China).

For completeness, a copy of the *Guidelines for accelerating the restructuring of the Aluminium Industry* has again been requested in Appendix A of this questionnaire (see Question C2.5).

- (a) Why does the GOC have the *Guidelines for accelerating the restructuring of the Aluminium Industry*? What is its purpose?
- (b) Provide a list and copies of any laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and directives that were developed and implemented as part of the *Guidelines for accelerating the restructuring of the Aluminium Industry*.
- (c) Have there been amendments to the *Guidelines for accelerating the restructuring of the Aluminium Industry* since its publication? If so, provide a copy of the current *Guidelines for accelerating the restructuring of the Aluminium Industry* incorporating and highlighting all such amendments.
- (d) Identify the office and the officials who are responsible for the administration and delivery of the *Guidelines for accelerating the restructuring of the Aluminium Industry*, including officials at the central, provincial, regional and/or special economic zone levels.
- (e) Explain how the National Development and Reform Commission communicates guidelines to the aluminium enterprises and motivates aluminium enterprises to implement and/or satisfy the guidelines of the *Guidelines for accelerating the restructuring of the Aluminium Industry* as outlined in Chapter II, namely:
 - (i) Achieve domestic production of alumina of 14 million tons in 2010;
 - (ii) Spread the Bayer mineral processing approach more widely
 - (iii) Change the product mix by 2010 to higher value products;
 - (iv) Improve all equipment and facilities;
 - (v) Reduce energy consumption down to 900 kilograms of standard coal per tone or less;
 - (vi) Balance supply and demand for electrolytic aluminium;
 - (vii) Support good enterprises and eliminate inferior ones through the market;

- (viii) Encourage good enterprises to increase their production up to 75% out of entire production of the whole industry;
- (ix) Encourage the adoption of the 160KA smelting technique of the large-scale rebaked anode aluminium reduction cell;
- (x) Increase the proportion of highly-added-valued products;
- (xi) The proportion of plate, strip and foil to aluminium extrusions be increased up to 6:4;
- (xii) The proportion of industrial extrusion to constructive extrusion be increased up to 7:3; and
- (xiii) Aluminium products that are directly cast-rolled by electrolyte reach 70%.

Explain how the National Development and Reform Commission monitors the objectives outlined in Chapter II, of the *Guidelines for accelerating the restructuring of the Aluminium Industry* for each of the above.

- (f) Explain how the National Development and Reform Commission communicates guidelines to the aluminium enterprises and motivates aluminium enterprises to implement and/or satisfy the guidelines of the *Guidelines for accelerating the restructuring of the Aluminium Industry* as outlined in Chapter III, namely:
- (i) enhance the concentration of the industry;
 - (ii) strengthen the coordination between credit policy and industrial policy;
 - (iii) enforce the regulation that capital invested in the electrolytic aluminium construction projects is proportioned by 35% or more;
 - (iv) financial departments should continue providing financial support to the alumina and electrolytic aluminium enterprises which conform to state industrial policy, credit policy and the industrial access conditions;
 - (v) regulation of the reform by departments and governments at various levels to prevent enterprises from taking the chance of reform to evade bank debts;
 - (vi) handle the examination and approval procedures to grant exploration permission and exploitation permission for newly-built bauxite mining;
 - (vii) encourage the use of overseas bauxite resources;
 - (viii) strengthen the coordination and monitoring over the import of alumina;
 - (ix) control the export of electrolytic aluminium;
 - (x) improve the mechanisms of power price formation and power supply;
 - (xi) export rebate rules do not apply to the electrolytic aluminium export products;
 - (xii) prohibition of the trade of alumina process;
 - (xiii) improve the price mechanism for electrolytic aluminium; and

PUBLIC RECORD

PUBLIC
FILE

42

- (xiv) formulation of the new electricity price policy by taking into account of voltage grade, loading rate, and other electricity characteristics or factors.
- (g) Chapter III of the *Guidelines for accelerating the restructuring of the Aluminium Industry* specifies that it is important to complement the *Industrial Development Policy of Aluminium Industry* approved by the State Council, to stipulate the detailed measures for the implementation, and to accelerate the structural adjustment of the industry. For completeness, a copy of this document, together with the *Special Planning for Aluminium Industry Development* has been requested in Appendix A of this questionnaire (see Question C2.5).
- (h) Provide a list of any other GOC departments that work with the National Development and Reform Commission on the implementation and monitoring of the *Guidelines for accelerating the restructuring of the Aluminium Industry*. Provide a summary of what the other related departments' roles and responsibilities will be in this process.
- (i) Explain the procedures that an existing aluminium enterprise should or must follow in order to implement and/or satisfy the objectives of the *Guidelines for accelerating the restructuring of the Aluminium Industry*.
- Are these procedures the same for SOEs as it is for other enterprises? If different, provide a detailed explanation of the differences.
- (j) Provide a list of the types of reports and/or information along with examples of such reports and/or information that the existing aluminium enterprises have or will be submitting to the National Development and Reform Commission or the other related departments.
- (k) Explain the procedures that a new aluminium enterprise should follow in order to implement and/or satisfy the objectives of the *Guidelines for accelerating the restructuring of the Aluminium Industry*.

Provide a list of the types of reports and/or information that new aluminium enterprises will be submitting to the National Development and Reform Commission or the other related departments.

- (l) Regarding financing of aluminium projects, are there regulations or guidelines issued to the banking sector concerning the management of credit terms, loans requirements and approvals for aluminium making facility construction projects?

If not, how would the banking sector know when not to provide loans for aluminium projects that did not meet the objectives of the *Guidelines for accelerating the restructuring of the Aluminium Industry*;

- (m) Are the any policy banks established under the *Policy Banks Law* of 1994 authorised by the GOC to provide policy loans at discounted interest rates for entities within the Chinese aluminium industry? What are the criteria for providing any such loans? What discounts are provided?

C2.9 The following series of questions concern the *Price Law of the People's Republic of China*⁵ (the Price Law).

These questions are based on the text of the Price Law, as provided to Customs and Border Protection by the GOC in the past (most recently as Attachment 35 to the GOC's response to the government questionnaire during Customs and Border Protection's dumping and countervailing investigation concerning certain aluminium extrusions exported from China).

For completeness, a copy of the Price Law has again been requested in Appendix A of this questionnaire (see Question C2.5).

- (a) Have there been amendments to the Price Law since last being provided to Customs and Border Protection? If so, provide a copy of the current Price Law incorporating and highlighting all such amendments.

- (b) Article 27 of the Price Law states that the government shall:

"...establish a **price regulation fund** to control and stabilise the market" [emphasis added]

- (i) What form does the 'price regulation fund' take generally and what department, agency or authority of the GOC is responsible for the fund?
- (ii) What 'price regulation fund' regulations have applied to ARW and aluminium products since 1 July 2006?

- (c) Article 28 of the Price Law states that:

"in order to better control prices government price departments shall establish a **price monitoring system** to monitor changes in the prices of major merchandises and services" [emphasis added]

⁵ Issued on December 29, 1997 and by President's decree of PRC (No. 92). Adopted at the 29th Meeting of the Standing Committee of the Eighth National People's Congress and implementation as of May 1, 1998.)

