**Government Questionnaire**

**Case number:** 657

**Product:** Aluminium extrusions

**From:** People’s Republic of China

**Inquiry period:** 1 October 2023 - 30 September 2024 (the period)

**Response due by:** 15 December 2024

**Email enquiries to:** [investigations@adcommission.gov.au](mailto:investigations@adcommission.gov.au)

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

**Responses to this questionnaire must be submitted via SIGBOX. Please contact the commission on the above email address to request access to SIGBOX.**

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# Instructions

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

On 8 November 2024, the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated a continuation inquiry (the inquiry) into the anti-dumping measures applying to aluminium extrusions (the goods) exported to Australia from the People’s Republic of China (China).

This inquiry follows an application by Capral Limited (Capral), an Australian industry manufacturer of like goods, that the dumping duty notice and countervailing duty notice should continue for a further five years after 28 October 2025.

Anti-Dumping Notice (ADN) 2024/085 (the initiation notice) outlines the details of the inquiry and the procedures to be followed. The initiation notice was published on 8 November 2024 on the Anti-Dumping Commission’s (the commission) electronic public record (EPR, case no 657).

The anti-dumping measures applying to aluminium extrusions were initially imposed by public notice in October 2010 following the publication of *Trade Measures Report No 148*. Details on the goods and existing measures is available on the Dumping Commodity Register (DCR) at [www.adcommission.gov.au](http://www.adcommission.gov.au).

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 inquiry concerning dumping and countervailable subsidies received by exporters of the goods from China.

The Commission may seek additional information and investigate any other subsidy program(s) if additional information becomes available.

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

A separate questionnaire has been sent to selected exporters of the goods from China. The exporter questionnaire also requests information relevant to an assessment of dumping and subsidies.

The commission will collect and use information in accordance with the commission’s Collection and Use of Information Policy.

**What happens if you do not respond 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)
* findings and information before the commission in previous investigations (including the original investigation), inquiries and reviews into the goods exported from China or other aluminium products or concerning the aluminium industry in China generally
* any other available information which the Commissioner considers relevant.

Furthermore, if the GOC does not respond, the Commissioner may act on the basis of all facts available and may make such assumptions as the Commissioner considers reasonable.

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

If the GOC elects to respond to this questionnaire, the response is due by **15 December 2024**.

**Clarification**

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

**Extension requests**

If you require a longer period to complete your response to this 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.

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 a shorter extension than you requested.

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

**Submitting a response to the questionnaire**

Responses to the questionnaire should be lodged via SIGBOX, a secure online document repository. Please contact the commission on the email address listed on the cover page to request access to SIGBOX.

Alternatively, you may 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.

You may also lodge your response by mailing it to:

Investigations

Anti-Dumping Commission

GPO Box 2013

Canberra ACT 2601

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.

In submitting the response to the questionnaire, you must answer all questions, include all attachments and spreadsheets, and provide a non-confidential version of your response to this questionnaire.

**Confidential and non-confidential responses**

You are required to lodge a confidential version (OFFICIAL: Sensitive) and a non-confidential version (for publishing on the 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

**OFFICIAL: Sensitive** or **PUBLIC RECORD**.

All information provided to the commission in confidence will be treated accordingly. The public record version of your questionnaire will be placed on the public record and must contain sufficient detail to allow a reasonable understanding of the substance of the information without breaching confidentiality.

Please be aware that, if at any stage during this inquiry you become aware that you have inadvertently received confidential information submitted by another party, you have a responsibility to:

* notify the commission
* delete the information from your system
* refrain from using, sharing or retaining the information in any way.

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 questionnaires are required to have a bracketed explanation of deleted or blacked out information for the public record version of the questionnaire. 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 questionnaire does not contain sufficient detail, you may be requested to resubmit your response with the required level of detail or, if deadlines have passed, the commission may not have regard to it.

**Future questions and verification of the information that you supply**

The commission may decide to visit the GOC to examine records and to verify the information provided. It is common practice for commission officers to visit government officials, exporters and manufacturers of the subject goods, in order to verify the information submitted. You will be contacted in advance of such a meeting in order to make arrangements.

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

If a verification visit is undertaken the key government officials involved in preparing the response, and those who have knowledge of the source documentation and the information contained therein, should be available to meet with commission officers and to provide additional clarification and explanation, as required.

If verification meetings are unreasonably delayed, cancelled, or otherwise hindered by the GOC, the assessment of the information may be based on the facts available to the commission.

The purpose of the verification meeting will be to verify the information provided in your questionnaire response. It is not intended to be a second opportunity for the GOC to provide new or additional information. Accordingly, it is important that your response be as complete and accurate as possible.

**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. Please note that any answer that only refers to an exhibit or an attachment without any explanation may be considered to be inadequate by the commission.
* The commission suggests 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.
* All questions must be answered in English. An English translation must be provided for documents not originally in English. To the extent that the foreign language version differs, the English translation will be given priority as a matter of interpretation in Australia.
* 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.
* 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 commission as soon as possible.
* Where possible, electronic data should be shared with the commission via SIGBOX, a secure online document repository. Please contact the commission to request access to SIGBOX if required.
* References throughout this questionnaire to companies benefiting from a particular program should be read as including any parent and associated companies. If the company has been subject to any merger or acquisition, include any former associated companies or parent companies.

