



Australian Government  
Department of Industry, Science,  
Energy and Resources

Anti-Dumping  
Commission

PUBLIC

## Exporter Questionnaire

# THE SOCIALIST REPUBLIC OF VIETNAM

**Case number:** 558

**Product:** Aluminium zinc coated steel (of a width equal to or greater than 600 millimeters)

**From:** The Socialist Republic of Vietnam

**Investigation period:** 1 April 2019 to 31 March 2020

**Response due by:** Thursday 6 August 2020

**Extension granted until 5 September 2020**

**Return completed questionnaire to:** [investigations4@adcommission.gov.au](mailto:investigations4@adcommission.gov.au)

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

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## INSTRUCTIONS

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

The Anti-Dumping Commission (the Commission) is conducting an investigation into aluminium zinc coated steel (of a width equal to or greater than 600 millimeters) (the goods) exported to Australia from the The Republic of Korea (Korea), Taiwan and the Socialist Republic of Vietnam (Vietnam). This questionnaire is only for exporters from Vietnam. Another exporter questionnaire is available for exporters from Korea and Taiwan.

The Commission will use the information you provide to determine normal values and export prices over the investigation period (the period). This information will determine whether the goods are dumped. The Commission will also use the information you provide to determine whether the goods exported to Australia from Vietnam have been in receipt of countervailable subsidies over the period.

### If you do not manufacture the goods

If you play a role in the export of the goods but do not produce or manufacture the goods (for example, you are a trading company, broker, or vendor dealing in the goods), it is important that you forward a copy of this questionnaire to the relevant manufacturers and inform the Commission of the contact details for these manufacturers **immediately**.

The Commission will still require your company to complete this exporter questionnaire except Section G – Cost to make and sell.

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

You do not have to complete the questionnaire. However, if you do not respond, do not provide all of the information sought, do not provide information within a reasonable time period, or do not allow the Commission to verify the information, we may deem your company to be an uncooperative exporter. In that case the Commission must determine a dumping margin and a subsidy margin having regard to all relevant information.

Therefore, it is in your interest to provide a complete and accurate response to this exporter questionnaire, capable of verification.

### Extension requests

If you require a longer period to complete your response to this exporter questionnaire, you must submit a request to the Commission, in writing, for an extension to the due date for all or part of the questionnaire. This request must be made prior to the due date. A request for extension will be rejected if received after the due date.

When considering the extension request, the Commission will have regard to:

- the Commission's responsibility to conduct the case in a timely and efficient manner;
- the reasons why you could not provide a response within the whole period and not only the period remaining between the request and the due date;
- ordinary business practices or commercial principles;
- the Commission's understanding of the relevant industry;

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- previous correspondence and previous dealings with your company; and
- information provided by other interested parties.

More information on extensions can be found in the Customs (Extension of Time and Non-cooperation) Direction 2015 at <https://www.legislation.gov.au/Details/F2015L01736>.

You will be informed of the decision whether your request for an extension has been rejected, granted in full or granted in part. For example, you may be granted an extension to submit all sections except for Section A or you may be granted a shorter extension than you requested.

A summary of any requests and grants of extensions to submit a response to this exporter questionnaire will be published in the public record.

### **Submitting a response to the exporter questionnaire**

Responses to the exporter questionnaire should be lodged by email listed on the cover page. In submitting the response to the exporter questionnaire, you must answer all questions, include all attachments and spreadsheets, and provide a non-confidential version of your response to this exporter questionnaire.

If your response to this exporter questionnaire contains major deficiencies that, in the Commissioner's view, cannot be quickly and easily rectified in a further response, then your company may be deemed as an uncooperative exporter (dumping) and or non-cooperative exporter (countervailing).

### **Confidential and non-confidential responses**

You are required to lodge a confidential version (for official use only) and a non-confidential version (for public record) of your response to this exporter questionnaire by the due date. Please ensure that *each page* of information you provide is clearly marked either "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD".

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record, and must contain sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests.

A person is not required to provide a summary for the public record if the Commission can be satisfied that no such summary can be given that would allow a reasonable understanding of the substance of the information.

All submissions are required to have a bracketed explanation of deleted or blacked out information for the non-confidential version of the submission. An example of a statement to accompany deleted/blacked out text is:

[Explanation of cost allocation through the divisions, by reference to machine hours or weight].

If such an explanation is not provided, the Commission may disregard the information in the submission. Where the public record version of your response to the exporter questionnaire does

not contain sufficient detail, your company may be deemed to have significantly impeded the case and be deemed an uncooperative exporter.

### **Verification of the information that you supply**

The Commission may wish to conduct a visit, if this option is available to the Commission, to your company to verify your questionnaire response for completeness, relevance and accuracy.

However, on 20 March 2020, the Commission published *Anti-Dumping Notice No. 2020/029*,<sup>1</sup> advising that onsite exporter verification activities have been temporarily suspended until further notice as a result of the COVID-19 pandemic. This position is subject to change as the Commission continues to assess current events.

The Commission remains committed to ensuring that data submitted by parties is complete, relevant and accurate. If an onsite visit is not possible, the Commission may elect to undertake alternative verification activities. This includes but is not limited to remote verification, desktop assessments or delaying verification activities until such time as onsite verification is possible. The Commission will continue to monitor current events and assess when the suspension of onsite exporter verification activities can be lifted.

A verification visit, or any verification activity is not meant to be a chance for you to provide new or additional information. The Commission expects your response to the questionnaire to be relevant, complete and accurate.

Onsite verification is usually conducted over 4 days, remote and desktop verification may take a longer period of time. In complex cases, a verification visit, if conducted, may be scheduled over 5 days. A desktop verification may require a longer period.

Any verification activity will include a detailed examination of your company's records and we will collect copies of relevant documents. The verification will require the participation of key staff, including your financial accountant, production manager and sales staff. A tour of the manufacturing facility, should an onsite visit be possible, may also be required during the verification visit.

Note that the Commission may disregard any data or information that is not verified, including new or additional information provided after the verification activity.

A report will be prepared following the verification activity, which details the outcomes of the verification. This report will be placed on the public record and may include the publication of the preliminarily-assessed dumping and subsidy margin. The Commission considers that the dumping margin and subsidy margin is not confidential information, but rather an aggregate figure derived from confidential data.

You will be provided with an opportunity to comment on the accuracy and confidentiality of the verification report prior to its publication on the public record.

For information on the Commission's verification procedures, refer to Anti-Dumping Notice No. 2016/30 available on the Commission's website.

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<sup>1</sup> [https://www.industry.gov.au/sites/default/files/adcp/public-record/notice\\_adn\\_-\\_adn\\_2020-029\\_-\\_temporary\\_suspension\\_of\\_international\\_onsite\\_verification\\_0.pdf](https://www.industry.gov.au/sites/default/files/adcp/public-record/notice_adn_-_adn_2020-029_-_temporary_suspension_of_international_onsite_verification_0.pdf)

**Important instructions for preparing your response**

- All questions in this exporter questionnaire must be completed. If a question is not applicable to your situation, please answer the question with “Not Applicable” and provide an explanation as to why.
- All questions must be answered in English. An English translation must be provided for documents not originally in English.
- Clearly identify all units of measurement (e.g. KG) and currencies (e.g. AUD) used. Apply the same measurement consistently throughout your response to the questionnaire.
- Label all attachments to your response according to the section of the questionnaire it relates to (e.g. label the chart of accounts as Attachment A-4.6)
- The data must be created as spreadsheet files in Microsoft Excel.
- If you have used formulas to complete spreadsheets, these formulas must be retained and not hard-coded.
- You must retain all worksheets used in answering the questionnaire. Be prepared to provide these worksheets during the Commission’s verification of your data.
- If you cannot present electronic data in the requested format contact the case officer as soon as possible.
- Where possible, electronic data should be emailed or shared with the Commission via SIGBOX, a secure online document repository. Please contact the Commission to request access to SIGBOX if required.

## CHECKLIST

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

Section	Please tick if you have responded to all questions
<p>Goods under consideration</p> <p>The goods the subject of the investigation are:</p> <p><i>Flat rolled iron and steel products (whether or not containing alloys), of a width equal to or greater than 600 millimeters ("mm"), plated or coated with aluminium-zinc alloys, not painted, and whether or not including resin coating.</i></p> <p><i>Trade or further generic names often used to describe the subject goods include:</i></p> <ul style="list-style-type: none"> <li>• ZINCALUME® steel;</li> <li>• GALVALUME® steel;</li> <li>• Aluzinc, Supalume, Superlume, ZAM, GALFAN;</li> <li>• Zinc aluminium coated steel;</li> <li>• Aluminium zinc coated steel;</li> <li>• Aluminium zinc magnesium coated steel;</li> <li>• Alu-Zinc Steel sheet in Coils;</li> <li>• Al/Zn; and</li> <li>• Hot Dipped 55% Aluminium-Zinc Alloy coated steel sheet in coil.</li> </ul> <p><i>The imported goods the subject of this application covers aluminum zinc coated steel whether or not including any combination of surface treatment. For example, whether passivated (often referred to as chromated), resin coated or not resin coated (often referred to as Anti-Finger Print ("AFP") or not AFP), oiled or not oiled, skin-passed or not skin-passed.</i></p> <p><i>Excluded from the goods description of this application is un-passivated (often referred to as unchromated) aluminium zinc coated steel.</i></p> <p><i>The amount of aluminium zinc coating on the steel is described as its coating mass and is nominated in grams per meter squared (g/m<sup>2</sup>), with the prefix being AZ (Aluminium Zinc). Common coating masses used are: AZ200, AZ150, AZ100, and AZ70.</i></p> <p><i>There are several relevant International Standards for aluminium zinc coated steel, covering the full range of</i></p>	<p style="text-align: center;">×</p>



*products via specific grade designations, and including the recommended or guaranteed properties of each of those product grades.*

*These relevant standards are noted below in the table “Relevant International Standards for Aluminium Zinc Coated Steel”.*

<b>International Standards</b>	<b>Product Grades</b>
<i>General and Commercial Grades</i>	
AS/NZS 1397	G1, G2
ASTM A792	CS, type A, B and C
EN 10346	DX51D, DX52D
JIS 3321	SGLCC
<i>Forming, Pressing &amp; Drawing Grades</i>	
AS/NZS 1397	G3
ASTM A792	FS, DS
EN 10346	DX53D, DX53D
JIS 3321	SGLCD, SGLCDD
<i>Structural Grades</i>	
AS/NZS 1397	G250, G300, G350, G450, G550
ASTM A792	33 (230), 37(255), 40 (275), 50 (340), 55 (380), 80 (550)
EN 10346	S220GD, S250GD, S280GD, S320GD, S350GD, S550GD
JIS 3321	SGLC400, SGLC440, SGLC490, SGLC570

#### **Tariff classification**

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the *Customers Tariff Act 1995*.

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

Tariff Subheading	Statistical Code	Description		
7210.61.00		FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF 600 mm OR MORE, CLAD, PLATED OR COATED: PLATED OR COATED WITH ALUMINIUM-ZINC ALLOYS		
	60	Of a thickness of less than 0.5 mm		
	61	Of a thickness of 0.5 mm or more but less than 1.5 mm		
	62	Of a thickness of 1.5 mm or more		
7225.99.00		FLAT-ROLLED PRODUCTS OF OTHER ALLOY STEEL, OF A WIDTH OF 600 mm OR MORE		
	39	Other		

### Model Control Code

Details of the model control code (MCC) structure for the goods are in the table below. Export sales data (Section B-2), domestic sales data (Section D-2) and cost to make and sell data (Section G-3, G-4 & G-5) submitted in this response must follow this MCC structure. At a minimum, the data must report sales and cost data separately for each of the mandatory MCC categories identified.

Item	Category	Sub-Category	Identifier	S
1	Prime	Prime	P	M
		Non-Prime	N	
2	Coating Mass	≤ 100 g/m <sup>2</sup>	1	M
		>100 g/m <sup>2</sup> to ≤ 165 g/m <sup>2</sup>	2	
		>165 g/m <sup>2</sup>	3	
3	Steel Grade	G2 / SGLCC	A	M
		G3 / SGLCD	B	
		G250 / SGLC 340	C	
		G300 / G350 / SGLC 400 / SGLC 440 / SGLC 490	D	
		G450 / G500	E	
		G550 / SGLC 570	F	
		Other	G	
4	Base Metal Thickness (BMT)	< 0.40 mm	1	M
		≥ 0.40 mm to < 0.50 mm	2	
		≥ 0.50 mm to < 0.75 mm	3	

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		$\geq 0.75$ mm to $< 1.00$ mm	4				
		$\geq 1.00$ mm to $< 2.00$ mm	5				
5	Width	$< 600$ mm	1	Mandatory	Mandatory		No
		$\geq 600$ mm	2				
6	Form	Coil	C	Mandatory	Optional		No
		Sheet	S				

In constructing a MCC, use a "-" between each category.  
For example: **P-2-E-3-2-C**

The MCCs will be used to model match export models to the identical or comparable domestic models. In addition, the MCCs will be used to determine the profitability of domestic sales in the ordinary course of trade test by comparing domestic selling prices to the corresponding cost to make and sell. The MCC may also be used to compare the export price to the cost to make the exported model as part of the constructed normal value.

If there are models manufactured and sold by your company that do not align within the MCC structure above, this should be raised by lodging a submission with the Commission as soon as is practicable, but no later than the time this questionnaire is due, otherwise the response may be deemed deficient.

## SECTION A COMPANY INFORMATION

### A-1 Company representative and location

1. Please nominate a contact person within your company:

Name:

Position in the company:

Telephone:

E-mail address:

#### Answer:

Information of our contact person is described as follow:

Name: [\*]

Position in the company: Manager of export dept.

<p>Telephone: [*] E-mail address: [*]</p> <p>2. If you have appointed a representative, provide their contact details:</p> <p style="padding-left: 40px;">Name: Address: Telephone: E-mail address:</p> <p><i>In nominating a representative, you are granting authority to the Commission to discuss matters relating to the case with the nominated representative, including your company's confidential information.</i></p> <p><b><u>Answer:</u></b> Information of our representative is described as follow : Name: * Position: * Telephone: * E-mail address: *</p> <p>3. Please provide the location of the where the company's financial records are held.</p> <p><b><u>Answer:</u></b> Our company's financial records is held at the addresses as follow: Our office address: [*], Vietnam. Our factory address: [*], Vietnam.</p> <p>4. Please provide the location of the where the company's production records are held.</p> <p><b><u>Answer:</u></b> Our company's financial records is held at the addresses as follow: Our office address: [*], Vietnam. Our factory address: [*], Vietnam.</p>	
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<p><b>A-2 Company information</b></p> <p>1. What is the legal name of your business?</p> <p><u>Answer:</u></p> <p>Legal name of our company: HOA PHAT STEEL SHEET ONE MEMBER LIMITED LIABILITY COMPANY.</p> <p>2. Does your company trade under a different name and/or brand? If yes, provide details.</p> <p><u>Answer:</u></p> <p>Our company does not trade under a different name and/or brand.</p> <p>3. Was your company ever known by a different legal and/or trading name? If yes, provide details</p> <p><u>Answer:</u></p> <p>No, our company has never been known by any different legal and/or trading name.</p> <p>4. Provide a list of your current board of directors and any changes in the last two years.</p> <p><u>Answer:</u></p> <p>List of our current Board of Directors:</p> <p>- [*].</p> <p>5. Is your company part of a group (e.g. parent company with subsidiaries, common ownership, joint-ventures)? If yes, provide:</p> <p>(a) A diagram showing the complete ownership structure; <u>and</u></p> <p><u>Answer:</u></p> <p>The ownership structure of our company:[*]</p> <p>(b) A list of all related companies and its functions</p> <p><u>Answer:</u></p> <p>List of all related company and its functions:</p>	
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<p>- <b>Hoa Phat Group Joint Stock Company</b></p> <p>Office address: [*], Vietnam.</p> <p>Business code: [*]</p> <p>Function: Hoa Phat Group Joint Stock Company (parent company) is a holding company with a number of subsidiaries which produce steel and other products.</p> <p>6. Is your company or parent company publically listed?</p> <p><b><u>Answer:</u></b></p> <p>Our parent company (Hoa Phat Group Joint Stock Company) is publically listed.</p> <p>If yes, please provide:</p> <p>(a) The stock exchange where it is listed; <u>and</u></p> <p><b><u>Answer:</u></b></p> <p>The stock exchange where it is listed is HOSE (Hochiminh Stock Exchange).</p> <p>(b) Any principle shareholders</p> <p><b><u>Answer:</u></b></p> <p>Hoa Phat Group JSC is a public company with registered capital of 27,610,741,150,000 VND.</p> <p>Please see Exhibit A-2.6 Public for principle shareholders of Hoa Phat Group JSC (extracted information from Hoa Phat Group JSC's annual report).</p> <p>If no, please provide:</p> <p>(a) A list of all principal shareholders and the shareholding percentages.</p> <p>7. What is the overall nature of your company's business? Include details of the products that your company manufacture and sell and the market your company sells into.</p> <p><b><u>Answer:</u></b></p> <p>Our company was established in [*] and specialises in manufacturing and providing steel sheet products including a wide range of pickled and oiled steel coils; cold rolled (full hard) steel coils; hot-dip galvanized/ Al-Zn</p>	
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coated steel coils; pre-painted hot-dip galvanized/ Al-Zn coated steel coils in compliance with JIS 3321:2010, BS EN 10346:2009, AS 1397:2001, ASTM A792, etc.

The factory of our company is located in [\*] and has an overall capacity of [\*] Mts per year. All the main machines for the factory were imported from Europe and Australia with the most advanced technology.

Beside the domestic market (Vietnam), our company also export products to other countries such as USA, Australia, Malaysia, Indonesia, Thailand, India, etc.

8. If your business does not perform all of the following functions in relation to the goods under consideration, then please provide names and addresses of the companies which perform each function:

- (a) produce or manufacture;
- (b) sell in the domestic market;
- (c) export to Australia; and
- (d) export to countries other than Australia.

**Answer:**

Our company performs all of the above functions in relation to the goods under consideration.

9. Provide your company's internal organisation chart.

**Answer:**

Please Exhibit A-2.9 Confidential for our company's internal organisation chart.

10. Describe the functions performed by each group within the organisation.

**Answer:**

Please Exhibit A-2.9 Confidential for the functions performed by each group.

<p>11. Does your company produce brochures, pamphlets or other promotional material? If yes, please provide them.</p> <p><u>Answer:</u></p> <p>Please see Exhibit A-2.11 Public for our catalogue.</p> <p><b>A-3 General accounting information</b></p> <p>1. What is your financial accounting period?</p> <p><u>Answer:</u></p> <p>Our fiscal year or financial accounting period is from 1 Jan to 31 Dec.</p> <p>2. Are your financial accounts audited? If yes, who is the auditor?</p> <p><u>Answer:</u></p> <p>The annual financial statement of our Company (Hoa Phat Steel Sheet Co., Ltd) is audited by [*].</p> <p>3. What currency are your accounts kept in?</p> <p><u>Answer:</u></p> <p>The currency our accounts are kept in is Vietnam Dong (VND).</p> <p>4. What is the name of your financial accounting system?</p> <p><u>Answer:</u></p> <p>Our Company [*].</p> <p>5. What is the name of your sales system?</p> <p><u>Answer:</u></p> <p>Our Company [*]. Please see answer of Question A-3.4.</p> <p>6. What is the name of your production system?</p> <p><u>Answer:</u></p> <p>Our Company [*]. Please see answer of Question A-3.4.</p>	
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<p>7. If your financial accounting, sales and production systems are different, how do the systems interact? Is it electronically or manual? Please provide a detailed explanation and include diagrams.</p> <p><u><b>Answer:</b></u></p> <p>Not applicable. Please see answer of Question A-3.4.</p> <p>8. Do your accounting practices differ in any way from the generally accepted accounting principles in your country? If yes, please provide details.</p> <p><u><b>Answer:</b></u></p> <p>No. Our accounting practices follow Vietnam Accounting Standard, which is followed by other Vietnamese companies.</p> <p>9. Have there been any changes to your accounting practices and/or policies over the last two years? If yes, please provide details.</p> <p><u><b>Answer:</b></u></p> <p>No. There has been no change to our accounting practices over the last two years.</p> <p>[*].</p> <p><b>A-4 Financial Documents</b></p> <p>1. Please provide the two most recently completed annual reports and/or financial statements for your company and any other related companies involved in the production and sale of the goods.</p> <p><u><b>Answer:</b></u></p> <p>Please see Exhibit A-4.1 Confidential for the annual financial statements of the Company in 2018 and 2019.</p> <p>2. If the financial statements in A-4.1 are unaudited, provide for each company:</p> <p>(a) the tax returns relating to the same period; <u>and</u></p> <p>(b) reconciliation of the revenue, cost of goods sold, and net profit before tax between the financial statements and tax returns.</p> <p><u><b>Answer:</b></u></p>	
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Not applicable. Our financial statements in Question A-4.1 are audited by KPMG Limited.

3. Does your company maintain different profit centres?  
If yes, provide profit & loss statements for the profit centre that the goods falls into for:

- (a) the most recent financial year; and
- (b) the period.

**Answer:**

Not applicable. The Company does not maintain different profit centres.

4. If the period is different to your financial period, please provide:

- (a) Income statements directly from your accounting information system covering the most recent financial period and the period; or
- (b) Quarterly or half yearly income statements directly from your accounting system covering the most recent financial period and the period.

**Answer:**

Please see Exhibit A-4.4 Confidential for our profit and lost statement in 2019 and the period.

5. Please provide a copy of your company's trial balance (in Excel) covering the period and the most recent financial year.

**Answer:**

Please see Exhibit A-4.5 Confidential for our trial balance in 2019 and the period.

6. Please provide your company's chart of accounts (in Excel).

**Answer:**

Please see Exhibit A-4.6 Confidential for our chart of account.

*If any of the documents are not in English, please provide a complete translation of the documents.*

## SECTION B EXPORT SALES TO AUSTRALIA

### B-1 Australian export sales process

1. Provide details (and diagrams if appropriate) of the export sales process of your company and any entities (e.g. agents) including:
  - (a) Marketing and advertising activities
  - (b) Price determination and/or negotiation process
  - (c) Order placement process
  - (d) Order fulfilment process and lead time
  - (e) Delivery terms and process
  - (f) Invoicing process
  - (g) Payment terms and process

#### Answer:

- (a) Marketing and advertising activities  
[\*].
- (b) Price determination and/or negotiation process  
[\*].
- (c) Order placement process  
[\*].
- (d) Order fulfilment process and lead time  
[\*].
- (e) Delivery terms and process  
Delivery term: [\*].  
When the manufacturing is finished, [\*].
- (f) Invoicing process  
Invoice [\*].  
Weight [\*].
- (g) Payment terms and process
  - (i) In case of payment term as LC:

<p>- [*].</p> <p>(ii) In case of payment term as TT:</p> <p>- [*].</p> <p>2. In what currency do you invoice your customers for goods exported to Australia? If it is not in your local currency:</p> <p><b><u>Answer:</u></b></p> <p>The Company issues invoice to Australian customers in USD.</p> <p>(a) Do your customers pay you into a foreign currency denominated account? If yes, provide details;</p> <p><b><u>Answer:</u></b></p> <p>Yes. Customers pay in USD to our USD bank accounts.</p> <p>(b) Do you use forward contracts to lock in the foreign exchange rate relating to the export sales? If yes, provide details;</p> <p><b><u>Answer:</u></b></p> <p>The Company [*].</p> <p>(c) How is the exchange rate determined in your accounting system and how often is it updated?</p> <p><b><u>Answer:</u></b></p> <p>Exchange rate from USD to VND is [*].</p> <p>3. Are there any customers of the goods exported to Australia related to your company? If yes, please provide a list of each related customer and provide details on how the selling price is set.</p> <p><b><u>Answer:</u></b></p> <p>[*].</p> <p>4. If sales are in accordance with price lists or price extras list, provide copies of these lists.</p> <p><b><u>Answer:</u></b></p>	
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[\*].

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

**Answer:**

This question is not applicable [\*].

6. Did you provide on-invoice discounts and/or off-invoice rebates to any customer or an associate of the customer in relation to the sale of the goods exported to Australia during the period? If yes, provide a description and explain the terms and conditions that must be met by the customer to obtain the discount.

**Answer:**

For exports, the Company [\*].

7. Did you issue any credit or debit notes (directly or indirectly) to the customer or associate of the customer in relation to the sale of the goods exported to Australia during the period? If yes, provide details of the credit/debit notes including the reasons the credit/debit notes were issued.

**Answer:**

[\*].

8. The invoice date will normally be taken to be the date of sale. If you are making a claim that a different date should be taken as the date of sale:

(a) What date are you claiming as the date of sale?

**Answer:**

We consider the date of sale to be [\*].

(b) Why does this date best reflect the material terms of sale?

**Answer:**

[\*].

**B-2 Australian sales listing**

## 1. Complete the worksheet named “B-2 Australian sales”

- This worksheet lists all sales (i.e. transaction by transaction) exported to Australia of the goods invoiced within the period. This includes exports to Australia sold through a domestic customer.
- If you have claimed in B-1.8 that the date of sale is one other than the invoice date, then add the sales within your claimed date of sale.
- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.
- If there are any direct selling expenses incurred in respect of the exports to Australia not listed in the spreadsheet, add a column. For example, if the delivery terms make you responsible for arrival of the goods at an agreed point within Australia (e.g. delivered duty paid), insert additional columns in the spreadsheet for all other costs incurred.

**Answer:**

Please see Exhibit B-2 Confidential – Australian sales.

## 2. Provide a table listing the source of the data for each column in the “B-2 Australian sales” listing.

**Answer:**

Please see Exhibit B-2 Confidential – Australian sales.

**B-3 Sample export documents**

## 1. Select the two largest invoices by value and provide the following documentation:

- Contracts
- Purchase order and order confirmation

- Commercial invoice and packing list
- Proof of payment and accounts receivable ledger
- Documents showing bank charges
- Invoices for inland transport
- Invoices for port handling and other export charges
- Bill of lading
- Invoices for ocean freight & marine insurance (if applicable)
- Country of origin certificates (if applicable)

*If the documents are not in English, please provide a translation of the documents.*

For each document, please annotate the documents or provide a table reconciling the details in the “B-2 Australian sales” listing to the source documents in B-3.1.

**Answer:**

The invoices from Exhibit B-2 Australian sales:

(1) [\*]

Please see Exhibit B-3 Confidential.

The documents for each invoice include:

- [\*].

**B-4 Reconciliation of sales to financial accounts**

1. Please complete the worksheet named “B-4 Upwards sales” to demonstrate that the sales listings in B-2, D-2 and F-2 are complete.

- You must provide this list in electronic format using the template provided.
- Please use the currency that your accounts are kept in.
- If you have used formulas to complete this worksheet, these formulas must be retained.

2. Please provide all documents, other than those in A-4, B-2 and D-2, required to complete the “B-4 Upwards sales” worksheet. If the documents include spreadsheets, all formulas used must be retained.

3. For any amount in the “B-4 Upwards sales” worksheet that is hard coded (i.e. not a formula), please cross-reference by providing:

- the name of the source document, including the relevant page number, in column D of the worksheet; and
- highlight or annotate the amount shown in the source document.

**Answer:**

Please see Exhibit B-4 Confidential – Upward sales.

[\*].

**B-5 Reconciliation of direct selling expenses to financial accounts**

1. Please complete the worksheet named “B-5 Upwards selling expense” to demonstrate that the direct selling expenses (e.g. Inland transport) in B-2 and D-2 are complete.

- You must provide this list in electronic format using the template provided.
- Please use the currency that your accounts are kept in.
- If you have used formulas to complete this worksheet, these formulas must be retained.

2. Please provide all documents, other than those in A-4, B-2 and D-2, required to complete the “B-5 Upwards selling expense” worksheet. If the documents include spreadsheets, all formulas used must be retained.

3. For any amount in the “B-5 Upwards selling expenses” worksheet that is hard coded (i.e. not a formula), please cross-reference by providing:

- the name of the source document, including the relevant page number, in column C of the worksheet; and
- highlight or annotate the amount shown in the source document.

**Answer:**



Please see Exhibit B-5 Confidential – Upwards selling expense.

[\*].

#### **B-6 Historical export sales listing**

1. Complete the worksheet named “B-6 Historical sales”

- This worksheet lists the totals of all sales for each product code exported to Australia of the goods in each year ending 31 March for 2017, 2018 and 2019 (i.e. year ending 31 March 2017, etc.). This includes exports to Australia sold through a domestic customer.
- You must provide this list in electronic format using the template provided.

Provide a table listing the source of the data for each column in the “B-6 Historical sales” listing.

#### **Answer:**

Not applicable. Our Company [\*].

### **SECTION C EXPORTED GOODS & LIKE GOODS**

The Commission considers the MCC structure in and of itself is not likely to be commercially sensitive information. Any claim that disclosing the MCC information is confidential or would adversely affect your business or commercial interests must be raised by lodging a submission as soon as practicable, but no later than the time this questionnaire is due.

#### **C-1 Models exported to Australia**

1. Fully describe all of the goods your company exported to Australia during the period. Include specification details and any technical and illustrative material that may be helpful in identifying, or classifying, the goods exported to Australia.

#### **Answer:**

The goods our Company exported to Australia during the period is hot-dipped Al-Zn coated steel coils.

- Standard: [\*]
- Specification: [\*]

Please see details in Exhibit C-1.1 Confidential.

2. Provide a list of MCCs of the goods exported to Australia. This must cover all MCCs listed in the Australian sales listing in B-2.
  - This list must be disclosed in the public record version of the response.

**Answer:**

MCC of the goods exported to Australia:

P-2-F-1-2-C

P-2-F-2-2-C

Please see details in Exhibit C-1.2 Confidential.

**C-2 Models sold in the domestic market**

1. Fully describe all like goods your company sold on the domestic market during the period. Include specification details and any technical and illustrative material that may be helpful in identifying, or classifying, the like goods sold on the domestic market.

**Answer:**

The like goods our Company sold on the domestic market during the period include:

- [\*].

Please see Exhibit C-2.1 Confidential for the above standards.

2. Provide a list of MCCs of like goods sold on the domestic market. This must cover all MCCs listed in the domestic sales listing in D-2.
  - This list must be disclosed in the public record version of the response.

**Answer:**

List of MCCs of like goods sold on the domestic market:

P-1-D-1-2-C
P-1-D-2-2-C
P-1-D-3-2-C

P-1-D-4-2-C
P-1-D-5-2-C
P-1-E-1-2-C
P-1-E-2-2-C
P-1-F-1-2-C
P-1-F-2-2-C
P-1-F-3-2-C
P-1-F-4-2-C
P-1-G-1-2-C
P-1-G-2-2-C
P-1-G-3-2-C
P-2-D-2-2-C
P-2-F-1-2-C
P-2-F-2-2-C
P-2-G-4-2-C

**C-3 Internal product codes**

1. Does your company use product codes or stock keeping unit (SKU) codes?

**Answer:**

The Company has internal product code system as below:

[\*].

If yes:

(a) Provide details of the product or SKU coding system for the goods, such as a legend or key of the meaning for each code within the product or SKU code.

**Answer:**

Please see the above answer.

(b) Provide details on how you mapped the product or SKU codes to the MCC for the purpose of completing this questionnaire.

**Answer:**

The detailed information to establish our internal product code is [\*].

Please see Exhibit C-3.1 Confidential.

(c) Provide a table of showing the product or SKU codes for each MCC.

**Answer:**

Please see Exhibit C-3.1 Confidential.

If no:

- (a) Provide details on the method used to identify the MCC in the sales and cost spreadsheets.

## **SECTION D DOMESTIC SALES**

### **D-1 Domestic sales process**

1. Provide details (and diagrams if appropriate) of the domestic sales process of your company and any other related entities including:
  - (a) Marketing and advertising activities
  - (b) Price determination and/or negotiation process
  - (c) Order placement process
  - (d) Order fulfilment process and lead time
  - (e) Delivery terms and process
  - (f) Invoicing process
  - (g) Payment terms and process

**Answer:**

The domestic sales process of our Company [\*].

2. Are any domestic customers related to your company?  
If yes, please provide a list of each related customer and provide details on how the selling price is set.

**Answer:**

Please see Exhibit D-2 Confidential - Domestic sales for related and unrelated customers of the Company.

[\*].

3. If sales are in accordance with price lists or price extras list, provide copies of these lists.

**Answer:**

The Company [\*].

4. Do your domestic selling prices vary according to the distribution channel identified? If yes, provide details.  
Real differences in trade levels are characterised by

<p>consistent and distinct differences in functions and prices.</p> <p><u><b>Answer:</b></u></p> <p>Not applicable. [*].</p> <p>5. Did you provide on-invoice discounts and/or off-invoice rebates to the customer or an associate of the customer in relation to the sale of the like goods during the period? If yes, provide a description; and explain the terms and conditions that must be met by the importer to obtain the discount.</p> <p><u><b>Answer:</b></u></p> <p>The Company applies [*].</p> <p>Please see Exhibit D-1.5 Confidential for Discount policy of the Company.</p> <p>[*].</p> <p>6. Did you issue any credit or debit notes (directly or indirectly) to the customer or associate of the customer in relation to the sale of the like goods during the period? If yes, provide details of the credit/debit notes including the reasons the credit/debit notes were issued.</p> <p><u><b>Answer:</b></u></p> <p>The Company [*].</p> <p>7. The invoice date will normally be taken to be the date of sale. If you are making a claim that a different date should be taken as the date of sale:</p> <p>(a) What date are you claiming as the date of sale?</p> <p><u><b>Answer:</b></u></p> <p>The date of sale is [*].</p> <p>(b) Why does this date best reflects the material terms of sale?</p> <p><u><b>Answer:</b></u></p> <p>The above date of sale best reflects the terms of sale [*].</p> <p><b>D-2 Domestic sales listing</b></p> <p>1. Complete the worksheet named “D-2 Domestic sales”</p>	
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<ul style="list-style-type: none"> <li>• This worksheet lists all domestic sales (i.e. transaction by transaction) of like goods invoiced within the period, even if they are models not exported to Australia</li> <li>• If you have claimed in B-1.8 and/or D-1.7 that the date of sale is one other than the invoice date, then add the sales within your claimed date of sale.</li> <li>• You must provide this list in electronic format using the template provided.</li> <li>• If you have used formulas to complete this worksheet, these formulas must be retained.</li> <li>• If there are any other costs, charges or expenses incurred in respect of the sales listed which have not been identified in the table in question D-2 above, add a column for each item. For example, certain other selling expenses incurred.</li> </ul> <p>2. Provide a table listing the source of the data for each column in the “D-2 domestic sales” listing.</p> <p><b><u>Answer:</u></b></p> <p>Please see Exhibit D-2 Confidential – Domestic sales.</p> <p><b>D-3 Sample domestic sales documents</b></p> <p>1. Select the two largest invoices by value and provide the following documentation:</p> <ul style="list-style-type: none"> <li>• Contracts</li> <li>• Purchase order and order confirmation</li> <li>• Commercial invoice and packing list</li> <li>• Proof of payment and accounts receivable ledger</li> <li>• Documents showing bank charges</li> <li>• Delivery invoices</li> </ul> <p><i>If the documents are not in English, please provide a translation of the documents.</i></p> <p>2. For each document, please annotate the documents or provide a table reconciling the details in the “D-2 domestic sales” listing to the source documents in D-3.1.</p> <p><b><u>Answer:</u></b></p> <p>Two invoices from D-2:</p> <p>(1)     [*]</p>	
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Documents for each invoice include:

- [\*].

Please see Exhibit D-3 Confidential.

#### **D-4 Reconciliation of sales to financial accounts**

This section is not required if you have completed B-4.

1. Please complete the worksheet named “B-4 Upwards sales” to demonstrate that the sales listings in D-2 and F-2 are complete.
  - You must provide this list in electronic format using the template provided.
  - Please use the currency that your accounts are kept in.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
2. Please provide all documents, other than those in A-4, D-2 and F-2, required to complete the “B-4 Upwards sales” worksheet. If the documents include spreadsheets, all formulas used must be retained.
3. For any amount in the “B-4 Upwards sales” worksheet that is hard coded (i.e. not a formula), please cross-reference by providing:
  - the name of the source document, including the relevant page number, in column D of the worksheet; and
  - highlight or annotate the amount shown in the source document.

#### **Answer:**

Please see Exhibit B-4 Confidential – Upward sales.

### **SECTION E DUE ALLOWANCE**

#### **E-1 Credit expense**

1. Do you provide credit to any domestic customers in relation to sales of like goods (i.e. payment terms that are not on a cash or pre-payment basis)? If yes:

- (a) Do you provide a rolling credit facility to your domestic customers (i.e. no specific payment terms agreed at the time of sale)? If yes:

- i. Calculate the accounts receivable turnover for each domestic customer (credit sales divided by the average accounts receivable).

