



Australian Government
Australian Customs and
Border Protection Service

International Trade Remedies Branch

GOVERNMENT QUESTIONNAIRE - CHINA

PRODUCT CONCERNED: HSS FROM THE PEOPLE'S REPUBLIC OF CHINA, THE REPUBLIC OF KOREA, MALAYSIA, TAIWAN AND THE KINGDOM OF THAILAND

INVESTIGATION PERIOD: 1 JULY 2010 TO 30 JUNE 2011

RESPONSE DUE BY: 7 NOVEMBER 2011

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

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ABBREVIATIONS

| | |
|-------------------------------|---|
| the Act | the <i>Customs Act 1901</i> |
| China | the People's Republic of China |
| CISA | China Iron and Steel Association |
| CTMS | cost to make and sell |
| Customs and Border Protection | the Australian Customs and Border Protection Service |
| EPZ | Export Processing Zones |
| FIE* | foreign invested enterprise |
| GOC* | Government of China |
| the goods | the goods the subject of the application (HSS) |
| HRC | hot-rolled coil |
| HRS | hot-rolled steel (both HRC and narrow strip collectively) |
| HSS | certain hollow structural sections |
| the investigation period | 1 July 2010 to 30 June 2011 |
| Korea | the Republic of Korea |
| OneSteel ATM | OneSteel Australian Tube Mills Pty Ltd |
| SASAC | the State-owned Assets Supervision and Administration Commission of the State Council |
| SEZ* | special economic zone |
| SOE* | state-owned enterprise |
| Thailand | the Kingdom of Thailand |

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

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

Associated Persons and/or Companies

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

(a) both being natural persons:

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

(b) both being bodies corporate:

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

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

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

(e) they are members of the same partnership.

Benefit

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

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

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

Enterprise

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

Financial Contribution

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

(a) a government practice involves a direct transfer of funds (grants, loans, and equity infusion), potential direct transfer of funds or liabilities (e.g. loan guarantees);

(b) government revenue that is otherwise foregone or not collected (e.g. fiscal incentives such as tax credits);

(c) the government provides goods or services, other than general governmental infrastructure, or purchases goods; or

(d) a government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions illustrated in (a) to (c) above which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by the government.

Foreign Invested Enterprise (FIE)

An FIE may be:

1. Chinese-foreign equity joint venture:

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

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

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

2. Chinese-foreign contractual joint venture:

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

3. Wholly foreign owned enterprises:

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

Government of China (GOC)

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

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

Particular market situation

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

Program(s)

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

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

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Special Economic Zone (SEZ)

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

State Owned Enterprises (SOE)

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

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

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

of which there are several types.

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

Subsidy

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

(a) a financial contribution:

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

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

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

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

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

PUBLIC RECORD**SECTION A: BACKGROUND AND GENERAL INSTRUCTIONS****1. Background**

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

- an investigation into allegations that certain hollow structural sections (HSS) from the People's Republic of China (China), the Republic of Korea (Korea), Malaysia, Taiwan and the Kingdom of Thailand (Thailand) have been exported to Australia at dumped prices, and because of that dumping, material injury has been caused to an Australian industry producing like goods; and
- an investigation into allegations that countervailable subsidies have been received in respect of HSS exported from China to Australia, and because of that subsidisation, material injury has been caused to an Australian industry producing like goods.

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

2. Product concerned**Description**

The goods the subject of the application (the goods) are:

Certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular hollow sections in galvanised and non-galvanised finishes. The goods are normally referred to as either CHS (circular hollow sections) or RHS (rectangular or square hollow sections). The goods are collectively referred to as HSS (hollow structural sections). Finish types for the goods include in-line galvanised (ILG), pre-galvanised, hot-dipped galvanised (HDG) and non-galvanised HSS.

Sizes of the goods are, for circular products, those exceeding 21 mm up to and including 165.1 mm in outside diameter and, for oval, square and rectangular products those with a perimeter up to and including 1277.3mm. Categories of HSS excluded from the goods are conveyor tube; precision RHS with a nominal thickness of less than 1.6mm and air heater tubes to Australian Standard (AS) 2556.

The application includes the following information to clarify the nature of the goods.

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All HSS regardless of finish is included in the application. Finish types for the goods include in-line galvanised (ILG), pre-galvanised, hot-dipped galvanised (HDG) and non-galvanised HSS. Non-galvanised HSS is typically of painted, black, lacquered or oiled finished coatings.

CHS with other than plain ends (such as threaded, swaged and shouldered) are also included in the application.

Standards

HSS is generally produced to either the British Standard BS 1387 or the Australian Standard AS 1163 or international equivalent standards (including ASTM/JIS and KS). HSS can also be categorised according to minimum yield strength. The most common classifications are 250 and 350 mega Pascals (MPa).

HSS may also be referred to as extra-light, light, medium or extra heavy according to its wall thickness.

Excluded goods

The following categories are excluded from the goods subject of the application:

- conveyor tube (made for high speed idler rolls on conveyor systems, with inner and outer fin protrusions removed by scarfing (not exceeding 0.1 mm on outer surface and 0.25 mm on inner surface), and out of round standards (i.e. ovality) which do not exceed 0.6 mm in order to maintain vibration free rotation and minimum wind noise during operation);
- precision RHS with a nominal thickness of less than 1.6mm (is not used in structural applications); and
- air heater tubes to AS 2556.

