**Government Questionnaire —**

**People’s Republic of China**

**Case number:** 626

**Product:** Certain polyvinyl chloride (PVC) PVC flat electric cables

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

**Period of inquiry:** 1 April 2022 to 31 March 2023

**Response due by:** 16 July 2023

**Email enquiries to:** investigations2@adcommission.gov.au

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

# Table of contents

[Table of contents 2](#_Toc137133554)

[Section A: Background and General Instructions 3](#_Toc137133555)

[A-1 Background 3](#_Toc137133556)

[A-2 Product concerned 3](#_Toc137133557)

[A-3 Inquiry period 4](#_Toc137133558)

[A-4 Purpose of this questionnaire 4](#_Toc137133559)

[A-5 Response to this questionnaire 4](#_Toc137133560)

[A-6 If you decide to respond 5](#_Toc137133561)

[Section B: General Questions 8](#_Toc137133562)

[Section D: Subsidies 12](#_Toc137133563)

[D-1 Introduction 12](#_Toc137133564)

[D-2 Any other programs not previously addressed 12](#_Toc137133565)

[D-3 General questions 12](#_Toc137133566)

[D-4 Specific questions: Preferential tax policies 14](#_Toc137133567)

[D-5 Specific questions: Enterprises with state investment 15](#_Toc137133568)

[Section E: Declaration 20](#_Toc137133569)

[Appendix Glossary of terms 21](#_Toc137133570)

# Section A: Background and General Instructions

## Background

On 10 May 2023, following an application by Prysmian Australia Pty Limited, the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated a continuation inquiry into the anti-dumping measures applying to PVC flat electric cable exported to Australia from the People’s Republic of China (China).

Anti-Dumping Notice (ADN) No 2023/031 outlining the details of the inquiry and the procedures to be followed was published on 9 June 2023 on the Anti-Dumping Commission’s (the commission) website at [www.adcommissiongov.au](http://www.adcommissiongov.au).

The anti-dumping measures were initially imposed by public notice on 8 May 2019 following the publication of in Anti-Dumping Commission Report No.469. The anti-dumping measures are due to expire on 14 May 2024, unless continued. Details on the goods and existing measures is available on the Dumping Commodity Register at [www.adcommission.gov.au](http://www.adcommission.gov.au).

The following table summarises the existing measures with respect to Chinese exporters.

| **pvc FLAT ELECTRIC CABLE** |
| --- |
| **Exporter** | **Measure** | **Form of measures** | **Effective rate of duty** |
| Guilin International Wire & Cable Group Co. Ltd Supplied directly or through: Guilin Feilong Wire and Cable Ltd Guilin Xianglong Wire and Cable Ltd Guilin Fortune Import and Export Trading Co. Ltd Guilin Yuanhai Import and Export Trading Co. Ltd Interest Link Co. Ltd Guangxi Machinary Import and Export Co. Ltd | IDD | Combination method | 2.8% |
| Nanyang Cable (Tianjin) Co. Ltd | IDD & ICD | Combination method | 22% |
| All Other Exporters | IDD & ICD | Combination method | 22% |

Further details on the goods and existing measures is available on the Dumping Commodity Register at [www.industry.gov.au](http://www.industry.gov.au).

## Product concerned

|  |
| --- |
| **Full description of the goods the subject of the application** |
| Flat, electric cables, comprising two copper conductor cores and an ‘earth’ (copper) core with a nominal conductor cross sectional area of between and including, 2.5 mm2 and 3 mm2, insulated and sheathed with polyvinyl chloride (PVC) materials and suitable for connection to mains electricity power installations at voltages exceeding 80 volts (V) but not exceeding 1,000 V and complying with Australian/New Zealand Standard (AS/NZS) AS/NZS 5000.2 (the Australian Standard), and whether or not fitted with connectors  |
| **Further information** |
| The following products are excluded from the inquiry:* single core cables, being cables with a single active core;
* aerial cables as defined by the Australian Standard;
* twin active flat cables, that is, flat cables comprising two active cores but no earth core;
* circular cables as defined by the Australian Standard;
* cables insulated and/or sheathed with non-PVC material, including but not limited to cross-linked
* polyethylene (XLPE) materials, including a combination of PVC and non-PVC material;
* cables comprising cores made of aluminium conductors; and
* flexible cables (cords) as defined by AS/NZS 3191 and/or AS/NZS 60227.