**Answer:**

Please see Exhibit E-1.1 Confidential for total receivables of each domestic customer during the POI.

- ii. Calculate the average credit term for each domestic customer by dividing 365 by the accounts receivable turnover

**Answer:**

Please see Exhibit E-1.1 Confidential.

- (b) Do you have short term borrowings or an overdraft facility? If yes, what is the interest rate, or average of interest rates?

**Answer:**

The Company has [\*].

- (c) Do you have term deposits or other cash product (e.g. bonds)? If yes, what is the interest rate, or average of interest rates?

**Answer:**

Our company does not have term deposits or other cash product.

2. Do you provide credit to any Australian customers in relation to sales of the goods (i.e. payment terms that are not on a cash or pre-payment basis)?

**Answer:**

The Company [\*].

If yes:

- (a) Do you provide a rolling credit facility to your Australian customers (i.e. no specific payment terms agreed at the time of sale)? If yes:

- i. Calculate the accounts receivable turnover for each domestic customer (credit sales divided by the average accounts receivable).

**Answer:**



Non-applicable. Our company does not provide credit to any Australian customers in relation to sales of the goods.

- ii. Calculate the average credit term for each domestic customer by dividing 365 by the accounts receivable turnover

**Answer:**

Non-applicable. Please see the answer above.

- (b) If your Australian customers pay you into a foreign currency denominated account (question B-1.2(a) refers):

- i. Do you have short term borrowings or an overdraft facility denominated in the same foreign currency? If yes, what is the interest rate, or average of interest rates?

**Answer:**

Non-applicable. Please see the answer above.

- ii. What is the interest rate, or average of interest rates, applying to term deposits or other cash product (e.g. bonds) denominated in the same foreign currency? If yes, what is the interest rate, or average of interest rates?

**Answer:**

Non-applicable. Please see the answer above.

**E-2 Packaging**

- 1. What is the packaging used for your domestic sales of like goods?

**Answer:**

Packing for domestic sales of like goods [\*].

The Company [\*].

- 2. What is the packaging used for your export sales of the goods to Australia?

**Answer:**

Please see answer of Question E-2.1. The packaging used for export sales of the goods to Australia [\*].

The Company records [\*].

<p>3. If there are distinct differences in packaging between your domestic and export sales:</p> <p>(a) Provide details of the differences</p> <p><b><u>Answer:</u></b></p> <p>Please see answer of Question E-2.1 and E-2.2.</p> <p>Domestic sales [*].</p> <p>(b) Calculate the weighted average packaging cost for each model sold on the domestic market.</p> <p><b><u>Answer:</u></b></p> <p>Please see Exhibit D-2 Confidential. [*].</p> <p>(c) Calculate the weighted average packaging cost for each model exported to Australia</p> <p><b><u>Answer:</u></b></p> <p>Please see answer of Question E-2.2 as above and Exhibit B-2 Confidential. Packing of the goods [*].</p> <p><b>E-3 Delivery</b></p> <p>1. Are any domestic sales of like goods delivered to the customer? If yes, how were the transportation costs calculated in the domestic sales listing in D-2?</p> <p><b><u>Answer:</u></b></p> <p>Yes the Company sells like goods to domestic customers, and we also bear the transportation cost for several customers.</p> <p>The transportation costs calculated in D-2 is [*].</p> <p>2. What are the delivery terms of the export sales of the goods to Australia?</p> <p><b><u>Answer:</u></b></p> <p>The delivery term for our export sales of the goods to Australia: [*]</p> <p>3. If the delivery terms of the Australian sales includes delivery to the port, how were the inland transport and port charges calculated in the Australian sales listing in B-2?</p> <p><b><u>Answer:</u></b></p> <p>Inland transport of the export sales to Australia is [*].</p>	
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Please see sheet Inland Transport in Exhibit B-2 Confidential – Australian sales and the documents in Exhibit B-3 Confidential.

[\*].

4. If the delivery terms of the Australian sales includes ocean freight, how was the ocean freight cost calculated in the Australian sales listing in B-2?

**Answer:**

Not applicable. [\*].

5. If the delivery terms of the Australian sales includes marine insurance, how was the marine insurance calculated in the Australian sales listing in B-2?

**Answer:**

Not applicable. [\*].

6. If the delivery terms of the Australian sales includes delivered duty paid, how were the Australian importation and delivery costs calculated in the Australian sales listing in B-2?

**Answer:**

Not applicable. [\*].

#### **E-4 Other direct selling expenses**

1. Do you provide sales commissions for domestic sales of like goods and/or export sales of the goods? If yes, provide details.

**Answer:**

[\*].

2. Are there any differences in tax liability between domestic and export sales? If yes, provide details, for example:

**Answer:**

The domestic sales is subject to VAT only.

For export sales, export tax is not applicable and VAT rate is 0%.

- What is the rate of value-added tax (VAT) on sales of the goods and like goods?

**Answer:**

VAT rate for domestic sales of like goods is 10%.

- How is VAT accounted for in your records in relation to sales of the goods and like goods?

**Answer:**

The Company records and pays value added tax [\*].

- Do you receive a VAT refund in relation to sales of the goods and/or like goods?

**Answer:**

The Company [\*].

- Do you receive a remission or drawback of import duties on inputs consumed in the productions of the goods or like goods?

**Answer:**

No. The Company does not receive a remission or drawback of import duties (import tariff) on inputs consumed in the productions of the goods or like goods during the period.

3. Are there any other direct selling expenses incurred by your company in relation to domestic sales of like goods?

**Answer:**

The Company incurs [\*].

- These direct selling expenses must be included in the reconciliation of direct selling expenses in B-5

**Answer:**

Please see Exhibit B-5 Confidential – Upward selling expenses.

4. Are there any other direct selling expenses incurred by your company in relation to export sales of the goods to Australia?

**Answer:**

The Company incurs [\*].

- These direct selling expenses must be included in the reconciliation of direct selling expenses in B-5

**Answer:**

Please see Exhibit B-5 Confidential – Upward selling expenses.

**E-5 Other adjustment claims**

1. Are there any other adjustments required to ensure a fair comparison between the export price and the normal value (based on domestic sales, costs and/or third country sales)? If yes, provide details.

- An adjustment will only be made where there is evidence that the difference affects price comparability.
- Refer to Chapter 15 of the *Dumping and Subsidy Manual* (November 2018) for more information.

**Answer:**

The Company has no other adjustments.

## SECTION F THIRD COUNTRY SALES

**F-1 Third country sales process**

1. Are your sales processes to any third country (i.e. exports to countries other than Australia) different to the sales process described in B-1.1? If yes, provide details of the differences.

**Answer:**

The Company's sales process to third country is not different to the sales process described in Question B-1.1.

2. Are there any third country customers related to your company? If yes, please provide a list of each related customer and provide details on how the selling price is set.

**Answer:**

There are [\*].

3. The invoice date will normally be taken to be the date of sale. If you are making a claim that a different date should be taken as the date of sale:

(a) What date are you claiming as the date of sale?

**Answer:**

We consider the date of sale to be [\*].

- (b) Why does this date best reflects the material terms of sale?

**Answer:**

[\*].

**F-2 Third country sales listing**

1. Complete the worksheet named “F-2 Third country sales”
  - This worksheet lists all export sales, summarised by country and customer, to third countries of like goods invoiced within the period.
  - If you have claimed in F-1.3 that the date of sale is one other than the invoice date, then add sales with your claimed date of sale.
  - You must provide this list in electronic format using the template provided.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
2. Provide a table listing the source of the data for each column in the export sales listing (F-2.1).

**Answer:**

Please see Exhibit F-2 Confidential - Third country sales.

**F-3 Differences in sales to third countries**

1. Are there any differences in sales to third countries which may affect their comparison to export sales to Australia? If yes, provide details.

**Answer:**

Export sales to Australia and to third countries are affected by different market situation and factors applying to each market.

**SECTION G  
COST TO MAKE AND SELL**

**G-1. Production process**

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

**Answer:**

Please see Exhibit G-1.1 Confidential for our production process.

- By-products of the production process include:
- [\*].

2. Are any of your suppliers related to your company (regardless of whether it is relevant to the manufacture of the goods)? If yes, please provide details including the product or services supplied by the related company.

**Answer:**

Please see Exhibit G-7.4 Confidential for the related suppliers of the raw materials.

**G-2. Cost accounting practices**

1. Is your company's cost accounting system based on actual or standard costs (budgeted)?

**Answer:**

The Company's cost accounting system is [\*].

2. If your company uses standard costs:
  - (a) Were standard costs used as the basis of actual costs in your responses G-3.1 and G-5.1?
  - (b) Have all variances (i.e. differences between standard and actual production costs) been allocated to the goods?
  - (c) How were those variances allocated?
  - (d) Provide details of any significant or unusual cost variances that occurred during the period.

**Answer:**

Not applicable. The Company does not use standard costs.

<p>3. Do you have different cost centres in your company's cost accounting system? If yes, list the cost centres, provide a description of each cost centre and the allocation method used in your accounting system.</p> <p><u>Answer:</u></p> <p>❖ For cost to make: [*].</p> <p>4. To what level of product specificity (models, grades etc.) does your company's cost accounting system normally record production costs?</p> <p><u>Answer:</u></p> <p>The Company's cost accounting system [*].</p> <p>5. Are there any costs for management accounting purposes valued differently to financial accounting purposes? If yes, provide details of the differences.</p> <p><u>Answer:</u></p> <p>There is no difference.</p> <p>6. Has your company engaged in any start-up operations in relation to the goods?</p> <p><u>Answer:</u></p> <p>[*].</p> <p>If yes:</p> <p>(a) Describe in detail the start-up operation giving dates (actual or projected) of each stage of the start-up operation.</p> <p><u>Answer:</u></p> <p>[*].</p> <p>(b) State the total cost of the start-up operation and the way that your company has treated the costs of the start-up operation in its accounting records.</p> <p><u>Answer:</u></p> <p>[*].</p> <p>7. What is the method of valuation for raw material, work-in-process, and finished goods inventories (e.g.</p>	
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<p>last in first out –LIFO, first in first out- FIFO, weighted average)?</p> <p><b><u>Answer:</u></b></p> <p>Inventories are [*].</p> <p>The Company applies the [*].</p> <p>8. What are the valuation methods for damaged or sub-standard goods generated at the various stages of production?</p> <p><b><u>Answer:</u></b></p> <p>For sub-standard goods or damaged goods at each stage of production, they will be [*].</p> <p>9. What are the valuation methods for scrap, by products, or joint products?</p> <p><b><u>Answer:</u></b></p> <p>By products and scrap are [*].</p> <p>10. Are any management fees/corporate allocations charged to your company by your parent or related company? If yes, provide details</p> <p><b><u>Answer:</u></b></p> <p>There are none.</p>	
<p><b>G-3 Cost to make on domestic market</b></p> <p>1. Complete the worksheet named "G-3 Domestic CTM".</p> <ul style="list-style-type: none"> <li>• This worksheet lists the quarterly cost to make the domestic models of like goods by MCC manufactured within the period, even if they are models not exported to Australia.</li> <li>• The costs must be based on actual cost of production (i.e. not standard costs or cost of goods sold) for each MCC.</li> <li>• If any imputation tax (e.g. value-added tax) is payable on the purchase of goods or services to manufacture like goods, report the costs excluding the imputation tax. All other taxes payable (e.g. import duty) must be included as 'other costs' if not already included, for example, under material costs.</li> </ul>	

<ul style="list-style-type: none"> <li>• You must provide this list in electronic format using the template provided.</li> <li>• If you have used formulas to complete this worksheet, these formulas must be retained.</li> <li>• If you have claimed in in B-1.8 and/or D-1.7 that the date of sale is one other than the invoice date, then provide the cost for the quarters that all domestic sales are made within your claimed date of sale, even if doing so means that such cost data predates the commencement of the period.</li> </ul> <p>2. Provide a table listing the source of the data for each column of the “G-3 Domestic CTM” listing.</p> <p><b><u>Answer:</u></b></p> <p>Please see Exhibit G-3 and G-5 Confidential.</p> <p><b>G-4 Selling, General &amp; Administration expenses</b></p> <p>1. Complete the worksheet named "G-4.1 SG&amp;A listing".</p> <ul style="list-style-type: none"> <li>• This worksheet lists all selling, general and administration expenses by account code for the most recent accounting period and the period.</li> <li>• You must provide this list in electronic format using the template provided.</li> <li>• If you have used formulas to complete this worksheet, these formulas must be retained.</li> </ul> <p><b><u>Answer:</u></b></p> <p>Please see Exhibit G-4.1 Confidential - SG&amp;A listing. [*].</p> <p>2. Complete the worksheet named "G-4.2 Domestic SG&amp;A calculation".</p> <ul style="list-style-type: none"> <li>• This worksheet calculates the unit domestic SG&amp;A for each MCC.</li> <li>• You must provide this list in electronic format using the template provided.</li> <li>• Please use the formulas provided.</li> </ul> <p><b><u>Answer:</u></b></p> <p>Please see Exhibit G-4.2 Confidential - Domestic SG&amp;A calculation.</p>	
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**G-5 Cost to make the goods exported to Australia**

1. Complete the worksheet named " G-5 Australian CTM".

- This worksheet lists the quarterly cost to make the Australian models of the goods under consideration by MCC manufactured within the period.
- The costs must be based on actual cost of production (i.e. not standard costs or cost of goods sold) for each MCC.
- If any imputation tax (e.g. value-added tax) is payable on the purchase of goods or services to manufacture the goods, report the costs excluding the imputation tax. All other taxes payable (e.g. import duty) must be included as 'other costs' if not already included, for example, under material costs.
- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.
- If you have claimed in B-1.8 that the date of sale is one other than the invoice date, then provide the cost for the quarters that all Australian sales are made within your claimed date of sale, even if doing so means that such cost data predates the commencement of the period.

2. Provide a table listing the source of the data for each column of the "G-5 Australian CTM" listing.

**Answer:**

Please see Exhibit G-3 and G-5 Confidential.

**G-6 Cost allocation method**

1. What is the allocation method used to complete in G-3 domestic CTM and G-5 Australian CTM for:

(a) Raw materials

**Answer:**

Direct raw material cost: [\*].

(b) Labour

**Answer:**

Direct labour cost: [\*].

Method of allocation: [\*].

(c) Manufacturing overheads

**Answer:**

Manufacturing overhead are [\*].

Allocation method: [\*].

Note: [\*].

**❖ For cost to make of [\*]:**

Please see answer to Question A-3.9.

[\*].

2. Select the domestic model (export model if you have no domestic production of like goods) with the largest production volume over the period and provide worksheets demonstrating the allocation method described in G-6.1 from your normal cost accounting system to the cost for that model reported in G-3.1.

**Answer:**

Please see Exhibit G-3 and G-5 Confidential.

**G-7 Major raw material costs**

1. What are the major raw materials used in the manufacture of the goods?

**Answer:**

Major raw materials: [\*].

2. Are any raw materials sourced as part of an integrated production process or from a subsidiary company which your company exercise control? If yes, complete the worksheet named "G-7.2 Raw material CTM" for these raw materials.
  - This worksheet lists the quarterly cost to make the raw material manufactured within the period.
  - The costs must be based on actual cost of production (i.e. not standard costs or cost of goods sold).
  - If any imputation tax (e.g. value-added tax) is payable on the purchase of goods or services to manufacture the raw material, report the costs excluding the imputation tax. All other taxes payable (e.g. import duty) must be included as

‘other costs’ if not already included, for example, under material costs.

- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Not applicable. [\*].

3. Using the domestic cost data in “G-3 Domestic CTM” (use “G-5 Australian CTM” if you have no domestic production of like goods), calculate the weighted average percentage of each raw material cost (listed in G-7.1) as a proportion of total cost to make.

**Answer:**

The Company is [\*].

4. For each raw material identified in G-7.3 which individually account for 10% or more of the total cost to make, complete the worksheet named “G-7.4 Raw material purchases”
- This worksheet lists all raw material purchases (i.e. transaction by transaction) purchased by your company within the period.
  - You must provide this list in electronic format using the template provided.
  - If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Please see Exhibit G-7.4 Confidential - Raw material purchases.

5. Provide a table listing the source of the data for each column of the “G-7.4 Raw material purchases” listing.

**Answer:**

Please see Exhibit G-7.4 Confidential - Raw material purchases.

6. For each raw material:

- (a) Select the two largest invoices by value and provide the commercial invoice and proof of payment.

**Answer:**

Please see Exhibit G-7.6 Confidential.

- (b) Reconcile the total value listed of the purchases listed in “G-7.4 Raw material purchases” to relevant purchase ledgers or trial balances in your accounting system. Provide copies of all documents used to demonstrate the reconciliation.

**Answer:**

The purchased raw materials are recorded as below:

[\*].

7. Are any of the suppliers in “G-7.4 Raw material purchases” listing related to your company? If yes, please provide details on how the price is set.

**Answer:**

Please see Exhibit G-7.4 Confidential - Raw material purchases.

**G-8 Reconciliation of cost to make to audited financial statements**

1. Please complete the worksheet named “G-8 Upwards costs” to demonstrate that the cost listings in G-3 and G-5 are complete.
  - You must provide this list in electronic format using the template provided.
  - Please use the currency that your accounts are kept in.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
2. Please provide any documents, other than those in A-4, G-3 and G-5, required to complete the “G-8 Upwards costs” worksheet.
3. For any amount that is hard coded (i.e. not a formula), please cross-reference by providing:
  - the name of the source document, including the relevant page number, in column D of the worksheet; and

- highlight or annotate the amount shown in the source document.

**Answer:**

Please see Exhibit G-8 Confidential - Upwards costs.

[\*].

**G-9 Capacity Utilisation**

1. Please complete the worksheet named “G-9 Capacity Utilisation”.

- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Please see Exhibit G-9 Confidential - Capacity Utilisation.

**SECTION H  
PARTICULAR MARKET SITUATION**

The applicant has claimed that the situation in the market of the country of export is such that sales in that market are not suitable for use in determining normal value. The information provided in sections H, I J and K will assist the Commission to better understand the Vietnamese and Australian markets and to assess whether sales in the Vietnamese market are suitable for determining a normal value.

**H-1 Reporting requirements**

1. Describe generally all interaction that your business has with the Government of Vietnam at all levels, including (but not limited to):
  - (a) reporting requirements;
  - (b) payment of taxes;
  - (c) senior management representation within your business;
  - (d) approval/negotiation of business decisions (e.g. investment decisions, management

decisions, pricing decisions, production decisions, sales decisions);

- (e) licensing;
- (f) restrictions on land use;
- (g) provision of loans; or
- (h) provision of grants, awards or other funds.

**Answer:**

Our Company has little interaction with the Government of Vietnam other than normal administrative dealings, including:

- (a) reporting requirements:

Our Company has to report monthly to the GOV.

- (b) payment of taxes;

Our Company has to file tax returns (income tax) annually, pay VAT periodically and pay taxes and fees for customs clearance.

- (e) licensing;

Our Company has to apply for business licence and investment registration, as well as other procedures when amending the licence/ registration.

**H-2 Business structure, ownership and management**

1. Indicate whether your company is a state-owned or state-invested enterprise (SIE)

- A state owned enterprise refers to any company or enterprise that is wholly or partially owned by the Government of Vietnam (either through direct ownership or through association).

**Answer:**

Hoa Phat Group JSC is [\*].

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

**Answer:**



Please see Exhibit H-2.2 Confidential for our Board of Directors of our company and the related company.

3. Indicate the names of common directors and officers between your business and related businesses, where applicable.

**Answer:**

Please see Exhibit H-2.2 Confidential. Our company does not have any common directors and officers with the related company.

4. Are any members of your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders representatives, employees, or otherwise affiliated with the Government of Vietnam (at any level, from any agency, party, or otherwise associated entity)? If yes, identify the individuals, their role on that Board and their affiliation with the Government of Vietnam.

**Answer:**

None of members of our board of directors/board of shareholders (including the board of directors of our related entity) are representatives, employees or affiliated with the GOV at any level.

5. Does your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders have a representative from the Government of Vietnam? If yes, identify their name and title and indicate their position at the board level.

**Answer:**

There is no representative from the GOV in our board of directors/board of shareholders (including the board of directors of our related entities).

6. Are any members of your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders appointed, managed or

<p>recommended by the Government of Vietnam? If yes, identify any relevant government department(s) they are affiliated with.</p> <p><b><u>Answer:</u></b></p> <p>None of members of our board of directors/board of shareholders (including the board of directors of our related entities) is appointed, managed or recommended by the GOV.</p> <p>7. Indicate who owns what percentage of all shares in your business and identify whether they are:</p> <ul style="list-style-type: none"> <li>• an affiliate, representative, agency or otherwise representative of the Government of Vietnam;</li> <li>• employees of your business;</li> <li>• foreign investors; or</li> <li>• other (please specify).</li> </ul> <p><b><u>Answer:</u></b></p> <p>Hoa Phat Group JSC is [*].</p> <p>8. Provide the details of any significant changes in the ownership structure of your business during the period.</p> <p><b><u>Answer:</u></b></p> <p>Our Company do not have any changes in the ownership structure during the period.</p> <p>9. Identify any positions within your business that are appointments or designated to act on behalf of Government of Vietnam authorities.</p> <p><b><u>Answer:</u></b></p> <p>There are no positions in our Company that are appointed or designated to act on behalf of the GOV authorities.</p> <p>10. Explain whether there are requirements in law and in practice to have government representation at any level of your business. If there is such a requirement, explain</p>	
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<p>the role of government representatives appointed to any level of your business.</p> <p><b><u>Answer:</u></b></p> <p>There is no requirement in law and in practice that we must have government representation at any level of our business.</p> <p>11. If your business is a publicly-traded company, what are the rules regarding the issuance of shares by your business? Identify any stock exchanges on which your business is listed.</p> <p><b><u>Answer:</u></b></p> <p>Our Company is not a publicly-traded company.</p> <p>12. Provide the monthly trading volume and average monthly trading price of your listed security over the period.</p> <p><b><u>Answer:</u></b></p> <p>Not applicable. Our Company is not a publicly – traded company.</p> <p>13. Who has the ability to reward, fire or discipline your business' senior managers?</p> <p><b><u>Answer:</u></b></p> <p>[*] have power to reward, fire or discipline the senior managers of our company.</p> <p>14. Do any of your company's senior managers hold positions in any Government of Vietnam departments or organisations, associations or Chambers of Commerce? If yes, describe the nature of these positions.</p> <p><b><u>Answer:</u></b></p> <p>Our company's senior managers do not hold any position in any government departments or organizations, associations or Chambers of Commerce.</p>	
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15. Provide the names and positions of your company's pricing committee.

**Answer:**

Our Company do not have a pricing committee.

**H-3 Licensing**

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

Please see Exhibit H-3.1 Confidential for our Company's business licenses.

The business licenses of our Company include:

(1) [\*].

2. Identify the Government of Vietnam departments or offices responsible for issuing the license(s).

**Answer:**

Regarding the Business Registration Certificate, the government department responsible for issuing such certificate is Department of Planning and Investment of Hung Yen province.

Regarding the Investment Registration Certificate(s) for our factory in Hung Yen province, the governmental agency that has power to issue such documents is Management Board of Industrial Zones - People's Committee of Hung Yen province.

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

**Answer:**

(1) The procedures in applying for the Business Registration Certificate are specified in the Law of Enterprise, Decree No. 78/2015/ND-CP, details as below:

Step 1: The parent company – Hoa Phat Group JSC will prepare and submit the dossier including following

<p>documents to Department of Planning and Investment of Hung Yen province:</p> <ul style="list-style-type: none"> <li>- Application form for business registration</li> <li>- The parent company's charter</li> <li>- A list of members of the company to be set up</li> <li>- Copies of: the ID card or other ID papers of members being individuals; Certificate of Business registration, or an equivalent document of the organization and the letter of authorization, the ID card or other ID papers of the authorized representatives of members being organizations.</li> </ul> <p>Step 2: After receiving satisfactory documents from our company, the Business Registration Office in Department of Planning and Investment of Hung Yen province enters information into the National Enterprise Registration Information System in order to request an ID number for the company. Within 03 working days from the receipt of satisfactory documents, Business Registration Office shall issue a certificate of registration for our company.</p> <p>(2) The procedure in applying the Investment Registration Certificate of our company is specified in the Law on Investment No.67/2014/QH13, detail as below:</p> <p>Step 1: We submit a project dossier [*] to the registry office (Management Board of Industrial Zones of Hung Yen province). The dossier must include following documents:</p> <ul style="list-style-type: none"> <li>- A written request for permission to execute the investment project;</li> <li>- A copy of the Certificate of establishment or an equivalent paper that certifies the legal status of the investor (if the investor is an organization);</li> <li>- An investment proposal that specifies: investor(s) in the project, investment objectives, investment scale, investment capital, method of raising capital, location and duration of investment, labor demand, requests for investment incentives, assessment of socio-economic effects of the project;</li> <li>- Copies of any of the following documents: financial statements for the last two years of the investor;</li> </ul>	
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<p>commitment of the parent company to provide financial support; commitment of a financial institutions to provide financial support; guarantee for investor's financial capacity; description of investor's financial capacity;</p> <ul style="list-style-type: none"> <li>- Demand for land use; if the project does not use land allocated, leased out by the State, or is not permitted by the State to change land purposes, then a copy of the lease agreement or other documents certifying that the investor has the right to use the premises to execute the project is required.</li> </ul> <p>Step 2: On receiving the dossier, the registry office shall check to determine whether the dossier is formally satisfactory or not. If it is satisfactory, within 15 days, the registry office shall issue the Investment Registration Certificate.</p> <p>4. Describe any requirements or conditions that must be met in order to obtain the license(s).</p> <p><b><u>Answer:</u></b></p> <p>There is no requirements or condition must be met by our company in order to obtain the licenses, provided that we follow steps outlined above.</p> <p>5. Describe and explain any restrictions imposed on your business by the business license(s).</p> <p><b><u>Answer:</u></b></p> <p>There are no restrictions imposed on our company. We have to follow requirements related to environmental protection, fire prevention, other requirements as specified in relevant laws of Vietnam which are also imposed on other enterprises/ projects like ours. This is a situation not unlike the situation in Australia.</p> <p>6. Describe any sanctions imposed on your business if you act outside the scope of your business license(s).</p> <p><b><u>Answer:</u></b></p>	
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There are no sanctions imposed on our Company. We have to follow requirements related to environmental protection, fire prevention, other requirements as specified in relevant laws of Vietnam which are also imposed on other enterprises/ projects like ours. This is a situation not unlike the situation in Australia.

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

**Answer:**

The business licenses are only for registration purpose.

As an investor, we are entitled to some investment incentives such as lower income tax rate which are specified by relevant laws and regulations and applied to other projects like ours. Locational and other incentives also apply in other countries, like Australia, Canada and the USA.

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

**Answer:**

Pursuant to law and regulations on enterprises, a registration certificate may be revoked in following circumstances:

- The information provided in the application for enterprise registration is false;
- The enterprise is established by persons banned from enterprise establishment; (Public employees under law of public employee are not allowed to establish private enterprise.)
- The enterprise's business operation is suspended for one year without notifying the business registration authority and tax authority;
- The enterprise fails to submit reports as prescribed in law to the business registration authority within 06 months from the deadline or from the receipt of a written request;

- Other cases decided by the Courts.

The Business Registration Office in Department of Planning and Investment of the province where our company is located has the authority to revoke the certificate.

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

1. Provide a description of your business' decision-making structure in general and in respect of the goods. This should identify the persons or bodies primarily responsible for deciding:
  - a. what goods are produced;
  - b. how the goods are produced;
  - c. how levels of inputs such as raw materials, labour and energy are set and secured;
  - d. how the use of your outputs, such as product mix, is determined; and
  - e. how your business' profit is distributed.

#### **Answer:**

Our company's decision-making process in general and in respect of the goods is described below:

Board of Directors of Hoa Phat Steel Sheet Co., Ltd is responsible for deciding matters relating to daily operations of our company, including:

- Signing labor contracts, recruiting workers, appointing and dismissing managers, deciding salary and bonus levels for workers;
- Organizing the implementation of the business plan of the company, deciding the production and sale of products manufactured or traded by the company (selling prices of steel products etc produced by the company);
- Making decision to buy raw materials, fuel, inputs to serve the production process of the company (purchase price, purchase volume, suppliers).

Based on decisions of the Board of Directors, other vice directors/ managers of departments in the company shall follow and instruct their employees to implement.



2. Provide a description of any Government of Vietnam input into the decision-making process respecting your manufacture, marketing and sale of the goods.

**Answer:**

The impact of the government on decision-making on the manufacture, marketing and sale of steel products:

The Government of Vietnam has no impact on the decision-making process of our Company.

The GOV recognizes the market economy for steel and steel products, so it does not impose controls on purchasing price, or selling steel prices and steel products. The steel business enterprises are responsible for their own business results on the principle of “inherit benefits, bear loss”.

Regarding the Steel Master Plan in Decision 694/QĐ-BCT dated 31 Jan 2013, the purpose of GOV is to ensure that “Vietnam’s steel industry can meet the demand for steel products for the national economy, ensure stable domestic consumption and exports. To develop sustainable and environmentally friendly steel industry”; thereby orienting the production output of steel products, production technologies and distribution planning to develop a long-lasting steel industry. These policies have no impact on price which is established by the forces of supply and demand.

Further, as also stated by Trade Remedies Authority of Vietnam (TRAV) – Ministry of Industry and Trade (MOIT) in their letter dated 20 Jan 2020 sent to the Commission, pursuant to Law on Planning No. 21/2017/QH14 dated 24 Nov 2017, all manufacturing industries, including steel industry, are no longer the subject of master plans developed by the GOV. Thus this Steel Master Plan is invalid. In fact, it is annulled as from 27 Dec 2018 by Decision No. 4977/QĐ-BCT of the MOIT.

Please see Exhibit H-4.2 Public for Law on Planning No. 21/2017/QH14 dated 24 Nov 2017 and Decision No. 4977/QĐ-BCT of the MOIT.

<p>3. Provide a list of all government departments/offices that are involved, either directly or indirectly, in your manufacture, sale or purchase of the goods.</p> <p><b><u>Answer:</u></b></p> <p>List of government authorities that are involved either directly or indirectly in the manufacture, sale or purchase of steel products follows:</p> <ul style="list-style-type: none"> <li>- Ministry of Industry and Trade: administrative management of the production and distribution of steel and other products.</li> <li>- Ministry of Finance: regulating tariffs imposed on all imports into Vietnam, including steel.</li> <li>- Customs offices: supervising and controlling the import and export of all products including steel.</li> <li>- Tax authorities: monitoring the results of production and business activities of enterprises in general including steel producers, collecting relevant taxes imposed on the manufacture, sales and purchase of steel products.</li> <li>- Ministry of Planning and Investment: managing the establishment of enterprises in general, and the establishment of factories, including steel manufacturing projects. This Ministry and other are responsible for all industries, not only steel.</li> <li>- Provincial People's Committee: approves and manages projects in provinces, in all economic sectors, including steel manufacturing projects.</li> </ul> <p>4. List and describe all reports that must be submitted to the Government of Vietnam periodically by your company, and identify the government department/office where each report is filed.</p> <p><b><u>Answer:</u></b></p> <p>The following reports must be submitted to the GOV periodically:</p> <ul style="list-style-type: none"> <li>- Financial reports: submitted to provincial tax authorities.</li> </ul>	
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- Environmental monitoring report: quarterly, submitted to the provincial Department of Natural Resources and Environment.
- Report on labor situation, labor safety: once every 6 months, to the provincial Department of Labor, War Invalids and Social Affairs.
- Report on labor environment monitoring: annually, to the provincial Department of Labor, War Invalids and Social Affairs.

Such reports are normal in virtually all countries in the world and are not unique to Vietnam.

5. Provide copies of the minutes of your Board of Directors and Board of Shareholders meetings over the period.

**Answer:**

Our Board of Directors held no such meetings during the period.

6. Provide copies of the notes to company meetings where pricing decisions on the goods under consideration have been made over the period.

**Answer:**

[\*] has the power to decide selling price of steel products. Such decisions are made based on [\*].

**H-5 Financial and investment activities**

1. Is your business debt funded? If yes, provide a list of all major lenders.

**Answer:**

Yes. The major lenders of our Company include:

- [\*].

2. What is the rate of interest paid by your business on all debt instruments over the last 5 years?

**Answer:**

<p>Average interest rate for the loans of the Company during the last 5 years:</p> <p>- [*].</p> <p>3. Has your business benefited from any concessional interest rates for your loans/debts in the last 5 years? If yes, provide details.</p> <p><b><u>Answer:</u></b></p> <p>No. Our Company does not benefit from any concessional interest rates for our loans with banks.</p> <p>4. Has your business raised any capital using issuance of shares, preferential shares, rights issue, bonds, warrants, debentures, sub-ordinate loans or any other debt and/or equity instruments in the last 5 years? If yes:</p> <ol style="list-style-type: none"> <li>explain what instruments were used;</li> <li>identify the type (e.g. government guarantee) and provider of the security; and</li> <li>explain the reasons for raising the capital.</li> </ol> <p><b><u>Answer:</u></b></p> <p>No. Apart from loans with banks as mentioned above, our Company [*].</p> <p>5. Does your business have policies on how cash reserves are to be invested? If yes, provide details</p> <p><b><u>Answer:</u></b></p> <p>No. Cash comprises cash balances, cash in transit and cash deposits. [*].</p> <p>6. Has your business invested in either government or non-government debt securities (such as bonds, quasi-government bonds)? If yes, provide details (e.g. type of instrument, amount invested and the expected rate of return).</p> <p><b><u>Answer:</u></b></p>	
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No. Our Company has not invested in any government or non-government debt securities.

#### **H-6 Government policy on the industry**

1. Are there any Government of Vietnam opinions, directives, decrees, promulgations, measures, etc. concerning the industry of the goods that were put in place or operating during the period? If yes, please provide:

- (a) copy of the documentation and a translation in English;
- (b) documentation concerning the Government of Vietnam or any association of the Government of Vietnam's notification of the measures concerning the goods to your company during the period.

#### **Answer:**

The GOV opinions, directives, decrees, promulgations, measures, etc. concerning the industry of the goods that have been put in place or announced during the period are as follows:

a. Regarding regulations on steel quality management:

Pursuant to Joint Circular No. 58/2015/TTLT-BCT-BKHCN (Exhibit H-6.1.a Public) dated December 31, 2015, domestic producers and importers of steel products have to identify standards applied to their steel products. Imported steel was additionally subject to conformity assessment with such announced standards which shall be carried out by the designated assessing bodies.

Domestic steel is not required to undergo quality assessment. However pursuant to Law on quality of goods, quality of products that are domestically manufactured could be inspected by competent examination teams if there is complaint of customers regarding goods quality.