- (i) What 'price monitoring system' has been established generally and what department, agency or authority of the GOC is responsible?
- (ii) What 'price monitoring system' has applied to aluminium, aluminium raw materials and aluminium products since 1 July 2006?

PART C3 - THE ARW AND ALUMINIUM SECTORS

C3.1 (a) Provide a detailed explanation with respect to the government approval process for adding capacity in the aluminium sector (including ARWs).

(b) Does the government have the right to request modifications in terms of adding or reducing capacity concerning ARW production? Provide a detailed explanation.

(c) Has the State-Owned Assets Supervision and Administration Commission (SASAC), the Ministry of Commerce or NDRC approved the addition or reduction of capacity with respect to ARW or aluminium production or aluminium products since 1 July 2006?

If yes, provide a list of these projects.

C3.2 (a) Have there been any changes to the value-added tax (VAT) rebate applicable to exports of the following since 1 July 2006:

- (i) ARW;
- (ii) Aluminium, including pre-alloyed aluminium A356 and A356.2 or similar;
- (iii) Aluminium billet capable of being used in ARW production; and
- (iv) Bauxite.

If yes, provide fully translated copies of any GOC laws, notices or other documents regarding these changes, including the relevant appendices.

(b) Provide a schedule showing the VAT rebate rates that have been in effect for all products listed in C3.2(a)(i) to (iv) above from 1 July 2006 to 30 June 2011, by tariff classification.

The information should show:

- the products that were affected;
- the applicable rebate rates;
- the effective dates of rate changes; and
- the GOC law, notice or other document that implemented these changes.

(c) Are there any VAT rebate changes being planned that would impact the ARW or aluminium sectors in the future (including raw materials)?

(d) Provide a fully translated copy of Cai Shui [2007] No. 90 Circular of Ministry of Finance and State Administration of Taxation on Adjusting Export Rebate Rate of Some Commodities along with the original Chinese version. This should also include the appendices of this circular namely Appendix 1, Appendix 2 and Appendix 3.

C3.3 (a) Provide fully translated copies of any GOC notices, circulars or other documents regarding any changes in export tax rates for all products listed in C3.2(a)(i) to (v) above since 1 July 2006.

(b) Provide a schedule showing the export tariff rates that have been in effect for all products listed in C3.2(a)(i) to (iv) above from 1 July 2006 to 30 June 2011, by tariff classification.

The information should show:

- the products that were affected;
- the applicable rebate rates;
- the effective dates of rate changes; and
- the GOC law, notice or other document that implemented these changes.

(c) Are there any export tax changes being planned that would impact the ARW or aluminium sectors in the future (including raw materials)?

C3.4 (a) Provide fully translated copies of any GOC notices, circulars or other documents regarding any changes in import tax rates for all products listed in C3.2(a)(i) to (iv) above since 1 July 2006.

(b) Provide a schedule showing the import tax rates that have been in effect for all products listed in C3.2(a)(i) to (iv) above from 1 July 2006 to 30 June 2011, by tariff classification.

The information should show:

- the products that were affected;
- the applicable rebate rates;
- the effective dates of rate changes; and
- the GOC law, notice or other document that implemented these changes.

(c) Are there any import tax changes being planned that would impact the ARW or aluminium sectors in the future (including raw materials)?

C3.5 Are there (or have there been) any **export** restrictions (quantity, price or restricted access to certain enterprises) placed on any of the

PUBLIC RECORD

PUBLIC
FILE

39

products listed in C3.2(a)(i) to (iv) above since 1 July 2006? If so, provide details.

C3.6 Are there (or have there been) any **import** restrictions (quantity, price, or restricted access to certain enterprises) placed on any of the products listed in C3.2(a)(i) to (iv) above since 1 July 2006? If so, provide details.

C3.7 Provide the necessary laws, circulars and regulations, and an explanation of processing trade as it relates to ARWs and aluminium.

Is aluminium currently on the list of products prohibited from processing trade? If so, provide the effective date of this prohibition and the related notice announcing the prohibition.

C3.8 Are there (or have there been) any **export license** restrictions on any of the products listed in C3.2(a)(i) to (iv) above since 1 July 2006? If so, provide details.

Provide a translation of the applicable circular along with the original Chinese version.

C3.9 (a) Are there (or have there been) any **import license** restrictions on any of the products listed in C3.2(a)(i) to (iv) above since 1 July 2006? If so, provide details.

(b) Provide a translation of the applicable circular along with the original Chinese version.

C3.11 The following questions ask for more specific information regarding certain aluminium SOEs. These questions pertain to the following list of entities believed to be SOEs, and any additional entities identified as part of your response to question B3 above:

- Aluminum Corporation of China (CHINALCO);
- Aluminium Corp of China Ltd (CHALCO);
- CITIC Dicastal Wheel Manufacturing Co., Ltd.;
- CITIC International Co., Ltd.;
- Zhejiang Wanfeng Auto Wheel Co., Ltd.;
- Lizhong Wheel Group Ltd;
- Zhejiang Jinfei Machinery Group Co., Ltd.;
- Shanghai Jinheli Aluminium Hub Manufacturing Co., Ltd.
- Nanjing Dicastal Huashun Wheels Co., Ltd.;
- Nanjing Huashun Aluminium Wheels Co., Ltd.;
- Baoding Lizhong Wheel Manufacture Co., Ltd. and
- Baotou Aluminium (Group) Co., Ltd.;
- Shenyang Dooray Wheel Co., Ltd.;
- Foshan Nanhai Zhongnan Aluminium Wheel Co., Ltd. and
- Tai'an Huatai Aluminum Wheel-hub Co., Ltd.

For each of the above listed entities, provide:

- (a) full details on GOC ownership and control;
- (b) full details and ownership of the entity's parent;
- (c) if the parent entity is a subsidiary of another company, details on the ownership of that company;
- (d) each entity's complete organizational structure for all subsidiaries and associated entities;
- (e) indicate if they, or any of their subsidiary or associated entities are involved in the production or sale of ARWs and/or other aluminium products;
- (f) the entity's full name and address; and
- (g) a copy of the entity's 2009 and 2010 annual reports.

C3.12 The applicant claims that the ARW industry in China is purchasing its aluminium raw material on the Changjiang River Exchange. The following questions relate to that claim.

(a) Customs and Border Protection was of the understanding that the SHFE is the only futures exchange in China that trades futures contracts for aluminium.

Please confirm whether the Changjiang River Exchange is also a futures exchange that trades aluminium futures contracts.

(b) Explain in detail, the GOC's oversight of the Changjiang River Exchange, including an explanation of the role and functions of the government body that is responsible for establishing securities market regulations with respect to the Changjiang River Exchange.

(c) Provide the annual reports for the Changjiang River Exchange for the two year period prior to 30 June 2011.

(d) Provide the requirements, guidelines or rules for trading membership on the Changjiang River Exchange.

(e) Provide the trading rules of the Changjiang River Exchange.

(f) Indicate the exact contract specifications and other specific trading rules for the aluminium futures contracts that are traded on the Changjiang River Exchange.

(g) Can foreign, non-Chinese domestic companies, trade aluminium futures contracts on the Changjiang River Exchange? If not, explain the purpose of this limitation.

(h) Provide a list of the Changjiang River Exchange's member companies that had aluminium futures contract trading rights during the investigation period.