Additional informationThe locally produced goods are 2.5 Twin and Earth (TE) PVC flat cable (2.5 TE cable) that is commonly referred to as ‘building wire’, because of its use by the building and construction industry in domestic, commercial and industrial mains power supply low-voltage wiring installations. The term ‘flat cables’ mean cables where the conductor and earth cores are laid parallel in the same plane, as defined by the Australian Standard. The reference to “two copper conductor cores” refers to the ‘phase core’ and the ‘neutral core’. The earth core (also comprising copper) is additional to these two active cores |
| **Tariff classification**  |
| The goods are generally, but not exclusively, classified to the following tariff subheading 8544.49.20 (statistical code 41) of Schedule 3 to the *Customs Tariff Act 1995*:[[1]](#footnote-2) |

## Inquiry period

The existence and amount of any dumping and/or countervailing subsidy in relation to the goods exported to Australia from China will be determined on the basis of the inquiry period of 1 April 2022 to 31 March 2023(the period).

## Purpose of this questionnaire

The purpose of this questionnaire is to assist the commission to obtain information from the Government of the People’s Republic of China (GOC) it considers necessary for the review into dumping and countervailable subsidies received by exporters of the goods from China.

Please note that the subsidy/countervailing sections of this questionnaire focus on the identified programs found in Anti-Dumping Commission Report No.469. However, the commission may also investigate any additional subsidy program(s) identified as part of this inquiry, if additional information becomes available.

Any additional questions will be posed to the GOC using supplementary questionnaires.

Separate questionnaires have been sent to identified exporters of the goods from China. These exporter questionnaires also request information on subsidies.

## Response to this questionnaire

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

However, if the GOC does not respond the commission may be required to rely on:

* information supplied by other parties (possibly information supplied by the Australian industry)
* previous findings and information before the commission in previous investigations, inquiries and reviews into PVC flat electric cable exported from China
* any other available information which the Commissioner considers relevant.

Therefore, it may be in the GOC interests, and the interest of Chinese exporters of PVC flat electric cable coated steel, to provide a complete response.

If the GOC elects to respond to this questionnaire, the response is due by **16 July 2023.**

## If you decide to respond

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

### Confidential and non-confidential versions

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

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

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

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

### Declaration

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

### Coordination of responses

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

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

### Consultants/parties acting on your behalf

If you intend to have another party acting on your behalf please advise the commission of the relevant details.

The commission will generally require a written authorisation from the GOC for any party acting on its behalf.

### Provision of documents

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

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

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

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

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

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

### Lodgement

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

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

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

### General matters

Responses to questions should:

* be as accurate and complete as possible, and attach all relevant supporting documents,[[2]](#footnote-3) even where not specifically requested in this questionnaire;
* be in English (with fully translated versions of all requested and other applicable documents submitted);
* list your source(s) of information for each question;
* identify all units of measurement used in any tables, lists and calculations;
* show any amounts in the currency in which they were originally denominated.

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

Please note that answers such as "Not Applicable", or an answer that only refers to an exhibit or an attachment without any explanation, may be considered to be inadequate by the commission. We therefore suggest that in answering the questions you outline the key elements of your response in the primary submission document, and not merely refer to supporting documents the relevance and reliability of which has not been explained in your answer.

### Clarification

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

# Section B: General Questions

#### Identify the administration co-ordinating the response to this questionnaire and provide the names and contact details of the official(s) (including email addresses). Please note that the commission may have further inquiries concerning the questionnaire response and a contact must be available to respond to any further information requests.

#### Describe the nature and structure of PVC flat electric cable market sector in China.

Without limiting your response, include information concerning: details of any government involvement in the PVC flat electric cables including upstream raw materials (i.e. copper rod, copper cathode and PVC.