Standards announced for imported or domestically produced steel products:

- In case the producers or importers of steel apply basic standards to announce as the applied standards, technical requirements of the basic standards shall not

<p>lower than those regulated in national standards of Vietnam (TCVN).</p> <ul style="list-style-type: none"> <li>- In case the national standards of Vietnam (TCVN) are not available, technical requirements of the basic standards shall not lower than those regulated in corresponding national standards of exporting country or international standards.</li> <li>- In case the national standards of Vietnam (TCVN), the national standards of exporting country and the international standards are not available, the basic standards must satisfy requirements below.</li> </ul> <p>Announced standards must include the following basic criteria for steel products:</p> <ul style="list-style-type: none"> <li>- Criteria of dimension, appearance and physio-mechanical properties: Geometrical dimension: diameter/thickness, width; length; Appearance: surface, mill edge; Criteria of physio-mechanical properties; Metallic clad/ coated/ plated steel: thickness of cladding/coating/plating and adherence shall be additionally specified.</li> <li>- Criteria of chemical properties: Content of 05 elements including C, Si, Mn, P and S of steel products must be specified; Stainless steel products: content of 02 elements including Cr and Ni must be additionally specified; Alloy steel products: content of at least 01 alloying element (according to registered kind of alloy steel).</li> </ul> <p>However, in 2017, this Joint Circular No. 58/2015/TTLT-BCT-BKHCN was amended by Circular No. 18/2017/TT-BCT (Exhibit H-6.1.b Public) dated September 21, 2017. Pursuant to Circular No. 18/2017/TT-BCT, domestic producers and importer of steel products are no longer required to identify applied standards and imported steel does not have to undergo conformity assessment.</p> <p>b. Regarding taxes and duties imposed on imported steel products:</p> <ul style="list-style-type: none"> <li>- Import taxes imposed on steel products are specified in Decree No. 122/2016/ND-CP dated September 01, 2016 (Exhibit H-6.1.c Public) which is amended by</li> </ul>	
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<p>Decree No. 125/2017/ND-CP dated November 16, 2017 (Exhibit H-6.1.d Public)</p> <p>In addition, there are also trade remedy safeguard measures applied to some imported steel products as below:</p> <ul style="list-style-type: none"> <li>- Decision No.2968/QD-BCT (Exhibit H-6.1.e Public) dated July 18, 2016 of the Ministry of Industry and Trade on application of safeguard measures on imported billet and long products; and Decision No. 918/QD-BCT (Exhibit H-6.1.f Public) dated 20 Mar 2020 extending the application of safeguard measures on imported billet and long products.</li> <li>- Decision No. 1230/QD-BCT (Exhibit H-6.1.g Public) dated May 13, 2019 of the MOIT on application of measures against circumvention of safeguard measures on steel coil and steel wire products and Decision No. 920/QD-BCT (Exhibit H-6.1.h Public) dated 20 Mar 2020 extending the application of of measures against circumvention of safeguard measures on steel coil and steel wire products.</li> <li>- Decision No. 1105/QD-BCT (Exhibit H-6.1.i Public) dated 30 Mar 2017 of the MOIT on application of anti-dumping measure on imported coating steel.</li> <li>- Decision No. 3198/QD-BCT (Exhibit H-6.1.j Public) dated 24 Oct 2019 of the MOIT on application of anti-dumping measure on imported flat-rolled, painted products of alloy or non-alloy steel.</li> <li>- Decision No. 1931/QD-BCT (Exhibit H-6.1.k Public) dated May 31, 2017 of the MOIT on application of safeguard measures on imported color-coated steel sheet.</li> </ul> <p>These safeguard measures are normal trade remedies designed to address specific instances of injurious imports.</p> <p>2. Provide information concerning the name of any Government of Vietnam departments, bureaus or agencies responsible for the administration of all Government of Vietnam measures concerning the industry of the goods in the regions, provinces or special economic zones where your company is</p>	
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<p>located, including contact information regarding the following areas:</p> <ul style="list-style-type: none"> <li>• industrial policy and guidance on the industry;</li> <li>• market entry criteria for the industry;</li> <li>• environmental enforcement for the industry;</li> <li>• management of land utilisation;</li> <li>• investigation and inspection of expansion facilities;</li> <li>• import licensing for raw materials relating to the goods under consideration.</li> </ul> <p><b><u>Answer:</u></b></p> <p>1. The GOV bureau that is responsible for the administration of the GOV's measures concerning the industry of the goods, in Vietnam is Ministry of Industry and Trade. Their address and contact number:</p> <p>Address: 54 Hai Ba Trung street, Hoan Kiem district, Hanoi, Vietnam</p> <p>Tel: [*]</p> <p>Fax: [*]</p> <p>Email: [*]</p> <p>As for HOA PHAT STEEL SHEET COMPANY LIMITED located in Hung Yen province, Department of Industry and Trade of Hung Yen province is the provincial administrative agency in charge, including the steel industry in the region where our factory is located.</p> <p>Address: Quang Truong street, Hien Nam ward, Hung Yen province, Vietnam</p> <p>Tel: [*] / [*] Fax: [*]</p> <p>Email: [*]</p> <p>Contact information regarding the following areas:</p> <p>➤ <b><i>Industrial policy and guidance on the industry</i></b></p> <p>Ministry of Industry and Trade as above contact information is responsible for all industry sectors of Vietnam (including steel industry). Ministry of Industry and Trade is responsible for issuing guidance on relevant matters industry/ manufacturing in general, including the steel industry.</p>	
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<p>Department of Industry and Trade of Hung Yen province is responsible for managing industry (including the steel industry) of the region where our company is located. Please refer to Hung Yen Department of Industry and Trade as above contact information.</p> <p>Provincial department is responsible for guiding local producers on implementation of regulations issued by Ministry of Industry and Trade.</p> <p>* Please note that the various agencies which the Commission addresses in this question are not specifically or uniquely dedicated to the industry of the goods. In every case they have much broader responsibilities and activities. The industry of the goods is only one of the economic sectors that MOIT oversees.</p> <p>➤ <i>Market entry criteria for the industry</i></p> <p>Not applicable. There is no specific regulation on market entry criteria for the steel industry sector.</p> <p>➤ <i>Environmental enforcement for the industry</i></p> <p>Ministry of Natural Resources and Environment is the governmental agency that manages environment issues on a national scale</p> <p>Address: 10 Ton That Thuyet street, Cau Giay district, Hanoi, Vietnam</p> <p>Tel: [*]</p> <p>Fax: [*]</p> <p>Email: [*]</p> <p>The provincial governmental agency identified below manages environmental issues in the region where our factory is located:</p> <p>Department of Natural Resources and Environment of Hung Yen province</p> <p>Address: No. 437 Nguyen Van Linh street, Hung Yen city, Hung Yen province, Vietnam</p> <p>Tel: [*] Fax: [*]</p> <p>Email: [*]</p> <p>Environmental requirements are applied to all economic sectors pursuant to environmental laws and regulation.</p>	
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<p>There is no specific requirement dedicated to the industry of goods.</p> <p>➤ <i>Management of land utilization</i></p> <p>Ministry of Natural Resources and Environment has the authority to manage land utilization for the whole country.</p> <p>In the region where our factory is located, the provincial Department of Natural Resources and Environment is responsible for managing land utilization of such region. Please refer to Department of Natural Resources and Environment of Hung Yen province as above contact information.</p> <p>Land utilization regulations are applied to all economic sectors and are not unique to steel.</p> <p>➤ <i>Investigation and inspection of new steel expansion facilities</i></p> <p>Management of issues regarding new steel expansion facilities will involve the following governmental agencies:</p> <ul style="list-style-type: none"> <li>- Ministry of Planning and Investment is the governmental agency responsible for investment management, including new steel expansion facilities.</li> </ul> <p>Address: No. 6B, Hoang Dieu, Ba Dinh district, Hanoi, Vietnam</p> <p>Tel: [*]</p> <p>Fax: [*]</p> <ul style="list-style-type: none"> <li>- The following provincial governmental agency manages investment issues at the region where our factory is located:</li> </ul> <p>Department of Planning and Investment of Hung Yen province is the governmental management agency in the locality where our factory is located.</p> <p>Address: No. 8 Chua Chuong street, Hien Nam ward, Hung Yen city, Hung Yen province, Vietnam</p> <p>Tel: [*]</p> <p>Fax: [*]</p> <p>Email: [*]</p>	
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The ministry manages investment issues, including steel expansion pursuant to laws and regulations. They do not have power to impose any specific requirement, any requirement/ measure to manage any factory/ facility including steel plant is regulated in law.

Ministry of Industry and Trade is the governmental agency responsible for managing the steel industry in general.

In fact, MOIT is responsible for the oversight of all economic sectors. The steel industry is only one of the sectors under MOIT responsibility. MOIT performs its tasks in accordance with the laws and regulations of Vietnam. If our company conducts any business activity/ investment which requires opinion of MOIT pursuant to law, MOIT will issue an opinion. But specifically MOIT has governmental regulatory powers. MOIT is not involved in Hoa Phat's operation.

The Department of Industry and Trade of Hung Yen province is responsible for developing and administering policies to advance and develop industry in Vietnam. This includes the steel industry of the region where our company is located. Please refer to Hung Yen Department of Industry and Trade as above contact information.

MOIT is responsible for advancement of all economic sectors on a national scale. Below the national level of governmental management is provincial department of industry and trade. This provincial department is responsible for implementing laws and regulations, guidance of MOIT at the provincial level.

➤ ***Import licensing for raw materials relating to the goods under consideration.***

Raw materials are not included on the list of prohibited or limited goods for import and are not subject to import licensing.

Import safeguards are trade remedies regulated by Article XIX of GATT (1994) and the World Trade Organization Agreement on Safeguards. Australia has several provisions in the Customs Act 1901 which relate to safeguards.

Regarding safeguards duty, General Department of Customs is responsible for managing importation of goods and collecting duty and taxes applied to imported goods including safeguards duty. These provisions are broadly

<p>available and are not limited to the goods under consideration.</p> <ul style="list-style-type: none"> <li>- General Department of Customs</li> </ul> <p>Address: Block E3, Duong Dinh Nghe street, Yen Hoa ward, Cau Giay district, Hanoi, Vietnam</p> <p>Tel: [*]</p> <p>Email: [*]</p> <ul style="list-style-type: none"> <li>- Department of Customs of Hai Phong province is the governmental management agency in charge of customs issues in Hung Yen province where our factory is located.</li> </ul> <p>Address: No. 159 Le Hong Phong street, Hai An ward, Hai Phong city, Vietnam</p> <p>Tel: [*]</p> <p>Fax: [*]</p> <p>Email: [*].</p> <p>3. Describe any role your company plays in the development of government's industrial plans and/or policies at all levels of government. For example, does your company provide information for, or request inclusion in, any plans, policies, or measures?</p> <p><b><u>Answer:</u></b></p> <p>Our company does not play any roles in the development of government's industrial plans and/or policies at all levels of government.</p> <p>4. Does your company provide information relating to assessments of the implementation of the plan, policy or measure?</p> <p><b><u>Answer:</u></b></p> <p>Our company does not provide information relating to assessments of the implementation of the plan, policy or measure.</p> <p>5. Has the Government of Vietnam recognised your company and/or industry as one of priority (for</p>	
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example, designated as a “pillar,” “encouraged,” or “honourable” company and/or industry?). If yes, please answer the following questions.

- (a) Explain the purpose of these designations, the criteria for receiving any such designation, and the benefits or obligations that arise from each such designation.
- (b) Is there any connection between these designations and five-year plans or other industrial and/or economic policies or administrative measures?
- (c) Describe any instances in which your company cited Government of Vietnam plans, policies, or measures as support for receiving the financing that you report.

**Answer:**

Our company has never been recognised as one of priority like “pillar,” “encouraged,” or “honourable” company and/or industry by the GOV.

6. How has the Government of Vietnam’s *Steel Master Plan* or *Industrial Development Strategy* impacted on your business and how do you ensure compliance with this policy?

**Answer:**

Our company does not take account or have regard to any Steel Master Plans in its daily operations and business decisions. The contents of the Steel Master Plan do not apply to projects involving manufacturing steel pipes and do not address the activities of Hoa Phat Steel Sheet Co., Ltd.

**H-7 Taxation**

1. Were there any export taxes on the exports of the goods during the period?

**Answer:**

Pursuant to Decree No. 122/2016/ND-CP (Exhibit H-6.1.c public) and Decree No. 125/2017/ND-CP (Exhibit H-6.1.d

<p>Public), there are no export taxes on the goods under consideration.</p> <p>2. What was the value-added tax rebate applicable to exports of the goods during the period?</p> <p><b><u>Answer:</u></b></p> <p>Not applicable. VAT on exported goods under consideration is zero rated, consistent with WTO rules so there was no value-added tax rebate applicable to exports of the goods during the period.</p> <p>3. Have there been any changes to the value-added tax rebate applicable to exports of the goods in the last 5 years? If yes, provide:</p> <ul style="list-style-type: none"> <li>(a) a detailed chronological history of the value-added tax rebate rates;</li> <li>(b) products affected;</li> <li>(c) the effective dates of the rate changes;</li> <li>(d) fully translated copies of any Government of Vietnam notices regarding these changes, including the relevant appendices.</li> </ul> <p><b><u>Answer:</u></b></p> <p>There is no changes to the policy of value-added tax rebate in the last 5 years. Regarding exports of the goods, there is no value-added tax applicable to such exports so tax rebate is not applicable.</p> <p>4. Are you aware of any tax changes being planned that would impact the industry?</p> <p><b><u>Answer:</u></b></p> <p>Our company are not aware of any tax changes being planned that would impact the industry.</p>	
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**H-8 Sales Terms**

1. Identify the person who authorises the sales terms, prices and other contract provisions for the sale of the goods by your business.

**Answer:**

[\*] has power to decide sales terms, prices and other contract provisions for the sale of the goods.

2. Explain how the selling prices of the goods under consideration by your business are determined, including any Government of Vietnam involvement in your business' pricing decisions, and indicate if the goods are subject to Government of Vietnam direct or indirect pricing or government guidance pricing.

**Answer:**

Decisions of the Director of our company on the selling prices of the goods under consideration are made based on the following factors:

- [\*].

3. Does your business coordinate the selling prices or supply of the goods with other domestic producers or any Government of Vietnam departments? If yes, provide details.

**Answer:**

Our company does [\*].

4. Explain whether your business provides information or data to the Government of Vietnam, other government officials or commercial/industry organisations, including those outside of Vietnam, which report on the industry.

**Answer:**

We have not submitted information with respect domestic selling prices to any GOV agency, nor any official at the provincial, regional or special economic zone level.

[\*].

5. Explain whether your business provides price data to any other person at any level of government.

**Answer:**

Our company does not provide price data to any other person at any level of government.

**H-9 Industry associations**

1. Is your business a member of any business or industry associations? If yes, explain your business' relationship with the association and the involvement of the Government of Vietnam with the associations.

**Answer:**

[\*]. VSA is a trade association which represents domestic steel producers in Vietnam. The VSA generally collects opinions of steel producers and makes proposals to GOV relating to any law and regulation for steel industry.

VSA communicates the views of its members to GOV on a range of issues and matters of interest to its members.

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

**Answer:**

Hoa Phat Group JSC [\*]. Membership in VSA is voluntary, not mandatory.

VSA supports our company in communicating our opinions to the GOV, collecting information of domestic steel market and foreign steel market, connecting our company with foreign steel associations, providing technical assistance relating to steel production, providing update of laws and regulations regarding steel industry.



**H-10 Statistics submission/recording**

1. Indicate if your business makes submissions to the General Statistics Office of Vietnam and/or any other government organisation. If yes, explain the purpose of these submissions and the type of information submitted.

**Answer:**

We provide data regarding output inventory, production output, sales output and sales turnover monthly to the provincial Department of Statistics. This data is used by the Department of Statistic for statistical purposes and for management purposes.

2. Provide a recent example of a submission that has been made to the General Statistics Office of Vietnam and/or any other government organisation. For example, monthly data relating to sales, production and costs.

**Answer:**

Please see Exhibit H-10.2 Confidential.

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

**Answer:**

The Department of Statistics simply receives our submission, they do not have to approve or assess our report.

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

**Answer:**

The Department of Statistics does not provide feedback on our submission.

**H-11 Production/output**

1. Is any part of your production subject to any national/regional industrial policy or guidance? If yes,

<p>provide details including a background of the policy/guidance and explain any restriction imposed by the policy/guidance. To what extent are any of the policies/guidelines applicable to your business?</p> <p><b><u>Answer:</u></b></p> <p>No. There are no restrictions or guidance by GOV on our production, sale and/or export of steel products, including the goods under consideration.</p> <p>2. Where applicable, how did your business respond to the policies/guidelines?</p> <p><b><u>Answer:</u></b></p> <p>There are no such policies to respond to.</p> <p>3. Provide details regarding any other restrictions (e.g., geographic/regional, downstream, use, etc.) to the sale of the goods and/or like goods that may be imposed by the Government of Vietnam.</p> <p><b><u>Answer:</u></b></p> <p>There are no restrictions on the sale of goods and/or like goods domestically or for export. GOV does not impose any restriction on the sale of goods and/or like goods since they are not prohibited or restricted for trading products.</p> <p>4. Provide a list of all your domestic customers of the like goods, include the location (city and province) of the customer and indicate whether each customer is a SIE.</p> <p><b><u>Answer:</u></b></p> <p>Please see Exhibit D-2 Confidential - Domestic sales for all domestic customers of the like goods, with their location and whether they are SIE or not.</p> <p>5. Are there any restrictions and/or conditions in relation to the quality or quantity of the production of the goods placed upon your business? If yes, provide details.</p> <p><b><u>Answer:</u></b></p>	
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<p>There are no restrictions and/or conditions in relation to the quality or quantity of the production of the goods placed upon your business.</p> <p>6. Does your business require an export licence? If yes, provide details.</p> <p><u>Answer:</u></p> <p>Our company is not required an export license in order to export the goods under consideration.</p> <p>7. Are the goods sold by your business subject to any export restrictions and/or limits during the previous 5 years? If yes, provide details.</p> <p><u>Answer:</u></p> <p>The goods under consideration produced by our company are not subject to any export restrictions and/or limits during the previous 5 years or even currently.</p> <p>8. Provide details regarding any other restrictions (e.g., geographic/regional, downstream, end use) placed upon your business on the sale of the goods.</p> <p><u>Answer:</u></p> <p>GOV does not impose any other restriction on sale of the goods since they are not prohibited or restricted for trading products.</p> <p>9. Have there been any changes to your production capacity over the last 5 years? If yes, provide details.</p> <p><u>Answer:</u></p> <p>Please see answer of Question H-13.1 below.</p> <p>10. Does your business benefit from any concession on the purchase of any utility services (e.g. electricity, gas, etc.)? If yes explain the nature and the amount of the concession?</p> <p><u>Answer:</u></p>	
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Our company does not receive any benefit from any concession on the purchase of any utility services such as electricity, gas, etc.

#### **H-12 Sales price**

1. Explain whether your business has been subjected to any direct or indirect price guidance or controls by the Government of Vietnam during the period.

**Answer:**

We were not and are not subjected to any direct or indirect price guidance by the GOV during the period.

2. Explain whether your business has been subjected to any direct or indirect price guidance or controls by the Government of Vietnam during the period, with respect to raw material inputs.

**Answer:**

We are not subjected to any direct or indirect price guidance by the GOV for purchasing raw material inputs.

3. Explain whether your business has encountered any price guidance or controls established by regional or provincial officials and/or organisations.

**Answer:**

We have not encountered any price guidance or controls established by regional, provincial official and/or organisations.

4. Describe in detail how the selling price of the goods is determined. In particular, provide details of any restrictions, limitations, or other considerations imposed on your business.

**Answer:**

The selling prices of steel products of our company are determined based on the following factors:

- [\*].

<p>There is no restrictions, limitations or other considerations exist or are imposed on our company.</p> <p>5. Which organisation/business entity do you consider as the price leader of the goods?</p> <p><b><u>Answer:</u></b></p> <p>In our opinion, there is no price leaders exist in steel pipe sector as there is high transparency of supply and demand conditions, and costs of production amongst local manufacturers show very little variance.</p> <p>6. Does your business have a pricing committee in respect of the goods? If yes, provide the names and positions of all members of the committee.</p> <p><b><u>Answer:</u></b></p> <p>Our company does not have a pricing committee in respect of the goods.</p> <p>7. How often does the pricing committee meet to discuss selling prices of the goods? Provide the minutes or any other relevant documents of all meetings of the pricing committee during the period.</p> <p><b><u>Answer:</u></b></p> <p>Not applicable. As we mentioned above, we do not have the pricing committee.</p> <p>8. Identify the person who authorises the sales terms, prices and other contract provisions for the sale of the goods by your business.</p> <p><b><u>Answer:</u></b></p> <p>[*] determines the terms and conditions of each contract such as quantity, unit price, term of payment, etc.</p> <p>9. If you have production facilities of the goods in more than one region and/or province, are the laws and regulations in each region the same with respect to</p>	
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<p>pricing of the goods? If no, provide details on the differences.</p> <p><b><u>Answer:</u></b></p> <p>There is no law or regulation specifying selling prices of steel products. [*].</p> <p><b>H-13 Adding capacity and/or joint ventures</b></p> <p>1. Provide a detailed explanation with respect to the government approval process on adding capacity and/or joint ventures in relation to your business.</p> <p><b><u>Answer:</u></b></p> <p>The government approval process for [*], and/or joint ventures in general is specified in the Law of Investment, which has general application, and relevant regulations, which are applied to all other sectors in Vietnam:</p> <p>Generally the approval process is as below:</p> <p>Pursuant to investment law, the approval process is below:</p> <p>Step 1: We submit a project dossier to the competent registry office. The dossier shall include required documents in accordance with laws.</p> <p>Step 2: On receiving the dossier, the registry office checks to determine whether the dossier is satisfactory or not.</p> <p>If it is satisfactory, and if the registry office has to collect opinions from other regulatory agencies for the project, the registry office shall send the dossier to these agencies asking for opinions.</p> <p>Step 3: The registry office shall make and submit an appraisal report, such report shall compile opinions of relevant regulatory agencies (if required), to the competent approval authority.</p> <p>Step 4: The competent approval authority shall issue the decision on approval for the project.</p> <p>2. Does the government have the right to request modifications in the terms of adding capacity and/or joint ventures? If yes, provide a detailed explanation.</p> <p><b><u>Answer:</u></b></p>	
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There is no advice or instruction or request on adding capacity and/or joint ventures from the GOV.

#### **H-14 Raw materials**

1. Are any of the suppliers related or affiliated with you?  
If yes, provide details.

**Answer:**

Yes. There are suppliers which are the related companies. Please see Exhibit G-7.4 Confidential for the list of suppliers of the Company in the period of investigation.

2. Do you purchase from State Invested Enterprises? If yes, provide a details.

**Answer:**

No. We do not purchase raw material from State Invested Enterprises. Please see Exhibit G-7.4 Confidential for the list of suppliers of the Company in 2019.

3. If your supplier is based outside Vietnam, what import duty rate is applied on the raw materials?

**Answer:**

Our company imported [\*].

4. Is there a price difference in purchase price for raw materials between your suppliers? If yes, provide a detailed explanation.

**Answer:**

Prices for raw materials may [\*].

5. Describe in detail your business' purchase procedures of the raw materials, the considerations in selecting a supplier and how the price of the raw materials is determined between you and your suppliers. If it is by tenders, provide details of the criteria/conditions.

**Answer:**

<p>The procedure for buying raw materials and the considerations in selecting a supplier:</p> <p>[*].</p> <p>6. If any of your raw materials for the goods and/or like goods are imported by your business, or related businesses:</p> <p>a. Provide details including a description of the raw material imported, the supplier and country of origin.</p> <p><b><u>Answer:</u></b></p> <p>Our company [*].</p> <p>Please see Exhibit G-7.4 Confidential – Raw material purchase for details.</p> <p>b. Explain the process required to import the raw materials (e.g. obtaining an import licence, import declarations).</p> <p><b><u>Answer:</u></b></p> <p>Regarding the import of raw materials, we have to follow procedure as described below:</p> <p>Step 1: (Applied to the import of non – alloyed HRC only)</p> <p>In 2019, non-alloyed HRC is under the list of group-2 products under the management of Ministry of Science and Technology according to Decision No. 3482/QD-BKHCN dated 8 Dec 2017 of the Ministry of Science and Technology.</p> <p>To register inspection of imported raw materials as prescribed in Form No. 1 DKKT enclosed with Circular No. 27/2012/TT-BKHCN dated December 12, 2012 (amended by Circular No. 07/2017/TT-BKHCN dated June 16, 2017) to the Bureau of Standard, Metrology and Quality.</p> <p>Within 1 working day, the Bureau of Standard, Metrology and Quality shall certify that our company has registered inspection of imported non – alloyed HRC. The company shall submit the written registration bearing certification of</p>	
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<p>the inspecting agency to customs authority for clearance of goods;</p> <p>Step 2: (applied to all imported raw materials) To prepare a dossier for clearance of goods, which includes:</p> <ul style="list-style-type: none"> <li>- The customs declaration form;</li> <li>- Commercial invoices or equivalent documents;</li> <li>- The bill of lading or equivalent transport documents;</li> <li>- Written registration bearing certification of the inspecting agency (for the import of non – alloyed HRC)</li> <li>- Value declaration;</li> <li>- Documents certifying goods origins.</li> </ul> <p>Step 3 (For the import of non – alloyed HRC): Within 15 working days from the date of clearance, the importer shall submit a copy of origin of the certification or appraisal in conformity with national technical regulation as prescribed to the inspecting agency.</p> <p>However, since 18 Dec 2019, the Decision No. 3482/QĐ-BKHCHN is replaced by the Decision No. 3810/QĐ-BKHCHN and non-alloy HRC is not under the list of group-2 products under the management of Ministry of Science and Technology. From now on, we do not have to conduct Step 1 and Step 3 for importing non-alloyed HRC.</p> <p style="padding-left: 40px;">c. Provide details of any conditions to importing the raw materials (e.g. customs and/or quarantine).</p> <p><b><u>Answer:</u></b></p> <p>For HRC (non-alloyed):</p> <p>Our company shall be granted the written registration bearing certification of the Bureau of Standard, Metrology and Quality.</p> <p>Then we must send it to customs before making declaration, detailing the goods' name, quantity, discharging port and estimated time to arrive in Vietnam, etc.</p>	
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For HRC (alloyed) and Al – Zn: There are no conditions must be met for importation.

- d. Are you eligible for a duty drawback? If yes, provide details.

**Answer:**

Not applicable. The import tariff for HRC and zinc is 0% so we do not process duty drawback.

7. Do you, or a business associated with you, sell any of the raw materials used to manufacture the goods and/or like goods, or sell the semi-processed goods?

**Answer:**

[\*].

- a. Please provide a description of the raw material or semi-processed goods which are sold, including whether they are domestic or export transactions, to related or unrelated parties, and how the selling price is determined.

**Answer:**

Regarding raw material, we buy [\*].

- b. If there is a difference in selling prices between related and unrelated parties, please provide reasons as to why.

**Answer:**

There is [\*].

## SECTION I VIETNAMESE MARKET

### **I-1 Prevailing conditions of competition in the Vietnamese market**

1. Describe the Vietnamese market for the goods and the prevailing conditions of competition within the market, including:

<p>(a) Provide an overall description of the market in Vietnam which explains its main characteristics and trends over the past five years;</p> <p><b><u>Answer:</u></b></p> <p>The overall market in Vietnam is characterised by robust growth in capacity and increasing numbers of manufacturers of differing sized operations, which has led to strong competitive market conditions.</p> <p>With the development of industrial, infrastructure and urban construction activities, the demand of Al-Zn coated steels is growing in Vietnam. Through time, there has been an increase in the demand for quality and many thicknesses which had been hard to produce in the past (i.e: 0.25mm and 0.3mm).</p> <p>(b) Provide the sources of demand for the goods in Vietnam, including the categories of customers, users or consumers of the product;</p> <p><b><u>Answer:</u></b></p> <p>The main source of demand for coated steel products involve roofing, to be input material for pre-painted steel production other general mechanical or manufactured end-use applications.</p> <p>In Vietnamese market, coated steel products of factories are mainly supplied to agents, from which agents sell to construction projects, other companies and households.</p> <p>(c) Provide an estimated proportion (%) of sales revenue from each of those sources of demand listed in (b);</p> <p><b><u>Answer:</u></b></p> <p>The Company does not have information to provide to the Commission.</p> <p>(d) Describe the factors that influence consumption/demand variability in Vietnam, such as seasonal fluctuations, factors contributing to overall market growth or decline, government regulation, and developments in technology affecting either demand or production;</p> <p><b><u>Answer:</u></b></p>	
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The factors affecting consumption/ demand of coated steel in Vietnam are as follows:

- [\*].

(e) Describe any market segmentations in Vietnam; such as geographic or product segmentations;

**Answer:**

Market segmentations in Vietnam based on geographic area include:

- [\*].

(f) Provide an estimated proportion of sales revenue from each of the market segments listed in (e);

**Answer:**

The Company does not have information to provide to the Commission.

(g) Describe the way in which Vietnamese and imported goods compete in the Vietnamese market;

**Answer:**

There is negligible presence of imported goods in the domestic Vietnamese market. To the extent that imports do enter the market, the Company competes against these importers in the same manner that it competes against other domestic producers, which is to offer a quality product with reliable service delivery.

(h) Describe the ways that the goods are marketed and distributed in the Vietnamese market; and

**Answer:**

Being a fairly commoditised product, the subject goods are not required to be marketed to domestic customers, as producers and suppliers are well known to market participants, and quality of products is fairly uniform across the numerous suppliers.

Commonly coated steel produced by domestic factories are [\*].

- (i) Describe any other factors that are relevant to characteristics or influences on the Vietnamese market for the goods.

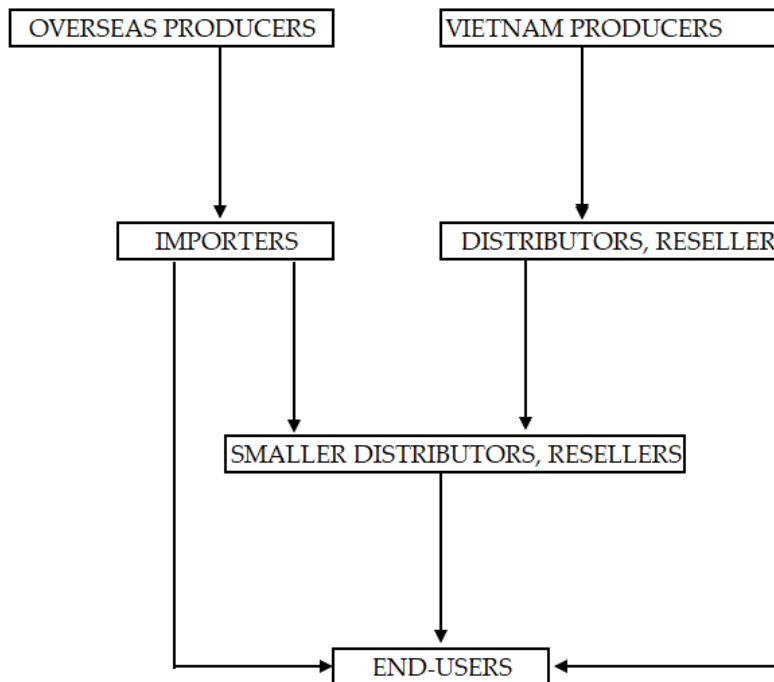
*Provide documentary evidence to support the responses made to questions 1(a) to (i).*

**Answer:**

There are no other known relevant factors.

2. Provide a diagram which describes the Vietnamese market structure for the goods, ensuring that all categories of participants are included. In this diagram use linkages to illustrate the different levels of trade and distribution channels within the Vietnamese market.

**Answer:**



Vietnam's coated steel market has no barriers to entry, manufacturing companies (of all types of ownership sectors (state-owned, non-state owned, foreign-owned) are free to decide to enter the market. The coated steel manufacturers fairly compete with each other based on production capacity, product quality, distribution system organization, etc.

Coated steels produced by factories are mainly distributed to agents by geographical area, and then these agents distribute the products to consumers.

3. Describe the commercially significant market participants in the Vietnamese market for the goods at each level of trade over the investigation period. Include in your description:

- names of the participants;
- the level of trade for each market participant (e.g., manufacturer, reseller, original equipment manufacturer (EOM), retailer, corporate stationer, importer, etc.);
- a description of the degree of integration (either vertical or horizontal) for each market participant; and
- an estimation of the market share of each participant.

**Answer:**

Please see the answer of Question I-1.2.

4. Identify the names of commercially significant importers in the Vietnamese market for the goods over the investigation period and estimate their market share. Specify the country each importer imports from and their level of trade in the Vietnamese market, if known.

**Answer:**

We do not have information of commercially significant importers in the Vietnamese market for the goods.

<p>5. Describe the regulatory framework of the Vietnamese market for the goods as it relates to competition policy, taxation, product standards and the range of the goods. Provide a copy of any regulation described, if available.</p> <p><b><u>Answer:</u></b></p> <p>The basic regulations of Vietnamese market for the goods include:</p> <p>➤ Regarding competition policy, Law on Competition applies to all goods/ all industries, not just coated steels.</p> <p>Basic principles specified by Law on Competition are:</p> <ul style="list-style-type: none"> <li>- Enterprises are entitled to freedom of competition in accordance with legal provisions. The State guarantees the lawful right to competition in business.</li> <li>- Competition must be implemented on the principles of honesty, fairness, non-infringement upon the interests of the State, public interests, legitimate rights and interests of enterprises and consumers.</li> </ul> <p>Prohibited acts related to competition are:</p> <ul style="list-style-type: none"> <li>- State agencies are prohibited from performing the following acts to prevent competition on the market: <ul style="list-style-type: none"> <li>+ Forcing, requesting, recommending enterprises, organizations or individuals to or not to buy, sell specific products, provide services or from/to specific enterprises, except for products and services in state-monopolized domains or in emergency cases prescribed by law;</li> <li>+ Discriminating among enterprises;</li> <li>+ Forcing, requesting, recommending industry associations, social-occupational organizations or enterprises to associate with one another with a view to restrain competition on the market;</li> <li>+ Taking advantage of their positions and powers to illegally intervene the competition.</li> </ul> </li> <li>- Organizations, individuals are prohibited from providing information, mobilizing, encouraging,</li> </ul>	
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<p>coercing or enabling enterprises to engage in anti-competitive practices or unfair competition.</p> <p>Please see Exhibit I-1.5.a Public for the Law on Competition.</p> <ul style="list-style-type: none"> <li>➤ Regarding taxation, domestic coated steel is just subject to VAT only. VAT rate is 10% for the goods.</li> <li>➤ Regarding product standards, there is no Vietnam standards for Al-Zn coated steel, just standards for coated steels in general.</li> </ul> <p>However, there is no requirement that the coated steel must meet specific standards. Customers require for standard of coated steel based on their need.</p> <p>6. Describe any entry restrictions for new participants into the Vietnamese market for the goods. Your response could include information on:</p> <ul style="list-style-type: none"> <li>• resource ownership;</li> <li>• patents and copyrights;</li> <li>• licenses;</li> <li>• barriers to entry;</li> <li>• import restrictions; and</li> <li>• government regulations(including the effect of those government regulations).</li> </ul> <p><i>In responding to question 6 ensure that relevant regulations are referenced.</i></p> <p><b><u>Answer:</u></b></p> <p>The Company is not aware of any restrictions to entry for new participants.</p> <p><b>I-2 Goods in the Vietnamese market</b></p> <p>1. Generally describe the range of goods offered for sale in the Vietnamese market. The description should include all like goods, including those produced by your company. Your description could include information about:</p> <ul style="list-style-type: none"> <li>• quality differences;</li> </ul>	
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- price differences;
- supply/availability differences;
- technical support differences;
- the prevalence of private labels/customer brands;
- the prevalence of generic or plain labels;
- the prevalence of premium labels; and
- product segmentation.

**Answer:**

a. Description of the coated steel sold in Vietnam market: [\*].

b. The market of products can be [\*].

2. Describe the end uses of the goods in the Vietnamese market from all sources.

**Answer:**

The goods are used in construction projects like roofing, sandwich panel, manufacturing pre-painted products, etc. There are no special purposes of the goods' end uses.

3. Describe the key product attributes that influence purchasing decisions or purchaser preferences in the Vietnamese market. Rank these preferences or purchasing influencers in order of importance.

**Answer:**

The key product attributes influencing purchasing decisions of customers are:

Compliance with relevant technical standards (ie, mechanical and chemical characteristics).

The goods' suitability with end use purposes.

<p>4. Identify if there are any commercially significant market substitutes in the Vietnamese market for the goods.</p> <p><u>Answer:</u></p> <p>There are no known commercially significant market substitutes for the subject goods.</p> <p>5. Identify if there are any commercially significant market complements in the Vietnamese market for the goods.</p> <p><u>Answer:</u></p> <p>There are no known commercially significant market complements for the subject goods.</p> <p>6. Have there been any changes in market or consumer preferences in the Vietnamese market for the goods in the last five years? If yes, provide details including any relevant research or commentary on the industry/sector that supports your response.</p> <p><u>Answer:</u></p> <p>There is no change in market or consumer preferences in the Vietnamese market for the goods in the last five years. The goods continue to be marketed and consumed in the same manner over the last five years.</p> <p><b>I-3 Relationship between price and cost</b></p> <p>1. Describe the importance of the Vietnamese market to your company's operations. In your response describe:</p> <p><u>Answer:</u></p> <p>The sales (and profits) of the Company in the Vietnamese markets accounts for the substantially proportion of total sales and profits of the Company.</p> <p>(a) The proportion of your company's sales revenue derived from sales of the goods in Vietnam; and</p> <p><u>Answer:</u></p> <p>Please see Exhibit B-4 Confidential - Upwards sales.</p>	
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(b) The proportion of your company's profit derived from sales of the goods in Vietnam.

*In responding to question 1 please provide evidence to support the calculations.*

**Answer:**

[\*].

2. Is your organisation/business entity the price leader for the goods in the Vietnamese market? If no, please explain the reasons behind your response and specify the name(s) of the price leaders.

**Answer:**

No. As the products (GL steel coils) is a commodity product with little discernible characteristics that differentiate it from one manufacturer to another, there is no real price leader or price setter. Also, as the main raw material (hot-rolled coil (HRC)) represents the vast majority (80-90%) of the cost of the goods, and HRC is itself widely available from numerous sources at competitive prices, there is no real scope for a single manufacturer to become a price leader.