# Goods subject to Anti-dumping measures

The goods subject to anti-dumping measures (the goods) are:

*Aluminium extrusions produced via an extrusion process, of alloys having metallic elements falling within the alloy designations published by The Aluminium Association commencing with 1, 2, 3, 5, 6 or 7 (or proprietary or other certifying body equivalents), with the finish being as extruded (mill), mechanical, anodized or painted or otherwise coated, whether or not worked, having a wall thickness or diameter greater than 0.5 mm, with a maximum weight per metre of 27 kilograms and a profile or cross-section which fits within a circle having a diameter of 421 mm.*

The goods include aluminium extrusion products that have been further processed or fabricated to a limited extent, after aluminium has been extruded through a die. Aluminium extrusion products that have been painted, anodised, or otherwise coated, or worked (e.g. precision cut, machined, punched or drilled) fall within the scope of the goods.

The goods do not extend to intermediate or finished products that are processed or fabricated to such an extent that they no longer possess the nature and physical characteristics of an aluminium extrusion, but have become a different product.

Consistent with previous investigations, the review will also rely upon the information shown in the table below in its assessment of the goods under consideration and like goods.

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| < **GUC** > | | | | < **Non GUC** > | | | | | | |
| 1 | 2 | 3 | 4 | 5 | | | 6 | | 7 | |
| Aluminium extrusions | Aluminium extrusions with minor working | Aluminium extrusions that are parts intended for use in intermediate or finished products | Aluminium extrusions that are themselves finished products | Unassembled  products containing  aluminium extrusions,  e.g. ‘kits’ that at time of  import comprise all  necessary parts to  assemble finished  goods | | | Intermediate or partly assembled products containing aluminium extrusions | | Fully assembled finished products containing aluminium extrusions | |
| < **Examples** > | | | | | | | | | | |
| Mill finish, painted, powder coated, anodised, or otherwise coated aluminium extrusions | Precision cut, machined, punched or drilled aluminium extrusions | Aluminium extrusions designed for use in a door or window | Carpet liner, fence posts, heat sinks | | Shower frame kits, window kits, unassembled unitised curtain walls | Unglazed window or door frames | | Windows, doors | |

The goods subject to the anti-dumping measures may be classified to the following subheadings in Schedule 3 of the *Customs Tariff Act 1995*:

|  |  |
| --- | --- |
| 7604.10.00/06 | non alloyed aluminium bars, rods and profiles |
| 7604.21.00/07 | aluminium alloy hollow angles and other shapes |
| 7604.21.00/08 | aluminium alloy hollow profiles |
| 7604.29.00/09 | aluminium alloy non hollow angles and other shapes |
| 7604.29.00/10 | aluminium alloy non hollow profiles |
| 7608.10.00/09 | non alloyed aluminium tubes and pipes |
| 7608.20.00/10 | aluminium alloy tubes and pipes |
| 7610.10.00/12 | doors, windows and their frames and thresholds for doors |
| 7610.90.00/13 | Other |

# Section A Domestic market

1. Identify the administration coordinating 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.
2. Describe the nature and structure of the aluminium extrusions industry and the primary aluminium production industry and market sectors in China.

Without limiting your response, include the following information.

* 1. The total size (value and quantity) of these industries for the period **1 October 2023 to 30 September 2024**.
  2. Include details regarding the following:
     + domestic production by type of enterprise (e.g. state-invested, foreign invested, domestic private)
     + total imports (including source of imports)
     + total exports
     + the identity of key domestic manufacturers
     + growth indications
     + the extent of vertical integration in the industries
     + the extent of the reliance on imported primary aluminium and primary aluminium raw materials.
     + government involvement at each level of the industry including the extent of any restrictions, quotas, or limits on the production volumes of these industries.

1. Provide a list of all Chinese aluminium extrusion producers and/or exporters that have produced and/or exported aluminium extrusions destined for Australia during the inquiry period. If possible, please provide this listing in Microsoft Excel format (refer to worksheet *A-3* in the spreadsheet provided).

This listing will be referred to as ‘**your response to Question A-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 of aluminium extrusions
    - 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.

1. Provide a list of all manufacturers/producers of primary aluminium in China that produced primary aluminium 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 A-4**’ throughout this questionnaire.

Within this list, indicate the following:

* + - the business’ address (including the city/town and province);
    - whether the business is a producer, producer/exporter or trader of sinks; 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.

1. Are any of the companies listed in **Appendix A** 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? (refer to worksheet *A-5* in the spreadsheet provided)

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
    - a listing and explanation of what location in each zone makes businesses eligible for (including any GOC assistance or differential treatment).

1. Are any of the entities listed in **Appendix A** located in an area, zone or other region listed in your response to A-5 above? If so, identify which entities and which zone or area the entity is located in. (refer to worksheet *A-5* in the spreadsheet provided)
2. Provide the names and addresses of all national, provincial, and regional producer organisations that represent the interests of aluminium extrusion manufacturers and traders in China.
3. Provide quarterly data using Microsoft Excel format for the period **1 October 2023 to   
   30 September 2024** with the total volume and value (sourced from official government statistics), in domestic currency and Australian dollars, for:
   * + exports of aluminium extrusions to Australia, in total
     + exports of aluminium extrusions to Australia, by company
     + all exports of aluminium
     + all imports of aluminium.