1. the size and output (value and quantity) of these industries for the period of 1 April 2022 to 31 March 2023, indicating:
2. Details regarding the following:
* supervision of PVC flat electric cables, State-invested enterprise (SIE) senior management and administration;
* consolidation of domestic PVC flat electric cables and copper producers;
* industrial policy and guidance on the PVC flat electric cables and copper sectors;
* market entry criteria for the PVC flat electric cables and copper industry;
* environmental enforcement for the PVC flat electric cables and copper industry;
* management of land utilization;
* banking regulations in relation to PVC flat electric cables and copper industry;
* investigation and inspection of PVC flat electric cable and copper (cathode or rod) manufacturing facilities;
* the section in the National Development and Reform Commission that is responsible for the PVC flat electrical cables and copper sector;
* import licensing for raw materials used in PVC flat electric cables and copper (cathode or rod) manufacture;
* export regulations, export licensing, “guidance prices”, free trade export zones, etc.; and
* taxation - especially export taxes; export tax rebates and value added tax (including any rebates).

#### Provide a list of all Chinese PVC flat electric cable producers and/or exporters that have produced and/or exported PVC flat electric cable destined for Australia during the inquiry period. If possible, please provide this listing in Microsoft Excel format.

This listing will be referred to as ‘your response to Question B-3’ throughout this questionnaire.

Within this list, indicate the following:

* the business’ address (including the city/town and province);
* whether the business is a producer, producer/exporter or trader PVC flat electric cable; and
* the ownership structure of the business, including indirect ownership through associated companies (i.e. SIE, private, co-operative, FIE or joint venture); and if the business is not an SIE, whether it is otherwise associated with the GOC.

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

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

#### Provide a list of all manufacturers/producers of PVC flat electric cable in China that produced PVC flat electric cable during the inquiry period. If possible, please provide this listing in Microsoft Excel format

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

 Within this list, indicate the following:

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

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

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

#### Are any of the companies listed in are any of the entities listed in your response to Question B3 located in an area or *economic zone which entitles them to preferential tax or other preferential policies provided* by the GOC including those provided by regional, provincial or municipal authorities?

 If so provide the following information:

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

#### Are any of the entities listed in your response to Question B3 located in an area, zone or other region listed in your response to B-4 above? If so identify which entities and which particular zone or area the entity is located in.

#### Provide the names and addresses of all national, provincial and regional producer organisations that represent the interests of PVC flat electric cables manufacturers and traders in China.

#### Provide total volume and value of the following (sourced from official government statistics) for the period **1 April 2022 to 31 March 2023**, in domestic currency and Australian dollars.

Indicate the source of the information

1. exports of PVC flat electric cables to Australia, in total;
2. exports of PVC flat electric cables to Australia, by company;
3. all exports of PVC flat electric cables and;
4. all imports

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

#### Specify and provide supporting documentation for the standard corporate tax rate during the inquiry period for:

1. companies that manufacture PVC flat electric cables;
2. companies that trade in PVC flat flat electric cables;
3. companies that PVC flat electric cables;
4. companies that trade in

#### Specify and provide supporting documentation for the corporate tax rates applicable in all provincial or local jurisdictions in China for those types of companies listed in (a) to (d) of Question B-8 above.

# Section D: Subsidies

## Introduction

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

In *REP 469,*[[3]](#footnote-4) the commission identified the following 11 subsidy programs listed in the table below as being countervailable. As a result, the following subsidy programs are being investigated during this inquiry.

|  |  |  |
| --- | --- | --- |
| **No.** | **Program name** | **Type** |
| 1 | Provision of copper at less than adequate remuneration | Provision of goods at less than adequate remuneration |
| 5 | Preferential Tax Policies for High and New Technology Enterprises | Preferential tax policies |
| 23 | Huzhou City Quality Award  | Financial grants |
| 27 | Technology Project Assistance  | Financial grants |
| 32 | Environmental protection grant | Financial grants |
| 36 | Reducing pollution discharging and environment improvement assessment award | Financial grants |
| 38 | Grant from Technology Bureau | Financial grants |
| 40 | Independent Innovation and High-Tech Industrialization Program | Financial grants |
| 43 | Export credit insurance subsidy | Financial grants |
| 44 | Subsidy for current funds | Financial grants |
| 45 | Subsidy for current fund loans | Financial grants |

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

## Any other programs not previously addressed

Please identify any programs where the GOC, any of its agencies, or any other authorised non-Governmental body, provides any other assistance programs not previously addressed (including market development assistance programs or any domestic support programs related to the manufacture of subject goods) to manufacturers of PVC flat electric cable aChina.