Tariff classification

The application stated that the goods are classified to the following tariff subheadings:

- 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37)
- 7306.61.00 (statistical codes 21, 22 and 23)
- 7306.69.00 (statistical codes 26, 27 and 28)

The goods exported to Australia from Korea and Taiwan are subject to a 5% rate of duty.

For China and Malaysia the goods exported to Australia are subject to a 4% rate of duty.

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The goods exported to Australia from Thailand using Thailand Free Trade Agreement are free from duty as of 1 January 2010.

There are numerous Tariff Concession Orders applicable to the relevant tariff subheadings.

3. Investigation period

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

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

Customs and Border Protection will examine details of the Australian market from 1 July 2007 for injury analysis purposes.

4. Purpose of this questionnaire

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

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

Please note that the subsidy/countervailing sections of this questionnaire focus on 20 identified programs that Customs and Border Protection is specifically investigating at this stage. However, Customs and Border Protection may also investigate any additional subsidy program(s) that it considers may warrant investigation if additional information comes to light in relation to further programs.

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

A separate questionnaire will be sent to identified Chinese exporters of HSS that chose to cooperate with the investigation. This exporter questionnaire also has a section requesting information on subsidies and market situation.

5. Response to this questionnaire

The GOC does not have to complete the questionnaire.

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

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

If the GOC chooses to respond to this questionnaire, the response is due by **COB 2 November 2011**.

6. If you decide to respond

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

Confidential and non-confidential versions

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

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

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

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

Declaration

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

Coordination of responses

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

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

from all levels of government, agencies and/or other applicable entities are collated and coordinated in the one response.

Consultants/parties acting on your behalf

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

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

Provision of documents

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

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

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

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

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

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

Previous responses

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

This is in the interest of ensuring that the GOC's response to this questionnaire in relation to the current investigation is up-to-date and that all

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information from the GOC considered relevant to the current can be easily identified.

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

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

Lodgement

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

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

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

General matters

Responses to questions should:

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

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

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

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

7. Clarification

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

8. Future questions and verification

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

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

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

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

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

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SECTION B: GENERAL QUESTIONS

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

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

- B2** Describe the nature and structure of:

- (i) the HSS industry and market sector in China;
- (ii) the hot rolled steel (HRS – both HRC and narrow strip) industry and market sector in China.

Without limiting your response, include information concerning:

- the total size (value and quantity) of these industries for the period 1 July 2006 – 30 June 2011, indicating:
 - domestic production by type of enterprise (e.g. state-owned, foreign invested, domestic private)
 - total imports (including source of imports)
 - total exports
 - the identity of key domestic manufacturers

In the case of the HRS industry, please split this data to display separate information for HRC and narrow strip.

- growth indications;
- the extent of vertical integration in the industries;
- the extent of the reliance on imported steel and steel raw materials (including upstream raw materials such as coal); and
- government involvement at each level of the industry including the extent of any restrictions, quotas or limits on the production volumes of these industries.

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

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

Within this list, indicate the following:

- the business' address (including the city/town and province);

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

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

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

- B4** Provide a list of all manufacturers/producers of HRS² (either in the form of hot-rolled coil (HRC) or narrow strip) in China that produced HRS during the investigation period. If possible, please provide this listing in Microsoft Excel format.

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

Within this list, indicate the following:

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

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

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

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

Customs and Border Protection notes it has observed these areas

² Throughout this questionnaire, 'HRS' or hot-rolled strip has been used to collectively refer to HRC and narrow strip steel.

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identified by various names, including special economic zones (SEZs), hi-tech zones and export processing zones (EPZ).

Provide:

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

- B6** Are any of the entities listed in your response to Question B3 or your response to Question B4 located in an area, zone or other region listed in your response to B5 above? If so identify which entities and which particular zone or area the entity is located in.
- B7** Provide the names and addresses of all national, provincial and regional producer organisations that represent the interests of HSS and HRS manufacturers and traders in China.
- B8** Provide total volume and value of the following (sourced from official government statistics) for the period **1 July 2006 to 30 June 2011**, in domestic currency and Australian dollars.

Indicate the source of the information.

- (a) Exports of HSS to Australia
- (b) Exports of HSS to Australia, by company.
- (c) All exports of coke, coal and iron ore
- (d) All imports of coke, coal and iron ore

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

- B9** Specify and provide supporting documentation for the standard corporate tax rate during the investigation period for:
- (a) companies that manufacture HSS;
 - (b) companies that trade in HSS;
 - (c) companies that manufacture HRS;
 - (d) companies that trade in HRS.
- B10** Specify and provide supporting documentation for the cooperate tax rates applicable in all provincial or local jurisdictions in China for those types of companies listed in (a) to (d) of Question B9 above.

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SECTION C: PARTICULAR MARKET SITUATION

The applicants claim that a 'particular market situation' exists in respect of HSS from China due to government influence on both the prices of the goods and the major raw material inputs (HRC and/or narrow strip – collectively referred to as hot rolled steel or HRS) used in the manufacture of the goods.