Indicate the source of the information. For export and import values, specify if the value is based on ex-factory, FOB (port, shipping point, etc.), CIF or some other value. Specify if any values are inclusive of VAT.

1. Specify and provide supporting documentation for the standard corporate tax rate during the investigation period for:
   * + companies that manufacture aluminium extrusions
     + companies that trade in aluminium extrusions
     + companies that manufacture aluminium
     + companies that trade in aluminium.
2. 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 **Question A-9**.
3. Provide details of any GOC policies that require different corporate tax rates to be applied to producers within the aluminium extrusion and/or the primary aluminium industries.   
   For example, for producers in any of these industries, do taxation rates differ due to sales revenue, location, export / domestic market orientation etc. Detail any industry-specific tax exemptions or tax rebates such as R&D expenditures.
4. Provide a schedule for the last 5 years (**1 October 2019 to 30 September 2024**) of:
   1. import tariff rates and/or import quotas applicable to:
      * aluminium extrusions
      * aluminium
   2. export tariff rates and/or export quotas applicable to:
      * aluminium extrusions
      * aluminium
   3. value added tax (VAT) export rebates applicable to exports of:
      * aluminium extrusions
      * aluminium
5. If export quotas applied to any of the items at **Question A-12**, identify which agency of the GOC legislates and monitors the quotas.
6. Provide a detailed description of the domestic Chinese aluminium extrusion manufacturing industry and the relevant upstream industries (e.g. primary aluminium). The response should include details of:
   * + distribution channels
     + any vertical integration
     + any changes over the last 5 years (such as mergers and acquisitions)
     + any changes to government laws and regulations after 1 October 2019.
7. Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase, or acquisition of aluminium extrusions and/or the aluminium extrusion industry and explain the nature of their involvement.
8. The following questions concern the *Price Law of the People’s Republic of China*

(the Price Law).

For completeness, please provide a translated copy of the current Price Law.

* 1. In relation to the Price Law:
     + What form does the ‘price regulation fund’ take generally and what department of the GOC is responsible for the fund?
     + What ‘price regulation fund’ regulations have applied to aluminium extrusions, and the aluminium industry more generally **since** **1 October 2019**?
  2. To the extent the Price Law refers to the control of prices and price monitoring system to monitor changes in the prices of major merchandises and services:
     + What price monitoring system has been established generally and what department is responsible?
     + What ‘price monitoring’ has applied to aluminium extrusions, and the aluminium extrusion industry more generally **since 1 October 2019**?

If the Price Law does not apply to aluminium extrusions or the aluminium extrusion industry, please provide evidence of this.

1. Provide a list and copies of any specific laws, decrees, rules, promulgations, edicts, opinions, measures, guidelines, regulations and/or directives regarding:
   * + the regulation of the price of aluminium extrusions, or any of the raw materials used to manufacture aluminium extrusions
     + the composition and structure of the aluminium extrusion and aluminium extrusion manufacturing industries more generally
     + production capacity and production within the aluminium extrusion and aluminium extrusion manufacturing industries more generally
     + investment in projects related to aluminium extrusions, or any of the raw materials used to manufacture aluminium extrusions.

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

1. Identify and document any financial assistance provided by the GOC **since** **1 October 2019** in support of the manufacture of aluminium extrusions and/or raw materials used in the manufacture of aluminium extrusions. Any financial assistance provided can include but is not limited to grants, prizes, awards, stimulus payments, injected capital, preferential loans, and purchase of shares.
2. Has the GOC (at any level of government) issued or participated in the issuance of any debt or equity instruments in any business entity associated with aluminium extrusion production or manufacture **since** **1 October 2019**?

If so:

* + - provide the names and address of the business entities
    - explain the reasons for using a particular financial instrument(s)
    - provide full details (such as number of shares and value of bonds), including the period of investments and the rate of return(s) (and/or expected yields)
    - are any of these instruments or securities listed in any securities exchange in China or overseas?

provide the name(s) of the securities of exchange

identify any trading restrictions by the business entity and/or the securities exchange.

1. Are aluminium extrusion producers or entities producing raw materials for aluminium extrusions in China required to hold any types of licences for production? If so, please provide details and documentary evidence.
2. Are there any production limits and/or export limits placed on aluminium extrusion producers and/or producers of raw materials used in the production of aluminium extrusions? If so, please provide documentary evidence.
3. Are there any price restrictions on domestic sales of aluminium extrusions or raw materials used in the production of aluminium extrusions? If so, please provide details.
4. Identify any GOC initiatives and/or policies that affect, either directly or indirectly, the aluminium extrusion manufacturing industry and/or the aluminium extrusion industry more generally, including raw materials. Provide all documentary evidence.
5. Provide copies of the following documents:
   1. Guidance catalogue for industrial structure adjustment (for the year 2019, and any subsequent guidance if applicable)
   2. 13th and 14th Five-Year plans including (and any subsequent plan if applicable):
      * Plans for the Raw Material Industry Development
      * the two most recent five-year plans at all levels of the GOC (including, central, regional, provincial and for any special zones, areas, or other such regions), as well as the original Chinese versions.
6. What percentage of total production capacity in the aluminium extrusion and aluminium extrusion manufacturing industries have State Invested Enterprises (SIEs) accounted for **since** **1 October 2019**? Please provide any supporting evidence.
7. Describe the process for transferring shares in SIEs in the aluminium extrusion and aluminium extrusion industries more generally, and the involvement of the State-owned Assets Supervision and Administration Commission (SASAC) in this process.
8. What percentage of the total volume of sales of aluminium extrusions and primary aluminium by SIEs **since** **1 October 2019** have been unprofitable? Please provide any supporting evidence.
9. What has been the percentage share of loss-making SIEs in the aluminium extrusion and aluminium extrusion manufacturing industries **since** **1 October 2019**? Please provide any supporting evidence.
10. Describe any support provided by the GOC to loss-making enterprises in the aluminium extrusion, primary aluminium, or aluminium raw material manufacturing industries **since**   
    **1 October 2019**.

