**Government Questionnaire —**

**People’s Republic of China**

**Case number:** 658

**Product:** Hot rolled coil steel

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

**Inquiry period:** 1 October 2023 to 30 September 2024 (the period)1-November-99

**Response due by:** 6 January 2025

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

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

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# Section A: Background and General Instructions

## Background

On 15 November 2024, following an application by BlueScope Steel Limited (BSL), the Commissioner of the Anti-Dumping Commission (the Commissioner) initiated an investigation into hot rolled coil steel (HRC, or the goods) exported to Australia from the People’s Republic of China (China).

Anti-Dumping Notice (ADN) No. 2024/093 was published on 15 November 2024 and outlines the details of the investigation and the procedures to be followed . The notice was published on the Anti-Dumping Commission’s (the commission) website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## Product concerned

The goods under consideration, i.e. the goods exported to Australia, allegedly at dumped prices and/or in receipt of countervailable subsidies, are:

|  |
| --- |
| **Full description of the goods the subject of the application** |
| Hot rolled coil steel (including in sheet form), with or without patterns in relief (known as checker plate), whether or not containing alloys, not clad, plated or coated (other than oil coated).**Exclusions:**The goods excluded from the measures are plate steel products and flat merchant bars. |
| **Further information** |
| HRC is supplied in a range of thicknesses, all of which are covered by the measures.Several relevant standards cover the range of HRC products. These relevant standards are noted in the following table:

|  |
| --- |
| **Commercial HRC Grades** |
| **Standard No.** | **Description** |
| AS/NZS 1594 | Hot rolled steel flat products |
| ASTM A1011 | Steel, sheet and strip, hot rolled, carbon, structural, high strength low alloy, with improved formability and ultra high strength |
| ASTM A1018 | Steel, sheet and strip, heavy thickness coils, hot rolled, carbon, commercial, drawing, structural, high strength low alloy, high strength low alloy with improved formability, and ultra high strength |
| ISO 3573 | Hot rolled carbon steel sheet of commercial and drawing qualities |
| JIS G 3131 | Hot rolled mild steel plates sheet and strip |
| SAE J403 | Chemical composition of SAE carbon steels |
| **Forming, Pressing & Drawing HRC Grades** |
| AS/NZS 1594 | Hot rolled flat steel products |
| ISO 3573 | Hot rolled carbon steel sheet of commercial and drawing qualities |
| JIS G 3132 | Hot rolled carbon steel strip for pipes and tubes |
| EN 10111 | Continuously hot rolled low carbon steel sheet and strip for cold forming |
| **Structural HRC Grades** |
| AS/NZS 1594 | Hot rolled steel flat products |
| API specification 5L | Specification for line pipe |
| ASTM A1011 | Steel, sheet and strip, hot rolled, carbon, structural, high strength low alloy, with improved formability and ultra high strength |
| ASTM A1018 | Steel, sheet and strip, heavy thickness coils, hot rolled, carbon, commercial, drawing, structural, high strength low alloy, high strength low alloy with improved formability, and ultra high strength |
| JIS G 3113 | Hot rolled steel plate, sheet and strip for automobile structural uses |
| JIS G 3116 | Steel sheets, plates and strip for gas cylinders |
| EN 10025 | Hot rolled products of structural steels |

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

|  |  |
| --- | --- |
| Tariff classification | Statistical code |
| 7208.10.00 | 31 |
| 7208.25.00 | 32 |
| 7208.26.00 | 33 |
| 7208.27.00 | 34 |
| 7208.36.00 | 35 |
| 7208.37.00 | 36 |
| 7208.38.00 | 37 |
| 7208.39.00 | 38 |
| 7208.40.00 | 39 |
| 7208.53.00 | 42 |
| 7208.54.00 | 43 |
| 7208.90.00 | 30 |
| 7211.14.00 | 40 |
| 7211.19.00 | 41 |
| 7225.30.00 | 17 |
| 7225.40.00 | 22 |
| 7225.40.00 | 24 |
| 7226.91.00 | 67 |

 |

**Table 2: General tariff classification for the goods**

## Investigation period

For the purpose of this investigation, the commission will examine the period from **1 October 2023 to 30 September 2024** (the investigation period) to determine whether dumping and subsidisation has occurred. The commission will examine details of the Australian market from **1 October 2020** for the purpose of the injury analysis.