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

PART C1 - ORGANISATION OF THE GOVERNMENT

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

Include information relating to the following areas:

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

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

PART C2 - GENERAL ECONOMIC ACTIVITIES WITH RESPECT TO THE STEEL AND HSS SECTORS

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

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- C2.1** Identify and provide an explanation of the specific roles and responsibilities of government departments, agencies or institutions, which are directly or indirectly involved in economic policy development, economic regulation and decision-making activities with respect to the HSS and steel sectors.
- C2.2** Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of steel products, and explain the nature of their involvement.
- C2.3** Provide a list and copies of any specific laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and directives regarding:
- (a) the regulation of steel prices;
 - (b) the regulation of HSS prices;
 - (c) investment in iron smelting, steel smelting and steel rolling projects;
 - (d) each type of corporate and business structure including state-owned enterprises, private enterprises, co-operatives, foreign-owned firms and joint ventures (where not included above); and
 - (e) sectors of the economy deemed to be "strategically important"³ sectors for purposes of economic stability.
- C2.4** Identify the specific government department or institution responsible for the above-mentioned laws and regulations in Question C2.3.
- C2.5** If not already provided in response to Question C2.4 or elsewhere throughout this questionnaire, provide the documents listed at Appendix B of this questionnaire (supply the documents are fully translated, along with the original Chinese version).
- If the requested documents are provided elsewhere throughout this questionnaire, identify the question they have been provided in response to.
- In addition, if any of these documents have been superseded or replaced, please provide updated versions of the documents.
- C2.6** (a) Identify any goods and services in the steel sector (including steel raw materials) whose prices are currently controlled or guided by the GOC, or were controlled or guided by the GOC during the period 1 July 2006 – 30 June 2011.
- Fully explain the nature of and rationale for these price controls or guidelines. Your response should identify any prices in the steel sector

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

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that are controlled or guided by any level of government (provincial, municipal or local).

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

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

Are there any other websites or information sources, which provide information on government price controls or guidelines?

- C2.7** Customs and Border Protection understands that China's National Development and Reform Council regulate prices for electricity.
- (a) How does the government regulate electricity prices at a national, provincial or local levels?
 - (b) Provide the names of all the agencies in each region, province or special economic zone responsible for electricity price regulation.
 - (c) How does the government's electricity policy apply to or promote the steel industry?
 - (d) Do any of the zones or regions outlined in your response to Question B5 provide concessions or benefits in electricity prices to manufacturing, including steel production?
- C2.8** Provide a fully translated copy of the 2 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.
- C2.9** The following series of questions concern the GOC's *National Steel Policy*.

These questions are based on the text of the *National Steel Policy*, as provided to Customs and Border Protection by the GOC in the past (most recently as Attachment 1 to the GOC's response to the government questionnaire made in March 2009 during the previous investigation into HSS from China).

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

- (a) Why does the GOC have a National Steel Policy? What is its purpose?

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- (b) Provide a list and copies of any laws, decrees, rules, promulgations, edicts, opinions, measures, regulations and directives that were developed and implemented as part of the National Steel Policy.
- (c) In developing the National Steel Policy what was the rationale used in order to establish the policy objectives (goals) as outlined in Chapter 1 of the policy?
- (d) Have there been amendments to the National Steel Policy since its publication? If so, provide a copy of the current National Steel Policy incorporating and highlighting all such amendments.
- (e) Identify the office and the officials who are responsible for the administration and delivery of the National Steel Policy, including officials at the central, provincial, regional and/or special economic zone levels.
- (f) Explain how the National Development and Reform Commission communicates guidelines to the steel enterprises and motivates steel enterprises to implement and/or satisfy the guidelines of the National Steel Policy as outlined in Chapter 1, namely:
 - (i) Maintain steel production at a reasonable level;
 - (ii) Change the product mix by 2010 to higher value products;
 - (iii) Increase the size of the key steel enterprises, so that 2010 the top ten will account for more than 50% of production, and 70% by 2020;
 - (iv) Improve the current unreasonable general structure of the steel industry;
 - (v) Encourage the steel enterprises to recycle and generate surplus power; and
 - (vi) Ensure that the steel enterprises meet the guidelines for energy and water consumption, by 2010 and 2020.

Explain how the National Development and Reform Commission monitors the objectives outlined in Chapter 1, of the National Steel Policy for each of the above.

- (g) Provide a list of any other GOC departments that work with the National Development and Reform Commission on the implementation and monitoring of the National Steel Policy. Provide a summary of what the other related departments' roles and responsibilities will be in this process.
- (h) Explain the procedures that an existing steel enterprise should or must follow in order to implement and/or satisfy the objectives of the National Steel Policy.

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Are these procedures the same for SOEs as it is for other enterprises? If different, provide a detailed explanation of the differences.

- (i) Provide a list of the types of reports and/or information along with examples of such reports and/or information that the existing steel enterprises have or will be submitting to the National Development and Reform Commission or the other related departments.
- (j) Explain the procedures that a new steel enterprise should follow in order to implement and/or satisfy the objectives of the National Steel Policy.

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

- (k) Article 7 of the National Steel Policy specifically references the Steel Industry Development Blueprint and National Mid-term and Long-term Development Blueprint for the steel industry. Provide a fully translated copy of the most recent blueprints with the original Chinese version.
- (l) Article 8 of the National Steel Policy states that steel enterprises with production capacity exceeding 5 million tons (2003 base year) shall draft their plans on the basis of the mid and long term development plans, in addition to the general plans of the cities where they are located.

Provide an explanation of what is meant by "general plans of the cities".

- (m) Article 8 of the National Steel Policy states that steel enterprises are required to have their plans reviewed for land use, environmental protection and financing (credit) before they can be implemented. Further, these projects must be reported (filed) to the National Development and Reform Commission for registration according to the applicable regulations.
 - (i) Explain the reporting process that must be followed by the steel enterprises;
 - (ii) Provide a fully translated copy of the applicable regulations with the original Chinese version; and
 - (iii) Provide examples of such reports.
- (n) As per Article 8 of the National Steel Policy, explain and provide details of the process and the requirement criteria for the GOC to:
 - (i) approve the construction of new steel making facilities; or
 - (ii) approve the expansion of existing facilities.