# Section B Particular market situation

The Minister has previously found that there was a situation in the Chinese aluminium extrusions market such that sales within that market were unsuitable for determining normal values under section 269TAC(1) of the *Customs Act 1901* (the Act).[[1]](#footnote-2)

This inquiry will seek to determine whether, during the inquiry period, there remained a situation in the Chinese aluminium extrusions market such that sales within that market are unsuitable for determining normal values.

This assessment is also relevant in making recommendations to the Minister regarding the lesser duty rule.

1. Identify and provide an explanation of the specific roles and responsibilities of government departments, agencies or institutions, which are either directly or indirectly involved in economic policy development, economic regulation and decision-making activities with respect to the aluminium extrusions and primary aluminium industries.  
     
   If these roles and responsibilities have changed since the Commissioner’s findings in *Review 609*, please describe and provide evidence of these changes.
2. Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of aluminium extrusions and primary aluminium, and explain the nature of their involvement.   
     
   If their involvement has changed since the Commissioner’s findings in *Review 609*, please describe and provide evidence of these changes.
3. Provide details of any GOC policies that require different corporate tax rates to be applied to producers within the aluminium extrusions and primary aluminium sectors.   
     
   For example, for producers in any of these specific sectors, do taxation rates differ due to sales revenue, location, export / domestic market orientation etc.   
     
   Detail any industry specific tax exemptions or tax rebates such as R&D expenditures.   
     
   If such GOC policies have changed since the Commissioner’s findings in *Review 609*, please describe and provide evidence of these changes.
4. Provide a detailed description of the domestic Chinese aluminium extrusions industry and the relevant upstream industries, including primary aluminium industries. The response should include details of:
   1. distribution channels
   2. any vertical integration
   3. any changes **since 1 October 2019** (such as mergers and acquisitions)
   4. any changes to the government laws and regulations **since 1 October 2019**.

In addition, describe and provide evidence of any changes in these industries since the Commissioner’s findings in *Review 609*.

1. Provide quarterly data (using Microsoft Excel format) over the last 5 calendar years of:  
   1. import quantity (by volume and value) of
      * aluminium
      * aluminium extrusions
   2. export quantity (by volume and value) of
      * aluminium
      * aluminium extrusions

For export and import values, specify if the value is based on ex-factory, FOB (port, shipping point, etc), CIF or some other value.

1. Provide details (quantify the value) of any government guarantee provided for any commercial loans by a business entity associated with aluminium extrusions and aluminium industries in the last 5 years.
2. Do enterprises need to be verified by the GOC prior to being approved entry to aluminium extrusions and aluminium industries?
3. Describe and explain whether the national, provincial or local governments (including ministries or offices of those governments, or any quasi-governmental organisation identified) explicitly or implicitly recognises the industries that produces aluminium extrusions and/or the aluminium industries more generally, as a national provincial and/or local development objective, or otherwise directs the development of any of those industries.
4. Provide copies of the following documents:  
   * + Directory Catalogue on Readjustment of Industrial Structure
     + China Nonferrous Metals Yearbooks for the most recent 5 years.
5. In *Continuation Inquiry 543* and *Review 609*, information before the commission showed that between 2010 and 2015, state owned enterprises (SOEs) and state invested enterprises (SIEs) accounted for approximately 32% to 47% of total primary aluminium industry production capacity. What percentage of total production capacity have SOEs and SIEs accounted for since 2015?
6. In *Continuation Inquiry 543* and *Review 609*, information before the commission showed that there was a significant amount of idle production capacity in the Chinese market for primary aluminium resulting in low capacity utilisation. Please describe and provide evidence of whether the situation with respect to capacity utilisation in the Chinese primary aluminium industry has changed since *Continuation Inquiry 543* and *Review 609*.
7. In *Continuation Inquiry 543* and *Review 609*, information before the commission showed that the GOC State Bureau of Material Reserve operates a significant stockpile of primary aluminium. Please describe the operation of this stockpile and/or any other stockpiling activities undertaken by the GOC in respect of the aluminium industry **since 1 October 2019**.
8. In *Review 609*, information before the commission showed that the GOC provides support to aluminium producers through discounted electricity. If the GOC no longer provides such support, please explain, and provide evidence. In addition:  
   1. Is the transmission grid still owned and maintained by State Grid Corporation of China and China Southern Power Grid? If not, please provide details of the current ownership.
   2. Please provide details of any subsidies provided at any level of government to aluminium extrusion producers or other manufacturers in the aluminium industry in relation to the supply of electricity.
9. Have there been any other changes to GOC policies and practices that impact the aluminium extrusions and aluminium industries that support the view that the factors leading to the Commissioner’s findings in *Review 609* of a particular market situation in the Chinese aluminium extrusions market no longer exists?

