

PUBLIC RECORD VERSION



Australian Government
Anti-Dumping Commission

GOVERNMENT QUESTIONNAIRE - CHINA

PRODUCT CONCERNED: CERTAIN ALUMINIUM ROAD WHEELS FROM THE PEOPLE'S REPUBLIC OF CHINA

REVIEW PERIOD: 1 JULY 2013 TO 30 JUNE 2014

RESPONSE DUE BY: 5 JANUARY 2014

Extended to 16 February 2015

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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>
the Anti-Dumping Commission	the Commission
Aluminium	includes primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium cast into an ingot or a billet, whether as an aluminium alloy, including aluminium alloy A356 and A356.2 or similar, or aluminium alone
Aluminium enterprises	Entities involved with the manufacture or processing of aluminium products
ARW	Aluminium Road Wheels
billet	means a bar of aluminium metal, including aluminium alloy A356 and A356.2 or similar
China	the People's Republic of China
CTMS	cost to make and sell
ACBPS	Australian Customs and Border Protection Service
ESI	Enterprise with State Investment
EPZ	Export Processing Zones
FIE*	foreign invested enterprise
GOC*	Government of China
ingot	means an ingot of aluminium (including aluminium alloy A356 and A356.2 or similar) cast into a shape suitable for further processing
the goods	the goods the subject of the application (ARW)
the investigation period	1 July 2010 to 30 June 2011
SASAC	the State-owned Assets Supervision and Administration Commission of the State Council
SEZ*	special economic zone
State-prescribed price	means the price determined according to the law, regulations, decisions, orders or pricing policy of the relevant government authorities.
SOE*	state-owned enterprise
SIE	State-invested enterprise

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

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GLOSSARY OF TERMS

Throughout this questionnaire, there are certain words and terminology used that require some clarification. The following are their definitions for the 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 per cent 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 'subsidy' 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 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

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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:

- (a) 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 per cent in the registered capital of equity joint venture.

- (b) Chinese-foreign contractual joint venture:

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

- (c) 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).

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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 the Anti-Dumping Commission has reason to believe may be available to exporters of the goods.

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

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 Invested Enterprises (SIE) or State Owned Enterprises (SOE)

For the purposes of this questionnaire, SIE/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’ (ESIs);
- ‘state-owned assets’;
- ‘state-invested enterprises’; and
- ‘enterprises under the supervision of SASAC’,

of which there are several types.

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

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Subsidy

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

- (a) a financial contribution:
 - (i) by a government of the country of 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:
 - (i) a direct transfer of funds from that government or body to the enterprise by whom the goods are produced, manufactured or exported; or
 - (ii) a direct transfer of funds from that government or body to that enterprise contingent upon particular circumstances occurring; or
 - (iii) the acceptance of liabilities, whether actual or potential, of that enterprise by that government body; or
 - (iv) the forgoing, or non-collection, of revenue (other than an allowable exemption or remission) due to that government or body by that enterprise; or
 - (v) the provision by that government or body of goods or services to that enterprise otherwise than in the course of providing normal infrastructure; or
 - (vi) 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.

SECTION A: BACKGROUND AND GENERAL INSTRUCTIONS

1. Background

On 7 November 2011, the Australian Customs and Border Protection Service (ACBPS) initiated dumping and subsidy investigations into certain aluminium road wheels (ARWs) exported to Australia from the People's Republic of China (China). The ACBPS's findings are set out in International Trade Remedies Report No 181 (REP 181). On 5 July 2012, anti-dumping measures were imposed on ARWs from China.

Following a review by the Trade Measures Review Officer (TMRO), the ACBPS conducted a reinvestigation into certain findings made in International Trade Remedies Report No 181. International Trade Remedies Report No 204 sets out the findings affirmed and new findings made by the ACBPS as a result of the reinvestigation. Subsequent to this, the then Minister for Home Affairs published a new notice under section 269ZZM of the *Customs Act 1901* (the Act). The effect of the new notice was that the level of the measures changed for one exporter, YHI Manufacturing Co. Ltd.

On 15 September 2014, the Anti-Dumping Commission (the Commission) commenced a review of anti-dumping measures (in the form of a dumping duty notice and a countervailing duty notice) applying to ARWs exported to Australia from China.

The review is the result of an application by Jiangsu Yaozhong Aluminium Wheels Co., Ltd (Jiangsu Yaozhong) seeking a review of the anti-dumping measures as they apply to its exports to Australia. The Parliamentary Secretary to the Minister for Industry, who is responsible for anti-dumping matters, has accepted a recommendation from the Commissioner of the Anti-Dumping Commission to extend the review to all exporters covered by the measures.

The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures, as they affect exporters of ARWs to Australia from China, should be varied.

2. Product concerned

Description

The goods the subject of the anti-dumping measures are:

aluminium road wheels for passenger motor vehicles, including wheels used for caravans and trailers, in diameters ranging from 13 inches to 22 inches.

For clarification, the goods include finished or semi-finished ARWs whether unpainted, painted, chrome plated, forged or with tyres and exclude aluminium wheels for go-carts and All-Terrain Vehicles.

Tariff classification

The goods are currently classified to the tariff subheadings 8708.70.91 (statistical code 78), 8708.70.99 (statistical code 80) and 8716.90.00 (statistical code 39) in Schedule 3 of the *Customs Tariff Act 1995*.

These goods are subject to 4 per cent Customs duty.

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3. Review period

The decision on whether any or all of the relevant variable factors (export price, normal value, non-injurious price and the amount of countervailable subsidy) have changed will be determined on the basis of a review period from 1 July 2013 to 30 June 2014 (hereinafter referred to as 'the review period').

The GOC notes that there are some references to "the investigation period" in this GQ that are intended to be references to "the review period", and that it has interpreted the requirement in accordance with the latter.

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

4. Purpose of this questionnaire

The purpose of this questionnaire is to assist the Commission 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 ARWs in China; and
- b. reviewing the amount of countervailable subsidy received by Chinese ARW exporters.

The GOC notes the reference to the "*allegation that there is a particular market situation*", and to the definition of such a situation provided in the Abbreviations used in this GQ of:

...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.

The GOC notes that there was no allegation, in the application that formed the basis for the initiation of this review, that a particular market situation existed in China in the review period. The words "*particular market situation*" were not mentioned in Consideration Report No 263. However the Consideration Report did refer to the findings that the Commission believes are relevant to the concept of a "particular market situation" as follows:

In the original investigation, the Commission determined there was a situation in the Chinese ARW market during the investigation period such that sales in that market were not suitable for use in determining normal values under section 269TAC(1). Appendix A of Report 181 contains the Commission assessment of the existence of a market situation in the Chinese ARW market during the investigation period.

The Commission's finding in Report 181 was as follows:

3.4. Conclusion – market situation

Customs and Border Protection preliminarily determines that the price of ARWs in China is likely to have been influenced by:

- *directly, lower input costs; and*
- *more generally, changes in the determinants of supply in both the ARWs and upstream industries.*

Customs and Border Protection considers that the resultant impact on ARW prices has been brought about in a significant part by the GOC influence within the aluminium industry. It is considered that this influence has resulted in significantly different ARW prices to what would have been the case if the relevant markets operated without significant GOC intervention.

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Customs and Border Protection considers that the extent of the impact of these GOC influences on supply are extensive, complex and manifold, and their resulting impact on the price of ARWs is not able to be easily quantified. However, as discussed in Section 1.4, it is not considered that the quantification of price effects is necessary in assessing the suitability of prices for normal value under s.269TAC(1).

However, available information and Customs and Border Protection's analysis indicates that these influences are likely to have had a material impact on the domestic price of ARWs in the investigation period, such that prices of ARWs in that market are no longer suitable for determining normal value under s.269TAC(1).

Customs and Border Protection therefore preliminarily considers that GOC influences in the Chinese aluminium industry has created a 'market situation' in the domestic ARW market.

At the outset, the GOC reiterates its implacable rejection of the idea that a "particular market situation" can arise from "lower input costs" and "changes in the determinants of supply in both the ARWs and upstream industries". Article 2.2 of the WTO Anti-Dumping Agreement ("the ADA") provides as follows, in part"

When there are no sales of the like product in the ordinary course of trade in the domestic market of the exporting country or when, because of the particular market situation or the low volume of the sales in the domestic market of the exporting country, such sales do not permit a proper comparison, the margin of dumping shall be determined... [footnote omitted] [underlining supplied]

The focus of Article 2.2's reference to a particular market situation in the exporting country is the comparison between the normal value in the market of the exporting country and the export price in the foreign market. There can be no comparatively different effect such as would cause there to be a comparative difference between a normal value and an export price if the factor does not affect the comparison. Lower input costs for an upstream product (even if it be true that there are such lower costs) are not something that are "in" the market for ARWs, nor are they different for domestically sold ARW in comparison to exported ARW.

The GOC rejects the proposition that input costs for ARW producers in China are creative of prices for ARW that make them unsuitable for normal value purposes, or that they are unsuitable in any way. Further, if the Commission maintains the position that a finding of "unsuitability" does not relate to a factor that uniquely affects the domestic market, then either the Commission is misapplying Section 269TAC(2)(a)(ii) or, alternatively, that Section cannot be a correct implementation of the relevant stipulation in the ADA.

Please note that the subsidy/countervailing sections of this questionnaire focus on 34 programs found by ACBPS in the original investigation to be countervailable subsidies (as set out in REP 181).

In this regard the GOC notes that 32 "programs" are referred to in D1 of this GQ, and not "34" as referred to here. Similarly, our review of Report 181 indicates that 32 programs were found to be countervailable.

The Anti-Dumping Commission may also investigate any additional subsidy program(s) if additional information becomes available.

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

A separate questionnaire has been sent to identified Chinese exporters of ARWs that chose to cooperate with the review and were selected as part of the sample of investigated exporters. This exporter questionnaire also requests information on subsidies and market situation. A copy of the exporter questionnaire will be provided to the GOC as a courtesy.

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5. Response to this questionnaire

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

However, if the GOC does not respond the Commission may be required to rely on information supplied by other parties (possibly information supplied by the Australian industry).

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

If the GOC elects to respond to this questionnaire, the response is due by **5 January 2015**.

The GOC requested a seven week extension of time (to 27 February 2015) for it to respond to this questionnaire. In response the Commission allowed the GOC an extra four weeks (to 6 February 2015).

The GOC requested a further two week extension of time (4 February 2015) for it to respond to the questionnaire. In response the Commission allowed the GOC two extra weeks (to 16 February 2015).

The GOC is thankful for these extensions of time.

6. If you decide to respond

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

Confidential and non-confidential versions

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

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

The GOC has adopted the terminology that is used in the EQ that was forwarded to it by the Commission, namely "FOR OFFICIAL USE ONLY" for the confidential version, and "PUBLIC RECORD" for the non-confidential version.

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

Your non-confidential submission must contain sufficient detail to allow a reasonable understanding of the substance of the confidential version. If, for some reason, you cannot produce a non-confidential summary, contact the review 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.)

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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 the Commission of the relevant details.

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

The GOC confirms that Moulis Legal acts on behalf of the GOC in this matter, and notes that written authorisation to that effect was provided to the Commission by Moulis Legal by email on 30 December 2014.

Provision of documents

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

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

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

- are current/in operation;
- were current/in operation 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

The Commission 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.

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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 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 the GOC may make reference to previous responses to questionnaires provided to the Commission or ACBPS where considered appropriate.

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

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; and
- show any amounts in the currency in which they were originally denominated.

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

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.

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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 the Commission 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

The Commission 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 the Commission 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 in order to make arrangements.

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

If such a verification visit 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 the Commission officers and to provide additional clarification and explanation, as required.

If verification meetings are unreasonably delayed, cancelled, or otherwise hindered by the GOC, the assessment of 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 the Commission.

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

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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) the Commission can contact in respect of any further inquiries the Commission may have concerning the questionnaire response and to arrange any verification visits the Commission may request.

The relevant contact person within the GOC for the purposes of this investigation are as follows:

Mr Wei Wei
Deputy Division Director
Trade Remedy and Investigation Bureau
MOFCOM
Tel: +86-10-65198760
email: weiwei@mofcom.gov.cn

However for the purposes of further inquiries and to arrange verification matters please contact Daniel Moulis and Charles Zhan of Moulis Legal in the first instance.

B2 Describe the nature and structure of:

(i) the ARW industry and market sector in China;

1 **Introductory comments**

Like its counterpart in Australia, the ARW industry and market in China consists of two main sectors: the original equipment manufacturer (“OEM”) market; and the after-sales market. These markets in China are highly contestable, with the levels of participation and competition in the review period increasing over the already high levels that were observed in the original investigation period.

These markets in China operate under vigorous demand and supply side factors, factors that are the indispensable and balancing parts of any market price-setting mechanism. The markets are typified by diversity, multiplicity, dynamism and openness on both the demand and the supply sides. They are fiercely competitive.

The dominating and prevailing market forces in the Chinese ARW market during the review period are described in the following.

2 **Market structure - demand side**

(a) **OEM - China is the most rapidly growing and highest volume auto market in the world. It has been the world’s number-one automotive market since 2009. In 2013 nearly 22 million passenger and light commercial vehicle units were sold in China, representing a massive 13.9% increase on the previous year.**

According to the China Passenger Car Association, the top 20 car manufacturers by sales in 2014 were:²

Rank	Car Maker	2014 Sales
1	FAW Volkswagen	1,780,888

² <http://chinaautoweb.com/2015/01/2014-sales-of-passenger-car-makers-in-china/>

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2	Shanghai Volkswagen	1,725,006
3	Shanghai GM	1,723,940
4	SAIC-GM-Wuling	1,586,383
5	Beijing Hyundai	1,120,048
6	Changan	975,431
7	Dongfeng Nissan	951,710
8	Changan Ford	805,988
9	Dongfeng PSA	704,016
10	Dongfeng Yueda Kia	646,036
11	Great Wall	612,486
12	FAW Toyota	582,174
13	GAC Honda	480,060
14	Chery	476,162
15	BYD	437,857
16	Geely	425,773
17	GAC Toyota	374,108
18	Dongfeng Honda	308,224
19	BAIC	299,184
20	FAW Car	287,177

The GOC provides a list of car makers in China at Attachment 1 – *List of car makers in China*. From the above list, and from Attachment 1, it can be seen, and must be accepted, that the demand side of the OEM ARW market comprises multiple competitive players. The market is a growing and vibrant one. Although this is largely a matter of common knowledge that does not require any further support, the car makers themselves are clearly gearing up for radical expansions of their capacities and undertakings in China. This from Hyundai’s 2013 Annual Report:

...we will actively support the growth in sales by expanding production capacity at our key global production sites. We will execute measures such as building the 150,000-unit China 3 factory, increasing capacity by 100,000 units at the Turkey plant, building a new 150,000 vehicle commercial plant in China, and implementing the three-shift system in overseas factories.

The GOC provides the quantities of cars produced in China during the review period by brand origin and some previous years, and their compositions by country-brands of cars at Attachment 2- *Passenger car sale volumes during the POR and some previous years*. The data relates to domestic sales by domestic producers. It demonstrates that for every car brand the total sale volume of assembled passenger cars in Chinese market

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has increased. Not only are sales volumes increasing, but relative market shares are also fluctuating. The information is therefore indicative of the highly competitive nature of the ARW customer group. An increase in cars is demonstrative of an increased demand for ARWs. This is likely to continue as the population continues to grow and incomes and living standards improve.

Clearly, there is a huge and competitive market for ARW sales to car makers. The ownership of the car makers is diversified and they are competing for sales in a growing market.

There are strong demand side pressures facing Chinese ARW manufacturers, who must sell at prices which are very competitive in order to enable their customers to manufacture as cost effectively as possible.

- (b) After-market sales - the number of cars in use and their age and style dictates the extent of the demand for after-market sales of ARW.

The number of privately owned cars in use in China at the end of June 2012 is estimated at 86.13 million— see Attachment 3 – *Cars in China until July 2012*. The number of cars increased in 2013 to 87 million and then to 105 million privately owned cars in 2014.³ This represents an increase of approximately 15 million vehicles every year for each of the last 5 years. Not every car owner needs or desires after-market ARW. However, there is of course significant demand for new ARWs in cases of damage to existing wheels, design trends and used car sales. Because there is such a high number of cars in circulation, after-market sales represent a very significant part of the market demand for ARW in China. After-market ARWs are sold through a huge network of sellers, meaning that there is an even greater diversity in the customer base for sales of ARWs by ARW manufacturers than is the case for OEM sales.

- (c) Export – in 2013, the total export volume of ARW from China to the international market comprised 220,197.909 MT.⁴ Please refer to Attachment 4 - *Export volumes of ARW to Australia for the period between 1 July 2008 to 30 June 2014* and Attachment 5 - *Export analysis of aluminium road wheels in June 2014*. Accordingly, we can see that the demand side of the market also extends internationally.

An industry report available on the internet provides the following further insights into China's ARW exports:⁵

As the global leading position is strengthened, CITIC Dicastal continues to expand its market share in the conservative Japanese supply chain system with strong competitive advantages. Impact by CITIC Dicastal, the revenue of GAC CHUO SEIKI Component, a major supplier of GAC Toyota, dropped from RMB1.252 billion in 2012 to RMB603 million in 2013. CITIC Dicastal added Ningbo base to seize more market share. Lizhong Wheel also performed well in 2013, it surpassed Wanfeng Auto Wheel to become China's second largest maker of automotive aluminum wheels, and it has opened up the Thailand OEM market with huge development potentials.

SMEs still keep an eye on the AM export market, and about 110 ones of them rely on export. Top 30 SMEs realize the average export

³ <http://auto.people.com.cn/n/2015/0128/c1005-26463965.html>

⁴ The GOC refers the Commissioner to consider the change in CN code in 2013 and therefore the total volumes reflected in Attachment 4 – *Export volumes of ARW for the period between 1 July 2008-30 June 2014* are distorted by the change in CN code.

⁵ <http://www.prnewswire.com/news-releases/global-automotive-wheel-industry-report-china-and-poland-market-analysis-260503481.html>

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value of USD30-50 million, and mainly export products to the United States, Russia, Europe and the Middle East.

3 Market structure - supply side

- (a) ARW producers – there is a large number of ARW producers in China. Monopoly or duopoly pricing is clearly out of the question, and no single producer is large enough to be a price leader. In other words, the ARW sector in China has all the hallmarks of a highly competitive market, and accordingly is such a market.

In this regard, please refer to the list of ARW producers in China at Attachment 6 - *List of Chinese ARW producers*. The Attachment lists 149 ARW manufacturers, covering all provinces of China.

The volume of ARW production in China has increased every year since 2008. According to one industry source:⁶

Research and Investment Forecast of China Automotive Aluminium Wheel Industry, 2014-2018 market report says in terms of product production, the outputs of China's automotive aluminium wheels were 79.83 million, 81.61 million, 111.41 million, 119.64 million, 126.97 million and 148.29 million units respectively from 2008 to 2013, year-on-year growth of 2.23%, 36.52%, 7.39%, 6.13% and 16.79% respectively compared to the previous year. Due to the impact of the international financial crisis, the global automobile production fell sharply in 2008; the China's aluminium wheel production also significantly decreased in the same period. After the international financial crisis, the China's aluminium wheel production rebounded sharply in 2009. As of 2013, the output of Chinese automotive aluminium wheels reached 148.29 million units, far exceeding the output before financial crisis.

- (b) Imports – please refer to Attachment 7- *Import volumes of ARW for the period between 1 July 2008 – 30 June 2014*. We observe from this that over that period, the total import volume of ARW from the international market to China comprised 114,858 MT, with a value of USD877.4m.⁷ Thus, it is evident that the supply side of the Chinese ARW market also extends internationally.

- (c) Substitutes – the wheel market is not completely occupied by ARWs. As reported by ReportsnmReports.com:

In the field of steel wheels, the upstream raw material prices remain stable while the aluminum price keeps descending, which weakens the advantages of low-cost steel wheels; therefore, steel wheel makers have to sacrifice gross margin to stabilize customers. Under this context, China's largest steel wheel maker - Zhengxing Wheel saw its gross margin dip from 25.2% in 2012 to 20.8 % in 2013. Meanwhile, the sluggish Chinese commercial vehicle market restricts the development of steel wheels, so small companies gradually suspend or reduce production, which leads to a higher market concentration degree.

Thus, the ARW market is also enlivened by the common dynamic of “substitutable” products, which also adds to the competitive pressures in the market in certain niches and given conducive cost conditions.

⁶ <http://www.prnewswire.com/news-releases/global-automotive-wheel-industry-report-china-and-poland-market-analysis-260503481.html>

⁷ The GOC refers the Commissioner to consider the change in CN code in 2013 and therefore the total volumes reflected in Attachment 7 – Import volumes of ARW for the period between 1 July 2008-30 June 2014 are distorted by the change in CN code.

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4 Market entry

- (a) Intellectual property rights – OEM ARW design is almost always the property of the car makers themselves, with ARW producers quoting on the basis of the design provided. In the case of after-market ARW, intellectual property rights in wheel design are a valuable part of each ARW maker's market offering. Attachment 8 – *List of wheel products matching brand car producers* shows the after-market ARW offering of one of the Chinese ARW producers. It indicates the diversity of the ARW market, in that makers need to have available designs and sizes for different makes, multiple models, and different fashions. In this commercial environment ARW makers need to be competitive in their designs and their resultant tooling, so as to have a full range available for the market and for the great variety of models and consumers in the market. China has a full and effective set of IP laws in operation, to allow the full commercialisation and protection of those rights.⁸
- (b) Production process – ARWs are produced by one of three methods, namely welding, casting and forging. There is nothing about the regulation of these methods or the way in which they are undertaken that would constitute a barrier to market entry.

5 Regulation of business activities

The GOC does not regulate specifically for the ARW sector. The only exception to this would be in the area of product safety and liability, where the kind of product and its uses becomes relevant to the public interest. ARW producers have full autonomy and capacity to carry on their business operations within the framework of China's general legal system. Nor do any special regulations apply to ARW producers in relation to merger and acquisition; enlargement of production capacity; or capital market activities (e.g. issuance of new shares).

Examples of the general rules that manufacturers must comply with in all industrial sectors are as follows:

- (a) Environmental protection - all businesses in China are required to be responsible for any pollutants they generate in their business activities. Art. 16 of the *Law on Prevention and Control of Environmental Pollution by Solid Waste* provides that:

Units and individuals where solid waste is generated shall adopt measures to prevent or reduce environmental pollution by solid waste.

Article 7.4 of the *Law on the Prevention and Control of Atmospheric Pollution* provides that:

Units that discharge atmospheric pollutants in areas where local discharge norms have been established shall do so in conformity with such norms.

The GOC provides copies of these laws at Attachment 9 - *Law on Prevention and Control of Environmental Pollution by Solid Waste* and Attachment 10 – *Law on the Prevention and Control of Atmospheric Pollution*.

- (b) Work field safety - the GOC regulates businesses in China for the purpose of protecting workers from occupational injuries and diseases. For example, Article 4:2 of the *Law on the Prevention and Control of Occupational Diseases* provides that:

Employers shall create work environment and conditions meeting

⁸ See, for example, "Yokohama eliminates counterfeit aluminium wheels in China" (6 November 2014) - <http://www.yokohama-online.com/News/YEU/2014/Q4/YOKOHAMA-Eliminates-Counterfeit-Aluminium-Wheels-in-China>

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the national occupational health standards and health requirements and take measures to ensure that employees receive occupational health protection.

Please refer to Attachment 11 for a copy of the *Law on the Prevention and Control of Occupational Diseases*.

6 Summary

In summary, as is substantiated above, the ARW market in China is open, highly competitive and contestable. The GOC cannot identify any factor in the domestic market for the like goods that would render the domestic sales as “unsuitable” for comparative purposes or, to more accurately reflect the ADA test, that would amount to a “*particular market situation*”.

The GOC notes that the enquiry required by Section 269TAC(2)(a)(ii) of the Act, and by Article 2.2, refers to the market for the “like goods”. The like goods are ARW. The words of the Section relate the enquiry to the suitability of the sales, asking whether the situation *in the market* (for the like goods) is such that sales are not suitable for use in determining a price (for the like goods). The focus is on the environment of the sales. The environment of those sales is plainly a competitive one.

- (ii) the aluminium (including primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium) industry and market sector in China.

1 Introductory comments

This question in the GQ asks about “aluminium”. Electrolytic aluminium is a way of making primary aluminium, and secondary aluminium is made from scrap aluminium. What the question fails to recognise is that ARW manufacturers do not use aluminium directly in their production – they use aluminium alloy, whether purchased (which is the majority of cases) or self-produced. The GOC’s response to this question respects the differences between the two products, their production, and their markets.

The GOC wishes to reiterate that nothing about the cost of aluminium in China, or about the cost of aluminium alloy that is produced from aluminium and then used in the manufacture of ARWs in China, differentiates domestic prices from export prices. Moreover, aluminium and aluminium alloy prices are determined by the forces of supply and demand for those products in China. The GOC also notes that aluminium alloy, as a downstream product that uses aluminium as its major input, is subject to separate corporate, production, chemical and mechanical structures and processes.

The Commission made it quite plain, in its Report 181, that it had a concern about the cost of aluminium during the investigation period, which it chose to address by first labelling the ARW market in China as being the subject of a “particular market situation”, and then by substituting aluminium alloy costs into the cost of production of Chinese ARW producers based on a conversion from LME aluminium prices such that the aluminium alloy costs would “reasonably reflect competitive market costs”. These two things were claimed to be done under Section 269TAC(2)(a)(ii) and Regulation 180(2)(b)(ii), respectively.

The GOC again contends that the consideration of the facts that was undertaken in applying this methodology, and the application of the methodology itself, is non-compliant with Australian and WTO law. The treatment of China’s exporters in this way is a throwback to the application of non-market economy rules that were applied to China in anti-dumping investigations in Australia before 1996.

China has fully-formed, fully-functioning and competitive aluminium, aluminium alloy and ARW markets. Australia has accepted China’s full market economy status, and has both agreed with China and legislated domestically not to discriminate against Chinese exporters under Article 15 of China’s WTO Accession

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Protocol. The Commission's previous practices with regard to Chinese aluminium (and steel) products contradict these facts and recognitions.

2 Further processing of aluminium

Two out of the three selected exporters from China do not use primary aluminium as an "input" - they use aluminium alloy instead. The pre-alloyed materials A356 and A356.2 – which Arrowcrest ("the Australian industry") indicated in its original application are used in ARW production in China are equivalent to CC601-T6 used by the Australian industry in its production (noting that the Australian industry appears to carry out the alloying function in-house). To the best of the GOC's knowledge, one of the exporters selected for the purposes of this review did purchase primary aluminium as an input for it to produce its own alloy.

Accordingly, the input that is supplied to ARW producers is more often aluminium alloy and not aluminium. A substantial number of physical and overhead elements are input into aluminium to produce the necessary alloy for ARW production. These include other metal elements (MgO, Si, Fe and Ti, among others), labour, electricity, management, and so on. These elements have important effects in costing and pricing.

There is a segmentation of the primary aluminium and aluminium alloy industries, which is both caused by and reflects many different production, market, cost and price factors:

- (a) Chemical composition - depending on the elements added, aluminium alloy has five to 10 (or more in some cases) chemical elements in its final formation than primary aluminium. For example, A356.2, which is most commonly used by ARW producers, contains elements such as MgO, Si, Ti, Fe, Mn, Cu, P, Sb, Ca, none of which are found in primary aluminium.

In this regard please refer to Attachment 12 - *Professional Paper on aluminium alloy and primary aluminium (1994)*, pp 8-27 for more details of the physical properties of primary aluminium and aluminium alloy respectively. See also Attachment 13 - *Professional Paper Aluminium Alloy (2013)*.

- (b) Difference in physical/mechanical characteristics - aluminium alloy has more adaptive and better mechanical and physical characteristics than primary aluminium. Please refer to Attachment 12 - *Professional Paper on aluminium alloy and primary aluminium (1994)*, pp 8-27 and p.35-52 for more details. See also Attachment 13 - *Professional Paper Aluminium Alloy (2013)*.

- (c) Production process – as will be apparent from the foregoing, aluminium alloy is produced by adding more elements to primary aluminium. This additional process is carried out independently from the electrolyte process which is applied to bauxite/alumina to produce primary aluminium. Please refer to Attachment 12 - *Professional Paper on aluminium alloy and primary aluminium (1994)*, pp. 4-8 for more details of the primary aluminium production process.

Although some primary aluminium producers may be able to produce aluminium alloy as a last step in the one production line, this is not the case for most aluminium producers in China. This is demonstrated by the separate groups of producers of the respective products as provided in Attachment 32 *List of Producers of Primary Aluminium (2013)* [CONFIDENTIAL ATTACHMENT]; Attachment 33 – *List of Producers of aluminium alloy (2013)* [CONFIDENTIAL ATTACHMENT]; Attachment 34 - *List of Producers of Primary Aluminium (2014)* [CONFIDENTIAL ATTACHMENT]; and Attachment 35 – *List of Producers of aluminium alloy (2014)* [CONFIDENTIAL ATTACHMENT]. See also Attachment- 13- *Professional Paper Aluminium Alloy (2013)*. The data in. Attachment 33 [CONFIDENTIAL ATTACHMENT] demonstrates that 227 companies produced aluminium alloy in 2013. In comparison, as of June 2014 the number of aluminium alloy producers increased to 249 companies. This is

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an increase of 22 companies that produce aluminium alloy in the space of 6 months.

The breakdown of the corporate ownership of the enterprises involved in the primary aluminium sector during the review period of FY2014 (and during the previous 12 months) is most illuminating. This is because the Commission previously (in Report No 181) viewed the presence and involvement of State-invested enterprises and of Chalco in that sector as being relevant to its particular market situation finding in the original investigation period of FY2011.

*Aluminium and aluminium alloy enterprises
(by type and relationship)*

Product	Type of entity	FY2013	FY2014
Primary aluminium	SIEs	44.25%	44.23%
	Collective enterprises	7.96%	7.69%
	Private	47.79%	48.08%
	Chinalco group companies	10.62%	10.58%
	Non Chinalco group companies	89.38%	89.42%
Aluminium alloy	SIEs	11.01	10.44%
	Collective enterprises	4.85%	4.82%
	Private	84.14%	84.74%
	Chinalco group companies	3.52%	2.81%
	Non Chinalco group companies	96.48%	97.19%

The source of this data is Attachments 32, 33, 34 and 35 [CONFIDENTIAL ATTACHMENTS], with the Chinalco-related information having been compiled by way of cross-referencing all the names of Chinalco group companies as disclosed in Chinalco annual report information against the names of the companies identified in those Attachments.

From this table one can observe the absolute dominance of non-SIEs and of non-Chalco related entities in aluminium alloy production. In primary alloy production, the number of wholly State-owned enterprises now amounts to only around 10% of the total number of reported enterprises, and the non-Chalco related enterprises far outnumber the Chalco-related enterprises.

- (d) **Costs and prices** - the costs of aluminium alloy are those of primary aluminium plus the elements that are added to it and the accompanying processing costs. Aluminium alloys – depending on their constituent elements – are priced from about 5% higher than primary aluminium. For different prices and movement trends, please refer to Attachment 14 - *Different prices and movement trends – Aluminium*; Attachment 15 - *Different prices and movement trends- Aluminium Alloy*; Attachment 16 - *Aluminium Alloy Price at SMM and LME from September 2013 to July 2014*; Attachment 17 - *Primary aluminium price at SHFE and LME in CNY from January 2013 to June 2014*; and Attachment 18 - *Primary aluminium price at SHFE and LME in USD from January 2013 to June 2014*.
- (e) **Usage** - primary aluminium is used directly in some construction and low end usages. Other than that, it is a primary material that is used in further production. Aluminium alloy is a more specialised downstream product,

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which is specially made to produce a variety of further downstream products.

- (f) Customs code - the customs code for aluminium alloy is HS Code: 7601.2000, while that of primary aluminium is 7601.1010 and 7601.1090 . Please refer to Attachment 19 – *Copy of Customs description of aluminium alloy and primary aluminium*.
- (g) Producers – according to information available to the GOC, there were 113 producers of primary aluminium and 227 producers of aluminium alloy by the end of 2013 in China. Only 18 of them are said to have produced both aluminium alloy and primary aluminium. For a list of producers who produce both aluminium alloy and primary aluminium, please refer to Attachment 20- *Producers who produce both aluminium alloy and primary aluminium (2013)* [CONFIDENTIAL ATTACHMENT], and Attachment 21- *Producers who produce both aluminium alloy and primary aluminium (2014)* [CONFIDENTIAL ATTACHMENT].

3 Like goods, inputs to like goods, and different markets

A “*particular market situation*” is something that can only arise from the market for the like goods. This is the plain and literal meaning of Article 2.2 of the ADA and of Section 269TAC(2)(a)(ii). The like goods for the purposes of this review are ARW. The Commission’s policy is to treat the cost of upstream inputs as being a market factor that can be creative of a particular market situation. However, products are priced according to many more factors than simply the cost of one upstream input, and ultimately it is the factors of supply and demand for the product itself that will be determinative of the market price. For example, the cost of collection and processing of scrap steel might be much less than the price of steel directly produced from iron ore and coking coal. However the prices of scrap steel and of the raw steel will then influence each other in the market place. Thus, the relevance of the input price of a raw material to the final price of a downstream product cannot be linear, nor can it be predicted.

ARW, aluminium alloy and primary aluminium are each different kinds of goods. They are bought and sold in different markets under different competitive conditions. The prices for these products in China are each determined by the market forces applicable to each of those separate markets. The Commission’s enquiries about the Chinese “*aluminium (including primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium) industry and market sector*” and the non-mention of aluminium alloy are evidently suggestive of the view that there is only “one” industry or market under consideration. That is incorrect, and is not accepted by the GOC.

4 Competition in the specified markets

The aluminium alloy and primary aluminium industries and markets in China are highly contestable, indeed it is correct to say that they have been even more contested in the review period than at any time before. The aluminium alloy and primary aluminium markets in China have strong demand and supply side elements. The prices generated represent the outcome of the competitive forces at work in those markets.

5 Aluminium alloy market structure – demand side

- (a) Downstream domestic - the downstream industries from the perspective of aluminium alloy producers during the review period and in previous years have been the aircraft, helicopter, automobile, transportation vehicle, chemical facilities, ships, trains, instruments, furniture, some electrical appliances such as bus wiring and architecture industries. Please refer to Attachment 22 - *Screenshots showing demand of aluminium alloy*; Attachment 23 - *Usage of Aluminium Alloy (2010)*; and Attachment 24 – *Usage guidelines for aluminium*.
- (b) Export - according to the General Administration of Customs of the People’s Republic of China, China exported 2,798,200.138 MT of aluminium

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alloy for the period between 1 July 2008 through to 30 June 2014. Please refer to Attachment 25 - *Export volumes of aluminium alloy for the period between 1 July 2008- 30 June 2014*.

6 Aluminium alloy market structure - supply side

- (a) Major manufacturers - approximately 227 above-scale aluminium alloy producers operated in China during the review period. Additionally it is relevant to note that the number of aluminium alloy producers increased by 22 producers within the 6 month period from December 2013 to June 2014. The supply side of the market is responding to the increasing demand for aluminium alloy as one would expect. Please refer to Attachment 33- *List of Producers of aluminium alloy (2013)* [CONFIDENTIAL ATTACHMENT], and Attachment 35 - *List of Producers of aluminium alloy (2014)* [CONFIDENTIAL ATTACHMENT].

The numbers of enterprises engaged in this sector and their geographical dispersal has created a highly efficient and competitive market domestically, and has contributed to the creation of a competitive advantage with regard to international exports. According to well-established competition policy, the more the number of competitors in the relevant market, the stronger the competition will be.

The vast majority of aluminium alloy is manufactured by non-State-invested enterprises (“non-SIEs”). Evidence from the State Statistics Bureau, which is considered to be reliable, indicates that the total production volume in the review period was just under 6m MT (based on an estimate of 50% of the calendar 2013 data plus the Jan-Jun 2014 data). The production of aluminium alloy by domestic non-SIEs, including foreign controlled companies (including companies controlled by investors from Taiwan, Hong Kong, and Macau) was about 72% of the total production in 2011. Now, in the second six months of the review period, the non-State owned production level of aluminium alloy is even more stark, at 81% of total production:

	2011	2012	2013	Jan-Jun 2014
Total	3,781,176	4,803,616	5,928,539	2,900,954
State-owned enterprise	[CONFIDENTIAL TEXT DELETED]			
Collectively-owned enterprise				
Private-owned enterprise				
Enterprise owned by HK, Macau or Taiwan				
Foreign-owned enterprise				
Others				

The GOC refers to Attachment 30 - *Production Volume of Primary Aluminium & Aluminium Alloy by ownership* [CONFIDENTIAL ATTACHMENT], and Attachment 31 - *Production Volume of Primary Aluminium & Aluminium Alloy by half year*.