Provide a fully translated copy of the application form used by the steel enterprise for this process with the original Chinese version.

- (o) Identify any steel enterprises and specific projects that:
- (i) have not been approved in accordance with the guidelines in the National Steel Policy since July 2006; and
 - (ii) have been approved in accordance with the guidelines in Industrial Development Policy since July 2006.
- (p) It is noted in Article 8 that either the State Council or the National Development and Reform Commission will coordinate and approve projects before implementation. What are the criteria for determining whether approval is required by the State Council or the National Development and Reform Commission? Is approval required by both entities?

Explain the differences between the procedures used by the State Council and the national Development and reform Commission when they approve the projects before implementation.

- (q) As noted under Chapter 3 of the National Steel Policy, adjustments of the industrial structure will take into consideration the mineral resources, energy resources, water resources, transportation, environment, market distribution and utilisation of international resources.
- (i) Explain how the criteria in Article 11 were established for the various regions noted in Article 11.
 - (ii) Did the regions affected by Article 11 have any input into its development? If so provide a summary of the input provided.
 - (iii) Can the adjustment of the industrial structure as described in Article 11 be appealed? If so, describe the appeal process that must be followed by the steel enterprise.
- (r) Article 11 of the National Steel Policy sets out the guidelines for the rationalisation of the steel industry in China through a combination of closures and consolidations of steel making assets accordingly to various regional designations.
- (i) Describe to what extent, if any, the GOC has encouraged or requested mergers or consolidations of operations between one or several other steel producers in various areas either through the NDRC or any other steel authority or association in China.
 - (ii) Detail any companies or steel making facilities that have been identified as a candidate for closure since July 2005. Explain how the GOC delivered the communication to the steel enterprise.
 - (iii) Provide a list, by region, of all the steel mergers that have taken place since July 2006.

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- (iv) Provide a list, by region, of all the pending steel mergers that are currently being reviewed or have been reviewed and have yet to be implemented.
- (s) Article 16 notes that the state shall grant tax support, interest subsidisation support, scientific research funding support and other policy support to key steel projects.
- (i) Explain the criteria used to determine what is considered to be a "key steel project".
 - (ii) Provide the name of the organisation that approves this designation and provides the state funding.
 - (iii) Provide examples of the tax support and interest subsidisation support that has been provided to "key steel projects".
- (t) Article 20 states that by 2010 there will be two large scale and several medium scale steel enterprise groups.
- (v) Have these groups been identified and if so how will they be encouraged to meet this objective? Provide details.
 - (vi) Provide the criteria used to determine which companies are supported and encouraged under this Article.
- (u) As noted under Article 24 of the National Steel Policy, projects that do not meet the development policy, violate the regulations or have not been approved will not be able to get their:
- (i) Right of land use;
 - (ii) Business registered;
 - (iii) Contracts and regulations approved
 - (iv) Financing or other forms of credit support from banks;
 - (v) Duty-free imports for equipment;
 - (vi) Manufacturing licence; or
 - (vii) Pollution discharge permits.

Provide an explanation on how the GOC ensures that projects that do not meet the development policy, or violate the regulations, or have not been approved, cannot get the required resources listed above to start the project.

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

If not, how would the banking sector know when not to provide loans for steel projects that did not meet the Industrial Development Policy as per Article 24?

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

If not, how would the banking sector know when not to provide loans for steel projects that did not meet the Industrial Development Policy as per Article 24?

Are the any Policy Banks in China authorised by the GOC to provide policy loans at discounted interest rates for entities within the Chinese steel industry? What are the criteria for providing any such loans? What discounts are provided?

- (x) Article 25 notes that loans for middle and long term fixed assets that are granted by financial institutions shall be in accordance with the regulations on the Steel Industry Development Policy.

(i) Provide a fully translated copy of these regulations along with the original Chinese version.

(ii) The article further states that for risk control reasons loans for new construction steel projects will require corresponding project approval, examination of and registration of documents issued by the National Development and Reform Commission. Provide a description of the project approvals required and the Government Departments or organisations involved in the approvals. and

(iii) Provide a fully translated copy of these project approval guidelines and/or regulations along with the original Chinese versions.

(iv) Provide a detailed list of the documents issued by the National Development and Reform Commission. This should include the official title of the document and a brief explanation of the information contained in the document.

- (y) Article 30 states that the steel associations shall focus on industrial self-discipline and coordination so as to stabilise domestic and foreign raw materials markets.

(i) Provide the definition of what is meant by the term "coordination" and examples of such coordination; and

(ii) Provide the name of the "steel association(s)" referenced in this article.

(iii) Further, the article notes that where "several domestic enterprises engage in cut-throat competition of overseas resources the state may exercise executive power.....to avoid cut-throat competition". Provide a definition of "cut-throat competition" and "executive power"; and

(iv) Identify the government organisation(s) or relevant authority that is authorised to exercise executive power.

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C2.9 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 Customs and Border Protection by the GOC in the past (most recently as Attachment 35 to the GOC's response to the government questionnaire during Customs and Border Protection's investigation into aluminium extrusions from China).