If so, provide details and relevant evidence.

# Section C Subsidies

The questionnaire seeks information in relation to subsidy programs applicable to Chinese exporters of aluminium extrusions. This includes information in relation to subsidy programs that were countervailed in *Review 609*, and information in relation to any other subsidy programs application to Chinese exporters of aluminium extrusions.

In the most recent case undertaken by the commission in relation to aluminium extrusions   
(*Review 609*), the following programs were found to be countervailable.

Table C-1: Identified programs

| **Program Number[[2]](#footnote-3)** | **Program Name** | **Program Type** | **Countervailable subsidy (Yes/No)** |
| --- | --- | --- | --- |
| 2 | One-time Awards to Enterprises Whose Products Qualify for ‘Well-Known Trademarks of China’ and ‘Famous Brands of China’ | Grant | Yes |
| 3 | Provincial Scientific Development Plan Fund | Grant | Yes |
| 4 | Export Brand Development Fund | Grant | Yes |
| 5 | Matching Funds for International Market Development for Small and Medium Enterprises (SME) | Grant | Yes |
| 6 | Superstar Enterprise Grant | Grant | Yes |
| 7 | Research & Development (R&D) Assistance Grant | Grant | Yes |
| 8 | Patent Award of Guangdong Province | Grant | Yes |
| 9 | Training Program for Rural Surplus Labour Force Transfer Employment | Grant | Yes |
| 15 | Aluminium provided at less than adequate remuneration | Less than adequate remuneration | Yes |
| 18 | Preferential tax policies in the Western Regions | Tax | Yes |
| 21 | Tariff and VAT Exemptions on Imported Materials and Equipment | Tariff and VAT Exemptions | Yes |
| 26 | Innovative Experimental Enterprise Grant | Grant | Yes |
| 29 | Special Support Fund for Non-State-Owned Enterprises | Grant | Yes |
| 32 | Venture Investment Fund of Hi-Tech Industry | Grant | Yes |
| 35 | Grants for Encouraging the Establishment of Headquarters and Regional Headquarters with Foreign Investment | Grant | Yes |
| 47 | Preferential tax policies for high and new technology enterprises | Tax | Yes |
| 48 | Provincial Government of Guangdong (PGOG) tax offset for R&D | Tax | Yes |
| 56 | PGOG special fund for energy saving technology reform | Grant | Yes |
| 58 | Development assistance grants from the Zhaoqing New and High-Tech Industrial Development Zone (ZHTDZ) | Grant | Yes |
| 59 | Processing trade special fund | Grant | Yes |
| 60 | Trade insurance support fund | Grant | Yes |
| 61 | Enterprise employment fixed point monitoring work subsidy | Grant | Yes |
| 62 | Special funds for provincial enterprises to transfer and upgrade equipment | Grant | Yes |
| 63 | Reserve funds for enterprise development | Grant | Yes |
| 64 | High integrity enterprise award 2014 | Grant | Yes |
| 65 | Jiangmen engineering technology research centre award | Grant | Yes |
| 66 | 2016 Shanghai Automotive Commodities Exhibition special fee subsidy | Grant | Yes |
| 67 | Corporate remuneration survey subsidy | Grant | Yes |
| 68 | Energy saving project subsidy | Grant | Yes |
| 69 | Science and technology project subsidy | Grant | Yes |
| 70 | Provincial engineering and technology research centre 2016 | Grant | Yes |
| 71 | Foreign trade development fund subsidy of Jiangmen City | Grant | Yes |
| 72 | 2015 Special Funds of Technology Renovation technical renovation project with environmental protection | Grant | Yes |
| 73 | Provincial Market Development Grant for foreign trade exhibitions and SMEs International market development | Grant | Yes |
| 75 | Subsidy for Supporting Foreign Trade Enterprises of Nan’an city in 2017 | Grant | Yes |
| 76 | Fund for Supporting Foreign Trade Export in 2017 of Nan’an Municipal Bureau of Financial | Grant | Yes |
| 77 | Power consumption award for production and efficiency increase in December 2016 | Grant | Yes |
| 78 | Integration of informationization and industrialization management system (Note changed from market development due to info provided from Goomax) | Grant | Yes |
| 79 | Subsidy for invention patents | Grant | Yes |
| 80 | No 269: Special project for technology reform- subsidy for technology reform | Grant | Yes |
| 81 | Madrid Trademark grant by Fujian Provincial Administration for Industry and Commerce | Grant | Yes |
| 82 | 2016 Award for brand value from Finance Bureau | Grant | Yes |
| 83 | Social security fund Guangzhou Social Insurance Fund | Grant | Yes |
| 84 | Patent supporting fund | Grant | Yes |
| 85 | Unemployment fund Guangzhou Social Insurance Fund | Grant | Yes |
| 86 | Technology supporting fund | Grant | Yes |
| 87 | Special fund Industry technology development and research | Grant | Yes |
| 88 | Industry technology R&D fund | Grant | Yes |
| 89 | Technology innovation fund | Grant | Yes |
| 90 | Social security fund Zencheng City | Grant | Yes |
| 91 | 2016 Jiangmen support fund for technology development | Grant | Yes |
| 92 | Funds for EFT16 technical reform | Grant | Yes |
| 93 | Funds for 2016 technical renovation | Grant | Yes |
| 94 | EFT provincial Industry and informatization special research expenses supplement fund | Grant | Yes |
| 95 | 2017 Enterprise Compensation Survey Fund | Grant | Yes |
| 96 | VOCs treatment fund for the process of injection workshop | Grant | Yes |
| 97 | Economic investigation fund | Grant | Yes |
| 98 | 2017 Provincial Motor Energy Efficiency Promotion Special Fund | Grant | Yes |
| 99 | 2017 Jiangmen Enterprise Major technology platform construction Fund | Grant | Yes |
| 100 | Receiving the payment from Taishan Finance Bureau | Grant | Yes |
| 101 | 2017 Jiangmen Enterprise Research and Development Financial Aid Fund | Grant | Yes |
| 102 | Taishan High-integrity enterprise project fund | Grant | Yes |
| 103 | 2017 Provincial Enterprise Research and Development Fund | Grant | Yes |
| 104 | Special funds for enterprises in large equipment manufacturing industry | Grant | Yes |
| 105 | 2017 Provincial New enterprise Technology Reform Fund | Grant | Yes |
| 106 | Jiangmen supported science and technology development projects 2018 | Grant | Yes |
| 107 | 2018 special fund support project fund | Grant | Yes |
| 108 | Jiangmen municipal support science and technology development funds in 2019 | Grant | Yes |
| 109 | Subsidy for employment of the disabled | Grant | Yes |
| 110 | Environmental Protection Subsidy from Nan'an City Dongtian Government | Grant | Yes |