- (b) Imports - according to China Customs, China imported 824,888.888 MT of aluminium alloy for the period between 1 July 2008 through to 30 June 2014. Please refer to Attachment 26 - *Import volumes of aluminium alloy for the period between 1 July, 2008 to 30 June, 2014*.

7	<p>Aluminium alloy - regulation of business activities</p> <p>The GOC imposes no regulations that specifically or directly impact upon the daily business activities (eg in relation to pricing, production volume decisions, purchasing decisions, etc). The regulatory areas that do impact on the industry are general in nature, such as in the areas of product safety, liability and environmental concerns.</p> <p>Given the expansion of Chinese levels of production and the nature of the processes and materials involved in the production of aluminium alloy, there has been an increased focus on environmental conditions on the operations of this industry. This is not a unique phenomenon, in China or in other countries, in the context of industries that have the propensity to be highly polluting and to reduce their costs by not properly complying with relevant laws. Strict conditions on the establishment of new production entities are imposed, however this has not curbed competition between incumbent producers in what is an expanding industry space. The competition in the Chinese market remains very strong.</p> <p>No special regulations in relation to merger and acquisition, enlargement of production capacity or capital market activities (e.g. issuance of new shares) were imposed on aluminium alloy producers in China during the review period.</p>
8	<p>Aluminium alloy – market entry</p> <p>Technical barriers to entry into the aluminium alloy market are relatively low. Melting processes are well-known, and not technically sophisticated. One significant market factor that also needs to be recognised is that aluminium alloy is definitely not only of one type or composition. For example, in Attachment 13 - <i>Professional Paper Aluminium Alloy (2013)</i>, Stena Aluminium indicates that it produces aluminium alloy to specifically meet customers’ requirements.</p>
9	<p>Primary aluminium market structure - demand side</p> <p>(a) Downstream domestic - according to the NBS and CNFA, the demand side of the primary aluminium sector in China mainly consists of the construction, transportation equipment, electric power generation and transmission facilities, package material, machinery manufacturing, daily consumer goods and telecommunication instruments industries. Please refer to Attachment 27 – <i>Numbers of enterprises in each of the user sectors</i>.</p> <p>(b) Export - according to China Customs, China exported 697,713.7 MT of primary aluminium for the period between 1 July 2008 through to 30 June 2014. Please refer to Attachment 37 - <i>Export volumes of primary aluminium for the period between 1 July 2008 – 30 June 2014</i>.</p>
10	<p>Primary aluminium market structure – supply side</p> <p>(a) Major manufacturers - please refer to Attachment 32 - <i>List of Producers of Primary Aluminium (2013)</i> [CONFIDENTIAL ATTACHMENT] and Attachment 34 - <i>List of Producers of Primary Aluminium (2014)</i> [CONFIDENTIAL ATTACHMENT] (noting, as previously explained, that ARW producers in China normally do not purchase primary aluminium as the raw material input for their production).</p> <p>As is shown in the Attachment, towards the end of 2013 there were approximately 113 above-scale primary aluminium producers operating in China. As at June 2014 this number was 104. The total production volume of primary aluminium in the review period was around 23m MT. This large number of producers and their geographical diversity has created a highly efficient and competitive market domestically, and has contributed to the creation of an international competitive advantage. The escalation of supply has slowed over recent years, as the market has better matched supply with demand, and as environmental standards have been improved.</p> <p>In China, a large portion of primary aluminium is manufactured by enterprises that are not majority-owned by the State (“non-MSIEs”). As</p>

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illustrated by the following table provided by the National Statistics Bureau, the production of primary aluminium by non-MSIEs, including foreign controlled companies, was 37% of total production in 2011, but has now increased to 49% of total production (based on the latest figures available, for the second six months of the review period).

	2011	2012	2013	Jan-Jun 2014
Total	17,553,663	19,883,323	22,046,071	11,540,200
State-owned enterprise	[CONFIDENTIAL TEXT DELETED]			
Collectively-owned enterprise				
Private-owned enterprise				
Enterprise owned by HK, Macau or Taiwan				
Foreign-owned Enterprise				
Others				

(b) Imports - according to China Customs, China imported 3.1m MT of primary aluminium for the period between 1 July 2008 through to 30 June 2014. Please refer to Attachment 38 - *Import volumes for the period between 1 July, 2008 through 30 June, 2014.*

11 Primary aluminium – regulation of business activities

The GOC imposes no regulations specifically or directly on the participants in the primary aluminium sector with regard to their daily business activities such as pricing, production volume decisions, purchasing decisions, etc. General laws impact on them in the areas of product safety and liability and for environmental concerns.

During the review period, the GOC has required any new production capacity investment in primary aluminium to take place only in accordance with state-of-the-art production technology. Please refer to the *Guidelines for Accelerating the Restructuring of the Aluminium Industry* provided as document A1 to Appendix A of the GQ by the Commission. However, this restriction on expansion has been applied out of concern for the environment, and in any event has neither substantially lessened competition in the primary aluminium industry in China during the review period nor has it capped production. Strong competitive tensions have existed in the relevant Chinese market at all relevant times. Moreover, even with the intention of ensuring that new capacity meets the highest environmental standards, production increased 25.7% over the two year period from 2011 to 2013. Please refer to Attachment 28 - *Changes in production capacity of primary capacity during period of 2011 and 2013.* [CONFIDENTIAL ATTACHMENT]

12 Primary aluminium – market entry

Primary aluminium production requires an intense use of natural resources, and creates emissions that are also of concern to the natural environment. Chinese law and development approval processes seek to ensure the proper maintenance of China’s environmental standards, and the sustainable use of resources. The GOC has observed that such laws and processes are common in other countries in relation to heavy industries. The GOC observes that Australia has detailed environmental approval processes, at both the Federal and State levels, for major

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projects, especially in the resources industry.

Given the proliferation of electrolyte processing and the maturity of Chinese levels of production, the application of these laws and processes have led to stricter conditions on the establishment of new production entities. This has not curbed competition between incumbent producers in what is an already crowded market on the supply side. The competition in the Chinese market has been very strong. However the market has better matched supply with demand in recent years, and environmental standards have been improved.

As has already been explained, market entry – in the sense of increased capacity – is subject to regulations that are intended to maintain the highest environmental standards for electricity consumption and control of emissions. Other than that, the actual processes of production themselves are well-known and are not technically sophisticated. Please refer to Attachment 12 - *Professional paper on aluminium allow and primary aluminium (1994)*.

As the Chinese electricity industry has developed, relatively abundant supplies of electricity have come on line in the middle and western provinces and autonomous regions. This has facilitated market entry in those regions more so than in other regions, and a number of new electrolyte aluminium production facilities have been established in the western areas. For example, please refer to Attachment 29 - *List of newly-established electrolyte aluminium production facilities in Xinjiang Autonomous Region* [CONFIDENTIAL ATTACHMENT].

13 Concluding comments

China shares the concerns of the international community about the preservation of the natural environment. Accordingly, it is a matter of extreme concern to the GOC that its efforts to approve only the most optimal new investment and to encourage modern industry practices through environmental regulation and related mechanisms are considered (or were considered, in the original investigation) to create a “*particular market situation*” in the downstream ARW market.

Without limiting your response, include information concerning:

- the total size (value and quantity) of these industries for the period 1 July 2008 – 30 June 2014, indicating:
 - domestic production by type of enterprise (e.g. state-invested, foreign invested, domestic private);
 - total imports (including source of imports);
 - total exports;
 - the identity of key domestic manufacturers;
 - growth indications;
 - the extent of vertical integration in the industries;
 - the extent of the reliance on imported aluminium and aluminium raw materials (including upstream raw materials such as bauxite); 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 ARW producers and/or exporters that have produced and/or exported ARW destined for Australia during the review period. If possible, please provide this listing in Microsoft Excel format.

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

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

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

Please refer to Attachment 6 - List of Chinese ARW Producers.

- B4** Provide a list of all manufacturers/producers of aluminium⁹ in China that produced aluminium during the review period. If possible, please provide this listing in Microsoft Excel format.

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

Within this list, indicate the following:

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

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

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

Please refer to Attachment 35 – List of Producers of Aluminium Alloy by June 2014 [CONFIDENTIAL ATTACHMENT], and to Attachment 34 – List of Producers of Primary Aluminium by June 2014 [CONFIDENTIAL ATTACHMENT].

- B5** The Commission understands that within China there are various zones, areas, or other regions that encourage the operations of industries/

⁹ Throughout this questionnaire, aluminium has been used to refer to including primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium, and aluminium cast into billets of aluminium alloy or alone.

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enterprises located within that region and/or entitle/facilitate entities to access differential treatment (this may include preferential tax programs or other preferential policies).

The Commission notes it has observed these areas 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; and
- a listing and explanation of what location in each zone makes businesses eligible for (including any GOC assistance or differential treatment).

Generally, there are six types of National “zones” in China:

- **National Economic and Technological Development Zone**
- **National Hi-Tech Zone;**
- **National Bonded Zone;**
- **National Border Economic Cooperation Zone;**
- **National Export Processing Zone; and**
- **other national zones**

Please refer to Attachment 36 – *List of Various National Zones*. In this Attachment the GOC provides lists of National “Zones” in the provinces where the respondent enterprises are located, to the best of the GOC’s knowledge.

The GOC notes that there is nothing unusual about having Zones dedicated to business activities and that no inference of preferential treatment can be drawn simply from the existence of such a zone or its name. The GOC notes that zones which are promoted for certain business uses are commonplace.

The GOC refers the Commission to its GQ response in the original investigation.

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.

Please refer to Attachment 35 – *List of Producers of Alloy Aluminium by June 2014* [CONFIDENTIAL ATTACHMENT] with locations, and to Attachment 34 – *List of Producers of Primary Aluminium by June 2014* [CONFIDENTIAL ATTACHMENT] with locations.

B7 Provide the names and addresses of all national, provincial and regional producer organisations that represent the interests of ARW and aluminium manufacturers and traders in China.

To the best of the GOC’s knowledge, there is no independent organization that specifically and exclusively serves the interests of ARW and aluminium alloy and primary aluminium manufacturers and traders in China. In addition, even though there are some organizations that may represent the interests of ARW and aluminium manufacturers and traders in China in part or in whole as one of their missions respectively, they are not controlled or

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directed by the GOC. Thus it is difficult to identify all such organisations in China. The GOC has done its best to investigate the information available in the public domain in relation to this topic.

1 Aluminium road wheels

To the best of the GOC's knowledge, the following are some of the NGOs relating to the interests of ARW producers in areas where some of the responding companies are located:

- (a) China Association of Automobile Manufacturers Wheel Committee, located at No.3458 Qingnian Road, Changchun City, Jilin Province;
- (b) Ningbo Association of Auto Parts, located at Room 605 Fumao Hotel, Annex Building, No.9 Qizha Street, Ningbo;
- (c) Guangdong Automobile Industry Association (GAIA), located at Room 704, Yuehai Group Building, No.555 Dongfeng East Road, Guangdong;
- (d) Zhejiang Association of Automobile Manufacturers, located at No.589, Shixiang Road, Hangzhou International Conference and Exhibition Centre, Xiqun Floor, 310015; and
- (e) Hebei Association of Automobile Manufacturers located at No.81 Hezuo Road, Shijiazhuang City, Hebei, 050051.

2 Aluminium

The GOC has identified the following major NGOs relevant to the aluminium alloy and primary aluminium industry:

- (a) China Chamber of Commerce of Metals, Minerals and Chemical Importers and Exporters (CCCME) located at 17th Floor, Prime Tower, No. 22 Chaowai Dajie, Chaoyang District, Beijing 100020;
- (b) Aluminium Branch of the China Non-ferrous Metals Industry Association (CNIA) located at Fuxing Road No. 12, Haidian District, Beijing 100814;
- (c) China Non-Ferrous Metals Fabrication (or Processing) Industry Association (CNFA) located at Fuxing Road No. 12, Haidian District, Beijing 100814;
- (d) Foshan Nanhai Aluminium Profile Industry Association (NAPA) located at Shuitou Section, Guihe Road, Dali, Nanhai District, Foshan City, Guangdong Province 528231; and
- (e) China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME) Room 904, Floor 9, Building 12, Panjiayuan Nanli, Chaoyang District, Beijing, 100021.

B8 Provide total volume and value of the following (sourced from official government statistics) for the period **1 July 2008 to 30 June 2014**, in domestic currency and Australian dollars.

Indicate the source of the information.

- (a) Exports of ARWs to Australia;
- (b) Exports of ARWs to Australia, by company;
- (c) All exports of aluminium; and
- (d) All imports of aluminium.

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.

Please refer to Attachments listed below, collectively the- *Import and Export Information for import and export of ARW, aluminium alloy and primary aluminium*. Import values shown in the Attachment are CIF, and export values are FOB.

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For import and export information for import and export of ARW, aluminium alloy and primary aluminium, please refer to the following Attachments:

- Attachment 4 – *Export volumes of ARW to Australia for the period between 1 July 2008 – 30 June 2014;*
- Attachment 7 – *Import volumes of ARW for the period between 1 July 2008 – 30 June 2014;*
- Attachment 25 – *Export volumes of aluminium alloy for the period between 1 July 2008- 30 June 2014;*
- Attachment 26 – *Import volumes of aluminium alloy for the period between 1 July 2008 – 30 June 2014;*
- Attachment 37 – *Export volumes of primary aluminium for the period between 1 July 2008 – 30 June 2014; and*
- Attachment 38 – *Import volumes of primary aluminium for the period between 1 July 2008 – 30 June 2014.*

B9 Specify and provide supporting documentation for the standard corporate tax rate during the review period for:

- (a) companies that manufacture ARWs;
- (b) companies that trade in ARWs;
- (c) companies that manufacture aluminium;
- (d) companies that trade in aluminium.

The GOC advises that there is no differential tax treatment between companies which produce aluminium alloy and/or primary aluminium or aluminium road wheels or who trade in those products.

The standard corporate tax rate is the same between companies of any nature. As in Australia, China has a flat corporate tax rate. The standard corporate tax rate in China is 25%.

Please refer to Attachment 39 - *Enterprise Income Tax Law*.

B10 Specify and provide supporting documentation for the corporate tax rates applicable in all provincial or local jurisdictions in China for those types of companies listed in (a) to (d) of Question B9 above.

Please refer to the GOC's response to B9 above.

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SECTION C: PARTICULAR MARKET SITUATION

The review will seek to determine whether the basis for the findings made in REP 181 that, there was a situation in the Chinese ARW market during the investigation period such that sales within that market were unsuitable for determining normal values under s.269TAC(1) of the Act, existed in the Chinese ARW market during the review period.

Information requested in this section will assist the Commission in assessing these findings.

The GOC considers that there was no basis for the finding made in REP 181 that “*there was a situation in the Chinese ARW market during the investigation period such that sales within that market were unsuitable for determining normal values under s.269TAC(1) of the Act*”, and that there is no basis for such a finding to be made in respect of the review period either.

The GOC’s cooperation in response to questions in this Section C should not be taken to detract from the GOC’s position on the lack of merit and the lack of relevance of applying the WTO Anti-Dumping Agreement Article 2.2/Section 269TAC(2)(a)(ii) “*particular market situation*” rules to the Chinese ARW market during the investigation period or the review period. The GOC steadfastly maintains that position.

This renewed assessment of the circumstances as they applied in the review period is seen by the GOC to be an important opportunity to revisit the issue both legally and on the basis of contemporary facts and circumstances.

1 Legal position of the GOC

The reference in Article 2.2 of the Anti-Dumping Agreement to a “*particular market situation*” in the market for the like goods is expressly tied to the concept of the comparison of domestic sales with export sales. The situation must be such so as to cause the domestic sales to not permit a proper comparison. Accordingly, if there is some factor operating in the domestic market that affects the sales in that market in a way which differentiates them from the export sales, that differentiating factor could be creative of a “*particular market situation*”. In such a case, Article 2.2 directs an investigating authority to other methods for working out the normal value, namely a third country export price, or a construction based on cost of production plus administrative, selling and general costs and profits.

The cost of either the aluminium or aluminium alloy used by Chinese ARW manufacturers is not different depending on whether the ARW is sold domestically or exported. Thus, it cannot be a factor which can affect the comparison of domestic sales with export sales. It does not matter whether those costs are “*artificially low*” as Report No 181 would have you believe, or too high.

The Commission might argue that the cost of production does not have to be the cost as recorded in the financial records of the exporters, by reason of the operation of Regulation 180(2)(b)(ii) of the Customs Regulations. However, that is an entirely separate issue. Saying that the cost does not have to be used does not support the proposition that it can be the justification for the finding of a “*particular market situation*”. And in any case, for the record, the GOC again states its rejection of the proposition that this Regulation is a permissible implementation of any aspect of the Anti-Dumping Agreement.

2 Factual and legal changes

Significant changes have taken place in the Chinese ARW market, and in both the immediately upstream aluminium alloy market and in the further upstream primary aluminium market since the original investigation. The GOC would now like to highlight some of these for the Commission’s benefit.

- (a) ARW – the competition in the Chinese ARW market has intensified, with significant new private sector investment in production of wheels to take

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advantage of the expanding market and to move into new market areas. The reason is obvious:¹⁰

With growth of +10% in 2014 and +8% expected for 2015, the Chinese market is extending its lead after having surpassed overtaken the US market in 2009. At nearly 20 million units sold in 2014, it now accounts for 27% of global sales. Moreover, with an ownership rate of close to 5%, it offers all auto makers very attractive prospects for long-term growth of around +8% to +10% per year. It is a vehicle market whose role is growing: with 21 million units sold in 2015, it will be 25% larger than the US market.

The market remains dominated by Western manufacturers via joint ventures with local manufacturers

The market shares of Chinese brands, which still lack brand power, have been declining steadily.

Thus, it is not surprising to see significant new investment in ARW production. For example, China Zenix Auto International Limited – which claims to be the largest commercial vehicle wheel manufacturer in China by sales volume in both the OEM and after-market – reported that it had:¹¹

...constructed China's first aluminum wheel production plant for commercial vehicles and began offering aluminum wheels at the end of 2013. The Company's aluminum wheels are expected to replace imported aluminum wheels and to be an alternative to current steel wheel models. Current production capacity for aluminum wheels is 500,000 units per annum.

- (b) Aluminium alloy - the share of the volume of aluminium alloy produced by non-State invested enterprises increased from 45.81% in 2011 to 65.68% in the first half of 2014. The share of the volume of aluminium alloy produced by majority State-invested enterprises decreased from 27.7% in 2011 to 18.56% in the first half of 2014. In terms of numbers of enterprises producing aluminium alloy, the number of private enterprises increased from 64.60% in 2010 to 74.69% in 2013.
- (c) Primary aluminium - the share of the volume of primary aluminium produced by non-State invested enterprises increased from 26.38% in 2011 to 29.78% in the first half of 2014. The share of the volume of primary aluminium produced by majority State-invested enterprises decreased from 63.2% in 2011 to 50.76% in the first half of 2014.

In 2013 the *Catalogue of Adjustment of Industrial Structure (2011)* (Attachment 40) was amended such that primary aluminium was removed from the category of restricted projects and moved to the category of permitted projects. Moreover, even in the presence of the limitation policy on investment into new electrolyte aluminium/primary aluminium facilities which was in place before then, the total production capacity of primary aluminium in China increased markedly. From 2011 to 2013, production increased from 24.7m MT to 31m MT. This increase, together with the increasing market share of private enterprise producers, intensified the competition even above the levels in the original investigation period.

- (d) Bauxite - all forms of restrictions on exports of bauxite, including export licenses and quotas, were abolished effective 1 January 2013.
- (e) Continued deregulation – wholesale and rapid deregulation continues to be the norm in almost all sectors and all aspects of the Chinese economy. For

¹⁰ <http://www.eulerhermes.com/mediacenter/Lists/mediacenter-documents/Economic-Outlook-The-global-Automotive-market-Sept14.pdf>

¹¹ <http://finance.yahoo.com/news/china-zenix-auto-supplied-aluminum-115900787.html>

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details of some relevant examples and explanations, please refer to the GOC's answers to the questions in D2.1 of this GQ.

For more details about the ARW, aluminium alloy and primary aluminium markets in China, please also refer to the GOC's response to the questions under Section B above (particularly question B2), and Section D below (particularly question D2.1).

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 ARW and aluminium sectors.

The GOC draws the Commission's attention to the fact that the various central government agencies identified below have the role of managing high level administrative, economic and environmental matters. They are not concerned with the administration of "measures" concerning the aluminium road wheels, aluminium alloy or primary aluminium industries. In each case they have much broader administrative duties and responsibilities under the Chinese government framework. These comments also apply to their counterpart agencies at the provincial, regional, municipal, and local levels.

In the majority of cases, the government department, bureau or agency concerned administers policies which might be relevant to the manufacturing or material industries, including either or both the aluminium and ARW industries, but never solely for either of them, nor with either or them singled out as an individual category in their portfolio responsibility. Where this is not the case it will be expressed in the text.

Furthermore, for the most part the administration of relevant industry issues by the agencies does not differentiate between domestic sales of ARW and export sales.

Include information relating to the following areas:

- supervision of aluminium SIE senior management and administration;

A "*particular market situation*" relates to something which exists in the domestic market for the goods under consideration which affects the comparison of the domestic prices (normal values) for those goods with the export prices of the goods. The GOC reiterates that there is not and could not be anything about the "*supervision of aluminium SIE senior management and administration*" that could create such a differential.

To the best of the GOC's knowledge, only one selected exporter in the countervailing duty review purchased primary aluminium to produce aluminium alloy itself in its ultimate production of ARWs

In addition, as is shown in Attachments 33 and 35 [CONFIDENTIAL ATTACHMENTS], during the review period the aluminium alloy sector was dominated by non-State invested enterprises, in terms of the numbers of incumbent producers.

The GOC, as a whole, supervises all entities, both real and legal, within China, to ensure they comply with the laws of China. This is true of every government.

In relation to the concept of "supervision", SASAC's supervisory role only applies to senior managers in wholly and majority State-invested enterprises. This "supervision" is in the nature of a careful watch over behaviour with regard to legal probity and the shareholder interests of the GOC.¹²

The GOC does not "supervise" the senior management of non-designated majority-owned SIEs. The senior management of the great majority of SIEs is subject to the "supervision" of the board of supervisors selected by the shareholders themselves, with that board

¹² See Articles 31 and 34 of the *Law of State-owned Assets in Enterprises* – Attachment 86.

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being ultimately responsible to the shareholders.

For more detail, the GOC respectfully requests that attention be paid to the GOC's responses to the questions in Section D of this GQ.

- consolidation of domestic aluminium producers;

Consolidation of business entities is a commercial decision for enterprises to consider. These are decisions that are ultimately made by boards of enterprises on the advice of their senior management and with the best interests of the shareholders firmly in mind. Merger and acquisition in China is subject to the same considerations as those that must be considered by companies in Australia.

There is no agency of the GOC that is charged with the function of administering any "consolidation of domestic aluminium producers".

- industrial policy and guidance on the ARW and aluminium sectors;

The GOC advises that the National Development and Reform Commission (hereinafter referred to as the "NDRC") and the Ministry of Industry and Information Technology ("MIIT") are responsible for the administration of policies relating to all manufacturing sectors in China. This role would include the administration of any policies which might impact on primary aluminium. However, there was no specific industrial policy and guidance in place during the review period on the ARW or aluminium alloy sectors.

More specifically, according to the revised *Catalogue of Adjustment of Industrial Structure*, which took effect from February 2013, the ARW, aluminium alloy and primary aluminium sectors all fall into the admissible class, i.e. there is neither restrictive nor encourage policy towards all of the three sectors for the purpose of industrial adjustment. The GOC provides the *Catalogue of Adjustment of Industrial Structure (2013)* at Attachment 40. On the other hand, for primary aluminium production, there are a few restrictions for the purpose to dismantle backward production facilities, e.g. those consuming more energy and/or with more emission of pollutants than the average level. Foreign investment is also restricted, though not prohibited from investing into the primary aluminium sector.

The agency details are as follows:

Department: National Development and Reform Commission
Address: 38 South Yuetan Street, Xicheng District, Beijing 100824
Tel: +86 10 6850 1428
Fax: +86 10 6850 2999

Department: Ministry of Industry and Information Technology
Address: 13 West Changan Avenue, Beijing 100804
Tel: +86 10 6820 5574
Fax: +86 10 6820 5574

For more details of the provincial and local agencies, please refer to GOC's response to the initial questionnaire of the original investigation.

- market entry criteria for the ARW and aluminium sectors;

There was no specific industrial policy and guidance directed at the ARW and aluminium alloy sectors during the review period.

With regard to primary aluminium, the document entitled *Normalization Criteria on Aluminium Industry (Attachment 44)* that was introduced on 18 July 2013 by MIIT has taken the place of the former document known as *Requirements on Entry Into the Aluminium Industry*. The document describes criteria the environmental, energy and resource conservation standards for newly-built and incumbent primary aluminium plants.

MIIT is responsible for instituting the rules for the industrial sector.

For details of the provincial and local agencies, please refer to the GOC's response to the

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initial questionnaire in the original investigation.

- environmental enforcement for the ARW and aluminium sectors;

The Ministry of Environmental Protection (“MEP”) is responsible for China’s environment protection administration.

**Department: Ministry of Environmental Protection
Address: 1/15 Nanxiao Street, Xizhimen Nei, Beijing 100035
Tel: +86 10 6655 6163
Fax: +86 10 6655 6165**

- management of land utilization;

The Ministry of Land and Resources is responsible for the general administration of land utilisation.

**Department: Ministry of Land and Resources
Address: 64 Funei Avenue, Xicheng District, Beijing 100812
Tel: +86 10 6655 8424
Fax: +86 10 6655 8424**

For more details of the provincial and local agencies involved in the same area, please refer to GOC’s response to the initial questionnaire of the original investigation.

- the China Banking Regulatory Commission for the ARW and aluminium sectors;

The China Banking Regulatory Commission (“CBRC”) is responsible for the regulation of banks in China. Functions of the CBRC are not specific to any single industry, other than the regulation of the financial services industry.

- investigation and inspection of aluminium facilities;

There are no government departments responsible specifically for the investigation and inspection of new aluminium, aluminium alloy or ARW facilities.

- the section in the National Development and Reform Commission that is responsible for aluminium;

The NDRC is responsible for the promotion and regulation of the Chinese economy at the national level. This role includes the development of policies which may touch and concern the aluminium industries. The aluminium industry falls within the regulatory scope of the Department of Industry of the NDRC. The relevant contact details of NDRC have been provided as above.

- import licensing for raw materials used in the aluminium sectors;

The raw material used in the ARW sector is aluminium alloy. There are no licensing requirements for importing primary aluminium. Users of aluminium are free to import at any time, on whatever terms they wish, in accordance with their commercial interests.

- export regulations, export licensing, “guidance prices”, free trade export zones, etc.; and

MOFCOM is generally responsible for export regulations, controls, licensing and the establishment of free trade zones. However, there are no such controls or licensing requirements in place for aluminium products (nor for aluminium wheels).

There are no specific restrictions for exporting aluminium wheel products, such as export

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controls or export licensing. Producers are free to export as they wish.

The GOC is not entitled to set, and does not set, any guidance prices for aluminium or aluminium wheel products, whether exported or sold domestically.

MOFCOM's contact details are as follows:

Department: Ministry of Commerce
Address: 2 Dong Chang'an Avenue, Beijing, China 100731
Tel: +86 10 6528 4671
Fax: +86 10 6559 9340

- taxation - especially changes to export taxes and export tax rebates.

Export tax/rebate decisions are made at the level of the State Council. The Ministry of Finance, in conjunction with State Administration on Taxation, MOFCOM and China Customs are then responsible for the promulgation and implementation of tax laws and policies. The taxation system in China comprises State taxation branches and local taxation branches, which have a shared responsibility for implementing taxation laws and policies.

Please refer to Attachment 41 - *Notice of the General Office of the State Council on the Main Functions and the Adjustment of the Members of the Customs Tariff Commission of the State Council* for a description of the agencies which handle these matters at the policy level.

The legal basis for export tariff duties is to be found in Attachment 42 - *Regulations of the People's Republic of China on Import and Export Duties (2003)*. The legal basis for VAT rebates, is to be found in Attachment 43 - *Interim Regulation of the People's Republic of China on Value Added Tax (2008)*.

Department: Ministry of Finance
Address: 3 Sanlihe Nansanxiang, Xicheng District, Beijing 100820
Tel: +86 10 6855 1141
Fax: +86 10 6855 1627

Department: State Administration of Taxation
Address: 5 West Yangfangdian Road, Haidian District, Beijing 100038
Tel: +86 10 6341 7114
Fax: Not applicable

Department: Ministry of Commerce
Address: 2 Dong Chang'an Avenue, Beijing, China 100731
Tel: +86 10 6528 4671
Fax: +86 10 6559 9340

Department: China Customs
Address: 6 Jianguomennei Avenue, Dongcheng District, Beijing, 100730
Tel: +86 10 6519 4114
Fax: Not applicable

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 ARW AND ALUMINIUM SECTORS

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

- C2.1** Identify and provide an explanation of the specific roles and responsibilities of government departments, agencies or institutions, which

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are directly or indirectly involved in economic policy development, economic regulation and decision-making activities with respect to the ARW and aluminium sectors.

- 1 **ARW sector - the GOC does not have any conduct any economic policy development, economic regulation and decision-making activities with respect to the ARW sector.**
- 2 **Aluminium alloy sector - the GOC does not conduct any specific economic policy development, economic regulation and decision-making activities with respect to the aluminium alloy” sector.**
- 3 **Primary aluminium sector - the Department of Industry of the NDRC is responsible for economic analysis and policy-making with respect to primary aluminium. The main functions of this Department are as follows:**
 - (a) **analysing major issues concerning the development of the aluminium sector;**
 - (b) **drafting aluminium sector policies;**
 - (c) **studying and proposing aluminium sector policy recommendations;**
 - (d) **coordinating and harmonizing aluminium sector development plans with national economic and social development plans and programs; and**
 - (e) **coordinating the dissemination and use of major technical equipment in the aluminium sector.**

C2.2 Identify any government departments, agencies or institutions that are involved in the manufacture, sale, purchase or acquisition of aluminium products, and explain the nature of their involvement.

No government departments, agencies or institutions are involved in the manufacture, sale, purchase or acquisition of aluminium products other than in the case of sourcing products for normal procurement requirements.

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 aluminium prices;

The GOC does not regulate primary aluminium prices.

- (b) the regulation of ARW prices;

The GOC does not regulate ARW prices. Nor does the GOC regulate aluminium alloy prices.

- (c) investment in aluminium smelting and aluminium alloy projects;

The following legal documents were in effect during the review period in relation to investment in aluminium smelting.

The Normalization Criteria on the Aluminium Industry (Attachment 44) has been in effect since July 2013. It sets out technical and scale requirements for investments in aluminium-smelting projects. These are general principles for investment in facilities that seek to establish environmentally sustainable practices for the protection of the natural environment, and to enhance energetic and environmental efficiency in the national economy.

The Catalogue of Projects Reviewed by the Government first came into effect in 2014.

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Expansion projects of electrolytic aluminium (primary aluminium) and “greenfield” land (ie new) alumina projects are subject to a review procedure handled by the competent investment department under the State Council. Project proposals are assessed through a documented process to ensure environmental protection and resource balance criteria are met. No assessment on the basis of financial, economic, technical or legal feasibility (ie no commercial assessment) is required at the government level for any project of either aluminium or alumina.

The GOC notes that major project approval processes are inevitably and commonly required for resource extraction, processing and industrial investment proposals in Australia. For example, the GOC refers to the following examples.

1 Abbot Point coal terminal expansion:¹³

The Federal Government has approved the creation of one of the world's largest coal ports near the Great Barrier Reef World Heritage Area, sparking outrage from conservationists and the Greens.

Late yesterday, Environment Minister Greg Hunt gave the go-ahead to the Abbot Point coal terminal expansion at Bowen in north Queensland.

...

He says he has also advised the Queensland Government of new plans designed to protect the long-term future of the Great Barrier Reef.

Millions of cubic metres of spoil must be dredged and dumped near the reef for the coal port to be constructed.

Mr Hunt says he is imposing strict environmental conditions on the project.

...

“For Abbot Point, perhaps the most important condition is that any dredging would be limited to 1.3 million cubic metres of sediment a year.”

“That is down from a 38 million cubic metre proposal under the previous government, so a radical decrease in what was going to be the case.”

2 Carmichael coal mine:¹⁴

Adani's massive \$16.5 billion Carmichael coal mine and rail project, north west of Clermont in Queensland's Galilee Basin, has just received the green light to begin construction after receiving Commonwealth approval from the federal Environment Minister, Greg Hunt today.

...

On making the announcement the Minister said the approval was subject to 36 strict conditions.

“The absolute strictest of conditions have been imposed to ensure the protection of the environment, with a specific focus on the protection of groundwater,” the Minister said.

“These 36 conditions complement the conditions imposed by the Queensland Government, and will ensure the proponent meets the highest environmental standards and that all impacts, including cumulative impacts, are avoided, mitigated or offset.”

3 BHP pilot ore processing plant at Olympic Dam:¹⁵

¹³ <http://www.abc.net.au/news/2013-12-10/north-qlld-coal-port-expansion-approved-with-strict-conditions/5147916> (11 December 2013)

¹⁴ <http://www.miningreview.com.au/news/massive-carmichael-coal-mine-queensland-gets-federal-approval/> (28 July 2014)

¹⁵ <http://www.adelaidenow.com.au/business/bhp-billiton-applies-for-approvals-to-build-pilot-plant-for-ore->

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BHP Billiton is taking a significant step towards a viable plan to expand the Olympic Dam mine in South Australia's Far North.

Buoyed by successful laboratory trials in Adelaide of a cost-effective way of processing the mine's complex ore body, BHP has applied to the Federal and State Governments to build a pilot processing plant at the Olympic Dam site.

This would be the next step in its assessment of the heap-leach processing of the lucrative ore which contains copper, uranium, gold and silver.

...

In an application to the Federal Government, BHP seeks approval for the pilot plant under environmental laws.

It says the environmental impact would be "very low to negligible" and wants federal clearance to proceed with conditions but without a major new assessment process.

4 Uranium mining in Western Australia:¹⁶

The Federal Government approval of Toro Energy's Wiluna Uranium Project, 30kms south of Wiluna in the Mid West region of the state has re-started some discussion on issues of public concern surrounding the industry.

...

Mining of any resource in Australia is governed by extremely rigorous environmental assessment and approval processes. Western Australia's uranium industry is no different. Before a company can explore or mine for uranium, it must demonstrate to state and federal agencies that it will manage the environment to the highest standard. Uranium mine operators in WA require a minimum of 12 state approvals and three national government approvals before mining can proceed.

...

A final commitment to develop this \$269m project is expected to be made before the end of 2013 subject to uranium market conditions.

5 Browns Range hydrometallurgical processing plant:¹⁷

Northern Minerals has been conducting a series of continuous pilot scale testing of the Project's hydrometallurgical processing plant at ANSTO in New South Wales (NSW). The third and final five-day continuous pilot plant run was completed last month and achieved the best recovery results of the test work to date.

...

WA's Environmental Protection Authority (EPA) has advised that it considers that the Project can be managed to meet the EPA's environmental objectives subject to the EPA's recommended conditions being adopted. The EPA's report to the WA Minister for Environment (Minister) is currently open for a two week appeal period which closes on 1 September 2014. Following this appeal period the Minister will make the

[processing-at-olympic-dam-in-south-australia/story-fni6uma6-1227004283184?nk=a5d47251de75309e35d7d3ee0797a55e](http://www.olympicdam.com.au/processing-at-olympic-dam-in-south-australia/story-fni6uma6-1227004283184?nk=a5d47251de75309e35d7d3ee0797a55e) (28 July 2014)

¹⁶ <https://www.cmewa.com/policy-and-publications/annual-reports-special-publications/preview?path=Uranium%2BMining%2Bin%2BWestern%2BAustralia.pdf> (April 2013)

¹⁷ <http://northernminerals.com.au/wp-content/uploads/2014/03/1408-26-More-Success-for-Browns-Range-Project.pdf> (26 August 2014)

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final decision.