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

- (a) Have there been amendments to the Price Law since last being provided to Customs and Border Protection? If so, provide a copy of the current Price Law incorporating and highlighting all such amendments.
- (b) Article 27 of the price law states that the government shall "...establish a price regulation fund to control and stabilise the market".
 - (i) What form does the "price regulation fund" take generally and what department of the GOC is responsible for the fund?
 - (ii) What "price regulation fund" regulations have applied to steel, steel raw materials and steel products since 1 July 2006?
- (c) Article 28 states that "in order to better control prices government price departments shall establish a price monitoring system to monitor changes in the prices of major merchandises and services".
 - (i) What price monitoring system has been established generally and what department is responsible?
 - (ii) What "price monitoring" has applied to steel, steel raw materials and steel products since 1 July 2006?

PART C3 - THE HSS AND STEEL SECTORS

- C3.1** (a) Provide a detailed explanation with respect to the government approval process for adding capacity in the steel sector (including HSS).
- (b) Does the government have the right to request modifications in terms of adding or reducing capacity concerning HSS production? Provide a detailed explanation.
- (c) Has State-owned Assets Supervision and Administration Commission (SASAC), the Ministry of Commerce or NDRC approved the addition or reduction of capacity with respect to steel or HSS since 1 July 2006?

If yes, provide a list of these projects.

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

- (i) HRS
- (ii) HSS
- (iii) Iron ore
- (iv) Coal
- (v) Coke

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

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

The information should show:

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

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

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

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

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

The information should show:

- the products that were affected
- the applicable rebate rates
- the effective dates of rate changes

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- the GOC law, notice or other document that implemented these changes.

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

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

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

The information should show:

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

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

C3.5 Are there (or have there been) any **export** restrictions (quantity, price or restricted access to certain enterprises) placed on all products listed in C3.2(a)(i) to (v) above since 1 July 2006? If so, provide details.

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

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

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

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

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

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

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

C3.10 Are there any price restrictions on steel or HSS for domestic sales? If so, provide details.

C3.11 The following questions ask for more specific information regarding certain steel SOEs. These questions pertain to the following list of companies believed to be SOEs:

- Hebei Iron and Steel
- Baosteel Group Corporation
- Wuhan Iron and Steel (Group) Co.
- Shandong Iron and Steel
- Ansteel
- Maanshan Iron and Steel
- Shougang Corporation
- Sinosteel Corporation
- China Iron & Steel Research Institute Group
- China Minmetals Corporation.
- Anshan Iron and Steel Group Corporation

For each of the above listed companies, provide:

- (a) full details on GOC ownership and control;
- (b) each company's complete organizational structure for all subsidiaries and associated companies;
- (c) indicate if they, or any of their subsidiary or associated companies are involved in the production or sale of HSS and/or other steel products;
- (d) the company's full name and address; and
- (e) a copy of the enterprise's 2009 and 2010 annual reports.

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

INVESTIGATED PROGRAMS

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

Program 1: Preferential Tax Policies for Enterprises with Foreign Investment Established in the Coastal Economic Open Areas and in Economic and Technological Development Zones

Program 2: One-time Awards to Enterprises Whose Products Qualify for "Well-Known Trademarks of China" and "Famous Brands of China"

Program 3: Provincial Scientific Development Plan Fund

Program 4: Export Brand Development Fund

Program 5: Matching Funds for International Market Development for Small and Medium Enterprises

Program 6: Superstar Enterprise Grant

Program 7: Research & Development (R&D) Assistance Grant

Program 8: Patent Award of Guangdong Province

Program 9: Training Program for Rural Surplus Labor Force Transfer Employment

Program 10: Preferential Tax Policies for Foreign Invested Enterprises - Reduced Tax Rate for Productive Foreign Invested Enterprises scheduled to operate for a period not less than 10 years

Program 11: Preferential Tax Policies for Enterprises with Foreign Investment Established in Special Economic Zones (excluding Shanghai Pudong area)

Program 12: Preferential Tax Policies for Enterprises with Foreign Investment Established in Pudong area of Shanghai

Program 13: Preferential Tax Policies in the Western Regions Exemption of Tariff and Import VAT for Imported Technologies and Equipment

Program 14: Tariff and VAT Exemptions for Imported Materials and Equipment Reduction in Land Use Fees

Program 15: Innovative Experimental Enterprise Grant

Program 16: Special Support for Non State-Owned Enterprises

Program 17: Venture Investment Fund of Hi-Tech Industry

Program 18: Grants for Encouraging the Establishment of Headquarters and Regional Headquarters with Foreign Investment

Program 19: Grant for Key Enterprises in Equipment Manufacturing Industry of Zhongshan

Program 20: Hot Rolled Steel Provided by Government at Less than Fair Value

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

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

ANY OTHER PROGRAM NOT PREVIOUSLY ADDRESSED

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

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

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

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PART D1 - GENERAL QUESTIONS

For each of the 20 programs identified above, and any applicable additional programs the GOC identifies, answer the following questions.

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

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

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

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

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

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

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

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

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

- (a) Programs 1,10, 11, 12, 13 and 20 – the investigation period;
- (b) Programs 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18 and 19 - the period 1 July 2001 to 30 June 2011.

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Provide, on an annual basis by calendar year (separating July – Dec 2001 and January – June 2011) the amount(s) and/or nature of the benefit or concession granted (monetary and/or non-monetary) under the program.

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

- (a) Describe the application process (including any application fees charged by the government agency or authority) for the program and provide a blank copy of the application form (translated, if necessary).
- (b) After an application is submitted, describe the procedures by which an application is analysed and eventually approved or disapproved.
- (c) If the application is approved, provide the approval documents together with any conditions or criteria subject to which the approval is made.
- (d) If the application is not approved, provide the disapproval documents together with the reasons for disapproval.