| 111 | Electricity Incentive Reward for Promoting Industrial Enterprise to Increase Production and Increase Efficiency of April to June of 2018 | Grant | Yes |
| 112 | Subsidy for Foreign Economic and Trade Enterprise of 2018 | Grant | Yes |
| 113 | Fund for Natural Disaster Relief | Grant | Yes |
| 114 | Subsidy for Chief Technology Officer | Grant | Yes |
| 115 | Electricity Incentive Reward of Production Increase and Efficiency Increase for Eligible Enterprise of the First Quarter of 2019 | Grant | Yes |
| 116 | Trade Promotion Fund of 2019 | Grant | Yes |
| 117 | Subsidy from Guangzhou Industry and Information Technology Bureau | Grant | Yes |
| 609-1 | Municipal-level subsidy fund for enterprises participating the domestic exhibitions for 2018 | Grant | Yes |
| 609-2 | Provincial-level special subsidy for promoting stable production and employment of industrial enterprises during Spring Festival 2021 | Grant | Yes |
| 609-3 | Reward for increasing production and efficiency of Nan’an City during New Year's Day and Spring Festival 2021 | Grant | Yes |
| 609-4 | Supporting fund for foreign economy and trade of Nan’an City for 2020 | Grant | Yes |
| 609-5 | Provincial and municipal level special fund for trade 2021 | Grant | Yes |
| 609-6 | The 3rd batch of talent rewards for supporting enterprise restructuring, listing and over-the-counter listing in 2021 | Grant | Yes |
| 609-7 | Subsidy fund for exhibitions in the first half of 2021 | Grant | Yes |
| 609-8 | 2021 Vocational Skills Improvement Training Subsidy | Grant | Yes |
| 609-9 | 2020 Unemployment Insurance Stabilization Subsidy | Grant | Yes |
| 609-10 | Reward fund for enterprises absorbing the poverty population for employment across provinces | Grant | Yes |
| 609-11 | Subsidy for enterprise R&D expenditure for 2020 | Grant | Yes |
| 609-12 | The 2nd batch of subsidy for enterprise R&D expenditure of 2020 | Grant | Yes |
| 609-13 | Provincial-level reward fund for “Specialized-Refinement-Differential-Innovation” small and medium-sized enterprises of 2021 | Grant | Yes |
| 609-14 | One-time labor service subsidy for enterprise interprovincial labor service cooperation | Grant | Yes |
| 609-15 | Provincial-level reward of green factory | Grant | Yes |
| 609-16 | Settlement subsidy for college graduates | Grant | Yes |
| 609-17 | The 1st batch of municipal-level special subsidy for energy conservation and circular economy in 2022 | Grant | Yes |
| 609-18 | Tax regulation allowing additional tax credits for R&D expenses | Tax | Yes |
| 609-19 | Employment Assistance for the recruitment of poverty alleviation population in the fourth quarter of 2021 | Grant | Yes |
| 609-20 | Jiangmen Intellectual Property Support Fund in 2022 | Grant | Yes |
| 609-21 | Science and technology fund subsidy Assistance | Grant | Yes |
| 609-22 | 2017 Taishan Integrity plan assistance | Grant | Yes |
| 609-23 | Assistance from Taishan city to encourage investment and support economic transformation and development | Grant | Yes |
| 609-24 | Guangdong Social Insurance Fund Administration | Grant | Yes |
| 609-25 | Assistance for training of new apprenticeship system in enterprises | Grant | Yes |
| 609-26 | Funds for energy conservation and clean production | Grant | Yes |
| 609-27 | Assistance for stable employment treatment | Grant | Yes |
| 609-37 | Subsidy of maintenance of employment stability | Grant | Yes |
| 609-38 | Deferred payment of income tax | Tax | Yes |
| 609-39 | 2017 'Hundreds of Enterprises Compete to Be the First' Enterprise Executive Award | Grant | Yes |
| 609-40 | 2020 July to December Special Funds to Support Foreign Trade Enterprises to Actively Respond to the Novel Coronavirus Pandemic and Stable Development Support Measures | Grant | Yes |
| 609-41 | 2020 Special Fund for Foreign Economic and Trade Development (Coping with Trade Friction) Project | Grant | Yes |
| 609-42 | 2020 Special Fund Project for Promoting High-Quality Development of Foreign Trade (District Level) | Grant | Yes |
| 609-43 | 2021 Accounts Receivable Financing Incentive Special Fund | Grant | Yes |
| 609-44 | 2019 First Award for Large-Scale Backbone Enterprises Exceeding 10 Billion Yuan | Grant | Yes |
| 609-45 | 2021 Special Fund for Foreign Economic and Trade Development (Coping with Trade Friction Matters) Project | Grant | Yes |
| 609-46 | 2021 Technical Standards Strategic Support Award Project (Technical Standards Development) Incentives | Grant | Yes |
| 609-47 | 2020 Unemployment Insurance Fund Supports Enterprises to Stabilize Job Subsidies | Grant | Yes |
| 609-48 | Special funds for the research and industrialization project of environmental protection and energy saving low temperature curing polyester powder coatings | Grant | Yes |
| 609-49 | Patented Technology Transaction Funding | Grant | Yes |
| 609-50 | 2021 Special Fund for Foshan Industrial Internet Development Support (Industrial Internet Benchmarking Demonstration Project) | Grant | Yes |
| 609-51 | 2021 First-level funding for the cultivation project of the Science and Technology Award at the provincial level or above in Chancheng District | Grant | Yes |
| 609-52 | 2019 Chancheng District High-tech Enterprises' Support Fund for Quality Improvement | Grant | Yes |
| 609-53 | Special funds for promoting high-quality economic development in 2021 (the second batch) | Grant | Yes |
| 609-54 | 2020 Manufacturing Singles Champion Enterprise Policy Support Fund | Grant | Yes |
| 609-55 | 2021 Special Fund for Foshan Economic and Technological Development | Grant | Yes |
| 609-56 | 2020 Manufacturing Singles Champion Enterprise Policy (Additional deduction for research and development expenses) Support Fund | Grant | Yes |
| 609-57 | 2022 Provincial special funds for promoting high-quality economic development (private economy and the development of small, medium, and micro enterprises) | Grant | Yes |
| 609-58 | 2022 Special subsidy for post-patent transformation | Grant | Yes |
| 609-59 | 2022 'Foshan Standard' Product Support Fund | Grant | Yes |
| 609-60 | New employee allowance (Sanshui District) | Grant | Yes |
| 609-61 | 2017 green manufacturing system integration fund | Grant | Yes |
| 609-62 | 2013 provincial information industry development special fund for modern information service industry special project | Grant | Yes |