Provide the companies' full names and addresses.

Indicate which companies are SOEs and which companies are otherwise associated with the GOC, as per the definition of associated persons found in the glossary. Also, indicate which companies are involved in the production or selling of aluminium and/or ARWs.

(i) Are there any restrictions or limitations preventing Chinese companies from trading in foreign commodity exchange futures contracts? If so, please explain.

(j) In addition to the trading of aluminium futures contracts, does the Changjiang River Exchange also have an aluminium (including pre-alloy aluminium A356 and/or A356.2 or similar) spot market?

(k) Provide the monthly trading volume and average settlement price for aluminium futures contracts, and spot settlement prices if spot trading occurs, for every month during the investigation period (1 July 2006 to 30 June 2011).

C3.13 The following questions relate to other Chinese aluminium commodity exchanges.

(a) Aside from the SHFE and Changjiang River Exchange, list the names and addresses of any other Chinese domestic commodity markets that have a physical exchange, or spot market, for aluminium.

(b) Explain in detail, the GOC's oversight of these aluminium spot markets, including the an explanation of the role and functions of the government body that is responsible for establishing commodities market regulations with respect to these aluminium spot markets.

(c) Provide the any official trading rules governing the trading of aluminium on these other spot markets.

(d) Provide the monthly trading volume and average spot price for aluminium for each of these other aluminium spot markets for every month during the investigation period (1 July 2010 to 30 June 2011).

(e) Explain any GOC restrictions to either the volume or prices placed on these aluminium spot markets.

SECTION D: SUBSIDIES

The applicant alleges that producers in China of ARWs have benefited from a number of subsidies granted by the GOC, and that these subsidies are countervailable.

INVESTIGATED PROGRAMS

The following programs are currently being investigated by Customs and Border Protection:

Program 1: Aluminium provided by government at less than fair market value

Program 2: Transitional preferential tax policies for tax resident enterprise

Program 3: Preferential policies on Enterprise Income Tax

Program 4: Preferential income tax for hi-tech enterprises

Program 5: "Go west" strategy

Program 6: Preferential tax policies for FIEs established in the coastal economic open areas and in the economic and technological development zones

Program 7: Reduced tax rate for productive FIEs scheduled to operate for a period not less than 10 years: *"two years of exemption and three years fifty per cent reduction"*

Program 8: Preferential tax policies for FIE export enterprises whose annual output value of all export products amounted to 70% or more

Program 9: Preferential tax policies for FIEs which are technology-intensive and knowledge-intensive

Program 10: Preferential tax policies for enterprises which provide employment to unemployed people

Program 11: Preferential tax policies for FIEs in State high- or new-technology industrial development zones, and for advanced technology enterprises invested in and operated by FIEs

Program 12: 100% refund of income tax paid on direct reinvestment

Program 13: Preferential tax policies for enterprises transferring technology

Program 14: Preferential tax policies for enterprises making little profits

Program 15: Preferential tax policies for enterprises with foreign investment in the border cities

Program 16: Preferential tax policies for FIEs in central and western China

Program 17: Preferential tax policies for FIEs established in the Pudong area of Shanghai

Program 18: Preferential tax policies for domestic companies and FIEs in the western regions

Program 19: Preferential tax policies for FIEs in the *Three Gorges of Yangtze River Economic Zone*

Program 20: Preferential tax policies for enterprises established in poverty stricken areas

Program 21: Grants for encouraging the establishment of headquarters and regional headquarters with foreign investment

Program 22: Preferential tax treatments for new hi-tech enterprises (NHTEs) in special zones

Program 23: Preferential policies in industrial zones in China including Economic & Technological Development Zones (ETDZ), High & New Technological Development Zones (High Tech Parks), Export Processing Zones (EPZ), Special Economic Zones (SEZ), Free Trade Cooperation Zones (FTZ), Industrial Zones (IZ) and Export Processing Zones (EPZ) - Provinces include Beijing, Dalian, Fujian, Guangdong, Guangzhou, Lianyungang, Nantong, Ningbo, Qingdao, Qinhuangdao, Shanghai

Program 24: Preferential Policies in Xinzhuang Industrial Zone, Shanghai

Program 25: Preferential policies in Shanghai

Program 26: Preferential policies in Weihai Economic Development, High-tech Industry Development and Export Processing zones, Shandong province

Program 27: Tax incentives for manufacturing FIEs in Jiangsu province

Program 28: Preferential tax rates in Guangzhou, Guangdong province

Program 29: Patent award of Guangdong Province

Program 30: Termination of tax refund policies for FIEs on their purchase of domestically manufactured equipment

Program 31: Exemption of tariff and import VAT for imported technologies and equipments

Program 32: Full refund of VAT to FIEs on purchasing unused domestic equipment with currency in China

PUBLIC RECORD

PUBLIC
FILE

34

Program 33: Preferential tax treatment for casting and forging products

Program 34: Preferential tax treatment to dies product

Program 35: Matching funds for international market development for SMEs

Program 36: *"Innovative Experimental Enterprise Grant"*

Program 37: Special Support Fund for non-State-owned enterprises (NSOEs)

Program 38: *"Venture Investment Fund for Hi-Tech Industry"*

Program 39: Superstar Enterprise Grant

Program 40: One-time awards to enterprises whose products qualify for *"Well-Known Trademarks of China"* or *"Famous Brands of China"*

Note: the above titles of programs are to the best of Customs and Border Protection's knowledge and in some cases may simply be descriptions of the program. Consequently, the above titles may not exactly reflect any official titles that the GOC has in place.

In responding to this questionnaire, if the GOC is unfamiliar with the title given to a program, but is aware of the existence of a similar program or one that it appears is being referred to, please identify this (including providing the official title of any such program) and respond to the questionnaire in relation to that program.

ANY OTHER PROGRAM NOT PREVIOUSLY ADDRESSED

If the GOC, any of its agencies, or any other authorised non-governmental body provides any other assistance programs not previously addressed (including market development assistance programs or any domestic support programs related to the manufacture of subject goods) to manufacturers of ARWs in China, identify these program(s).

Such assistance programs are those that constitute a subsidy as defined in the Glossary of Terms.

Please provide the information requested in the following Section D-1 for each program identified above and any additional programs you have identified. In addition, please respond to the program-specific information requested in Section I-2.

PART D1 - GENERAL QUESTIONS

For **each of the 40 programs** identified above, and any applicable additional programs the GOC identifies, answer the following questions.

Note: In responding to the questions in this part, you are required to provide information on each program, regardless of the year the benefit was granted by the GOC or the year that the benefit was received by the recipient company, as well as those further identified by the GOC, where the program benefits impact on the production and sale of ARWs and aluminium during the investigation period.

Provide a copy of the laws, regulations, circulars, notice or other documents identified in Appendix B to this questionnaire.

D1.1 Provide details of the program including the following.

- (a) Policy objective and/or purpose of the program.
- (b) Legislation under which the subsidy is granted.
- (c) Nature or form of the subsidy.
- (d) When the program was established.
- (e) Duration of the program.
- (f) How the program is administered and explain how it operates.
- (g) To whom and how is the program provided.
- (h) The eligibility criteria in order to receive benefits under the program.

D1.2 Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports pertaining to the program published during or since the investigation period.