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

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

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

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

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

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

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

D1.10 Provide a list by industry and by region of the companies that have received benefits under this program in the year the provision of benefits was approved and in each of the years from 1 July 2007 to 30 June 2011.

D1.11 Provide the total amounts of benefits received by each type of industry in each region in the year the provision of benefits was approved and each of the years from 1 July 2007 to 30 June 2011.

D1.12 How many companies have applied for benefits under this program in the year the financial assistance or benefit was approved and in each of year from 1 July 2007 to 30 June 2011?

D1.13 How many applicants have received financial assistance/benefit and how many applicants have been rejected in the year the financial assistance/benefit was approved and in each of the years from 1 July 2007 to 30 June 2011? Provide the main reasons why applicants have been rejected.

D1.14 Describe any anticipated changes in the program. Provide documentation substantiating your answer. If the program has been terminated, state the last date that a company could apply for or claim benefits under the program. When is the last date that a company could receive benefits under the program?

PART D2 – ENTERPRISES WITH STATE INVESTMENT

General questions

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

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

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

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

(a) Confirm whether these categories and definitions are still in use. If not, provide an explanation of the current definitions and structure of SOEs in China.

(b) For each category of SOE, provide an explanation of the characteristics of these types of SOEs, including level of government ownership, influence and control.

(c) Explain the differences between each category of SOE.

D2.2 Is there any legislation, guidelines, decrees, circulars, directives or other government-issued documents concerning the GOC's role or involvement with respect to SOEs. Provide copies of these documents.

D2.3 Provide all relevant legislation, guidelines, decrees, circulars, directives or other government-issued documents which provide for the existence, guidance, or administration of SOEs involved in the steel industry.

D2.4 Explain how relevant GOC laws, policies, opinions, guidelines, etc. are communicated to SOEs.

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

D2.5 What advantages, if any, do SOEs enjoy compared with private (non-state) enterprises in the steel sector in China (e.g. reduced income tax rates, easier access to capital, different reporting requirements, etc).

The Law on State-Owned Assets

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

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

⁴ Accessed by Customs and Border Protection <http://www.lexish.com/law-of-the-peoples-republic-of-china-on-state-owned-assets-of-enterprises-en-cn/>

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

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

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

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

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

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

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

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

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

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

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

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

Explain what are the requirements of the development of the socialist

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market economy and how these requirements are communicated to SOEs?

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

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

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

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

(a) Do the capital contributor's rights differ in anyway from those of an ordinary (non-state) share-holder with comparable share-holdings?

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

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

(a) Explain the role of the shareholder representative.

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

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

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

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

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

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

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

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GOC policies, directives, circulars or any other such GOC issued documents, when exercising these rights?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D2.20 Provide an explanation of the relationship between the agency performing capital contributors duties and responsibility and the State Council (including what role the State Council has in the administration,

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policy-setting, review and assessment of this agency), as outlined in Article 64 of the Law on State-Owned Assets.

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

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

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

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

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

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

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

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

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

(f) On SASAC's webpage⁵, it is stated that:

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

⁵ <http://www.sasac.gov.cn/n2963340/index.html>

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propels the strategic adjustment of the layout and structure of the state economy

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

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

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

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

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

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

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

D2.24 Outline the relationship between SASAC and the China Iron and Steel Association (CISA) including;

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

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

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

Core features of SOEs in the steel sector in China

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

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

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

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

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

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

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

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- (s) 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.
- (t) 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.
- (u) 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.
- (v) Outline how each of the following are determined/set for the entity:
- Suppliers of raw material inputs (including any restrictions as to what entities can supply raw materials).
 - Purchase prices of raw material inputs.
 - Allocation of inputs into production process, including raw materials, energy and labour costs.
 - Quality and safety standards.
 - Selling prices.
 - Customers (including restrictions on entities that can purchase goods produced from the enterprise).
 - Production output (detail any restrictions on production output).
 - Safety standards.
 - Energy costs.

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

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

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

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

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

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

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

SECTION E - DECLARATION

DECLARATION

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

Date

Signature of authorised official

Name of authorised official

Title of authorised official

LIST OF APPENDICES

- Appendix A** LIST OF REQUESTED DOCUMENTS –
PART C (QUESTION C2.5)

- Appendix B** LIST OF REQUESTED DOCUMENTS –
PART D

APPENDIX A

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

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

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

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

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

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

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

| NUMBER | DOCUMENT TITLE OR DESCRIPTION |
|--------|---|
| A1 | <i>the National Steel Policy</i> ⁶ |
| A2 | <i>10 industries reform programme</i> |
| A3 | <i>2009 Steel and Iron Industry Development Policy</i> |
| A4 | <i>Anhui Province revitalization plan 2009-2011</i> |
| A5 | <i>Current Catalogue of Key Industries, Products and Technologies the Development of Which is Encouraged by the State</i> |
| A6 | <i>Directory Catalogue on Readjustment of Industrial Structure</i> |
| A7 | <i>Electric Power Law</i> |
| A8 | <i>Go Out Policy</i> |
| A9 | <i>Steel industry development policy</i> |
| A10 | <i>Development for the steel industry 2009-2011</i> |
| A11 | <i>Standard conditions of production and operation of the steel industry</i> |
| A12 | <i>Steel & Iron Industry restructuring & Revitalisation Plan</i> |
| A13 | <i>Steel industry adjustment and revival plan</i> ⁷ |
| A14 | <i>Reinvigorating the Steel Industry Plan</i> |

⁶ Also referred to as the Steel and Iron Industry Development Policy.