Northern Minerals has also commenced preliminary planning and drafting work on the secondary approvals required for the proposed mining operation. These approvals will be considered by the relevant decision making authority following the Minister's determination, and will include:

- *Mining Proposal and Project Management Plan from the WA Department of Mines and Petroleum.*
- *Works Approval and Licences from the WA Department of Environment Regulation.*
- *Licences to construct bores and take water from the WA Department of Water.*

- (d) each type of corporate and business structure including state-invested enterprises, private enterprises, co-operatives, foreign-owned firms and joint ventures (where not included above);

Please refer to the following Attachments:

- *Rules on Categorization of Enterprises by SAIC and NBS – Attachment 45;*
- *The Company Law of the PRC (as amended in 2014) - Attachment 46;*
- *Rules for the Implementation of the Law of the PRC on Foreign-funded Enterprises (amended) – Attachment 47;*
- *Detailed Rules on the Implementation of the Law of the PRC on Sino-Foreign Contractual Joint Ventures (amended) – Attachment 48;*
- *Law of the PRC on Chinese-Foreign Contractual Joint Ventures – Attachment 49;*
- *Law of the PRC on Chinese-Foreign Equity Joint Ventures – Attachment 50;*
- *Law of the PRC on Foreign-funded Enterprises (amended) – Attachment 51;*
- *Regulations for the Implementation of the Law of the People's Republic of China on Joint Ventures Using Chinese and Foreign Investment – Attachment 52.*

- (e) sectors of the economy deemed to be “strategically important”¹⁸ sectors for purposes of economic stability.

The GOC wishes to explain that there are no unified or consistent definitions with regard to the specific terms “*strategically important [sectors]*” as contained in long-term or mid-term industry documents. Markets vary from industry to industry and even from sector to sector within a specific industry as the industries and the economy evolve. There are no two industries or industrial sectors that are identical to each other in an economic and/or legal sense.

The terms used in GOC-sponsored papers that refer to those industries and sectors are unique to their context. These industrial papers are normally formulated by a large number of experts in a time period lasting for months, sometimes even for years. They draw upon input in the form of comments and suggestions by way of consultations, both public and invited, from within and outside China. Thus, the use of the terms may not be consistent.

C2.4 Identify the specific government department or institution responsible for the above-mentioned laws and regulations in Question C2.3.

¹⁸ Also referred to as an important basic industry for the national economy or a pillar industry for industrialization.

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Laws and regulations in Question C2.3(d), such as the Company Law, are enacted and amended by the National People's Congress and its Standing Committee, as these are the legislative bodies that are responsible for the promulgation of national laws.

The State Council may issue administrative regulations, and the Supreme Court may issue judicial explanations in that regard, where appropriate and needed.

There are no specific government departments or institutions responsible for the laws and regulations set out above. The different tasks and duties, and the supervision of different laws, can be shared amongst different departments.

C2.5 The GOC was asked during the original investigation to provide documents listed in Appendix A of this questionnaire. For those documents listed in Appendix A that have been superseded or replaced, please provide updated versions of the documents.

Please refer to Appendix A to the GQ by ADC for comment and the updated versions of the documents, where appropriate.

C2.6

- (a) Identify any goods and services in the ARW and aluminium sector (including aluminium raw materials and energy) whose prices are currently controlled or guided by the GOC, or were controlled or guided by the GOC during the period 1 July 2008 – 30 June 2014.

Fully explain the nature of and rationale for these price controls or guidelines. The response should identify any prices in the aluminium sector that are controlled or guided by any level of government (provincial, municipal or local).

Apart from its involvement in price regulation in electricity and railway transportation, the GOC does not control or guide the prices of any goods and services in the primary aluminium, aluminium alloy or ARW sectors.

Under the current legal framework of China, the price of electricity is subject to governmental price setting. Electricity price regulation is to be differentiated from price control or price guidance of specific materials or inputs that are provided by any and all parties in a particular sector.

In that regard we note the following explanation provided by the Reserve Bank of Australia in relation to Australian electricity price setting;¹⁹

Electricity prices faced by Australian households and small businesses are highly regulated. In states connected to the National Electricity Market (NEM) – New South Wales, Victoria, Queensland, South Australia and Tasmania – this is achieved through a combination of state and federal regulation. Western Australia is not part of the NEM and has its own system of regulation.

...

Electricity retailers are those businesses that sell electricity directly to the general public. The prices they can charge households and small businesses are limited by price controls imposed by state regulators (except in Victoria, which removed its retail price controls in 2009). The prices are set so that electricity retailers can recover what the state regulator deems to be the costs an 'efficient' retailer would expect to incur in the period for which the cap applies. Each electricity retailer must submit an application to the state regulator outlining its expected costs for

¹⁹ <http://www.rba.gov.au/foi/disclosure-log/pdf/101115.pdf> (4 February 2011)

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the period ahead. The regulator has the discretion to amend the proposed costs if it does not believe they accurately reflect future costs or they have not been calculated correctly. As well as recovering these costs, retailers are allowed to make a 'reasonable' margin – ranging from 3 to 10 per cent, depending on the state.

Please refer to the *Catalogue of Regulated Prices 2001* (Attachment 53). As can be seen from this official instrument, the products of the ARW, aluminium alloy and primary aluminium sectors are not subject to any “price controls or guidelines”.

Additionally, we refer the Commission to its original findings with regard to electricity in Report No. 181, wherein it stated:

During this investigation and previous investigations concerning exports from China, Customs and Border Protection has observed that arrangements for the supply of electricity in China vary from province to province. Customs and Border Protection is also aware that some manufacturers generate their own electricity and sell the surplus to the national electricity grid at various rates.

Customs and Border Protection verified electricity costs for all co-operating exporters and did not find any evidence that the price of electricity during the investigation period reflected anything other than competitive market prices.

While Arrowcrest referred to a statement in Chalco's Form 20-F for 2007 to the effect that aluminium producers were afforded low electricity rates by the GOC, that document also contains a statement that preferential rates ceased in 2008.

- (b) The Commission understands that information on pricing in China is 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 ARW and aluminium in the review period.

Are there any other websites or information sources, which provide information on government price controls or guidelines or State-prescribed prices or State-guidance prices

The official websites of the NDRC (<http://www.ndrc.gov.cn/>) and *China Economic Herald* (<http://www.ceh.com.cn/>) allow access to price information issued by the price administration department of NDRC. The published information does not comprise all of the price information that may be collected by the NDRC, nor can it be regarded as “official” price information. It simply represents prices that the NDRC publishes for the purposes of disseminating market price observations to the general public.

The GOC notes that market prices are displayed in Western economies in any number of ways – through price data issued by exchanges, by internet advertising, via public contributions to price-watch websites, etc.

The GOC draws the Commission's attention to the *Catalogue of Set Prices 2001* as regulated by the NDRC under the State Council. ARW and aluminium are not subject to any pricing controls.

For these reasons, the GOC submits that this question is not relevant to the review.

C2.7 The Commission 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 level? Explain the role of local Price Bureaus of the National Development and Reform Commission (NDRC) bureau (Price Bureaus) and provide copies of the *Price Law 1997*;

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The GOC has limited powers to guide the price of a small number of goods and services, including electricity prices, when that is strictly necessary. Please refer to the Price Law 1997 at Attachment 54.

The Price Law protects market pricing, except in exceptional and limited circumstances. Article 18 of the Price Law states that:

The government shall issue government-set or guided prices for the following merchandises and services if necessary:

1. *The few merchandises that are of great importance to development of the national economy and the people's livelihood;*
2. *The few merchandises that are in shortage of resources;*
3. *Merchandises of monopoly in nature;*
4. *Important public utilities;*
5. *Important services of public welfare in nature.*

Through Article 18 the GOC has retained the power to influence the price of a limited number of goods and services where it is necessary to protect against social and economic harm and to maintain fair and proper competition.

Additionally, the GOC reminds that electricity – because of its nature - is largely regulated in other countries. For example, the GOC refers to the regulation of electricity in Australia by the Australian Energy Regulator.²⁰

- (b) Provide the names of all the agencies (including details of Price Bureaus) in each region, province or special economic zone responsible for electricity price regulation.

Local Development and Reform Commissions (or the price bureaus subordinated to LDRC where applicable) are responsible for electricity price regulation, in coordination with the NDRC.

- (c) How does the government's electricity policy apply to or promote the aluminium industry?

The electricity price policy faced by the aluminium alloy industry is the same as that faced by any other industry. Large consumers of electricity, such as the primary aluminium sector, can receive differential electricity pricing. This is in recognition of the "bulk" nature of their purchases. The price differentials when compared with general use electricity are small, and are not "preferential" such as does apply in the case of some agricultural sectors in China.

- (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 aluminium production?

There is no statutory ability for administrators of "zones" to decide or regulate electricity tariffs. These are decided by provincial and central NDRC or by price bureaus. Zone administrations have no authority to regulate electricity prices.

C2.8 Provide fully translated copies of the two most recent *Five-year Plans* at **all levels** of the GOC (including, central, regional, provincial and for any special zones, areas or other such regions), as well as the original

²⁰ <http://www.aer.gov.au>

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Chinese versions.

Please refer to the *11th Five Year Plan* and the *12th Five Year Plan* (Attachments 55 and 56 respectively).

The GOC wishes to draw attention to a change in the description of the GOC's aspirations for the primary aluminium sector from the 11th Five Year Plan to the 12th Five Year Plan which must be of importance to the Commission.

Chapter 13, Section 1 of the 11th Five Year Plan provided as follows:

Control the total quantity of electrolytic aluminium, moderately develop alumina, encourage the development of deep aluminium processing and new type alloy material and enhance the comprehensive utilization level of aluminium industrial resources.

This extract was specifically quoted in Report No 181. The Commission claimed that this supported its conclusion that a "particular market situation" existed, in that it was, in the Commission's view, a statement that:

...clearly articulate[d] the GOC's desire to re-structure, develop and in some cases "control" aspects of the domestic aluminium industry, and display the importance placed by the GOC on the development of its aluminium industries.

The GOC notes, therefore, that the element of "control" mentioned in the 11th Five Year Plan clearly and fundamentally contributed to the Commission's particular market situation finding. In that context the GOC further notes that the 12th Five Year Plan has only one reference to aluminium ("electrolytic aluminium") and that the reference makes no mention of controlling quantities at all.

Instead, the GOC's aspirational statement in Chapter 9, Section 4 provides as follows:

Stick to market-based operations, give play to the role of enterprises as market players, improve related policies and eliminate institutional barriers. Drive advantaged enterprises to carry out alliance, cross-regional merger and reorganization, and increase industry concentration with focus on automobile, iron and steel, cement, machine building, electrolytic aluminium, rare earth, electronic information and pharmaceutical industries, etc. Promote independent brand building, improve brand value and effects, and accelerate the development of large enterprises with world-famous brands and core competencies.

The emphasis on maintaining market-based operations is clear, as is the GOC's desire to achieve macro-economic and institutional reforms, to allow enterprises to have full play in the market, and to encourage the development of more efficient and more environmentally sustainable industries out of the presently fragmented and environment ally inefficient industry situations in a number of sectors.

The GOC has to presume that the lack of any reference to "control" of the quantity of primary aluminium in the 12th Five Year Plan – indeed, the change from a specific reference to "control" to the omission of that reference - is of fundamental importance to the Commission's considerations in relation to the review period.

GOC's Guidelines for accelerating the restructuring of the Aluminium Industry

C2.9 Have there been any changes to the content or operation of *Guidelines for accelerating the restructuring of the Aluminium Industry* since the GOC last responded to the Anti-Dumping Commission (or the ACBPS).

Have there been amendments to the *Guidelines for accelerating the restructuring of the Aluminium Industry* since it was last provided to the Commission (or the ACBPS)? If so, provide a copy of the current *Guidelines for accelerating the restructuring of the Aluminium Industry* incorporating and highlighting all such amendments.

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There have been no amendments to the *Guidelines for accelerating the restructuring of the Aluminium Industry* since it was last provided to the Commission.

Price Law of the People's Republic of China

C2.9 Have there been any changes to the content or operation of the *Price Law of the People's Republic of China* (Price Law) since the GOC last responded to the Anti-Dumping Commission (or the ACBPS).

Have there been amendments to the Price Law since last being provided to the Commission (or the ACBPS)? If so, provide a copy of the current Price Law incorporating and highlighting all such amendments.

The GOC has further liberalized the state pricing system, for example by way of further liberalisation of prices of railroad and air cargo transportation.

(a) Article 27 of the Price Law states that the government shall:

“...establish a **price regulation fund** to control and stabilise the market” [emphasis added]

(i) What form does the ‘price regulation fund’ take generally and what department, agency or authority of the GOC is responsible for the fund?

The fund of this kind should be interpreted as a “price moderation fund”. The purpose of such a fund is to help vulnerable groups of people to survive sharp fluctuations in the market prices of daily necessities, such as might occur in a period of inflation. This policy target is reflected in the fact that these Articles are found within Chapter Four of the Price Law, headed “*Moderation of General Price Level*”, which relates to attempts to avoid “spikes” for daily necessities where possible and appropriate.

There are presently no uniform specific collection and administration measures for any “price moderation fund” at the central government level. The GOC notes that some local governments have formulated their own local regulations in accordance with the Price Law.

(ii) What ‘price regulation fund’ regulations have applied to ARW and aluminium products since 1 July 2008?

There is no “price regulation fund” for ARW or aluminium products in China.

(b) Article 28 of the Price Law 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” [emphasis added]

(i) What ‘price monitoring system’ has been established generally and what department, agency or authority of the GOC is responsible?

The NDRC has established and improved the following four price monitoring systems since 2005:

- Monitoring Report System for Price of National Important Consumption Goods and Service;
- Monitoring Report System for Price of National Important Energy;

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- Monitoring Report System for Price of National Important Means of Production; and
- Monitoring Report System for Price of National Important Cash Crops.

The GOC notes that price monitoring is neither price administration nor administrative intervention. Instead, the purpose of price monitoring is to allow the GOC to understand the price changes in the markets for important goods and services, based on which the GOC can analyse and judge economic situations which are presented by those changes.

NDRC and its provincial and local counterparts are responsible for price monitoring for their jurisdictional areas respectively.

The GOC understands that the Reserve Bank of Australia, the Australian Bureau of Statistics and the Australian Competition and Consumer Commission all have price monitoring roles.

- (ii) What 'price monitoring system' has applied to aluminium, aluminium raw materials and aluminium products since 1 July 2008?

At present, only primary aluminium is subject to price monitoring. For example, the Monitoring Report System for Price of National Important Means of Production stipulates the price monitoring only of primary aluminium and alumina.

PART C3 - THE ARW AND ALUMINIUM SECTORS

C3.1

- (a) Provide a detailed explanation with respect to the GOC approval process for adding capacity in the aluminium sector (including ARWs).

First, the GOC would clarify that the ARW sector is not included in the "aluminium sector", instead, it is a sector of the auto manufacturing industry in China. Moreover, the aluminium industry must be classified into at least two sub-sectors:

- the primary aluminium sector;
- the aluminium alloy sector.

There is a separate aluminium alloy sector because aluminium alloys are produced, in many cases, separately and independently from the primary aluminium production in China. Aluminium alloy production starts from primary aluminium, while primary aluminium production starts from alumina.

The GOC did not have any approval process for the ARW and aluminium alloy sectors during the review period.

Any proposal for the adding of capacity in the primary aluminium (electrolyte aluminium) sector during the review period was subject to a process of review by the competent authority. This process is initiated by the making of an application, such as a letter of notification, providing general information about the project concerned such as the name of the investor, the nature of the project, the investment scale and location, etc.

The competent authority will examine the application and may make inquiries about the compliance of the project with related laws. The project will go forward if it is consistent with the requirements of sustainability, resource use, and location as provided by relevant laws and regulations. If these would be exceeded, or if legal requirements would not be met (such as environmental conditions), the competent authority can decline the project application.

The competent authority cannot direct the project proponents on specific operational matters, including capacity. There is no legal regulation stipulating the specific amount of capacity that may be added to national production. This project review function certainly does not allow a competent authority to request modifications in terms of adding or

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reducing capacity concerning primary aluminium.

The GOC notes that the existence of such an approval process for primary aluminium capacity seems not to have had any material effect on the market for aluminium alloy, and certainly the ARW industrial sector is even more remote from that. The market situation of aluminium alloy seems to have been well balanced in terms of supply and demand. The production levels of aluminium alloy seem to be responsive to the demand for the products – such as ARW – that are produced from aluminium alloy. The competitive conditions faced by ARW producers are well-articulated, predictable and robust.

For more details, please refer to answer to the GOC's responses to questions in Section B.

- (b) Does the GOC have the right to request modifications in terms of adding or reducing capacity concerning ARW production? Provide a detailed explanation.

No. These decisions are the responsibility of the companies/proponents themselves.

As mentioned in C3.1(a) above, neither the primary aluminium nor the aluminium alloy sectors include ARW production. Neither the aluminium alloy sector or the ARW sector required approval for adding capacity during the review period.

- (c) Has the State-Owned Assets Supervision and Administration Commission (SASAC), the Ministry of Commerce or NDRC approved the addition or reduction of capacity with respect to ARW or aluminium production or aluminium products since 1 July 2008? If yes, provide a list of these projects.

According to ADN 2014/86, which is the initiation notice for this review, the only relevant period is the period between 2H of 2013 and 1H of 2014.

The aluminium alloy and ARW sectors did not need to apply for approval to add capacity during the review period. Therefore, this question does not apply to the two sectors.

The Ministry of Commerce does not have capacity or function to approve any production capacity addition of primary aluminium. The State-Owned Assets Supervision and Administration Commission (SASAC) also does not have the function of approving the addition or reduction of capacity in the primary aluminium sector, except in the case of capacity expansion decisions involving some State-owned assets.

Although this question is not relevant to this proceeding, for purpose of cooperation, and to the best of the GOC's knowledge, a non-exhaustive list of addition of capacity with respect to primary aluminium production is provided in Attachment 30 - *Production Volume of Primary Aluminium & Aluminium Alloy by ownership* [CONFIDENTIAL ATTACHMENT] and Attachment 31 - *Production Volume of Primary Aluminium & Aluminium Alloy by half year*.

C3.2

- (a) Have there been any changes to the value-added tax (VAT) rebate applicable to exports of the following since 1 July 2008:
- (iii) ARW;
 - (iv) Aluminium, including pre-alloyed aluminium A356 and A356.2 or similar;
 - (v) Aluminium billet capable of being used in ARW production; and
 - (vi) Bauxite.

If yes, provide fully translated copies of any GOC laws, notices or other

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documents regarding these changes, including the relevant appendices.

For purpose of cooperation, please refer to Attachment 57 for GOC notices regarding changes in VAT rebate rates since 1 July 2008 for the four classes of goods at issue.

This is not to detract from the GOC's position which is that only ARW and the ARW market in the review period can be a relevant area of consideration in the context of a "particular market situation" enquiry.

- (b) Provide a schedule showing the VAT rebate rates that have been in effect for all products listed in C3.2(a)(i) to (iv) above from 1 July 2008 to 30 June 2014, by tariff classification.

The information should show:

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

The GOC refers the Commission to Attachment 57- *Schedule of products subject to VAT Rebate 2008-2014.*

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

No.

Again the GOC is not aware of the relevance of this question to the analysis of a situation that is confined to the review period.

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 2008.

Please see Attachment 58 for GOC notices regarding any changes in export tax rates for all products listed in C3.2(a)(i) to (v) above since 1 July 2008.

- (b) Provide a schedule showing the export tariff rates that have been in effect for all products listed in C3.2(a)(i) to (iv) above from 1 July 2008 to 30 June 2014, by tariff classification.

The information should show:

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

Please see Attachment 58 – *Schedule of products subject to export duty 2008-2014.*

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

No. The GOC is not aware of the relevance of this question to the analysis of a situation that is confined to the review period.

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 (iv) above since 1 July 2008.

Please see Attachment 59 for GOC notices regarding any changes in import tax rates applicable to the four goods listed above since 1 July 2008.

- (b) Provide a schedule showing the import tax rates that have been in effect for all products listed in C3.2(a)(i) to (iv) above from 1 July 2008 to 30 June 2014, by tariff classification.

The information should show:

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

Please see Attachment 59 - Schedule of products subject to import duty 2008-2014 for a schedule as required.

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

No. The GOC is not aware of the relevance of this question to the analysis of a situation that is confined to the review period.

- C3.5** Are there (or have there been) any **export** restrictions (quantity, price or restricted access to certain enterprises) placed on any of the products listed in C3.2(a)(i) to (iv) above since 1 July 2008? If so, provide details.

Please see Attachment 60 - Summary of any changes to the export restrictions 2008-2014 and Attachment 61 - List of goods subject to export quota in 2013 for a summary of any changes to the export restrictions applicable to exports of the four goods listed above since 1 July 2008.

- C3.6** Are there (or have there been) any **import** restrictions (quantity, price, or restricted access to certain enterprises) placed on any of the products listed in C3.2(a)(i) to (iv) above since 1 July 2008? If so, provide details.

Please see Attachment 62 - Schedule of products subject to import quota 2008-2014 for a summary of any changes to the import restrictions applicable to exports of the four goods listed above since 1 July 2008.

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

Is aluminium 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.

Please see Attachment 63 - *Schedule of products subject to prohibition of processing trade 2008-2014* for a summary of any changes to the applicable processing trade restrictions to exports of the four goods listed above since 1 July 2008.

“Processing trade” refers to the business activity involved in processing or assembling a product using only or partly imported raw materials, subsidiary materials, spare parts, components and packing materials, while still in bond, after which the finished products are re-exported. It also includes processing of materials provided by overseas clients, where the foreign clients provide the imported materials and are responsible for selling the finished products. In this scenario, the processing enterprise collects the processing fee without paying for the imported raw materials.

The *Law concerning the Processing Trade* (see Attachment 116) is not specific to the primary aluminium, aluminium alloy or ARW industries.

Primary aluminium processing for export has been on the *Catalogue of Prohibited Commodities in Processing Trade* (see Attachment 66) since late April 2007. This was done to discourage mere processing, which caused heavy pollution and high energy consumption during production of primary aluminium.

Please refer to the following Attachments:

- Attachment 64 - *Announcement concerning the processing trade (2010)*;
- Attachment 65 - *Additional catalogue of Prohibited Commodity Catalogue (2010)*;
- Attachment 66 - *Catalogue of Prohibited Commodities in Processing Trade (2009)*;
- Attachment 67 - *Prohibited Commodity Catalogue (2009)*; and
- Attachment 68 - *Catalogue of Prohibited Commodities in Processing Trade (2007)*.

C3.8 Are there (or have there been) any **export license** restrictions on any of the products listed in C3.2(a)(i) to (iv) above since 1 July 2008? If so, provide details.

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

Please see Attachment 69 - *Summary of any changes to the export license restrictions 2008-2014* for a summary of any changes to the export license restrictions applicable to exports of the four products listed above since 1 July 2008.

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 (iv) above since 1 July 2008? If so, provide details.

No. In this regard please note that bauxite is automatically licensed for importation.

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

Not applicable, in that there are no “restrictions”.

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C3.11 The following questions ask for more specific information regarding certain aluminium SIEs. For each entity identified as part of your response to question B3, which is an SIE, provide.

- (a) full details on GOC ownership and control;
- (b) full details and ownership of the entity's parent;
- (c) if the parent entity is a subsidiary of another company, details on the ownership of that company;
- (d) each entity's complete organizational structure for all subsidiaries and associated entities;
- (e) indicate if they, or any of their subsidiary or associated entities are involved in the production or sale of ARWs and/or other aluminium products;
- (f) the entity's full name and address; and
- (g) a copy of the entity's 2012 and 2013 annual reports.

The GOC notes the request of the Commission. However, the GOC respectfully draws the Commission's attention to Articles 7 and 10 of the *Interim Measures for the Supervision of and Administration of the Assets of State-Owned Enterprises*, which note the separation between the GOC and any entities in which it has an investment.

The GOC does not collect much of the information requested by Commission, and has researched what publicly available information there might be. Because it was gathered from publicly available information, the GOC does not guarantee that this information reflects every detail of the relevant businesses. However the GOC would trust that the information is accurate, given laws in many countries about financial reporting and accuracy in announcements (eg Annual Reports and continuous disclosure).

The GOC does not believe that any imputations can be made about claimed non-commercial operation of State-invested enterprises simply because of their ownership. This proposition has been confirmed, in a different context, by WTO authority, and has been applied in Australia. The GOC believes that Commission will not find that any primary aluminium, aluminium alloy or ARW-using aluminium "public bodies" exist, as they do not possess or exercise governmental authority in any way, shape or form, and are not vested with governmental authority.

Having said so, for purpose of cooperation and to the best of its knowledge, the GOC provides, at Attachment 70 and 71, lists of aluminium alloy SIEs for 2013 and 2014 [CONFIDENTIAL ATTACHMENTS] and at Attachments 72 and 73, lists of primary aluminium SIEs for 2013 and 2014 [CONFIDENTIAL ATTACHMENTS]. Each list contains:

- the entity's full name and address;
- description of business scope, indicating if they are involved in the production or sale of ARWs and/or other aluminium products; and
- full details on GOC ownership to the extent that public information available.

C3.12 The following questions relate to the Changjiang River Exchange.

- (a) Explain in detail, the GOC's oversight of the Changjiang River Exchange, including an explanation of the role and functions of the government body that is responsible for establishing securities market regulations with respect to the Changjiang River Exchange.

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The GOC does not know of any “Changjiang River Exchange” operating within China. The GOC believes Customs may be referring to the “Shanghai Yangtsi Non-ferrous Metal Network”²¹ and/or some other e-commerce websites. The GOC confirms that, to the best of GOC’s knowledge, “Changjiang River Exchange” is a nonferrous metal spot market, and a privately owned information company, not a futures exchange, which trades aluminium futures contracts. There are no securities market regulations with respect to the Changjiang River Exchange.

- (b) Provide the annual reports for the Changjiang River Exchange for the two year period prior to 30 June 2014.

Please refer to the GOC response to question C3.12(a).

- (c) Provide a list of the Changjiang River Exchange’s member companies that had aluminium futures contract trading rights during the review period.

Provide the companies’ full names and addresses.

Indicate which companies are SIEs and which companies are otherwise associated with the GOC, as per the definition of associated persons found in the glossary. Also, indicate which companies are involved in the production or selling of aluminium and/or ARWs.

Please refer to the GOC response to question C3.12(a).

- (d) In addition to the trading of aluminium futures contracts, does the Changjiang River Exchange also have an aluminium (including pre-alloy aluminium A356 and/or A356.2 or similar) spot market?

Please refer to the GOC response to question C3.12(a).

- (e) Provide the monthly trading volume and average settlement price for aluminium futures contracts, and spot settlement prices if spot trading occurs, for every month during the review period (1 July 2013 to 30 June 2014).

Please refer to the GOC response to question C3.12(a).

C3.13 The following questions relate to other Chinese aluminium commodity exchanges.

- (a) Aside from the SHFE and Changjiang River Exchange, list the names and addresses of any other Chinese domestic commodity markets that have a physical exchange, or spot market, for aluminium.

The GOC does not have full and exhaustive command of information about the spot markets of primary aluminium and/or aluminium alloy around China, as they are very competitive, mostly private, and face minimal regulation. Having said so, for purpose of cooperation, the GOC offers some explanations as follow, to the best of its knowledge.

²¹ www.sccj.com

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1	<p>Active trading and competitiveness on the primary aluminium and/or aluminium alloy markets</p> <p>Spot trading (cash sales for immediate delivery) for primary aluminium and/or aluminium alloy is very active in China. Since the early 1990s, a large number of spot markets for primary aluminium and/or aluminium alloy have been set up in many cities or provinces of China such as Shanghai, Tianjin, Shandong, Guangdong, Yunnan etc. This has arisen in response to the demands of primary aluminium and aluminium alloy producers, traders and downstream processors and end-users. Primary aluminium and/or aluminium alloy spot trading markets have evolved over the past two decades from simple markets with limited functions, to modern multifunctional markets supported by new information technologies. Spot markets enjoy full autonomy in their business operation and generally adopt flexible trading approaches to provide high-quality services to buyers and sellers. To be successful it is necessary for them to adhere to the principles of fairness, impartiality and publicity; to trade in genuine goods at fair prices; and to provide quality service, efficiency and standardized management.</p> <p>For example, the Nonferrous Metals Trading Market of Shanghai Material Trading Centre was established in 1992 and is composed of more than 170 sales representatives of aluminium manufactures, downstream user and traders. In the past, the Nonferrous Metals Trading Market of Shanghai Material Trading Centre only focused on providing workplaces and information services. It is now gradually realizing the goal of forming a large-scale physical trading platform, establishing financial settlement and goods distribution system, and developing a virtual market characterized by e-commerce. This will enable it to provide comprehensive, timely, accurate information and quality services to both sellers and buyers in the market. Other spot markets also have succeeded in providing more complete service offerings and have improved service quality in recent years.</p> <p>Additionally, the Nonferrous Metals Trading Market of Shanghai Material Trading Centre is recognized as an internationally competitive market. MetalMiner,²² a resource base which provides a global perspective on the metals market including identifying trends, market analysis, insight and more, began updating some of its source data with information from China from January 2014. This recognition and inclusion of Chinese data indicates that the Nonferrous Metals Trading Market of Shanghai Material Trading Centre is seen as a competitive global market that is relevant to price setting in a global sense.²³</p>
2	<p>E-commerce</p> <p>In addition, e-commerce trading of primary aluminium and/or aluminium alloy has also been developing rapidly in China and while specific research on this is not available at this time, the GOC understands that it now represents a significant share of the domestic market.</p> <p>There is no official record of the first primary aluminium and/or aluminium alloy e-commerce website, nor does the GOC keep official statistics on the number of existing primary aluminium and/or aluminium alloy e-commerce websites. Generally speaking, most e-commerce websites in the primary aluminium and/or aluminium alloy sectors were established in the 1990s and early 2000s. For example:</p> <ul style="list-style-type: none">• i-metal was established in 2000;²⁴ and• Metal China was established at the end of the 1990s.²⁵

22 <http://www.metalminer.com/about/>

23 Source: The Monthly MMI: Stepping in Oil, MetalMiner.

24 <http://www.imetal.com>

25 <http://www.metalchina.net/>

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A simple Google search reveals that there are literally hundreds of e-commerce websites participating in buying and selling in the primary aluminium and/or aluminium alloy industries in China. Among these, over 40 websites appear to be significant in size and scope. Through these web sites, the more significant participants provide a full scale of services online, including but not limited to information delivery and update, membership management and payment assistance, to ease the trading process and enhance the success of trades.

The larger websites list hundreds of thousands of members. Most of them have teamed up with other associations, banking organisations and/or e-commerce websites.

For some of the more successful sites, typical daily visits and click rates can reach over one hundred thousand in number, leading to a large volume of daily leads. For example, at the China Aluminium Network website²⁶ daily visits average over 60,000, and daily click rates averaged over 90,000.

All of these aluminium e-commerce sites are voluntary and privately established by primary aluminium and/or aluminium alloy trading or manufacturing companies, industries guilds or professional associations. The government plays no role in their establishment or operations.

The e-commerce site "i-Metal" is a good example of this phenomenon in the Chinese primary aluminium and/or aluminium alloy market place. i-Metal was founded in March 2000 by Asia Aluminium Holdings (AAH, see www.asiaalum.com), which operates China's largest aluminium extrusion and fabrication business and is listed on the Stock Exchange of Hong Kong.²⁷ i-Metal is a typical example of the development of E-commerce in the primary aluminium and/or aluminium alloy industries in China. The highly developed nature of the Chinese primary aluminium and/or aluminium alloy spot markets and the importance of aluminium E-commerce websites and the public Shanghai Futures Exchange are indicative of a highly sophisticated and well-functioning domestic market characterized by the transparent free flow of pricing information, resulting in intense competition and fair primary aluminium and/or aluminium alloy pricing mechanisms.

The characteristics of the Chinese aluminium market favors the development of a very active B2B market-space to expand market access, to improve information exchange for market participants, to reduce marketing costs for suppliers, to reduce procurement costs for buyers, to increase supply chain efficiency and to maximise the usage of all market resources.

3 Market fragmentation

It is important to understand that the Chinese primary aluminium and/or aluminium alloy industries are different from most overseas aluminium markets in that they are highly fragmented, and there is an aluminium alloy sector in place that is materially independent of the primary aluminium sector. The top ten aluminium producers in China control only a modest portion of the domestic market. By contrast, in the US, the top ten producers control a large portion of the market.

Since no company in China controls a large market share, no producer, trader, nor downstream processor or user in the market is able to exert market power or control over the market. The market continues to be characterized by fierce price competition. In other words, competition in the primary aluminium and/or aluminium alloy market is intense. The level of marketisation of SIEs and former SIEs who participate in the market is also very high. In short, according to standard industrial economics, the primary aluminium and/or aluminium alloy markets in China are perfectly competitive, as opposed to their counterparts in Australia or the US., which may have to be considered as "oligopolistic markets",

²⁶ <http://www.alu.com.cn/enNews/NewsInfo-1592.html>

²⁷ www.i-metal.com

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according to the standard industrial economics.

There are no comprehensive official statistics about the spot markets for primary aluminium and/or aluminium alloy in China. Loosely speaking, one trading enterprise is one small spot market, because (1) they themselves may have its own inventories or warehouses for spot market trading, (2) they have knowledge about where to find spot market or inventories elsewhere in the an area with reasonable transportation distance. Therefore, to the best of GOC's knowledge, and for purpose of cooperation, the GOC provides a list of trading businesses of aluminium alloy and primary aluminium at Attachment 74.²⁸

4 Trade fairs

There are also a number of trade fairs/exhibitions, which play an important role of facilitating spot trading of aluminium alloy and primary aluminium. To the best of the GOC's knowledge, and for purpose of cooperation, the GOC provides a list of trade fairs/exhibitions covering aluminium alloy and primary aluminium at Attachment 75.²⁹

- (b) Explain in detail, the GOC's oversight of these aluminium spot markets, including an explanation of the role and functions of the government body that is responsible for establishing commodities market regulations with respect to these aluminium spot markets.

There is no specific government body that is responsible for establishing commodities market regulations concerning these primary aluminium and/or aluminium alloy spot markets. The spot markets operate privately, without specific government intervention or supervision. They operate under normal market conditions and carry out purchases and sales based on the commercially free play of negotiations between independent parties.

- (c) Provide any official trading rules governing the trading of aluminium on these other spot markets.

There are no official (ie GOC-directed) trading rules governing primary aluminium and/or aluminium alloy trading on these other spot markets. Transactions occurring in these markets are subject to basic commercial and contract laws.

- (d) Provide the monthly trading volume and average spot price for aluminium for each of these other aluminium spot markets for every month during the investigation period (1 July 2013 to 30 June 2014).

The GOC does not track or collect the data for the spot markets mentioned herein, and it has not been able to collect this information in the time provided. Collecting this information would have required the mobilisation of a very large group of officials in multiple locations.

- (e) Explain any GOC restrictions to either the volume or prices placed on these aluminium spot markets.

There is no government restriction on volume or prices placed on these primary aluminium and/or aluminium alloy spot markets. The volume and prices depend on completed trading and are influenced by supply and demand relations.

28 <http://www.cnal.com/company/c85-j0-l0-t0-s0.shtml>

29 <http://www.chinania.org.cn/html/huiyizhanlan/>

SECTION D: SUBSIDIES

INVESTIGATED PROGRAMS

ORIGINAL INVESTIGATED PROGRAMS

In the original investigation REP 181 conducted by the ACBPS, 56 subsidy programs were investigated. Of those, ACBPS found that ARWs exported from China to Australia received financial contributions in respect of the goods that conferred a benefit under 34 subsidy programs. These were (according to their original numbering):

Program 1: Aluminium provided by government at less than fair market value;

Program 4: Preferential income tax for hi-tech enterprises;

Program 5: preferential tax policies for western development "*Go west*" strategy;

Program 6: Preferential tax policies for FIEs established in the coastal economic open areas and in the economic and technological development zones;

Program 7: Reduced tax rate for productive FIEs scheduled to operate for a period not less than 10 years;

Program 8: Preferential tax policies for FIE export enterprises whose annual output value of all export products amounted to 70 per cent or more;

Program 9: Preferential tax policies for FIEs which are technology-intensive and knowledge-intensive;

Program 11: Preferential tax policies for FIEs in State high- or new-technology industrial development zones, and for advanced technology enterprises invested in and operated by FIEs;

Program 13: Preferential tax policies for enterprises transferring technology;

Program 14: Preferential tax policies for enterprises making little profit;

Program 21: Grants for encouraging the establishment of headquarters and regional headquarters with foreign investment;

Program 22: Preferential tax treatments for new hi-tech enterprises (NHTEs) in special zones;

Program 29: Patent award of Guangdong Province;

Program 31: Exemption of tariff and import VAT for imported technologies and equipment;

Program 32: 100 per cent refund of VAT to FIEs on purchasing unused domestic equipment with currency in China;

Program 35: Matching funds for international market development for SMEs;

Program 36: Innovative Experimental Enterprise Grant;

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- Program 37:** Special Support Fund for non-State-owned enterprises (NSOEs);
- Program 38:** Venture Investment Fund for Hi-Tech Industry;
- Program 39:** Superstar Enterprise Grant;
- Program 40:** One-time awards to enterprises whose products qualify for "Well-Known Trademarks of China" or "Famous Brands of China";
- Program 41:** Technology assist;
- Program 42:** Export subsidies;
- Program 43:** SME assist;
- Program 44:** Environmental subsidies;
- Program 46:** Government Incentives for the Top Taxpayer of the Year-Qinhuangdao City;
- Program 47:** Financial Support from China Postdoctoral Science Foundation;
- Program 48:** Foreign Trade Public Service Platform Development Fund;
- Program 50:** Patent Application Fee Subsidy;
- Program 51:** Enterprise Development;
- Program 53:** New Product Trial Production;
- Program 56:** Patent Grants.