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

Please provide the information requested in the following Section D-3 for each program identified above and any additional programs you have identified. In addition, please respond to the program-specific information requested.

## General questions

For each program identified above in Table C-1, and any other additional programs that the GOC identifies, answer the following questions.

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

*For the programs identified above it is only necessary to answer the questions and provide documents to the extent that there has been a change in the answer since Investigation No. 469.*

#### Provide details of the program including the following.

1. Title of the program.
2. Policy objective and/or purpose of the program.
3. Legislation under which the subsidy is granted.
4. Nature or form of the subsidy.
5. When the program was established.
6. Duration of the program.
7. How the program is administered and how it operates.
8. To whom and how the program is provided.
9. The eligibility criteria in order to receive benefits under the program.

#### Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports pertaining to the program published during or since the inquiry period. Specify the sections that govern the program.

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

#### Identify the GOC department or agency administering the program.

#### Identify and explain the types of records maintained by the relevant Government or agency (e.g., accounting records, company-specific files, databases, budget authorisations, etc.) regarding the program.

#### Indicate whether any of the companies listed in your response to Question B3 applied for, accrued, or received benefits under the program during the inquiry period.

#### Answer the following questions regarding the application process:

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

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

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

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

1. Describe the criteria governing the size of the benefit provided.
2. Provide a copy of any law, regulation or other official document detailing these criteria.
3. If the eligibility criteria as listed in the applicable law, regulation or other official documents are met, will the applicant always receive a benefit or is final approval contingent upon the Government agency or authority that administers the program?
4. Is the amount of the benefit provided exclusively determined by established criteria found in the law, regulation or other official document or does the Government agency or authority that administers the program determine the benefit amount?
5. Provide any contractual agreements between the GOC and the companies that are receiving the benefits under the program (e.g., loan contracts, grant contracts, etc.).

#### Provide a list by industry and by region of the companies that have received benefits under this program in the year the provision of benefits was approved and in each of the years 2017, 2018 and 2019.

#### How many applicants have received financial assistance/benefit and how many applicants have been rejected in the year the financial assistance/benefit was approved and in each of the years 2017, 2018 and 2019? Provide the main reasons why applicants have been rejected.

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

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

#### If assistance under the program was provided by an entity other than a national, state or local Government entity, please respond to the following questions:

1. What is the legal status of the entity e.g. is it a separately incorporated entity and/or a Government corporation, Government lending institution, commercial entity?
2. Please explain how the entity was established and whether the entity operates pursuant to statutes, decrees and/or regulations. Please explain the relevant statute, decrees and regulations under which the entity was established and operates.
3. What is the legal basis that governs the entity’s provision of assistance under the program? Please provide translated copies of the relevant legal measures.
4. Has the entity received any direct or indirect funding or support from a Government entity? Please specify if the Government provided any such direct or indirect funding for the purpose of providing assistance under this program.
5. Did the entity provide assistance under the program pursuant to specific guidelines and/or criteria under this program? Please describe those guidelines and/or criteria.
6. Please provide the ownership structure of each such entity and specify the amount of any direct or indirect Government ownership during the inquiry period (and for each year in which the assistance was provided).
7. Please provide the translated annual report during the inquiry period (and for each year in which the assistance was provided) for each such entity.
8. What are the core activities and functions of each entity that provided the assistance under the program?
9. Explain why the assistance under this program was provided by this entity rather than directly by the Government.