3. Describe the nature of your product pricing (e.g., market penetration, inventory clearance, product positioning, price taker, price maker, etc.) and your price strategies (e.g., competition-based pricing, cost-plus pricing, dynamic pricing, price skimming, value pricing, penetration pricing, bundle pricing, etc.) in Vietnam. If there are multiple strategies applied, please rank these by importance. If there are different strategies for different products, please specify these. Provide copies of internal documents which support the nature of your product pricing.

**Answer:**

Whilst Hoa Phat does not assess the nature of product pricing using the concepts outlined in the question, it is appropriate to consider Hoa Phat's pricing goal as "cost-plus". This is due to the cost of producing the subject goods being heavily impacted by the cost of the raw material

feedstock (HRC), which accounts for up to 90% of the total cost to make.

4. Explain the process for how the selling prices of the goods for the Vietnamese market by your business are determined. Provide copies of internal documents which support how pricing is determined.

**Answer:**

Prices for the subject goods are determined on the basis of [\*]. Ultimately, prices are affected by customer demand and competitive offers from alternative suppliers.

5. How frequently are your Vietnamese selling prices reviewed? Describe the process of price review and the factors that initiate and contribute to a review. Provide the names and positions of all persons involved.

**Answer:**

The selling price is [\*].

6. Rank the following factors in terms of their influence on your pricing decisions in the Vietnamese market, with the most important factor ranked first and the least important factor ranked last:

- Competitors' prices
- Purchase price of raw materials
- Cost to make and sell the goods
- Level of inventory
- Value of the order
- Volume of the order
- Value of forward orders
- Volume of forward orders
- Customer relationship management
- Supplier relationship management
- Desired profit

- Brand attributes
- Other [please define what this factor is in your response]

**Answer:**

The following factors influencing the pricing decisions of the Company in the Vietnamese market:

[\*].

7. Describe the relationship between selling price and costs to make and sell in the Vietnamese market. Does your company maintain a desired profit margin for the goods?

**Answer:**

Prices and costs [\*].

8. Do you offer price reductions (e.g., commissions, discounts, rebates, allowances or credit notes) in the Vietnamese market? If yes, provide a description and explain the terms and conditions that must be met by the customer to qualify. Explain how the cost to make and sell are considered in establishing these price reductions. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

The company [\*].

9. Do you offer bundled pricing in the Vietnamese market? If yes, explain how the pricing for bundled sales is determined. Explain how the costs to make and sell are considered in establishing these bundled prices for the goods. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

No. The Company does not offer bundled pricing in the Vietnamese market.

<p>10. Does the volume of sales to a customer or the size of an order influence your selling price in Vietnam? If yes, advise how volume is used to determine selling prices. Explain how the costs to make and sell are considered in establishing volume based prices for the goods. Provide copies of internal documents which support your claims in response to this question.</p> <p><b><u>Answer:</u></b></p> <p>The size of orders and sales to a distributor [*].</p> <p>11. Does your organisation/business entity use sales contracts in the Vietnamese market? If yes:</p> <p><b><u>Answer:</u></b></p> <p>The definition of a sales contract in terms of this question is unclear, as a sales contract is commonly understood to represent a sales order or purchase order. However it appears that the ‘sales contract’ referred in this questions involves a more formal contractual arrangement involving agreed obligations on the parties to the contract.</p> <p>In fact the Company signs [*].</p> <p>(a) What proportion of your sales revenue would come from contracted sales versus uncontracted sales?</p> <p><b><u>Answer:</u></b></p> <p>The Company does not calculate the sales revenue from contracted sales separately.</p> <p>(b) Do you offer exclusivity contracts? If yes, what proportion of your sales revenue would come from exclusivity contracts?</p> <p><b><u>Answer:</u></b></p> <p>The Company does not offer exclusivity contract.</p> <p>(c) How frequently are sales contracts renegotiated?</p> <p><b><u>Answer:</u></b></p> <p>[*].</p> <p>(d) How frequently are price reviews conducted between contracts?</p> <p><b><u>Answer:</u></b></p>	
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Price is [\*].

- (e) Do you provide opportunities for price reviews for customers within contracts? If yes, provide a description of the process and an explanation of the circumstances that might lead to a price review.

Answer:

No. Price is [\*].

- (f) Do changes in your costs to make and sell enable you to review prices for customers within contracts?

Answer:

Prices are [\*].

- (g) Provide a list of the customers under contract during the investigation period and copies of the two largest contracts in terms of sales revenue. Provide a complete translation of the documents.

Answer:

Not applicable. [\*].

12. Provide copies of any price lists for the goods used in the Vietnamese market during the investigation period. If you do not use price lists, describe the transparency of your prices in the Vietnamese market.

Answer:

[\*].

13. How do you differentiate pricing for different products/models of the goods in the Vietnamese market? Describe how your products are grouped for price differentiation and the method used. Describe any cost to make or selling cost differences between differentiated products. Describe how these cost differences (if any) influence pricing decisions. Provide copies of internal documents which support your claims in response to this question.

Answer:

The Company currently has [\*].

14. Do you tier or segment your Vietnamese customers for the goods in terms of pricing? If yes, provide:

- (a) a general description of how this is done;
- (b) list the factors that influence pricing differentiation in different tiers or segments; and
- (c) explain how cost to make and selling costs are considered in making pricing decisions for different tiers or segments.

*Provide copies of internal documents which support your claims in response to this question.*

**Answer:**

No. The Company does not tier or segment the customers in Vietnam for the goods in terms of pricing.

15. Do you sell the goods to related entities in Vietnam? If yes, describe how prices are set for related party transactions and specify what proportion of your sales in terms of sales revenue are to related party entities. If available, provide a copy of any internal document relevant to establishing pricing to related parties.

**Answer:**

[\*].

**I-4 Marketing and sales support in the Vietnamese market**

1. How does your company market the goods in the Vietnamese market? Include in your response the value proposition used (e.g., competitive price, superior quality, reliability, availability, etc.).

**Answer:**

The products of Hoa Phat is [\*].

2. Does your company conduct brand segmentation in the Vietnamese market for the goods? If yes, describe the brand segmentation used and provide the proportion of sales revenue derived from each brand segment.



**Answer:**

No. The Company does not conduct brand segmentation in the Vietnamese market for the goods.

3. Provide examples of your Vietnamese advertising of the goods over the past five years. If you have not used advertising in Vietnam, provide examples of any other promotion campaigns for the goods you have conducted over the investigation period.

**Answer:**

Hoa Phat's coated steel products are advertised through the below channels:

➤ [\*].

4. How many people are in your Vietnamese market sales team and where are they located? In general terms, how are they remunerated? If they are offered performance pay based on sales, describe the performance indicators used to establish the performance pay. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

The sales team of [\*].

5. Describe what parameters are provided to sales staff to assist in establishing pricing for the goods when negotiating sales with customers. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

The responsibility for negotiating and establishing selling prices [\*].

**SECTION J  
PRODUCTION AND PRODUCTION COSTS**

**J-1 Production of the goods**

1. Describe how your company determines its volume of production for the goods, product mix of production and the factors that contribute to these decisions. How frequently are production volumes determined for the goods? How frequently is the product mix determined for the goods? Provide copies of internal documents which support your claims in response to this question.

**Answer:**

Our company determines the volume of production [\*].

2. What lead times are typically needed to adjust volumes of production for the goods? Provide copies of internal documents which support your claims in response to this question.

**Answer:**

The Company often [\*].

3. Do you have warehousing facilities for the goods? If no, what do you do with excess inventory?

**Answer:**

Our company has warehouses for the goods. They are located at the factory our company.

If yes:

- (a) What is the volume capacity of these facilities?

**Answer:**

The volume capacity of these warehouses for [\*].

- (b) What was the monthly amount of inventory maintained during the investigation period?

**Answer:**

Please see the table below for monthly amount of inventory maintained during the investigation periods: [\*]

- (c) What is the average period of time that inventory is retained (describe how this is calculated)?

*Provide copies of internal documents which support your claims in response to this question.*

**Answer:**

The average period of time for inventory (of the goods under consideration) is [\*].

Calculation formula: [\*].

[\*].

Please see Exhibit J-1.3 Confidential for calculation of this time.

4. Have there been any changes to the type of capital or technology utilised by your company in the manufacturing of the goods in the last five years? If yes, provide details.

**Answer:**

There has been no change to the type of capital or technology utilised by our company in the manufacturing of the goods in the last five years.

5. For each plant capable of producing inputs that could be utilised to make the goods, provide the date that production facility came into operation and the production capacity of the plant over the past five years. The production capacity should be based on an actual production capacity, not a budgeted production capacity. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

Main input to produce the goods under consideration is [\*].

6. List any significant investments in the past five years to either upgrade, refurbish or build any of the plants used in the production of the goods.

*Provide copies of internal documents which support your claims in response to this question.*

**Answer:**

[\*].

Please see Exhibit J-1.6 Confidential for [\*].

7. Confirm whether management reports are prepared on production costs. If yes:

- (a) specify how often these cost reports are prepared;
- (b) describe the level of detail in those reports and whether they enable the establishment of costs of producing the goods; and
- (c) specify to whom within the company these reports are provided; and
- (d) provide copies of these reports for each month of the investigation period.

Answer:

[\*]

## SECTION K AUSTRALIAN MARKET

### **K-1 Prevailing conditions of competition in the Australian market**

1. Describe the Australian market for the goods and the prevailing conditions of competition within the market, including:

- (a) Provide an overall description of the Australian market for the goods which explains its main characteristics and trends over the past five years;
- (b) Provide the sources of demand for the goods in Australia, including the categories of customers, users or consumers of the product;
- (c) Provide an estimated proportion (%) of sales revenue from each of those sources of demand listed in (b);
- (d) Describe the factors that influence consumption/demand variability in Australia, such as seasonal fluctuations, factors

contributing to overall market growth or decline, government regulation, and developments in technology affecting either demand or production;

- (e) Describe any market segmentations in Australia; such as geographic or product segmentations;
- (f) Provide an estimated proportion of sales revenue from each of the market segments listed in (e);
- (g) Describe the way in which Australian manufactured, Vietnamese and other imported goods compete in the Australian market;
- (h) Describe the ways that the goods are marketed and distributed in the Australian market; and
- (i) Describe any other factors that are relevant to characteristics or influences on the market for the goods in Australia.

*Provide documentary evidence to support the responses made to questions 1(a) to (i).*

**Answer:**

Our company is not deeply familiar with the prevailing conditions of competition within the Australian market. The requested information is more easily available to Australian importers and the Australian industry. Sources of demand involve roofing, input material for pre-painted steel production, and other general mechanical or manufactured end-use applications;

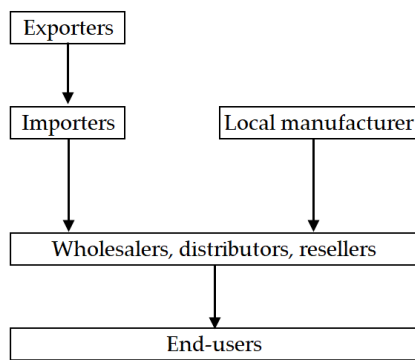
- As with the domestic market, construction activity is a key driver of demand variability;
- No observable market segmentation as all key markets are supplied by domestic and imported products;
- Locally produced and imported goods are able to compete where the goods are sold as complying to a specific Australian or international standard. Beyond this, the products compete on quality, reliability and service delivery.

- Subject goods are distributed through the common channels to market, such as wholesalers, distributors and resellers.

2. Provide a diagram which describes the Australian market structure for the goods, ensuring that all the categories of participants are included. In this diagram use linkages to illustrate the different levels of trade and distribution channels within the Australian market.

**Answer:**

The diagram that describe the Australian market structure is as follow:



3. Describe the commercially significant market participants in the Australian market for the goods at each level of trade over the investigation period. Include in your description:

- names of the participants;
- the level of trade for each market participant (e.g., manufacturer, reseller, original equipment manufacturer (EOM), retailer, corporate stationer, importer, etc.);
- a description of the degree of integration (either vertical or horizontal) for each market participant; and
- an estimation of the market share of each participant.

**Answer:**

Beyond the Australian importing customer, our company is not aware of the final customer, as the responsibility for

developing and maintaining trading relationships with the distributors/resellers rests with the Australian importers. Therefore, the Commission should seek information to address this question directly with importers.

4. Identify the names of commercially significant importers in the Australian market for the goods over the investigation period and estimate their market share. Specify the country each importer imports from and their level of trade in the Australian market, if known.

**Answer:**

The Company has no information to answer this question.

5. Describe the regulatory framework of the Australian market for the goods as it relates to competition policy, taxation, product standards and the range of the goods. Provide a copy of any regulation described, if available.

**Answer:**

The Company has no information to answer this question.

6. Describe any entry restrictions for new participants into the Australian market for the goods. Your response could include information on:

- resource ownership;
- patents and copyrights;
- licenses;
- barriers to entry;
- import restrictions; and
- government regulations(including the effect of those government regulations).

*In responding to question 6 ensure that relevant regulations are referenced.*

**Answer:**

Our company is not aware of any barriers to entry for new participants in Australia.

## **K-2 Goods in the Australian market**

1. Generally describe the range of the goods offered for sale in the Australian market. The description should include all goods under consideration including those produced by your company. Your description could include information about:

- quality differences;
- price differences;
- supply/availability differences;
- technical support differences;
- the prevalence of private labels/customer brands;
- the prevalence of generic or plain labels;
- the prevalence of premium labels; and
- product segmentation.

### **Answer:**

The Company has no information to answer this question.

2. Describe the end uses of the goods in the Australian market from all sources.

### **Answer:**

As noted in the application by the petitioner, the Australian market for aluminium zinc coated steel services a range of end-uses including the building and construction industry, or for general manufacturing.

3. Describe the key product attributes that influence purchasing decisions or purchaser preferences in the Australian market. Rank these preferences or purchasing influencers in order of importance.

### **Answer:**



The key product attributes that influence purchasing decisions or purchaser preferences in the Australian market are as follow:

- compliance to relevant Australian standards;
- compliance with mechanical and chemical properties and quality finishes.

4. Identify if there are any commercially significant market substitutes in the Australian market for the goods.

**Answer:**

There are no known commercial substitutes for the subject goods in Australia.

5. Identify if there are any commercially significant market complements in the Australian market for the goods.

**Answer:**

There are no known commercial complements for the subject goods in Australia.

6. Have there been any changes in market or consumer preferences in the Australian market for the goods in the last five years? If yes, provide details including any relevant research or commentary on the industry/sector that supports your response.

**Answer:**

Hoa Phat is unaware of any significant changes in the last five years to market or consumer preferences in Australia.

**K-3 Relationship between price and cost in Australia**

1. Describe the importance of the Australian market to your company's operations. In your response describe:

**Answer:**

Australia is just one of export markets for the products of the Company. The Company focuses in domestic market

with domestic sales contributes more than 90% of total revenue of the Company.

- (a) The proportion of your company's sales revenue derived from sales of the goods in Australia; and

**Answer:**

Please see Exhibit B-4. Confidential – Upward sales.

- (b) The proportion of your company's profit derived from sales of the goods in Australia.

*In responding to question 1 please provide evidence to support the calculations.*

**Answer:**

The Company does not have details of such data.

2. Is your organisation/business entity the price leader for the goods in the Australian market? If no, please explain the reasons behind your response and specify the name(s) of the price leaders.

**Answer:**

No. Whilst our company is unaware of export prices to Australia from other exporters, we continue to receive feedback from Australian customers that our prices are not competitive against imports from the UAE, India and other Asian countries such as Thailand.

3. Describe the nature of your product pricing (e.g., market penetration, inventory clearance, product positioning, price taker, price maker, etc.) and your price strategies (e.g., competition-based pricing, cost-plus pricing, dynamic pricing, price skimming, value pricing, penetration pricing, bundle pricing, etc.) in Australia. If there are multiple strategies applied, please rank these by importance. If there are different strategies for different products, please specify these. Provide copies of internal documents which support the nature of your product pricing.

**Answer:**

As with the domestic sales, our company [\*].

4. Explain the process for how the selling prices of the goods for the Australian market by your business are determined. Provide copies of internal documents which support how pricing is determined.

Answer:

[\*].

5. How frequently are your Australian selling prices reviewed? Describe the process of price review and the factors that initiate and contribute to a review. Provide the names and positions of all persons involved.

Answer:

Domestic prices, export prices are [\*].

6. Rank the following factors in terms of their influence on your pricing decisions in the Australian market, with the most important factor ranked first and the least important factor ranked last:

- Competitors' prices
- Purchase price of raw materials
- Cost to make and sell the goods
- Level of inventory
- Value of the order
- Volume of the order
- Value of forward orders
- Volume of forward orders
- Customer relationship management
- Supplier relationship management
- Desired profit
- Brand attributes
- Other [please define what this factor is in your response]

Answer:

The factors influencing our pricing decisions in the export market, including Australia:

[\*].

7. Describe the relationship between selling price and costs to make and sell in the Australian market. Does your company maintain a desired profit margin for the goods? If not, does your company seek to maintain a desired profit margin for the goods? Provide copies of internal documents which support your response to this question.

Answer:

Prices and costs [\*].

8. Do you offer price reductions (e.g., commissions, discounts, rebates, allowances or credit notes) in the Australian market? If yes, provide a description and explain the terms and conditions that must be met by the customer to qualify. Explain how the cost to make and sell are considered in establishing these price reductions. Provide copies of internal documents which support your claims in response to this question.

Answer:

No price reductions are offered on export sales to Australia.

9. Do you offer bundled pricing in the Australian market? If yes, explain how the pricing for bundled sales is determined. Explain how the costs to make and sell are considered in establishing these bundled prices for the goods. Provide copies of internal documents which support your claims in response to this question.

Answer:

No bundled pricing is offered to the Australian market.

10. Does the volume of sales to a customer or the size of an order influence the selling price? If yes, advise how volume is used to determine selling prices. Explain

<p>how the costs to make and sell are considered in establishing volume based prices for the goods. Provide copies of internal documents which support your claims in response to this question.</p> <p><b><u>Answer:</u></b></p> <p>Actually the price of the goods is [*].</p> <p>11. Does your organisation/business entity use sales contracts in the Australian market? If yes:</p> <p><b><u>Answer:</u></b></p> <p>Yes. The Company uses sales contracts with Australian customers. The sales contracts are [*].</p> <p>(a) What proportion of your sales revenue would come from contracted sales versus uncontracted sales?</p> <p><b><u>Answer:</u></b></p> <p>All sales to Australia are contracted sales.</p> <p>(b) Do you offer exclusivity contracts? If yes, what proportion of your sales revenue would come from exclusivity contracts?</p> <p><b><u>Answer:</u></b></p> <p>No, we do not offer exclusivity contracts.</p> <p>(c) How frequently are sales contracts renegotiated?</p> <p><b><u>Answer:</u></b></p> <p>[*].</p> <p>(d) How frequently are price reviews conducted between contracts?</p> <p><b><u>Answer:</u></b></p> <p>[*].</p> <p>(e) Do you provide opportunities for price reviews for customers within contracts? If yes, provide a description of the process and an explanation of the circumstances that might lead to a price review.</p> <p><b><u>Answer:</u></b></p> <p>[*].</p>	
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<p>(f) Do changes in your costs to make and sell enable you to review prices for customers within contracts?</p> <p><u><b>Answer:</b></u></p> <p>[*].</p> <p>(g) Provide a list of the customers under contract during the investigation period and copies of the two largest contracts in terms of sales revenue.</p> <p><u><b>Answer:</b></u></p> <p>Please see Exhibit B-2 Confidential – Australian sales and the answer of Question B-3.</p> <p>12. Provide copies of any price lists for the goods used in the Australian market during the investigation period. If you do not use price lists, describe the transparency of your prices in the Australian market.</p> <p><u><b>Answer:</b></u></p> <p>Not applicable. [*].</p> <p>13. How do you differentiate pricing for different products/models of the goods in the Australian market? Describe how your products are grouped for price differentiation and the method used. Describe any cost to make or selling cost differences between differentiated products. Describe how these cost differences (if any) influence pricing decisions. Provide copies of internal documents which support your claims in response to this question.</p> <p><u><b>Answer:</b></u></p> <p>[*].</p> <p>14. Do you tier or segment your Australian customers for the goods in terms of pricing? If yes, provide:</p> <p>(a) a general description of how this is done;</p> <p>(b) list the factors that influence pricing differentiation in different tiers or segments; and</p>	
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- (c) explain how cost to make and selling costs are considered in making pricing decisions for different tiers or segments.

*Provide copies of internal documents which support your claims in response to this question.*

**Answer:**

No, prices are not tiered or segmented for Australian customers.

15. Do you sell the goods to related entities in Australia? If yes, describe how prices are set for related party transactions and specify what proportion of your sales in terms of sales revenue are to related party entities. If available, provide copies of any internal documents relevant to establishing pricing to related parties.

**Answer:**

[\*].

**K-4 Marketing and sales support in the Australian market**

1. How does your company market the goods in the Australian market? Include in your response the value proposition used (e.g., competitive price, superior quality, reliability, availability, etc.).

**Answer:**

Our company does not specifically market the products in Australia. [\*].

2. Does your company conduct brand segmentation in the Australian market for the goods? If yes, describe the brand segmentation used and provide the proportion of sales revenue derived from each brand segment.

**Answer:**

Our company does not conduct brand segmentation in the Australian market for the goods.

3. Provide examples of your Australian advertising of the goods over the past five years. If you have not used advertising in Australia, provide examples of any other promotion campaigns you have conducted over the investigation period.

**Answer:**

No advertising of the subject products in Australian market was undertaken by our company in the past four years.

4. How many people are in your Australian sales team and where are they located? In general terms, how are they remunerated? If they are offered performance pay based on sales, describe the performance indicators used to establish the performance pay. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

The sales team of [\*].

5. Describe what parameters are provided to sales staff to assist in establishing pricing for the goods when negotiating sales with customers. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

The responsibility for negotiating and establishing selling prices [\*].

## SECTION L COUNTERVAILING

The following programs are being investigated:

Category	Program number	Program name
Less than adequate remuneration (LTAR)	22	Acquisition of State Assets



**PUBLIC RECORD**

Grant	2	Support for the Implementation of Projects Manufacturing Priority Industrial Products (Updating Programme III of 2003-2004)	
	3	Investment Incentives Contingent upon Export Performance For Domestic Businesses (Updating Programme IV of 2003-2004)	
	4	Other Investment Incentives for Domestic Businesses (Updating Program V of Period 2003-2004)	
	5	Investment Incentives Contingent upon Export Performance for Foreign Invested Enterprises (Updating Programme VI of the Period 2003-2004)	
	6	Other Investment Incentives for Foreign Invested Enterprises (Updating Programme VII for Period 2003-2004)	
	7	Preferential Investment Credit for Development Contingent upon Export Criteria (Updating Programme VIII of Period 2003-2004)	
	8	Preferential Development Credit for Investment Contingent Upon Localisation Ratios (Updating Programme IX of Period 2003-2004)	
	9	Other Preferential Investment Credit for Development (Updating Program X of Period 2003-2004)	
	10	Export Promotion	
	11	Trade Promotion (Updating of Programme XIII of Period 2003-2004)	
	12	Support for Mechanical Products (Updating Program XV of Period 2003-2004)	
	13	Support for Shipbuilding Industry (Updating of Programme XV of Period 2003-2004)	
	14	Assistance for Commercial Development in Mountainous, Island and Ethnic Minority Areas (Updating Programme XVI of Period 2003-2004)	
	15	Assistance to Enterprises Facing Difficulties due to objective reasons	
	16	Incentives for Investment Projects in Science and Technology (Updating Programme XVIII of Period 2003-2004)	
	20	Grants to Firms that Employ More than 50 Employees	
	21	Investment Support (consisting of two separate programs)	
Preferential Loan	23	Export & Import Support in the Form of Preferential Loans, Guarantees, and Factoring (consisting of five separate programs)	
	24	Export Support Loans at Preferential Rates	
	25	Interest Rate Support Program under the State Bank of Vietnam	
	26	Preferential Lending under the Viet Bank Export Loan Program	
Tax	18	Incentives on corporate income tax for enterprises operating in regions or sectors entitled to incentives	
	19	Incentives on non-agricultural land use	

	27	Accelerated Depreciation of Fixed Assets	
	28	Additional Income Tax Preferences for Exporters	
	29	Enterprise Income Tax Exemption/Reduction for Business Expansion and Intensive Investment Projects	
	30	Enterprise Income Tax Preferences, Exemptions, and Reductions (consisting of seven separate programs)	
	31	Establishments Dealing with Exported Goods	
	32	Exemption of Import Tax on Equipment and Machinery Imported to Create Fixed Assets	
	33	Exemptions/reductions of Land Rent, Tax, and Levies (consisting of five separate programs)	
	34	Land-Use Levy Exemptions/Reductions	
	35	Preferential Income Tax Rates for Enterprises within Economic Zones or Industrial Parks	
	36	Preferential Provisions for Carry-forward of Losses	
	37	Tax Exemptions and Reductions for Encouraged Sectors	
	38	Tax Exemptions and Reductions for Foreign-Invested Enterprises	
	39	Tax Exemptions and Reductions for Investment in Disadvantaged Regions	
	40	Tax Exemptions and Reductions for Investments in Economic Zones or High-Tech Industrial Parks	
	41	Tax Preferences for Investors Producing and/or Dealing in Export Goods	
Tariff Policy	1	Preferential Import Tariff Rates contingent upon Localisation Ratios with respect to products and Parts of Mechanical-Electric-Electronic Industries (updating Programme II of Notification of Subsidies period 2003-2004)	
	17	Preferential Import Tariff Rates for enterprises investing in regions or sectors entitled to investment incentives	
	42	Excessive Duty Exemptions for Imported Raw Materials for Exported Goods	
	43	Exemptions of Import Duty (consisting of seven separate programs)	
	44	Refund of Import Duties	
<b>L-1 General</b>  1. Complete the worksheet named “L-1 Company turnover” <ul style="list-style-type: none"> <li>This worksheet is a table of the total company revenue over the period and split into: <ul style="list-style-type: none"> <li>Total revenue for Australian sales, domestic sales and third country sales</li> </ul> </li> </ul>			

<ul style="list-style-type: none"> <li>○ Revenue of the goods for Australian sales, domestic sales and third country sales</li> <li>• You must provide this table in electronic format using the template provided.</li> <li>• If you have used formulas to complete this worksheet, these formulas must be retained.</li> </ul> <p><b><u>Answer:</u></b></p> <p>Please see <b>Exhibit L-1 Confidential – Company Turnover.</b></p> <p><b>L-2 Provision of goods</b></p> <p>The Commission understands that the Government of Vietnam has supported a program entitled Acquisition of State Assets at Less Than Fair Market Value.</p> <p>1. Complete the worksheet named “L-2 Provision of goods”</p> <ul style="list-style-type: none"> <li>• This worksheet is a table of the assets (land, equipment, etc.) purchased by the company over the period, plus the <b><u>TWO</u></b> preceding years.</li> <li>• You must provide this table in electronic format using the template provided.</li> <li>• If you have used formulas to complete this worksheet, these formulas must be retained.</li> </ul> <p><b><u>Answer:</u></b></p> <p>Not applicable. The Company does not purchase any State Assets.</p> <p>2. For the assets identified in L-2.1:</p> <ul style="list-style-type: none"> <li>a. Indicate which goods you produced that benefited from the purchase of the assets.</li> <li>b. Provide a copy of the contract and application form, or any other documentation, relevant to the purchase of the assets.</li> <li>c. Provide evidence of the purchase of the asset.</li> <li>d. Provide evidence of the valuation of the market value of the assets.</li> </ul>	
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**Answer:**

Not applicable. The Company does not purchase any State Assets.

**L-3 Preferential tax programs****1. Complete the worksheet named “L-3 Income Tax”**

- This worksheet is a table of your company’s income tax liability over the last three financial years.
- You must provide this table in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Please see **Exhibit L-3 Confidential – Income tax.**

**2. Provide a copy of your company’s annual tax return for the last three financial years. If the documents are not in English, please provide a translation of the documents.****Answer:**

Please see **Exhibit L-3.2 Confidential** for the tax returns of the Company in 2017, 2018 and 2019.

**3. Provide proof of your company’s tax payments to your tax authority over the last three financial years, including any progress payments made and related forms submitted to reconcile the annual tax return.****Answer:**

Please see **Exhibit L-3.3 Confidential.**

**4. What is the general tax rate for enterprises (also referred to as the company or corporate tax rate) during the previous two financial years?****Answer:**

The general tax rate for enterprises during the previous two financial years is 20%.

5. Did your company pay less than the general tax rate for enterprises referred to in question I-3.4?

**Answer:**

No. The Company pays the general tax rate of 20%.

If yes:

- a. What tax rate did your company pay?
- b. Was the reduction in the tax paid or payable related to any of the preferential income tax programs in the table at the top of Section L Countervailing above?
- c. What is the name of the program?
- d. What is the name of the authority granting your company the reduced tax rate?
- e. What is the eligibility criteria to benefit from the reduced tax rate?
- f. Provide details of the application process
- g. Provide a copy of the blank application form. If the documents are not in English, please provide a translation of the documents.
- h. Provide a copy of your company's completed application form, including all attachments to the application form. If the documents are not in English, please provide a translation of the documents.
- i. Provide a copy of any confirmation or other correspondence from the authority approving your company for the reduction in tax rate. If the documents are not in English, please provide a translation of the documents.
- j. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.

**Answer:**

Please see details in Exhibit L-3 Confidential.

**L-4 Financial grants**

1. Complete the worksheet named “L-4 Grants”

- This worksheet is a table of the grants received by company over the period plus the two preceding years.
- You must provide this table in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Not applicable. The Company does not receive any grants from 2017 to 31 Mar 2020.

2. Provide a copy of your company’s non-operating income and/or other business income ledgers, extracted directly from your accounting system, for the period covering the period plus the 2 preceding years.

**Answer:**

Please see Exhibit L-4.2 Confidential for other incomes of the Company in 2018, 2019 and the POI. [\*].

3. Did your company receive any grants (or any other financial contribution) from any level of government during the period plus the two preceding years?

If yes:

- a. Were any of the grants related to any program listed in the table at the top of Section I above?  
If yes, identify the program.
- b. Were any of the grants related to programs not listed in the table at the top of Section I above?  
If yes, provide the names of the programs.

**Answer:**

Not applicable. The Company does not receive any grants from 2017 to 31 Mar 2020.

<p>4. For each of the grants listed in L-4.3:</p> <ul style="list-style-type: none"> <li>a. What is the name of the grant?</li> <li>b. What is the name of the authority providing the grant?</li> <li>c. What is the eligibility criteria to receive the grant?</li> <li>d. Is the grant directly related to the goods under consideration, export sales to Australia and/or export sales generally?</li> <li>e. Provide details of the application process.</li> <li>f. Provide a copy of the blank application form. If the documents are not in English, please provide a translation of the documents.</li> <li>g. Provide a copy of your company's completed application form, including all attachments to the application form. If the documents are not in English, please provide a translation of the documents.</li> <li>h. Provide a copy of any confirmation or other correspondence from the authority approving the grant. If the documents are not in English, please provide a translation of the documents.</li> <li>i. Provide proof of payment of your company receiving the grant (e.g. bank statements).</li> <li>j. Provide a copy of the accounting journal entries relating to the grant.</li> <li>k. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the grant.</li> </ul> <p><b><u>Answer:</u></b></p> <p>Not applicable. The Company does not receive any grants from 2017 to 31 Mar 2020.</p> <p><b>L-5 Tariff and VAT exemptions on imported materials and equipment</b></p> <p>If your business or any company/entity related to your business received benefits under any program that provided an exemption from the payment of import duty</p>	
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<p>and import VAT during the review period, please answer the following questions.</p> <p>1. Please complete worksheet “L-5 VAT and tariff transactions”.</p> <p><b><u>Answer:</u></b></p> <p>Please see <b>Exhibit L-5 Confidential – VAT and tariff transactions</b>. The Company [*].</p> <p>2. Provide complete details involving the amount of the VAT refund received, including whether the refund was received in a lump sum or multiple instalments.</p> <p><b><u>Answer:</u></b></p> <p>Not applicable. The Company does not conduct VAT refund over the period.</p> <p>3. Describe the application and approval procedures for obtaining a benefit under the program.</p> <p><b><u>Answer:</u></b></p> <p>The Company [*].</p> <p>4. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments and all contractual agreements entered into between your business and the Government of Vietnam in relation to the program.</p> <p><b><u>Answer:</u></b></p> <p>Not applicable. The Company does [*].</p> <p>5. Outline the fees charged to or expenses incurred by your business in receiving the program.</p> <p><b><u>Answer:</u></b></p> <p>Not applicable. The Company does [*].</p> <p>6. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.</p>	
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**Answer:**

Our project is [\*].

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

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

**Answer:**

The criteria is [\*].

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

**Answer:**

The benefit of the Program [\*].

9. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.

**Answer:**

We record [\*].

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

**Answer:**

[\*].

11. Were the materials and/or equipment that were entitled to a refund of VAT used in the production of the goods during the investigation period? If yes, provide the following information:

- (a) type of inputs;
- (b) cost of inputs;
- (c) quantity of inputs; and
- (d) amount of VAT refunded.

**Answer:**

Not applicable. The Company did not obtain any refund of VAT for importing of materials and/or equipment in 2019.

12. Has your company received exemption from payment of or refunds of import duty and import VAT for imported material inputs (e.g. hot rolled coil, coking coal and coke) at any time that were used in the production of the goods during the investigation period? If yes, provide the following information:

- (a) description of imported product;
- (b) country of origin;
- (c) quantity of imported product;
- (d) purchase price;
- (e) terms of purchase (e.g. FOB, CIF);
- (f) ocean freight;
- (g) value for duty of imported product;
- (h) regular rate of taxes and duties;
- (i) concessionary rate of taxes and duties;
- (j) amount of duties and taxes normally applicable;
- (k) amount of duties and taxes paid;
- (l) amount of duties and taxes exempt;
- (m) date of importation;
- (n) tariff classification number;
- (o) customs entry number; and
- (p) application fee.

**Answer:**

Not applicable. The Company [\*].

13. Explain if (and how) the Government of Vietnam determines which imported inputs are consumed by your business in the production of the subject goods and in what amounts, and the amount of duty paid or payable on the inputs (including any allowance for waste).

**Answer:**

Not applicable. The Company did not apply for drawback of duty on imported inputs during the POI.

14. Explain how the Government of Vietnam determined the percentage rate of duty exemption. Please note that goods consumed in the production of exported goods (inputs) include:

- (a) goods incorporated into the exported goods; and
- (b) energy, fuel, oil and catalysts that are used or consumed in the production of the exported goods.

**Answer:**

Not applicable. The Company does not benefit from any duty exemption for imported inputs.

15. Provide a representative sample of copies of import entry documents (for example: bill of entry, invoice from supplier, etc.) for each type of importation covering duty-exempt inputs and duty-paid inputs imported for use in the manufacturing of the subject goods.

**Answer:**

The Company imported materials including [\*].

Please see **Exhibit L-5.15 Confidential – Import entry documents.**

16. In addition to the import entry documents, you must also provide copies, if applicable, of any applications submitted to and/or approval document received from

<p>the Government of Vietnam relating to the exemption from the payment of import duty and import VAT on imported inputs and in relation to the VAT that is refunded on the exportation of the subject goods.</p> <p><u><b>Answer:</b></u></p> <p>Not applicable. The Company [*].</p> <p>17. Provide copies of reports and audits by the Government of Vietnam authority responsible for administering the duty rebate or duty drawback scheme with respect to the verification of the importation and use of inputs and the remittance or drawback of the related duty paid or payable.</p> <p><u><b>Answer:</b></u></p> <p>Not applicable. The Company did not apply for drawback of duty on imported inputs during the POI.</p> <p>18. To your knowledge, does the program still operate or has it been terminated?</p> <p>If the program has been terminated, please provide details (when, why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?</p> <p>If the program terminated has been substituted for by another program, identify the program.</p> <p><u><b>Answer:</b></u></p> <p>The program of [*].</p> <p><b>L-6 Preferential Loans/Financial Assistance</b></p> <p>It is the Commission's understanding that certain enterprises in Vietnam benefit from low (subsidised) interest rates or credit facilities from state owned commercial banks and government banks.</p> <p>1. Provide a general overview of how your company secures necessary financial resources on the financial market (e.g. Loans, issuance of bonds etc.)</p>	
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**Answer:**

The Company builds credit facility relationship with [\*].

Provide answers to the following questions in the worksheet "L-6 Preferential Loans".