## 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 investigation 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 programs alleged in BSL’s application.[[1]](#footnote-2) The commission may also investigate any additional subsidy program(s) 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 relevant to an assessment of dumping and subsidies.

## Response to this questionnaire

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

However, if the GOC does not respond to all or part of the questions contained in this questionnaire, 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 steel related products exported from China which considered the market for hot rolled coil steel or the steel 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, in determining whether a countervailable subsidy has been received in respect of particular goods, or the amount of a countervailable subsidy.

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

If the GOC elects to respond to this questionnaire, the response is due by **6 January 2025.**

## 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 E of this questionnaire with the GOC’s response.

### Coordination of responses

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

However, it is the responsibility of the GOC to ensure that a full and complete response to all sections of the questionnaire is submitted, and that responses from all levels of 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 following address:

The Director

Investigations

GPO Box 2013

Canberra ACT 2601

Australia

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: DOMESTIC MARKET

#### 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 the hot rolled coil steel market sector in China.

Without limiting your response, include information concerning:

1. the size and output (value and quantity) of these industries for the period of
**1 October 2023 to 30 September 2024**, indicating:
2. Details regarding the following:
	1. domestic production by type of enterprise (e.g. state-invested, foreign invested, domestic private);
	2. total imports (including source of imports);
	3. total exports;
	4. the identity of key domestic manufacturers;
	5. growth indications;
	6. the extent of vertical integration in the industries;
	7. the extent of the reliance on imported steel making raw materials (including upstream raw materials such as iron ore and coking coal); and
	8. government involvement at each level of the industry including the extent of any restrictions, quotas or limits on the production volumes of these industries.

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

This listing will be referred to as ‘your response to Question 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 of HRC steel; 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 steel slabs in China that produced steel slabs during the investigation period. If possible, please provide this listing in Microsoft Excel format.

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

 Within this list, indicate the following:

* the business’ address (including the city/town and province);
* the ownership structure of the business, including indirect ownership through associated companies (i.e. 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 your response to Question B-3 or B-4 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 HRC steel manufacturers and traders in China.

#### Provide total volume and value of the following (sourced from official government statistics) for the period **1 October 2023 to 30 September 2024**, in domestic currency and Australian dollars.

Indicate the source of the information.

1. exports of HRC steel to Australia, in total;
2. exports of HRC to Australia, by company;
3. all exports of steel slabs; and
4. all imports of steel slabs.

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 investigation period for:

1. companies that manufacture HRC steel;
2. companies that trade in HRC steel;
3. companies that manufacture steel;
4. companies that trade in steel.

#### 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 C: Particular Market Situation

In its application, BSL has claimed that a particular market situation exists within China for the following reasons:

1. The GOC has intervened in the domestic iron and steel industry in the form of industrial policies, low cost raw materials and subsidisation of steel manufacturers, including producers of HRC; and
2. This has substantially distorted competitive market conditions.

Based on the information provided, the commission considers it is appropriate to test and assess BSL’s market situation claims during the investigation, noting it is a key question to resolve in establishing the appropriate method to establish normal value. The commission will seek the necessary information from exporters and from the GOC in order to independently and comprehensively assess BSL’s claims.

Through this questionnaire, the commission is seeking information from the GOC, supported by evidence, in assessing the market situation claims made by the applicant. All documents provided must be accompanied with a translated English version as well as the original version. It may be necessary for the commission to request additional information following receipt and review of your responses.

**ORGANISATION OF THE GOVERNMENT**

#### 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 HRC steel industries.

#### Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of HRC and explain the nature of their involvement.

#### Provide details of any GOC policies that require different corporate tax rates to be applied to producers within the HRC and steel 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.

#### Provide a detailed description of the domestic Chinese HRC steel industry and the relevant upstream industries (steel slabs, coking coal, coke, iron ore, fluxes and scrap steel). The response should include details of:

1. distribution channels
2. any vertical integration
3. any changes over the last 5 years (such as mergers and acquisitions)
4. any changes to the government laws and regulations after 1 October 2019.