## Specific questions: Preferential tax policies

#### In addition to the general questions above, please answer the following specific questions in relation to any tax programs.

#### If any of the companies listed in your response to Question B3 used the program to take deductions from taxable income, to receive credit towards taxes payable, to take exemptions from taxes owed, to reduce the tax rate, to defer payment of taxes, to carry forward losses from previous tax years, to use accelerated depreciation, or to benefit from other tax advantages on the tax return filed during the investigation period, please respond to the following questions.

#### Explain whether the assistance is a deduction from taxable income, a credit towards taxes payable, an exemption from taxes owed, a reduction in the tax rate, a deferral of taxes, a loss carry-forward from previous tax years, accelerated depreciation, or other tax benefit.

#### How do companies using this program calculate the tax benefit they claim? Please be specific and provide a sample calculation using a blank tax form.

#### If the company carried forward a loss from prior years and used that loss to offset taxes due on the tax return filed during the investigation period, demonstrate that this loss was not generated by use of any countervailable tax program.

#### If the program involves a deferral of taxes owed, please provide the amount and length of the deferral, and the details of any interest charged on the deferral.

#### If the tax assistance results in negative income for tax purposes, for example through accelerated depreciation, is the company able to carry forward this loss?

#### For a program that provides a reduction in the tax rate or an exemption from taxes payable, please report the tax rate that was paid under the program and the tax rate that would have applied in absence of the program.

## Specific questions: Enterprises with state investment

**General questions**

#### Have there been any changes to the arrangements governing the activities of SIEs since the GOC last responded to the commission (or the ACBPS)?

#### Is there any legislation, guidelines, decrees, circulars, directives or other government-issued documents concerning the GOC’s role or involvement with respect to SIEs. Provide copies of these documents?

#### Provide all relevant legislation, guidelines, decrees, circulars, directives or other government-issued documents which provide for the existence, guidance, or administration of SIEs involved in the PVC flat electric cable industries.

#### Explain how relevant GOC laws, policies, opinions, guidelines, etc. are communicated to SIEs.

Provide an explanation of repercussions or penalties (if any) for an SIE if they do not adhere to the GOCs laws, policies, opinions, guidelines etc.

#### What advantages, if any, do SIEs enjoy compared with private (non-state) enterprises in the PVC flat electric cable sector in China (e.g. reduced income tax rates, easier access to capital, different reporting requirements, etc.)?

**The Law on State-Owned Assets**

#### Have there been any changes to the content or operation of The Law on State-Owned Assets since the GOC last responded to the Anti-Dumping commission (or the ACBPS).

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

#### Have there been any changes to the role, purpose, and operations of SASAC (and its equivalents at the national, provincial and local levels), which the commission understands has responsibility for the supervision and administration of all SIEs in China, at a national, provincial and local government level?

Please confirm whether SASAC is still the body responsible for the supervision and administration of all SIEs in China and indicate if any other GOC entity has a role with respect to SIEs.

If any other GOC entity plays such a role, provide a detailed explanation of this entity, and the role it plays with regard to SIEs.

**Core features of SIEs in the steel sector in China**

#### For each entity identified in your response to Question B-3 that is an SIE, answer the following questions regarding **ownership**.

1. Describe the legal structure of the enterprise showing the percentage of ownership by the GOC and other entities; the ownership of all entities including subsidiaries and parent companies, and the ownership of these entities
2. Describe how GOC categorises the enterprise (for example, wholly state-owned enterprise, wholly state-owned company, majority holding company, minority state-holding company, important state invested asset or other category).
3. Indicate which GOC agency or entity plays the role of ‘capital contributor’ for this enterprise.
4. Explain what rights share ownership confers to shareholders, including any voting rights and debt liabilities.
5. Explain the rules for share ownership in the enterprise.
6. Does the GOC restrict the level of ownership by parties outside government? Provide details of any such limitations, and the reason for this.

#### For each entity identified in your response to Question B-3 that is an SIE, answer the following questions regarding **governance**.