**Answer:**

Please see Exhibit L-6 Confidential – Preferential Loans. [\*].

2. Provide a list of all the loans provided to your company from banks and financial institutions which have not been fully reimbursed by the end of the investigation period.

**Answer:**

Please see **Exhibit L-6 Confidential – Preferential Loans** and Exhibit L-6.2 Confidential.

3. Provide specific details of the loan, including the start date of the loan, the principal amount of the loan, terms and conditions of the loan, purpose of the loan, the repayment terms/frequency, repayment amount, interest rate, interest type (e.g. fixed, variable etc.), if the loan has been redrawn any time during its duration, please provide the redraw date, amount and the reason for redraw.

**Answer:**

Please see **Exhibit L-6 Confidential – Preferential Loans** and Exhibit L-6.7 Confidential.

4. Indicate whether each bank is domestically or foreign-owned and give the percentage of government ownership of each bank (including ownership by entities owned or controlled by a government).

**Answer:**

Please see **Exhibit L-6 Confidential – Preferential Loans**.

5. In the case of each loan from a government-owned or controlled bank, please explain the reason for borrowing from such a bank rather than a commercial bank. What are the differences in the terms and conditions of loans between the government and commercial banks?

Answer:

[\*].

6. Explain how the decisions to grant the loan or its conditions are dependent on the purpose of the loan and give details on the process your company went through to apply for the loan. Please provide detail on what conditions or criteria your company needed to fulfil to be granted the loan.

Answer:

The criteria that the Company must [\*].

7. For each of the loans listed, provide copies of signed loan agreements between the bank which provided the loan and company which was the addressee of the loan specifying the conditions of the loan such as amount, term of repayment, interest rate etc. Also provide a copy of your application for the loan.

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

Answer:

<p>Please see <a href="#">Exhibit L-6.7 Confidential</a> for sample credit facility agreement between the Company and each bank.</p> <p>8. Please explain whether the granting of the specific loan depended on the link between the purpose of the loan and the goals specified in any government plan or development program. Provide a copy of the laws, regulations, administrative guidelines and any other acts relevant for the operation of this lending with any subsequent amendments. Also include a copy of any governmental or development plan of which the scheme represents a direct implementation.</p> <p><u><a href="#">Answer:</a></u></p> <p><a href="#">Not applicable. The loans of our company do not have any link between the purpose of the loan and the goals specified in any government plan or development program.</a></p> <p>9. For each loan application, please explain the involvement of third parties such as government departments, local councils, party committees in the whole process since the application for the loan up to the decision whether the loan is granted or not.</p> <p><u><a href="#">Answer:</a></u></p> <p><a href="#">Not applicable. There has been no involvement of third parties such as government departments, local councils, party committees in the whole process since the application for the loan up to the decision whether the loan is granted or not.</a></p> <p>10. In the “L-6 Preferential Loans” spreadsheet, provide the information requested on guarantees for the loans provided to your company.</p> <p><u><a href="#">Answer:</a></u></p> <p><a href="#">Not applicable. The Company does not need guarantees from the Government to be provided the loans.</a></p>	
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11. Please give details of all loan applications during the investigation period which were refused. Provide the name of the bank, the amount of the loan requested and the reasons for refusal.

**Answer:**

Not applicable. [\*].

12. Provide any other information you may deem necessary for the Commission to make an assessment on the subsidisation of producers/exporters of the product under investigation. You may adjust the table in the “Loans” tab as necessary to include this additional information.

**Answer:**

Not applicable. The Company does not benefit from any subsidisation of producers/exporters of the product under investigation. In fact there is no subsidisation of steel sheet producers/ exporters provided by the GOV or GOV-related entities.

**L-7 Other Programs**

1. Provide a list of all the provinces in which you have business operations (including locations of factories, sales offices, or other places of business).

**Answer:**

The provinces that our Company has business operations:

Hanoi, Vietnam: the location of our office

[\*], Vietnam: the location of our factory.

2. Are you aware of any programs of the Government of Vietnam, any of its agencies or any other authorised body that benefits manufacturers of the goods that have not been accounted for in this questionnaire? Provide the name of those programs you are aware of (even if your company is not eligible to receive benefit under the program.)



**Answer:**

No. We are not aware of any other programs of the GOV or any of its agencies/ authorised body that may benefit the manufacturers of the goods.

3. Indicate the location of the program by region, province or municipal level.

**Answer:**

Not applicable. There is no other programs from the GOV.

4. Indicate the type of program, for example:

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

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

**Answer:**

Not applicable. There is no other programs from the GOV.

5. Indicate whether your company benefited from any of the listed programs during the period.

**Answer:**

Not applicable. There is no other programs from the GOV.

6. Indicate which goods you produced that benefited from the program (e.g. the program may have benefited all production or only certain products that have undergone research and development).

**Answer:**

<p>Not applicable. There is no other programs from the GOV.</p> <p>7. Describe the application and approval procedures for obtaining a benefit under the program.</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>8. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments, all contractual agreements entered into between your business and the Government of Vietnam and any other official governing documentation in relation to the program (including a translation in English).</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>9. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>10. Outline the eligibility criteria your business had to meet in order to receive benefits under this program.</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>11. State whether your eligibility for the program was conditional on one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>(a) whether or not your business exports or has increased its exports;</li> <li>(b) the use of domestic rather than imported inputs;</li> <li>(c) the industry to which your business belongs; or</li> <li>(d) the region in which your business is located.</li> </ul> <p><u>Answer:</u></p>	
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<p>Not applicable. There is no other programs from the GOV.</p> <p>12. If the benefit was provided in relation to a specific activity or project of your entity, please identify the activity and provide supporting documentation.</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>13. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>14. Indicate where benefits under this program can be found in your accounting system (i.e., specify the ledgers or journals) and financial statements.</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>15. To your knowledge, does the program still operate or has it been terminated?</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p> <p>16. If the program has been terminated, please provide details (including when and why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?</p> <p>If the program terminated has been substituted for by another program, identify the program and answer all the questions in Part L-7 in relation to this programme.</p> <p><u>Answer:</u></p> <p>Not applicable. There is no other programs from the GOV.</p>	
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## APPENDIX GLOSSARY OF TERMS

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

### **Adjustments**

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

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

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

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

### **Arms length**

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

### **Constructed value**

In cases where prices paid for like goods sold in the country of export cannot be used for the determination of normal value, i.e. when there are no or insufficient sales or where such sales were not made in the ordinary course of trade, normal value may be based on a constructed value. Constructed value is calculated on the basis of the cost of

<p>production of the goods under consideration plus a reasonable amount for selling, general and administration costs, and for profits, that are associated with sales on the domestic market of the country of export.</p> <p><b>Cost of production/manufacturing</b></p> <p>The cost of production or manufacture consists of all manufacturing costs associated with the goods. It is the sum of direct materials, direct labour and factory overheads.</p> <p><b>Cost to make and sell</b></p> <p>The cost to make and sell is the sum of the cost of production or manufacture, and the selling, general and administration costs associated with the sale of those goods.</p> <p><b>Country of origin</b></p> <p>The country in which the last significant process in the manufacture or production of the goods was performed.</p> <p><b>Date of sale</b></p> <p>The Commission will normally use the invoice date as recorded in the exporter or producer's records. Another date may be used if this better reflects the material terms of sale. The questionnaire directs attention to matching data sets of domestic and export sales where some other date is used, as well as matching cost information.</p> <p><b>Direct labour cost</b></p> <p>Direct labour is categorised as a variable cost, i.e. the value varies with the level of production.</p> <p><b>Dumping</b></p> <p>Dumping occurs when the products of one country are exported to another country at a price less than their normal value.</p> <p><b>Dumping margin</b></p> <p>Where the export price is less than the normal value the dumping margin is the amount of the difference. It can be expressed as a value or as a percentage of the export price.</p>	
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**Export price**

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

**Exporting country**

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

**Factory overheads**

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

**Goods under consideration (the goods)**

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

**Incoterms**

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

EXW	ex works (the seller's minimum obligation as costs relate to goods being made available at the sellers premises)
FCA	free carrier (main carriage not paid by seller. Pay costs until such time that the goods have been delivered at the named point into custody of a carrier named by the seller. Customs formalities, taxes etc. paid if required)
FAS	free alongside ship (main carriage not paid by seller. Deliver the goods alongside the ship)
FOB	free on board (main carriage not paid by seller. Deliver the goods on board, provide export clearance if required, pay loading costs to the point the goods have passed the ship's rail, pay customs formalities, taxes

CFR	etc. payable upon exportation) cost and freight (main carriage paid by seller. Pay all costs until delivered as well as freight, loading and unloading, pay customs formalities, taxes etc. payable upon exportation)
CIF	cost, insurance and freight (main carriage paid by seller. Pay all costs as under CFR as well as marine insurance) the terms CFR and CIF are only used where goods are carried by sea or waterway transport
CPT	carriage paid to
CIP	carriage and insurance paid to the terms CPT and CIP are used as alternatives to CFR and CIF where the goods are carried by air, road, rail etc.
DAF	delivered at frontier (goods carried by rail or road and cleared for export at the named place at the frontier. Pay costs until delivered at the frontier plus any discharge costs incurred to place the goods at the customer's disposal)
DES	delivered ex ship (goods made available to the buyer on board the ship uncleared for import at the named port of destination. Pay all costs incurred in placed at the disposal of the buyer, pay customs formalities, taxes etc. payable upon exportation, and where necessary for transit through another country)
DDU	delivered duty unpaid (Pay all costs for carriage to the agreed point, pay customs formalities, taxes etc. payable upon exportation, and where necessary for transit through another country)
DDP	delivered duty paid (goods made available at the named place in the country of importation – all risks and costs being incurred by the seller including duties, taxes etc. incurred upon importation)
<b>The period</b>	
A period defined by the Commission over which importations of the goods are examined.	
<b>Like goods</b>	
Like goods are goods sold on the domestic market of the	

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

### **Normal value**

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

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

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

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

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

### **Ordinary course of trade**

Testing for "ordinary course of trade" includes a comparison of the selling price and the unit cost to make and sell for the same period. If sales in respect of a substantial quantity of goods over an extended period of time, usually 12 months, do not recover all costs and these



losses are not likely to be recovered within a reasonable period of time, (again usually 12 months) then the sales are regarded as being not in the ordinary course of trade.

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

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

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

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

- . domestic sales of like goods;
- . sale of goods of the same general category by the exporter; or
- . sales in the industry in the country of export.

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

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Section B Export sales to Australia	×
Section C Exported goods & like goods	×
Section D Domestic sales	×
Section E Due allowance	×
Section F Third country sales	×
Section G Cost to make and sell	×
Section H Particular market situation	×
Section I	×
Section J Production AND Production Costs	×
Section K Australian Market	×
Section L Countervailing	×
<b>Error! Reference source not found.</b>	×
Non-confidential version of this response	×

<b>Attachments</b>	<b>Please tick if you have provided spreadsheet</b>
B-2 Australian sales	×
B-4 Upwards sales	×
B-5 Upwards selling expenses	×
B-6 Historical sales	<input type="checkbox"/>
D-2 Domestic sales	×
F-2 Third country sales	×
G-3 Domestic CTM	×
G-4.1 SG&A listing	×
G-4.2 Dom SG&A calculation	×
G-5 Australian CTM	×
G-7.2 Raw material CTM	<input type="checkbox"/>
G-7.4 Raw material purchases	×
G-8 Upwards costs	×
G-9 Capacity utilisation	×
L-1 Company turnover	×
L-2 Provision of goods	<input type="checkbox"/>
L-3 Income tax	×
L-4 Grants	<input type="checkbox"/>
L-5 VAT and tariff transactions	×

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L-6 Preferential loans	×
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## GOODS UNDER CONSIDERATION

The goods the subject of the investigation are:

*Flat rolled iron and steel products (whether or not containing alloys), of a width equal to or greater than 600 millimeters (“mm”), plated or coated with aluminium-zinc alloys, not painted, and whether or not including resin coating.*

*Trade or further generic names often used to describe the subject goods include:*

- ZINCALUME® steel;
- GALVALUME® steel;
- Aluzinc, Supalume, Superlume, ZAM, GALFAN;
- Zinc aluminium coated steel;
- Aluminium zinc coated steel;
- Aluminium zinc magnesium coated steel;
- Alu-Zinc Steel sheet in Coils;
- Al/Zn; and
- Hot Dipped 55% Aluminium-Zinc Alloy coated steel sheet in coil.

*The imported goods the subject of this application covers aluminum zinc coated steel whether or not including any combination of surface treatment. For example, whether passivated (often referred to as chromated), resin coated or not resin coated (often referred to as Anti-Finger Print (“AFP”) or not AFP), oiled or not oiled, skin-passed or not skin-passed.*

*Excluded from the goods description of this application is un-passivated (often referred to as unchromated) aluminium zinc coated steel.*

*The amount of aluminium zinc coating on the steel is described as its coating mass and is nominated in grams per meter squared ( $\text{g/m}^2$ ), with the prefix being AZ (Aluminium Zinc). Common coating masses used are: AZ200, AZ150, AZ100, and AZ70.*

*There are several relevant International Standards for aluminium zinc coated steel, covering the full range of products via specific grade designations, and including the recommended or guaranteed properties of each of those product grades.*

*These relevant standards are noted below in the table “Relevant International Standards for Aluminium Zinc Coated Steel”.*

International Standards	Product Grades
<i>General and Commercial Grades</i>	
AS/NZS 1397	G1, G2
ASTM A792	CS, type A, B and C
EN 10346	DX51D, DX52D
JIS 3321	SGLCC
<i>Forming, Pressing &amp; Drawing Grades</i>	
AS/NZS 1397	G3

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ASTM A792	FS, DS
EN 10346	DX53D, DX53D
JIS 3321	SGLCD, SGLCDD
<i>Structural Grades</i>	
AS/NZS 1397	G250, G300, G350, G450, G550
ASTM A792	33 (230), 37(255), 40 (275), 50 (340), 55 (380), 80 (550)
EN 10346	S220GD, S250GD, S280GD, S320GD, S350GD, S550GD
JIS 3321	SGLC400, SGLC440, SGLC490, SGLC570

### Tariff classification

The goods are generally, but not exclusively, classified to the following tariff classifications in Schedule 3 of the *Customs Tariff Act 1995*.

Tariff classification (Schedule 3 of the Customs Tariff Act 1995)		
Tariff Subheading	Statistical Code	Description
7210.61.00		FLAT-ROLLED PRODUCTS OF IRON OR NON-ALLOY STEEL, OF A WIDTH OF 600 mm OR MORE, CLAD, PLATED OR COATED: PLATED OR COATED WITH ALUMINIUM-ZINC ALLOYS
	60	Of a thickness of less than 0.5 mm
	61	Of a thickness of 0.5 mm or more but less than 1.5 mm
	62	Of a thickness of 1.5 mm or more
7225.99.00		FLAT-ROLLED PRODUCTS OF OTHER ALLOY STEEL, OF A WIDTH OF 600 mm OR MORE
	39	Other

### Model Control Code

Details of the model control code (MCC) structure for the goods are in the table below. Export sales data (Section B-2), domestic sales data (Section D-2) and cost to make and sell data (Section G-3, G-4 & G-5) submitted in this response must follow this MCC structure. At a minimum, the data must report sales and cost data separately for each of the mandatory MCC categories identified.

Item	Category	Sub-Category	Identifier	Sales Data	Cost Data	Key category
7	Prime	Prime	P	Mandatory	Not applicable	Yes
		Non-Prime	N			
8	Coating Mass	$\leq 100 \text{ g/m}^2$	1	Mandatory	Mandatory	Yes
		$>100 \text{ g/m}^2$ to $\leq 165 \text{ g/m}^2$	2			

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		>165 g/m <sup>2</sup>	3			
9	Steel Grade	G2 / SGLCC	A	Mandatory	Mandatory	Yes
		G3 / SGLCD	B			
		G250 / SGLC 340	C			
		G300 / G350 / SGLC 400 / SGLC 440 / SGLC 490	D			
		G450 / G500	E			
		G550 / SGLC 570	F			
		Other	G			
10	Base Metal Thickness (BMT)	< 0.40 mm	1	Mandatory	Mandatory	Yes
		≥ 0.40 mm to < 0.50 mm	2			
		≥ 0.50 mm to < 0.75 mm	3			
		≥ 0.75 mm to < 1.00 mm	4			
		≥ 1.00 mm to < 2.00 mm	5			
11	Width	< 600 mm	1	Mandatory	Mandatory	No
		≥ 600 mm	2			
12	Form	Coil	C	Mandatory	Optional	No
		Sheet	S			

In constructing a MCC, use a "-" between each category. For example: **P-2-E-3-2-C**

The MCCs will be used to model match export models to the identical or comparable domestic models. In addition, the MCCs will be used to determine the profitability of domestic sales in the ordinary course of trade test by comparing domestic selling prices to the corresponding cost to make and sell. The MCC may also be used to compare the export price to the cost to make the exported model as part of the constructed normal value.

If there are models manufactured and sold by your company that do not align within the MCC structure above, this should be raised by lodging a submission with the Commission as soon as is practicable, but no later than the time this questionnaire is due, otherwise the response may be deemed deficient.

## SECTION A COMPANY INFORMATION

### A-1 Company representative and location

5. Please nominate a contact person within your company:

Name:

Position in the company:

Telephone:

E-mail address:

#### Answer:

Information of our contact person is described as follow:

Name: [\*]

Position in the company: Manager of export dept.

Telephone: [\*]

E-mail address: [\*]

6. If you have appointed a representative, provide their contact details:

Name:

Address:

Telephone:

E-mail address:

*In nominating a representative, you are granting authority to the Commission to discuss matters relating to the case with the nominated representative, including your company's confidential information.*

#### Answer:

Information of our representative is described as follow :

Name: \*

Position: \*

Telephone: \*

E-mail address: \_

7. Please provide the location of the where the company's financial records are held.

#### Answer:

Our company's financial records is held at the addresses as follow:

Our office address: [\*], Vietnam.

Our factory address: [\*], Vietnam.

8. Please provide the location of the where the company's production records are held.

Answer:

Our company's financial records is held at the addresses as follow:

Our office address: [\*], Vietnam.

Our factory address: [\*], Vietnam.

**A-2 Company information**

12. What is the legal name of your business?

Answer:

Legal name of our company: HOA PHAT STEEL SHEET ONE MEMBER LIMITED LIABILITY COMPANY.

13. Does your company trade under a different name and/or brand? If yes, provide details.

Answer:

Our company does not trade under a different name and/or brand.

14. Was your company ever known by a different legal and/or trading name? If yes, provide details

Answer:

No, our company has never been known by any different legal and/or trading name.

15. Provide a list of your current board of directors and any changes in the last two years.

Answer:

List of our current Board of Directors:

- [\*].

16. Is your company part of a group (e.g. parent company with subsidiaries, common ownership, joint-ventures)? If yes, provide:

(a) A diagram showing the complete ownership structure; and

Answer:

The ownership structure of our company:[\*]



(b) A list of all related companies and its functions

**Answer:**

List of all related company and its functions:

- **Hoa Phat Group Joint Stock Company**

Office address: [\*], Vietnam.

Business code: [\*]

Function: Hoa Phat Group Joint Stock Company (parent company) is a holding company with a number of subsidiaries which produce steel and other products.

17. Is your company or parent company publically listed?

**Answer:**

Our parent company (Hoa Phat Group Joint Stock Company) is publically listed.

If yes, please provide:

(a) The stock exchange where it is listed; and

**Answer:**

The stock exchange where it is listed is HOSE (Hochiminh Stock Exchange).

(b) Any principle shareholders<sup>2</sup>

**Answer:**

Hoa Phat Group JSC is a public company with registered capital of 27,610,741,150,000 VND.

Please see Exhibit A-2.6 Public for principle shareholders of Hoa Phat Group JSC (extracted information from Hoa Phat Group JSC's annual report).

If no, please provide:

(b) A list of all principal shareholders and the shareholding percentages.

18. What is the overall nature of your company's business? Include details of the products that your company manufacture and sell and the market your company sells into.

**Answer:**

Our company was established in [\*] and specialises in manufacturing and providing steel sheet products including a wide range of pickled and oiled steel coils; cold rolled (full hard) steel coils; hot-dip galvanized/ Al-Zn coated steel coils; pre-painted hot-dip galvanized/ Al-Zn coated steel coils in compliance with JIS 3321:2010, BS EN 10346:2009, AS 1397:2001, ASTM A792, etc.

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<sup>2</sup> Principal shareholders are those who are able to cast, or control the casting of, 5% or more of the maximum amount of votes that could be cast at a general meeting of your company.

The factory of our company is located in [\*] and has an overall capacity of [\*] Mts per year. All the main machines for the factory were imported from Europe and Australia with the most advanced technology.

Beside the domestic market (Vietnam), our company also export products to other countries such as USA, Australia, Malaysia, Indonesia, Thailand, India, etc.

19. If your business does not perform all of the following functions in relation to the goods under consideration, then please provide names and addresses of the companies which perform each function:

- (e) produce or manufacture;
- (f) sell in the domestic market;
- (g) export to Australia; and
- (h) export to countries other than Australia.

**Answer:**

Our company performs all of the above functions in relation to the goods under consideration.

20. Provide your company's internal organisation chart.

**Answer:**

Please Exhibit A-2.9 Confidential for our company's internal organisation chart.

21. Describe the functions performed by each group within the organisation.

**Answer:**

Please Exhibit A-2.9 Confidential for the functions performed by each group.

22. Does your company produce brochures, pamphlets or other promotional material? If yes, please provide them.

**Answer:**

Please see Exhibit A-2.11 Public for our catalogue.

**A-3 General accounting information**

10. What is your financial accounting period?

**Answer:**

Our fiscal year or financial accounting period is from 1 Jan to 31 Dec.

11. Are your financial accounts audited? If yes, who is the auditor?

Answer:

The annual financial statement of our Company (Hoa Phat Steel Sheet Co., Ltd) is audited by [\*].

12. What currency are your accounts kept in?

Answer:

The currency our accounts are kept in is Vietnam Dong (VND).

13. What is the name of your financial accounting system?

Answer:

Our Company [\*].

14. What is the name of your sales system?

Answer:

Our Company [\*]. Please see answer of Question A-3.4.

15. What is the name of your production system?

Answer:

Our Company [\*]. Please see answer of Question A-3.4.

16. If your financial accounting, sales and production systems are different, how do the systems interact? Is it electronically or manual? Please provide a detailed explanation and include diagrams.

Answer:

Not applicable. Please see answer of Question A-3.4.

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

Answer:

No. Our accounting practices follow Vietnam Accounting Standard, which is followed by other Vietnamese companies.

18. Have there been any changes to your accounting practices and/or policies over the last two years? If yes, please provide details.

Answer:

No. There has been no change to our accounting practices over the last two years.

[\*].

**A-4 Financial Documents**

7. Please provide the two most recently completed annual reports and/or financial statements for your company and any other related companies involved in the production and sale of the goods.

**Answer:**

Please see Exhibit A-4.1 Confidential for the annual financial statements of the Company in 2018 and 2019.

8. If the financial statements in A-4.1 are unaudited, provide for each company:
- (a) the tax returns relating to the same period; and
  - (b) reconciliation of the revenue, cost of goods sold, and net profit before tax between the financial statements and tax returns.

**Answer:**

Not applicable. Our financial statements in Question A-4.1 are audited by KPMG Limited.

9. Does your company maintain different profit centres? If yes, provide profit & loss statements for the profit centre that the goods falls into for:
- (a) the most recent financial year; and
  - (b) the period.

**Answer:**

Not applicable. The Company does not maintain different profit centres.

10. If the period is different to your financial period, please provide:
- (a) Income statements directly from your accounting information system covering the most recent financial period and the period; or
  - (b) Quarterly or half yearly income statements directly from your accounting system covering the most recent financial period and the period.

**Answer:**

Please see Exhibit A-4.4 Confidential for our profit and lost statement in 2019 and the period.

11. Please provide a copy of your company's trial balance (in Excel) covering the period and the most recent financial year.

**Answer:**

Please see Exhibit A-4.5 Confidential for our trial balance in 2019 and the period.

12. Please provide your company's chart of accounts (in Excel).

**Answer:**

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Please see Exhibit A-4.6 Confidential for our chart of account.

*If any of the documents are not in English, please provide a complete translation of the documents.*

## SECTION B EXPORT SALES TO AUSTRALIA

### B-1 Australian export sales process

9. Provide details (and diagrams if appropriate) of the export sales process of your company and any entities (e.g. agents) including:
- (a) Marketing and advertising activities
  - (b) Price determination and/or negotiation process
  - (c) Order placement process
  - (d) Order fulfilment process and lead time
  - (e) Delivery terms and process
  - (f) Invoicing process
  - (g) Payment terms and process

#### Answer:

- (h) Marketing and advertising activities

[\*].

- (i) Price determination and/or negotiation process

[\*].

- (j) Order placement process

[\*].

- (k) Order fulfilment process and lead time

[\*].

- (l) Delivery terms and process

Delivery term: [\*].

When the manufacturing is finished, [\*].

- (m) Invoicing process

Invoice [\*].

Weight [\*].

- (n) Payment terms and process

(iii) In case of payment term as LC:

- [\*].

(iv) In case of payment term as TT:

- [\*].

10. In what currency do you invoice your customers for goods exported to Australia? If it is not in your local currency:

Answer:

The Company issues invoice to Australian customers in USD.

(a) Do your customers pay you into a foreign currency denominated account? If yes, provide details;

Answer:

Yes. Customers pay in USD to our USD bank accounts.

(b) Do you use forward contracts to lock in the foreign exchange rate relating to the export sales? If yes, provide details;

Answer:

The Company [\*].

(c) How is the exchange rate determined in your accounting system and how often is it updated?

Answer:

Exchange rate from USD to VND is [\*].

11. Are there any customers of the goods exported to Australia related to your company? If yes, please provide a list of each related customer and provide details on how the selling price is set.

Answer:

[\*].

12. If sales are in accordance with price lists or price extras list, provide copies of these lists.

Answer:

[\*].

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

Answer:

This question is not applicable [\*].

14. Did you provide on-invoice discounts and/or off-invoice rebates to any customer or an associate of the customer in relation to the sale of the goods exported to Australia during the period? If yes, provide a description and explain the terms and conditions that must be met by the customer to obtain the discount.

Answer:

For exports, the Company [\*].

15. Did you issue any credit or debit notes (directly or indirectly) to the customer or associate of the customer in relation to the sale of the goods exported to Australia during the period? If yes, provide details of the credit/debit notes including the reasons the credit/debit notes were issued.

Answer:

[\*].

16. The invoice date will normally be taken to be the date of sale. If you are making a claim that a different date should be taken as the date of sale:

(a) What date are you claiming as the date of sale?

Answer:

We consider the date of sale to be [\*].

(b) Why does this date best reflect the material terms of sale?

Answer:

[\*].

## **B-2 Australian sales listing**

3. Complete the worksheet named “B-2 Australian sales”

- This worksheet lists all sales (i.e. transaction by transaction) exported to Australia of the goods invoiced within the period. This includes exports to Australia sold through a domestic customer.
- If you have claimed in B-1.8 that the date of sale is one other than the invoice date, then add the sales within your claimed date of sale.
- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.
- If there are any direct selling expenses incurred in respect of the exports to Australia not listed in the spreadsheet, add a column. For example, if the delivery terms make you responsible for arrival of the goods at an agreed point within Australia (e.g. delivered duty paid), insert additional columns in the spreadsheet for all other costs incurred.



Answer:

Please see Exhibit B-2 Confidential – Australian sales.

4. Provide a table listing the source of the data for each column in the “B-2 Australian sales” listing.

Answer:

Please see Exhibit B-2 Confidential – Australian sales.

**B-3 Sample export documents**

2. Select the two largest invoices by value and provide the following documentation:

- Contracts
- Purchase order and order confirmation
- Commercial invoice and packing list
- Proof of payment and accounts receivable ledger
- Documents showing bank charges
- Invoices for inland transport
- Invoices for port handling and other export charges
- Bill of lading
- Invoices for ocean freight & marine insurance (if applicable)
- Country of origin certificates (if applicable)

*If the documents are not in English, please provide a translation of the documents.*

For each document, please annotate the documents or provide a table reconciling the details in the “B-2 Australian sales” listing to the source documents in B-3.1.

Answer:

The invoices from Exhibit B-2 Australian sales:

(2)    [\*]

Please see Exhibit B-3 Confidential.

The documents for each invoice include:

- [\*].

**B-4 Reconciliation of sales to financial accounts**

4. Please complete the worksheet named “B-4 Upwards sales” to demonstrate that the sales listings in B-2, D-2 and F-2 are complete.

## PUBLIC RECORD

- You must provide this list in electronic format using the template provided.
  - Please use the currency that your accounts are kept in.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
5. Please provide all documents, other than those in A-4, B-2 and D-2, required to complete the “B-4 Upwards sales” worksheet. If the documents include spreadsheets, all formulas used must be retained.
6. For any amount in the “B-4 Upwards sales” worksheet that is hard coded (i.e. not a formula), please cross-reference by providing:
- the name of the source document, including the relevant page number, in column D of the worksheet; and
  - highlight or annotate the amount shown in the source document.

### Answer:

Please see Exhibit B-4 Confidential – Upward sales.

[\*].

### **B-5 Reconciliation of direct selling expenses to financial accounts**

4. Please complete the worksheet named “B-5 Upwards selling expense” to demonstrate that the direct selling expenses (e.g. Inland transport) in B-2 and D-2 are complete.
- You must provide this list in electronic format using the template provided.
  - Please use the currency that your accounts are kept in.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
5. Please provide all documents, other than those in A-4, B-2 and D-2, required to complete the “B-5 Upwards selling expense” worksheet. If the documents include spreadsheets, all formulas used must be retained.
6. For any amount in the “B-5 Upwards selling expenses” worksheet that is hard coded (i.e. not a formula), please cross-reference by providing:
- the name of the source document, including the relevant page number, in column C of the worksheet; and
  - highlight or annotate the amount shown in the source document.

### Answer:

Please see Exhibit B-5 Confidential – Upwards selling expense.

[\*].

**B-6 Historical export sales listing**

2. Complete the worksheet named “B-6 Historical sales”

- This worksheet lists the totals of all sales for each product code exported to Australia of the goods in each year ending 31 March for 2017, 2018 and 2019 (i.e. year ending 31 March 2017, etc.). This includes exports to Australia sold through a domestic customer.
- You must provide this list in electronic format using the template provided.

Provide a table listing the source of the data for each column in the “B-6 Historical sales” listing.

**Answer:**

Not applicable. Our Company [\*].

## SECTION C

### EXPORTED GOODS & LIKE GOODS

The Commission considers the MCC structure in and of itself is not likely to be commercially sensitive information. Any claim that disclosing the MCC information is confidential or would adversely affect your business or commercial interests must be raised by lodging a submission as soon as practicable, but no later than the time this questionnaire is due.

#### C-1 Models exported to Australia

3. Fully describe all of the goods your company exported to Australia during the period. Include specification details and any technical and illustrative material that may be helpful in identifying, or classifying, the goods exported to Australia.

##### Answer:

The goods our Company exported to Australia during the period is hot-dipped Al-Zn coated steel coils.

- Standard: [\*]
- Specification: [\*]

Please see details in Exhibit C-1.1 Confidential.

4. Provide a list of MCCs of the goods exported to Australia. This must cover all MCCs listed in the Australian sales listing in B-2.
- This list must be disclosed in the public record version of the response.

##### Answer:

MCC of the goods exported to Australia:

P-2-F-1-2-C

P-2-F-2-2-C

Please see details in Exhibit C-1.2 Confidential.

#### C-2 Models sold in the domestic market

3. Fully describe all like goods your company sold on the domestic market during the period. Include specification details and any technical and illustrative material that may be helpful in identifying, or classifying, the like goods sold on the domestic market.

##### Answer:

The like goods our Company sold on the domestic market during the period include:

- [\*].

Please see Exhibit C-2.1 Confidential for the above standards.

4. Provide a list of MCCs of like goods sold on the domestic market. This must cover all MCCs listed in the domestic sales listing in D-2.
- This list must be disclosed in the public record version of the response.

Answer:

List of MCCs of like goods sold on the domestic market:

P-1-D-1-2-C
P-1-D-2-2-C
P-1-D-3-2-C
P-1-D-4-2-C
P-1-D-5-2-C
P-1-E-1-2-C
P-1-E-2-2-C
P-1-F-1-2-C
P-1-F-2-2-C
P-1-F-3-2-C
P-1-F-4-2-C
P-1-G-1-2-C
P-1-G-2-2-C
P-1-G-3-2-C
P-2-D-2-2-C
P-2-F-1-2-C
P-2-F-2-2-C
P-2-G-4-2-C

**C-3 Internal product codes**

2. Does your company use product codes or stock keeping unit (SKU) codes?

Answer:

The Company has internal product code system as below:

[\*].

If yes:

- (a) Provide details of the product or SKU coding system for the goods, such as a legend or key of the meaning for each code within the product or SKU code.

Answer:

Please see the above answer.

- (b) Provide details on how you mapped the product or SKU codes to the MCC for the purpose of completing this questionnaire.

Answer:

The detailed information to establish our internal product code is [\*].

Please see Exhibit C-3.1 Confidential.

- (c) Provide a table of showing the product or SKU codes for each MCC.

Answer:

Please see Exhibit C-3.1 Confidential.

If no:

- (b) Provide details on the method used to identify the MCC in the sales and cost spreadsheets.

## SECTION D DOMESTIC SALES

### D-1 Domestic sales process

8. Provide details (and diagrams if appropriate) of the domestic sales process of your company and any other related entities including:
- (a) Marketing and advertising activities
  - (b) Price determination and/or negotiation process
  - (c) Order placement process
  - (d) Order fulfilment process and lead time
  - (e) Delivery terms and process
  - (f) Invoicing process
  - (g) Payment terms and process

Answer:

The domestic sales process of our Company [\*].

9. Are any domestic customers related to your company? If yes, please provide a list of each related customer and provide details on how the selling price is set.

Answer:

Please see Exhibit D-2 Confidential - Domestic sales for related and unrelated customers of the Company.

[\*].

10. If sales are in accordance with price lists or price extras list, provide copies of these lists.

Answer:

The Company [\*].

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

Answer:

Not applicable. [\*].

12. Did you provide on-invoice discounts and/or off-invoice rebates to the customer or an associate of the customer in relation to the sale of the like goods during the period? If yes, provide a description; and explain the terms and conditions that must be met by the importer to obtain the discount.

**Answer:**

The Company applies [\*].

Please see Exhibit D-1.5 Confidential for Discount policy of the Company.

[\*].

13. Did you issue any credit or debit notes (directly or indirectly) to the customer or associate of the customer in relation to the sale of the like goods during the period? If yes, provide details of the credit/debit notes including the reasons the credit/debit notes were issued.

**Answer:**

The Company [\*].

14. The invoice date will normally be taken to be the date of sale. If you are making a claim that a different date should be taken as the date of sale:

(a) What date are you claiming as the date of sale?

**Answer:**

The date of sale is [\*].

(b) Why does this date best reflects the material terms of sale?

**Answer:**

The above date of sale best reflects the terms of sale [\*].

**D-2 Domestic sales listing**

3. Complete the worksheet named “D-2 Domestic sales”

- This worksheet lists all domestic sales (i.e. transaction by transaction) of like goods invoiced within the period, even if they are models not exported to Australia
- If you have claimed in B-1.8 and/or D-1.7 that the date of sale is one other than the invoice date, then add the sales within your claimed date of sale.
- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.
- If there are any other costs, charges or expenses incurred in respect of the sales listed which have not been identified in the table in question D-2 above, add a column for each item. For example, certain other selling expenses incurred.

4. Provide a table listing the source of the data for each column in the “D-2 domestic sales” listing.

**Answer:**

Please see Exhibit D-2 Confidential – Domestic sales.



### **D-3 Sample domestic sales documents**

3. Select the two largest invoices by value and provide the following documentation:

- Contracts
- Purchase order and order confirmation
- Commercial invoice and packing list
- Proof of payment and accounts receivable ledger
- Documents showing bank charges
- Delivery invoices

*If the documents are not in English, please provide a translation of the documents.*

4. For each document, please annotate the documents or provide a table reconciling the details in the “D-2 domestic sales” listing to the source documents in D-3.1.

#### **Answer:**

Two invoices from D-2:

(2) [\*]

Documents for each invoice include:

- [\*].

Please see Exhibit D-3 Confidential.

### **D-4 Reconciliation of sales to financial accounts**

This section is not required if you have completed B-4.