This questionnaire asks questions about these subsidy programs.

Note: 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 authorized 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 ARWs 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.

PART D1 - GENERAL QUESTIONS

For **each of the 34 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

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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 ARWs and aluminium during the review period.

For the 34 programs identified above which were investigated in the original investigation, it is only necessary to answer the questions and provide documents to the extent that there has been a change in the answer since the original investigation.

The GOC will respond to the questions in relation to “Program 1” by way of rebuttal, and in relation to other “programs” only if the selected exporters have reported usage of them. Given that all the selected exporters in this review participated in the original investigation, the answers only cover usage during the period since the original investigation period.

1 PROGRAM 1 Aluminium provided by government at less than fair market value

There is no such subsidy program.

The GOC rejects the claims:

- that aluminium supplier enterprises with State investment are “public bodies”;
- that sales of primary aluminium or of aluminium alloy constituted any “financial contribution” or conferred any “benefit” on the selected exporters during the review period;
- that the alleged “program” is capable of conferring a subsidy that is “specific” to the selected exporters.

Furthermore, it must be recognised that aluminium alloy and primary aluminium are different materials. According to the GOC’s research, in all but the most minimal number of cases aluminium alloy is produced in separate factories by enterprises that are separate from the enterprises that supplied the primary aluminium to them. It can be observed that:

- the products have different physical characteristics/specifications - see Attachment 12 - *Professional paper on aluminium alloy and primary aluminium (1994)* for an explanation of these differences;
- the products have different production processes - see Attachments 23 - *Usage of Aluminium Alloy (2010)* and Attachment 24 – *Usage guidelines for aluminium* for an explanation of these production differences;
- the products have different prices - see Attachment 14- *Different prices and movement trends – Aluminium*; Attachment 15 - *Different prices and movement trends- Aluminium Alloy*; Attachment 16 - *Aluminium Alloy Price at SMM and LME from September 2013 to July 2014*; Attachment 17 - *Primary aluminium price at SHFE and LME in CNY from January 2013 to June 2014*; and Attachment 18 - *Primary aluminium price at SHFE and LME in USD from January 2013 to June 2014* for information about these differences;
- the products have different usages - see Attachment 24 – *Usage guidelines for aluminium* for explanations of these differences;
- reflecting all of the above, the products have different customs codes - see Attachment 19 – *Copy of Customs description of aluminium alloy and primary aluminium* for the separate customs code.

To the best of the GOC’s knowledge, none of the selected exporters in this review under CVD review directly used primary aluminium as an input to their ARW production during the review period. In a small number of cases one or two of the selected exporters purchased limited amounts of primary aluminium for processing by third parties into the

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kind of aluminium alloy that they then used in their ARW production.

In other words, enterprises that produced primary aluminium – whether public bodies or not – did not provide aluminium to the manufacturers of the like goods. The questions of “benefit” and of “adequate remuneration” cannot be considered in relation to primary aluminium producers. It simply does not make sense for the Commission to carry on with an analysis that seeks to determine whether “public bodies” provided goods to the ARW producers concerned at less than adequate remuneration when that analysis is not focussed on the enterprises that actually provided the goods to those producers nor on the remuneration received by them.

Primary aluminium manufacturing provides the input for the production of aluminium alloy (A356.2). Aluminium alloy is the actual input purchased by the ARW producers, not primary aluminium. It is incorrect for the Commission to base its determination of the nature of the suppliers and the conferral of a benefit on the wrong suppliers and the wrong product.

Despite the foregoing, and to help the Commission better understand the operation of the aluminium alloy and primary aluminium markets in China in general, and the commercial transactions between the selected exporters and the aluminium alloy producers in particular, the GOC will provide responses to certain of the questions below to the best of its knowledge. The responses are not intended to and do not detract from the GOC’s rejection of the proposition that this so-called Program 1 – “aluminium provided by government at less than fair market value” – exists.

D 1.1 Previously provided documents

The GOC was asked during the original investigation to provide documents listed in Appendix D in respect of section D of the questionnaire. For those documents listed in Appendix D that have been superseded or replaced, please provide updated versions of the documents.

Please refer to versions of the relevant documents that have been updated (where such superseding or replacing documents are available) at Attachment B.

D1.2 Provide details of the program including the following:

- (a) policy objective and/or purpose of the program;

There is no such program as alleged or as was determined in the original investigation. The policy objective and/or purpose of the GOC in regard to industrial regulation is to make the market play the decisive role in resource allocation in the industry and in the market economy as a whole.

- (b) legislation under which the subsidy is granted;

There is no such program as alleged or as was determined in the original investigation. Commercial and civil law, such as contract law, property law, the law of commercial notes, and accounting law, amongst others, govern the operation of the commercial transactions that relate to the sale of goods in China, including the sale of aluminium alloy (eg A356.2) and primary aluminium (eg A000).

- (c) nature or form of the subsidy;

There is no such program as alleged or as was determined in the original investigation. The nature or form of the subsidy is alleged to be “aluminium provided by government at less than fair market value”. However, as explained above, there was no such program in China before the review period; there was not one during the review period; and there has not been one since. The productive inputs concerned (aluminium alloys) are purchased by the selected exporters in commercial transactions, or are sourced through third party processing contracts, that take place in a business setting pursuant to the laws of China. Those laws are published, transparent, and enforced, and are similar in legal concept and

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form to the laws of other countries.

(d) when the program was established;

There is no such program as alleged or as was determined in the original investigation. To the best of the GOC's knowledge, the aluminium alloy sector and market in China emerged in the 1980s, and the aluminium road wheels sector started to emerge and develop in China in the late 1980s. China has had a well-established market economy system and structure in place for at least two decades. China's market economy is fully supported by the rule of law in all facets.

(e) duration of the program;

There is no such program as alleged or as was determined in the original investigation. The aluminium alloy market and industry continues to flourish and develop in accordance with the principles of supply, demand, entrepreneurship and self-determination.

(f) how the program is administered and explain how it operates;

There is no such program as alleged or as was determined in the original investigation. The commercial transactions in aluminium alloy are administered and driven by the supply and demand conditions in the market. Sellers and buyers negotiate prices, quantities, terms of payment and delivery, etc. among themselves.

(g) to whom and how is the program provided; and

There is no such program as alleged or as was determined in the original investigation. There is no limitation on purchasers or on the purchasing of aluminium alloy in China. All prospective purchasers, whether individuals or legal persons, Chinese or foreigners, are eligible to purchase a quantity to meet their own needs, at a price agreed between them and the sellers. Futures markets, such as the Shanghai Futures Exchange ("SHFE") and the London Metal Exchange ("LME") play an important role in generating prices. E-commerce websites also play an important role in matching supply and demand for aluminium alloy, thereby arriving at the prices on the market in China. For more details of business transactions involving aluminium alloy, the Commission may wish to consult with the selected exporters involved in this review.

(h) the eligibility criteria in order to receive benefits under the program.

There is no such program as alleged or as was determined in the original investigation. The only "eligibility criteria", if any, in order to receive commercial "benefits" from purchasing a piece of aluminium alloy is to pay, or to be able to pay, the full price on time to a bank account or as otherwise agreed with the seller. The GOC encourages the Commission to consult with the selected exporters in this review for more information on the commercial terms to which they agree in the purchase contracts used for their transactions during the review period.

D1.3 Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports pertaining to the program published during or since the review period.

There is no such program as alleged or as was determined in the original investigation. Accordingly, there can be no law or regulation specifically related to the alleged program. The ARW and aluminium alloy producers and suppliers concerned with this review are companies that are all subject to the normal legislation of China governing company formation, financing, governance and business activity in China.

These laws and regulations include, but are not limited to, the following:

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- **Company Law (Attachment 46);**
- **Contract Law (Attachment 76);**
- **Regulations on Company Registration (Attachment 77);**
- **Law of Security (Attachment 78);**
- **General Principles of Civil Law (Attachment 79);**
- **Property Law (Attachment 80);**
- **Bankruptcy Law (Attachment 81);**
- **Anti-monopoly Law (Attachment 82);**
- **Labor Law of China (Attachment 83);**
- **Law of Commercial Arbitration (Attachment 84);**
- **Law of Civil Procedure (Attachment 85);**
- **Law of Commercial Notes (Attachment 109);**
- **Anti-Unfair Competition Law (Attachment 87);**
- **Law of Accounting (Attachment 89); and**
- **Labor Contract Law of China (Attachment 90).**

D1.4 Provide copies together with translations in English of all legislative, regulatory, administrative and public documents relating to this program.

Please refer to the GOC's answer to question D1.3 above.

D1.5 Identify the GOC department, agency or authority responsible for administering the program.

There is no "GOC department, agency or authority" responsible for administering any such alleged program. Within the aluminium alloy industry sector, producers are free to sell their products to any purchaser - domestic or foreign - for any negotiated price and to purchase their primary aluminium from any supplier - domestic or foreign - for any negotiated price. The GOC does not impose any limitation on the supply or consumption of either aluminium alloy or of primary aluminium whether by law or policy. Sales and purchases are necessarily dictated by the market and driven by the forces of supply and demand.

D1.6 Identify and explain the types of records maintained by the relevant GOC department, agency or authority (e.g., accounting records, company-specific files, databases, budget authorizations, etc.) regarding the program.

There is no such program as alleged or as was determined in the original investigation. Sellers and purchasers are required to keep the commercial documents that are generated during the ordinary course of businesses for purpose of accounting, auditing, and taxation. These documents include contracts, offers and counter-offers, faxes, invoices, payment notes, etc

D1.7 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, 4, 5, 6, 7, 8, 9, 11, 13, 22 and 31 – the review period;
- (b) Programs 21, 29, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47,

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48, 50, 51, 53 and 56 - the period 1 July 2011 to 30 June 2014.

Provide, on an annual basis by calendar year (separating July – Dec 2006 and January – June 2011) the amount(s) and/or nature of the benefit or concession granted (monetary and/or non-monetary) under the program.

There is no such program as alleged or as was determined in the original investigation. Each of the selected exporters will have purchased and used large quantities of aluminium alloy during the review period. For details about the quantity and price, please consult with those exporters in this review.

D1.8 Answer the following questions regarding the application process:

- (a) Describe the application process (including any application fees charged by the GOC department, agency or authority) for the program and provide a blank copy of the application form (translated, if necessary).

There is no such program as alleged or as was determined in the original investigation. The commercial process which takes place for the sale and purchase of aluminium alloy will normally be initiated by way of an invitation by a purchaser for a seller or a group of potential sellers to provide specifications of their aluminium alloy, and the prices thereof. The request may include a need for a special kind of aluminium alloy for the purchaser's requirements, or for the seller to meet the requirement by way of its own invention and design. These invitations may be made either orally or in writing. After reviewing the aluminium alloy specifications and prices or price range, the purchaser may seek to conclude a contract at that time, or may visit the seller to check the details and/or negotiate in person. Once agreement is reached on quantity, price and other commercial terms, a contract is formed, whether oral or written, and evidence of that contract will be generated in the sales, financial and/or accounting systems of each party. These documents are commercial and proprietary in nature. The GOC is not in a position to provide any of them to the Commission however would expect them to be available to the Commission directly from the selected exporters under the usual conditions of confidentiality.

- (b) After an application is submitted, describe the procedures by which an application is analysed and eventually approved or refused.

When a seller receives an invitation to offer to supply aluminium alloy to a prospective buyer, the seller will be likely to check its inventory and/or production capacity in respect of the product concerned, and then make an offer as required. For buyers with large volume demand, the offer may be made pursuant to the outcome of internal discussions between or among the relevant managers. Director-level executives of the company may become involved according to rules or practices of the seller.

- (c) If the application is approved, provide the approval documents together with any conditions or criteria subject to which the approval is made.

If agreement is reached between the seller and the buyer, they would normally sign a contract or a framework agreement of some other type, detailing the price or pricing mechanism, total quantity, specification of the aluminium alloy, delivery scheduling, and other matters. Price can be stated or can be based on indices such as those provided by the LME, the SHFE or another available price indicator. Formulae in contracts using such indices will invariably include other variables, such as premium, interest, delivery. Volume may also play a part in pricing. The documents generated in the sell-buy transaction are commercial and proprietary in nature. The GOC is not in a position to provide any of them to the Commission however would expect them to be available to the Commission directly from the selected exporters under the usual conditions of confidentiality.

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- (d) If the application is refused, provide the refusal documents together with the reasons for refusal.

If an offer or a counter-offer is refused by either the seller or the buyer, the negotiation process ends. The documents generated in the negotiation process are commercial and proprietary in nature. The GOC is not in a position to provide any of them to the Commission however would expect any such documents to be available to the Commission directly from the selected exporters under the usual conditions of confidentiality.

D1.9 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.

There is no such program as alleged or as was determined in the original investigation. No commercial transactions in aluminium alloy are contingent, whether solely or as one of several other conditions, upon any GOC-directed export performance. Contract law and anti-monopoly law will have some impacts on the commercial terms that private parties decide upon for any commercial transaction entered into in China, such as in terms of prohibiting unfair or discriminatory terms.

- (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.

There is no such program as alleged or as was determined in the original investigation. No commercial transactions in aluminium alloy are contingent, whether solely or as one of several other conditions, upon any GOC-directed domestic preference.

- (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.

There is no such program as alleged or as was determined in the original investigation. No commercial transactions in aluminium alloy are subject to any GOC-directed limitation to enterprises or 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.

There is no such program as alleged or as was determined in the original investigation. No commercial transactions in aluminium alloy are subject to any GOC-directed limitation to enterprises or groups of enterprises.

D1.10 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.

There is no such program as alleged or as was determined in the original investigation. Aluminium alloy transactions are of a volume and value that is determined by the seller and buyer in accordance with their respective capacities to supply and to utilise the aluminium alloy concerned at the price negotiated.

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- (b) Provide a copy of any law, regulation or other official document detailing these criteria.

There is no such program as alleged or as was determined in the original investigation. Accordingly there are no such criteria, and no laws, regulations or other official documents that could be referable to such 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 benefit or is final approval contingent upon the government agency or authority that administers the program?

There is no such program as alleged or as was determined in the original investigation. Please refer to the GOC's other answers to D1.

- (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?

There is no such program as alleged or as was determined in the original investigation. Please refer to the GOC's other answers to D1.

- (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.).

There is no such program as alleged or as was determined in the original investigation. Please refer to the GOC's other answers to D1.

D1.11 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 2008 to 30 June 2014.

There is no such program as alleged or as was determined in the original investigation. To show the wide spectrum of industrial sectors that are technically able to make use of aluminium alloy in China, please refer to the Attachment 91 - *Input-Output Table of 2007* as published by the National Bureau of Statistics ("NBS").

The table details those industries amongst the 135 industry sectors in China that are reported in the table that used and supplied non-ferrous metal smelting products (including aluminium and aluminium alloys) in 2007. This shows that there are more than 111 sectors that are major direct users of non-ferrous metal smelting products (including aluminium and aluminium alloys) in China. Accordingly, it can be seen that there are a vast number of uses for aluminium alloy, and that the type of industries and consumers that purchase aluminium alloy within the economy is highly varied.

The industry or sector in which purchasers, including the selected exporters, can conduct their business is not directed in any way under the law or through any discretion exercised by GOC agencies or authorities.

D1.12 How many applicants received financial assistance/benefit and how many applicants were rejected in the year the financial assistance/benefit was approved and in each of the years from 1 July 2008 to 30 June 2014? Provide the main reasons why applicants were rejected.

There is no such program as alleged or as was determined in the original investigation. To the best of the GOC's knowledge, the major users sectors of aluminium alloy include the

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construction, transportation, machinery, consumer instruments, electrical wires and equipment, and packaging sectors, among others. Please refer to Attachment 27 – *Numbers of enterprises in each of the user sectors* for estimations of the numbers of potential user enterprises in these sectors.

D1.13 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?

There is no such program as alleged or as was determined in the original investigation.

2 PROGRAM 4 Preferential income tax for hi-tech enterprises

The GOC confirms that:

- [CONFIDENTIAL TEXT DELETED – name/s of companies] received a subsidy under this program during the year of 2013; and
- there are no changes required to be made to the GOC's answers about the program from those provided by the GOC in the original investigation.

However, the GOC is unable to confirm whether [CONFIDENTIAL TEXT DELETED – name/s of companies] also received a subsidy under the same program during the financial year of 2014 because [CONFIDENTIAL TEXT DELETED – name/s of companies].

3 PROGRAM 5 Preferential Tax Policies for Western Development “Go West” Strategy

No selected exporter has reported usage of this alleged program.

4 PROGRAM 6 Preferential tax policies for FIEs established in the coastal economic open areas and in the economic and technological development zones

No selected exporter has reported usage of this alleged program.

5 PROGRAM 7 Reduced tax rate for productive FIEs scheduled to operate for a period not less than 10 years: “two years of exemption and three years fifty per cent reduction”

No selected exporter has reported usage of this alleged program.

6 PROGRAM 8 Preferential tax policies for FIE export enterprises whose annual output value of all export products amounted to 70% or more

No selected exporter has reported usage of this alleged program.

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- 7 PROGRAM 9 Preferential tax policies for FIEs which are technology-intensive and knowledge-intensive**

No selected exporter has reported usage of this alleged program.

- 8 PROGRAM 11 Preferential tax policies for FIEs in State high- or new-technology industrial development zones, and for advanced technology enterprises invested in and operated by FIEs**

No selected exporter has reported usage of this alleged program.

- 9 PROGRAM 13 Preferential tax policies for enterprises transferring technology**

No selected exporter has reported usage of this alleged program.

- 10 PROGRAM 14 Preferential tax policies for enterprises making little profits**

No selected exporter has reported usage of this alleged program.

- 11 PROGRAM 21 Grants for encouraging the establishment of headquarters and regional headquarters with foreign investment**

No selected exporter has reported usage of this alleged program.

- 12 PROGRAM 22 Preferential tax treatments for new hi-tech enterprises (NHTEs) in special zones**

No selected exporter has reported usage of this alleged program.

- 13 PROGRAM 29 Patent award of Guangdong Province**

No selected exporter has reported usage of this alleged program.

- 14 PROGRAM 31 Exemption of tariff and import VAT for imported technologies and equipments**

No selected exporter has reported usage of this alleged program.

- 15 PROGRAM 32 Full refund of VAT to FIEs on purchasing unused domestic equipment with currency in China**

No selected exporter has reported usage of this alleged program.

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16 PROGRAM 35 Matching funds for international market development for SMEs

No selected exporter has reported usage of this alleged program.

17 PROGRAM 36 “Innovative Experimental Enterprise Grant”

No selected exporter has reported usage of this alleged program.

18 PROGRAM 37 Special Support Fund for non-State-owned enterprises (NSOEs)

No selected exporter has reported usage of this alleged program.

19 PROGRAM 38 “Venture Investment Fund for Hi-Tech Industry”

No selected exporter has reported usage of this alleged program.

20 PROGRAM 39 Superstar Enterprise Grant

No selected exporter has reported usage of this alleged program.

21 PROGRAM 40 One-time awards to enterprises whose products qualify for “Well-Known Trademarks of China” or “Famous Brands of China”

No selected exporter has reported usage of this alleged program.

22 PROGRAM 41 Technology assist

To the best of its knowledge, the GOC confirms that:

- [CONFIDENTIAL TEXT DELETED – name/s of companies] received a subsidy under this program during the period since the original investigation; and
- there are no changes required to be made to the GOC’s answers about the program from those provided by the GOC in the original investigation.

23 PROGRAM 42 Export subsidies

To the best of its knowledge, the GOC confirms that:

- [CONFIDENTIAL TEXT DELETED – name/s of companies] received a subsidy under this program during the year of 2012; and
- there are no changes required to be made to the GOC’s answers about the program from those provided by the GOC in the original investigation.

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24 PROGRAM 43 SME assist

No selected exporter has reported usage of this alleged program.

25 PROGRAM 44 Environmental subsidies

No selected exporter has reported usage of this alleged program.

26 PROGRAM 46 Government Incentives for the Top Taxpayer of the Year-Qinhuangdao City

No selected exporter has reported usage of this alleged program.

27 PROGRAM 47 Financial Support from China Postdoctoral Science Foundation

No selected exporter has reported usage of this alleged program.

28 PROGRAM 48 Foreign Trade Public Service Platform Development Fund

D 1.1 Previously provided documents

The GOC was asked during the original investigation to provide documents listed in Appendix D in respect of section D of the questionnaire. For those documents listed in Appendix D that have been superseded or replaced, please provide updated versions of the documents.

Please refer to the GOC's answer to the relevant question in Part D.

D1.2 Provide details of the program including the following:

- (i) policy objective and/or purpose of the program;

The purpose of the program is to accelerate the transformation of the development pattern and the restructure of foreign trade, promote the development quality and level of foreign trade in Zhejiang Province.

- (j) legislation under which the subsidy is granted;

The document under which the subsidy is granted is not available for submission.

- (k) nature or form of the subsidy;

Grant.

- (l) when the program was established;

October 2010.

- (m) duration of the program;

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2010 to 2013

(n) how the program is administered and explain how it operates;

The Finance Department and Commerce Department of Zhejiang Province are responsible for the administration of this program. It is then implemented by the finance bureaus and commerce bureaus of local governments in Zhejiang Province. The support funds are granted to construct public service platform which provide service to enterprises in bases.

The support funds must not exceed 50% of total actual investment of the project of public service platform.

The implementation body (ie the applicant) implementing the Public Service Platform Development Project must submit a written application and provide relevant documents to the local commerce department and finance department. The documents of the project are preliminarily reviewed at the local level. The documents and the opinion of the preliminary review are then submitted to the Commerce Bureau and Finance Bureau of Zhejiang Province. Those bureaus organize industry and financial experts to review the Project proposal and to conduct an on-site inspection.

After acceptance of the project, the support funds are granted.

(o) to whom and how is the program provided; and

The support funds are given to the applicant undertaking the Public Service Platform Development Project which provides service to enterprises in the bases. Please refer to the GOC's response to Program 48 question D1.3(f).

To qualify for this program, the applicant must demonstrate that it has the capital, the workplace, the equipment and the personnel required to undertake the service under the Project. The applicant must have the capabilities to provide relevant services to enterprises by way of the equipment or infrastructure concerned. The applicant is required also to enter into a service agreement with the commerce department where the base is located.

(p) the eligibility criteria in order to receive benefits under the program.

Please refer to the GOC's response to Program 48 questions D1.3(f) and (g).

D1.3 Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports pertaining to the program published during or since the review period.

Please refer to the GOC's response to Program 48 questions D1.3(b).

D1.4 Provide copies together with translations in English of all legislative, regulatory, administrative and public documents relating to this program.

Please refer to the GOC's response to Program 48 questions D1.3(b).

D1.5 Identify the GOC department, agency or authority responsible for administering the program.

Name	Finance Bureau of Zhejiang Province
Address	No.37 Huancheng West Road, Hangzhou City
Name	Commerce Bureau of Zhejiang Province
Address	No.468 Yan'an Road, Hangzhou City

D1.6 Identify and explain the types of records maintained by the relevant GOC department, agency or authority (e.g., accounting records, company-

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specific files, databases, budget authorizations, etc.) regarding the program.

Payment records.

D1.7 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:

- (c) Programs 1, 4, 5, 6, 7, 8, 9, 11, 13, 22 and 31 – the review period;
- (d) Programs 21, 29, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 50, 51, 53 and 56 - the period 1 July 2011 to 30 June 2014.

Provide, on an annual basis by calendar year (separating July – Dec 2006 and January – June 2011) the amount(s) and/or nature of the benefit or concession granted (monetary and/or non-monetary) under the program.

[CONFIDENTIAL TEXT DELETED – name/s of companies, numbers], for the implementation period for a development project from 1 July 2011 to 31 December 2012.

[CONFIDENTIAL TEXT DELETED – name/s of companies, numbers] for the implementation period for a development project from 1 January 2010 to 30 June 2011.

D1.8 Answer the following questions regarding the application process:

- (a) Describe the application process (including any application fees charged by the GOC department, agency or authority) for the program and provide a blank copy of the application form (translated, if necessary).

Please refer to the GOC's response to D1.2 (f). There is no application fee charged by the government agency or authority for the program.

- (b) After an application is submitted, describe the procedures by which an application is analysed and eventually approved or refused.

Please refer to the GOC's response to D1.2 (f).

- (c) If the application is approved, provide the approval documents together with any conditions or criteria subject to which the approval is made.

Please refer to the GOC's response to D1.2 (f).

- (d) If the application is refused, provide the refusal documents together with the reasons for refusal.

Please refer to the GOC's response to D1.2 (f). There are no specific refusal documents.

D1.9 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.

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This program is not contingent upon export performance.

- (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.

This program is not contingent upon the use of domestic over imported goods.

- (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.

The support fund is limited to construction projects of public service platform which provide the services to the enterprises in the bases. Please refer to the GOC's response to D1.2 (f).

- (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.

Please refer to the GOC's responses to D1.2 (f) and D1.9(c).

D1.10 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.

The size of the benefit should be equal or less than 50% of the actual expense incurred to the project implementing entity. The actual amount for a specific project will be determined by evaluation of an expert sponsored by the authority.

- (b) Provide a copy of any law, regulation or other official document detailing these criteria.

Please refer to the response to question D1.2(b).

- (c) If the eligibility criteria as listed in the applicable law, regulation or other official documents are met, will the applicant always receive a benefit or is final approval contingent upon the government agency or authority that administers the program?

If the enterprise met the established criteria explained above, it would receive the benefit. No further discretion was exercised by the administering agency.

- (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?

Please refer to response to question D1.10(a) above.

- (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.).

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The contractual agreements between the GOC and companies benefiting from this program are not available.

D1.11 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 2008 to 30 June 2014.

The GOC does not keep such data.

D1.12 How many applicants received financial assistance/benefit and how many applicants were rejected in the year the financial assistance/benefit was approved and in each of the years from 1 July 2008 to 30 June 2014? Provide the main reasons why applicants were rejected.

This information is not available. Please see above response to D1.11.

D1.13 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?

The program was terminated in September 2013. The last date that a company could apply for benefits under the program was 5 January 2013. The last date that a company could receive benefits under the program depended on the review and implementation periods, which may last for one year.

29 PROGRAM 50 Patent Application Fee Subsidy

To the best of its knowledge, the GOC confirms that:

- [CONFIDENTIAL TEXT DELETED – name/s of companies] received a subsidy under this program during the year of 2012; and
- there are no changes required to be made to the GOC's answers about the program from those provided by the GOC in the original investigation.

30 PROGRAM 51 Enterprise Development

To the best of its knowledge, the GOC confirms that:

- [CONFIDENTIAL TEXT DELETED – name/s of companies, numbers] received a subsidy under this program during the years of 2011, 2012 and 2013 respectively; and
- there are no changes required to be made to the GOC's answers about the program from those provided by the GOC in the original investigation.

31 PROGRAM 53 New Product Trial Production

To the best of its knowledge, the GOC confirms that:

- [CONFIDENTIAL TEXT DELETED – name/s of companies] received a subsidy under this program during the year of 2013; and
- there are no changes required to be made to the GOC's answers about the

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program from those provided by the GOC in the original investigation.

32 PROGRAM 56 Patent Grants

To the best of its knowledge, the GOC confirms that:

- [CONFIDENTIAL TEXT DELETED – name/s of companies] received a subsidy under this program during the year of 2012; and
- there are no changes required to be made to the GOC's answers about the program from those provided by the GOC in the original investigation.

PART D2 – ENTERPRISES WITH STATE INVESTMENT

General questions

D2.1 Have there been any changes to the arrangements governing the activities of SIEs since the GOC last responded to the Commission (or the ACBPS).

The Company Law took effect in China in 1994, which was over 20 years ago. This was a significant and far-reaching enactment. It introduced Western corporate norms into a Chinese modern system of enterprise under the socialist market economy structure.

Since then there have been two major amendments in 2005 and 2013, and some other piecemeal amendments and fine tuning of that law in 1999 and 2004, changes which have been designed to further and gradually liberalise the laws and to clarify uncertain aspects. It was not until after the original investigation period that truly major changes were made with regard to the ease of setting up companies and to the predictability of moving them out of the picture in case of business failure.

In the period since the GOC last responded to the Commission (then the ACBPS), the GOC has further liberalised the regime governing the activities of all enterprises doing business in China. This has equalised SIEs and private enterprises to an even greater extent than before, and facilitated greater competition between all companies in all sectors.

In other words, a further liberalisation of the business practices of SIEs has been brought about by changes to the structural requirements for all enterprises and by reinforcing and promoting the private sector of the economy.

The GOC mentions the following reforms for the Commission's consideration.

1 Market entry regime

Since the original investigation period the GOC has reformed the market entry regime, which is applicable to both SIEs and non-SIEs. The previous "paid-up capital" regime has been replaced by a registered (nominal) capital regime. An enterprise will now be issued with a business certificate and a taxation certificate, among other documents, and thereby be eligible to conduct business in China with full legal capacity and status before its shareholders have paid the registered amount of capital in full.

Thus, shareholders of a registered business (except for a publicly listed company) are now allowed to pay in their share of capital according to a schedule in their own discretion, or at the direction of the board of directors, or because required to do so at times of business failure.

To give a practical example, under the former corporate registration regime, a proposed company being promoted by entrepreneurs for, say, the production of aluminium alloy first needed to secure an amount of paid-up capital before becoming entitled to commence its business. Now, it may start its business without any start-up equity. Full equity funding is still an option, however a company can equally get underway on renting or financing its plant, and procuring

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the necessary credit facilities to acquire materials and pay its workers.

The new arrangements also repeal some registration criteria, and simplify the documents to be filed for business registration. For example, a non-publicly listed company will be registered without submitting a capital verification report, and does not have to submit evidence that the company holds assets in its name. The relevant registration authorities are no longer required to verify the existence of paid-up capital.

The requirement that had previously been imposed on foreign investors to make phased payments of capital to FIEs has also been repealed.

The People's Congress amended the *Company Law*, and the State Council revised the *Regulation on Company Registration* (among other pieces of legislation) to bring about these changes in 2013 (with effect from 1 March, 2014).

Please refer to Attachment 46 for the new *Company Law*, and Attachment 77 for the amended *Regulation on Company Registration*.

Moreover, the GOC has also repealed a great number of licensing/approval processes for doing business in a range of sectors and business lines. For example, to get official VAT invoices for sales and sales revenue, enterprises previously had to get a taxation registration, which in turn was subject to an approval by the relevant taxation authority. However from late 2013, this prior approval requirement for taxation registration has been repealed. Enterprises may now register directly with the relevant taxation authority. Please refer to Attachment 110 - *Shortlist of deregulations since 2011* for a list of selected licensing/approval requirements that have been repealed since 2012.

2 Market exit regime

The market exit regime, which is applicable to both SIEs and non-SIEs, has also been refined. The Supreme Court of China has amended the procedures and provide more clarifications to apply the relevant legal provisions for filing for bankruptcy. This has clarified and explained what may constitute insolvency and/or an inability to honour a debt liability, among other matters. In so doing, barriers preventing the exit of incompetent enterprises or their acquisition by other enterprises have been mitigated.

Please refer to Attachment 93 for an excerpt of the *Supreme Court Judicial Opinion on Adjudicating Bankruptcy Cases*, which took effect on 16 September, 2013.

3 Market transparency regime

The GOC has refined the transparency of market entities by requiring registered legal person businesses, including both SIEs and non-SIEs, to disclose their annual reports. In this way the markets can make better informed decisions about risk and investment.

Please refer to Article 58 of the new *Regulation of Company Registration* at Attachment 92.

4 Defending legitimate rights of businesses, including both SIEs and Non-SIEs

Businesses in China have been better positioned to defend their legitimate rights since the Law of Administrative Procedures was amended in 2014. The newly amended law broadens the scope of matters that may be brought to the courts against any government agency by explicitly listing 12 categories of matters (there were formerly only eight categories). The newly added controversies that enterprises may challenge include administrative decisions regarding appropriation, and compensation for such appropriation, and any abuse of administrative power to monopolize the market or to create monopolistic power in any market.

Please refer Article 12 of the new *Law of Administrative Procedure*, provided at Attachment 94.

5 Adjusting the structure of State capital and assets

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The GOC has further advanced its policy of adjusting the structure of State capital and assets in the economy, by encouraging the investment of more private capital into SIEs, and by seeking to attract more private investment and involvement in the important and costly infrastructure and network industries.

As is shown in the Attachment 33 and 35 [CONFIDENTIAL ATTACHMENTS], the aluminium alloy sector was dominated by non-SIEs during the review period. Of course, this continues to be the case. By the end of 2013 there were 165 above-scale private aluminium alloy producers in China, which is much more than the counterpart number of State-majority owned aluminium alloy producers, which was 25 in total. The market share of number of private aluminium alloy producers of all the above scale aluminium alloy producers in China increased from 65% to 73%.³⁰

6 Market widening

The GOC has opened the Chinese market to foreign investment to an even greater extent than before. For example, China and Australia concluded negotiation on substantive terms and clauses of the bilateral free trade agreement in November 2014. This will lower the tariff rates of more than 80% of the goods traded between the two countries. In another example, China and ASEAN started to implement a free trade agreement since 2002.

Please refer to Attachments 95 and 96 for a list of all BITs and FTAs between China and other countries (regions) as at June 2014.

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 SIEs. Provide copies of these documents.

Please refer to the GOC's answer to question D2.1.

The legislation concerning the GOC's role or involvement with respect to SIEs is the *Law on State Owned Assets of Enterprise*. Please also refer to the response to D2.6 to D2.20.

The GOC again submits that SIEs are entities which are independent of their shareholders ("capital contributor/s"). This is the rationale behind the *Law of State-owned Assets in Enterprise*. By setting up SASACs at various levels, and by the implementing the *Law of State-owned Assets in Enterprise*, the GOC has established an institutional arrangement to ensure, police and instruct the separation of government functions from those of shareholders. Effectively, the role of SASACs at various levels – if there is a SASAC involvement at all – is to be a capital contributor, as opposed to a market regulator.

Operational matters such as investment decision review, and assessment of business performance, are overseen through the exercise by SASAC of its rights as a capital contributor. Fund holders, investment custodians, and institutional investors in Western countries also constantly review compliance and performance of the companies in which they hold or control capital.

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

There are no documents which specifically provide for the existence, guidance, or administration of State-invested enterprises involved in the aluminium alloy and primary aluminium industry.

The GOC has provided in previous cases, and does so again in this case, many documents which constitute "legislation, guidelines, decrees, circulars, directives or other

³⁰ Source – National Bureau of Statistics

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government-issued documents” relevant to the establishment, governance, and legal compliance of legal entities.

For example, and without limiting the documents which are relevant in this context, the GOC provides:

- the *Company Law* - Attachment 46;
- the *Law on State-Owned Assets* - Attachment 86;
- the *Interim Regulations on the Board of Supervisors of the State-owned Enterprises* - Attachment 97; and
- the *Interim Measures for the Administration of Comprehensive Performance Evaluation of Central Enterprises* - Attachment 98.

These regulate all kinds of SIEs, regardless of the industries or sectors in which they operate.

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

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

The GOC publishes all laws, policies, opinions, guidelines, and makes them available to the public. It does this as an open and responsible government, and in compliance with its WTO obligations.

Article 5.2 of the *Administrative Permission Law of the PRC* (Attachment 99) provides that no legal document may be taken as the basis for specific administrative permission except for those that are publicly available.

GOC laws, policies, opinions, guidelines, etc. are communicated to the public by the following means, amongst other means:

- Government publications, such as the government gazette, official newspapers issued by agencies entrusted to publish legal documents, and collections of legal documents edited by government agencies; and
- official websites.

As members of the public, State-invested enterprises receive and are informed about relevant laws, policies, opinions, guidelines, etc., and changes to them, in the same manner.

All Chinese enterprises must comply with laws and are subject to the appropriate penalties or repercussions, as provided by law, if they do not do so. SIEs are subject to the same legal conditions as other enterprises.

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

Since the beginning of the 1990s, the GOC has enacted numerous laws and regulations to ensure a market environment of fair competition for all commercial entities, regardless of their ownership structures, rather than to provide preferential treatment for any specific category of companies.

The GOC does not consider that State-invested enterprises in the aluminium sector in China enjoy any advantages compared with non-State-invested enterprises. In fact the GOC has been concerned to encourage and support non-State-invested enterprises.

The Law on State-Owned Assets

D2.6 Have there been any changes to the content or operation of The Law on

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State-Owned Assets since the GOC last responded to the Anti-Dumping Commission (or the ACBPS).