⁷ 21 March 2009. Customs and Border Protection obtained an outline of the Steel Revival Plan from the following website: <http://finance.sina.com.cn/china/hqjj/20090320/20566005310.shtml>

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| A15 | Price Law of the People's Republic of China |
| A16 | Government-set Price List 2001 |
| A17 | Provisional Procedures for the Pilot Project in Direct Purchase of |
| A18 | Electricity By Customers From Electricity Companies |
| A19 | Decision of the State Council on Promulgating and Implementing the "Temporary Provisions on Promoting Industrial Structure Adjustment". Guo Fa [2005] No. 40 |
| A20 | Circular of the State Council on Accelerating the Structure Adjustment of the Industries With Capacity Redundancy. Guo Fa [2006] No. 11 |
| A21 | Circular of the General Office of the State Council on Liquidating Fixed Asset Investment Projects. Guo Ban Fa [2004] No. 38 |
| A22 | Circular of the Ministry of Land and Resources and the National Development and Reform Commission on Promulgating and Implementing the Catalogue of Restricted Use of Land and Catalogue of Prohibited Uses of Land. Guo Tu Zi Fa [2006] No. 296 |
| A23 | Notice of the State Council on Adjusting the Proportions of Registered Capital in Fixed Asset Investment Projects of Some Industries. No. 13 [2004] of the State Council |
| A24 | Circular of the State Economic and Trade Commission on the Promulgation of the Guidance of Recent Development in the Industrial Sector. Guo Jing Mao Hang Ye [2002] No. 716 |
| A25 | Notice Concerning Relevant Questions on Further Implementing Differential Power Pricing Policies. Issued by the NDRC and the State Power Supervisory Committee in September, 2007, No. 3550 |
| A26 | Guiding Opinion on Promoting the Adjustment of State-Owned Capital and the Re-organization of the State-Owned Enterprises |
| A27 | Circular Concerning the Measures to Control the Export of Products of High Energy Consumption, High Pollution and Resource. Fa Gai Jing Mao [2005] No. 1482. |
| A28 | Catalog of Price Regulated by the State Development Planning Commission and Other Department under the State Council |
| A29 | Catalogue of prohibited commodities in processing trade |
| A30 | Foreign Trade Law of the People's Republic of China |
| A31 | Customs Law of the People's Republic of China |
| A32 | 2002 Notice for the Adjustment of the Catalogue of Export Products Subject to Price Review by Customs |
| A33 | Measures for the Administration of License for Export of Goods, Order No.28, |
| A34 | "State Will Adjust Tariff Rates from June 1 to Control the Export of High-Energy Consumption Products" (22 May 2007) |
| A35 | 2007 General Work Plan for Energy Conservation and Pollutant Discharge Reduction, Guo Fa [2007] No. 15 |
| A36 | Measures for the Administration of Licence for the Export of Goods (Order of the Ministry of Commerce (2008) No. 11, July 1, 2008) |
| A37 | 2009 Coke Export Quota Declaration Conditions and Declaration Procedures (Ministry of Commerce, Notice (2008) No. 76, October 13, 2008) |

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| A38 | Notice "2009 Export Licensing Management Commodities List" (Ministry of Commerce and General Administration of Customs, Notice (2008) No. 100, January 1, 2009) |
| A39 | Notice Regarding Passing Down the 2009 First Batch Regular Trade Coke Export Quota (Ministry of Commerce, shangmaohan (2008) No. 140, January 1, 2009) |
| A40 | Ministry of Commerce Notice to Foreign-Invested Enterprises Regarding Amounts for the 2009 Industrial Products Export Quotas (2008) No. 92, January 1, 2009 |
| A41 | "State will further adjust customs import and export tariffs as of January 1, 2009" (17 December 2008) |
| A42 | Notice Regarding Passing Down the 2009 Second Batch Regular Trade Coke Export Quota (Ministry of Commerce, shangmaohan (2009) No. 60, issued June 29, 2009) |
| A43 | Notice Regarding Passing Down the 2009 Second Batch Regular Trade Coke and Rare Earth Export Quota Amounts for Foreign-Invested Enterprises (Ministry of Commerce, shangzihan (2009) No. 73, September 8, 2009) |
| A44 | 2010 Catalogue of Goods Subject to Export Licensing Administration, Notice No. 125 of 2009, promulgated by MOFCOM and the General Administration of Customs on 25 December 2009 |
| A45 | Notice on Announcement of the 2010 Export Quota Amounts for Agricultural and Industrial Products, Notice No. 88 of 2009 |
| A46 | Public Notice of the Ministry of Commerce on Passing Down the 2010 First- Batch Export Quota of Coke under Regular Trade (Shang Mao Han [2009] No. 144 |
| A47 | Announcement of the 2010 List of Enterprises Subject to Elimination of Outdated capacity in Industry Sector Gong Chan Ye (2010) No. 111 |
| A48 | <i>Energy Conservation Law of the People's Republic of China</i> |
| A49 | Interim Regulations of the Ministry of Foreign Trade and Economic Cooperation on Punishment for Conduct at Exporting at Lower-than-Normal Price |
| A50 | Guidance for Enhancing the Management of Raw Materials Industries |
| A51 | Guidelines of the Eleventh Five-Year Plan for National Economic and Social Development |
| A52 | Public Notice on 2010 Application Qualifications and Application Procedures for Export Quota of Coke, Notice No. 95 |
| A53 | Liaoning Province: The Financial Assistance This Year is Focused on the Economic at the County Level (2 February 2007). |
| A54 | Report on the Work of Huludao City 2007 Government Work Report (17 January 2007). |
| A55 | Suggestions of the People's Government of Liaoning Province Promoting the Development of Non-State-Owned Economy (22December 2006). |
| A56 | Directory Catalogue on Readjustment of Industrial Structure (Version 2005, NDRC Pub. No. 40). |