4. Please complete the worksheet named “B-4 Upwards sales” to demonstrate that the sales listings in D-2 and F-2 are complete.
  - You must provide this list in electronic format using the template provided.
  - Please use the currency that your accounts are kept in.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
5. Please provide all documents, other than those in A-4, D-2 and F-2, required to complete the “B-4 Upwards sales” worksheet. If the documents include spreadsheets, all formulas used must be retained.
6. For any amount in the “B-4 Upwards sales” worksheet that is hard coded (i.e. not a formula), please cross-reference by providing:
  - the name of the source document, including the relevant page number, in column D of the worksheet; and
  - highlight or annotate the amount shown in the source document.

#### **Answer:**

Please see Exhibit B-4 Confidential – Upward sales.

## SECTION E DUE ALLOWANCE

### E-1 Credit expense

3. Do you provide credit to any domestic customers in relation to sales of like goods (i.e. payment terms that are not on a cash or pre-payment basis)? If yes:

(a) Do you provide a rolling credit facility to your domestic customers (i.e. no specific payment terms agreed at the time of sale)? If yes:

i. Calculate the accounts receivable turnover for each domestic customer (credit sales divided by the average accounts receivable).

**Answer:**

Please see Exhibit E-1.1 Confidential for total receivables of each domestic customer during the POI.

ii. Calculate the average credit term for each domestic customer by dividing 365 by the accounts receivable turnover

**Answer:**

Please see Exhibit E-1.1 Confidential.

(b) Do you have short term borrowings or an overdraft facility? If yes, what is the interest rate, or average of interest rates?

**Answer:**

The Company has [\*].

(c) Do you have term deposits or other cash product (e.g. bonds)? If yes, what is the interest rate, or average of interest rates?

**Answer:**

Our company does not have term deposits or other cash product.

4. Do you provide credit to any Australian customers in relation to sales of the goods (i.e. payment terms that are not on a cash or pre-payment basis)?

**Answer:**

The Company [\*].

If yes:

(a) Do you provide a rolling credit facility to your Australian customers (i.e. no specific payment terms agreed at the time of sale)? If yes:

i. Calculate the accounts receivable turnover for each domestic customer (credit sales divided by the average accounts receivable).

**Answer:**

Non-applicable. Our company does not provide credit to any Australian customers in relation to sales of the goods.

- ii. Calculate the average credit term for each domestic customer by dividing 365 by the accounts receivable turnover

**Answer:**

Non-applicable. Please see the answer above.

- (b) If your Australian customers pay you into a foreign currency denominated account (question B-1.2(a) refers):
  - i. Do you have short term borrowings or an overdraft facility denominated in the same foreign currency? If yes, what is the interest rate, or average of interest rates?

**Answer:**

Non-applicable. Please see the answer above.

- ii. What is the interest rate, or average of interest rates, applying to term deposits or other cash product (e.g. bonds) denominated in the same foreign currency? If yes, what is the interest rate, or average of interest rates?

**Answer:**

Non-applicable. Please see the answer above.

**E-2 Packaging**

4. What is the packaging used for your domestic sales of like goods?

**Answer:**

Packing for domestic sales of like goods [\*].

The Company [\*].

5. What is the packaging used for your export sales of the goods to Australia?

**Answer:**

Please see answer of Question E-2.1. The packaging used for export sales of the goods to Australia [\*].

The Company records [\*].

6. If there are distinct differences in packaging between your domestic and export sales:

- (a) Provide details of the differences

**Answer:**

Please see answer of Question E-2.1 and E-2.2.

Domestic sales [\*].

- (b) Calculate the weighted average packaging cost for each model sold on the domestic market.

**Answer:**

Please see Exhibit D-2 Confidential. [\*].

- (c) Calculate the weighted average packaging cost for each model exported to Australia

**Answer:**

Please see answer of Question E-2.2 as above and Exhibit B-2 Confidential. Packing of the goods [\*].

**E-3 Delivery**

7. Are any domestic sales of like goods delivered to the customer? If yes, how were the transportation costs calculated in the domestic sales listing in D-2?

**Answer:**

Yes the Company sells like goods to domestic customers, and we also bear the transportation cost for several customers.

The transportation costs calculated in D-2 is [\*].

8. What are the delivery terms of the export sales of the goods to Australia?

**Answer:**

The delivery term for our export sales of the goods to Australia: [\*]

9. If the delivery terms of the Australian sales includes delivery to the port, how were the inland transport and port charges calculated in the Australian sales listing in B-2?

**Answer:**

Inland transport of the export sales to Australia is [\*].

Please see sheet Inland Transport in Exhibit B-2 Confidential – Australian sales and the documents in Exhibit B-3 Confidential.

[\*].

10. If the delivery terms of the Australian sales includes ocean freight, how was the ocean freight cost calculated in the Australian sales listing in B-2?

**Answer:**

Not applicable. [\*].

11. If the delivery terms of the Australian sales includes marine insurance, how was the marine insurance calculated in the Australian sales listing in B-2?

**Answer:**

Not applicable. [\*].

12. If the delivery terms of the Australian sales includes delivered duty paid, how were the Australian importation and delivery costs calculated in the Australian sales listing in B-2?

**Answer:**

Not applicable. [\*].

#### **E-4 Other direct selling expenses**

5. Do you provide sales commissions for domestic sales of like goods and/or export sales of the goods? If yes, provide details.

**Answer:**

[\*].

6. Are there any differences in tax liability between domestic and export sales? If yes, provide details, for example:

**Answer:**

The domestic sales is subject to VAT only.

For export sales, export tax is not applicable and VAT rate is 0%.

- What is the rate of value-added tax (VAT) on sales of the goods and like goods?

**Answer:**

VAT rate for domestic sales of like goods is 10%.

- How is VAT accounted for in your records in relation to sales of the goods and like goods?

**Answer:**

The Company records and pays value added tax [\*].

- Do you receive a VAT refund in relation to sales of the goods and/or like goods?

**Answer:**

The Company [\*].

- Do you receive a remission or drawback of import duties on inputs consumed in the productions of the goods or like goods?

**Answer:**

No. The Company does not receive a remission or drawback of import duties (import tariff) on inputs consumed in the productions of the goods or like goods during the period.

7. Are there any other direct selling expenses incurred by your company in relation to domestic sales of like goods?

**Answer:**

The Company incurs [\*].

- These direct selling expenses must be included in the reconciliation of direct selling expenses in B-5

**Answer:**

Please see Exhibit B-5 Confidential – Upward selling expenses.

8. Are there any other direct selling expenses incurred by your company in relation to export sales of the goods to Australia?

Answer:

The Company incurs [\*].

- These direct selling expenses must be included in the reconciliation of direct selling expenses in B-5

Answer:

Please see Exhibit B-5 Confidential – Upward selling expenses.

**E-5 Other adjustment claims**

2. Are there any other adjustments required to ensure a fair comparison between the export price and the normal value (based on domestic sales, costs and/or third country sales)? If yes, provide details.
- An adjustment will only be made where there is evidence that the difference affects price comparability.
  - Refer to Chapter 15 of the *Dumping and Subsidy Manual (November 2018)* for more information.

Answer:

The Company has no other adjustments.

## SECTION F THIRD COUNTRY SALES

### F-1 Third country sales process

4. Are your sales processes to any third country (i.e. exports to countries other than Australia) different to the sales process described in B-1.1? If yes, provide details of the differences.

Answer:

The Company's sales process to third country is not different to the sales process described in Question B-1.1.

5. Are there any third country customers related to your company? If yes, please provide a list of each related customer and provide details on how the selling price is set.

Answer:

There are [\*].

6. The invoice date will normally be taken to be the date of sale. If you are making a claim that a different date should be taken as the date of sale:

(a) What date are you claiming as the date of sale?

Answer:

We consider the date of sale to be [\*].

(b) Why does this date best reflects the material terms of sale?

Answer:

[\*].

### F-2 Third country sales listing

3. Complete the worksheet named "F-2 Third country sales"
- This worksheet lists all export sales, summarised by country and customer, to third countries of like goods invoiced within the period.
  - If you have claimed in F-1.3 that the date of sale is one other than the invoice date, then add sales with your claimed date of sale.
  - You must provide this list in electronic format using the template provided.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
4. Provide a table listing the source of the data for each column in the export sales listing (F-2.1).

Answer:

Please see Exhibit F-2 Confidential - Third country sales.

**F-3 Differences in sales to third countries**

2. Are there any differences in sales to third countries which may affect their comparison to export sales to Australia? If yes, provide details.

**Answer:**

Export sales to Australia and to third countries are affected by different market situation and factors applying to each market.



## SECTION G

### COST TO MAKE AND SELL

#### G-1. Production process

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

Answer:

Please see Exhibit G-1.1 Confidential for our production process.

➤ By-products of the production process include:

- [\*].

4. Are any of your suppliers related to your company (regardless of whether it is relevant to the manufacture of the goods)? If yes, please provide details including the product or services supplied by the related company.

Answer:

Please see Exhibit G-7.4 Confidential for the related suppliers of the raw materials.

#### G-2. Cost accounting practices

11. Is your company's cost accounting system based on actual or standard costs (budgeted)?

Answer:

The Company's cost accounting system is [\*].

12. If your company uses standard costs:

- (e) Were standard costs used as the basis of actual costs in your responses G-3.1 and G-5.1?
- (f) Have all variances (i.e. differences between standard and actual production costs) been allocated to the goods?
- (g) How were those variances allocated?
- (h) Provide details of any significant or unusual cost variances that occurred during the period.

Answer:

Not applicable. The Company does not use standard costs.

13. Do you have different cost centres in your company's cost accounting system? If yes, list the cost centres, provide a description of each cost centre and the allocation method used in your accounting system.

Answer:

❖ For cost to make: [\*].

14. To what level of product specificity (models, grades etc.) does your company's cost accounting system normally record production costs?

Answer:

The Company's cost accounting system [\*].

15. Are there any costs for management accounting purposes valued differently to financial accounting purposes? If yes, provide details of the differences.

Answer:

There is no difference.

16. Has your company engaged in any start-up operations in relation to the goods?

Answer:

[\*].

If yes:

(c) Describe in detail the start-up operation giving dates (actual or projected) of each stage of the start-up operation.

Answer:

[\*].

(d) State the total cost of the start-up operation and the way that your company has treated the costs of the start-up operation in its accounting records.

Answer:

[\*].

17. What is the method of valuation for raw material, work-in-process, and finished goods inventories (e.g. last in first out –LIFO, first in first out- FIFO, weighted average)?

Answer:

Inventories are [\*].

The Company applies the [\*].

18. What are the valuation methods for damaged or sub-standard goods generated at the various stages of production?

Answer:

For sub-standard goods or damaged goods at each stage of production, they will be [\*].

19. What are the valuation methods for scrap, by products, or joint products?

Answer:

By products and scrap are [\*].

20. Are any management fees/corporate allocations charged to your company by your parent or related company? If yes, provide details

Answer:

There are none.

**G-3 Cost to make on domestic market**

3. Complete the worksheet named "G-3 Domestic CTM".

- This worksheet lists the quarterly cost to make the domestic models of like goods by MCC manufactured within the period, even if they are models not exported to Australia.
- The costs must be based on actual cost of production (i.e. not standard costs or cost of goods sold) for each MCC.
- If any imputation tax (e.g. value-added tax) is payable on the purchase of goods or services to manufacture like goods, report the costs excluding the imputation tax. All other taxes payable (e.g. import duty) must be included as 'other costs' if not already included, for example, under material costs.
- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.
- If you have claimed in B-1.8 and/or D-1.7 that the date of sale is one other than the invoice date, then provide the cost for the quarters that all domestic sales are made within your claimed date of sale, even if doing so means that such cost data predates the commencement of the period.

4. Provide a table listing the source of the data for each column of the "G-3 Domestic CTM" listing.

Answer:

Please see Exhibit G-3 and G-5 Confidential.

**G-4 Selling, General & Administration expenses**

3. Complete the worksheet named "G-4.1 SG&A listing".

- This worksheet lists all selling, general and administration expenses by account code for the most recent accounting period and the period.
- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

Answer:

Please see Exhibit G-4.1 Confidential - SG&A listing.

[\*].

4. Complete the worksheet named "G-4.2 Domestic SG&A calculation".
  - This worksheet calculates the unit domestic SG&A for each MCC.
  - You must provide this list in electronic format using the template provided.
  - Please use the formulas provided.

**Answer:**

Please see Exhibit G-4.2 Confidential - Domestic SG&A calculation.

**G-5 Cost to make the goods exported to Australia**

3. Complete the worksheet named " G-5 Australian CTM".
  - This worksheet lists the quarterly cost to make the Australian models of the goods under consideration by MCC manufactured within the period.
  - The costs must be based on actual cost of production (i.e. not standard costs or cost of goods sold) for each MCC.
  - If any imputation tax (e.g. value-added tax) is payable on the purchase of goods or services to manufacture the goods, report the costs excluding the imputation tax. All other taxes payable (e.g. import duty) must be included as 'other costs' if not already included, for example, under material costs.
  - You must provide this list in electronic format using the template provided.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
  - If you have claimed in B-1.8 that the date of sale is one other than the invoice date, then provide the cost for the quarters that all Australian sales are made within your claimed date of sale, even if doing so means that such cost data predates the commencement of the period.
4. Provide a table listing the source of the data for each column of the "G-5 Australian CTM" listing.

**Answer:**

Please see Exhibit G-3 and G-5 Confidential.

**G-6 Cost allocation method**

3. What is the allocation method used to complete in G-3 domestic CTM and G-5 Australian CTM for:
  - (a) Raw materials

**Answer:**

Direct raw material cost: [\*].

- (b) Labour

**Answer:**

Direct labour cost: [\*].

Method of allocation: [\*].

(c) Manufacturing overheads

**Answer:**

Manufacturing overhead are [\*].

Allocation method: [\*].

Note: [\*].

**❖ For cost to make of [\*]:**

Please see answer to Question A-3.9.

[\*].

4. Select the domestic model (export model if you have no domestic production of like goods) with the largest production volume over the period and provide worksheets demonstrating the allocation method described in G-6.1 from your normal cost accounting system to the cost for that model reported in G-3.1.

**Answer:**

Please see Exhibit G-3 and G-5 Confidential.

**G-7 Major raw material costs**

8. What are the major raw materials used in the manufacture of the goods?

**Answer:**

Major raw materials: [\*].

9. Are any raw materials sourced as part of an integrated production process or from a subsidiary company which your company exercise control? If yes, complete the worksheet named “G-7.2 Raw material CTM” for these raw materials.
  - This worksheet lists the quarterly cost to make the raw material manufactured within the period.
  - The costs must be based on actual cost of production (i.e. not standard costs or cost of goods sold).
  - If any imputation tax (e.g. value-added tax) is payable on the purchase of goods or services to manufacture the raw material, report the costs excluding the imputation tax. All other taxes payable (e.g. import duty) must be included as ‘other costs’ if not already included, for example, under material costs.
  - You must provide this list in electronic format using the template provided.
  - If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Not applicable. [\*].

10. Using the domestic cost data in “G-3 Domestic CTM” (use “G-5 Australian CTM” if you have no domestic production of like goods), calculate the weighted average percentage of each raw material cost (listed in G-7.1) as a proportion of total cost to make.

Answer:

The Company is [\*].

11. For each raw material identified in G-7.3 which individually account for 10% or more of the total cost to make, complete the worksheet named “G-7.4 Raw material purchases”

- This worksheet lists all raw material purchases (i.e. transaction by transaction) purchased by your company within the period.
- You must provide this list in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

Answer:

Please see Exhibit G-7.4 Confidential - Raw material purchases.

12. Provide a table listing the source of the data for each column of the “G-7.4 Raw material purchases” listing.

Answer:

Please see Exhibit G-7.4 Confidential - Raw material purchases.

13. For each raw material:

- (a) Select the two largest invoices by value and provide the commercial invoice and proof of payment.

Answer:

Please see Exhibit G-7.6 Confidential.

- (b) Reconcile the total value listed of the purchases listed in “G-7.4 Raw material purchases” to relevant purchase ledgers or trial balances in your accounting system. Provide copies of all documents used to demonstrate the reconciliation.

Answer:

The purchased raw materials are recorded as below:

[\*].

14. Are any of the suppliers in “G-7.4 Raw material purchases” listing related to your company? If yes, please provide details on how the price is set.

Answer:

Please see Exhibit G-7.4 Confidential - Raw material purchases.

**G-8 Reconciliation of cost to make to audited financial statements**

4. Please complete the worksheet named “G-8 Upwards costs” to demonstrate that the cost listings in G-3 and G-5 are complete.
  - You must provide this list in electronic format using the template provided.
  - Please use the currency that your accounts are kept in.
  - If you have used formulas to complete this worksheet, these formulas must be retained.
5. Please provide any documents, other than those in A-4, G-3 and G-5, required to complete the “G-8 Upwards costs” worksheet.
6. For any amount that is hard coded (i.e. not a formula), please cross-reference by providing:
  - the name of the source document, including the relevant page number, in column D of the worksheet; and
  - highlight or annotate the amount shown in the source document.

**Answer:**

Please see Exhibit G-8 Confidential - Upwards costs.

[\*].

**G-9 Capacity Utilisation**

2. Please complete the worksheet named “G-9 Capacity Utilisation”.
  - You must provide this list in electronic format using the template provided.
  - If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Please see Exhibit G-9 Confidential - Capacity Utilisation.

## SECTION H

### PARTICULAR MARKET SITUATION

The applicant has claimed that the situation in the market of the country of export is such that sales in that market are not suitable for use in determining normal value. The information provided in sections H, I J and K will assist the Commission to better understand the Vietnamese and Australian markets and to assess whether sales in the Vietnamese market are suitable for determining a normal value.

#### H-1 Reporting requirements

2. Describe generally all interaction that your business has with the Government of Vietnam at all levels, including (but not limited to):
- (a) reporting requirements;
  - (b) payment of taxes;
  - (c) senior management representation within your business;
  - (d) approval/negotiation of business decisions (e.g. investment decisions, management decisions, pricing decisions, production decisions, sales decisions);
  - (e) licensing;
  - (f) restrictions on land use;
  - (g) provision of loans; or
  - (h) provision of grants, awards or other funds.

#### Answer:

Our Company has little interaction with the Government of Vietnam other than normal administrative dealings, including:

- (a) reporting requirements:

Our Company has to report monthly to the GOV.

- (b) payment of taxes;

Our Company has to file tax returns (income tax) annually, pay VAT periodically and pay taxes and fees for customs clearance.

- (e) licensing;

Our Company has to apply for business licence and investment registration, as well as other procedures when amending the licence/ registration.

#### H-2 Business structure, ownership and management

16. Indicate whether your company is a state-owned or state-invested enterprise (SIE)



- A state owned enterprise refers to any company or enterprise that is wholly or partially owned by the Government of Vietnam (either through direct ownership or through association).

Answer:

Hoa Phat Group JSC is [\*].

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

Answer:

Please see Exhibit H-2.2 Confidential for our Board of Directors of our company and the related company.

18. Indicate the names of common directors and officers between your business and related businesses, where applicable.

Answer:

Please see Exhibit H-2.2 Confidential. Our company does not have any common directors and officers with the related company.

19. Are any members of your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders representatives, employees, or otherwise affiliated with the Government of Vietnam (at any level, from any agency, party, or otherwise associated entity)? If yes, identify the individuals, their role on that Board and their affiliation with the Government of Vietnam.

Answer:

None of members of our board of directors/board of shareholders (including the board of directors of our related entity) are representatives, employees or affiliated with the GOV at any level.

20. Does your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders have a representative from the Government of Vietnam? If yes, identify their name and title and indicate their position at the board level.

Answer:

There is no representative from the GOV in our board of directors/board of shareholders (including the board of directors of our related entities).

21. Are any members of your business' (and/or all other entities your business is related to) Board of Directors or Board of Shareholders appointed, managed or recommended by the

Government of Vietnam? If yes, identify any relevant government department(s) they are affiliated with.

**Answer:**

None of members of our board of directors/board of shareholders (including the board of directors of our related entities) is appointed, managed or recommended by the GOV.

22. Indicate who owns what percentage of all shares in your business and identify whether they are:

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

**Answer:**

Hoa Phat Group JSC is [\*].

23. Provide the details of any significant changes in the ownership structure of your business during the period.

**Answer:**

Our Company do not have any changes in the ownership structure during the period.

24. Identify any positions within your business that are appointments or designated to act on behalf of Government of Vietnam authorities.

**Answer:**

There are no positions in our Company that are appointed or designated to act on behalf of the GOV authorities.

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

**Answer:**

There is no requirement in law and in practice that we must have government representation at any level of our business.

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

Answer:

Our Company is not a publicly-traded company.

27. Provide the monthly trading volume and average monthly trading price of your listed security over the period.

Answer:

Not applicable. Our Company is not a publicly – traded company.

28. Who has the ability to reward, fire or discipline your business' senior managers?

Answer:

[\*] have power to reward, fire or discipline the senior managers of our company.

29. Do any of your company's senior managers hold positions in any Government of Vietnam departments or organisations, associations or Chambers of Commerce? If yes, describe the nature of these positions.

Answer:

Our company's senior managers do not hold any position in any government departments or organizations, associations or Chambers of Commerce.

30. Provide the names and positions of your company's pricing committee.

Answer:

Our Company do not have a pricing committee.

### **H-3 Licensing**

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

Please see Exhibit H-3.1 Confidential for our Company's business licenses.

The business licenses of our Company include:

(2) [\*].

10. Identify the Government of Vietnam departments or offices responsible for issuing the license(s).

Answer:

Regarding the Business Registration Certificate, the government department responsible for issuing such certificate is Department of Planning and Investment of Hung Yen province.

Regarding the Investment Registration Certificate(s) for our factory in Hung Yen province, the governmental agency that has power to issue such documents is Management Board of Industrial Zones - People's Committee of Hung Yen province.

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

**Answer:**

(3) The procedures in applying for the Business Registration Certificate are specified in the Law of Enterprise, Decree No. 78/2015/ND-CP, details as below:

Step 1: The parent company – Hoa Phat Group JSC will prepare and submit the dossier including following documents to Department of Planning and Investment of Hung Yen province:

- Application form for business registration
- The parent company's charter
- A list of members of the company to be set up
- Copies of: the ID card or other ID papers of members being individuals; Certificate of Business registration, or an equivalent document of the organization and the letter of authorization, the ID card or other ID papers of the authorized representatives of members being organizations.

Step 2: After receiving satisfactory documents from our company, the Business Registration Office in Department of Planning and Investment of Hung Yen province enters information into the National Enterprise Registration Information System in order to request an ID number for the company. Within 03 working days from the receipt of satisfactory documents, Business Registration Office shall issue a certificate of registration for our company.

(4) The procedure in applying the Investment Registration Certificate of our company is specified in the Law on Investment No.67/2014/QH13, detail as below:

Step 1: We submit a project dossier [\*] to the registry office (Management Board of Industrial Zones of Hung Yen province). The dossier must include following documents:

- A written request for permission to execute the investment project;
- A copy of the Certificate of establishment or an equivalent paper that certifies the legal status of the investor (if the investor is an organization);
- An investment proposal that specifies: investor(s) in the project, investment objectives, investment scale, investment capital, method of raising capital, location and duration of investment, labor demand, requests for investment incentives, assessment of socio-economic effects of the project;
- Copies of any of the following documents: financial statements for the last two years of the investor; commitment of the parent company to provide financial support; commitment of a

financial institutions to provide financial support; guarantee for investor's financial capacity; description of investor's financial capacity;

- Demand for land use; if the project does not use land allocated, leased out by the State, or is not permitted by the State to change land purposes, then a copy of the lease agreement or other documents certifying that the investor has the right to use the premises to execute the project is required.

Step 2: On receiving the dossier, the registry office shall check to determine whether the dossier is formally satisfactory or not. If it is satisfactory, within 15 days, the registry office shall issue the Investment Registration Certificate.

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

**Answer:**

There is no requirements or condition must be met by our company in order to obtain the licenses, provided that we follow steps outlined above.

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

**Answer:**

There are no restrictions imposed on our company. We have to follow requirements related to environmental protection, fire prevention, other requirements as specified in relevant laws of Vietnam which are also imposed on other enterprises/ projects like ours. This is a situation not unlike the situation in Australia.

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

**Answer:**

There are no sanctions imposed on our Company. We have to follow requirements related to environmental protection, fire prevention, other requirements as specified in relevant laws of Vietnam which are also imposed on other enterprises/ projects like ours. This is a situation not unlike the situation in Australia.

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

**Answer:**

The business licenses are only for registration purpose.

As an investor, we are entitled to some investment incentives such as lower income tax rate which are specified by relevant laws and regulations and applied to other projects like ours. Locational and other incentives also apply in other countries, like Australia, Canada and the USA.

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

**Answer:**

Pursuant to law and regulations on enterprises, a registration certificate may be revoked in following circumstances:

- The information provided in the application for enterprise registration is false;
- The enterprise is established by persons banned from enterprise establishment; (Public employees under law of public employee are not allowed to establish private enterprise.)
- The enterprise's business operation is suspended for one year without notifying the business registration authority and tax authority;
- The enterprise fails to submit reports as prescribed in law to the business registration authority within 06 months from the deadline or from the receipt of a written request;
- Other cases decided by the Courts.

The Business Registration Office in Department of Planning and Investment of the province where our company is located has the authority to revoke the certificate.

**H-4 Decision-making, planning and reporting**

7. Provide a description of your business' decision-making structure in general and in respect of the goods. This should identify the persons or bodies primarily responsible for deciding:
- a. what goods are produced;
  - b. how the goods are produced;
  - c. how levels of inputs such as raw materials, labour and energy are set and secured;
  - d. how the use of your outputs, such as product mix, is determined; and
  - e. how your business' profit is distributed.

**Answer:**

Our company's decision-making process in general and in respect of the goods is described below:

Board of Directors of Hoa Phat Steel Sheet Co., Ltd is responsible for deciding matters relating to daily operations of our company, including:

- Signing labor contracts, recruiting workers, appointing and dismissing managers, deciding salary and bonus levels for workers;
- Organizing the implementation of the business plan of the company, deciding the production and sale of products manufactured or traded by the company (selling prices of steel products etc produced by the company);
- Making decision to buy raw materials, fuel, inputs to serve the production process of the company (purchase price, purchase volume, suppliers).

Based on decisions of the Board of Directors, other vice directors/ managers of departments in the company shall follow and instruct their employees to implement.

8. Provide a description of any Government of Vietnam input into the decision-making process respecting your manufacture, marketing and sale of the goods.

**Answer:**

The impact of the government on decision-making on the manufacture, marketing and sale of steel products:

The Government of Vietnam has no impact on the decision-making process of our Company.

The GOV recognizes the market economy for steel and steel products, so it does not impose controls on purchasing price, or selling steel prices and steel products. The steel business enterprises are responsible for their own business results on the principle of “inherit benefits, bear loss”.

Regarding the Steel Master Plan in Decision 694/QĐ-BCT dated 31 Jan 2013, the purpose of GOV is to ensure that “Vietnam’s steel industry can meet the demand for steel products for the national economy, ensure stable domestic consumption and exports. To develop sustainable and environmentally friendly steel industry”; thereby orienting the production output of steel products, production technologies and distribution planning to develop a long-lasting steel industry. These policies have no impact on price which is established by the forces of supply and demand.

Further, as also stated by Trade Remedies Authority of Vietnam (TRAV) – Ministry of Industry and Trade (MOIT) in their letter dated 20 Jan 2020 sent to the Commission, pursuant to Law on Planning No. 21/2017/QH14 dated 24 Nov 2017, all manufacturing industries, including steel industry, are no longer the subject of master plans developed by the GOV. Thus this Steel Master Plan is invalid. In fact, it is annulled as from 27 Dec 2018 by Decision No. 4977/QĐ-BCT of the MOIT.

Please see Exhibit H-4.2 Public for Law on Planning No. 21/2017/QH14 dated 24 Nov 2017 and Decision No. 4977/QĐ-BCT of the MOIT.

9. Provide a list of all government departments/offices that are involved, either directly or indirectly, in your manufacture, sale or purchase of the goods.

**Answer:**

List of government authorities that are involved either directly or indirectly in the manufacture, sale or purchase of steel products follows:

- Ministry of Industry and Trade: administrative management of the production and distribution of steel and other products.
- Ministry of Finance: regulating tariffs imposed on all imports into Vietnam, including steel.
- Customs offices: supervising and controlling the import and export of all products including steel.

- Tax authorities: monitoring the results of production and business activities of enterprises in general including steel producers, collecting relevant taxes imposed on the manufacture, sales and purchase of steel products.
  - Ministry of Planning and Investment: managing the establishment of enterprises in general, and the establishment of factories, including steel manufacturing projects. This Ministry and other are responsible for all industries, not only steel.
  - Provincial People's Committee: approves and manages projects in provinces, in all economic sectors, including steel manufacturing projects.
10. List and describe all reports that must be submitted to the Government of Vietnam periodically by your company, and identify the government department/office where each report is filed.

**Answer:**

The following reports must be submitted to the GOV periodically:

- Financial reports: submitted to provincial tax authorities.
- Environmental monitoring report: quarterly, submitted to the provincial Department of Natural Resources and Environment.
- Report on labor situation, labor safety: once every 6 months, to the provincial Department of Labor, War Invalids and Social Affairs.
- Report on labor environment monitoring: annually, to the provincial Department of Labor, War Invalids and Social Affairs.

Such reports are normal in virtually all countries in the world and are not unique to Vietnam.

11. Provide copies of the minutes of your Board of Directors and Board of Shareholders meetings over the period.

**Answer:**

Our Board of Directors held no such meetings during the period.

12. Provide copies of the notes to company meetings where pricing decisions on the goods under consideration have been made over the period.

**Answer:**

[\*] has the power to decide selling price of steel products. Such decisions are made based on [\*].

**H-5 Financial and investment activities**

7. Is your business debt funded? If yes, provide a list of all major lenders.



**Answer:**

Yes. The major lenders of our Company include:

- [\*].

8. What is the rate of interest paid by your business on all debt instruments over the last 5 years?

**Answer:**

Average interest rate for the loans of the Company during the last 5 years:

- [\*].

9. Has your business benefited from any concessional interest rates for your loans/debts in the last 5 years? If yes, provide details.

**Answer:**

No. Our Company does not benefit from any concessional interest rates for our loans with banks.

10. Has your business raised any capital using issuance of shares, preferential shares, rights issue, bonds, warrants, debentures, sub-ordinate loans or any other debt and/or equity instruments in the last 5 years? If yes:

- a. explain what instruments were used;
- b. identify the type (e.g. government guarantee) and provider of the security; and
- c. explain the reasons for raising the capital.

**Answer:**

No. Apart from loans with banks as mentioned above, our Company [\*].

11. Does your business have policies on how cash reserves are to be invested? If yes, provide details

**Answer:**

No. Cash comprises cash balances, cash in transit and cash deposits. [\*].

12. Has your business invested in either government or non-government debt securities (such as bonds, quasi-government bonds)? If yes, provide details (e.g. type of instrument, amount invested and the expected rate of return).

**Answer:**

No. Our Company has not invested in any government or non-government debt securities.

## H-6 Government policy on the industry

7. Are there any Government of Vietnam opinions, directives, decrees, promulgations, measures, etc. concerning the industry of the goods that were put in place or operating during the period?

If yes, please provide:

- (a) copy of the documentation and a translation in English;
- (b) documentation concerning the Government of Vietnam or any association of the Government of Vietnam's notification of the measures concerning the goods to your company during the period.

### Answer:

The GOV opinions, directives, decrees, promulgations, measures, etc. concerning the industry of the goods that have been put in place or announced during the period are as follows:

c. Regarding regulations on steel quality management:

Pursuant to Joint Circular No. 58/2015/TTLT-BCT-BKHCN (Exhibit H-6.1.a Public) dated December 31, 2015, domestic producers and importers of steel products have to identify standards applied to their steel products. Imported steel was additionally subject to conformity assessment with such announced standards which shall be carried out by the designated assessing bodies.

Domestic steel is not required to undergo quality assessment. However pursuant to Law on quality of goods, quality of products that are domestically manufactured could be inspected by competent examination teams if there is complaint of customers regarding goods quality.

Standards announced for imported or domestically produced steel products:

- In case the producers or importers of steel apply basic standards to announce as the applied standards, technical requirements of the basic standards shall not lower than those regulated in national standards of Vietnam (TCVN).
- In case the national standards of Vietnam (TCVN) are not available, technical requirements of the basic standards shall not lower than those regulated in corresponding national standards of exporting country or international standards.
- In case the national standards of Vietnam (TCVN), the national standards of exporting country and the international standards are not available, the basic standards must satisfy requirements below.

Announced standards must include the following basic criteria for steel products:

- Criteria of dimension, appearance and physio-mechanical properties: Geometrical dimension: diameter/thickness, width; length; Appearance: surface, mill edge; Criteria of physio-mechanical properties; Metallic clad/ coated/ plated steel: thickness of cladding/coating/plating and adherence shall be additionally specified.
- Criteria of chemical properties: Content of 05 elements including C, Si, Mn, P and S of steel products must be specified; Stainless steel products: content of 02 elements including Cr and Ni must be additionally specified; Alloy steel products: content of at least 01 alloying element (according to registered kind of alloy steel).

However, in 2017, this Joint Circular No. 58/2015/TTLT-BCT-BKHCN was amended by Circular No. 18/2017/TT-BCT (Exhibit H-6.1.b Public) dated September 21, 2017. Pursuant to Circular No. 18/2017/TT-BCT, domestic producers and importer of steel products are no longer required to identify applied standards and imported steel does not have to undergo conformity assessment.

d. Regarding taxes and duties imposed on imported steel products:

- Import taxes imposed on steel products are specified in Decree No. 122/2016/ND-CP dated September 01, 2016 (Exhibit H-6.1.c Public) which is amended by Decree No. 125/2017/ND-CP dated November 16, 2017 (Exhibit H-6.1.d Public)

In addition, there are also trade remedy safeguard measures applied to some imported steel products as below:

- Decision No.2968/QĐ-BCT (Exhibit H-6.1.e Public) dated July 18, 2016 of the Ministry of Industry and Trade on application of safeguard measures on imported billet and long products; and Decision No. 918/QĐ-BCT (Exhibit H-6.1.f Public) dated 20 Mar 2020 extending the application of safeguard measures on imported billet and long products.
- Decision No. 1230/QĐ-BCT (Exhibit H-6.1.g Public) dated May 13, 2019 of the MOIT on application of measures against circumvention of safeguard measures on steel coil and steel wire products and Decision No. 920/QĐ-BCT (Exhibit H-6.1.h Public) dated 20 Mar 2020 extending the application of of measures against circumvention of safeguard measures on steel coil and steel wire products.
- Decision No. 1105/QĐ-BCT (Exhibit H-6.1.i Public) dated 30 Mar 2017 of the MOIT on application of anti-dumping measure on imported coating steel.
- Decision No. 3198/QĐ-BCT (Exhibit H-6.1.j Public) dated 24 Oct 2019 of the MOIT on application of anti-dumping measure on imported flat-rolled, painted products of alloy or non-alloy steel.
- Decision No. 1931/QĐ-BCT (Exhibit H-6.1.k Public) dated May 31, 2017 of the MOIT on application of safeguard measures on imported color-coated steel sheet.

These safeguard measures are normal trade remedies designed to address specific instances of injurious imports.

8. Provide information concerning the name of any Government of Vietnam departments, bureaus or agencies responsible for the administration of all Government of Vietnam measures concerning the industry of the goods in the regions, provinces or special economic zones where your company is located, including contact information regarding the following areas:

- industrial policy and guidance on the industry;
- market entry criteria for the industry;
- environmental enforcement for the industry;
- management of land utilisation;
- investigation and inspection of expansion facilities;

- import licensing for raw materials relating to the goods under consideration.

**Answer:**

2. The GOV bureau that is responsible for the administration of the GOV's measures concerning the industry of the goods, in Vietnam is Ministry of Industry and Trade. Their address and contact number:

Address: 54 Hai Ba Trung street, Hoan Kiem district, Hanoi, Vietnam

Tel: [\*]

Fax: [\*]

Email: [\*]

As for HOA PHAT STEEL SHEET COMPANY LIMITED located in Hung Yen province, Department of Industry and Trade of Hung Yen province is the provincial administrative agency in charge, including the steel industry in the region where our factory is located.

Address: Quang Truong street, Hien Nam ward, Hung Yen province, Vietnam

Tel: [\*] / [\*] Fax: [\*]

Email: [\*]

Contact information regarding the following areas:

➤ ***Industrial policy and guidance on the industry***

Ministry of Industry and Trade as above contact information is responsible for all industry sectors of Vietnam (including steel industry). Ministry of Industry and Trade is responsible for issuing guidance on relevant matters industry/ manufacturing in general, including the steel industry.