1. Provide the relevant statute, law, regulation, direction, letter of incorporation or other instrument which creates, authorises or provides for the existence of the enterprise.
2. Provide all statutes, laws, regulations, directions, circulars or other government issued documents which guide, administer or otherwise relate to the operations of the enterprise.
3. Provide an organisation chart showing the reporting hierarchy of the enterprise. Provide details of who directs, manages and controls different operations of the entity.
4. Explain the requirements in law, and in practice, to have government representation at any level of the enterprise.
5. Explain the role of Chinese Communist Party government representatives (CCP representatives) at any level of the enterprise, including, how these representatives are selected, areas of responsibility and involvement in decision making processes and operational decisions of the enterprise.
6. Indicate whether the enterprise is under the supervision, administration, monitoring or guidance of SASAC or a provincial or local equivalent, or any other government entity.

If so, provide contact information for the SASAC division or other government entity responsible for the enterprise.
7. Identify and provide details of any guidance, control, influence or power of approval/rejection that SASAC or any other GOC entity has on any of the activities of the enterprise.
8. Is the agency performing the role of capital contributor for this enterprise instructed by any other part of the GOC to exercise its ownership rights in any particular manner? If so, describe the mechanism or systems used to communicate these instructions.
9. Who selects and/or approves the members of the Board of Directors (include the criteria for selection of members of the Board of Directors)?
10. Indicate whether any member of the Board of Directors is an employee or affiliate of SASAC or has any other affiliation with the GOC.
11. Indicate whether any member of the Board of Directors is a member of the CCP.
12. Describe the roles and responsibilities of the Board of Directors.
13. How is the Board of Shareholders formed?
14. Indicate whether any member of the Board of Shareholders is an employee or affiliate of SASAC or has any other affiliation with the GOC.
15. Describe the roles and responsibilities of the Board of Shareholders.
16. Indicate whether the entity has a ‘shareholder representative’ (refer to Article 13 of the Law on State Owned Assets). Explain the role and responsibilities of the shareholder representative and who appoints this representative.
17. Indicate whether the enterprise has a Board of Supervisors or Supervisory Panel.
18. Describe the role and responsibilities of the Supervisory Panel and/or Board of Supervisors.
19. Detail the membership of the Supervisory Panel or Board of Supervisors including whether any members of this board are employees or otherwise affiliated with SASAC or have any other affiliation with the GOC and explain the nature of this affiliation.
20. If the enterprise has a Board of Supervisors or Panels provide examples of the activities of the Board or Panel over the past 5 years in respect of the entity.
21. Do any major management decisions/actions of the enterprise require approval from or reporting to SASAC or any other government entity (for example, investment decisions)? Provide details.
22. Provide an explanation of what are the “major matters” that must be submitted to the people’s government for approval for this enterprise (refer to Article 12 of the Law on State Owned Assets). Provide details of any major matters that have been put to the people’s government for approval over the past 10 years by this enterprise.
23. Outline how each of the following are determined/set for the entity:
* suppliers of raw material inputs (including any restrictions as to what entities can supply raw materials);
* purchase prices of raw material inputs;
* allocation of inputs into production process, including raw materials, energy and labour costs;
* quality and safety standards;
* selling prices;
* customers (including restrictions on entities that can purchase goods produced from the enterprise);
* production output (detail any restrictions on production output);
* safety standards; and
* energy costs.

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

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

#### For each entity identified in the response to Question B-3 that is an SIE, answer the following questions regarding **performance and profits**.

1. How are the operations of the enterprise funded?
2. Provide details of any debts or other liabilities the enterprise has with any banks or financial institutions in which the GOC holds an interest.
3. How is the performance of the enterprise measured? For example, profitability, employment, output, social wellbeing, etc.
4. Provide details and explain how SASAC or any other government entity inspects or evaluates enterprise performance, including:
* output and quality performance;
* performance of employees/directors/managers; and
* financial performance.
1. Provide details of any official reporting mechanisms that the enterprise must comply with.