D1.3. Provide copies together with translations in English of all legislative, regulatory, administrative and public documents relating to this program.

D1.4 Identify the GOC department or agency administering the program.

D1.5 Identify and explain the types of records maintained by the relevant government or governments (e.g., accounting records, company-specific files, databases, budget authorizations, etc.) regarding the program.

D1.6 Indicate which of the companies listed in your response to Question B3 applied for, accrued, or received benefits under the program for the following periods:

- (a) Programs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33 and 34 – the investigation period;
- (b) Programs 21, 29, 32, 35, 36, 37, 38, 39 and 40 - the period 1 July 2006 to 30 June 2011.

PUBLIC RECORD

PUBLIC
FILE

32

Provide, on an annual basis by calendar year (separating July – Dec 2006 and January – June 2011) the amount(s) and/or nature of the benefit or concession granted (monetary and/or non-monetary) under the program.

D1.7 Answer the following questions regarding the application process:

- (a) Describe the application process (including any application fees charged by the government agency or authority) for the program and provide a blank copy of the application form (translated, if necessary).
- (b) After an application is submitted, describe the procedures by which an application is analysed and eventually approved or refused.
- (c) If the application is approved, provide the approval documents together with any conditions or criteria subject to which the approval is made.
- (d) If the application is refused, provide the refusal documents together with the reasons for refusal.

D1.8 Answer the following questions regarding eligibility for and actual use of the benefits provided under this program.

- (a) Is eligibility for, or actual use of this program contingent, whether solely or as one of several other conditions, upon export performance? If so, please describe.
- (b) Is eligibility for this program contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods? If so, please describe.
- (c) Is eligibility for the subsidy limited to enterprises or industries located within designated regions? If so, specify the enterprises or industries and the designated regions.
- (d) Is eligibility limited, by law, to any enterprise or group of enterprises, or to any industry or group of industries? If so, describe and specify the eligible enterprises or industries.

D1.9 Respond to the following questions regarding the criteria governing the eligibility for and receipt of any benefit under this program.

- (a) Describe the criteria governing the size of the benefit provided.
- (b) Provide a copy of any law, regulation or other official document detailing these criteria.
- (c) If the eligibility criteria as listed in the applicable law, regulation or other official documents are met, will the applicant always receive a

benefit or is final approval contingent upon the government agency or authority that administers the program?

(d) Is the amount of the benefit provided exclusively determined by established criteria found in the law, regulation or other official document or does the government agency or authority that administers the program determine the benefit amount?

(e) Provide any contractual agreements between the GOC and the companies that are receiving the benefits under the program (e.g., loan contracts, grant contracts, etc.).

D1.10 Provide a list by industry and by region of the companies that have received benefits under this program in the year the provision of benefits was approved and in each of the years from 1 July 2006 to 30 June 2011.

D1.11 How many applicants have received financial assistance/benefit and how many applicants have been rejected in the year the financial assistance/benefit was approved and in each of the years from 1 July 2006 to 30 June 2011? Provide the main reasons why applicants have been rejected.

D1.12 Describe any anticipated changes in the program. Provide documentation substantiating your answer. If the program has been terminated, state the last date that a company could apply for or claim benefits under the program. When is the last date that a company could receive benefits under the program?

PART D2 – ENTERPRISES WITH STATE INVESTMENT

General questions

D2.1 It is Customs and Border Protection's understanding that GOC groups SOEs in China into the following categorises:

- 'enterprises with state investment'
- 'state-owned assets'
- 'state-invested enterprises'
- 'enterprises under the supervision of SASAC'

Customs and Border Protection has also observed that SOEs in China categorised as:

- wholly state-owned enterprise
- wholly state-owned company
- majority holding company
- minority state-holding company

- (a) Confirm whether these categories and definitions are still in use. If not, provide an explanation of the current definitions and structure of SOEs in China.
- (b) For each category of SOE, provide an explanation of the characteristics of these types of SOEs, including level of government ownership, influence and control.
- (c) Explain the differences between each category of SOE.
- D2.2** Is there any legislation, guidelines, decrees, circulars, directives or other government-issued documents concerning the GOC's role or involvement with respect to SOEs. Provide copies of these documents.
- D2.3** Provide all relevant legislation, guidelines, decrees, circulars, directives or other government-issued documents which provide for the existence, guidance, or administration of SOEs involved in the aluminium industry.
- D2.4** Explain how relevant GOC laws, policies, opinions, guidelines, etc. are communicated to SOEs.
- Provide an explanation of repercussions or penalties (if any) for an SOE if they do not adhere to the GOCs laws, policies, opinions, guidelines etc.
- D2.5** What advantages, if any, do SOEs enjoy compared with private (non-state) enterprises in the aluminium sector in China (e.g. reduced income tax rates, easier access to capital, different reporting requirements, etc).

The Law on State-Owned Assets

The following questions relate generally to the '*Law of the People's Republic of China on State-Owned Assets of Enterprises*'⁶ (hereafter referred to as the Law on State-Owned Assets).

Several questions relate specifically to certain Articles within the Law on State-Owned Assets.

In answering the following questions, if additional GOC regulations, policies, guidelines or other government-issued documents (as requested in D2.6(c) and (d) below) relate to the Articles in question, please indicate this in your response.

- D2.6** (a) Confirm whether this law is current and has not been superseded or supplemented by other laws.

⁶ Accessed by Customs and Border Protection <http://www.lexish.com/law-of-the-peoples-republic-of-china-on-state-owned-assets-of-enterprises-en-cn/>

(b) Provide any regulations, policies, guidelines or other government-issued documents which implement or relate to this law as well as any supplementary or superseding laws identified above.

(c) Provide any supplementary material (e.g. explanatory documents or secondary material) that relates to the law, as well as any such material relating to any supplementary or superseding law.

D2.7 In answering the following questions refer to Article 6 of the Law on State Owned Assets.

(a) Explain the role of 'capital contributor' including the duties and responsibilities of the capital contributor.

(b) Does the State-Owned Assets Supervision and Administration Commission and/or provincial or local equivalents perform the role of capital contributor on behalf of the State Council and local People's Government? If this function, or any other aspect of holding GOC ownership in SOEs, is performed by another or more than one entity, indicate the entity/entities that perform this role.

(c) Explain the principle of separation of government functions from enterprise management and separation of public administrative functions and the responsibilities of State-owned assets contributors. Provide any regulations, policies, guidelines, circulars or other government issued documents relating to these principles.

(d) In performing the role of capital contributor, how does SASAC (or whatever GOC entity that performs this role) determine how it should act (e.g. directed by policy, regulations, guidelines from other GOC entities, etc)?

D2.8 In answering the following questions refer to Article 8 of the Law on State Owned Assets.

(a) Provide a detailed explanation of the "system for the administration and supervision of State-owned assets".

(b) Explain the ways in which this system of administration "accommodates the requirements of the development of the socialist market economy".

Explain what are the requirements of the development of the socialist market economy and how these requirements are communicated to SOEs?

(c) Provide an explanation of the assessment system referred to in this Article.

PUBLIC RECORD

PUBLIC
FILE 28

- D2.9** Provide details of the "specific measures" of the State Council to which Article 9 refers.