Department of Industry and Trade of Hung Yen province is responsible for managing industry (including the steel industry) of the region where our company is located. Please refer to Hung Yen Department of Industry and Trade as above contact information.

Provincial department is responsible for guiding local producers on implementation of regulations issued by Ministry of Industry and Trade.

- \* Please note that the various agencies which the Commission addresses in this question are not specifically or uniquely dedicated to the industry of the goods. In every case they have much broader responsibilities and activities. The industry of the goods is only one of the economic sectors that MOIT oversees.

➤ ***Market entry criteria for the industry***

Not applicable. There is no specific regulation on market entry criteria for the steel industry sector.

➤ ***Environmental enforcement for the industry***

Ministry of Natural Resources and Environment is the governmental agency that manages environment issues on a national scale

Address: 10 Ton That Thuyet street, Cau Giay district, Hanoi, Vietnam

Tel: [\*]

Fax: [\*]

Email: [\*]

The provincial governmental agency identified below manages environmental issues in the region where our factory is located:

Department of Natural Resources and Environment of Hung Yen province

Address: No. 437 Nguyen Van Linh street, Hung Yen city, Hung Yen province, Vietnam

Tel: [\*]

Fax: [\*]

Email: [\*]

Environmental requirements are applied to all economic sectors pursuant to environmental laws and regulation. There is no specific requirement dedicated to the industry of goods.

➤ ***Management of land utilization***

Ministry of Natural Resources and Environment has the authority to manage land utilization for the whole country.

In the region where our factory is located, the provincial Department of Natural Resources and Environment is responsible for managing land utilization of such region. Please refer to Department of Natural Resources and Environment of Hung Yen province as above contact information.

Land utilization regulations are applied to all economic sectors and are not unique to steel.

➤ ***Investigation and inspection of new steel expansion facilities***

Management of issues regarding new steel expansion facilities will involve the following governmental agencies:

- Ministry of Planning and Investment is the governmental agency responsible for investment management, including new steel expansion facilities.

Address: No. 6B, Hoang Dieu, Ba Dinh district, Hanoi, Vietnam

Tel: [\*]

Fax: [\*]

- The following provincial governmental agency manages investment issues at the region where our factory is located:

Department of Planning and Investment of Hung Yen province is the governmental management agency in the locality where our factory is located.

Address: No. 8 Chua Chuong street, Hien Nam ward, Hung Yen city, Hung Yen province, Vietnam

Tel: [\*]

Fax: [\*]

Email: [\*]

The ministry manages investment issues, including steel expansion pursuant to laws and regulations. They do not have power to impose any specific requirement, any requirement/measure to manage any factory/ facility including steel plant is regulated in law.

Ministry of Industry and Trade is the governmental agency responsible for managing the steel industry in general.

In fact, MOIT is responsible for the oversight of all economic sectors. The steel industry is only one of the sectors under MOIT responsibility. MOIT performs its tasks in accordance with the laws and regulations of Vietnam. If our company conducts any business activity/ investment which requires opinion of MOIT pursuant to law, MOIT will issue an opinion. But specifically MOIT has governmental regulatory powers. MOIT is not involved in Hoa Phat's operation.

The Department of Industry and Trade of Hung Yen province is responsible for developing and administering policies to advance and develop industry in Vietnam. This includes the steel industry of the region where our company is located. Please refer to Hung Yen Department of Industry and Trade as above contact information.

MOIT is responsible for advancement of all economic sectors on a national scale. Below the national level of governmental management is provincial department of industry and trade. This provincial department is responsible for implementing laws and regulations, guidance of MOIT at the provincial level.

➤ ***Import licensing for raw materials relating to the goods under consideration.***

Raw materials are not included on the list of prohibited or limited goods for import and are not subject to import licensing.

Import safeguards are trade remedies regulated by Article XIX of GATT (1994) and the World Trade Organization Agreement on Safeguards. Australia has several provisions in the Customs Act 1901 which relate to safeguards.

Regarding safeguards duty, General Department of Customs is responsible for managing importation of goods and collecting duty and taxes applied to imported goods including safeguards duty. These provisions are broadly available and are not limited to the goods under consideration.

- General Department of Customs

Address: Block E3, Duong Dinh Nghe street, Yen Hoa ward, Cau Giay district, Hanoi, Vietnam

Tel: [\*]

Email: [\*]

- Department of Customs of Hai Phong province is the governmental management agency in charge of customs issues in Hung Yen province where our factory is located.

Address: No. 159 Le Hong Phong street, Hai An ward, Hai Phong city, Vietnam

Tel: [\*]

Fax: [\*]

Email: [\*].

9. Describe any role your company plays in the development of government's industrial plans and/or policies at all levels of government. For example, does your company provide information for, or request inclusion in, any plans, policies, or measures?

Answer:

Our company does not play any roles in the development of government's industrial plans and/or policies at all levels of government.

10. Does your company provide information relating to assessments of the implementation of the plan, policy or measure?

Answer:

Our company does not provide information relating to assessments of the implementation of the plan, policy or measure.

11. Has the Government of Vietnam recognised your company and/or industry as one of priority (for example, designated as a "pillar," "encouraged," or "honourable" company and/or industry?). If yes, please answer the following questions.

- (a) Explain the purpose of these designations, the criteria for receiving any such designation, and the benefits or obligations that arise from each such designation.
- (b) Is there any connection between these designations and five-year plans or other industrial and/or economic policies or administrative measures?
- (c) Describe any instances in which your company cited Government of Vietnam plans, policies, or measures as support for receiving the financing that you report.

Answer:

Our company has never been recognised as one of priority like "pillar," "encouraged," or "honourable" company and/or industry by the GOV.

12. How has the Government of Vietnam's *Steel Master Plan* or *Industrial Development Strategy* impacted on your business and how do you ensure compliance with this policy?

Answer:

Our company does not take account or have regard to any Steel Master Plans in its daily operations and business decisions. The contents of the Steel Master Plan do not apply to projects involving manufacturing steel pipes and do not address the activities of Hoa Phat Steel Sheet Co., Ltd.

## **H-7 Taxation**

5. Were there any export taxes on the exports of the goods during the period?

**Answer:**

Pursuant to Decree No. 122/2016/ND-CP (Exhibit H-6.1.c public) and Decree No. 125/2017/ND-CP (Exhibit H-6.1.d Public), there are no export taxes on the goods under consideration.

6. What was the value-added tax rebate applicable to exports of the goods during the period?

**Answer:**

Not applicable. VAT on exported goods under consideration is zero rated, consistent with WTO rules so there was no value-added tax rebate applicable to exports of the goods during the period.

7. Have there been any changes to the value-added tax rebate applicable to exports of the goods in the last 5 years? If yes, provide:

- (a) a detailed chronological history of the value-added tax rebate rates;
- (b) products affected;
- (c) the effective dates of the rate changes;
- (d) fully translated copies of any Government of Vietnam notices regarding these changes, including the relevant appendices.

**Answer:**

There is no changes to the policy of value-added tax rebate in the last 5 years. Regarding exports of the goods, there is no value-added tax applicable to such exports so tax rebate is not applicable.

8. Are you aware of any tax changes being planned that would impact the industry?

**Answer:**

Our company are not aware of any tax changes being planned that would impact the industry.

**H-8 Sales Terms**

6. Identify the person who authorises the sales terms, prices and other contract provisions for the sale of the goods by your business.

**Answer:**

[\*] has power to decide sales terms, prices and other contract provisions for the sale of the goods.

7. Explain how the selling prices of the goods under consideration by your business are determined, including any Government of Vietnam involvement in your business' pricing decisions, and indicate if the goods are subject to Government of Vietnam direct or indirect pricing or government guidance pricing.



**Answer:**

Decisions of the Director of our company on the selling prices of the goods under consideration are made based on the following factors:

- [\*].

8. Does your business coordinate the selling prices or supply of the goods with other domestic producers or any Government of Vietnam departments? If yes, provide details.

**Answer:**

Our company does [\*].

9. Explain whether your business provides information or data to the Government of Vietnam, other government officials or commercial/industry organisations, including those outside of Vietnam, which report on the industry.

**Answer:**

We have not submitted information with respect domestic selling prices to any GOV agency, nor any official at the provincial, regional or special economic zone level.

[\*].

10. Explain whether your business provides price data to any other person at any level of government.

**Answer:**

Our company does not provide price data to any other person at any level of government.

**H-9 Industry associations**

3. Is your business a member of any business or industry associations? If yes, explain your business' relationship with the association and the involvement of the Government of Vietnam with the associations.

**Answer:**

[\*]. VSA is a trade association which represents domestic steel producers in Vietnam. The VSA generally collects opinions of steel producers and makes proposals to GOV relating to any law and regulation for steel industry.

VSA communicates the views of its members to GOV on a range of issues and matters of interest to its members.

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

**Answer:**

Hoa Phat Group JSC [\*]. Membership in VSA is voluntary, not mandatory.

VSA supports our company in communicating our opinions to the GOV, collecting information of domestic steel market and foreign steel market, connecting our company with foreign steel associations, providing technical assistance relating to steel production, providing update of laws and regulations regarding steel industry.

**H-10 Statistics submission/recording**

5. Indicate if your business makes submissions to the General Statistics Office of Vietnam and/or any other government organisation. If yes, explain the purpose of these submissions and the type of information submitted.

**Answer:**

We provide data regarding output inventory, production output, sales output and sales turnover monthly to the provincial Department of Statistics. This data is used by the Department of Statistic for statistical purposes and for management purposes.

6. Provide a recent example of a submission that has been made to the General Statistics Office of Vietnam and/or any other government organisation. For example, monthly data relating to sales, production and costs.

**Answer:**

Please see Exhibit H-10.2 Confidential.

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

**Answer:**

The Department of Statistics simply receives our submission, they do not have to approve or assess our report.

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

**Answer:**

The Department of Statistics does not provide feedback on our submission.

## H-11 Production/output

11. Is any part of your production subject to any national/regional industrial policy or guidance? If yes, provide details including a background of the policy/guidance and explain any restriction imposed by the policy/guidance. To what extent are any of the policies/guidelines applicable to your business?

Answer:

No. There are no restrictions or guidance by GOV on our production, sale and/or export of steel products, including the goods under consideration.

12. Where applicable, how did your business respond to the policies/guidelines?

Answer:

There are no such policies to respond to.

13. Provide details regarding any other restrictions (e.g., geographic/regional, downstream, use, etc.) to the sale of the goods and/or like goods that may be imposed by the Government of Vietnam.

Answer:

There are no restrictions on the sale of goods and/or like goods domestically or for export. GOV does not impose any restriction on the sale of goods and/or like goods since they are not prohibited or restricted for trading products.

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

Answer:

Please see Exhibit D-2 Confidential - Domestic sales for all domestic customers of the like goods, with their location and whether they are SIE or not.

15. Are there any restrictions and/or conditions in relation to the quality or quantity of the production of the goods placed upon your business? If yes, provide details.

Answer:

There are no restrictions and/or conditions in relation to the quality or quantity of the production of the goods placed upon your business.

16. Does your business require an export licence? If yes, provide details.

Answer:

Our company is not required an export license in order to export the goods under consideration.

17. Are the goods sold by your business subject to any export restrictions and/or limits during the previous 5 years? If yes, provide details.

**Answer:**

The goods under consideration produced by our company are not subject to any export restrictions and/or limits during the previous 5 years or even currently.

18. Provide details regarding any other restrictions (e.g., geographic/regional, downstream, end use) placed upon your business on the sale of the goods.

**Answer:**

GOV does not impose any other restriction on sale of the goods since they are not prohibited or restricted for trading products.

19. Have there been any changes to your production capacity over the last 5 years? If yes, provide details.

**Answer:**

Please see answer of Question H-13.1 below.

20. Does your business benefit from any concession on the purchase of any utility services (e.g. electricity, gas, etc.)? If yes explain the nature and the amount of the concession?

**Answer:**

Our company does not receive any benefit from any concession on the purchase of any utility services such as electricity, gas, etc.

## **H-12 Sales price**

10. Explain whether your business has been subjected to any direct or indirect price guidance or controls by the Government of Vietnam during the period.

**Answer:**

We were not and are not subjected to any direct or indirect price guidance by the GOV during the period.

11. Explain whether your business has been subjected to any direct or indirect price guidance or controls by the Government of Vietnam during the period, with respect to raw material inputs.

**Answer:**

We are not subjected to any direct or indirect price guidance by the GOV for purchasing raw material inputs.

12. Explain whether your business has encountered any price guidance or controls established by regional or provincial officials and/or organisations.

Answer:

We have not encountered any price guidance or controls established by regional, provincial official and/or organisations.

13. Describe in detail how the selling price of the goods is determined. In particular, provide details of any restrictions, limitations, or other considerations imposed on your business.

Answer:

The selling prices of steel products of our company are determined based on the following factors:

- [\*].

There is no restrictions, limitations or other considerations exist or are imposed on our company.

14. Which organisation/business entity do you consider as the price leader of the goods?

Answer:

In our opinion, there is no price leaders exist in steel pipe sector as there is high transparency of supply and demand conditions, and costs of production amongst local manufacturers show very little variance.

15. Does your business have a pricing committee in respect of the goods? If yes, provide the names and positions of all members of the committee.

Answer:

Our company does not have a pricing committee in respect of the goods.

16. How often does the pricing committee meet to discuss selling prices of the goods? Provide the minutes or any other relevant documents of all meetings of the pricing committee during the period.

Answer:

Not applicable. As we mentioned above, we do not have the pricing committee.

17. Identify the person who authorises the sales terms, prices and other contract provisions for the sale of the goods by your business.

**Answer:**

[\*] determines the terms and conditions of each contract such as quantity, unit price, term of payment, etc.

18. If you have production facilities of the goods in more than one region and/or province, are the laws and regulations in each region the same with respect to pricing of the goods? If no, provide details on the differences.

**Answer:**

There is no law or regulation specifying selling prices of steel products. [\*].

**H-13 Adding capacity and/or joint ventures**

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

**Answer:**

The government approval process for [\*], and/or joint ventures in general is specified in the Law of Investment, which has general application, and relevant regulations, which are applied to all other sectors in Vietnam:

Generally the approval process is as below:

Pursuant to investment law, the approval process is below:

Step 1: We submit a project dossier to the competent registry office. The dossier shall include required documents in accordance with laws.

Step 2: On receiving the dossier, the registry office checks to determine whether the dossier is satisfactory or not.

If it is satisfactory, and if the registry office has to collect opinions from other regulatory agencies for the project, the registry office shall send the dossier to these agencies asking for opinions.

Step 3: The registry office shall make and submit an appraisal report, such report shall compile opinions of relevant regulatory agencies (if required), to the competent approval authority.

Step 4: The competent approval authority shall issue the decision on approval for the project.

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

**Answer:**

There is no advice or instruction or request on adding capacity and/or joint ventures from the GOV.

#### H-14 Raw materials

8. Are any of the suppliers related or affiliated with you? If yes, provide details.

Answer:

Yes. There are suppliers which are the related companies. Please see Exhibit G-7.4 Confidential for the list of suppliers of the Company in the period of investigation.

9. Do you purchase from State Invested Enterprises? If yes, provide a details.

Answer:

No. We do not purchase raw material from State Invested Enterprises. Please see Exhibit G-7.4 Confidential for the list of suppliers of the Company in 2019.

10. If your supplier is based outside Vietnam, what import duty rate is applied on the raw materials?

Answer:

Our company imported [\*].

11. Is there a price difference in purchase price for raw materials between your suppliers? If yes, provide a detailed explanation.

Answer:

Prices for raw materials may [\*].

12. Describe in detail your business' purchase procedures of the raw materials, the considerations in selecting a supplier and how the price of the raw materials is determined between you and your suppliers. If it is by tenders, provide details of the criteria/conditions.

Answer:

The procedure for buying raw materials and the considerations in selecting a supplier: [\*].

13. If any of your raw materials for the goods and/or like goods are imported by your business, or related businesses:

- a. Provide details including a description of the raw material imported, the supplier and country of origin.

Answer:

Our company [\*].

Please see Exhibit G-7.4 Confidential – Raw material purchase for details.

- b. Explain the process required to import the raw materials (e.g. obtaining an import licence, import declarations).

**Answer:**

Regarding the import of raw materials, we have to follow procedure as described below:

Step 1: (Applied to the import of non – alloyed HRC only)

In 2019, non-alloyed HRC is under the list of group-2 products under the management of Ministry of Science and Technology according to Decision No. 3482/QD-BKHCN dated 8 Dec 2017 of the Ministry of Science and Technology.

To register inspection of imported raw materials as prescribed in Form No. 1 DKKT enclosed with Circular No. 27/2012/TT-BKHCN dated December 12, 2012 (amended by Circular No. 07/2017/TT-BKHCN dated June 16, 2017) to the Bureau of Standard, Metrology and Quality.

Within 1 working day, the Bureau of Standard, Metrology and Quality shall certify that our company has registered inspection of imported non – alloyed HRC. The company shall submit the written registration bearing certification of the inspecting agency to customs authority for clearance of goods;

Step 2: (applied to all imported raw materials) To prepare a dossier for clearance of goods, which includes:

- The customs declaration form;
- Commercial invoices or equivalent documents;
- The bill of lading or equivalent transport documents;
- Written registration bearing certification of the inspecting agency (for the import of non – alloyed HRC)
- Value declaration;
- Documents certifying goods origins.

Step 3 (For the import of non – alloyed HRC): Within 15 working days from the date of clearance, the importer shall submit a copy of origin of the certification or appraisal in conformity with national technical regulation as prescribed to the inspecting agency.

However, since 18 Dec 2019, the Decision No. 3482/QD-BKHCN is replaced by the Decision No. 3810/QD-BKHCN and non-alloy HRC is not under the list of group-2 products under the management of Ministry of Science and Technology. From now on, we do not have to conduct Step 1 and Step 3 for importing non-alloyed HRC.

- c. Provide details of any conditions to importing the raw materials (e.g. customs and/or quarantine).



**Answer:**

For HRC (non-alloyed):

Our company shall be granted the written registration bearing certification of the Bureau of Standard, Metrology and Quality.

Then we must send it to customs before making declaration, detailing the goods' name, quantity, discharging port and estimated time to arrive in Vietnam, etc.

For HRC (alloyed) and Al – Zn: There are no conditions must be met for importation.

- d. Are you eligible for a duty drawback? If yes, provide details.

**Answer:**

Not applicable. The import tariff for HRC and zinc is 0% so we do not process duty drawback.

14. Do you, or a business associated with you, sell any of the raw materials used to manufacture the goods and/or like goods, or sell the semi-processed goods?

**Answer:**

[\*].

- a. Please provide a description of the raw material or semi-processed goods which are sold, including whether they are domestic or export transactions, to related or unrelated parties, and how the selling price is determined.

**Answer:**

Regarding raw material, we buy [\*].

- b. If there is a difference in selling prices between related and unrelated parties, please provide reasons as to why.

**Answer:**

There is [\*].

## SECTION I VIETNAMESE MARKET

### I-1 Prevailing conditions of competition in the Vietnamese market

7. Describe the Vietnamese market for the goods and the prevailing conditions of competition within the market, including:
- (j) Provide an overall description of the market in Vietnam which explains its main characteristics and trends over the past five years;

**Answer:**

The overall market in Vietnam is characterised by robust growth in capacity and increasing numbers of manufacturers of differing sized operations, which has led to strong competitive market conditions.

With the development of industrial, infrastructure and urban construction activities, the demand of Al-Zn coated steels is growing in Vietnam. Through time, there has been an increase in the demand for quality and many thicknesses which had been hard to produce in the past (i.e. 0.25mm and 0.3mm).

- (k) Provide the sources of demand for the goods in Vietnam, including the categories of customers, users or consumers of the product;

**Answer:**

The main source of demand for coated steel products involve roofing, to be input material for pre-painted steel production other general mechanical or manufactured end-use applications.

In Vietnamese market, coated steel products of factories are mainly supplied to agents, from which agents sell to construction projects, other companies and households.

- (l) Provide an estimated proportion (%) of sales revenue from each of those sources of demand listed in (b);

**Answer:**

The Company does not have information to provide to the Commission.

- (m) Describe the factors that influence consumption/demand variability in Vietnam, such as seasonal fluctuations, factors contributing to overall market growth or decline, government regulation, and developments in technology affecting either demand or production;

**Answer:**

The factors affecting consumption/ demand of coated steel in Vietnam are as follows:

- [\*].

- (n) Describe any market segmentations in Vietnam; such as geographic or product segmentations;

**Answer:**

Market segmentations in Vietnam based on geographic area include:

- [\*].

- (o) Provide an estimated proportion of sales revenue from each of the market segments listed in (e);

**Answer:**

The Company does not have information to provide to the Commission.

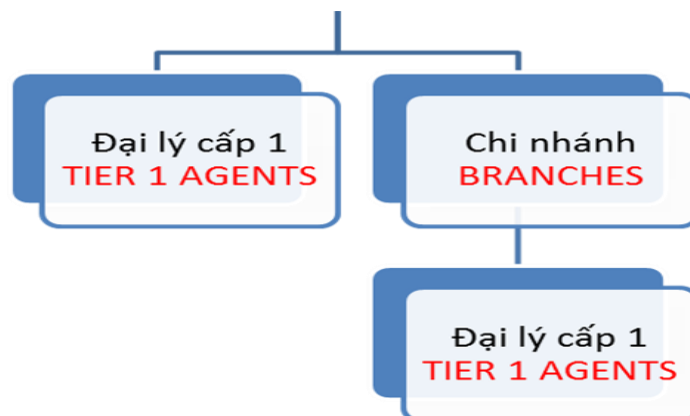
- (p) Describe the way in which Vietnamese and imported goods compete in the Vietnamese market;

**Answer:**

There is negligible presence of imported goods in the domestic Vietnamese market. To the extent that imports do enter the market, the Company competes against these importers in the same manner that it competes against other domestic producers, which is to offer a quality product with reliable service delivery.

- (q) Describe the ways that the goods are marketed and distributed in the Vietnamese market; and

**Answer:**



Being a fairly commoditised product, the subject goods are not required to be marketed to domestic customers, as producers and suppliers are well known to market participants, and quality of products is fairly uniform across the numerous suppliers.

Commonly coated steel produced by domestic factories are [\*].

- (r) Describe any other factors that are relevant to characteristics or influences on the Vietnamese market for the goods.

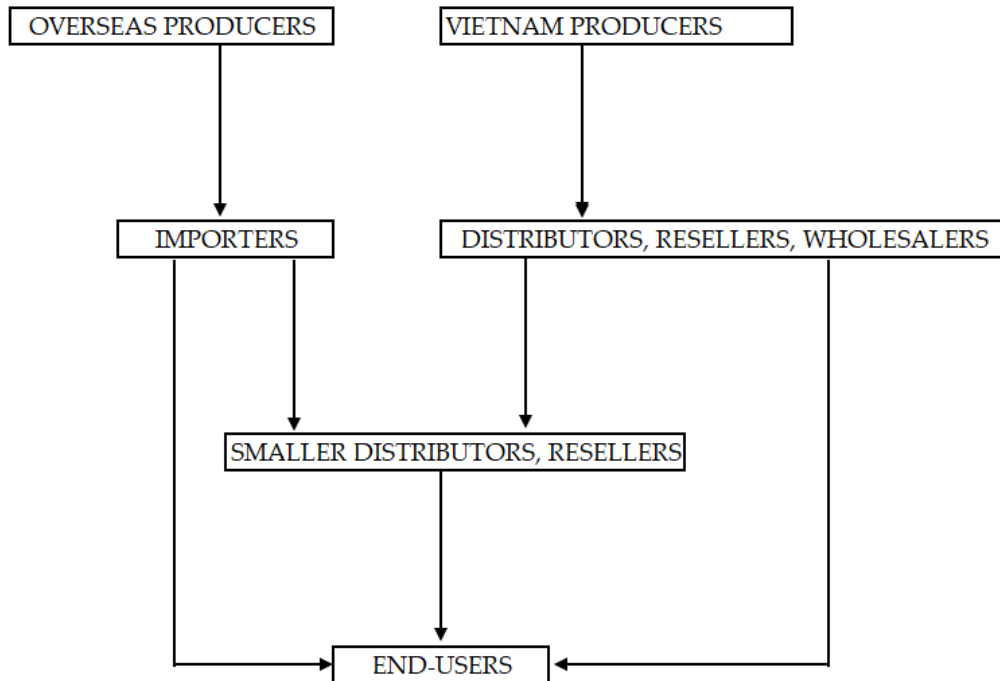
*Provide documentary evidence to support the responses made to questions 1(a) to (i).*

**Answer:**

There are no other known relevant factors.

8. Provide a diagram which describes the Vietnamese market structure for the goods, ensuring that all categories of participants are included. In this diagram use linkages to illustrate the different levels of trade and distribution channels within the Vietnamese market.

Answer:



Vietnam's coated steel market has no barriers to entry, manufacturing companies (of all types of ownership sectors (state-owned, non-state owned, foreign-owned) are free to decide to enter the market. The coated steel manufacturers fairly compete with each other based on production capacity, product quality, distribution system organization, etc.

Coated steels produced by factories are mainly distributed to agents by geographical area, and then these agents distribute the products to consumers.

9. Describe the commercially significant market participants in the Vietnamese market for the goods at each level of trade over the investigation period. Include in your description:
- names of the participants;
  - the level of trade for each market participant (e.g., manufacturer, reseller, original equipment manufacturer (EOM), retailer, corporate stationer, importer, etc.);
  - a description of the degree of integration (either vertical or horizontal) for each market participant; and
  - an estimation of the market share of each participant.

Answer:

Please see the answer of Question I-1.2.

10. Identify the names of commercially significant importers in the Vietnamese market for the goods over the investigation period and estimate their market share. Specify the country each importer imports from and their level of trade in the Vietnamese market, if known.

Answer:

We do not have information of commercially significant importers in the Vietnamese market for the goods.

11. Describe the regulatory framework of the Vietnamese market for the goods as it relates to competition policy, taxation, product standards and the range of the goods. Provide a copy of any regulation described, if available.

Answer:

The basic regulations of Vietnamese market for the goods include:

- Regarding competition policy, Law on Competition applies to all goods/ all industries, not just coated steels.

Basic principles specified by Law on Competition are:

- Enterprises are entitled to freedom of competition in accordance with legal provisions. The State guarantees the lawful right to competition in business.
- Competition must be implemented on the principles of honesty, fairness, non-infringement upon the interests of the State, public interests, legitimate rights and interests of enterprises and consumers.

Prohibited acts related to competition are:

- State agencies are prohibited from performing the following acts to prevent competition on the market:
  - + Forcing, requesting, recommending enterprises, organizations or individuals to or not to buy, sell specific products, provide services or from/to specific enterprises, except for products and services in state-monopolized domains or in emergency cases prescribed by law;
  - + Discriminating among enterprises;
  - + Forcing, requesting, recommending industry associations, social-occupational organizations or enterprises to associate with one another with a view to restrain competition on the market;
  - + Taking advantage of their positions and powers to illegally intervene the competition.
- Organizations, individuals are prohibited from providing information, mobilizing, encouraging, coercing or enabling enterprises to engage in anti-competitive practices or unfair competition.

Please see Exhibit I-1.5.a Public for the Law on Competition.

- Regarding taxation, domestic coated steel is just subject to VAT only. VAT rate is 10% for the goods.
- Regarding product standards, there is no Vietnam standards for Al-Zn coated steel, just standards for coated steels in general.

However, there is no requirement that the coated steel must meet specific standards. Customers require for standard of coated steel based on their need.

12. Describe any entry restrictions for new participants into the Vietnamese market for the goods.

Your response could include information on:

- resource ownership;
- patents and copyrights;
- licenses;
- barriers to entry;
- import restrictions; and
- government regulations(including the effect of those government regulations).

*In responding to question 6 ensure that relevant regulations are referenced.*

**Answer:**

The Company is not aware of any restrictions to entry for new participants.

**I-2 Goods in the Vietnamese market**

7. Generally describe the range of goods offered for sale in the Vietnamese market. The description should include all like goods, including those produced by your company. Your description could include information about:

- quality differences;
- price differences;
- supply/availability differences;
- technical support differences;
- the prevalence of private labels/customer brands;
- the prevalence of generic or plain labels;
- the prevalence of premium labels; and
- product segmentation.

**Answer:**

a. Description of the coated steel sold in Vietnam market:

[\*].

b. The market of products can be [\*].

8. Describe the end uses of the goods in the Vietnamese market from all sources.

**Answer:**

The goods are used in construction projects like roofing, sandwich panel, manufacturing pre-painted products, etc. There are no special purposes of the goods' end uses.

9. Describe the key product attributes that influence purchasing decisions or purchaser preferences in the Vietnamese market. Rank these preferences or purchasing influencers in order of importance.

**Answer:**

The key product attributes influencing purchasing decisions of customers are:

Compliance with relevant technical standards (ie, mechanical and chemical characteristics).

The goods' suitability with end use purposes.

10. Identify if there are any commercially significant market substitutes in the Vietnamese market for the goods.

**Answer:**

There are no known commercially significant market substitutes for the subject goods.

11. Identify if there are any commercially significant market complements in the Vietnamese market for the goods.

**Answer:**

There are no known commercially significant market complements for the subject goods.

12. Have there been any changes in market or consumer preferences in the Vietnamese market for the goods in the last five years? If yes, provide details including any relevant research or commentary on the industry/sector that supports your response.

**Answer:**

There is no change in market or consumer preferences in the Vietnamese market for the goods in the last five years. The goods continue to be marketed and consumed in the same manner over the last five years.

**I-3 Relationship between price and cost**

16. Describe the importance of the Vietnamese market to your company's operations. In your response describe:

**Answer:**

The sales (and profits) of the Company in the Vietnamese markets accounts for the substantially proportion of total sales and profits of the Company.

(c) The proportion of your company's sales revenue derived from sales of the goods in Vietnam; and

**Answer:**

Please see Exhibit B-4 Confidential - Upwards sales.

(d) The proportion of your company's profit derived from sales of the goods in Vietnam.

*In responding to question 1 please provide evidence to support the calculations.*

**Answer:**

[\*].

17. Is your organisation/business entity the price leader for the goods in the Vietnamese market? If no, please explain the reasons behind your response and specify the name(s) of the price leaders.

**Answer:**

No. As the products (GL steel coils) is a commodity product with little discernible characteristics that differentiate it from one manufacturer to another, there is no real price leader or price setter. Also, as the main raw material (hot-rolled coil (HRC)) represents the vast majority (80-90%) of the cost of the goods, and HRC is itself widely available from numerous sources at competitive prices, there is no real scope for a single manufacturer to become a price leader.

18. Describe the nature of your product pricing (e.g., market penetration, inventory clearance, product positioning, price taker, price maker, etc.) and your price strategies (e.g., competition-based pricing, cost-plus pricing, dynamic pricing, price skimming, value pricing, penetration pricing, bundle pricing, etc.) in Vietnam. If there are multiple strategies applied, please rank these by importance. If there are different strategies for different products, please specify these. Provide copies of internal documents which support the nature of your product pricing.

**Answer:**

Whilst Hoa Phat does not assess the nature of product pricing using the concepts outlined in the question, it is appropriate to consider Hoa Phat's pricing goal as "cost-plus". This is due to the cost of producing the subject goods being heavily impacted by the cost of the raw material feedstock (HRC), which accounts for up to 90% of the total cost to make.



19. Explain the process for how the selling prices of the goods for the Vietnamese market by your business are determined. Provide copies of internal documents which support how pricing is determined.

Answer:

Prices for the subject goods are determined on the basis of [\*]. Ultimately, prices are affected by customer demand and competitive offers from alternative suppliers.

20. How frequently are your Vietnamese selling prices reviewed? Describe the process of price review and the factors that initiate and contribute to a review. Provide the names and positions of all persons involved.

Answer:

The selling price is [\*].

21. Rank the following factors in terms of their influence on your pricing decisions in the Vietnamese market, with the most important factor ranked first and the least important factor ranked last:

- Competitors' prices
- Purchase price of raw materials
- Cost to make and sell the goods
- Level of inventory
- Value of the order
- Volume of the order
- Value of forward orders
- Volume of forward orders
- Customer relationship management
- Supplier relationship management
- Desired profit
- Brand attributes
- Other [please define what this factor is in your response]

Answer:

The following factors influencing the pricing decisions of the Company in the Vietnamese market: [\*].

22. Describe the relationship between selling price and costs to make and sell in the Vietnamese market. Does your company maintain a desired profit margin for the goods?

Answer:

Prices and costs [\*].

23. Do you offer price reductions (e.g., commissions, discounts, rebates, allowances or credit notes) in the Vietnamese market? If yes, provide a description and explain the terms and conditions that must be met by the customer to qualify. Explain how the cost to make and sell are considered in establishing these price reductions. Provide copies of internal documents which support your claims in response to this question.

Answer:

The company [\*].

24. Do you offer bundled pricing in the Vietnamese market? If yes, explain how the pricing for bundled sales is determined. Explain how the costs to make and sell are considered in establishing these bundled prices for the goods. Provide copies of internal documents which support your claims in response to this question.

Answer:

No. The Company does not offer bundled pricing in the Vietnamese market.

25. Does the volume of sales to a customer or the size of an order influence your selling price in Vietnam? If yes, advise how volume is used to determine selling prices. Explain how the costs to make and sell are considered in establishing volume based prices for the goods. Provide copies of internal documents which support your claims in response to this question.

Answer:

The size of orders and sales to a distributor [\*].

26. Does your organisation/business entity use sales contracts in the Vietnamese market? If yes:

Answer:

The definition of a sales contract in terms of this question is unclear, as a sales contract is commonly understood to represent a sales order or purchase order. However it appears that the 'sales contract' referred in this questions involves a more formal contractual arrangement involving agreed obligations on the parties to the contract.

In fact the Company signs [\*].

- (h) What proportion of your sales revenue would come from contracted sales versus uncontracted sales?

**Answer:**

The Company does not calculate the sales revenue from contracted sales separately.

- (i) Do you offer exclusivity contracts? If yes, what proportion of your sales revenue would come from exclusivity contracts?

**Answer:**

The Company does not offer exclusivity contract.

- (j) How frequently are sales contracts renegotiated?

**Answer:**

[\*].

- (k) How frequently are price reviews conducted between contracts?

**Answer:**

Price is [\*].

- (l) Do you provide opportunities for price reviews for customers within contracts? If yes, provide a description of the process and an explanation of the circumstances that might lead to a price review.

**Answer:**

No. Price is [\*].

- (m) Do changes in your costs to make and sell enable you to review prices for customers within contracts?

**Answer:**

Prices are [\*].

- (n) Provide a list of the customers under contract during the investigation period and copies of the two largest contracts in terms of sales revenue. Provide a complete translation of the documents.

**Answer:**

Not applicable. [\*].

27. Provide copies of any price lists for the goods used in the Vietnamese market during the investigation period. If you do not use price lists, describe the transparency of your prices in the Vietnamese market.

**Answer:**

[\*].

28. How do you differentiate pricing for different products/models of the goods in the Vietnamese market? Describe how your products are grouped for price differentiation and the method used. Describe any cost to make or selling cost differences between differentiated products. Describe how these cost differences (if any) influence pricing decisions. Provide copies of internal documents which support your claims in response to this question.

Answer:

The Company currently has [\*].

29. Do you tier or segment your Vietnamese customers for the goods in terms of pricing? If yes, provide:

- (d) a general description of how this is done;
- (e) list the factors that influence pricing differentiation in different tiers or segments; and
- (f) explain how cost to make and selling costs are considered in making pricing decisions for different tiers or segments.

*Provide copies of internal documents which support your claims in response to this question.*

Answer:

No. The Company does not tier or segment the customers in Vietnam for the goods in terms of pricing.

30. Do you sell the goods to related entities in Vietnam? If yes, describe how prices are set for related party transactions and specify what proportion of your sales in terms of sales revenue are to related party entities. If available, provide a copy of any internal document relevant to establishing pricing to related parties.

Answer:

[\*].

**I-4 Marketing and sales support in the Vietnamese market**

6. How does your company market the goods in the Vietnamese market? Include in your response the value proposition used (e.g., competitive price, superior quality, reliability, availability, etc.).

Answer:

The products of Hoa Phat is [\*].

7. Does your company conduct brand segmentation in the Vietnamese market for the goods? If yes, describe the brand segmentation used and provide the proportion of sales revenue derived from each brand segment.

Answer:

No. The Company does not conduct brand segmentation in the Vietnamese market for the goods.

8. Provide examples of your Vietnamese advertising of the goods over the past five years. If you have not used advertising in Vietnam, provide examples of any other promotion campaigns for the goods you have conducted over the investigation period.

Answer:

Hoa Phat's coated steel products are advertised through the below channels:

➤ [\*].