#### Provide quarterly data (using Microsoft Excel format) over the last 5 calendar years of:

1. import quantity (by volume and value) of
	* 1. iron ore
		2. coking coal
		3. coke
		4. fluxes
		5. steel slab
		6. scrap metal
		7. HRC steel
2. export quantity (by volume and value) of
3. iron ore
4. coking coal
5. coke
6. fluxes
7. steel slabs
8. scrap metal
9. HRC steel

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.

#### Provide a schedule for the last 5 years of:

1. the corporate tax rate in relation to:
2. the iron ore, coke and coking coal miners/importers/traders
3. coke and steel slabs manufacturers/traders
4. scrap metal traders
5. HRC steel manufacturers/traders
6. import tariff rates and/or import quotas applicable to:
7. iron ore
8. coking coal
9. coke
10. fluxes
11. steel slabs
12. scrap metal
13. HRC steel
14. export tariff rates and/or export quotas applicable to:
15. iron ore
16. coking coal
17. coke
18. fluxes
19. steel slabs
20. scrap metal
21. HRC steel
22. value added tax (VAT) export rebates applicable to exports of:
23. iron ore
24. coke
25. coking coal
26. fluxes
27. steel slabs
28. scrap metal
29. HRC steel

#### If export quotas applied to any of the items at Question 6(c) above, identify which agency of the GOC legislates and monitors the quotas.

#### The following series of questions concern the *Price Law of the People’s Republic of China* (the Price Law).These questions are based on the text of the Price Law, as provided to the commission by the GOC in the past.

1. For completeness, please provide a translated copy of the Price Law.
2. In relation to the Price Law:
3. What form does the ‘price regulation fund’ take generally and what department of the GOC is responsible for the fund?
4. What ‘price regulation fund’ regulations have applied to the HRC steel or the iron and steel industries **since 1 October 2019**?
5. 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:
6. What price monitoring system has been established generally and what department is responsible?
7. What ‘price monitoring’ has applied to the HRC steel or the iron and steel industries **since 1 October 2019**?

If the Price Law does not apply to the HRC steel industry, or any of the raw materials used in its manufacture, including slab steel, please provide evidence of this.

#### Provide a list and copies of any specific laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and/or directives regarding:

1. The regulation of the price of HRC steel, or any of the raw materials used to manufacture those products; and
2. Investment in projects related to HRC steel, or any of the raw materials used to manufacture those products:
3. Identify the specific government department or institution responsible for the above-mentioned laws and regulations above.

#### Identify and document any financial assistance provided by the GOC since **1 October 2019** in support of the HRC or steel industries.

#### Has the GOC (at any level of government) issued or participated in the issuance of any debt or equity instruments[[3]](#footnote-4) in any business entity associated with the HRC or steel industries in the last 5 years?

If so:

1. provide the names and address of the business entities
2. explain the reasons for using a particular financial instrument(s);
3. 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)
4. are any of these instruments or securities listed in any securities exchange in China or overseas?

If so:

1. provide the name(s) of the securities of exchange
2. identify any trading restrictions by the business entity and/or the securities exchange

#### Provide details (quantify the value) of any government guarantee provided for any commercial loans by a business entity associated with HRC and steel industries in the last 5 years.

#### Do enterprises need to be verified by the GOC prior to being approved entry to the HRC and steel industries?

#### Are HRC and steel producers in China required to hold any types of licences for production? If so, provide details and documentary evidence.

#### Are there any production limits and/or export limits placed on HRC and steel producers? If so, provide documentary evidence.

#### Are there any price restrictions on HRC and steel domestic sales? If so, provide details.

#### Identify any GOC initiatives and/or policies that affect the HRC and steel industries, including raw materials. Provide all documentary evidence.

#### 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 HRC, and/or the iron and steel industries more generally, as a national provincial and/or local development objective, or otherwise directs the development of any of those industries.

#### Provide copies of the following documents:

1. Directory Catalogue on Readjustment of Industrial Structure
2. China Nonferrous Metals Yearbooks for the most recent 5 years
3. 13th and 14th Five-Year plans including:
	* 13th and 14th Five-Year Plans for the Raw Materials Industry;
	* 13th and 14th Five-Year Plans for Further Promoting the Economy of the Western Regions; and
	* 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.