Provide copies of any documents containing specific measures of the State Council that relate to SOEs in the aluminium sector.

- D2.10** In answering the following questions refer to Article 12 of the Law on State Owned Assets.

(a) Do the capital contributor's rights differ in anyway from those of an ordinary (non-State) shareholder with comparable shareholdings?

(b) Provide an explanation of what are the "major matters" that must be submitted to the People's Government for approval.

- D2.11** In answering the following questions refer to Article 13 of the Law on State Owned Assets.

(a) Explain the role of the shareholder representative.

(b) Who selects and/or approves the shareholder representative (include the criteria for selection of the shareholder representative)?

(c) Indicate whether the shareholder representative is an employee or otherwise affiliated with SASAC or has any other affiliation with the GOC and explain the nature of this affiliation.

(c) How much influence does the shareholder representative have in the SOE's management and operational decisions? Is this influence commensurate with the State's shareholding?

(d) When exercising the rights as the shareholder representative, what considerations does the shareholder representative take into account?

(e) Is the shareholder representative bound by the interests of the GOC? If so, provided an explanation of how these interests are communicated to the shareholder representative.

- D2.12** In answering the following question refer to Article 15 of the Law on State Owned Assets.

(a) In accepting "the supervision and assessment by the corresponding people's government" is the agency performing the capital contributor's role, instructed by any other part of the GOC to exercise its ownership rights in any particular manner? Does the agency take into account GOC policies, directives, circulars or any other such GOC issued documents, when exercising these rights?

- D2.13** In answering the following questions refer to Article 17 of the Law on State Owned Assets.

PUBLIC RECORD

PUBLIC
FILE 27

- (a) Provide examples of the social responsibilities a SOE may assume.
- (b) Provide an explanation of the administration and supervision by government and relevant governmental departments and agencies referred to in this Article.
- (c) Provide an explanation of 'public supervision' of SOEs and provide examples.
- (d) Explain how the administration and supervision of SOEs differs from non-state invested enterprises.

D2.14 In answering the following questions refer to Article 19 of the Law on State Owned Assets.

- (a) For each type of SOE (as outlined in your response to question **D2.1**) provide a detailed explanation of the role and functions of a Board of Supervisors, including involvement in the decision making processes or operational decisions of SOEs.
- (b) For each type of SOE (as outlined in your response to question **D2.1**) provide an explanation as to how each Board of Supervisors is appointed.
- (c) Explain how the role of the Board of Supervisors differs to the role of the shareholder representative appointed by the agency performing capital contributor's duties and responsibilities (refer to Article 13).
- (d) Explain the distinction between a 'Board of Supervisors' and a 'Supervisory Panel'.
- (e) What supervision, guidance or direction does SASAC (or other similar GOC entity) have over these Supervisory Boards or Panels?
- (f) Describe the contact if any between SASAC (or other similar GOC entity) and these Supervisory Boards or Panels.
- (g) Are members of Chinese SOE's Board of Supervisors or Supervisory Panels, GOC officials, or in any way affiliated with the GOC? Provide details.

D2.15 In answering the following question refer to Article 21 of the Law on State Owned Assets.

- (a) Are the capital contributor rights commensurate with that of an ordinary (non-State) share-holder? If the capital contributor enjoys additional privileges, influence or rights provide details.

D2.16 In answering the following questions refer to Article 22 of the Law on State Owned Assets.

(a) Describe the criteria the agency performing capital contributor's duties and responsibilities uses to appoint or remove or suggest the appointment or removal of the various employees noted in Article 22.

(b) Does the GOC provide any directives, requirements or guidance on the selection of the various employees noted in Article 22. Provide any documents that contain these directives, requirements or guidance.

D2.17 In answering the following question refer to Article 24 of the Law on State Owned Assets.

(a) Detail the criteria used to determine if a candidate for the position of director, inspector or senior personnel passes the inspection.

D2.18 In answering the following questions refer to Article 27 of the Law on State Owned Assets.

(a) Provide an explanation of the systems that exist for assessing the performance of administrators of SOEs.

(b) What actions can be taken if SOE administrators are not performing to the required standard?

D2.19 In answering the following questions refer to Article 34 of the Law on State Owned Assets.

(a) Are any of the SOEs in the aluminium sector in China, 'important' wholly State-invested enterprises, wholly State-invested companies or State-invested holding companies as decided by the State Council?

(b) What defines whether an entity is "important"?

(c) Provided a detailed explanation of the matters important State-invested enterprises, wholly State-invested companies or State-invested holding companies must report to the corresponding people's government.

(d) Provided a detailed explanation of the matters that 'important' State-invested enterprises, wholly State-invested companies or State-invested holding companies must receive approval for from the corresponding people's government.

D2.20 Provide an explanation of the relationship between the agency performing capital contributors duties and responsibility and the State Council (including what role the State Council has in the administration, policy-setting, review and assessment of this agency), as outlined in Article 64 of the Law on State-Owned Assets.

The State-owned Assets Supervision and Administration Commission (SASAC)

D2.21 The following questions relate to the role, purpose, and operations of SASAC (and its equivalents at the national, provincial and local levels), which Customs and Border Protections understands has responsibility for the supervision and administration of all SOEs in China, at a national, provincial and local government level.

Please confirm whether this is still the case, and indicate if any other GOC entity has a role with respect to SOEs.

If any other GOC entity plays such a role, provide a detailed explanation of this entity, and the role it plays with regard to SOEs and answer the following questions in relation to these entities as well.

(a) Provide all relevant legislation, guidelines, decrees, circulars, directives or other government-issued documents which provide for the existence and/or administration of SASAC.

(b) Is SASAC instructed by the State Council or any other part of the GOC to exercise its ownership rights in any particular manner? Does it take into account GOC policies, directives, circulars or any other such GOC issued position, when exercising these rights?

(c) How are SASAC's policies and activities developed or guided?

(d) Does SASAC, or any affiliated agency or SASAC-administered board or panel, in any way influence, guide or direct the activities, structure or operations of SOEs (both when formally exercising its rights as the capital contributor/member of the Board of Shareholders, or at any other stage)? If so, describe the nature of this.

(e) Does SASAC play a role in evaluating the performance of SOE's? Explain in detail what form any such evaluation takes and the outcome of this evaluation (e.g. can it result in dismissal of employees, change of business operations etc). Include what action is taken, if any, where the SOE makes a loss.

(f) On SASAC's webpage⁷, it is stated that:

'SASAC guides and pushes forward the reform and restructuring of state-owned enterprises, advances the establishment of modern enterprise system in SOEs, improves corporate governance, and propels the strategic adjustment of the layout and structure of the state economy'

⁷ <http://www.sasac.gov.cn/n2963340/index.html>

PUBLIC RECORD

PUBLIC
FILE

24

(i) Has SASAC led any such "reform and restructuring" of SOEs in the Chinese aluminium sector (including 'upstream' industries/sector) in the last 10 years? Provide details.

(ii) What is meant by "advances the establishment of modern enterprise system in SOEs" and has any such action for advancement been led by SASAC in the Chinese aluminium sector in the last 10 years? Provide details.

(iii) Has SASAC taken any action to "improve corporate governance" in the Chinese aluminium sector during the last 10 years. Provide details.