On 1 January 2013 an amendment to the *Interim Measure for the Performance Assessment of Senior Management of Central Enterprises* took effect. The amendment requires that performance assessment of senior management of central SIEs focus on:

- enterprise value creation;
- increasing the growth of shareholder rewards and returns on investment;
- reservation of and growth in the value of State assets;
- enterprise self-motivated innovation; and
- risk control of enterprises.

Please refer to the amended *Interim Measure for the Performance Assessment of Senior Management of Central Enterprises* at Attachment 100.

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

D2.21 Have there been any changes to the role, purpose, and operations of SASAC (and its equivalents at the national, provincial and local levels), which the Commission understands has responsibility for the supervision and administration of all SIEs in China, at a national, provincial and local government level.

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

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

With respect the GOC finds this question to be overly broad and potentially misleading in its wording.

The GOC has provided many documents which are relevant to this inquiry in its responses to the other questions in this questionnaire. Therefore the Commission is asked to please refer to the documents that have been provided in relation to the regulation and operations of enterprises in China.

The GOC cares for its interests in State-invested enterprises from the perspective of a capital contributor. In so far as the words “supervision and administration” might be meant to suggest that the GOC itself operates SIEs or governs what they do, the GOC rejects such a suggestion.

The GOC will continue to cooperate with the Commission to provide further documents which may be necessary for making a fair determination in this investigation.

Core features of SOEs in the aluminium sector in China

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

To the best of the GOC’s knowledge, the GOC does not have any information regarding SIE ownership for entities identified in the response to Question B3.

The GOC provides answers to the following questions for each entity identified in the response to Question B4 that is an SIE:

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- in general terms; and
- when needed for the purpose of explanation or presentation, in specific terms, using Aluminium Corporation of China Limited (“Chalco”) and Yunnan Aluminium Co. Ltd. (“YLGf”) as examples.

[CONFIDENTIAL TEXT DELETED – information about sourcing by ARW exporters], and the GOC has sufficient information to provide meaningful answers which relate to them in some instances. They will be referred to herein as “the two SIE producers”.

The GOC is not in a position to provide detailed business proprietary information about the two SIE producers, however for the purpose of cooperation the GOC will provide what it can to the best of its knowledge.

The GOC provides the Commission with the following Attachments:

- Articles of Association of Chalco – Attachment 101;
- the 2013 Annual Report of Chalco – Attachment 102;
- the 2014 (1H) Annual Report of Chalco – Attachment 103;
- the Articles of Association of YLGf – Attachment 104;
- the 2013 Annual Report of YLGf – Attachment 105; and
- the 2014 (1H) Annual Report of YLGf – Attachment 106.

The answers to the following questions do not detract from the GOC’s disagreement with the allegation that a “Program 1” existed in China during the review period.

- (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 ARWs, aluminium or any other aluminium product).

As stated earlier, the ARW and aluminum alloy sectors, as well as the SIE sector, are diversified and dynamic, with a low concentration ratio. Unfortunately the GOC has no systematic and comprehensive statistical data to respond to the level of detail required by this question. However, the GOC considers that some examples may be helpful for the Commission to understand the typical legal structure of an SIE in China.

The GOC provides a chart of the legal structure of Chalco at Attachment 107, and that of YLGf at Attachment 108. These charts also indicate the involvement of the two SIE producers in production of ARW, aluminium alloy and/or primary aluminium.

Whatever specific form of legal structure an SIE seeks to adopt in China will have to be in compliance with the Company Law and other related laws and regulations. Amongst other things, these laws:

- protect the interests of minority shareholders, whether they are private or State, against majority shareholders (including parent companies); and
- protect the interests of shareholders against those of management, including those designated by majority shareholders.

For example, the Company Law, as provided at Attachment 46, contains these provisions:

Article 20 The shareholders of a company shall abide by the laws, administrative regulations and bylaw and shall exercise the shareholder’s rights under the law. None of them may injure any of the interests of the company or of other shareholders by abusing the shareholder’s rights, or injure the interests of any creditor of the company by abusing the independent status of legal person or the shareholder’s limited liabilities.

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Where any of the shareholders of a company causes any loss to the company or to other shareholders by abusing the shareholder's rights, it shall be liable for compensation.

Where any of the shareholders of a company evades the payment of its debts by abusing the independent status of legal person or the shareholder's limited liabilities, if it seriously injures the interests of any creditor, it shall bear several and joint liabilities for the debts of the company.

Article 21 Neither the controlling shareholder, nor the actual controller, nor any of the directors, supervisors or senior management of a company may injure the interests of the company by taking advantage of its connection relationship with the company. Anyone who causes any loss to the company due to violating the preceding paragraph shall be liable for the damages.

Article 22 A resolution of the shareholders' meeting, shareholders' assembly or board of directors of the company that is in violation of any law or administrative regulation shall be null and void.

If the procedures for calling a shareholders' meeting or shareholders' assembly, or meeting of the board of directors, or the voting form, is in violation of any law, administrative regulation or the bylaw, or if a resolution is in violation of the bylaw of the company, the shareholders may, within 60 days from the day when the resolution is made, request the people's court to revoke it.

If the shareholders initiate a lawsuit under the preceding paragraph, the people's court shall, at the request of the company, demand the shareholders to provide corresponding guaranty.

Where a company has, according to the resolution of the shareholders' meeting, shareholders' assembly or meeting of the board of directors, completed the modification registration, if the people's court declares the resolution null and void or revoke the resolution, the company shall file an application with the company registration authority for revoking the modification registration.

From the above, it can be seen that a State majority shareholder cannot take advantage of its majority position to unilaterally impose unreasonable risks or financial burdens for the purpose of materialising some public policy goal to the detriment of the interests of minor shareholders (for example, private shareholders).

The rights of minority shareholders are also protected in the Articles of Association of the two SIE producers. For example, Article 56 of Chalco's Articles stipulates that a controlling shareholder or shareholders or the end controller (ie. the real controller) of a company should not injure the interests of other shareholders by taking advantage of their relations with the company, and must be held liable if they do injure them.

- (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).

For the purpose of business registration and statistics, the GOC has established a system for the categorization of enterprises in China. Please refer to *The Rule for Categorization of Enterprise* at Attachment 45.

- (c) Indicate which GOC agency or entity plays the role of 'capital contributor' for this enterprise.

Please refer to the GOC's response to question D2.21 and D2.25(a) above.

In the aluminium alloy and primary aluminium sectors in China during the review period, SASAC undertook the role of "capital contributor" for Chinalco. Chinalco undertook the role of "capital contributor" for Chalco, and Chalco was the "capital contributor" for all its

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subsidiaries (with intermediaries in some cases). Please refer to the *Corporate Structure Chart for Chalco* at Attachment 107 for more details.

The entity that undertakes the “capital contributor” role in respect of YLGF is the provincial SASAC of Yunnan province. For YLGF’s subsidiaries, it is YLGF or its intermediate companies who undertake the “capital contributor” role. Please refer to the *Corporate Structure Chart for YLGF* at Attachment 108 for more details.

- (d) Explain what rights share ownership confers to shareholders, including any voting rights and debt liabilities.

In short, State share ownership does not confer any special rights on State shareholders other than the rights of an ordinary shareholder under the *Company Law*. For example, the *Company Law* provides:

- (a) In Article 4:

The shareholders of a company shall be entitled to enjoy the capital proceeds, participate in making important decisions, choose managers and enjoy other rights.

- (b) in Article 16:

If a company intends to provide guaranty to a shareholder or actual controller of the company, it shall make a resolution through the shareholder’s meeting or shareholders’ assembly.

The shareholder as mentioned in the preceding paragraph or the shareholder dominated by the actual controller as mentioned in the preceding paragraph shall not participate in voting on the matter as mentioned in the preceding paragraph. Such matter requires the affirmative votes of more than half of the other shareholders attending the meeting.

- (c) in Article 38:

The shareholders’ meeting shall exercise the following functions:

- (1) Determining the company’s operational guidelines and investment plans;*
- (2) Electing and changing the directors and supervisors assumed by non-representatives of the employees and deciding the matters relating to their remuneration;*
- (3) Deliberating and approving reports of the board of directors;*
- (4) Deliberating and approving reports of the board of supervisors or the supervisor;*
- (5) Deliberating and approving annual financial budget plans and final account plans of the company;*
- (6) Deliberating and approving company profit distribution plans and loss recovery plans;*
- (7) Making resolutions about the increase or reduction of the company’s registered capital;*
- (8) Making resolutions about the issuance of corporate bonds;*
- (9) Adopting resolutions about the assignment, split-up, change of company form, dissolution, liquidation of the company;*
- (10) Revising the articles of association of the company;*
- (11) Other functions as specified in the articles of association.*

The GOC submits that it is abundantly clear that no government function of any kind has been or may have been bestowed on or authorized to an SIE simply by reason that part of its shares are held by a State capital contributor.

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- (e) Explain the rules for share ownership in the enterprise.

There are no special rules for share ownership in enterprises in the aluminium alloy, primary aluminium and ARW sectors. Hence, it is necessary to refer to the *Company Law* to understand the rules applicable to all companies. For example, the *Company Law* provides, among others, that:

- (a) Article 24:

A limited liability company shall be established by no more than 50 shareholders that make capital contributions.

- (b) Article 28:

Each shareholder shall make full payment for the capital contributions it has subscribed to according to the articles of association. If a shareholder makes his/its capital contribution in cash, he shall deposit the full amount of such cash capital contribution into a temporary bank account opened for the limited liability company. If any capital contributions are made in non-monetary properties, the appropriate transfer procedures for the property rights therein shall be followed in accordance with the law.

- (c) Article 33:

A limited liability company shall prepare a register of shareholders.

The shareholders recorded in the register of shareholders may, pursuant to the register of shareholders, claim to and exercise the shareholder's rights.

A company shall register each shareholder's name and its amount of capital contributions in the company registration authority. Where any of the registered items is changed, it shall modify the registration. If the company fails to do so, it shall not, on the basis of the unregistered or unmodified registration item, stand up to any third party.

- (d) Article 37:

The shareholders' meeting of a limited liability company shall be composed of all the shareholders. It is the authority of the company and shall exercise its powers in accordance this Law.

- (e) Article 72:

All or some of the stock rights of the shareholders of a limited liability company may be transferred among the shareholders.

Where a shareholder intends to transfer his/its stock rights to any non-shareholder, he/it shall be subject to the consent of more than half of the other shareholders. The shareholder shall give the other shareholders a written notice about the matters related to the transfer of stock rights for their consent. If any of the other shareholders fails to give it a reply within 30 days after it receives a written notice, it shall be deemed to have consented to the transfer. If half or more of the other shareholders disagree to the transfer, the shareholders who disagree to the transfer shall purchase the stock rights to be transferred. If they refuse to purchase these stock rights, they shall be deemed to have consented to the transfer. Under the same conditions, the other shareholders have a preemptive right to purchase the stock rights to be transferred upon their consent. If two or more shareholders claim the preemptive right, they shall determine their respective purchase percentage through negotiation. If they fail to reach an agreement during the negotiation, they shall exercise the preemptive right on the basis of their respective percentage of capital contributions.

Unless it is otherwise provided for the transfer of stock rights in the articles of association, the articles of association shall be followed.

The GOC submits that the evidence of the above-cited legal provisions proves that no special right has been bestowed to a State shareholder to enable it to perform any

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government function as a shareholder.

- (f) Does the GOC restrict the level of ownership by parties outside government? Provide details of any such limitations, and the reason for this.

No.

To the contrary, the GOC has lately further deregulated more economic sectors to attract private capital, for example in infrastructure-related industries, such as railways, highways and seaports, and those relating to internet and telecommunication, and others.

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.

The two SIE producers were organized under the Company Law and registered under the Regulation for Business Registration of Company.

Please refer to:

- Regulation for Business Registration of Company - Attachment 77;
- Company Law – Attachment 46;
- Business Registration sheets for aluminium companies - Attachment 88 [CONFIDENTIAL ATTACHMENT].

The Articles of Association of Chalco and of YLGF are provided at Attachments 101 and 104 respectively.

For more laws and regulations that may be relevant to business of the two SIE producers, please refer to the GOC's answers to questions in C and D1 "Program 1".

- (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.

Please refer to the GOC's answer to D2.26(a) above.

- (c) Provide an organisation chart showing the reporting hierarchy of the enterprise. Provide details of who directs, manages and controls different operations of the entity.

Please see Attachment 107 for an organisation chart of Chalco and that of YLGF at Attachment 108.

- (d) Explain the requirements in law, and in practice, to have government representation at any level of the enterprise.

There are no such requirements in law or in practice.

The GOC will necessarily have some kind of representation in an enterprise in which it holds a substantial amount of shares. Please refer to the GOC's responses to D2.7 above.

On the other hand, for a wholly State-owned enterprise or company, ie where the SASAC at a certain level government is the only capital contributor and shareholder, the SASAC or any wholly state-owned enterprise, has the right to designate some members of board

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of directors to exercise the shareholders' rights (see, for example, Article 61 of the Company Law), however there must also be some other directors that are designated by the congress of employees.

However, there are no wholly State-owned enterprises in the list of aluminium alloy producers at Attachments 33 and 35 [CONFIDENTIAL ATTACHMENTS] or the ARW producers at Attachment 6.

- (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.

Incorrect assumptions which might underlie the words "CCP government representatives" as used in this question would not be helpful for this investigation.

In China, any adult person is entitled to pursue his or her political belief by applying for membership of a legitimate political party. It is not a requirement of any public or private sector that a person be a member of the CCP. Many GOC officials, including senior ministerial officials, are not CCP members at all. They may be members of the eight democratic parties, or might not hold any party membership at all. When it comes to companies (including State-owned companies), the situation remains the same. That is, company executives may or may not be CCP members.

They are not differentiated and therefore no "process of how these representatives are selected" exists.

In situations where CCP members are also members of a board of directors or board of shareholders, it is because they meet the criteria of the law to hold those positions and have been duly appointed by the company. They are not such a member simply because they have a particular political belief or by being CCP members. The GOC understands that many company executives in Australia are political party members, and that such membership certainly does not preclude them from being involved in company management, regardless of which political party has formed government at the time. It would be entirely inappropriate to address Australian company executives who were also members of the ALP as "government representatives".

The GOC submits that any role played by directors in companies (including State-owned companies), who also happen to be CCP members, must be performed in accordance with the Company Law, which is the most powerful statute governing the operation of all types of companies in China. If any CCP members happen to be members of a board of directors, they play their roles in their capacity as company executives, as opposed to their capacity as CCP members.

- (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.

For information relating to the type of involvement of SASAC as a body performing the capital contributor's function in enterprises with State investment, please see the GOC's other responses.

MOFCOM is the coordinating agency for this investigation and requests that information requests be handled via it and its legal representatives in the first instance.

- (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.

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Please refer to the GOC's responses to questions D2.6 through D2.25(f) above, as well as those that are further explained below.

As we think has been made plain by the GOC's answers, and to clear up any misapprehensions, SASAC differs from other GOC departments with industry policy functions in the sense that it is a shareholder representative body. It does not have the function of regulating an industry or of "directing" any activities of the enterprises in that industry.

By establishing SASAC the GOC has actually created the "private shareholder"-like relationship between the GOC and State-invested enterprises that is important for the market economy system enshrined in China's Constitution, and which other WTO Members have insisted upon in order to segregate State-invested enterprises from the political control of the State.

- (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.

Please refer to the GOC's responses to questions D2.6 through D2.25 above, as well as those further explained below.

- (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)?

Please refer to the GOC's responses to questions D2.6 through D2.25 above.

Chapter II Section 4 of the *Company Law* contains special provisions governing wholly State-owned companies. Under Article 68, the members of the board of directors shall be appointed by the State-owned assets supervision and administration institutions, and will sit on the board with representatives of the employees elected through the assembly of the representatives of the employees of the company.

Pursuant to Article 45 of the *Company Law*, if a limited liability company is established by two or more State-owned enterprises or other State-owned investors, the board of directors shall include representatives of the employees of the company. The board of directors of any other limited liability company may also include representatives of the employees of the company concerned. The employees' representatives who are to serve as members of the board of directors shall be democratically elected by the employees of the company through the general assembly of the representatives of employees, employees' assembly of the company or in any other way.

The board of directors shall have one chair and may have one or more deputy chairman. The appointment of the chairman and deputy chair shall be specified in the articles of association.

The GOC confirms that all companies with State investment as identified in B3 and B4 are governed by the *Company Law*, including (but not limited to) the Articles quoted above.

- (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.

Government officials or civil servants cannot also be members of the Board of Directors of any enterprise. Therefore a member of such a Board can only be a non-government official or non-civil servant, for example an employee of the enterprise rather than of the GOC.

Could the Commission please clarify what is meant by the word "affiliate". An affiliation can be very broad. Clearly, through knowing of and being appointed by SASAC, an

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affiliation in the broad sense will obviously exist.

- (k) Indicate whether any member of the Board of Directors is a member of the CCP.

Please see the GOC's response to D2.26(e).

- (l) Describe the roles and responsibilities of the Board of Directors.

The roles and responsibilities of Boards of Directors are provided for under the *Company Law*.

Article 47 provides as follows:

The board of directors shall be responsible for the shareholders' meeting and exercise the following functions:

- (1) Convening shareholders' meetings and presenting reports thereto;*
- (2) Implementing the resolutions made at the shareholders' meetings;*
- (3) Determining the company's business and investment plans;*
- (4) Working out the company's annual financial budget plans and final account plans;*
- (5) Working out the company's profit distribution plans and loss recovery plans;*
- (6) Working out the company's plans on the increase or reduction of registered capital, as well as on the issuance of corporate bonds;*
- (7) Working out the company's plans on merger, split, change of the company form, or dissolution, etc.;*
- (8) Making decisions on the establishment of the company's internal management departments;*
- (9) Making decisions on hiring or dismissing the company's manager and his salary and compensation, and, according to the nomination of the manager, deciding on the hiring or dismissal of vice manager(s) and the persons in charge of finance as well as their salaries and compensations;*
- (10) Working out the company's basic management system; and*
- (11) Other functions as specified in the bylaw.*

Article 67 provides as follows, in the case of a wholly State-owned company:

The state-owned assets supervision and administration institution may authorize the company's board of directors to exercise some of the functions of the shareholders' meeting and decide on the important matters of the company, excluding those that must be decided by the state-owned assets supervision and administration, such as merger, split-up, dissolution of the company, increase or reduction of registered capital as well as the issuance of corporate bonds.

- (m) How is the Board of Shareholders formed?

According to Article 37 of the *Company Law*, shareholders meeting of a limited liability company shall be composed of all the shareholders. A meeting of the shareholders for a limited company is convened and chaired by the board of directors. For most companies, the meeting of shareholders will be convened only once or twice a year, for major matters such as profit distribution, large investment decisions, and election of the board members, among others.

The GOC is not aware of an internal executive or management group referred to as the Board of Shareholders.

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- (n) Indicate whether any member of the Board of Shareholders is an employee or affiliate of SASAC or has any other affiliation with the GOC.

Please refer to the GOC's responses to questions D2.6 through D2.25 above.

- (o) Describe the roles and responsibilities of the Board of Shareholders.

Unlike the situation in Australia and the UK, in China the shareholder's meeting of a limited liability company (including limited liability companies that are partially State-owned) is the supreme decision-making mechanism with the ultimate power in relation to all the matters of a company (Article 37 of the *Company Law*).

It exercises the following functions:

- (a) determining the company's operational guidelines and investment plans;
- (b) electing and re-electing the directors and supervisors except those elected by representatives of the employees, and deciding the matters relating to their remuneration;
- (c) deliberating and approving reports of the board of directors;
- (d) deliberating and approving reports of the board of supervisors or the supervisor;
- (e) deliberating and approving annual financial budget plans and final account plans of the company;
- (f) deliberating and approving company profit distribution plans and loss recovery plans;
- (g) making resolutions about the increase or reduction of the company's registered capital;
- (h) making resolutions about the issuance of corporate bonds;
- (i) adopting resolutions about the assignment, split-up, change of company form, dissolution, liquidation of the company;
- (j) revising the articles of association of the company;
- (k) other functions as specified in the articles of association.

- (p) 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.

As clearly stipulated by this provision and by the *Company Law*, the shareholder selects its shareholders representative. Please also refer to the GOC's responses to questions D2.6 through D2.25 above.

- (q) Indicate whether the enterprise has a Board of Supervisors or Supervisory Panel.

Please refer to the GOC's response to question D2.25 (a) above.

Under the *Company Law*, a limited liability company is required to have a board of supervisors.

- (r) Describe the role and responsibilities of the Supervisory Panel and/or Board of Supervisors.

The function of a Board of Supervisors in any type of company, whether with or without

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State investment, is in the nature of scrutiny and supervision. Boards of Supervisors generally are not allowed nor authorised to become involved in the business decision making processes or operational decisions of the companies to which they are appointed.

A summary of the functions of Boards of Supervisors is stated under Article 54 of the *Company Law* as follows:

The board of supervisors or supervisor of a company with no board of supervisors may exercise the following powers:

- (1) *To check the financial affairs of the company;*
- (2) *To supervise the duty-related acts of the directors and senior managers, to put forward proposals on the removal of any director or senior manager who violates any law, administrative regulation, the bylaw or any resolution of the shareholders' meeting;*
- (3) *To demand any director or senior manager to make corrections if his act has injured the interests of the company;*
- (4) *To propose to call interim shareholders' meetings, to call and preside over shareholders' meetings when the board of directors does not exercise the function of calling and presiding over shareholders' meetings as prescribed in this Law;*
- (5) *To put forward proposals at shareholders' meetings;*
- (6) *To initiate actions against directors or senior managers according to Article 152 of this Law; and*
- (7) *Other duties as provided for by the bylaw.*

- (s) 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.

Please see the GOC's response to question D2.25(a) above.

The GOC is neither responsible nor authorised to hold and provide such detailed information about individual enterprises. However, for the purposes of cooperation, please refer to the 2013 Annual Reports of Chalco (at page 32) and YLGF (at page 46), respectively in Attachments 102 and 105.

- (t) 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.

Please see the GOC's response to question D2.25(a) above.

Please also refer to the 2013 Annual Reports of Chalco (at page 32-34) and YLGF (at page 56), respectively Attachments 102 and 105.

- (u) 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.

Enterprises with State investment have different reporting obligations according to their type. Please refer to the GOC's responses above, particularly that to D2.26 (d).

- (v) 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).

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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.

"Major matters" relate to changes of ownership or transfer of assets which result in changing the State-invested enterprise concerned into a non State-invested enterprise or in value of major items of the assets. For example, the Law of State Owned Assets in Enterprise stipulates:

(a) in Article 34:

...merger, splitting, dissolution or petition for bankruptcy of an important wholly state-owned enterprise, wholly state-owned company or majority state-holding companies

(b) in Article 40:

...restructuring of an important wholly state-owned enterprise, wholly state-owned company or majority state-holding company

(c) in Article 53:

...transfer of whole state-owned assets or transfer of partial state-owned assets which will cause the state to lose the controlling position over the enterprise

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

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

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

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

Please refer to the GOC's responses to questions D2.6 through D2.25 above. The GOC is neither responsible nor authorised to hold and provide such detailed information about individual enterprises.

The above mentioned matters, except for matters of quality or safety standard in some cases/products, are the business operation of the enterprises. As a matter of principle and fact, the GOC adopts a separation of government function from the operation of business

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and a non-interference approach. The GOC does not “determine” or “set” any of the above matters for enterprises.

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

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

The GOC is neither responsible nor authorised to hold and provide such detailed information about individual enterprises.

China has established a modern and increasingly sophisticated corporate finance legal framework where all the market players (including State-owned companies) are equally subject to corporate finance legislation. Companies in China are generally financed through the commercial banking system, capital markets, equity raising, corporate bond issuance, etc.

For exemplary details, please refer to the 2013 Annual Report of Chalco (Attachment 102 at page 38) and the 2013 Annual Report of YLGF (Attachment 105 EN at page 16 and 17).

(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.

The GOC is neither responsible nor authorised to hold and provide such detailed information about individual enterprises.

For exemplary details, please refer to the 2013 Annual Report of Chalco (Attachment 102 at page 183ff).

(c) How is the performance of the enterprise measured? For example, profitability, employment, output, social wellbeing, etc.

The GOC is neither responsible nor authorised to hold and provide such detailed information about individual enterprises.

Generally, the key measurement for every company is the company’s financial results in accordance with the *Company Law*, including Chapter VIII of that Law.

(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.

Please refer to the GOC’s responses to questions D2.6 through D2.26 above.

More specifically, the GOC would advise that State-invested enterprise performance is normally evaluated in line with industry averages. In essence, SASAC will assess the performance of an enterprise with state investment based on its commercial and financial performance.

The performance of managers of State-invested enterprises is evaluated according to the *Law on State Owned Assets* and more specifically, the *Interim Measures for the Administration of Comprehensive Performance Evaluation of Central Enterprises* Attachment 98.

(e) Provide details of any official reporting mechanisms that the

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enterprise must comply with.

There is no substantial difference between the reporting mechanisms for a non State invested enterprise on the Chinese market and that for a State-invested enterprise. The difference is more dependent upon whether the company is public listed.

- (f) Provide an explanation of the systems that exist for assessing the performance of administrators of SIEs. Provide examples of recent appraisals of SIE administrators of the enterprise (refer to Article 27 of the Law on State Owned Assets).

The GOC notes that not all administrators of State-invested enterprises are assessed according to the *Law on State Owned Assets*. Only the administrators of a wholly State-owned enterprise, or of an enterprise with majority State-holding, are subject to the performance assessment of the body performing the capital contributor's function. The method of evaluation is solely related to the commercial and financial performance of the enterprise.

- (g) How are profits of the enterprise distributed and to whom?

Profits of enterprises are distributed in light of its Articles of Association and Part VIII of the *Company Law*.

For exemplary details, please refer to the 2013 Annual Report of Chalco (Attachment 102 at page 313) and the 2013 Annual Report of YLGF (Attachment 105 EN at page 16).

- (h) Are dividends/ other payments made to SASAC or any other GOC entity?

Please refer to the GOC's response to question D2.27 (g) above.

- (i) Outline what action, if any, is taken by SASAC or any other government entity if the enterprises makes a loss or under-performs.

Please refer to the GOC's responses to questions D2.6 through D2.26 above.

Performance of an enterprise is a critical aspect of its existence and of the directors, managers and employees of the enterprise. Therefore performance is taken into account by any shareholders - including that of the State via SASAC - in participating in decision making about the company or in making proposals regarding the future management of the enterprise. Some senior members of the management, such as the directors, senior managers of the enterprise will be held liable in the terms of remuneration and promotion if the enterprise makes a loss or under-performs.

- (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; and or
 - the purchase of shares.

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The GOC is neither responsible nor authorised to hold and provide such detailed information about individual enterprises.

- (k) If so, provide details including name of program, indicating the amount, circumstance, and purpose of any such payment or injection of funds, as well as whether they were tied to any past or future performance, direction or action of the enterprise.

For information about alleged “subsidiaries”, please refer to the GOC’s response to section D.1.

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

- (a) Provide a list of functions the enterprise performs.

The GOC does not understand what information is required by this question. The functions of the enterprise are commercial business.

No special function is allocated to State-invested enterprises.

- (b) Provide details of any government policies the enterprise administers or carries out on behalf of the GOC.

No government policies are administered or carried out on behalf of GOC by any enterprises, nor are they expected to be carried out. The *Law on State Owned Assets* explicitly requires a strict separation of government function from the operation of business.

Whether or not individual enterprises conduct their business in light of or in line with any government policy is another matter of fact and the GOC cannot comment on behalf of the enterprises.

- (c) Indicate whether any of the enterprise’s functions are considered to be governmental in nature.

No enterprise functions are considered to be governmental in nature.

- (d) Indicate whether the enterprise has been trusted, tasked, vested with any government authority (which includes the authority to execute, administer and oversee a policy, program, initiative or scheme of government). Provide details of this authority including how it is exercised or administered, as well as copies of relevant statutes or other legal instruments that vest this authority.

No enterprise has been so “trusted”, “tasked” or “vested”.

- (e) Indicate whether the enterprise has the authority or power to entrust or direct a private body to undertake responsibilities or functions.

The GOC is not sure about what information is required by this question.

As answered above, the GOC is not aware of any enterprise which has been trusted, tasked, vested with governmental authority, and no enterprises are considered to be carrying out any governmental function. Therefore no enterprise can have the authority or power to entrust or direct another body, private or not, to undertake any governmental

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function.

- (f) Explain whether the enterprise is in pursuit of, or required to support governmental policies or interests.

Enterprises are not required or expected to support governmental policies or interests. The GOC cannot comment on behalf of any enterprises in terms of whether they develop business plans which reflect governmental policies or interests, or whether they take a contrary view. This is a matter of individual business operation and choice.

- (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).

Please refer to the GOC's responses to questions D2.13.

Once again, the GOC notes that this is eventually a matter of the individual enterprises, about which the GOC cannot comment on their behalf.

For exemplary details, please refer to the 2013 Annual Report of Chalco (Attachment 102 at page 323 re provision of services on a priced basis).

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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.

2015.2.16

Date

魏巍

Signature of authorised official

Wei Wei

Name of authorised official

Deputy Division Director

Title of authorised official

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LIST OF APPENDICES

Appendix A	LIST OF REQUESTED DOCUMENTS – PART C (QUESTION C2.5)
Appendix B	LIST OF REQUESTED DOCUMENTS – PART D

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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 operation;
- were current/in operation 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	GOC COMMENT
A1	<i>Guidelines for accelerating the restructuring of the Aluminium Industry³¹</i>	This is an aspirational document. It cannot be “effective”.
A2	<i>11th Five-Year Plan</i>	The GOC notes that the 11th Five-Year Plan was only effective between 2006 to 2010. Please refer to Attachment 55.
A3	<i>12th Five-Year Plan</i>	Please refer to Attachment 56.
A4	<i>Industrial Development Policy of Aluminium Industry</i>	The GOC could not identify a document matching this description.
A5	<i>Special Planning for Aluminium Industry Development</i>	The GOC could not identify a document matching this description.

³¹ Fa Gai Yun Xing [2006] No. 589

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A6	<i>Policy Banks Law</i>	This item does not exist.
A7	<i>Price Law of the People's Republic of China</i>	Effective during the review period.
A8	<i>Circular of Ministry of Finance and State Administration of Taxation on Adjusting Export Rebate Rate of Some Commodities Cai Shui [2007] No. 90</i>	Effective during the review period.
A9	<i>Government-set Price List 2001</i>	Effective during the review period.
A10	<i>Three-year plan to stimulate the non-ferrous metal industry</i>	This document expired by the end of 2011.
A11	<i>Decision of the State Council on Promulgating and Implementing the "Temporary Provisions on Promoting Industrial Structure Adjustment"⁶²</i>	The companion catalogue has been renewed in 2011 and again revised in 2013 respectively, while the document <i>per se</i> is still in effect.
A12	<i>Circular of the State Council on Accelerating the Structure Adjustment of the Industries With Capacity Redundancy³³</i>	Effective during the review period.
A13	<i>Circular of the General Office of the State Council on Liquidating Fixed Asset Investment Projects³⁴</i>	Effective during the review period.
A14	<i>Notice of the State Council on Adjusting the Proportions of Registered Capital in Fixed Asset Investment Projects of Some Industries³⁵</i>	Effective during the review period.
A15	<i>Circular of the State Economic and Trade Commission on the Promulgation of the Guidance of Recent Development in the Industrial Sector³⁶</i>	Effective during the review period.
A16	<i>Notice Concerning Relevant Questions on Further Implementing Differential Power Pricing Policies³⁷</i>	Effective during the review period.
A17	<i>Guiding Opinion on Promoting the Adjustment of State-Owned Capital and the Re-organization of the State-Owned Enterprises</i>	Effective during the review period.

³² Guo Fa [2005] No. 40

³³ Guo Fa [2006] No. 11

³⁴ Guo Ban Fa [2004] No. 38

³⁵ No. 13 [2004] of the State Council

³⁶ Guo Jing Mao Hang Ye [2002] No. 716

³⁷ Issued by the NDRC and the State Power Supervisory Committee in September, 2007, No. 3550

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A18	<i>Circular Concerning the Measures to Control the Export of Products of High Energy Consumption, High Pollution and Resource</i> ³⁸	Effective during the review period.
A19	<i>Catalogue of Price Regulated by the State Development Planning Commission and Other Department under the State Council</i>	Effective during the review period.
A20	<i>Catalogue of prohibited commodities in processing trade</i>	<p>The below Attachments comprise the catalogues of prohibited commodities in processing trade from 2006 to 2010.</p> <ul style="list-style-type: none"> • Attachment 64 - Announcement concerning the processing trade (2010); • Attachment 65 - Additional catalogue of Prohibited Commodity Catalogue (2010); • Attachment 66 - Catalogue of Prohibited Commodities in Processing Trade (2009); • Attachment 67 - Prohibited Commodity Catalogue (2009); and • Attachment 68 - Catalogue of Prohibited Commodities in Processing Trade (2007).
A21	<i>Foreign Trade Law of the People's Republic of China</i>	Effective during the review period.
A22	<i>Customs Law of the People's Republic of China</i>	Effective during the review period with a few amendments in 2013. Please refer to Attachment 111 - Customs Law as amended in 2013.
A23	<i>2002 Notice for the Adjustment of the Catalogue of Export Products Subject to Price Review by Customs</i>	This document has been terminated.
A24	<i>Measures for the Administration of License for Export of Goods</i> ³⁹	Effective during the review period.

³⁸ *Fa Gai Jing Mao [2005] No. 1482*

³⁹ *Order No.28*

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A25	<i>"State Will Adjust Tariff Rates from June 1 to Control the Export of High-Energy Consumption Products" (22 May 2007)</i>	The operation of this document relates to a period outside the POI (2001 – 2005). The GOC considers it is not relevant to this matter.
A26	<i>2007 General Work Plan for Energy Conservation and Pollutant Discharge Reduction⁴⁰</i>	Effective during the review period.
A27	<i>Measures for the Administration of Licence for the Export of Goods⁴¹</i>	Effective during the review period.
A28	<i>Notice "2009 Export Licensing Management Commodities List"⁴²</i>	This document was only effective during 2009.
A29	<i>Notice Regarding Passing Down the 2009 First Batch Regular Trade Coke Export Quota⁴³</i>	This document relates to export quotas on coke. It is not relevant to the current investigation.
A30	<i>Ministry of Commerce Notice to Foreign-Invested Enterprises Regarding Amounts for the 2009 Industrial Products Export Quotas (2008) No. 92, January 1, 2009</i>	This document was only effective during 2009.
A31	<i>"State will further adjust Customs import and export tariffs as of January 1, 2009" (17 December 2008)</i>	This document is not a GOC document.
A32	<i>Notice on Announcement of the 2010 Export Quota Amounts for Agricultural and Industrial Products⁴⁴</i>	This document was effective in 2010.
A33	<i>Announcement of the 2010 List of Enterprises Subject to Elimination of Outdated capacity in Industry Sector⁴⁵</i>	This document relates to export quotas on coke. It is not relevant to the current investigation.
A34	<i>Energy Conservation Law of the People's Republic of China</i>	Effective during the review period.
A35	<i>Interim Regulations of the Ministry of Foreign Trade and Economic Cooperation on Punishment for Conduct at Exporting at Lower-than-Normal Price</i>	This document was effective until September 2010.

40 Guo Fa [2007] No. 15

41 Order of the Ministry of Commerce (2008) No. 11, July 1, 2008

42 (Ministry of Commerce and General Administration of Customs, Notice (2008) No. 100, January 1, 2009)

43 (Ministry of Commerce, shangmaohan (2008) No. 140, January 1, 2009)

44 Notice No. 88 of 2009

45 Gong Chan Ye (2010) No. 111

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A36	<i>Guidance for Enhancing the Management of Raw Materials Industries</i>	This document is not relevant to the investigation.
A37	<i>Guidelines of the Eleventh and Twelfth Five-Year Plan for National Economic and Social Development</i>	Please refer to A2 and A3 above.
A38	<i>Directory Catalogue on Readjustment of Industrial Structure</i> ⁴⁶	This document was updated in 2011 and 2013. See Attachment 40.
A39	<i>Report on the Outline of the Tenth Five-Year Plan for National Economic and Social Development</i> ⁴⁷	This is not a GOC document.
A40	<i>10 industries reform programme</i>	No such document as this exists.
A41	<i>Current Catalogue of Key Industries, Products and Technologies the Development of Which is Encouraged by the State</i>	Abolished in 2005.
A42	<i>Directory Catalogue on Readjustment of Industrial Structure</i>	Please refer to A38 above.
A43	<i>Electric Power Law</i>	Effective during the review period.
A44	<i>Go Out Policy</i>	The GOC could not identify a document matching this description.
A45	<i>Provisional Procedures for the Pilot Project in Direct Purchase of Electricity By Customers From Electricity Companies</i>	Effective during the review period.
A46	<i>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 Forbidden Uses of Land</i> ⁴⁸	This document had a supplement added in 2009 and revised in 2012. Please see Attachment 112 - <i>Catalogue of Forbidden Using Land Project 2012</i> and Attachment 113 - <i>Catalogue of Restrictive Using Land Project 2012</i>.
A47	<i>Nonferrous Metal Industry Adjustment and Revitalisation Plan</i>	This document expired by the end of 2011.
A48	<i>Policy on the Development of the Automotive Industry 2004</i>	Effective during the review period.