9. How many people are in your Vietnamese market sales team and where are they located? In general terms, how are they remunerated? If they are offered performance pay based on sales, describe the performance indicators used to establish the performance pay. Provide copies of internal documents which support your claims in response to this question.

Answer:

The sales team of [\*].

10. Describe what parameters are provided to sales staff to assist in establishing pricing for the goods when negotiating sales with customers. Provide copies of internal documents which support your claims in response to this question.

Answer:

The responsibility for negotiating and establishing selling prices [\*].

## SECTION J

### PRODUCTION AND PRODUCTION COSTS

#### J-1 Production of the goods

8. Describe how your company determines its volume of production for the goods, product mix of production and the factors that contribute to these decisions. How frequently are production volumes determined for the goods? How frequently is the product mix determined for the goods? Provide copies of internal documents which support your claims in response to this question.

Answer:

Our company determines the volume of production [\*].

9. What lead times are typically needed to adjust volumes of production for the goods? Provide copies of internal documents which support your claims in response to this question.

Answer:

The Company often [\*].

10. Do you have warehousing facilities for the goods? If no, what do you do with excess inventory?

Answer:

Our company has warehouses for the goods. They are located at the factory our company.

If yes:

- (d) What is the volume capacity of these facilities?

Answer:

The volume capacity of these warehouses for [\*].

- (e) What was the monthly amount of inventory maintained during the investigation period?

Answer:

Please see the table below for monthly amount of inventory maintained during the investigation periods: [\*]

- (f) What is the average period of time that inventory is retained (describe how this is calculated)?

*Provide copies of internal documents which support your claims in response to this question.*

Answer:

The average period of time for inventory (of the goods under consideration) is [\*].

Calculation formula: [\*].

[\*].

Please see Exhibit J-1.3 Confidential for calculation of this time.

11. Have there been any changes to the type of capital or technology utilised by your company in the manufacturing of the goods in the last five years? If yes, provide details.

**Answer:**

There has been no change to the type of capital or technology utilised by our company in the manufacturing of the goods in the last five years.

12. For each plant capable of producing inputs that could be utilised to make the goods, provide the date that production facility came into operation and the production capacity of the plant over the past five years. The production capacity should be based on an actual production capacity, not a budgeted production capacity. Provide copies of internal documents which support your claims in response to this question.

**Answer:**

Main input to produce the goods under consideration is [\*].

13. List any significant investments in the past five years to either upgrade, refurbish or build any of the plants used in the production of the goods.

*Provide copies of internal documents which support your claims in response to this question.*

**Answer:**

[\*].

Please see Exhibit J-1.6 Confidential for [\*].

14. Confirm whether management reports are prepared on production costs. If yes:

- (e) specify how often these cost reports are prepared;
- (f) describe the level of detail in those reports and whether they enable the establishment of costs of producing the goods; and
- (g) specify to whom within the company these reports are provided; and
- (h) provide copies of these reports for each month of the investigation period.

**Answer:**

[\*]

## SECTION K AUSTRALIAN MARKET

### K-1 Prevailing conditions of competition in the Australian market

7. Describe the Australian market for the goods and the prevailing conditions of competition within the market, including:
- (j) Provide an overall description of the Australian market for the goods which explains its main characteristics and trends over the past five years;
  - (k) Provide the sources of demand for the goods in Australia, including the categories of customers, users or consumers of the product;
  - (l) Provide an estimated proportion (%) of sales revenue from each of those sources of demand listed in (b);
  - (m) Describe the factors that influence consumption/demand variability in Australia, such as seasonal fluctuations, factors contributing to overall market growth or decline, government regulation, and developments in technology affecting either demand or production;
  - (n) Describe any market segmentations in Australia; such as geographic or product segmentations;
  - (o) Provide an estimated proportion of sales revenue from each of the market segments listed in (e);
  - (p) Describe the way in which Australian manufactured, Vietnamese and other imported goods compete in the Australian market;
  - (q) Describe the ways that the goods are marketed and distributed in the Australian market; and
  - (r) Describe any other factors that are relevant to characteristics or influences on the market for the goods in Australia.

*Provide documentary evidence to support the responses made to questions 1(a) to (i).*

#### Answer:

Our company is not deeply familiar with the prevailing conditions of competition within the Australian market. The requested information is more easily available to Australian importers and the Australian industry. Sources of demand involve roofing, input material for pre-painted steel production, and other general mechanical or manufactured end-use applications;

- As with the domestic market, construction activity is a key driver of demand variability;
- No observable market segmentation as all key markets are supplied by domestic and imported products;

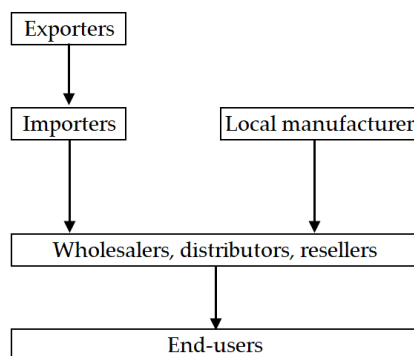


- Locally produced and imported goods are able to compete where the goods are sold as complying to a specific Australian or international standard. Beyond this, the products compete on quality, reliability and service delivery.
- Subject goods are distributed through the common channels to market, such as wholesalers, distributors and resellers.

8. Provide a diagram which describes the Australian market structure for the goods, ensuring that all the categories of participants are included. In this diagram use linkages to illustrate the different levels of trade and distribution channels within the Australian market.

Answer:

The diagram that describe the Australian market structure is as follow:



9. Describe the commercially significant market participants in the Australian market for the goods at each level of trade over the investigation period. Include in your description:
- names of the participants;
  - the level of trade for each market participant (e.g., manufacturer, reseller, original equipment manufacturer (EOM), retailer, corporate stationer, importer, etc.);
  - a description of the degree of integration (either vertical or horizontal) for each market participant; and
  - an estimation of the market share of each participant.

Answer:

Beyond the Australian importing customer, our company is not aware of the final customer, as the responsibility for developing and maintaining trading relationships with the distributors/resellers rests with the Australian importers. Therefore, the Commission should seek information to address this question directly with importers.

10. Identify the names of commercially significant importers in the Australian market for the goods over the investigation period and estimate their market share. Specify the country each importer imports from and their level of trade in the Australian market, if known.

Answer:

The Company has no information to answer this question.

11. Describe the regulatory framework of the Australian market for the goods as it relates to competition policy, taxation, product standards and the range of the goods. Provide a copy of any regulation described, if available.

Answer:

The Company has no information to answer this question.

12. Describe any entry restrictions for new participants into the Australian market for the goods. Your response could include information on:

- resource ownership;
- patents and copyrights;
- licenses;
- barriers to entry;
- import restrictions; and
- government regulations(including the effect of those government regulations).

*In responding to question 6 ensure that relevant regulations are referenced.*

Answer:

Our company is not aware of any barriers to entry for new participants in Australia.

**K-2 Goods in the Australian market**

7. Generally describe the range of the goods offered for sale in the Australian market. The description should include all goods under consideration including those produced by your company. Your description could include information about:

- quality differences;
- price differences;
- supply/availability differences;
- technical support differences;
- the prevalence of private labels/customer brands;
- the prevalence of generic or plain labels;
- the prevalence of premium labels; and
- product segmentation.

Answer:

The Company has no information to answer this question.

8. Describe the end uses of the goods in the Australian market from all sources.

Answer:

As noted in the application by the petitioner, the Australian market for aluminium zinc coated steel services a range of end-uses including the building and construction industry, or for general manufacturing.

9. Describe the key product attributes that influence purchasing decisions or purchaser preferences in the Australian market. Rank these preferences or purchasing influencers in order of importance.

Answer:

The key product attributes that influence purchasing decisions or purchaser preferences in the Australian market are as follow:

- compliance to relevant Australian standards;
- compliance with mechanical and chemical properties and quality finishes.

10. Identify if there are any commercially significant market substitutes in the Australian market for the goods.

Answer:

There are no known commercial substitutes for the subject goods in Australia.

11. Identify if there are any commercially significant market complements in the Australian market for the goods.

Answer:

There are no known commercial complements for the subject goods in Australia.

12. Have there been any changes in market or consumer preferences in the Australian market for the goods in the last five years? If yes, provide details including any relevant research or commentary on the industry/sector that supports your response.

Answer:

Hoa Phat is unaware of any significant changes in the last five years to market or consumer preferences in Australia.

### K-3 Relationship between price and cost in Australia

16. Describe the importance of the Australian market to your company's operations. In your response describe:

Answer:

Australia is just one of export markets for the products of the Company. The Company focuses in domestic market with domestic sales contributes more than 90% of total revenue of the Company.

(c) The proportion of your company's sales revenue derived from sales of the goods in Australia; and

Answer:

Please see Exhibit B-4. Confidential – Upward sales.

(d) The proportion of your company's profit derived from sales of the goods in Australia.

*In responding to question 1 please provide evidence to support the calculations.*

Answer:

The Company does not have details of such data.

17. Is your organisation/business entity the price leader for the goods in the Australian market? If no, please explain the reasons behind your response and specify the name(s) of the price leaders.

Answer:

No. Whilst our company is unaware of export prices to Australia from other exporters, we continue to receive feedback from Australian customers that our prices are not competitive against imports from the UAE, India and other Asian countries such as Thailand.

18. Describe the nature of your product pricing (e.g., market penetration, inventory clearance, product positioning, price taker, price maker, etc.) and your price strategies (e.g., competition-based pricing, cost-plus pricing, dynamic pricing, price skimming, value pricing, penetration pricing, bundle pricing, etc.) in Australia. If there are multiple strategies applied, please rank these by importance. If there are different strategies for different products, please specify these. Provide copies of internal documents which support the nature of your product pricing.

Answer:

As with the domestic sales, our company [\*].

19. Explain the process for how the selling prices of the goods for the Australian market by your business are determined. Provide copies of internal documents which support how pricing is determined.

Answer:

[\*].

20. How frequently are your Australian selling prices reviewed? Describe the process of price review and the factors that initiate and contribute to a review. Provide the names and positions of all persons involved.

Answer:

Domestic prices, export prices are [\*].

21. Rank the following factors in terms of their influence on your pricing decisions in the Australian market, with the most important factor ranked first and the least important factor ranked last:

- Competitors' prices
- Purchase price of raw materials
- Cost to make and sell the goods
- Level of inventory
- Value of the order
- Volume of the order
- Value of forward orders
- Volume of forward orders
- Customer relationship management
- Supplier relationship management
- Desired profit
- Brand attributes
- Other [please define what this factor is in your response]

Answer:

The factors influencing our pricing decisions in the export market, including Australia:

[\*].

22. Describe the relationship between selling price and costs to make and sell in the Australian market. Does your company maintain a desired profit margin for the goods? If not, does your company seek to maintain a desired profit margin for the goods? Provide copies of internal documents which support your response to this question.

Answer:

Prices and costs [\*].

23. Do you offer price reductions (e.g., commissions, discounts, rebates, allowances or credit notes) in the Australian market? If yes, provide a description and explain the terms and conditions that must be met by the customer to qualify. Explain how the cost to make and sell are considered in establishing these price reductions. Provide copies of internal documents which support your claims in response to this question.

Answer:

No price reductions are offered on export sales to Australia.

24. Do you offer bundled pricing in the Australian market? If yes, explain how the pricing for bundled sales is determined. Explain how the costs to make and sell are considered in establishing these bundled prices for the goods. Provide copies of internal documents which support your claims in response to this question.

Answer:

No bundled pricing is offered to the Australian market.

25. Does the volume of sales to a customer or the size of an order influence the selling price? If yes, advise how volume is used to determine selling prices. Explain how the costs to make and sell are considered in establishing volume based prices for the goods. Provide copies of internal documents which support your claims in response to this question.

Answer:

Actually the price of the goods is [\*].

26. Does your organisation/business entity use sales contracts in the Australian market? If yes:

Answer:

Yes. The Company uses sales contracts with Australian customers. The sales contracts are [\*].

(h) What proportion of your sales revenue would come from contracted sales versus uncontracted sales?

Answer:

All sales to Australia are contracted sales.

(i) Do you offer exclusivity contracts? If yes, what proportion of your sales revenue would come from exclusivity contracts?

Answer:

No, we do not offer exclusivity contracts.

(j) How frequently are sales contracts renegotiated?

Answer:

[\*].

(k) How frequently are price reviews conducted between contracts?

Answer:

[\*].

(l) Do you provide opportunities for price reviews for customers within contracts? If yes, provide a description of the process and an explanation of the circumstances that might lead to a price review.

Answer:

[\*].

(m) Do changes in your costs to make and sell enable you to review prices for customers within contracts?

Answer:

[\*].

(n) Provide a list of the customers under contract during the investigation period and copies of the two largest contracts in terms of sales revenue.

Answer:

Please see Exhibit B-2 Confidential – Australian sales and the answer of Question B-3.

27. Provide copies of any price lists for the goods used in the Australian market during the investigation period. If you do not use price lists, describe the transparency of your prices in the Australian market.

Answer:

Not applicable. [\*].

28. How do you differentiate pricing for different products/models of the goods in the Australian market? Describe how your products are grouped for price differentiation and the method used. Describe any cost to make or selling cost differences between differentiated products. Describe how these cost differences (if any) influence pricing decisions. Provide copies of internal documents which support your claims in response to this question.

Answer:

[\*].

29. Do you tier or segment your Australian customers for the goods in terms of pricing? If yes, provide:

- (d) a general description of how this is done;
- (e) list the factors that influence pricing differentiation in different tiers or segments; and
- (f) explain how cost to make and selling costs are considered in making pricing decisions for different tiers or segments.

*Provide copies of internal documents which support your claims in response to this question.*

**Answer:**

No, prices are not tiered or segmented for Australian customers.

30. Do you sell the goods to related entities in Australia? If yes, describe how prices are set for related party transactions and specify what proportion of your sales in terms of sales revenue are to related party entities. If available, provide copies of any internal documents relevant to establishing pricing to related parties.

**Answer:**

[\*].

**K-4 Marketing and sales support in the Australian market**

6. How does your company market the goods in the Australian market? Include in your response the value proposition used (e.g., competitive price, superior quality, reliability, availability, etc.).

**Answer:**

Our company does not specifically market the products in Australia. [\*].

7. Does your company conduct brand segmentation in the Australian market for the goods? If yes, describe the brand segmentation used and provide the proportion of sales revenue derived from each brand segment.

**Answer:**

Our company does not conduct brand segmentation in the Australian market for the goods.

8. Provide examples of your Australian advertising of the goods over the past five years. If you have not used advertising in Australia, provide examples of any other promotion campaigns you have conducted over the investigation period.

**Answer:**



No advertising of the subject products in Australian market was undertaken by our company in the past four years.

9. How many people are in your Australian sales team and where are they located? In general terms, how are they remunerated? If they are offered performance pay based on sales, describe the performance indicators used to establish the performance pay. Provide copies of internal documents which support your claims in response to this question.

Answer:

The sales team of [\*].

10. Describe what parameters are provided to sales staff to assist in establishing pricing for the goods when negotiating sales with customers. Provide copies of internal documents which support your claims in response to this question.

Answer:

The responsibility for negotiating and establishing selling prices [\*].

## SECTION L COUNTERVAILING

The following programs are being investigated:

Category	Program number	Program name
Less than adequate remuneration (LTAR)	22	Acquisition of State Assets at Less Than Fair Market Value
Grant	2	Support for the Implementation of Projects Manufacturing Priority Industrial Products (Updating Programme III of 2003-2004)
	3	Investment Incentives Contingent upon Export Performance For Domestic Businesses (Updating Programme IV of 2003-2004)
	4	Other Investment Incentives for Domestic Businesses (Updating Program V of Period 2003-2004)
	5	Investment Incentives Contingent upon Export Performance for Foreign Invested Enterprises (Updating Programme VI of the Period 2003-2004)
	6	Other Investment Incentives for Foreign Invested Enterprises (Updating Programme VII for Period 2003-2004)
	7	Preferential Investment Credit for Development Contingent upon Export Criteria (Updating Programme VIII of Period 2003-2004)
	8	Preferential Development Credit for Investment Contingent Upon Localisation Ratios (Updating Programme IX of Period 2003-2004)
	9	Other Preferential Investment Credit for Development (Updating Program X of Period 2003-2004)
	10	Export Promotion
	11	Trade Promotion (Updating of Programme XIII of Period 2003-2004)
	12	Support for Mechanical Products (Updating Program XV of Period 2003-2004)
	13	Support for Shipbuilding Industry (Updating of Programme XV of Period 2003-2004)
	14	Assistance for Commercial Development in Mountainous, Island and Ethnic Minority Areas (Updating Programme XVI of Period 2003-2004)
	15	Assistance to Enterprises Facing Difficulties due to objective reasons
	16	Incentives for Investment Projects in Science and Technology (Updating Programme XVIII of Period 2003-2004)
	20	Grants to Firms that Employ More than 50 Employees
	21	Investment Support (consisting of two separate programs)

**PUBLIC RECORD**

Category	Program number	Program name
Preferential Loan	23	Export & Import Support in the Form of Preferential Loans, Guarantees, and Factoring (consisting of five separate programs)
	24	Export Support Loans at Preferential Rates
	25	Interest Rate Support Program under the State Bank of Vietnam
	26	Preferential Lending under the Viet Bank Export Loan Program
Tax	18	Incentives on corporate income tax for enterprises operating in regions or sectors entitled to incentives
	19	Incentives on non-agricultural land use
	27	Accelerated Depreciation of Fixed Assets
	28	Additional Income Tax Preferences for Exporters
	29	Enterprise Income Tax Exemption/Reduction for Business Expansion and Intensive Investment Projects
	30	Enterprise Income Tax Preferences, Exemptions, and Reductions (consisting of seven separate programs)
	31	Establishments Dealing with Exported Goods
	32	Exemption of Import Tax on Equipment and Machinery Imported to Create Fixed Assets
	33	Exemptions/reductions of Land Rent, Tax, and Levies (consisting of five separate programs)
	34	Land-Use Levy Exemptions/Reductions
	35	Preferential Income Tax Rates for Enterprises within Economic Zones or Industrial Parks
	36	Preferential Provisions for Carry-forward of Losses
	37	Tax Exemptions and Reductions for Encouraged Sectors
	38	Tax Exemptions and Reductions for Foreign-Invested Enterprises
	39	Tax Exemptions and Reductions for Investment in Disadvantaged Regions
	40	Tax Exemptions and Reductions for Investments in Economic Zones or High-Tech Industrial Parks
	41	Tax Preferences for Investors Producing and/or Dealing in Export Goods
Tariff Policy	1	Preferential Import Tariff Rates contingent upon Localisation Ratios with respect to products and Parts of Mechanical-Electric-Electronic Industries (updating Programme II of Notification of Subsidies period 2003-2004)
	17	Preferential Import Tariff Rates for enterprises investing in regions or sectors entitled to investment incentives
	42	Excessive Duty Exemptions for Imported Raw Materials for Exported Goods
	43	Exemptions of Import Duty (consisting of seven separate programs)
	44	Refund of Import Duties

## **L-1 General**

2. Complete the worksheet named “L-1 Company turnover”

- This worksheet is a table of the total company revenue over the period and split into:
  - Total revenue for Australian sales, domestic sales and third country sales
  - Revenue of the goods for Australian sales, domestic sales and third country sales
- You must provide this table in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

### **Answer:**

Please see **Exhibit L-1 Confidential – Company Turnover**.

## **L-2 Provision of goods**

The Commission understands that the Government of Vietnam has supported a program entitled Acquisition of State Assets at Less Than Fair Market Value.

3. Complete the worksheet named “L-2 Provision of goods”

- This worksheet is a table of the assets (land, equipment, etc.) purchased by the company over the period, plus the **TWO** preceding years.
- You must provide this table in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

### **Answer:**

Not applicable. The Company does not purchase any State Assets.

4. For the assets identified in L-2.1:

- e. Indicate which goods you produced that benefited from the purchase of the assets.
- f. Provide a copy of the contract and application form, or any other documentation, relevant to the purchase of the assets.
- g. Provide evidence of the purchase of the asset.
- h. Provide evidence of the valuation of the market value of the assets.

### **Answer:**

Not applicable. The Company does not purchase any State Assets.

## **L-3 Preferential tax programs**

6. Complete the worksheet named “L-3 Income Tax”

- This worksheet is a table of your company's income tax liability over the last three financial years.
- You must provide this table in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Please see **Exhibit L-3 Confidential – Income tax.**

7. Provide a copy of your company's annual tax return for the last three financial years. If the documents are not in English, please provide a translation of the documents.

**Answer:**

Please see **Exhibit L-3.2 Confidential** for the tax returns of the Company in 2017, 2018 and 2019.

8. Provide proof of your company's tax payments to your tax authority over the last three financial years, including any progress payments made and related forms submitted to reconcile the annual tax return.

**Answer:**

Please see **Exhibit L-3.3 Confidential.**

9. What is the general tax rate for enterprises (also referred to as the company or corporate tax rate) during the previous two financial years?

**Answer:**

The general tax rate for enterprises during the previous two financial years is 20%.

10. Did your company pay less than the general tax rate for enterprises referred to in question I-3.4?

**Answer:**

No. The Company pays the general tax rate of 20%.

If yes:

- a. What tax rate did your company pay?
- b. Was the reduction in the tax paid or payable related to any of the preferential income tax programs in the table at the top of Section L Countervailing above?
- c. What is the name of the program?
- d. What is the name of the authority granting your company the reduced tax rate?
- e. What is the eligibility criteria to benefit from the reduced tax rate?

- f. Provide details of the application process
- g. Provide a copy of the blank application form. If the documents are not in English, please provide a translation of the documents.
- h. Provide a copy of your company's completed application form, including all attachments to the application form. If the documents are not in English, please provide a translation of the documents.
- i. Provide a copy of any confirmation or other correspondence from the authority approving your company for the reduction in tax rate. If the documents are not in English, please provide a translation of the documents.
- j. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the program.

**Answer:**

Please see details in Exhibit L-3 Confidential.

**L-4 Financial grants**

5. Complete the worksheet named "L-4 Grants"

- This worksheet is a table of the grants received by company over the period plus the two preceding years.
- You must provide this table in electronic format using the template provided.
- If you have used formulas to complete this worksheet, these formulas must be retained.

**Answer:**

Not applicable. The Company does not receive any grants from 2017 to 31 Mar 2020.

6. Provide a copy of your company's non-operating income and/or other business income ledgers, extracted directly from your accounting system, for the period covering the period plus the 2 preceding years.

**Answer:**

Please see Exhibit L-4.2 Confidential for other incomes of the Company in 2018, 2019 and the POI. [\*].

7. Did your company receive any grants (or any other financial contribution) from any level of government during the period plus the two preceding years?

If yes:

- a. Were any of the grants related to any program listed in the table at the top of Section I above? If yes, identify the program.

- b. Were any of the grants related to programs not listed in the table at the top of Section I above? If yes, provide the names of the programs.

**Answer:**

Not applicable. The Company does not receive any grants from 2017 to 31 Mar 2020.

8. For each of the grants listed in L-4.3:

- a. What is the name of the grant?
- b. What is the name of the authority providing the grant?
- c. What is the eligibility criteria to receive the grant?
- d. Is the grant directly related to the goods under consideration, export sales to Australia and/or export sales generally?
- e. Provide details of the application process.
- f. Provide a copy of the blank application form. If the documents are not in English, please provide a translation of the documents.
- g. Provide a copy of your company's completed application form, including all attachments to the application form. If the documents are not in English, please provide a translation of the documents.
- h. Provide a copy of any confirmation or other correspondence from the authority approving the grant. If the documents are not in English, please provide a translation of the documents.
- i. Provide proof of payment of your company receiving the grant (e.g. bank statements).
- j. Provide a copy of the accounting journal entries relating to the grant.
- k. Outline the fees charged to, or expenses incurred by your business for purposes of receiving the grant.

**Answer:**

Not applicable. The Company does not receive any grants from 2017 to 31 Mar 2020.

**L-5 Tariff and VAT exemptions on imported materials and equipment**

If your business or any company/entity related to your business received benefits under any program that provided an exemption from the payment of import duty and import VAT during the review period, please answer the following questions.

19. Please complete worksheet "L-5 VAT and tariff transactions".

**Answer:**

Please see **Exhibit L-5 Confidential – VAT and tariff transactions**. The Company [\*].

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

Answer:

Not applicable. The Company does not conduct VAT refund over the period.

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

Answer:

The Company [\*].

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

Answer:

Not applicable. The Company does [\*].

23. Outline the fees charged to or expenses incurred by your business in receiving the program.

Answer:

Not applicable. The Company does [\*].

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

Answer:

Our project is [\*].

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

- (e) whether or not your business exports internationally, or has increased its exports;
- (f) the use of domestic rather than imported inputs;
- (g) the industry to which your business belongs; or
- (h) the region in which your business is located.

Answer:

The criteria is [\*].



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

Answer:

The benefit of the Program [\*].

27. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.

Answer:

We record [\*].

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

Answer:

[\*].

29. Were the materials and/or equipment that were entitled to a refund of VAT used in the production of the goods during the investigation period? If yes, provide the following information:

- (e) type of inputs;
- (f) cost of inputs;
- (g) quantity of inputs; and
- (h) amount of VAT refunded.

Answer:

Not applicable. The Company did not obtain any refund of VAT for importing of materials and/or equipment in 2019.

30. Has your company received exemption from payment of or refunds of import duty and import VAT for imported material inputs (e.g. hot rolled coil, coking coal and coke) at any time that were used in the production of the goods during the investigation period? If yes, provide the following information:

- (q) description of imported product;
- (r) country of origin;
- (s) quantity of imported product;
- (t) purchase price;

- (u) terms of purchase (e.g. FOB, CIF);
- (v) ocean freight;
- (w) value for duty of imported product;
- (x) regular rate of taxes and duties;
- (y) concessionary rate of taxes and duties;
- (z) amount of duties and taxes normally applicable;
- (aa) amount of duties and taxes paid;
- (bb) amount of duties and taxes exempt;
- (cc) date of importation;
- (dd) tariff classification number;
- (ee) customs entry number; and
- (ff) application fee.

**Answer:**

Not applicable. The Company [\*].

31. Explain if (and how) the Government of Vietnam determines which imported inputs are consumed by your business in the production of the subject goods and in what amounts, and the amount of duty paid or payable on the inputs (including any allowance for waste).

**Answer:**

Not applicable. The Company did not apply for drawback of duty on imported inputs during the POI.

32. Explain how the Government of Vietnam determined the percentage rate of duty exemption. Please note that goods consumed in the production of exported goods (inputs) include:

- (c) goods incorporated into the exported goods; and
- (d) energy, fuel, oil and catalysts that are used or consumed in the production of the exported goods.

**Answer:**

Not applicable. The Company does not benefit from any duty exemption for imported inputs.

33. Provide a representative sample of copies of import entry documents (for example: bill of entry, invoice from supplier, etc.) for each type of importation covering duty-exempt inputs and duty-paid inputs imported for use in the manufacturing of the subject goods.

**Answer:**

The Company imported materials including [\*].

Please see **Exhibit L-5.15 Confidential – Import entry documents.**

34. In addition to the import entry documents, you must also provide copies, if applicable, of any applications submitted to and/or approval document received from the Government of Vietnam relating to the exemption from the payment of import duty and import VAT on imported inputs and in relation to the VAT that is refunded on the exportation of the subject goods.

**Answer:**

Not applicable. The Company [\*].

35. Provide copies of reports and audits by the Government of Vietnam authority responsible for administering the duty rebate or duty drawback scheme with respect to the verification of the importation and use of inputs and the remittance or drawback of the related duty paid or payable.

**Answer:**

Not applicable. The Company did not apply for drawback of duty on imported inputs during the POI.

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

If the program has been terminated, please provide details (when, why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?

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

**Answer:**

The program of [\*].

## **L-6 Preferential Loans/Financial Assistance**

It is the Commission's understanding that certain enterprises in Vietnam benefit from low (subsidised) interest rates or credit facilities from state owned commercial banks and government banks.

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

**Answer:**

The Company builds credit facility relationship with [\*].

Provide answers to the following questions in the worksheet "L-6 Preferential Loans".

Answer:

Please see Exhibit L-6 Confidential – Preferential Loans. [\*].

14. Provide a list of all the loans provided to your company from banks and financial institutions which have not been fully reimbursed by the end of the investigation period.

Answer:

Please see **Exhibit L-6 Confidential – Preferential Loans** and **Exhibit L-6.2 Confidential**.

15. Provide specific details of the loan, including the start date of the loan, the principal amount of the loan, terms and conditions of the loan, purpose of the loan, the repayment terms/frequency, repayment amount, interest rate, interest type (e.g. fixed, variable etc.), if the loan has been redrawn any time during its duration, please provide the redraw date, amount and the reason for redraw.

Answer:

Please see **Exhibit L-6 Confidential – Preferential Loans** and **Exhibit L-6.7 Confidential**.

16. Indicate whether each bank is domestically or foreign-owned and give the percentage of government ownership of each bank (including ownership by entities owned or controlled by a government).

Answer:

Please see **Exhibit L-6 Confidential – Preferential Loans**.

17. In the case of each loan from a government-owned or controlled bank, please explain the reason for borrowing from such a bank rather than a commercial bank. What are the differences in the terms and conditions of loans between the government and commercial banks?

Answer:

[\*].

18. Explain how the decisions to grant the loan or its conditions are dependent on the purpose of the loan and give details on the process your company went through to apply for the loan. Please provide detail on what conditions or criteria your company needed to fulfil to be granted the loan.

Answer:

The criteria that the Company must [\*].

19. For each of the loans listed, provide copies of signed loan agreements between the bank which provided the loan and company which was the addressee of the loan specifying the conditions of the loan such as amount, term of repayment, interest rate etc. Also provide a copy of your application for the loan.

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

**Answer:**

Please see **Exhibit L-6.7 Confidential** for sample credit facility agreement between the Company and each bank.

20. Please explain whether the granting of the specific loan depended on the link between the purpose of the loan and the goals specified in any government plan or development program. Provide a copy of the laws, regulations, administrative guidelines and any other acts relevant for the operation of this lending with any subsequent amendments. Also include a copy of any governmental or development plan of which the scheme represents a direct implementation.

**Answer:**

Not applicable. The loans of our company do not have any link between the purpose of the loan and the goals specified in any government plan or development program.

21. For each loan application, please explain the involvement of third parties such as government departments, local councils, party committees in the whole process since the application for the loan up to the decision whether the loan is granted or not.

**Answer:**

Not applicable. There has been no involvement of third parties such as government departments, local councils, party committees in the whole process since the application for the loan up to the decision whether the loan is granted or not.

22. In the “L-6 Preferential Loans” spreadsheet, provide the information requested on guarantees for the loans provided to your company.

**Answer:**

Not applicable. The Company does not need guarantees from the Government to be provided the loans.

23. Please give details of all loan applications during the investigation period which were refused. Provide the name of the bank, the amount of the loan requested and the reasons for refusal.

**Answer:**

Not applicable. [\*].

24. Provide any other information you may deem necessary for the Commission to make an assessment on the subsidisation of producers/exporters of the product under investigation. You may adjust the table in the “Loans” tab as necessary to include this additional information.

**Answer:**

Not applicable. The Company does not benefit from any subsidisation of producers/exporters of the product under investigation. In fact there is no subsidisation of steel sheet producers/ exporters provided by the GOV or GOV-related entities.

**L-7 Other Programs**

3. Provide a list of all the provinces in which you have business operations (including locations of factories, sales offices, or other places of business).

**Answer:**

The provinces that our Company has business operations:

Hanoi, Vietnam: the location of our office

[\*], Vietnam: the location of our factory.

4. Are you aware of any programs of the Government of Vietnam, any of its agencies or any other authorised body that benefits manufacturers of the goods that have not been accounted for in this questionnaire? Provide the name of those programs you are aware of (even if your company is not eligible to receive benefit under the program.)

**Answer:**

No. We are not aware of any other programs of the GOV or any of its agencies/ authorised body that may benefit the manufacturers of the goods.

17. Indicate the location of the program by region, province or municipal level.

**Answer:**

Not applicable. There is no other programs from the GOV.

18. Indicate the type of program, for example:

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

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

**Answer:**

Not applicable. There is no other programs from the GOV.

19. Indicate whether your company benefited from any of the listed programs during the period.

**Answer:**

Not applicable. There is no other programs from the GOV.

20. Indicate which goods you produced that benefited from the program (e.g. the program may have benefited all production or only certain products that have undergone research and development).

**Answer:**

Not applicable. There is no other programs from the GOV.

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

**Answer:**

Not applicable. There is no other programs from the GOV.

22. Where applicable, provide copies of the application form or other documentation used to apply for the program, all attachments, all contractual agreements entered into between your business and the Government of Vietnam and any other official governing documentation in relation to the program<sup>3</sup> (including a translation in English).

**Answer:**

Not applicable. There is no other programs from the GOV.

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<sup>3</sup> A link to an active website setting out the relevant official governing documentation is also acceptable.

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

Answer:

Not applicable. There is no other programs from the GOV.

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

Answer:

Not applicable. There is no other programs from the GOV.

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

- (e) whether or not your business exports or has increased its exports;
- (f) the use of domestic rather than imported inputs;
- (g) the industry to which your business belongs; or
- (h) the region in which your business is located.

Answer:

Not applicable. There is no other programs from the GOV.

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

Answer:

Not applicable. There is no other programs from the GOV.

27. What records does your business keep regarding each of the benefits received under this program? Provide copies of any records kept in relation to the program.

Answer:

Not applicable. There is no other programs from the GOV.

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

Answer:

Not applicable. There is no other programs from the GOV.



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

Answer:

Not applicable. There is no other programs from the GOV.

30. If the program has been terminated, please provide details (including when and why). When is the last date that your business could apply for or claim benefits under the program? When is the last date that your business could receive benefits under the program?

If the program terminated has been substituted for by another program, identify the program and answer all the questions in Part L-7 in relation to this programme.

Answer:

Not applicable. There is no other programs from the GOV.

## APPENDIX

### GLOSSARY OF TERMS

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

#### **Adjustments**

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

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

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

#### **Arms length**

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

#### **Constructed value**

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

#### **Cost of production/manufacturing**

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

#### **Cost to make and sell**

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

#### **Country of origin**

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

### **Date of sale**

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

### **Direct labour cost**

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

### **Dumping**

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

### **Dumping margin**

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

### **Export price**

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

### **Exporting country**

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

### **Factory overheads**

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

### **Goods under consideration (the goods)**

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

### **Incoterms**

The following abbreviations are commonly used (comment is provided concerning costs that are

normally borne by the seller):

EXW	ex works (the seller's minimum obligation as costs relate to goods being made available at the sellers premises)
FCA	free carrier (main carriage not paid by seller. Pay costs until such time that the goods have been delivered at the named point into custody of a carrier named by the seller. Customs formalities, taxes etc. paid if required)
FAS	free alongside ship (main carriage not paid by seller. Deliver the goods alongside the ship)
FOB	free on board (main carriage not paid by seller. Deliver the goods on board, provide export clearance if required, pay loading costs to the point the goods have passed the ship's rail, pay customs formalities, taxes etc. payable upon exportation)
CFR	cost and freight (main carriage paid by seller. Pay all costs until delivered as well as freight, loading and unloading, pay customs formalities, taxes etc. payable upon exportation)
CIF	cost, insurance and freight (main carriage paid by seller. Pay all costs as under CFR as well as marine insurance) the terms CFR and CIF are only used where goods are carried by sea or waterway transport
CPT	carriage paid to
CIP	carriage and insurance paid to the terms CPT and CIP are used as alternatives to CFR and CIF where the goods are carried by air, road, rail etc.
DAF	delivered at frontier (goods carried by rail or road and cleared for export at the named place at the frontier. Pay costs until delivered at the frontier plus any discharge costs incurred to place the goods at the customer's disposal)
DES	delivered ex ship (goods made available to the buyer on board the ship uncleared for import at the named port of destination. Pay all costs incurred in placed at the disposal of the buyer, pay customs formalities, taxes etc. payable upon exportation, and where necessary for transit through another country)
DDU	delivered duty unpaid (Pay all costs for carriage to the agreed point, pay customs formalities, taxes etc. payable upon exportation, and where necessary for transit through another country)
DDP	delivered duty paid (goods made available at the named place in the country of importation – all risks and costs being incurred by the seller including duties, taxes etc. incurred upon importation)

### **The period**

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

### **Like goods**

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

### **Normal value**

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

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

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

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

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

### **Ordinary course of trade**

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

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

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

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

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

- . domestic sales of like goods;

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- . sale of goods of the same general category by the exporter; or
- . sales in the industry in the country of export.

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