(iv) What is meant by "propels the strategic adjustment of the layout and structure of the state economy" and has any such action to achieve this been undertaken by SASAC in the Chinese aluminium sector in the last 10 years?

(h) SASAC's webpage states that SASAC "undertakes other tasks assigned by the State Council". Provide details of these "other tasks". Has any such "other task", over the past 5 years, related to the Chinese aluminium industry? Provide details.

D2.22 Describe the GOC's policy of 'zhengqi fenkai' (政企分开) that formally separates government functions from business operations and provide any related documents.

D2.23 Provide a detailed explanation of the functions and responsibilities of the National Development and Reform Commission (NDRC). In your answer, outline the relationship between NDRC and SASAC, also include the role (if any) NDRC has with respect to SOEs in China.

D2.24 Outline the relationship between SASAC and the China Nonferrous Metals Industry Association (CNIA) including;

(a) Whether SASAC in any way guides, directs or influences the policies, practices or standards of the CNIA.

(b) Provide any documents that contain any such guidance. Provide fully translated copies of these.

(c) Describe the nature and frequency of contact between SASAC and CNIA.

Core features of SOEs in the aluminium sector in China

D2.25 For each entity identified in your response to Question B3 and your response to Question B4 that is an SOE, answer the following questions regarding **ownership**.

- (a) Describe the legal structure of the enterprise showing the percentage of ownership by the GOC and other entities; the ownership of all entities including subsidiaries and parent companies, and the ownership of these entities (also indicate the functions and roles of each associated entity including whether they are involved in the production of ARWs, aluminium or any other aluminium product)
- (b) Describe how GOC categorises the enterprise (for example, wholly state-owned enterprise, wholly state-owned company, majority holding company, minority state-holding company, important state invested asset or other category).
- (c) Indicate which GOC agency or entity plays the role of 'capital contributor' for this enterprise.
- (d) Explain what rights share ownership confers to shareholders, including any voting rights and debt liabilities.
- (e) Explain the rules for share ownership in the enterprise.
- (f) Does the GOC restrict the level of ownership by parties outside government? Provide details of any such limitations, and the reason for this.

D2.26 For each entity identified in your response to Question B3 and your response to Question B4 that is an SOE, answer the following questions regarding **governance**.

- (a) Provide the relevant statute, law, regulation, direction, letter of incorporation or other instrument which creates, authorises or provides for the existence of the enterprise.
- (b) Provide all statutes, laws, regulations, directions, circulars or other government issued documents which guide, administer or otherwise relate to the operations of the enterprise.
- (c) Provide an organisation chart showing the reporting hierarchy of the enterprise. Detail who directs, manages and controls different operations of the entity.
- (d) Explain the requirements in law, and in practice, to have government representation at any level of the enterprise.
- (e) Explain the role of Chinese Communist Party government representatives (CCP representatives) at any level of the enterprise, including, how these representatives are selected, areas of responsibility and involvement in decision making processes and operational decisions of the enterprise.

PUBLIC RECORD

PUBLIC
FILE

22

- (f) Indicate whether the enterprise is under the supervision, administration, monitoring or guidance of SASAC or a provincial or local equivalent, or any other government entity.

If so, provide contact information for the SASAC division or other government entity responsible for the enterprise.

- (g) Identify and provide details of any guidance, control, influence or power of approval/rejection that SASAC or any other GOC entity has on any of the activities of the enterprise.
- (h) Is the agency performing the role of capital contributor for this enterprise instructed by any other part of the GOC to exercise its ownership rights in any particular manner? If so, describe the mechanism or systems used to communicate these instructions.
- (i) Who selects and/or approves the members of the Board of Directors (include the criteria for selection of members of the Board of Directors)?
- (j) Indicate whether any member of the Board of Directors is an employee or affiliate of SASAC or has any other affiliation with the GOC.
- (k) Indicate whether any member of the Board of Directors is a member of the CCP.
- (l) Describe the roles and responsibilities of the Board of Directors.
- (m) How is the Board of Shareholders formed?
- (n) Indicate whether any member of the Board of Shareholders is an employee or affiliate of SASAC or has any other affiliation with the GOC.
- (o) Describe the roles and responsibilities of the Board of Shareholders.
- (p) Indicate whether the entity has a 'shareholder representative' (refer to Article 13 of the Law on State Owned Assets). Explain the role and responsibilities of the shareholder representative and who appoints this representative.
- (q) Indicate whether the enterprise has a Board of Supervisors or Supervisory Panel.
- (r) Describe the role and responsibilities of the Supervisory Panel and/or Board of Supervisors.
- (s) Detail the membership of the Supervisory Panel or Board of Supervisors (including whether any members of this board are

PUBLIC RECORD

PUBLIC
FILE 21

employees or otherwise affiliated with SASAC or have any other affiliation with the GOC and explain the nature of this affiliation).

- (t) If the enterprise has a Board of Supervisors or Panels provide examples of the activities of the Board or Panel over the past 5 years in respect of the entity.
- (u) Do any major management decisions/actions of the enterprise require approval from or reporting to SASAC or any other government entity (for example, investment decisions)? Provide details.
- (v) Provide an explanation of what are the "major matters" that must be submitted to the people's government for approval for this enterprise (refer to Article 12 of the Law on State Owned Assets). Provide details of any major matters that have been put to the people's government for approval over the past 10 years by this enterprise.
- (w) Outline how each of the following are determined/set for the entity:
 - Suppliers of raw material inputs (including any restrictions as to what entities can supply raw materials).
 - Purchase prices of raw material inputs.
 - Allocation of inputs into production process, including raw materials, energy and labour costs.
 - Quality and safety standards.
 - Selling prices.
 - Customers (including restrictions on entities that can purchase goods produced from the enterprise).
 - Production output (detail any restrictions on production output).
 - Safety standards.
 - Energy costs.

In your explanation outline the role of the Board of Directors, Board of Shareholders, Supervisory Panel and/or Supervisory Board, Shareholder Representative, any other management personnel and SASAC (or its regional equivalent) have.

Where the GOC in any form, influences, controls, guides or approves these decisions, provide details, including the mechanisms/systems used.

D2.27 For each entity identified in your response to Question B3 and your response to Question B4 that is an SOE, answer the following questions regarding **performance and profits**.

- (a) How are the operations of the enterprise funded?

- (b) Provide details of any debts or other liabilities the enterprise has with any banks or financial institutions in which the GOC holds an interest.
- (c) How is the performance of the enterprise measured? For example, profitability, employment, output, social wellbeing, etc.
- (d) Provide details and explain how SASAC or any other government entity inspects or evaluates enterprise performance, including:
 - output and quality performance;
 - performance of employees/directors/managers; and
 - financial performance.
- (e) Provide details of any official reporting mechanisms that the enterprise must comply with.
- (f) Provide an explanation of the systems that exist for assessing the performance of administrators of SOEs. Provide examples of recent appraisals of SOE administrators of the enterprise (refer to Article 27 of the Law on State Owned Assets).
- (g) How are profits of the enterprise distributed and to whom?
- (h) Are dividends/ other payments made to SASAC or any other GOC entity?
- (i) Outline what action, if any, is taken by SASAC or any other government entity if the enterprises makes a loss or under-performs.
- (j) Over the past 10 years, has the GOC provided any payment or made any injection of funds to the enterprise, including but not limited to:
 - grants;
 - prizes;
 - awards;
 - stimulus payments and rescue type payments;
 - injected capital funds;
 - purchasing of shares.
- (k) If so, provide details including name of program, indicating the amount, circumstance, and purpose of any such payment or injection of funds, as well as whether they were tied to any past or future performance, direction or action of the enterprise.