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.

## Other subsidy programs

1. If the GOC, any of its agencies, or any other authorised non-governmental body, provided any other assistance programs (including market development assistance programs or any domestic support programs related to the manufacture of aluminium extrusions) to manufacturers of aluminium extrusions in China from **1 October 2019 to 30 September 2024** identify these programs.

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

Please provide the information requested in the following questions 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 aluminium extrusions during the inquiry 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 *Continuation Inquiry 543* and *Review 609*.

1. Provide details of the program including the following:  
   * + title of the program
     + policy objective and/or purpose of the program
     + legislation under which the subsidy is granted
     + nature or form of the subsidy
     + when the program was established
     + duration of the program
     + how the program is administered and how it operates
     + to whom and how the program is provided
     + the eligibility criteria in order to receive benefits under the program.
2. Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports pertaining to the program published during or since the review period. Specify the sections that govern the program.
3. Provide copies together with translations in English of all legislative, regulatory, administrative and public documents relating to this program.
4. Identify the GOC department or agency administering the program.
5. Identify and explain the types of records maintained by the relevant Government or agency (e.g. accounting records, company-specific files, databases, budget authorisations) regarding the program.
6. Indicate whether any of the companies listed in **Appendix A** applied for, accrued, or received benefits under the program from **1 October 2023 to 30 September 2024**.
7. 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.
8. 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.
9. 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).
10. Provide a list by industry and by region of the companies that have received benefits under this program in the year the provision of benefits was approved and in each of the calendar years from 2019 to 2023, and for the first three quarters of 2024.
11. How many applicants have received financial assistance/benefit and how many applicants have been rejected in the year the financial assistance/benefit was approved and in each of the calendar years from 2019 to 2023, and for the first three quarters of 2024? Provide the main reasons why applicants have been rejected.
12. Describe any anticipated changes in the program. Provide documentation substantiating your answer. If the program has been terminated, state the last date that a company could apply for or claim benefits under the program. When is the last date that a company could receive benefits under the program?
13. If a program has been terminated and has been substituted for by another program, identify the program.
14. 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 review period (and for each year in which the assistance was provided).
    7. Please provide the translated annual report during the review 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, please answer the following questions in relation to any tax programs.

If any of the companies listed in **Appendix A** 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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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?
6. 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: Grant programs

In addition to the general questions, please answer the following questions in relation to any grant programs.