⁴⁶ (Version 2005, NDRC Pub. No. 40).

⁴⁷ Adopted 15 March 200 1, Ch. 10, Sec. 4.

⁴⁸ *Guo Tu Zi Fa [2006] No. 296*

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A49	<i>Restructuring and Revitalization Plan of Auto Industry</i>	This document expired by the end of 2011.
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APPENDIX B LIST OF REQUESTED DOCUMENTS – PART D

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

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

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

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- 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	GOC COMMENT
B1	<i>Plan for the Division of Labor of Departments on Implementing Several Opinions of the State Council on further handling well the Utilization of Foreign Investment⁴⁹</i>	Effective during the review period.
B2	<i>Several opinions of the State Council on further utilizing foreign capital⁵⁰</i>	Effective during the review period.
B3	<i>Enterprise Income Tax Law of the People's Republic of China⁵¹</i>	Please refer to Attachment 39.
B4	<i>Income Tax Law of the People's Republic of China for Enterprises with Foreign Investment and Foreign Enterprises⁵²</i>	This document has been terminated.

⁴⁹ Guo Ban Han [2010] No. 128

⁵⁰ Guo Fa [2010] No. 9

⁵¹ Adopted at the 5th session of the 10th National People's Congress of the People's Republic of China (16 March 2007)

⁵² Adopted at the Forth Session of the National People's Congress and promulgated by Order No. 45 of the President of the People's Republic of China on April 9, 1991

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B5	<i>Circular of the State Council on Implementation of the Transitional Preferential Policies on Enterprise Income Tax</i> ⁵³	Effective during the review period.
B6	<i>Circular for the clarification of the enterprise income tax preferential policies for the implementation of the transition period calibre issues</i> ⁵⁴	Effective during the review period.
B7	<i>Circular on some issues concerning execution of preferential policies on enterprise income tax</i> ⁵⁵	Effective during the review period.
B8	<i>Circular of the State Administration of Taxation on the issues concerning implementation of the preferential income tax for hi-tech enterprises</i> ⁵⁶	Effective during the review period.
B9	<i>Corporate Income Tax Law</i> ⁵⁷	Please refer to Attachment 39.
B10	<i>Catalogue of foreign investment advantageous industries in central and western China</i> ⁵⁸	Please refer to Attachment 114 - Catalogue Advantageous Industries in Central and Western for Foreign Investment (2013)
B11	<i>Foreign Investment Industrial Guidance Catalogue</i> ⁵⁹	This document was replaced in 2011. Please refer to Attachment 115 - Catalogue for the Guidance of Foreign Investment Industries (2011).
B12	<i>Reply of the State Administration of Taxation on Issues concerning applicable catalogues</i>	Effective during the review period.
B13	<i>Notification of the State Council on Providing Transitional Preferential Tax Treatments to High-tech Enterprises newly set-up in Special Economic Zones and in Pudong New District of Shanghai</i> ⁶⁰	Effective during the review period.

53 Guo Fa [2007] No.39

54 Guo Shui Han [2010] No. 157

55 Cai Shui [2009] No. 69

56 Guo Shui Han [2009] No. 203

57 Passed 16 March 2007

58 National Development and Reform Commission (NDRC) and Ministry of Commerce (MOFCOM) (23 December 2008)

59 Revised NDRC and MOFCOM (31 October 2007)

60 Guo Fa [2007] No. 40

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B14	<i>Circular of the Ministry of Finance, the State Administration of Taxation and the General Administration of Customs on the Issues Concerning the Tax Preferential Policies for the West Development</i> ⁶¹	This document was terminated prior to the original investigation period.
B15	<i>Rules for the implementation of the Income Tax Law of the People's republic of China on Enterprises with foreign investment and foreign enterprises</i> ⁶²	This document was terminated prior to the original investigation period.
B16	<i>Circular on terminating tax refund policies on purchase of domestically-manufactured equipment by foreign-invested enterprises</i> ⁶³	Effective during the review period.
B17	<i>Circular of the General Administration of Customs and National Development and reform Commission on Issues concerning examination and approval of Tax Exemption confirmation for domestic and foreign-invested projects under encouragement</i> ⁶⁴	Effective during the review period.
B18	<i>Interim regulations of the People's Republic of China on Value Added Tax</i> ⁶⁵	Effective during the review period. See Attachment 43.
B19	<i>Circular of the General Administration Customs on Import Taxation Policy for further encouraging foreign investment</i> ⁶⁶	Effective during the review period.
B20	<i>Circular of State Administration of Taxation on disseminating the export tax refund rate library of 2007</i> ⁶⁷	This document was only effective during 2007.
B21	<i>Circular on Carrying Out Evaluation of Products to Be Recognized as China World Top Brand</i> ⁶⁸	This document has been terminated.
B22	<i>Suggestions on Accelerating the Implementation of Brand Strategy</i> ⁶⁹	The GOC considers that this document is not relevant to the current investigation.

61 Cai Shui [2001] No. 202

62 Decree of the State Council [1991] No. 85

63 Cai Shui [2008] No. 176

64 Shu Shui Fa [2009] No. 290

65 Promulgated by No. 134 Decree of the State Council of the People's Republic of China on 13 December 1993, and revised and adopted by the 34th standing meeting of the State Council on 5 November 2008.

66 Shu Shui [1999] No. 791

67 Guo Shui Han [2007] No. 242

68 GZJZ [2005] No. 95.

69 ZZF [2007] No. 81.

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B23	<i>Notice of Issuing the Directive on Supporting the Development of Name Brands for Export</i> ⁷⁰	Effective during the review period.
B24	<i>Circular of The State Council Concerning the Adjustment in the Taxation Policy of Import Equipment</i> ⁷¹	Effective during the review period.
B25	<i>Circular of the General Office of the State Bureau of Quality Supervision, Inspection and Quarantine for Issuing the "Measures for the Control of Evaluation of Chinese Famous-Brand Products (for Trial Implementation)"</i> ⁷²	This document was terminated prior to the original investigation period.
B26	<i>Notice of General Office of Ministry of Commerce Concerning Recommending Candidates of "Chinese Export Famous Brands"</i> ⁷³	This document was only effective during 2007.
B27	<i>Notice of Issuing the Directive on Supporting the Development of Name Brands for Export</i> ⁷⁴	This is the same document as that referred to in B23 above.
B28	<i>Circular on Printing and Distributing the Policy Opinions for Accelerating Innovative Development of Industrial Economy</i> ⁷⁵	The GOC considers that this document is not relevant to the current investigation.
B29	<i>Notice Concerning the Issuing of Opinions on Promoting the Brand-Driven Strategy & Its Incentive Measures</i> ⁷⁶	The GOC considers that this document is not relevant to the current investigation.

⁷⁰ Shang Mao [2005] No. 124.

⁷¹ Gua Fa [19971 No. 37129 (December 1997).

⁷² Guozhijian [2001] No. 32.

⁷³ SBMH [2007] No. 25.

⁷⁴ Shang Mao [2005] No. 124.

⁷⁵ CZF [2007] No. 54.

⁷⁶ FFB [2007] No. 274.

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LIST OF ATTACHMENTS

No	Document Title	Language	Status
1.	List of car makers in China (non-exhaustive list)	BI	Non-confidential
2.	Passenger car sale volumes during the POR and some previous years	EN	Non-confidential
3.	Cars in China until July 2012, with note in English for relevant statistic	CN	Non-confidential
4.	Export volumes of ARW to Australia for the period between 1 July 2008 – 30 June 2014	EN	Non-confidential
5.	Export analysis of aluminium road wheels in June 2014	BI	Non-confidential
6.	List of Chinese ARW producers	BI	Non-confidential
7.	Import volumes of ARW for the period between 1 July 2008 – 30 June 2014	EN	Non-confidential
8.	List of wheel products matching brand car producers	BI	Non-confidential
9.	Law on Prevention and Control of Environmental Pollution by Solid Waste	EN/CN	Non-confidential
10.	Law on the Prevention and Control of Atmospheric Pollution	EN/CN	Non-confidential
11.	Law on the Prevention and Control of Occupational Diseases	EN/CN	Non-confidential
12.	Professional paper on aluminium alloy and primary aluminium (1994)	EN	Non-confidential
13.	Professional paper aluminium alloy (2013)	EN	Non-confidential
14.	Different prices and their movement trends – aluminium	EN	Non-confidential
15.	Different prices and their movement trends – aluminium alloy	EN	Non-confidential
16.	Aluminium Alloy Price at SMM and LME from September 2013 to July 2014	EN	Non-confidential
17.	Primary aluminium price at SHFE and LME in CNY from January 2013 to June 2014	EN	Non-confidential
18.	Primary aluminium price at SHFE and LME in USD from January 2013 to June 2014	EN	Non-confidential
19.	Copy of Customs description of aluminium alloy and primary aluminium	BI	Non-confidential

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No	Document Title	Language	Status
20.	Producers who produce both aluminium alloy and primary aluminium (2013)	BI	Confidential
21.	Producers who produce both aluminium alloy and primary aluminium (2014)	BI	Confidential
22.	Screenshots showing demand of aluminium alloy and the downstream industries	EN	Non-confidential
23.	Usage of Aluminium Alloy (2010)	EN/CN	Non-confidential
24.	Usage Guidelines for Aluminium	EN/CN	Non-confidential
25.	Export volumes of aluminium alloy for the period between 1 July 2008 – 30 June 2014	EN	Non-confidential
26.	Import volumes of aluminium alloy for the period between 1 July 2008 - 30 June 2014	EN	Non-confidential
27.	Number of enterprises in each of the user sectors	BI	Non-confidential
28.	Data on production changes during period of 2011 and 2013	EN	Confidential
29.	List of newly-established electrolyte aluminium production facilities in Xinjiang	BI	Confidential
30.	Production Volume of Primary Aluminium & Aluminium Alloy by ownership	EN	Confidential
31.	Production Volume of Primary Aluminium & Aluminium Alloy by ownership by half year	EN	Non-confidential
32.	List of Producers of Primary Aluminium (2013)	BI	Confidential
33.	List of Producers of aluminium alloy (2013)	BI	Confidential
34.	List of Producers of Primary Aluminium (2014)	BI	Confidential
35.	List of Producers of aluminium alloy (2014)	BI	Confidential
36.	List of Various National Zones	BI	Non-confidential
37.	Export volumes of primary aluminium for the period between 1 July 2008 – 30 June 2014	EN	Non-confidential
38.	Import volumes of primary aluminium for the period between 1 July 2008 – 30 June 2014	EN	Non-confidential
39.	Enterprise Income Tax Law	BI	Non-confidential
40.	Directory Catalogue on readjustment of Industrial Structure as amended 2013	EN	Non-confidential
41.	Main Functions and the Adjustment on the Customs Tariff Commission	BI	Non-confidential

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No	Document Title	Language	Status
42.	Regulations of the People's Republic of China on Import and Export Duties (2003)	BI	Non-confidential
43.	Interim Regulation of the People's Republic of China on Value Added Tax (2008)	BI	Non-confidential
44.	Normalization Criteria on the Aluminium Industry (2013) – with EN summary re production of primary aluminium	BI	Non-confidential
45.	Rules on Categorization of Enterprises	BI	Non-confidential
46.	Company Law of the PRC (as amended in 2014) - amendments outlined in the document relate to the capital contribution rules	BI	Non-confidential
47.	Rules for the Implementation of the Law of the PRC on Foreign-funded Enterprises (amended) - amendments outlined in the document relate to the capital contribution rules	BI	Non-confidential
48.	Implementation of the Law of the PRC on Sino-Foreign Cooperative Joint Ventures (as amended in 2014) - amendments outlined in the document relate to the capital contribution rules	BI	Non-confidential
49.	Law of the PRC on Chinese-Foreign Contractual Joint Ventures	BI	Non-confidential
50.	Law of the PRC on Chinese-Foreign Equity Joint Ventures	EN/CN	Non-confidential
51.	Law of the PRC on Foreign-funded Enterprises	BI	Non-confidential
52.	Implementation of Law of the PRC on Chinese-Foreign Equity Joint Ventures (as amended in 2014) - amendments outlined in the document relate to the capital contribution rules	BI	Non-confidential
53.	Catalogue of Regulated Prices 2001	BI	Non-confidential
54.	Price Law of China 1997	BI	Non-confidential
55.	Eleventh Five Year Plan	BI	Non-confidential
56.	Twelfth Five Year Plan	EN	Non-confidential
57.	Schedule of products subject to VAT Rebate 2008-2014	EN/CN	Non-confidential
58.	Schedule of products subject to export duty 2008-2014	EN/CN	Non-confidential
59.	Schedule of products subject to import duty 2008-2014	EN/CN	Non-confidential

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No	Document Title	Language	Status
60.	Summary table of any changes to the export restrictions 2008 - 2014	EN/CN	Non-confidential
61.	List of Goods Subject to Export Quota in 2013	EN	Non-confidential
62.	Schedule of products subject to import quota 2008-2014	EN/CN	Non-confidential
63.	Schedule of products subject to prohibition of processing trade 2008-2014	EN/CN	Non-confidential
64.	Announcement concerning the processing trade (2010)	EN/CN	Non-confidential
65.	Additional catalogue of Prohibited Commodity Catalogue (2010) - not translated as aluminium is not included	CN	Non-confidential
66.	Catalogue of Prohibited Commodities in Processing Trade (2009)	EN/CN	Non-confidential
67.	Prohibited Commodity Catalogue (2009)	EN/CN	Non-confidential
68.	Catalogue of Prohibited Commodities in Processing Trade (2007)	BI	Non-confidential
69.	Summary table of any changes to the export license restrictions 2008 - 2014	EN/CN	Non-confidential
70.	A list of aluminium alloy SIEs (2013)	BI	Confidential
71.	A list of aluminium alloy SIEs (2014)	BI	Confidential
72.	A list of primary aluminium SIEs (2013)	BI	Confidential
73.	A list of primary aluminium SIEs (2014)	BI	Confidential
74.	List of trading companies of aluminium alloy and primary aluminium	BI	Non-confidential
75.	List of trade fairs/exhibitions covering aluminium alloy and primary aluminium	BI	Non-confidential
76.	Contract Law	BI	Non-confidential
77.	Regulation of Business Registration of Company	BI	Non-confidential
78.	Securities Law	BI	Non-confidential
79.	General Principle of Civil Law	BI	Non-confidential
80.	Property Law	BI	Non-confidential
81.	Bankruptcy Law	BI	Non-confidential
82.	Antimonopoly Law	BI	Non-confidential

PUBLIC RECORD VERSION

No	Document Title	Language	Status
83.	Labour Law	BI	Non-confidential
84.	Arbitration Law of China	BI	Non-confidential
85.	Civil Procedure Law of China	BI	Non-confidential
86.	Law of China on the State-owned Assets of Enterprises	BI	Non-confidential
87.	Law of China Against Unfair Competition	BI	Non-confidential
88.	Business Registration of Aluminium Companies	BI	Confidential
89.	Law of Accounting	BI	Non-confidential
90.	Labour Contract Law of China	BI	Non-confidential
91.	Input-Output Table of 2007	BI	Non-confidential
92.	New Regulation for Business Registration of Company	BI	Non-confidential
93.	Excerpt from Supreme Court Judgment Applying Enterprise Bankruptcy Law	EN	Non-confidential
94.	Law of Administrative Procedure as Amended	BI	Non-confidential
95.	List of All BITs Between China and Other Countries (Regions)	BI	Non-confidential
96.	List of All FTAs Between China and Other Countries (Regions)	EN	Non-confidential
97.	Interim Regulations on the Board of Supervisors of the State-owned Enterprises	BI	Non-confidential
98.	Interim Measures for the Administration of Comprehensive Performance Evaluation of Central Enterprises	BI	Non-confidential
99.	Administrative Permission Law	BI	Non-confidential
100.	Amended Interim Measure for the Performance Assessment of Senior Management of Central Enterprises	EN	Non-confidential
101.	Article of Association of Chalco	EN	Non-confidential
102.	2013 Chalco Annual Report	EN	Non-confidential
103.	2014 Chalco Interim Report	EN	Non-confidential
104.	Article of Association (AOA) of YLGF	EN/CN	Non-confidential
105.	2013 Annual Report of YLGF	EN/CN	Non-confidential
106.	2014 Interim Report of YLGF	EN/CN	Non-confidential

PUBLIC RECORD VERSION

No	Document Title	Language	Status
107.	Chalco Legal Structure Chart	EN/CN	Non-confidential
108.	YLGf Legal Structure Chart	EN/CN	Non-confidential
109.	Law of Commercial Notes	EN	Non-confidential
110.	Short list of deregulations since 2011	BI	Non-confidential
111.	Customs Law-as amended in 2013	BI	Non-confidential
112.	Catalogue of Forbidden Using Land Project 2012	EN/CN	Non-confidential
113.	Catalogue of Restrictive Using Land Project 2012	EN/CN	Non-confidential
114.	Catalogue Advantageous Industries in Central and Western for Foreign Investment (2013)	BI	Non-confidential
115.	Catalogue for the Guidance of Foreign Investment Industries (2011)	BI	Non-confidential
116.	Law of Processing Trade	BI	Non-confidential

No.	Names of Car Producers	汽车生产商
1	FAW-Volkswagen	一汽大众
2	Shanghai General Motors	上海通用
3	Shanghai Volkswagen	上海大众
4	Guangqi Honda	广汽本田
5	Beijing Hyundai	北京现代
6	Changan Ford	长安福特
7	Geely Automobile	吉利汽车
8	Dongfeng Nissan	东风日产
9	Chongqing Changan	重庆长安
10	Chery Automobile	奇瑞
11	Brilliance Auto	华晨
12	BYD	比亚迪
13	Yuedakia	东风悦达起亚
14	Changhe Suzuki	昌河铃木
15	Dongfeng Peugeot	东风标致
16	Haima Auotmobile	海马汽车
17	Great Wall Motors	长城汽车
18	Changan Suzuki	长安铃木
19	Beijing Benz	北京奔驰
20	ZOTYE AUTO	众泰汽车
21	Chana Auto	长安汽车
22	DongFeng Citroen	东风雪铁龙
23	FAW Toyota	一汽丰田
24	SGMW	上汽通用五菱
25	GM	上汽通用
26	Beiqi Foton	北汽福田
27	JINBEI AUTOMOTIVE COMPANY LIMITED	金杯股份
28	DONGFENG CITROEN AUTOMOBILES	神龙

Source:China Association of Automobile Manufacturers (CAAM) Website

Period	OEM Brands by Countries	Total Sales Volume Assembled in Chinese Market (Ten Thousand Sets)	Sales Volume (Ten Thousand Sets)/Ratio (%)
Year 2011	Chinese Brand	1447.24	611.22/42.23%
	German Brand		280.74/19.40%
	Japanese Brand		238.47/16.48%
	American Brand		159.17/11.00%
	Korean Brand		117.23/8.10%
	French Brand		40.41/2.79%
Year 2012	Chinese Brand	1547.65	648.5/41.85%
	German Brand		285.74/18.44%
	Japanese Brand		254.2/16.40%
	American Brand		181.21/11.69%
	Korean Brand		134/8.65%
	French Brand		44/2.84%
Year 2013	Chinese Brand	1787.67	722.2/40.28%
	German Brand		337.25/18.81%
	Japanese Brand		293.06/16.35%
	American Brand		222.15/12.39%
	Korean Brand		157.75/8.80%
	French Brand		55.26/3.08%
Jan. 2014-Jun. 2014	Chinese Brand	1962.8	757.33/38.44%
	German Brand		394.09/20%
	Japanese Brand		309.52/15.71%
	American Brand		252.55/12.82%
	Korean Brand		176.61/8.96%
	French Brand		72.7/3.69%

*Note: Car=passenger vehicle



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全国机动车保有量达2.33亿辆 驾驶人数量达2.47亿人

作者: 来源: 公安部交管局 时间: 2012-07-17

字体: 大 中 小

2012年上半年全国机动车和驾驶人保持快速增长趋势,截至2012年6月底,全国机动车总保有量达2.33亿辆。其中,汽车1.14亿辆,摩托车1.03亿辆。全国机动车驾驶人达2.47亿人,其中汽车驾驶人1.86亿人。

机动车保有量保持较快增长,上半年增量超过800万辆,山东和广东机动车保有量超过两千万。截至6月底,全国机动车保有量为2.33亿辆,与2011年底相比,增加826万辆,增长3.67%。全国8个省的机动车保有量超过1000万辆,其中山东省和广东省机动车保有量超过2000万辆,

汽车保有量超过1.1亿辆,上半年增量为历史同期最高,北京、成都等5个城市的汽车保有量超过200万辆。截至6月底,全国汽车保有量为1.14亿辆,与2011年底相比,增加811万辆,增长7.66%。汽车保有量占机动车总量的48.87%,比2011年底上升1.81个百分点。全国17个城市的汽车保有量超过100万辆,其中北京、成都、天津、深圳、上海等5个城市的汽车保有量超过200万辆。私人汽车保有量达8613万辆,占全部汽车保有量的75.62%,比2011年底上升1.21个百分点。



机动车驾驶人数量增长迅速,驾龄不满1年的新驾驶人占总量的10.93%。截至6月底,全国机动车驾驶人数量达到2.47亿人,与2011年底相比,新增驾驶人1143万人。其中,汽车驾驶人为1.86亿人,占驾驶人总数的75.19%。3年以下驾龄的驾驶人有9471万人,占全国机动车驾驶人总数的38.33%。其中,驾龄不满1年的驾驶人有2701万人,占全国机动车驾驶人总数的10.93%。广东、山东、河南、江苏、四川、河北、浙江等7省驾驶人数量超过1000万人。

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Export date of ARWs to Australia from 2008 to June 2014				
CN code	Description	Month	Volume (Ton)	Value (Ten Thousands Dollar)
87087090 (changed as 87087099 since 2013)	ARW	2008	13176.4	5507.2
		2009	14025.7	5064.4
		2010	13641.1	5086.8
		2011	14985.0	6128.7
		2012	12816.0	5618.7
		2013	6832.0	1793.3
		Jan 2014 to June 2014	3212.5	1017.2
Total			78688.8	30216.3

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Export analysis of Aluminum Road Wheels in June 2014

July 28, 2014

Source: China Association of Automobile Manufacturers (CAAM)

The export value of Aluminum Road Wheels is \$316 million in China, and the export volume of Aluminum Road Wheels is 63,800 tons, in June, 2014, increased by 9.7%, 10.4% respectively compared to last June, and the export unit price is \$4.95/kg. Until the end of June, 2014, export value of Aluminum Road Wheels is \$1.881 billion in China, and export volume is 378000 tons, increased by 12.6%, 13.2% respectively compared to last year, the export unit price is \$4.98/kg. There are 735 exporting manufacturers, and the total export value of top 40 exporting manufacturers is \$1.58 billion, accounting for 84.0% of the total export value; the total export value of top 100 exporting manufacturers is \$1.822 billion, accounting for 96.9% of the total export value. The top 40 exporting manufacturers rank as follows:

1	CITIC Dicastal Wheel Manufacturing Co., Ltd.
2	Shengwang Auto Parts (Kunshan) Co., LTD
3	Zhejiang Wanfeng Aowei Aluminium alloy Wheel Co., Ltd
4	Liuheqing Alloy (kunshan) Co., Ltd
5	Baoding Lizhong Wheel Manufacturing Co.,Ltd
6	Zhejiang Yueling Co.,Ltd.
7	Guangzhou Yufengxu Aluminium Casting Co.,Ltd
8	Shang Hai Mingqi Aluminium Industry Co.,Ltd
9	Suzhou Yuancheng aluminium product Co.,Ltd
10	Zhejiang Jinfei Kaida Wheel Co.,Ltd.
11	Xiamen Minxing Industry Co.,Ltd
12	Lianyungang Qichuang aluminium product Manufacturing Co.,Ltd
13	Fujian Shenlika Aluminium Industry Development Co.,Ltd
14	Ningbo Baodi Auto Parts Co.,Ltd
15	Taishan International transport equipment accessories Co.,Ltd
16	Daya Auto Wheel Manufacturing Co.,Ltd
17	Zhejiang Shuguang Industrial Co., LTD
18	Taian Qicheng Wheel Manufacturing Co.,Ltd
19	Shanghai Jing Yuan Zhong Gong Co.,Ltd
20	Zhejiang Baokang Wheel Manufacturing Co.,Ltd
21	Suzhou Yafandi Aluminum Industry Co.,Ltd
22	Longkou Xingyu Auto Parts Co.,Ltd
23	Shandong Luyu Sitong Wheel Co.,Ltd

24	Zhejiang Buyang Auto Wheel Co.,Ltd
25	Shanghai Guoxing Metal Products Co.,Ltd
26	Liufeng Precision Machinery (Kunshan) Co.,Ltd
27	Kunshan Liufeng Machinery Industry Co.,Ltd
28	Nuode Wheel Manufacturing Co.,Ltd
29	Chiping Xinfu aluminium product Co.,Ltd
30	Jiang Men Tian Che Wheel Co.,Ltd
31	Taishan Fucheng Aluminium Industry Co.,Ltd
32	Zhejiang Tailong Aluminium Wheel Co.,Ltd
33	Huangshi Xinhua Wheel Co.,Ltd
34	Zhejiang Xinghui Aluminium Wheel Co.,Ltd
35	Zhejiang Zhengtai Auto Wheel Co.,Ltd
36	Nanjing Dicastal Huashun Wheel Co.,Ltd
37	Sanmenxia Dicastal Wheel Manufacturing Co.,Ltd
38	Jiangsu Kaite Auto Parts Co.,Ltd
39	Zhejiang Jujiu Wheel Co.,Ltd
40	Zhejiang Aotong Aluminium Wheel Co.,Ltd

Up to June 2014, the Aluminum Road Wheels have been exported to 144 countries and regions, and total value of the top 40 countries and regions is \$1.837 billion, accounting for 97.7% of the total value. The table below shows volume, value and proportion of the top 40 countries and regions.

No.	Countries and Regions	Volume(KG)	Value (USD)	Proportion of Value
1	U.S.A	183017383	958151364	50.90%
2	Japan	67879075	318674824	16.90%
3	Russian Federation	18880728	87431860	4.60%
4	Mexico	11725972	64774505	3.40%
5	Canada	11178145	49247101	2.60%
6	Korea	8601669	37992702	2.00%
7	India	8624175	36892708	2.00%
8	Malaysia	6095477	30484643	1.60%
9	United Arab Emirates	5978454	27595221	1.50%
10	Thailand	5197587	24903756	1.30%
11	Germany	4312350	20844275	1.10%
12	Turkey	3621611	17194688	0.90%
13	Australia	3076547	15661346	0.80%
14	Brazil	2787618	13035726	0.70%
15	Holland	2216455	10405946	0.60%
16	South Africa	1902217	9090229	0.50%

17	Iran	1756573	7775153	0.40%
18	Saudi Arabia	1564924	7369595	0.40%
19	England	1376035	7220590	0.40%
20	Argentina	1455246	6849549	0.40%
21	Taiwan	1332441	6457348	0.30%
22	Indonesia	1240523	6347011	0.30%
23	Belgium	1345982	6091437	0.30%
24	Latvia	1303291	5709882	0.30%
25	Panama	1155124	5673027	0.30%
26	Norway	1173107	5527972	0.30%
27	Italy	1089751	4944256	0.30%
28	Ukraine	954547	4574150	0.20%
29	Chile	990284	4479172	0.20%
30	Lithuania	918240	4016992	0.20%
31	Philippines	781237	3883724	0.20%
32	Nigeria	842240	3756822	0.20%
33	Columbia	702534	3625545	0.20%
34	Sweden	655192	3556533	0.20%
35	Spain	305576	3261247	0.20%
36	Ecuador	676060	3243436	0.20%
37	Iraq	708569	3140455	0.20%
38	Estonia	495279	2589470	0.10%
39	Finland	475742	2429243	0.10%
40	Israel	482283	2263167	0.10%

2014年6月中国铝合金车轮出口情况简析

2014年07月28日 13:25

来源：中汽协会车轮委员会

2014年6月，中国铝合金车轮出口额3.16亿美元，出口量6.38万吨，同比分别增加9.7%，10.4%，出口单价4.95美元/公斤。截至到6月底中国铝合金车轮出口额18.81亿美元，出口量37.80万吨，同比分别增加12.6%，13.2%，出口单价4.98美元/公斤，出口厂商735家，其中前40位厂商出口总金额15.80亿美元，占该产品出口总金额的84.0%；前100家厂商出口总金额18.22亿美元，占该产品出口总金额的96.9%。出口排名前40位厂家名单如下表：

1	中信戴卡股份有限公司
2	盛旺汽车零部件(昆山)有限公司
3	浙江万丰奥威汽轮股份有限公司
4	六和轻合金(昆山)有限公司
5	保定市立中车轮制造有限公司
6	浙江跃岭股份有限公司
7	广州驭风旭铝铸件有限公司
8	上海明岐铝业有限公司
9	苏州源成铝制品制造有限公司
10	浙江今飞凯达轮毂有限公司
11	厦门民兴工业有限公司
12	连云港启创铝制品制造有限公司
13	福建申利卡铝业发展有限公司
14	宁波宝迪汽车部件有限公司
15	台山市国际交通器材配件有限公司
16	大亚车轮制造有限公司
17	浙江曙光实业有限公司
18	泰安启程车轮制造有限公司
19	上海精元重工机械有限公司
20	浙江保康轮毂制造有限公司
21	苏州雅泛迪铝业有限公司
22	龙口星宇汽车配件有限公司
23	山东陆宇司通车轮有限公司
24	浙江步阳汽轮股份有限公司
25	上海国兴金属制品有限公司
26	六丰精密机械(昆山)有限公司
27	昆山六丰机械工业有限公司
28	诺德轮毂制造有限公司
29	荏平信发铝制品有限公司
30	江门市天丞车轮有限公司

31	台山市富诚铝业有限公司
32	浙江泰龙铝轮有限公司
33	黄石鑫华轮毂有限公司
34	浙江星辉铝轮有限公司
35	浙江郑泰汽轮股份有限公司
36	南京戴卡华舜轮毂有限公司
37	三门峡戴卡轮毂制造有限公司
38	江苏凯特汽车部件有限公司
39	浙江巨久轮毂股份有限公司
40	浙江奥通铝轮有限公司

截至 2014 年 6 月，中国铝合金车轮共计出口 144 个国家和地区，其中出口前 40 位国家和地区总金额 18.37 亿美元，占该产品出口总额的 97.7%。下表为出口排名前 40 位国家和地区名单、重量、金额及金额占比。

序号	出口国家和地区	重量 (KG)	金额 (美元)	金额占比
1	美国	183017383	958151364	50.90%
2	日本	67879075	318674824	16.90%
3	俄罗斯联邦	18880728	87431860	4.60%
4	墨西哥	11725972	64774505	3.40%
5	加拿大	11178145	49247101	2.60%
6	韩国	8601669	37992702	2.00%
7	印度	8624175	36892708	2.00%
8	马来西亚	6095477	30484643	1.60%
9	阿联酋	5978454	27595221	1.50%
10	泰国	5197587	24903756	1.30%
11	德国	4312350	20844275	1.10%
12	土耳其	3621611	17194688	0.90%
13	澳大利亚	3076547	15661346	0.80%
14	巴西	2787618	13035726	0.70%
15	荷兰	2216455	10405946	0.60%
16	南非	1902217	9090229	0.50%
17	伊朗	1756573	7775153	0.40%
18	沙特阿拉伯	1564924	7369595	0.40%
19	英国	1376035	7220590	0.40%
20	阿根廷	1455246	6849549	0.40%
21	台湾	1332441	6457348	0.30%
22	印度尼西亚	1240523	6347011	0.30%
23	比利时	1345982	6091437	0.30%
24	拉脱维亚	1303291	5709882	0.30%
25	巴拿马	1155124	5673027	0.30%
26	挪威	1173107	5527972	0.30%
27	意大利	1089751	4944256	0.30%

28	乌克兰	954547	4574150	0.20%
29	智利	990284	4479172	0.20%
30	立陶宛	918240	4016992	0.20%
31	菲律宾	781237	3883724	0.20%
32	尼日利亚	842240	3756822	0.20%
33	哥伦比亚	702534	3625545	0.20%
34	瑞典	655192	3556533	0.20%
35	西班牙	305576	3261247	0.20%
36	厄瓜多尔	676060	3243436	0.20%
37	伊拉克	708569	3140455	0.20%
38	爱沙尼亚	495279	2589470	0.10%
39	芬兰	475742	2429243	0.10%
40	以色列	482283	2263167	0.10%

No.	省/直辖市	Province/ Municipality	企业名称	Enterprise Name	城市	City
1	重庆	Chongqing	重庆戴卡捷力轮毂制造有限公司	Chongqing Dicastal Jieli Wheel Manufacturing Co., Ltd	重庆	Chongqing
2	重庆	Chongqing	重庆中南铝合金轮毂有限公司	Chongqing Zhongnan Aluminium alloy Wheel Manufacturing Co., Ltd	重庆	Chongqing
3	重庆	Chongqing	重庆万丰奥威铝轮有限公司	Chongqing Wanfeng Aowei Aluminium alloy Wheel Co., Ltd	重庆	Chongqing
4	浙江	Chongqing	重庆江达铝合金轮圈有限公司	Chongqing jiangda aluminum alloy wheels co., LTD	重庆	Chongqing
5	浙江	Zhejiang	浙江永乐铝轮制造有限公司	Zhejiang Yongle Aluminium alloy Wheel Manufacturing Co., Ltd	舟山（岱山）	zhoushan (daihan)
6	浙江	Zhejiang	浙江盛大汽摩工业有限公司	Zhejiang Shengda automobile and motorcycle industry co., LTD	台州（玉环）	taizhou (yuhuan)
7	浙江	Zhejiang	浙江跃岭股份有限公司	Zhejiang Yueling Co.,Ltd.	台州（温岭）	taizhou (wenling)
8	浙江	Zhejiang	浙江戴卡宏鑫科技有限公司	Zhejiang Dicastal Hongxin Technology Co.,Ltd.	台州	taizhou
9	浙江	Zhejiang	浙江飞虎铝轮有限公司	Zhejiang Feihu aluminum alloy wheels co., LTD	台州	taizhou
10	浙江	Zhejiang	浙江新事业车轮有限公司	Zhejiang Xinshiye aluminum alloy wheels co., LTD	台州	taizhou
11	浙江	Zhejiang	浙江金圈机械有限公司	Zhejiang Jinquan machinery co. , ltd	台州	taizhou
12	浙江	Zhejiang	浙江亚铝车轮有限公司	Zhejiang YaAluminium Aluminium alloy Wheel Co., Ltd	台州	taizhou
13	浙江	Zhejiang	浙江万丰奥威汽轮股份有限公司	Zhejiang Wanfeng Aowei Aluminium alloy Wheel Co., Ltd	绍兴（新昌）	shaoxing (xinchang)
14	浙江	Zhejiang	浙江华泰法瑞铝合金科技有限公司	Zhejiang Huatai Farui Aluminium alloy Wheel Technology Co., Ltd	绍兴（上虞）	shaoxing (shangyu)
15	浙江	Zhejiang	宁波宝德轮业有限公司	Pilotdoer Wheel Co.,Ltd	宁波（宁海）	ningbo (ninghai)
16	浙江	Zhejiang	宁波奥威尔轮毂有限公司	Ningbo Aoweier Wheel Manufacturing Co., Ltd	宁波	ningbo
17	浙江	Zhejiang	宁波宝迪汽车部件有限公司	Ningbo Baodi Auto Parts Co.,Ltd	宁波	ningbo