#### What percentage of total production capacity in the HRC and steel industries have SOEs and SIEs accounted for over the last 5 years?

#### Describe the process for transferring shares in SOEs in the HRC steel industry and the involvement of the State-owned Assets Supervision and Administration Commission (SASAC) in this process.

#### What percentage of the total volume of sales of HRC steel by SOEs and SIEs over the last 5 years have been unprofitable?

#### What has been the percentage share of loss-making SOEs and SIEs in the HRC steel industry over the last 5 years?

#### What has been the percentage share of loss-making enterprises generally in the HRC steel industry over the last 5 years?

#### Describe any support provided by the GOC to loss-making enterprises in the HRC steel industry in the last 5 years.

#### Please describe the situation with respect to capacity utilisation in the HRC steel industry over the last 5 years.

#  Section D: Subsidies

## Introduction

The applicant alleges that producers of HRC steel in China have benefited from several subsidies granted by the GOC, and that these subsidies are countervailable. The applicant identified the following subsidy programs listed in the table below as being countervailable.

In the application, BSL based its allegation on the commission’s findings in previous continuation inquiries, specifically in *Continuation Inquiry 590* and *Continuation Inquiry 611* where the commission found that countervailable subsidies apply to producers in the Chinese steel industry. BSL also referred to investigations in other jurisdictions.[[4]](#footnote-5)