1. Does the program provide ongoing support to participants, i.e., is the receipt of benefits predictable over a number of years, or is the program designed to provide one-time assistance to participants?
2. Is a formal application and/or specific government approval required each time benefits are received or is the receipt of benefits automatic after initial authorisation for the benefits?
3. For each exporter listed in **Appendix A** and each company listed in **your response to question A-3**, please provide the following for each year from 1 January 2019:  
   1. The amount of the grant approved by the government.
   2. The date of government authorisation/approval.
   3. The amount actually disbursed.
   4. The date(s) the grant was disbursed. Please indicate whether the grant was paid in a lump sum or in multiple disbursements.

## Specific questions: Enterprises with state investment

In addition to the general questions, please answer the following questions in relation to any enterprises with state investment.

1. Have there been any changes to the arrangements governing the activities of SIEs since the GOC last responded to the commission (or previous iterations of the commission)?
2. 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?
3. 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 aluminium extrusion and primary aluminium industries.
4. Explain how relevant GOC laws, policies, opinions, guidelines, etc. are communicated to SIEs.
5. 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.
6. What advantages, if any, do SIEs enjoy compared with private (non-state) enterprises in the aluminium extrusion and primary aluminium sectors in China (e.g. reduced income tax rates, easier access to capital, different reporting requirements)?
7. Have there been any changes to the content or operation of The Law on State-Owned Assets since the GOC last responded to the commission (or previous iterations of the commission)?
8. 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

1. For each entity identified in **your response to Question A-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 (also indicate the functions and roles of each associated entity including whether they are involved in the production of aluminium extrusions, aluminium, or any other aluminium product).
   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 another 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.
2. For each entity identified in **your response to Question A-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.

* 1. 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.
  2. 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.
  3. Who selects and/or approves the members of the Board of Directors (include the criteria for selection of members of the Board of Directors)?
  4. Indicate whether any member of the Board of Directors is an employee or affiliate of SASAC or has any other affiliation with the GOC.
  5. Indicate whether any member of the Board of Directors is a member of the CCP.
  6. Describe the roles and responsibilities of the Board of Directors.
  7. How is the Board of Shareholders formed?
  8. Indicate whether any member of the Board of Shareholders is an employee or affiliate of SASAC or has any other affiliation with the GOC.
  9. Describe the roles and responsibilities of the Board of Shareholders.
  10. 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.
  11. Indicate whether the enterprise has a Board of Supervisors or Supervisory Panel.
  12. Describe the role and responsibilities of the Supervisory Panel and/or Board of Supervisors.
  13. 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.
  14. 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.
  15. 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.
  16. 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.

Outline how each of the following are determined/set for the entity:

* + - suppliers of raw material inputs (including any restrictions as to what entities can supply raw materials)
    - purchase prices of raw material inputs
    - allocation of inputs into production process, including raw materials, energy and labour costs
    - quality and safety standards
    - selling prices
    - customers (including restrictions on entities that can purchase goods produced from the enterprise)
    - production output (detail any restrictions on production output)
    - safety standards
    - energy costs.

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

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

1. For each entity identified in **your response to Question A-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.
   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.
   5. Provide details of any official reporting mechanisms that the enterprise must comply with.
   6. 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).
   7. How are profits of the enterprise distributed and to whom?
   8. Are dividends/ other payments made to SASAC or any other GOC entity?
   9. Outline what action, if any, is taken by SASAC or any other government entity if the enterprises makes a loss or under-performs.
   10. 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
       * the purchase of shares.

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.

1. For each entity identified in **your response to Question A-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).

## Specific questions: Provision of goods at less than adequate remuneration

The commission previously investigated the provision of goods at less than adequate remuneration in relation to raw material costs for aluminium extrusions. The commission has requested information concerning state invested enterprises, and information from the exporters concerning their raw material suppliers. The commission will consider the responses provided and may investigate the provision of these raw materials further. If the GOC has comments in relation to this, provide them here.

# Section D 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 their knowledge and belief.

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

# Appendix A Sample of the largest identified exporters of aluminium extrusions

Guangdong Xingfa Aluminium Co Ltd

Guangdong Jinxiecheng Al Manufacturing Co Ltd

Goomax Metal Co. Ltd Fujian

Foshan City Sanshui Yongya Aluminium Co., Ltd

Guang Ya Aluminium Industries Co Ltd

# Appendix B 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:  
   1. they are connected by a blood relationship or by marriage or adoption; or
   2. one of them is an officer or director of a body corporate controlled, directly or indirectly, by the other;
2. both being bodies corporate:  
   1. both of them are controlled, directly or indirectly, by a third person (whether or not a body corporate); or
   2. both of them together control, directly or indirectly, a third body corporate; or
   3. 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
3. one of them, being a body corporate, is, directly or indirectly, controlled by the other (whether or not a body corporate); or
4. one of them, being a natural person, is an employee, officer or director of the other (whether or not a body corporate); or
5. 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.

1. 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.

1. 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:  
   1. by a Government of the country of export or country of origin of the goods; or
   2. by a public body of that country or a public body of which that Government is a member; or
   3. 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

1. 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. *Anti-Dumping Commission Report 609*, Appendix A, [Electronic Public Record 609](https://www.industry.gov.au/anti-dumping-commission/current-cases-and-electronic-public-record-epr/609), no 41. [↑](#footnote-ref-2)
2. Program numbers up until 117 refer to programs from the original investigation or subsequent reviews/inquiries into the goods. Programs identified in *Review 609* begin with 609. [↑](#footnote-ref-3)