1. Provide an explanation of the systems that exist for assessing the performance of administrators of SIEs. Provide examples of recent appraisals of SIE administrators of the enterprise (refer to Article 27 of the Law on State Owned Assets).
2. How are profits of the enterprise distributed and to whom?
3. Are dividends/ other payments made to SASAC or any other GOC entity?
4. Outline what action, if any, is taken by SASAC or any other government entity if the enterprises makes a loss or under-performs.
5. Over the past 10 years, has the GOC provided any payment or made any injection of funds to the enterprise, including but not limited to:
* grants;
* prizes;
* awards;
* stimulus payments and rescue type payments;
* injected capital funds; and or
* the purchase of shares.
1. If so, provide details including name of program, indicating the amount, circumstance, and purpose of any such payment or injection of funds, as well as whether they were tied to any past or future performance, direction or action of the enterprise.

#### For each entity identified in the response to Question B-3 that is an SIE, answer the following questions regarding **enterprise functions**:

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

# Section E: Declaration

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

|  |  |  |
| --- | --- | --- |
| **Date** |  | **Signature of authorised official** |
|  |  |  |
|  |  | **Name of authorised official** |
|  |  |  |
|  |  | **Title of authorised official** |

# Appendix Glossary of terms

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

***Associated Persons and/or Companies***

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

1. both being natural persons:
2. they are connected by a blood relationship or by marriage or adoption; or
3. one of them is an officer or director of a body corporate controlled, directly or indirectly, by the other;
4. both being bodies corporate:
5. both of them are controlled, directly or indirectly, by a third person (whether or not a body corporate); or
6. both of them together control, directly or indirectly, a third body corporate; or
7. the same person (whether or not a body corporate) is in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them; or
8. one of them, being a body corporate, is, directly or indirectly, controlled by the other (whether or not a body corporate); or
9. one of them, being a natural person, is an employee, officer or director of the other (whether or not a body corporate); or
10. they are members of the same partnership.

***Enterprise***

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

***Foreign Invested Enterprise (FIE)***

An FIE may be:

1. Chinese-foreign equity joint venture:

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

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

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

2. Chinese-foreign contractual joint venture:

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

3. Wholly foreign owned enterprises:

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

***Government of the People’s Republic of China (GOC)***

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

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

***Program(s)***

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

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

***State Invested Enterprises (SIE), also known as a State Owned Enterprises (SOE)***

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

* ‘enterprises with state investment’
* ‘state-owned assets’
* ‘state-invested enterprises’
* ‘enterprises under the supervision of SASAC’

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

***Subsidy***

Subsidy, in respect of goods exported to Australia, means:

1. a financial contribution:
2. by a Government of the country of export or country of origin of the goods; or
3. by a public body of that country or a public body of which that Government is a member; or
4. by a private body entrusted or directed by that Government or public body to carry out a Governmental function;

that involves:

1. a direct transfer of funds from that Government or body; or
2. the acceptance of liabilities, whether actual or potential, by that Government or body; or
3. the forgoing, or non‑collection, of revenue (other than an allowable exemption or remission) due to that Government or body; or
4. the provision by that Government or body of goods or services otherwise than in the course of providing normal infrastructure; or
5. the purchase by that Government or body of goods or services; or
6. any form of income or price support as referred to in Article XVI of the General Agreement on Tariffs and Trade 1994 that is received from such a Government or body;

if that financial contribution or income or price support confers a benefit (whether directly or indirectly) in relation to the goods exported to Australia.

1. These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes are for convenience or reference only and do not form part of the goods description. Please refer to the goods description for authoritative detail regarding goods subject to the anti-dumping measures. [↑](#footnote-ref-2)
2. This includes, but is not limited to, any laws, decrees, regulations, statements of policy, or other administrative guidelines. In each case, include any legislative history as well as other descriptive materials and explanations of the criteria underlying the decisions relating to each of the programmes mentioned in this questionnaire. If applicable, a sample of each of the applications that a company must complete to participate in each of the programs should also be included. [↑](#footnote-ref-3)
3. [EPR 469 PVC flat electric cables from China](https://www.industry.gov.au/anti-dumping-commission/archive-cases-and-electronic-public-record-epr/469) [↑](#footnote-ref-4)