|  |  |  |
| --- | --- | --- |
| **No.** | **Program name** | **Type** |
| 1 | Aiding fees for cases of technology information collection | Grant |
| 2 | Anti-dumping Respondent Assistance | Grant |
| 3 | Award to the Patent Innovation from Science and Technology Bureau Fengnan District | Grant |
| 4 | Awards to "Well-Known Trademarks" from Hebei Province Market Supervision administration Bureau | Grant |
| 5 | Awards to technology innovation from Bureau of Industry and Information Technology Fengnan District | Grant |
| 6 | Balidian Town Public Listing Award | Grant |
| 7 | Coke provided by government at LTAR | Tax & raw material |
| 8 | Coking coal provided by government at LTAR | Tax & raw material |
| 9 | Commercial Committee Support Fund | Grant |
| 10 | Dining lampblack governance subsidy of Jinghai County Environmental Protection Bureau | Grant |
| 11 | Discount interest fund for technological innovation | Grant |
| 12 | Energy conservation and emission reduction special fund project in 2015 | Grant |
| 13 | Enterprise famous brand reward of Fengnan Finance Bureau | Grant |
| 14 | Enterprise support fund | Grant |
| 15 | Environmental Prize | Grant |
| 16 | Environmental Protection Grant | Grant |
| 17 | Equity injection | Grant |
| 18 | Government subsidy for construction | Grant |
| 19 | Government subsidy for job stability | Grant |
| 20 | Grant for key enterprises in equipment manufacturing industry of Zhongshan | Grant |
| 21 | Grant for Technology ERP | Grant |
| 22 | Grants for Encouraging the Establishment of Headquarters and Regional Headquarters with Foreign Investment | Grant |
| 23 | Hebei Province Quality Awards | Grant |
| 24 | High and New Technology Enterprise Grant | Grant |
| 25 | Hot rolled steel provided by government at less than fair market value | LTAR program |
| 26 | Huzhou City Public Listing Grant | Grant |
| 27 | Huzhou City Quality Award | Grant |
| 28 | Huzhou Industry Enterprise Transformation & Upgrade Development Fund | Grant |
| 29 | Independent Innovation and High-Tech Industrialisation Program | Grant |
| 30 | Infrastructure Construction Costs of Road in Front of No.5 Factory | Grant |
| 31 | Innovative Experimental Enterprise Grant | Grant |
| 32 | Jinzhou District Research and Development Assistance Program | Grant |
| 33 | Land Use Tax Deduction | Tax |
| 34 | Local Tax Bureau Refund | Tax |
| 35 | Matching Funds for International Market Development for Small and Medium Enterprises | Grant |
| 36 | New Type Entrepreneur Cultivation Engineering Training Fee of Jinghai County Science and Technology Commission | Grant |
| 37 | One-time Awards to Enterprises Whose Products Qualify for ‘Well-Known Trademarks of China’ and ‘Famous Brands of China’ | Grant |
| 38 | Patent Award of Guangdong Province | Grant |
| 39 | Patent supporting fund for 2017 program | Grant |
| 40 | Patent supporting fund from Science and Technology Bureau of Jinghai District 2019 | Grant |
| 41 | Preferential Tax Policies for Enterprises with Foreign Investment Established in Pudong area of Shanghai | Tax |
| 42 | Preferential Tax Policies for Enterprises with Foreign Investment Established in Special Economic Zones (excluding Shanghai Pudong area) | Tax |
| 43 | Preferential Tax Policies for Enterprises with Foreign Investment Established in the Coastal Economic Open Areas and Economic and Technological Development Zones | Tax |
| 44 | Preferential Tax Policies for Foreign Invested Enterprises - Reduced Tax Rate for Productive Foreign Invested Enterprises scheduled to operate for a period of not less than 10 years | Tax |
| 45 | Preferential Tax Policies for High and New Technology Enterprises | Tax |
| 46 | Preferential Tax Policies in the Western Regions | Tax |
| 47 | Research & Development Assistance Grant | Grant |
| 48 | Return of Farmland Use Tax | Tax |
| 49 | Return of Land Transfer Fee | Tax |
| 50 | Return of Land Transfer Fee from Shiyou | Tax |
| 51 | Special Support Fund for Non State-Owned Enterprises | Grant |
| 52 | Subsidy for Coal-Fired Boiler of Fengnan Subtreasury | Grant |
| 53 | Subsidy for Coal-Fired Boiler Rectification | Grant |
| 54 | Subsidy for District Level Technological Project | Grant |
| 55 | Subsidy for Energy collection from the Tangshan Quality and Technology Supervision Bureau | Grant |
| 56 | Subsidy for patent from Science and Technology Bureau Fengnan District, Tangshan City | Grant |
| 57 | Subsidy For Pollution Control of Fengnan Environmental Protection Bureau | Grant |
| 58 | Subsidy from Science and Technology Bureau of Jinghai County | Grant |
| 59 | Subsidy of Environment Bureau transferred from Shiyou | Grant |
| 60 | Superstar Enterprise Grant | Grant |
| 61 | Supporting fund for exhibition from Hongqiao District Commerce Commission | Grant |
| 62 | Tariff and VAT Exemptions on Imported Materials and Equipment | Tax |
| 63 | Tariff and VAT Exemptions on Imported Materials and Equipment | Tax |
| 64 | Technical innovation subsidy for deducting equipment and boiler | Grant |
| 65 | Technology Project Assistance | Grant |
| 66 | Tianjin Municipal Bureau of CommerceJuly 2018–December 2018 | Grant |
| 67 | VAT refund on domestic sales by local authority | Grant |
| 68 | Venture Investment Fund of Hi-Tech Industry | Grant |
| 69 | Water Conservancy Fund Deduction | Grant |
| 70 | Wuxing District Freight Assistance | Grant |
| 71 | Wuxing District Public List Grant | Grant |
| 72 | Wuxing District Public Listing Grant | Grant |

**Table D-1 alleged subsidy programs**

*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 above 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 HRC steel in China.

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 D-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 HRC during the investigation period.

#### 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 2022, 2023 and 2024.

#### 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 2022, 2023 and 2024? 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

#### Provide the details that outline the governing activities of SIEs.

#### 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 HRC and steel 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 HRC or steel sector in China (e.g. reduced income tax rates, easier access to capital, different reporting requirements, etc.)?

**The Law on State-Owned Assets**

#### Detail the content or operation of The Law on State-Owned Assets.

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

#### Detail the current 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 (also indicate the functions and roles of each associated entity including whether they are involved in the production of HRC or any other steel 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 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. EPR 658, document no. 1 [↑](#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. Examples of such instruments include ordinary shares (including initial public offers), preferential shares, rights issue, bonds, quasi-government bonds warrants, debentures, sub-ordinate loans. [↑](#footnote-ref-4)
4. The applicant claims are detailed in EPR 658, document no. 1 [↑](#footnote-ref-5)