D2.28 For each entity identified in your response to Question B3 and your response to Question B4 that is an SOE, answer the following questions regarding **enterprise functions**:

- (a) Provide a list of functions the enterprise performs.
- (b) Provide details of any government policies the enterprise administers or carries out on behalf of the GOC.
- (c) Indicate whether any of the enterprise's functions are considered to be governmental in nature.
- (d) Indicate whether the enterprise has been trusted, tasked, vested with any government authority (which includes the authority to execute, administer and oversee a policy, program, initiative or scheme of government). Provide details of this authority including how it is exercised or administered, as well as copies of relevant statutes or other legal instruments that vest this authority.
- (e) Indicate whether the enterprise has the authority or power to entrust or direct a private body to undertake responsibilities or functions.
- (f) Explain whether the enterprise is in pursuit of, or required to support governmental policies or interests.
- (g) Provide examples of any 'social responsibilities' the enterprise undertakes or is involved in (refer to Article 17 of the Law on State Owned Assets)?

SECTION E - DECLARATION

DECLARATION

The undersigned certifies that all information supplied herein in response to the questionnaire (including any data supplied in an electronic format) is complete and correct to the best of his/her knowledge and belief.

Date

**Signature of authorised
official**

Name of authorised official

Title of authorised official

PUBLIC RECORD

PUBLIC
FILE

17

LIST OF APPENDICES

Appendix A

LIST OF REQUESTED DOCUMENTS –
PART C (QUESTION C2.5)

Appendix B

LIST OF REQUESTED DOCUMENTS –
PART D

APPENDIX A

LIST OF REQUESTED DOCUMENTS – PART C (QUESTION C2.5)

Provide copies of the following documents. In doing so indicate whether the documents:

- are current/in force;
- were current/in force during the investigation period; or
- have been repealed, revised or superseded.

Where the documents have been repealed, revised or superseded, where applicable:

- indicate when this revision occurred;
- provide any notice of repeal;
- provide the revised version;
- provide the document that supersedes the requested document; and;
- indicate whether the revised version was in force during the investigation period.

When providing and referring to the below-requested documents, please refer to the document number as identified in the below table.

Identify the specific government department or institution responsible for the above-mentioned laws and regulations.

NUMBER	DOCUMENT TITLE OR DESCRIPTION
--------	-------------------------------

A1	<i>Guidelines for accelerating the restructuring of the Aluminium Industry⁸</i>
A2	<i>11th Five-Year Plan</i>
A3	<i>12th Five-Year Plan</i>
A4	<i>Industrial Development Policy of Aluminium Industry</i>
A5	<i>Special Planning for Aluminium Industry Development</i>
A6	<i>Policy Banks Law</i>
A7	<i>Price Law of the People's Republic of China</i>
A8	<i>Circular of Ministry of Finance and State Administration of Taxation on Adjusting Export Rebate Rate of Some Commodities Cai Shui [2007] No. 90</i>
A9	<i>Government-set Price List 2001</i>

⁸ Fa Gai Yun Xing [2006] No. 589

- A10 *Three-year plan to stimulate the non-ferrous metal industry*
- A11 *Decision of the State Council on Promulgating and Implementing the "Temporary Provisions on Promoting Industrial Structure Adjustment"⁹*
- A12 *Circular of the State Council on Accelerating the Structure Adjustment of the Industries With Capacity Redundancy¹⁰*
- A13 *Circular of the General Office of the State Council on Liquidating Fixed Asset Investment Projects¹¹*
- A14 *Notice of the State Council on Adjusting the Proportions of Registered Capital in Fixed Asset Investment Projects of Some Industries¹²*
- A15 *Circular of the State Economic and Trade Commission on the Promulgation of the Guidance of Recent Development in the Industrial Sector¹³*
- A16 *Notice Concerning Relevant Questions on Further Implementing Differential Power Pricing Policies¹⁴*
- A17 *Guiding Opinion on Promoting the Adjustment of State-Owned Capital and the Re-organization of the State-Owned Enterprises*
- A18 *Circular Concerning the Measures to Control the Export of Products of High Energy Consumption, High Pollution and Resource¹⁵*
- A19 *Catalogue of Price Regulated by the State Development Planning Commission and Other Department under the State Council*
- A20 *Catalogue of prohibited commodities in processing trade*
- A21 *Foreign Trade Law of the People's Republic of China*
- A22 *Customs Law of the People's Republic of China*

⁹ Guo Fa [2005] No. 40

¹⁰ Guo Fa [2006] No. 11

¹¹ Guo Ban Fa [2004] No. 38

¹² No. 13 [2004] of the State Council

¹³ Guo Jing Mao Hang Ye [2002] No. 716

¹⁴ Issued by the NDRC and the State Power Supervisory Committee in September, 2007, No. 3550

¹⁵ Fa Gai Jing Mao [2005] No. 1482

- A23 *2002 Notice for the Adjustment of the Catalogue of Export Products Subject to Price Review by Customs*
- A24 *Measures for the Administration of License for Export of Goods¹⁶*
- A25 *"State Will Adjust Tariff Rates from June 1 to Control the Export of High-Energy Consumption Products" (22 May 2007)*
- A26 2007 General Work Plan for Energy Conservation and Pollutant Discharge Reduction¹⁷
- A27 Measures for the Administration of Licence for the Export of Goods¹⁸
- A28 Notice "2009 Export Licensing Management Commodities List"¹⁹
- A29 Notice Regarding Passing Down the 2009 First Batch Regular Trade Coke Export Quota²⁰
- A30 Ministry of Commerce Notice to Foreign-Invested Enterprises Regarding Amounts for the 2009 Industrial Products Export Quotas (2008) No. 92, January 1, 2009
- A31 "State will further adjust Customs import and export tariffs as of January 1, 2009" (17 December 2008)
- A32 Notice on Announcement of the 2010 Export Quota Amounts for Agricultural and Industrial Products²¹
- A33 Announcement of the 2010 List of Enterprises Subject to Elimination of Outdated capacity in Industry Sector²²
- A34 *Energy Conservation Law of the People's Republic of China*
- A35 Interim Regulations of the Ministry of Foreign Trade and Economic Cooperation on Punishment for Conduct at Exporting at Lower-than-Normal Price

¹⁶ Order No. 28

¹⁷ Guo Fa [2007] No. 15

¹⁸ Order of the Ministry of Commerce (2008) No. 11, July 1, 2008

¹⁹ (Ministry of Commerce and General Administration of Customs, Notice (2008) No. 100, January 1, 2009)

²⁰ (Ministry of Commerce, shangmaohan (2008) No. 140, January 1, 2009)

²¹ Notice No. 88 of 2009

²² Gong Chan Ye (2010) No. 111

- A36 Guidance for Enhancing the Management of Raw Materials Industries
- A37 Guidelines of the Eleventh and Twelfth Five-Year Plan for National Economic and Social Development
- A38 Directory Catalogue on Readjustment of Industrial Structure²³
- A39 Report on the Outline of the Tenth Five-Year Plan for National Economic and Social Development²⁴
- A40 *10 industries reform programme*
- A41 *Current Catalogue of Key Industries, Products and Technologies the Development of Which is Encouraged by the State*
- A42 *Directory Catalogue on Readjustment of Industrial Structure*
- A43 *Electric Power Law*
- A44 *Go Out Policy*
- A45 *Provisional Procedures for the Pilot Project in Direct Purchase of Electricity By Customers From Electricity Companies*
- A46 *Circular of the Ministry of Land and Resources and the National Development and Reform Commission on Promulgating and Implementing the Catalogue of Restricted Use of Land and Catalogue of Prohibited Uses of Land²⁵*
- A47 *Nonferrous Metal Industry Adjustment and Revitalisation Plan*
- A48 *Policy on the Development of the Automotive Industry 2004*
- A49 *Restructuring and Revitalization Plan of Auto Industry*

²³ (Version 2005, NDRC Pub. No. 40).