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| A57 | "Changes in Five-Year Plans' Economic Focus," China.org (November 2005). |
| A58 | "Huzhou Municipal Government's Notice on the 'Six Projects' Act to Promote the Economic Development of Huzhou City and the Advanced Manufacturing Bases," HuZhengBanFa [2005] No. 77, (20 July 2005). |
| A59 | Liaoning Province Policies and Advice on the Issue of Financial Assistance for the Reform and Development of Enterprises by the Finance Bureau (24 November 2004) |
| A60 | Liaoning Province Policies and Advice on the Issue of Financial Assistance for the Reform and Development of Enterprises by the Finance Bureau (24 November 2004). |
| A61 | Report on the Outline of the Tenth Five-Year Plan for National Economic and Social Development, adopted 15 March 200 1, Ch. 10, Sec. 4. |
| A62 | Circular of The State Council Concerning the Adjustment in the Taxation Policy of Import Equipment, Gua Fa [1997] No. 37129 (December 1997). |
| A63 | "The Strategy of China's Welded Pipe Development during the "11th Five Year Plan". |

APPENDIX B**LIST OF REQUESTED DOCUMENTS – PART D**

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

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

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

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

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

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

| NUMBER | DOCUMENT TITLE OR DESCRIPTION |
|---------------|---|
| B1 | <i>Administrative measures on special fund for developing trade through science and technology of Guangdong Province</i> |
| B2 | <i>Catalogue of the Industries, Products and Technologies Particularly Encouraged by the State</i> |
| B3 | <i>Catalogue for the Guidance of the Foreign Investment Industries</i> |
| B4 | <i>Catalogue for the Guidance of the Advantageous Industries in Central and Western Regions for Foreign Investment</i> |
| B5 | <i>Catalogue for the imported products not subject to tax exemption in foreign invested products</i> |
| B6 | <i>Catalogue for the imported products not subject to tax exemption in domestic invested projects</i> |
| B7 | <i>Catalogue of Chinese New and High tech Export Products Instruction.</i> |
| B8 | <i>Circular on Guiding Suggestions on Supporting the Development of International Famous Brands.</i> |
| B9 | <i>Circular concerning the Printing and Distributing the Measures for Administration of International Market Developing Funds of Small and Medium Sized Enterprises</i> |

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| B10 | <i>Circular of the Ministry of Finance, the State Administration of Taxation, the General Administration of Customs on Issues of Incentive Policies on Taxation for the Strategy of the Development in the Western Areas (Cai Shui (2001) No. 202)</i> |
| B11 | <i>Circular of the Implemental Scheme for Constructing the Innovative Enterprises of Zhejiang Province, Zhe Ke Fa Zheng (2007) No. 172</i> |
| B12 | <i>Circular of Chongqing People's Government Office on Temporary Administration Measures on Venture Investment Fund of Hi-tech Industry in Chongqing</i> |
| B13 | <i>Detailed Rules for the Implementation of the Measures for Administration of International Market Developing Funds of Small and Medium Sized Enterprises for Provisional Implementation</i> |
| B14 | <i>Enterprise Income Tax Law</i> |
| B15 | <i>Import Goods Not Exempted from Taxation for Domestic Investment projects catalogue.</i> |
| B16 | <i>Notions concerning accelerating the growth of the non-state-owned economy</i> |
| B17 | <i>Notice of the State Council on the Implementation of the Transitional Preferential Policies in respect of Enterprise Income Tax</i> |
| B18 | <i>Notice of the State Council Concerning the Adjustment of Taxation Policies for Imported Equipment (Guo Fa [1997] No. 37)</i> |
| B19 | <i>Notice of Issuing "Method for Determination of Key Enterprises in Equipment Manufacturing Industry of Zhongshan", Zhong Fu (2005) No.127</i> |
| B20 | <i>Notice of the Office of People's Government of Wuxing District on Publishing and Issuing the Management Measures on Three Types of Science and Technology Expenses of Wuxing District.</i> |
| B21 | <i>Measures for Assessment and Encouragement of Superstar Enterprises and Excellent Enterprises</i> |
| B22 | <i>Provisions of Guangzhou Municipality on Encouraging Foreign Investors to Set up Headquarters and Regional Headquarters</i> |
| B23 | <i>State Council's Import Goods Not Exempted from Taxation for Foreign Investment Projects Catalogue.</i> |
| B24 | <i>Taishan City 2005-2009 Training Program for Rural Surplus Labour Force Transfer Employment Implementation Proposal</i> |
| B25 | <i>2009 Guangdong Patent Award Implementation Proposal</i> |
| B26 | <i>Work Implementation Scheme of Zhejiang Province on Setting Up Innovative Enterprises</i> |
| B27 | <i>Law of the People's Republic of China on State-Owned Assets of Enterprises'</i> |