18	浙江	Zhejiang	宁波卓越圣龙工业技术有限公司	Ningbo Zhuoyue Shenglong Industry Tecnology Co.,Ltd	宁波	ningbo
19	浙江	Zhejiang	中信戴卡宁波轮毂制造有限公司	CiTIC Dicastal Ningbo Wheel Manufacturing Co.,Ltd.	宁波	ningbo
20	浙江	Zhejiang	宁波甬祺铝轮制造有限公司	Ningbo Yongqi Aluminium Wheel Manufacturing Co.,Ltd	宁波	ningbo
21	浙江	Zhejiang	宁波奇宇特种轮毂有限公司	Ningbo QiYu TeZhong Wheel Co.,Ltd	宁波	ningbo
22	浙江	Zhejiang	浙江泰龙铝轮有限公司	Zhejiang Tailong Aluminium Wheel Co.,Ltd	金华（永康）	jinhua（yongkang）
23	浙江	Zhejiang	浙江步阳汽轮股份有限公司	Zhejiang Buyang Auto Wheel Co.,Ltd	金华（永康）	jinhua（yongkang）
24	浙江	Zhejiang	浙江郑泰汽轮股份有限公司	Zhejiang Zhengtai Auto Wheel Co.,Ltd	金华（永康）	jinhua（yongkang）
25	浙江	Zhejiang	浙江曙光实业有限公司	Zhejiang Shuguang Industrial co., LTD	金华（武义）	jinhua（wuyi）
26	浙江	Zhejiang	浙江保康轮毂制造有限公司	Zhejiang Baokang Wheel Manufacturing Co.,Ltd	金华（武义）	jinhua（wuyi）
27	浙江	Zhejiang	浙江海圣轮毂制造有限公司	Zhejiang Haisheng Wheel Manufacturing Co.,Ltd	金华（武义）	jinhua（wuyi）
28	浙江	Zhejiang	浙江骏宁轮毂有限公司	Zhejiang Junning Wheel Co.,Ltd	金华（武义）	jinhua（wuyi）
29	浙江	Zhejiang	浙江奥通铝轮有限公司	Zhejiang Aotong Aluminium Wheel Co.,Ltd	金华（武义）	jinhua（wuyi）
30	浙江	Zhejiang	浙江巨久轮毂股份有限公司	Zhejiang Jujiu Wheel Co.,Ltd	金华（磐安）	jinhua（panan）
31	浙江	Zhejiang	浙江星辉铝轮有限公司	Zhejiang Xinghui Aluminium Wheel Co.,Ltd	金华（兰溪）	jinhua（lanxi）
32	浙江	Zhejiang	浙江启铖汽配有限公司	Zhejiang Qicheng Auto Parts Co.,Ltd	金华（兰溪）	jinhua（lanxi）
33	浙江	Zhejiang	浙江今泰汽车零部件制造有限公司	Zhejiang Jintai Auto Parts Manufacturing Co.,Ltd	金华	jinhua
34	浙江	Zhejiang	浙江今飞凯达轮毂股份有限公司	Zhejiang Jinfei Kaida Wheel Co.,Ltd.	金华	jinhua
35	天津	Tianjin	天津戴卡轮毂制造有限公司	Tianjin Dicastal Jieli Wheel Manufacturing Co.,Ltd	天津	tianjin
36	天津	Tianjin	天津创铭铝制品有限公司	Tianjin Chuangming aluminium product Co.,Ltd	天津	tianjin
37	天津	Tianjin	天津立中车轮有限公司	Tianjin LiZhongWheel Co.,Ltd	天津	tianjin
38	四川	Sichuan	眉山华凯铝轮毂科技有限公司	Meishan Huakai Aluminium Wheel Technology Co.,Ltd	眉山	meishan

39	四川	Sichuan	广元市安驭铝合金车轮有限公司	Guangyuan Anyu Aluminium Alloy Che Wheel Co.,Ltd	广元	guangyuan
40	上海	Shanghai	上海一阳五金制造有限公司	Shanghai Yiyang Hardware Manufacturing Co.,Ltd	上海	shanghai
41	上海	Shanghai	上海精元重工股份有限公司	Shanghai Jing Yuan Zhong Gong Co.,Ltd	上海	shanghai
42	上海	Shanghai	上海国兴金属制品有限公司	Shanghai Guoxing Metal Products Co.,Ltd	上海	shanghai
43	上海	Shanghai	雅泛迪铝业（上海）有限公司	Yafandi Aluminium Industry(Shanghai) Co.,Ltd	上海	shanghai
44	上海	Shanghai	上海明岐铝业有限公司	Shang Hai Mingqi Aluminium Industry Co.,Ltd	上海	shanghai
45	陕西	Shaanxi	凯旋威航空工业（西安）有限公司	Kaixuanwei Aviation industry co., LTD	西安	xian
46	山西	Shanxi	山西银光华盛镁业股份有限公司	Shanxi Yinguang Huasheng Magnesium Co.,Ltd	运城（闻喜）	yuncheng (wen xi)
47	山西	Shanxi	山西同誉有色金属有限公司	Shan Xi Tongyu Nonferrous Metal Co.,Ltd	运城	yuncheng
48	山西	Shanxi	晋城市路宝汽车铝部件制造有限公司	Jincheng Luao Auto Aluminium Parts Manufacturing Co.,Ltd	晋城	jincheng
49	山东	Shandong	龙口星宇汽车配件有限公司	Longkou Xingyu Auto Parts Co.,Ltd	烟台（龙口）	yantai (longkou)
50	山东	Shandong	威海万丰奥威汽轮有限公司	Weihai Wanfeng Aowei Wheel Co.,Ltd	威海	weihai
51	山东	Shandong	泰安启程车轮制造有限公司	Taian Qicheng Wheel Manufacturing Co.,Ltd	泰安	taian
52	山东	Shandong	青岛东和铸造公司	Qingdao Donghe Casting Co.,Ltd	青岛（平度）	qingdao (pingdu)
53	山东	Shandong	茌平信发铝制品有限公司	Chiping Xinfu aluminium product Co.,Ltd	聊城（茌平）	liaocheng (chiping)
54	山东	Shandong	山东陆宇司通车轮有限公司	Shandong Luyu Sitong Wheel Co.,Ltd	东营	dongying
55	山东	Shandong	山东固德镁铝车轮有限公司	Shandong Gude Aluminium Wheel Co.,Ltd	东营	dongying
56	山东	Shandong	山东九泰车轮科技有限公司	Shandong Jiutai Wheel Techonology Co.,Ltd	东营	dongying
57	山东	Shandong	山东恒宇汽车配件有限公司	Shandong Hengyu Auto Parts Co.,Ltd	东营	dongying
58	山东	Shandong	山东真元水兴汽车部件有限公司	Shandong Zhenyuan Shuixing Auto Parts Co.,Ltd	德州（武城）	dezhou (wucheng)
59	山东	Shandong	山东六丰机械工业有限公司	Shandong Liufeng Machinery industryCo.,Ltd	滨州（邹平）	binzhou (zouping)

60	山东	Shandong	滨州盟威戴卡轮毂有限公司	Binzhou Mengwei Dicastal Wheel Co.,Ltd	滨州	binzhou
61	山东	Shandong	盟威戴森汽车轮毂制造有限公司	Mengwei Daisen Auto Wheel Manufacturing Co.,Ltd	滨州	binzhou
62	青海	Qinghai	青海达利铝业有限责任公司	Qinghai Dali Aluminium Industry Co.,Ltd	西宁	xining
63	内蒙古	Inner Mongolia	内蒙古立中霍煤车轮制造有限公司	Inner Mongolia Lizhong Huomei Wheel Manufacturing Co.,Ltd	霍林郭勒	huolinguole
64	内蒙古	Inner Mongolia	包头一阳轮毂有限公司	Baotou Yiyang Wheel Co.,Ltd	包头	baotou
65	内蒙古	Inner Mongolia	包头富诚铝业有限公司	Baotou Fucheng Aluminium Industry Co.,Ltd	包头	baotou
66	辽宁	Liaoning	沈阳三花戴卡轮毂有限公司	Shenyang Sanhua Dicastal Wheel Co.,Ltd	沈阳	shenyang
67	辽宁	Liaoning	沈阳都瑞轮毂有限公司	Shenyang Durui Wheel Co.,Ltd	沈阳	shenyang
68	辽宁	Liaoning	辽宁忠相铝业有限公司	Liaoning Zhong Xiang Aluminium IndustryCo.,Ltd	辽阳	liaoyang
69	江苏	Jiangsu	江苏圆通汽车零部件有限责任公司	Jiangsu Yuantong Auto Parts Co.,Ltd	镇江（丹阳）	zhenjiang (dan yang)
70	江苏	Jiangsu	大亚车轮制造有限公司	Daya Auto Wheel Manufacturing Co.,Ltd	镇江（丹阳）	zhenjiang (dan yang)
71	江苏	Jiangsu	诺德轮毂制造有限公司	Nuode Wheel Manufacturing Co.,Ltd	镇江（丹阳）	zhenjiang (dan yang)
72	江苏	Jiangsu	明岐铝轮毂（仪征）有限公司	Mingqi Aluminium Wheel (Yizheng) CO.,ltd	扬州（仪征）	yangzhou (yizheng)
73	江苏	Jiangsu	扬州市别克机电有限公司	Yangzhou Bieke Electromechanical Co.,Ltd	扬州（高邮）	yangzhou (gao you)
74	江苏	Jiangsu	扬州戴卡轮毂制造有限公司	Yangzhou Dicastal Wheel Manufacturing Co.,Ltd	扬州（高邮）	yangzhou (gao you)
75	江苏	Jiangsu	江苏苏美达车轮有限公司	Jiangsu Sumeida Wheel Co.,Ltd	扬州（宝应）	yangzhou (bao ying)
76	江苏	Jiangsu	江苏新安驰铝业有限公司	Jiangsu Xin An Chi Aluminium IndustryCo.,Ltd	宿迁（泗阳）	xiuqian (siyang)
77	江苏	Jiangsu	江苏新创雄铝制品有限公司	Jiangsu Xin Chuangxiong aluminium product Co.,Ltd	宿迁（泗阳）	xiuqian (siyang)

78	江苏	Jiangsu	江苏德铭铝业有限公司	Jiangsu Deming Aluminium Industry Co.,Ltd	宿迁（泗阳）	xiuqian (siyang)
79	江苏	Jiangsu	江苏安玛速铝业有限公司	Jiangsu Anmasu Aluminium Industry Co.,Ltd	宿迁（泗阳）	xiuqian (siyang)
80	江苏	Jiangsu	江苏新华晋铝制品有限公司	Jiangsu Xinhua jin aluminium product Co.,Ltd	宿迁（泗阳）	xiuqian (siyang)
81	江苏	Jiangsu	江苏骏驭铝业有限公司	Jiangsu Junyu Aluminium Industry Co.,Ltd	宿迁（泗阳）	xiuqian (siyang)
82	江苏	Jiangsu	江苏英挪唯铝业有限公司	Jiangsu Yingnuowei Aluminium Industry Co.,Ltd	宿迁（泗阳）	xiuqian (siyang)
83	江苏	Jiangsu	泗洪华明机械制造有限公司	Sihongong HuaMing Machinery Manufacturing Co.,Ltd	宿迁（泗洪）	xiuqian (sihong)
84	江苏	Jiangsu	江苏万阳轮毂有限公司	Jiangsu Wanyang Wheel Co.,Ltd	宿迁（沭阳）	xiuqian (shuyang)
85	江苏	Jiangsu	无锡戴卡轮毂有限公司	Wuxi Dicastal Wheel Co.,Ltd	无锡	wuxi
86	江苏	Jiangsu	无锡锦绣轮毂有限公司	Wuxi Jinxiu Wheel Co.,Ltd	无锡	wuxi
87	江苏	Jiangsu	无锡市万旋金属制品有限公司	Wuxi Wanxuan Metal Products Co.,Ltd	无锡	wuxi
88	江苏	Jiangsu	无锡振发铝镁科技有限公司	Wuxi Zhenfa Aluminium Magnesium Technology Co.,Ltd	无锡	wuxi
89	江苏	Jiangsu	康翔铝业(泰州)有限公司	Kangxiang Aluminium Industry (Tai Zhou) Co.,Ltd	泰州	taizhou
90	江苏	Jiangsu	泰州市康驰汽车配件有限公司	Tai Zhou shi Kangchi Auto Parts Co.,Ltd	泰州	taizhou
91	江苏	Jiangsu	吴江金鹰铸造有限公司	Wujiang Jinying Casting Co.,Ltd	苏州（吴江）	suzhou (wujiang)
92	江苏	Jiangsu	远轻铝业（中国）有限公司	Yuanqing Aluminium Industry (China) Co.,Ltd	苏州（昆山）	suzhou (kunshan)
93	江苏	Jiangsu	昆山安卡轮圈有限公司	Kunshan Anka Wheel Disk Co.,Ltd	苏州（昆山）	suzhou (kunshan)
94	江苏	Jiangsu	盛旺汽车零部件（昆山）有限公司	Shengwang Auto Parts (Kunshan) Co., LTD	苏州（昆山）	suzhou (kunshan)

95	江苏	Jiangsu	六丰机械工业有限公司	Liufeng Machinery industry Co.,Ltd	苏州（昆山）	suzhou (kunshan)
96	江苏	Jiangsu	六和轻合金（昆山）有限公司	Liuheqing Alloy (kunshan) Co.,Ltd	苏州（昆山）	suzhou (kunshan)
97	江苏	Jiangsu	六丰精密机械(昆山)有限公司	Liufeng Precision Machinery (Kunshan) Co.,Ltd	苏州（昆山）	suzhou (kunshan)
98	江苏	Jiangsu	富达铝业（常熟）有限公司	Fuda Aluminium Industry(changshu) Co., ltd	苏州（常熟）	suzhou (changshu)
99	江苏	Jiangsu	苏州源成铝制品有限公司	Suzhou Yuancheng aluminium product Co.,Ltd	苏州	suzhou
100	江苏	Jiangsu	美铝车轮产品(苏州)有限公司	Mei Aluminium Wheel Product (Suzhou) Co.,Ltd	苏州	suzhou
101	江苏	Jiangsu	南通贸联铝合金科技有限公司	Nantong Maolian Aluminium Alloy Techonology Co.,Ltd	南通（启东）	nantong (qidong)
102	江苏	Jiangsu	南京戴卡华舜轮毂有限公司	Nanjing Dicastal Huashun Wheel Co.,Ltd	南京	nanjing
103	江苏	Jiangsu	江苏三和轮毂制造有限公司	Jiangsu Sanhe Wheel Manufacturing Co.,Ltd	南京	nanjing
104	江苏	Jiangsu	江苏耀中铝车轮有限公司	Jiangsu Yaozhong Aluminium Wheel Co.,Ltd	连云港（灌云）	lianyungang (guanyun)
105	江苏	Jiangsu	连云港宝石重工设备有限公司	Lianyungang Baoshi Heavy equipment Co.,Ltd	连云港（灌南）	lianyungang (guannan)
106	江苏	Jiangsu	连云港启创铝制品制造有限公司	Lianyungang Qichuang aluminium product Manufacturing Co.,Ltd	连云港	lianyungang
107	江苏	Jiangsu	江苏神舟轮毂制造有限公司	Jiangsu Shenzhou Wheel Manufacturing Co.,Ltd	淮安（洪泽）	huaian (hongze)
108	江苏	Jiangsu	江苏恒源汽车零部件制造有限公司	Jiangsu Hengyuan Auto Parts Manufacturing Co.,Ltd	淮安（洪泽）	huaian (hongze)
109	江苏	Jiangsu	江苏东方龙机车有限公司	Jiangsu Dongfanglong Motorcycle Co.,Ltd	常州	changzhou
110	江苏	Jiangsu	江苏凯特汽车部件有限公司	Jiangsu Kaite Auto Parts Co.,Ltd	常州	changzhou
111	江苏	Jiangsu	常州理工科技有限公司	Changzhou Ligong Techonology Co.,Ltd	常州	changzhou
112	吉林	Jilin	吉林万丰奥威汽轮有限公司	Ji Lin Wanfeng Aowei Wheel Co.,Ltd	吉林	jilin
113	吉林	Jilin	恒巨铝业（白山）有限公司	Hengju Aluminium Industry (Baishan) CO.,LTD	白山	baishan
114	湖南	Hunan	湖南长丰六和铝镁制品有限公司	Hunan Changfeng Liuhe Aluminium and Magnesium Products Co.,Ltd	衡阳	hengyang

115	湖北	Hubei	襄樊恒德汽车配件有限公司	Xiangfan Hengde Auto Parts Co.,Ltd	襄樊	xiangfan
116	湖北	Hubei	湖北东泰铝轮毂有限公司	Hubei Dongtai Aluminium Wheel Co.,Ltd	天门	tianmen
117	湖北	Hubei	阳新昂运铝轮有限公司	Yangxin Angyun Aluminium Wheel Co.,Ltd	黄石（阳新）	huangshi (yangxin)
118	湖北	Hubei	湖北信捷铝轮有限公司	Hubei Xinjie Aluminium Wheel Co.,Ltd	黄石（阳新）	huangshi (yangxin)
119	湖北	Hubei	黄石鑫华轮毂有限公司	Huangshi Xinhua Wheel Co.,Ltd	黄石	huangshi
120	河南	Henan	三门峡戴卡轮毂制造有限公司	Sanmenxia Dicastal Wheel Manufacturing Co.,Ltd	三门峡	sanmenxia
121	河南	Henan	洛阳安轮铝制品有限公司	Luoyang Anlun aluminium product Co.,Ltd	洛阳	luoyang
122	河南	Henan	河南省天阳铝合金车轮有限公司	Henan Tianyang Aluminium Alloy Wheel Co.,Ltd	焦作（温县）	jiaozuo (wenxian)
123	河北	Hebei	中信戴卡股份有限公司	CiTIC Dicastal Wheel Manufacturing Co., Ltd.	秦皇岛	qinhuangdao
124	河北	Hebei	秦皇岛戴卡兴龙轮毂有限公司	Qinhuangdao Dicastal Xinglong Wheel Co.,Ltd	秦皇岛	qinhuangdao
125	河北	Hebei	秦皇岛戴卡美铝车轮有限公司	Qinhuangdao Dicastal Aluminium Wheel Co.,Ltd	秦皇岛	qinhuangdao
126	河北	Hebei	秦皇岛兴龙轮毂有限公司	Qinhuangdao Xinglong Wheel Co.,Ltd	秦皇岛	qinhuangdao
127	河北	Hebei	保定市立中车轮制造有限公司	Baoding Lizhong Wheel Manufacturing Co.,Ltd	保定	baoding
128	贵州	Guizhou	贵州今飞轮毂股份有限公司	Guizhou Jin Fei Wheel Co.,Ltd	贵阳	guiyang
129	广西	Guangxi	柳州一阳科技有限公司	Liuzhou Yiyang Techonology Co.,Ltd	柳州	liuzhou
130	广西	Guangxi	广西方洲铝业有限公司	Guangxi Fangzhou Aluminium IndustryCo.,Ltd	百色（平果）	baise (pingguo)
131	广东	Guangdong	台山市富诚铝业有限公司	Taishan Fucheng Aluminium IndustryCo.,Ltd	江门(台山)	jiangmen(taishan)
132	广东	Guangdong	台山市国际交通器材配件有限公司	Taishan International transport equipment accessories Co.,Ltd	江门(台山)	jiangmen(taishan)
133	广东	Guangdong	开平市中铝实业有限公司	Kaiping Shizhong Aluminium Industry Co.,Ltd	江门（开平）	jiangmen (kaiping)
134	广东	Guangdong	江门市天丞车轮有限公司	Jiang Men Shi Tian Che Wheel Co.,Ltd	江门	jiangmen
135	广东	Guangdong	广州戴卡旭铝铸件有限公司	Guangzhou Daikaxu Aluminium Casting Co.,Ltd	广州（增城）	guangzhou (zengcheng)

136	广东	Guangdong	广州驭风旭铝铸件有限公司	Guangzhou Yufengxu Aluminium Casting Co.,Ltd	广州（增城）	guangzhou (zengcheng)
137	广东	Guangdong	广州中精汽车部件有限公司	Guangzhou Zhongjing Auto Parts Co.,Ltd	广州	guangzhou
138	广东	Guangdong	远轻中南铝业（广东）有限公司	Yuanqing Zhongnan aluminium Industry (Guangdong) Co.,Ltd	佛山	foshan
139	广东	Guangdong	佛山市南海中南铝车轮制造有限公司	Foshan Nanhai Zhongnan Aluminium Wheel Manufacturing Co.,Ltd	佛山	foshan
140	广东	Guangdong	佛山市南海安驰铝合金车轮有限公司	Fodhan Nanhai Anchi Aluminium Alloy Wheel Co.,Ltd	佛山	foshan
141	福建	Fujian	正兴华安铝车轮有限公司	Zhengxing Huaan Aluminium Wheel Co.,Ltd	漳州（华安）	zhangzhou (huanan)
142	福建	Fujian	厦门民兴工业有限公司	Xiamen Minxing industryCo.,Ltd	厦门	shamen
143	福建	Fujian	福建申利卡铝业发展有限公司	Fujian Shenlika Aluminium Industry Development Co.,Ltd	泉州（南安）	quanzhou (nanan)
144	安徽	Anhui	安徽优合铝业科技有限公司	Anhui Youhe Aluminium Industry Techonology Co.,Ltd	宣城（广德）	xuancheng (guangde)
145	安徽	Anhui	安徽英挪唯铝业有限公司	Anhui Yingnuowei Aluminium IndustryCo.,Ltd	宣城（广德）	xuancheng (guangde)
146	安徽	Anhui	芜湖宝德轮业有限公司	Wuhu Baode Wheel Industry Co.,Ltd	芜湖	wuhu
147	安徽	Anhui	芜湖黄燕实业有限公司	Wuhu Huangyan Industry Co.,Ltd	芜湖	wuhu
148	安徽	Anhui	安徽汇联机械工业有限公司	Anhui Huilian Machinery industryCo.,Ltd	六安（舒城）	liuan (shucheng)
149	安徽	Anhui	安徽福斯特汽车部件有限公司	Anhui Fusite Auto Parts Co.,Ltd	安庆	anqing

Source: <http://wangxd63.blog.163.com/blog/static/218376137201452633415488/>

Import data of ARW from July 2008 to June 2014

CN code	Description	Month	Volume (Ton)	Value (Ten Thousands Dollar)
87087090 (Change as 8708 7099 since 2013)	ARW	July 2008 to Dec 2008	7059.6	5198.3
		2009	11351.0	8350.0
		2010	16827.9	13558.3
		2011	25144.8	20766.9
		2012	32450.0	24952.0
		2013	14323.8	9864.9
		Jan 2014 to June 2014	7701.3	5050.5
Total			114858.4	87740.8

以 **创新** 求发展

产品展示 Products Disply

当前位置：首页 > 业务范围 > 车轮展示 > 产品展示



产品名称: LZ578 Name of Product: LZ578

规格 Standard	中心孔 Center hole	尺寸 Size	颜色 Color	制程 Manufacture procedure
5-100	73	17×7.0	黑色 black	亮面 Bright surface
5-114.3	73	17×7.0	黑色 black	亮面 Bright surface
5-108	65	18×8.0	高亮银 slivery	全涂 All paint
5-114.3	73	18×8.0	黑色 black	亮面 Bright surface
5-114.3	73	19×8.0	黑色 black	亮面 Bright surface
5-114.3	73	19×9.0	黑色 black	亮面 Bright surface
5-114.3	73	20×9.0	黑色 black	亮面 Bright surface

适配车型 The matching car brand producers

厂商 (鼠标移至厂商名称可查看适配车型)	
Jeep	一汽-大众 FAW-Volkswagen
一汽丰田 FAW Toyota	一汽奔腾 Faw-BesTurn
一汽马自达 FAW Zida	上汽集团 SAIC
上海大众 Shanghai Volkswagen	上海大众斯柯达 Shanghai Volkswagen
东南汽车 Soueast Motors	东风悦达起亚 Yuedakia
东风日产 Dongfeng Nissan	东风本田 Dongfeng Honda
东风标致 Dongfeng Peugeot	东风裕隆 Dongfeng Yulon
丰田(进口) Toyota	北京现代 Beijing Hyundai
吉利汽车 Geely Auto	奇瑞汽车 Chery Automobile
广汽三菱 GMMC	广汽丰田 Guangqi Honda
广汽乘用车 GAC's passenger car	广汽本田 Guangqi Honda
捷豹 Jaguar	斯巴鲁 Subaru
比亚迪 BYD	沃尔沃(进口) VOLOV
海马汽车 Haima Auto	现代(进口) Hyundai
英菲尼迪 Infiniti	讴歌 Acura

装配效果图 Assembly Drawing



中华人民共和国固体废物污染环境防治法

中华人民共和国主席令

第三十一号

《中华人民共和国固体废物污染环境防治法》已由中华人民共和国第十届全国人民代表大会常务委员会第十三次会议于2004年12月29日修订通过，现将修订后的《中华人民共和国固体废物污染环境防治法》公布，自2005年4月1日起施行。

中华人民共和国主席 胡锦涛

二〇〇四年十二月二十九日

中华人民共和国固体废物污染环境防治法

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第一条 为了防治固体废物污染环境，保障人体健康，维护生态安全，促进经济社会可持续发展，制定本法。

第二条 本法适用于中华人民共和国境内固体废物污染环境的防治。

固体废物污染海洋环境的防治和放射性固体废物污染环境的防治不适用本法。

第三条 国家对固体废物污染环境的防治，实行减少固体废物的产生量和危害性、充分合理利用固体废物和无害化处置固体废物的原则，促进清洁生产和循环经济发展。

国家采取有利于固体废物综合利用活动的经济、技术政策和措施，对固体废物实行充分回收和合理利用。

国家鼓励、支持采取有利于保护环境的集中处置固体废物的措施，促进固体废物污染环境防治产业发展。

第四条 县级以上人民政府应当将固体废物污染环境防治工作纳入国民经济和社会发展规划，并采取有利于固体废物污染环境防治的经济、技术政策和措施。

国务院有关部门、县级以上地方人民政府及其有关部门组织编制城乡建设、土地利用、区域开发、产业发展等规划，应当统筹考虑减少固体废物的产生量和危害性、促进固体废物的综合利用和无害化处置。

第五条 国家对固体废物污染环境防治实行污染者依法负责的原则。

产品的生产者、销售者、进口者、使用者对其产生的固体废物依法承担污染防治责任。

第六条 国家鼓励、支持固体废物污染环境防治的科学研究、技术开发、推广先进的防治技术和普及固体废物污染环境防治的科学知识。

各级人民政府应当加强防治固体废物污染环境的宣传教育，倡导有利于环境保护的生产方式和生活方式。

第七条 国家鼓励单位和个人购买、使用再生产品和可重复利用产品。

第八条 各级人民政府对在固体废物污染环境防治工作以及相关的综合利用活动中作出显著成绩的单位和个人给予奖励。

第九条 任何单位和个人都有保护环境的义务，并有权对造成固体废物污染环境的单位和个人进行检举和控告。

第十条 国务院环境保护行政主管部门对全国固体废物污染环境的防治工作实施统一监督管理。国务院有关部门在各自的职责范围内负责固体废物污染环境防治的监督管理工作。

县级以上地方人民政府环境保护行政主管部门对本行政区域内固体废物污染环境的防治工作实施统一监督管理。县级以上地方人民政府有关部门在各自的职责范围内负责固体废物污染环境防治的监督管理工作。

国务院建设行政主管部门和县级以上地方人民政府环境卫生行政主管部门负责生活垃圾清扫、收集、贮存、运输和处置的监督管理工作。

第二章 固体废物污染环境防治的监督管理

第十一条 国务院环境保护行政主管部门会同国务院有关行政主管部门根据国家环境质量标准和国家经济、技术条件，制定国家固体废物污染环境防治技术标准。

第十二条 国务院环境保护行政主管部门建立固体废物污染环境监测制度，制定统一的监测规范，并会同有关部门组织监测网络。

大、中城市人民政府环境保护行政主管部门应当定期发布固体废物的种类、产生量、处置状况等信息。

第十三条 建设产生固体废物的项目以及建设贮存、利用、处置固体废物的项目，必须依法进行环境影响评价，并遵守国家有关建设项目环境保护管理的规定。

第十四条 建设项目的环境影响评价文件确定需要配套建设的固体废物污染环境防治设施，必须与主体工程同时设计、同时施工、同时投入使用。固体废物污染环境防治设施必须经原审批环境影响评价文件的环境保护行政主管部门验收合格后，该建设项目方可投入生产或者使用。对固体废物污染环境防治设施的验收应当与对主体工程的验收同时进行。

第十五条 县级以上人民政府环境保护行政主管部门和其他固体废物污染环境防治工作的监督管理部门，有权依据各自的职责对管辖范围内与固体废物污染环境防治有关的单位进行现场检查。被检查的单位应当如实反映情况，提供必要的资料。检查机关应当为被检查的单位保守技术秘密和业务秘密。

检查机关进行现场检查时，可以采取现场监测、采集样品、查阅或者复制与固体废物污染环境防治相关的资料等措施。检查人员进行现场检查，应当出示证件。

第三章 固体废物污染环境的防治

第一节 一般规定

第十六条 产生固体废物的单位和个人，应当采取措施，防止或者减少固体废物对环境的污染。

第十七条 收集、贮存、运输、利用、处置固体废物的单位和个人，必须采取防扬散、防流失、防渗漏或者其他防止污染环境的措施；不得擅自倾倒、堆放、丢弃、遗撒固体废物。

禁止任何单位或者个人向江河、湖泊、运河、渠道、水库及其最高水位线以下的滩地和岸坡等法律、法规规定禁止倾倒、堆放废弃物的地点倾倒、堆放固体废物。

第十八条 产品和包装物的设计、制造，应当遵守国家有关清洁生产的规定。国务院标准化行政主管部门应当根据国家经济和技术条件、固体废物污染环境防治状况以及产品的技术要求，组织制定有关标准，防止过度包装造成环境污染。

生产、销售、进口依法被列入强制回收目录的产品和包装物的企业，必须按照国家有关规定对该产品和包装物进行回收。

第十九条 国家鼓励科研、生产单位研究、生产易回收利用、易处置或者在环境中可降解的薄膜覆盖物和商品包装物。

使用农用薄膜的单位和个人，应当采取回收利用等措施，防止或者减少农用薄膜对环境的污染。

第二十条 从事畜禽规模养殖应当按照国家有关规定收集、贮存、利用或者处置养殖过程中产生的畜禽粪便，防止污染环境。

禁止在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的区域露天焚烧秸秆。

第二十一条 对收集、贮存、运输、处置固体废物的设施、设备和场所，应当加强管理和维护，保证其正常运行和使用。

第二十二条 在国务院和国务院有关主管部门及省、自治区、直辖市人民政府划定的自然保护区、风景名胜区、饮用水水源保护区、基本农田保护区和其他需要特别保护的区域内，禁止建设工业固体废物集中贮存、处置的设施、场所和生活垃圾填埋场。

第二十三条 转移固体废物出省、自治区、直辖市行政区域贮存、处置的，应当向固体废物移出地的省、自治区、直辖市人民政府环境保护行政主管部门提出申请。移出地的省、自治区、直辖市人民政府环境保护行政主管部门应当商经接受地的省、自治区、直辖市人民政府环境保护行政主管部门同意后，方可批准转移该固体废物出省、自治区、直辖市行政区域。未经批准的，不得转移。

第二十四条 禁止中华人民共和国境外的固体废物进境倾倒、堆放、处置。

第二十五条 禁止进口不能用作原料或者不能以无害化方式利用的固体废物；对可以用作原料的固体废物实行限制进口和自动许可进口分类管理。

国务院环境保护行政主管部门会同国务院对外贸易主管部门、国务院经济综合宏观调控部门、海关总署、国务院质量监督检验检疫部门制定、调整并公布禁止进口、限制进口和自动许可进口的固体废物目录。

禁止进口列入禁止进口目录的固体废物。进口列入限制进口目录的固体废物，应当经国务院环境保护行政主管部门会同国务院对外贸易主管部门审查许可。进口列入自动许可进口目录的固体废物，应当依法办理自动许可手续。

进口的固体废物必须符合国家环境保护标准，并经质量监督检验检疫部门检验合格。

进口固体废物的具体管理办法，由国务院环境保护行政主管部门会同国务院对外贸易主管部门、国务院经济综合宏观调控部门、海关总署、国务院质量监督检验检疫部门制定。

第二十六条 进口者对海关将其所进口的货物纳入固体废物管理范围不服的，可以依法申请行政复议，也可以向人民法院提起行政诉讼。

第二节 工业固体废物污染环境的防治

第二十七条 国务院环境保护行政主管部门应当会同国务院经济综合宏观调控部门和其他有关部门对工业固体废物对环境的污染作出界定，制定防治工业固体废物污染环境的技术政策，组织推广先进的防治工业固体废物污染环境的生产工艺和设备。

第二十八条 国务院经济综合宏观调控部门应当会同国务院有关部门组织研究、开发和推广减少工业固体废物产生量和危害性的生产工艺和设备，公布限期淘汰产生严重污染环境的工业固体废物的落后生产工艺、落后设备的名录。

生产者、销售者、进口者、使用者必须在国务院经济综合宏观调控部门会同国务院有关部门规定的期限内分别停止生产、销售、进口或者使用列入前款规定的名

录中的设备。生产工艺的采用者必须在国务院经济综合宏观调控部门会同国务院有关部门规定的期限内停止采用列入前款规定的名录中的工艺。

列入限期淘汰名录被淘汰的设备，不得转让给他人使用。

第二十九条 县级以上人民政府有关部门应当制定工业固体废物污染环境防治工作规划，推广能够减少工业固体废物产生量和危害性的先进生产工艺和设备，推动工业固体废物污染环境防治工作。

第三十条 产生工业固体废物的单位应当建立、健全污染环境防治责任制度，采取防治工业固体废物污染环境的措施。

第三十一条 企业事业单位应当合理选择和利用原材料、能源和其他资源，采用先进的生产工艺和设备，减少工业固体废物产生量，降低工业固体废物的危害性。

第三十二条 国家实行工业固体废物申报登记制度。

产生工业固体废物的单位必须按照国务院环境保护行政主管部门的规定，向所在地县级以上地方人民政府环境保护行政主管部门提供工业固体废物的种类、产生量、流向、贮存、处置等有关资料。

前款规定的申报事项有重大改变的，应当及时申报。

第三十三条 企业事业单位应当根据经济、技术条件对其产生的工业固体废物加以利用；对暂时不利用或者不能利用的，必须按照国务院环境保护行政主管部门的规定建设贮存设施、场所，安全分类存放，或者采取无害化处置措施。

建设工业固体废物贮存、处置的设施、场所，必须符合国家环境保护标准。

第三十四条 禁止擅自关闭、闲置或者拆除工业固体废物污染防治设施、场所；确有必要关闭、闲置或者拆除的，必须经所在地县级以上地方人民政府环境保护行政主管部门核准，并采取措施，防止污染环境。

第三十五条 产生工业固体废物的单位需要终止的，应当事先对工业固体废物的贮存、处置的设施、场所采取污染防治措施，并对未处置的工业固体废物作出妥善处置，防止污染环境。

产生工业固体废物的单位发生变更的，变更后的单位应当按照国家有关环境保护的规定对未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置或者采取措施保证该设施、场所安全运行。变更前当事人对工业固体废物及其贮存、处置的设施、场所的污染防治责任另有约定的，从其约定；但是，不得免除当事人的污染防治义务。

对本法施行前已经终止的单位未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置的费用，由有关人民政府承担；但是，该单位享有的土地使用权依法转让的，应当由土地使用权受让人承担处置费用。当事人另有约定的，从其约定；但是，不得免除当事人的污染防治义务。

第三十六条 矿山企业应当采取科学的开采方法和选矿工艺，减少尾矿、矸石、废石等矿业固体废物的产生量和贮存量。

尾矿、矸石、废石等矿业固体废物贮存设施停止使用后，矿山企业应当按照国家有关环境保护规定进行封场，防止造成环境污染和生态破坏。

第三十七条 拆解、利用、处置废弃电器产品和废弃机动车船，应当遵守有关法律、法规的规定，采取措施，防止污染环境。

第三节 生活垃圾污染环境的防治

第三十八条 县级以上人民政府应当统筹安排建设城乡生活垃圾收集、运输、处置设施，提高生活垃圾的利用率和无害化处置率，促进生活垃圾收集、处置的产业化发展，逐步建立和完善生活垃圾污染环境防治的社会服务体系。

第三十九条 县级以上地方人民政府环境卫生行政主管部门应当组织对城市生活垃圾进行清扫、收集、运输和处置，可以通过招标等方式选择具备条件的单位从事生活垃圾的清扫、收集、运输和处置。

第四十条 对城市生活垃圾应当按照环境卫生行政主管部门的规定，在指定的地点放置，不得随意倾倒、抛撒或者堆放。

第四十一条 清扫、收集、运输、处置城市生活垃圾，应当遵守国家有关环境保护和环境卫生管理的规定，防止污染环境。

第四十二条 对城市生活垃圾应当及时清运，逐步做到分类收集和运输，并积极开展合理利用和实施无害化处置。

第四十三条 城市人民政府应当有计划地改进燃料结构，发展城市煤气、天然气、液化气和其他清洁能源。

城市人民政府有关部门应当组织净菜进城，减少城市生活垃圾。

城市人民政府有关部门应当统筹规划，合理安排收购网点，促进生活垃圾的回收利用工作。

第四十四条 建设生活垃圾处置的设施、场所，必须符合国务院环境保护行政主管部门和国务院建设行政主管部门规定的环境保护和环境卫生标准。

禁止擅自关闭、闲置或者拆除生活垃圾处置的设施、场所；确有必要关闭、闲置或者拆除的，必须经所在地县级以上地方人民政府环境卫生行政主管部门和环境保护行政主管部门核准，并采取措施，防止污染环境。