²⁴ Adopted 15 March 2001, Ch. 10, Sec. 4.

²⁵ *Guo Tu Zi Fa* [2006] No. 296

APPENDIX B

LIST OF REQUESTED DOCUMENTS – PART D

Provide copies of the following documents. In doing so indicate whether the documents:

- are current/in force;
- were current/in force during the investigation period; or
- have been repealed, revised or superseded.

Where the documents have been repealed, revised or superseded, where applicable:

- indicate when this revision occurred;
- provide any notice of repeal;
- provide the revised version;
- provide the document that supersedes the requested document; and;
- indicate whether the revised version was in force during the investigation period.

When providing and referring to the below-requested documents, please refer to the document number as identified in the below table.

Identify the specific government department or institution responsible for the above-mentioned laws and regulations.

NUMBER	DOCUMENT TITLE OR DESCRIPTION
B1	<i>Plan for the Division of Labor of Departments on Implementing Several Opinions of the State Council on further handling well the Utilization of Foreign Investment</i> ²⁶
B2	<i>Several opinions of the State Council on further utilizing foreign capital</i> ²⁷
B3	<i>Enterprise Income Tax Law of the People's Republic of China</i> ²⁸
B4	<i>Income Tax Law of the People's Republic of China for Enterprises with Foreign Investment and Foreign Enterprises</i> ²⁹

²⁶ Guo Ban Han [2010] No. 128

²⁷ Guo Fa [2010] No. 9

²⁸ Adopted at the 5th session of the 10th National People's Congress of the People's republic of China (16 March 2007)

- B5 *Circular of the State Council on Implementation of the Transitional Preferential Policies on Enterprise Income Tax*³⁰
- B6 *Circular for the clarification of the enterprise income tax preferential policies for the implementation of the transition period calibre issues*³¹
- B7 *Circular on some issues concerning execution of preferential policies on enterprise income tax*³²
- B8 *Circular of the State Administration of Taxation on the issues concerning implementation of the preferential income tax for hi-tech enterprises*³³
- B9 *Corporate Income Tax Law*³⁴
- B10 *Catalogue of foreign investment advantageous industries in central and western China*³⁵
- B11 *Foreign Investment Industrial Guidance Catalogue*³⁶
- B12 *Reply of the State Administration of Taxation on Issues concerning applicable catalogues*
- B13 *Notification of the State Council on Providing Transitional Preferential Tax Treatments to High-tech Enterprises newly set-up in Special Economic Zones and in Pudong New District of Shanghai*³⁷

²⁹ Adopted at the Forth Session of the National People's Congress and promulgated by Order No. 45 of the President of the People's Republic of China on April 9, 1991

³⁰ Guo Fa [2007] No. 39

³¹ Guo Shui Han [2010] No. 157

³² Cai Shui [2009] No. 69

³³ Guo Shui Han [2009] No. 203

³⁴ Passed 16 March 2007

³⁵ National Development and Reform Commission (NDRC) and Ministry of Commerce (MOFCOM) (23 December 2008)

³⁶ Revised NDRC and MOFCOM (31 October 2007)

³⁷ Guo Fa [2007] No. 40

- B14 *Circular of the Ministry of Finance, the State Administration of Taxation and the General Administration of Customs on the Issues Concerning the Tax Preferential Policies for the West Development*³⁸
- B15 *Rules for the implementation of the Income Tax Law of the People's Republic of China on Enterprises with foreign investment and foreign enterprises*³⁹
- B16 *Circular on terminating tax refund policies on purchase of domestically-manufactured equipment by foreign-invested enterprises*⁴⁰
- B17 *Circular of the General Administration of Customs and National Development and reform Commission on Issues concerning examination and approval of Tax Exemption confirmation for domestic and foreign-invested projects under encouragement*⁴¹
- B18 *Interim regulations of the People's Republic of China on Value Added Tax*⁴²
- B19 *Circular of the General Administration Customs on Import Taxation Policy for further encouraging foreign investment*⁴³
- B20 *Circular of State Administration of Taxation on disseminating the export tax refund rate library of 2007*⁴⁴
- B21 *Circular on Carrying Out Evaluation of Products to Be Recognized as China World Top Brand*⁴⁵
- B22 *Suggestions on Accelerating the Implementation of Brand Strategy*⁴⁶

³⁸ Cai Shui [2001] No. 202

³⁹ Decree of the State Council [1991] No. 85

⁴⁰ Cai Shui [2008] No. 176

⁴¹ Shu Shui Fa [2009] No. 290

⁴² Promulgated by No. 134 Decree of the State Council of the People's Republic of China on 13 December 1993, and revised and adopted by the 34th standing meeting of the State Council on 5 November 2008.

⁴³ Shu Shui [1999] No. 791

⁴⁴ Guo Shui Han [2007] No. 242

⁴⁵ GZJZ [2005] No. 95.

⁴⁶ ZZF [2007] No. 81.

- B23 Notice of Issuing the Directive on Supporting the Development of Name Brands for Export⁴⁷;
- B24 Circular of The State Council Concerning the Adjustment in the Taxation Policy of Import Equipment⁴⁸
- B25 *Circular of the General Office of the State Bureau of Quality Supervision, Inspection and Quarantine for Issuing the "Measures for the Control of Evaluation of Chinese Famous-Brand Products (for Trial Implementation)"*⁴⁹;
- B26 *Notice of General Office of Ministry of Commerce Concerning Recommending Candidates of "Chinese Export Famous Brands"*⁵⁰;
- B27 *Notice of Issuing the Directive on Supporting the Development of Name Brands for Export*⁵¹;
- B28 *Circular on Printing and Distributing the Policy Opinions for Accelerating Innovative Development of Industrial Economy*⁵²;
- B29 *Notice Concerning the Issuing of Opinions on Promoting the Brand-Driven Strategy & Its Incentive Measures*⁵³

⁴⁷ Shang Mao [2005] No. 124.

⁴⁸ Gua Fa [1997] No. 37129 (December 1997).

⁴⁹ Guozhijian [2001] No. 32.

⁵⁰ SBMH [2007] No. 25.

⁵¹ Shang Mao [2005] No. 124.

⁵² CZF [2007] No. 54.

⁵³ FFB [2007] No. 274.