第四十五条 从生活垃圾中回收的物质必须按照国家规定的用途或者标准使用，不得用于生产可能危害人体健康的产品。

第四十六条 工程施工单位应当及时清运工程施工过程中产生的固体废物，并按照环境卫生行政主管部门的规定进行利用或者处置。

第四十七条 从事公共交通运输的经营单位，应当按照国家有关规定，清扫、收集运输过程中产生的生活垃圾。

第四十八条 从事城市新区开发、旧区改建和住宅小区开发建设的单位，以及机场、码头、车站、公园、商店等公共设施、场所的经营管理单位，应当按照国家有关环境卫生的规定，配套建设生活垃圾收集设施。

第四十九条 农村生活垃圾污染环境防治的具体办法，由地方性法规规定。

第四章 危险废物污染环境防治的特别规定

第五十条 危险废物污染环境防治，适用本章规定；本章未作规定的，适用本法其他有关规定。

第五十一条 国务院环境保护行政主管部门应当会同国务院有关部门制定国家危险废物名录，规定统一的危险废物鉴别标准、鉴别方法和识别标志。

第五十二条 对危险废物的容器和包装物以及收集、贮存、运输、处置危险废物的设施、场所，必须设置危险废物识别标志。

第五十三条 产生危险废物的单位，必须按照国家有关规定制定危险废物管理计划，并向所在地县级以上地方人民政府环境保护行政主管部门申报危险废物的种类、产生量、流向、贮存、处置等有关资料。

前款所称危险废物管理计划应当包括减少危险废物产生量和危害性的措施以及危险废物贮存、利用、处置措施。危险废物管理计划应当报产生危险废物的单位所在地县级以上地方人民政府环境保护行政主管部门备案。

本条规定的申报事项或者危险废物管理计划内容有重大改变的，应当及时申报。

第五十四条 国务院环境保护行政主管部门会同国务院经济综合宏观调控部门组织编制危险废物集中处置设施、场所的建设规划，报国务院批准后实施。

县级以上地方人民政府应当依据危险废物集中处置设施、场所的建设规划组织建设危险废物集中处置设施、场所。

第五十五条 产生危险废物的单位，必须按照国家有关规定处置危险废物，不得擅自倾倒、堆放；不处置的，由所在地县级以上地方人民政府环境保护行政主管部门责令限期改正；逾期不处置或者处置不符合国家有关规定的，由所在地县级以上地方人民政府环境保护行政主管部门指定单位按照国家有关规定代为处置，处置费用由产生危险废物的单位承担。

第五十六条 以填埋方式处置危险废物不符合国务院环境保护行政主管部门规定的，应当缴纳危险废物排污费。危险废物排污费征收的具体办法由国务院规定。

危险废物排污费用于污染环境的防治，不得挪作他用。

第五十七条 从事收集、贮存、处置危险废物经营活动的单位，必须向县级以上人民政府环境保护行政主管部门申请领取经营许可证；从事利用危险废物经营活

动的单位，必须向国务院环境保护行政主管部门或者省、自治区、直辖市人民政府环境保护行政主管部门申请领取经营许可证。具体管理办法由国务院规定。

禁止无经营许可证或者不按照经营许可证规定从事危险废物收集、贮存、利用、处置的经营活动。

禁止将危险废物提供或者委托给无经营许可证的单位从事收集、贮存、利用、处置的经营活动。

第五十八条 收集、贮存危险废物，必须按照危险废物特性分类进行。禁止混合收集、贮存、运输、处置性质不相容而未经安全性处置的危险废物。

贮存危险废物必须采取符合国家环境保护标准的防护措施，并不得超过一年；确需延长期限的，必须报经原批准经营许可证的环境保护行政主管部门批准；法律、行政法规另有规定的除外。

禁止将危险废物混入非危险废物中贮存。

第五十九条 转移危险废物的，必须按照国家有关规定填写危险废物转移联单，并向危险废物移出地设区的市级以上地方人民政府环境保护行政主管部门提出申请。移出地设区的市级以上地方人民政府环境保护行政主管部门应当商经接受地设区的市级以上地方人民政府环境保护行政主管部门同意后，方可批准转移该危险废物。未经批准的，不得转移。

转移危险废物途经移出地、接受地以外行政区域的，危险废物移出地设区的市级以上地方人民政府环境保护行政主管部门应当及时通知沿途经过的设区的市级以上地方人民政府环境保护行政主管部门。

第六十条 运输危险废物，必须采取防止污染环境的措施，并遵守国家有关危险货物运输管理的规定。

禁止将危险废物与旅客在同一运输工具上载运。

第六十一条 收集、贮存、运输、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用时，必须经过消除污染的处理，方可使用。

第六十二条 产生、收集、贮存、运输、利用、处置危险废物的单位，应当制定意外事故的防范措施和应急预案，并向所在地县级以上地方人民政府环境保护行政主管部门备案；环境保护行政主管部门应当进行检查。

第六十三条 因发生事故或者其他突发性事件，造成危险废物严重污染环境的单位，必须立即采取措施消除或者减轻对环境的污染危害，及时通报可能受到污染危害的单位和居民，并向所在地县级以上地方人民政府环境保护行政主管部门和有关部门报告，接受调查处理。

第六十四条 在发生或者有证据证明可能发生危险废物严重污染环境、威胁居民生命财产安全时，县级以上地方人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门必须立即向本级人民政府和上一级人民政府有关行政主管部门报告，由人民政府采取防止或者减轻危害的有效措施。有关人民政府可以根据需要责令停止导致或者可能导致环境污染事故的作业。

第六十五条 重点危险废物集中处置设施、场所的退役费用应当预提，列入投资概算或者经营成本。具体提取和管理办法，由国务院财政部门、价格主管部门会同国务院环境保护行政主管部门规定。

第六十六条 禁止经中华人民共和国过境转移危险废物。

第五章 法律责任

第六十七条 县级以上人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门违反本法规定，有下列行为之一的，由本级人民政府或者上级人民政府有关行政主管部门责令改正，对负有责任的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

- （一）不依法作出行政许可或者办理批准文件的；
- （二）发现违法行为或者接到对违法行为的举报后不予查处的；
- （三）有不依法履行监督管理职责的其他行为的。

第六十八条 违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，限期改正，处以罚款：

- （一）不按照国家规定申报登记工业固体废物，或者在申报登记时弄虚作假的；
- （二）对暂时不利用或者不能利用的工业固体废物未建设贮存的设施、场所安全分类存放，或者未采取无害化处置措施的；
- （三）将列入限期淘汰名录被淘汰的设备转让给他人使用的；
- （四）擅自关闭、闲置或者拆除工业固体废物污染环境防治设施、场所的；
- （五）在自然保护区、风景名胜区、饮用水水源保护区、基本农田保护区和其他需要特别保护的区域内，建设工业固体废物集中贮存、处置的设施、场所和生活垃圾填埋场的；
- （六）擅自转移固体废物出省、自治区、直辖市行政区域贮存、处置的；

（七）未采取相应防范措施，造成工业固体废物扬散、流失、渗漏或者造成其他环境污染的；

（八）在运输过程中沿途丢弃、遗撒工业固体废物的。

有前款第一项、第八项行为之一的，处五千元以上五万元以下的罚款；有前款第二项、第三项、第四项、第五项、第六项、第七项行为之一的，处一万元以上十万元以下的罚款。

第六十九条 违反本法规定，建设项目需要配套建设的固体废物污染环境防治设施未建成、未经验收或者验收不合格，主体工程即投入生产或者使用的，由审批该建设项目环境影响评价文件的环境保护行政主管部门责令停止生产或者使用，可以并处十万元以下的罚款。

第七十条 违反本法规定，拒绝县级以上人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门现场检查的，由执行现场检查的部门责令限期改正；拒不改正或者在检查时弄虚作假的，处二千元以上二万元以下的罚款。

第七十一条 从事畜禽规模养殖未按照国家有关规定收集、贮存、处置畜禽粪便，造成环境污染的，由县级以上地方人民政府环境保护行政主管部门责令限期改正，可以处五万元以下的罚款。

第七十二条 违反本法规定，生产、销售、进口或者使用淘汰的设备，或者采用淘汰的生产工艺的，由县级以上人民政府经济综合宏观调控部门责令改正；情节严重的，由县级以上人民政府经济综合宏观调控部门提出意见，报请同级人民政府按照国务院规定的权限决定停业或者关闭。

第七十三条 尾矿、矸石、废石等矿业固体废物贮存设施停止使用后，未按照国家有关环境保护规定进行封场的，由县级以上地方人民政府环境保护行政主管部门责令限期改正，可以处五万元以上二十万元以下的罚款。

第七十四条 违反本法有关城市生活垃圾污染环境防治的规定，有下列行为之一的，由县级以上地方人民政府环境卫生行政主管部门责令停止违法行为，限期改正，处以罚款：

- （一）随意倾倒、抛撒或者堆放生活垃圾的；
- （二）擅自关闭、闲置或者拆除生活垃圾处置设施、场所的；
- （三）工程施工单位不及时清运施工过程中产生的固体废物，造成环境污染的；
- （四）工程施工单位不按照环境卫生行政主管部门的规定对施工过程中产生的固体废物进行利用或者处置的；
- （五）在运输过程中沿途丢弃、遗撒生活垃圾的。

单位有前款第一项、第三项、第五项行为之一的，处五千元以上五万元以下的罚款；有前款第二项、第四项行为之一的，处一万元以上十万元以下的罚款。个人有前款第一项、第五项行为之一的，处二百元以下的罚款。

第七十五条 违反本法有关危险废物污染环境防治的规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，限期改正，处以罚款：

- （一）不设置危险废物识别标志的；
- （二）不按照国家规定申报登记危险废物，或者在申报登记时弄虚作假的；

- (三) 擅自关闭、闲置或者拆除危险废物集中处置设施、场所的；
- (四) 不按照国家规定缴纳危险废物排污费的；
- (五) 将危险废物提供或者委托给无经营许可证的单位从事经营活动的；
- (六) 不按照国家规定填写危险废物转移联单或者未经批准擅自转移危险废物的；
- (七) 将危险废物混入非危险废物中贮存的；
- (八) 未经安全性处置，混合收集、贮存、运输、处置具有不相容性质的危险废物的；
- (九) 将危险废物与旅客在同一运输工具上载运的；
- (十) 未经消除污染的处理将收集、贮存、运输、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用的；
- (十一) 未采取相应防范措施，造成危险废物扬散、流失、渗漏或者造成其他环境污染的；
- (十二) 在运输过程中沿途丢弃、遗撒危险废物的；
- (十三) 未制定危险废物意外事故防范措施和应急预案的。

有前款第一项、第二项、第七项、第八项、第九项、第十项、第十一项、第十二项、第十三项行为之一的，处一万元以上十万元以下的罚款；有前款第三项、第五项、第六项行为之一的，处二万元以上二十万元以下的罚款；有前款第四项行

为的，限期缴纳，逾期不缴纳的，处应缴纳危险废物排污费金额一倍以上三倍以下的罚款。

第七十六条 违反本法规定，危险废物产生者不处置其产生的危险废物又不承担依法应当承担的处置费用的，由县级以上地方人民政府环境保护行政主管部门责令限期改正，处代为处置费用一倍以上三倍以下的罚款。

第七十七条 无经营许可证或者不按照经营许可证规定从事收集、贮存、利用、处置危险废物经营活动的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，没收违法所得，可以并处违法所得三倍以下的罚款。

不按照经营许可证规定从事前款活动的，还可以由发证机关吊销经营许可证。

第七十八条 违反本法规定，将中华人民共和国境外的固体废物进境倾倒、堆放、处置的，进口属于禁止进口的固体废物或者未经许可擅自进口属于限制进口的固体废物用作原料的，由海关责令退运该固体废物，可以并处十万元以上一百万元以下的罚款；构成犯罪的，依法追究刑事责任。进口者不明的，由承运人承担退运该固体废物的责任，或者承担该固体废物的处置费用。

逃避海关监管将中华人民共和国境外的固体废物运输进境，构成犯罪的，依法追究刑事责任。

第七十九条 违反本法规定，经中华人民共和国过境转移危险废物的，由海关责令退运该危险废物，可以并处五万元以上五十万元以下的罚款。

第八十条 对已经非法入境的固体废物，由省级以上人民政府环境保护行政主管部门依法向海关提出处理意见，海关应当依照本法第七十八条的规定作出处罚决

定；已经造成环境污染的，由省级以上人民政府环境保护行政主管部门责令进口者消除污染。

第八十一条 违反本法规定，造成固体废物严重环境污染的，由县级以上人民政府环境保护行政主管部门按照国务院规定的权限决定限期治理；逾期未完成治理任务的，由本级人民政府决定停业或者关闭。

第八十二条 违反本法规定，造成固体废物污染环境事故的，由县级以上人民政府环境保护行政主管部门处二万元以上二十万元以下的罚款；造成重大损失的，按照直接损失的百分之三十计算罚款，但是最高不超过一百万元，对负有责任的主管人员和其他直接责任人员，依法给予行政处分；造成固体废物污染环境重大事故的，并由县级以上人民政府按照国务院规定的权限决定停业或者关闭。

第八十三条 违反本法规定，收集、贮存、利用、处置危险废物，造成重大环境污染事故，构成犯罪的，依法追究刑事责任。

第八十四条 受到固体废物污染损害的单位和个人，有权要求依法赔偿损失。

赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门调解处理；调解不成的，当事人可以向人民法院提起诉讼。当事人也可以直接向人民法院提起诉讼。

国家鼓励法律服务机构对固体废物污染环境诉讼中的受害人提供法律援助。

第八十五条 造成固体废物污染环境的，应当排除危害，依法赔偿损失，并采取措施恢复环境原状。

第八十六条 因固体废物污染环境引起的损害赔偿诉讼，由加害人就法律规定的免责事由及其行为与损害结果之间不存在因果关系承担举证责任。

第八十七条 固体废物污染环境的损害赔偿责任和赔偿金额的纠纷，当事人可以委托环境监测机构提供监测数据。环境监测机构应当接受委托，如实提供有关监测数据。

第六章 附 则

第八十八条 本法下列用语的含义：

（一）固体废物，是指在生产、生活和其他活动中产生的丧失原有利用价值或者虽未丧失利用价值但被抛弃或者放弃的固态、半固态和置于容器中的气态的物品、物质以及法律、行政法规规定纳入固体废物管理的物品、物质。

（二）工业固体废物，是指在工业生产活动中产生的固体废物。

（三）生活垃圾，是指在日常生活中或者为日常生活提供服务的活动中产生的固体废物以及法律、行政法规规定视为生活垃圾的固体废物。

（四）危险废物，是指列入国家危险废物名录或者根据国家规定的危险废物鉴别标准和鉴别方法认定的具有危险特性的固体废物。

（五）贮存，是指将固体废物临时置于特定设施或者场所中的活动。

（六）处置，是指将固体废物焚烧和用其他改变固体废物的物理、化学、生物特性的方法，达到减少已产生的固体废物数量、缩小固体废物体积、减少或者消除其危险成份的活动，或者将固体废物最终置于符合环境保护规定要求的填埋场的活动。

（七）利用，是指从固体废物中提取物质作为原材料或者燃料的活动。

第八十九条 液态废物的污染防治，适用本法；但是，排入水体的废水的污染防治适用有关法律，不适用本法。

第九十条 中华人民共和国缔结或者参加的与固体废物污染环境防治有关的国际条约与本法有不同规定的，适用国际条约的规定；但是，中华人民共和国声明保留的条款除外。

第九十一条 本法自2005年4月1日起施行。

Law of the People's Republic of China on Prevention and Control of Environmental Pollution by Solid Waste

(Adopted at the 16th Meeting of the Standing Committee of the Eighth National People's Congress on October 30, 1995, revised and adopted at the 13th Meeting of the Standing Committee of the Tenth National People's Congress on December 29, 2004, promulgated by Order No. 31 of the President of the People's Republic of China on December 29, 2004, and effective as of April 1, 2005)

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Chapter I General Provisions

Article 1 This Law is enacted for the purpose of preventing and controlling environmental pollution by solid waste, ensuring human health, maintaining ecological safety and promoting the sustainable development of the economy and society.

Article 2 This Law is applicable to the prevention and control of environmental pollution by solid waste within the territory of the People's Republic of China.

This Law is not applicable to the prevention and control of marine environmental pollution by solid waste or of environmental pollution by radioactive solid waste.

Article 3 In preventing and controlling environmental pollution by solid waste, the State follows the principles of reducing the quantity of solid waste generated and its harmfulness, fully and rationally utilizing solid waste, and making it innocuous through treatment, in order to promote cleaner production and the development of a circular economy.

The State adopts economic and technical policies and measures that facilitate the comprehensive use of solid waste, in order to fully recover and rationally utilize solid waste.

The State encourages and supports the adoption of measures for concentrated treatment of solid waste for the benefit of environmental protection and promotes the development of the industry designed to prevent and control environmental pollution by solid waste.

Article 4 People's governments at or above the county level shall include the prevention and control of environmental pollution by solid waste in their plans for national economic and social development and adopt economic and technical policies and measures that facilitate the prevention and control of environmental pollution by solid waste.

When making arrangements for drawing up plans for town and township construction, land use, regional development, industrial development, etc., the relevant departments under the State Council, local people's governments at or above the county level and the relevant departments under them shall give overall consideration to the need of reducing the quantity of solid waste generated and its harmfulness, and promoting the comprehensive use of solid waste and making it innocuous through treatment.

Article 5 In preventing and controlling environmental pollution by solid waste, the State follows the principle whereby the polluter is held responsible in accordance with law.

Manufacturers, sellers, importers and users of products shall, in accordance with law, be responsible for preventing and controlling pollution by solid waste generated by the products.

Article 6 The State encourages and supports scientific research in and development of technologies for prevention and control of environmental pollution by solid waste, promotes the wide use of advanced technologies for such prevention and control, and disseminates scientific knowledge in this field.

People's governments at various levels shall enhance publicity and education in the need of prevention and control of environmental pollution by solid waste and promote the mode of production and way of life that are conducive to environmental protection.

Article 7 The State encourages units and individuals to purchase or use recycled and recyclable products.

Article 8 The people's governments at various levels shall give awards to the units and individuals that have achieved outstanding successes in the prevention and control of environmental pollution by solid waste and in its multipurpose use.

Article 9 All units and individuals have the obligation to protect the environment and have the right to report or file charges against the units or individuals that cause environmental pollution by solid waste.

Article 10 The administrative department for environmental protection under the State Council shall conduct unified supervision and administration over the prevention and control of environmental pollution by solid waste throughout the country. The relevant departments under the State Council shall be responsible for supervision and administration over the prevention and control of environmental pollution by solid waste within the scope of their respective duties.

The administrative departments for environmental protection under the local people's governments at or above the county level shall conduct unified supervision and administration over the prevention and control of environmental pollution by solid waste within their own administrative areas. The relevant departments of the said people's governments shall be responsible for supervision and administration over the prevention and control of environmental pollution by solid waste within the scope of their respective duties.

The administrative department for construction under the State Council and the administrative departments for environmental sanitation under the local people's governments at or above the county level shall be responsible for supervision and administration over the cleaning up, collection, storage, transportation and treatment of household waste.

Chapter II Supervision and Administration over the Prevention and Control of Environmental Pollution by Solid Waste

Article 11 The administrative department for environmental protection under the State Council shall, in conjunction with the relevant administrative departments under the State Council and on the basis of the national standards for environmental quality and the country's economic and technological conditions, draw up the national technological standards for prevention and control of environmental pollution by solid waste.

Article 12 The administrative department for environmental protection under the State Council shall establish a system for monitoring environmental pollution by solid waste, formulate unified monitoring norms and, in conjunction with relevant departments, set up a monitoring network.

The administrative departments for environment protection under the people's governments of large and medium-sized cities shall regularly publish such information as the types of solid waste, the quantities generated and its treatment, among others.

Article 13 For construction of a project where solid waste is generated or a project for storage, utilization or treatment of solid waste, its impact on the environment shall be

assessed according to law, and the provisions of the State governing environmental protection in respect of construction projects shall be complied with.

Article 14 The necessary supporting facilities for prevention and control of environmental pollution by solid waste specified in the environmental impact assessment document of a construction project shall be designed, constructed and put into operation simultaneously with the main part of the project. The construction project may be put into production or use only after the facilities for prevention and control of environmental pollution by solid waste are checked and accepted as qualified by the original administrative department for environmental protection that examined and approved the environmental impact assessment document. The facilities for prevention and control of environmental pollution by solid waste shall be checked and accepted simultaneously with the main part of the project.

Article 15 The administrative department for environmental protection under the people's government at or above the county level and the administrative department for supervision and administration over prevention and control of environmental pollution by solid waste shall have the right to conduct, in compliance with their respective duties, on-the-spot inspection of the units located within the scope of their jurisdiction that are involved in the prevention and control of environmental pollution by solid waste. The units under inspection shall give truthful reports of the situation and provide the necessary information. The inspection authority shall keep confidential the technological know-how and business secrets of the units inspected.

When conducting on-the-spot inspection, the inspection authority may adopt such measures as conducting on-the-spot monitoring, collecting samples, consulting or duplicating materials related to the prevention and control of environmental pollution by solid waste. Inspectors shall show their identification papers when they conduct on-the-spot inspection.

Chapter III Prevention and Control of Environmental Pollution by Solid Waste

Section 1 General Provisions

Article 16 Units and individuals where solid waste is generated shall adopt measures to prevent or reduce environmental pollution by solid waste.

Article 17 Units and individuals that collect, store, transport, utilize or treat solid waste shall take measures to prevent the scattering, running off and spilling of solid waste, or other measures to prevent pollution of the environment; they shall not dump or pile up, without authorization, or discard or litter solid waste.

No unit or individual may dump solid waste into rivers, lakes, canals, channels, reservoirs, or tidal flats and slopes below the highest waterline, or other places where dumping and piling up of waste is prohibited by laws and regulations.

Article 18 Products and packing materials shall be designed and manufactured in compliance with the provisions of the State governing cleaner production. The administrative department for standardization under the State Council shall, on the

basis of the economic and technological conditions of the State, in light of the situation of the prevention and control of environment pollution by solid waste and in compliance with the technical requirements of the products, take charge of formulating relevant standards to prevent environmental pollution by over-packing.

The enterprises, which manufacture, sell or import products and packaging materials included in the compulsory recovery catalog according to law, shall recover the said products and packaging materials according to the relevant provisions of the State.

Article 19 The State encourages research institutions and manufactures to conduct research in and manufacture thin-film sheetings and product packaging materials that are easy to be recycled or treated, or are degradable in the environment.

Units and individuals that use agricultural thin-film shall take measures to recycle it or other measures in order to prevent or reduce environmental pollution by such film.

Article 20 An entity engaged in raising livestock and poultry in a large scale shall, in conformity with relevant provisions of the State, collect, store, utilize or treat the excrement and urine discharge by the livestock and poultry, in order to prevent environmental pollution.

Open-air burning of stalks in densely-populated areas, in the neighboring areas of airports, on the peripheries of the main lines of communications and in the areas delimited by local people's governments is prohibited.

Article 21 Management and maintenance of facilities, equipment and places for collection, storage, transportation and treatment of solid waste shall be improved so as to ensure their normal operation and use.

Article 22 Constructing of facilities and places for concentrated storage and treatment of industrial solid waste or landfills for household waste within the nature reserves, scenic spots, historical sites, drinking water source reserves, capital farmland reserves and other zones that need special protection, as delimited by the State Council, the relevant competent departments under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government is prohibited.

Article 23 For transporting solid waste out of the administrative area of a province, autonomous region, or municipality directly under the Central Government for storage or treatment, an application shall be submitted to the administrative department for environmental protection under the people's government of the province, autonomous region, or municipality directly under the Central Government of the area where the solid waste is to be moved out. The administrative department for environmental protection of the people's government of the province, autonomous region, or municipality directly under the Central Government of the area where the solid waste is to be moved out may give approval to the transporting of the solid waste out of its administrative area only after it has consulted with, and won the consent of the administrative department for environmental protection of the people's

government of the province, autonomous region, or municipality directly under the Central Government of the area for acceptance of the solid waste. No solid waste may be transported elsewhere without approval.

Article 24 Importing of solid waste from outside of the territory of the People's Republic of China for dumping, piling up or treating is prohibited.

Article 25 Importing of solid waste that cannot be used as raw materials or utilized after being made innocuous is prohibited; as a means of control, the solid waste that can be used as raw materials shall be classified as solid waste the import of which is restricted and solid waste the import of which is automatically permitted.

The administrative department for environmental protection under the State Council shall, in conjunction with the department in charge of foreign trade under the State Council, the department in charge of comprehensive and macro-economic control under the State Council, the General Administration of Customs and the department in charge of quality supervision, inspection and quarantine under the State Council, formulate, readjust and publish the catalogs of solid waste the import of which is banned, restricted or automatically permitted.

Importing of solid waste placed in the catalog of solid waste the import of which is banned is prohibited. Importing of solid waste placed in the catalog of solid waste the import of which is restricted shall be subject to examination and approval by the administrative department for environmental protection under the State Council in conjunction with the department in charge of foreign trade under the State Council. For importing of solid waste placed in the catalog of solid waste the import of which is automatically permitted, the formalities for automatic permission shall be gone through according to law.

The solid waste imported shall conform to the national standards for environmental protection and shall be checked and accepted as qualified by the department in charge of quality supervision, inspection and quarantine.

The specific administrative measures for import of solid waste shall be formulated by the administrative department for environmental protection under the State Council, in conjunction with the department in charge of foreign trade under the State Council, the department in charge of comprehensive and macro-economic control under the State Council, the General Administration of Customs and the department in charge of quality supervision, inspection and quarantine under the State Council.

Article 26 Where an importer is not satisfied with the Customs for placing what he imports under its control over solid waste, he may apply for administrative reconsideration according to law or bring an administrative suit before a people's court.

Section 2 Prevention and Control of Environmental Pollution by Industrial Solid Waste

Article 27 The administrative department for environmental protection under the State Council shall, in conjunction with the department in charge of comprehensive and macro-economic control under the State Council and the relevant departments, give a definition of environmental pollution by industrial solid waste, work out technical policies regarding the prevention and control thereof, and take charge of disseminating advanced production techniques and equipment for prevention and control of environmental pollution by industrial solid waste.

Article 28 The department in charge of comprehensive and macro-economic control under the State Council shall, in conjunction with the relevant departments under the State Council, take charge of research in, development of and promotion of the wide use of, the production techniques and equipment that will serve to reduce the quantity of industrial solid waste generated and its harmfulness, and publish the catalogs of the outdated production techniques and equipment that generate industrial solid waste which causes serious environmental pollution and that should be eliminated within a time limit.

Manufacturers, sellers, importers and users shall respectively stop manufacturing, selling, importing and using the equipment, included in the catalog mentioned in the preceding paragraph, within the time limit specified by the department in charge of comprehensive and macro-economic control under the State Council in conjunction with the relevant departments under the State Council. Users of the production techniques mentioned in the preceding paragraph shall stop using the same within the time limit specified by the department in charge of comprehensive and macro-economic control under the State Council in conjunction with the relevant departments under the State Council.

No equipment that is included in the catalog of the equipment to be eliminated within a time limit and that is eliminated accordingly shall be transferred to another entity for use.

Article 29 The relevant departments of the people's governments at or above the county level shall formulate work plans for prevention and control of environmental pollution by industrial solid waste, in order to promote the wide use of the advanced production techniques and equipment which can serve to reduce the quantity of industrial solid waste generated and its harmfulness and push forward the work for prevention and control of environmental pollution by industrial solid waste.

Article 30 Units where industrial solid waste is generated shall establish and improve the responsibility system for prevention and control of environmental pollution and adopt measures for prevention and control of environmental pollution by industrial solid waste.

Article 31 Enterprises and institutions shall rationally select and use raw materials, energy and other resources and employ advanced production techniques and equipment, in order to reduce the quantity of industrial solid waste generated and its harmfulness.

Article 32 The State institutes a system of report and registration for industrial solid waste.

Units where industrial solid waste is generated shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, provide information about the types, quantity, flow direction, storage, treatment, etc. of industrial solid waste to the administrative department for environmental protection of the local people's governments at or above the county level in the places where they are located.

Where substantial changes are to be made in the matters that need to be reported as mentioned in the preceding paragraph, the units shall report promptly.

Article 33 Enterprises and institutions shall, on the basis of their economic and technical conditions, recycle industrial solid waste generated; with regard to industrial solid waste that is not to be recycled temporarily or that cannot be recycled, they shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, build facilities and places for its storage, classify it in different types for safe storage or adopt measures to make it innocuous through treatment.

The facilities and places for storage or treatment of industrial solid waste shall be built in conformity with the national standards for environmental protection.

Article 34 Closing down, leaving idle or dismantling, without authorization, facilities or places for prevention and control of environmental pollution by industrial solid waste is prohibited. Where it is really necessary to do so, the matter shall be subject to examination and approval by the administrative department for environmental protection of the local people's governments at or above the county level at the places where the facilities or places are located, and measures shall be taken to prevent environmental pollution.

Article 35 If a unit where industrial solid waste is generated need to be terminated, it shall, in advance, take measures to prevent and control pollution from the facilities and places for storage or treatment of industrial solid waste and make proper arrangements in respect of the untreated industrial solid waste to prevent environmental pollution.

Where the unit where industrial solid waste is generated is changed, the new unit shall, in accordance with the provisions of the State for environmental protection, make safety treatment of the industrial solid waste that has not been treated and of the facilities and places for its storage or treatment, or adopt measures to ensure the safe operation of such facilities and places. Where the parties before the change is made have agreed otherwise in respect of their responsibilities for prevention and control of pollution by industrial solid waste and by the facilities and places for its storage and treatment, their agreement shall prevail; but they shall not thus be relieved of their duty to prevent and control pollution.

The expenses for safe treatment of the industrial solid waste that has been left untreated by the unit terminated before implementation of this Law and for safe treatment of the facilities and places for storage or treatment of such waste shall be borne by the people's government concerned; but if the land use right enjoyed by such unit has been transferred according to law, the said expenses shall be borne by the transferee of the said right. If the parties have agreed otherwise, their agreement shall prevail; but they shall not thus be relieved of their duty to prevent and control pollution.

Article 36 Mining enterprises shall adopt scientific mining and dressing techniques in order to reduce the quantity of mining solid waste to be generated and stored, such as tailings, gangue and waste rock.

When ceasing to use the facilities for the storage of such mining solid waste as tailings, gangue and waste rock, mining enterprises shall, in accordance with the provisions of the State for environmental protection, close the facilities in order to prevent environmental pollution and ecological damage.

Article 37 Scrapped electrical appliances, automobiles and vessels shall be dismantled, utilized and disposed of in compliance with the relevant laws and regulations, and measures shall be taken to prevent environmental pollution.

Section 3 Prevention and Control of Environmental Pollution by Household Waste

Article 38 People's governments at or above the county level shall make overall plans for constructing facilities for collecting, transporting and treating urban and rural household waste, increase its utilization ratio and the proportion in which it is made innocuous through treatment, promote its industrialized collection and treatment, and gradually establish a sound social service system for prevention and control of environmental pollution by household waste.

Article 39 The administrative departments for environmental protection of the local people's governments at or above the county level shall take charge of cleaning up, collecting, transporting and treating urban household waste. They may, by such means as bid invitation, select qualified units to clean up, collect, transport and treat household waste.

Article 40 Urban household waste shall, in accordance with the regulations of the administrative departments for environmental sanitation, be placed at designated points and shall not be dumped, littered or piled up at will.

Article 41 Urban household waste shall be cleaned up, collected, transported and treated in compliance with the provisions of the State for environmental protection and sanitation, in order to prevent environmental pollution.

Article 42 Urban household waste shall be cleaned up and transported in a timely manner, it shall gradually be classified in different categories for collection and transportation, and efforts shall be made to have it rationally utilized and turned into something innocuous through treatment.

Article 43 Urban people's governments shall, in a planned way, improve the fuel mix, and develop coal gas, natural gas, liquefied gas and other clean energy for use in cities. The relevant departments of an urban people's government shall arrange for the supply of clean vegetables in cities, in order to reduce the quantity of urban household waste.

The relevant departments of an urban people's government shall make overall plans to rationally establish networks for purchasing household waste, in order to promote the recycling of such waste.

Article 44 Facilities and places for treatment of household waste shall be built in compliance with the standards for environmental protection and sanitation prescribed by the administrative department for environmental protection under the State Council and the administrative department for construction under the State Council.

Unauthorized closing, leaving idle and dismantling of facilities and places for treatment of household waste is prohibited. If it is really necessary to close, leave idle or dismantle such facilities and places, the matter shall be subject to examination and approval by the administrative department for environmental sanitation and the administrative department for environmental protection of the local people's government at or above the county level, and measures shall be taken to prevent environmental pollution.

Article 45 Recycled materials from household waste must be used in accordance with the purposes or standards specified by the State and shall not be used for the manufacture of products that may cause harm to human health.

Article 46 Construction units shall have their solid waste, left in the course of construction, promptly cleaned up and moved away, and have it utilized or treated in compliance with the regulations of the administrative department for environmental sanitation.

Article 47 Units engaged in public transportation shall, in accordance with relevant provisions of the State, have the household waste, which is scattered in the course of transportation, cleaned up and collected.

Article 48 Units engaged in developing new urban areas, redeveloping existing urban areas and developing residential quarters, or engaged in the operation and management of public facilities and places such as airports, wharves, bus stops or railway stations, parks or shops shall, in accordance with the provisions of the State for environmental sanitation, construct supporting facilities for collecting household waste.

Article 49 The specific measures for preventing and controlling environmental pollution by rural household waste shall be formulated in local regulations.

Chapter IV Special Provisions for Prevention and Control of Environmental Pollution by Hazardous Waste

Article 50 The provisions of this Chapter shall be applicable to prevention and control of environmental pollution by hazardous waste. With regard to cases for which no provisions are formulated in this Chapter, other relevant provisions of this Law shall apply.

Article 51 The administrative department for environmental protection under the State Council shall, in conjunction with the relevant departments under the State Council, formulate the national catalog of hazardous waste, lay down unified criteria, methods and signs for identifying, differentiating and distinguishing hazardous waste.

Article 52 Distinguishing signs of hazardous waste shall be put on the containers and packages of hazardous waste as well as on the facilities and places for collection, storage, transportation and treatment of such waste.

Article 53 Units where hazardous waste is generated shall, in accordance with relevant provisions of the State, formulate plans for control of hazardous waste and provide information about the types, quantities, flow direction, storage, treatment, etc. of hazardous waste to the administrative departments for environmental protection of the local people's governments at or above the county level in the places where they are located.

The plan for control of hazardous waste as mentioned in the preceding paragraph shall include the measures for reducing the quantity of hazardous waste generated and its harmfulness and the measures for storing, utilizing and treating such waste. The plan for control of hazardous waste shall be submitted for the record to the administrative departments for environmental protection of the local people's governments at or above the county level in the places where the units where hazardous waste is generated are located.

Where major changes are to be made in the matters reported or in the plans for control of hazardous waste as mentioned in this Article, timely application is required.

Article 54 The administrative department for environmental protection under the State Council shall, in conjunction with the department in charge of comprehensive and macro-economic control under the State Council, take charge of drawing up plans for constructing facilities and places for concentrated treatment of hazardous waste and shall have the plans implemented after obtaining approval of the State Council.

Local people's governments at or above the county level shall, in accordance with the plans for constructing facilities and places for concentrated treatment of hazardous waste, make arrangements for constructing such facilities and places.

Article 55 Units where hazardous waste is generated shall treat such waste in accordance with relevant provisions of the State, and they shall not dump or pile up such waste without authorization. Those units that fail to treat such waste shall be instructed by the administrative departments for environmental protection of the local people's governments at or above the county level in the places they are located to rectify within a time limit; if they fail to do so at the expiration of the time limit or in

conformity with relevant provisions of the State, the said departments shall assign other units to treat the waste in accordance with relevant provisions of the State , and the expenses entailed shall be borne by the units where hazardous waste is generated.

Article 56 Where a unit disposes of hazardous waste by the landfill method at variance with the regulations of the administrative department for environmental protection under the State Council, it shall pay fees for discharge of hazardous waste. The specific measures for imposition of such fees shall be formulated by the State Council.

Fees collected for discharge of hazardous waste shall be used for prevention and control of environmental pollution and shall not be appropriated for other purposes.

Article 57 A unit to be engaged in collection, storage and treatment of hazardous waste shall apply to the administrative department for environmental protection of the people's government at or above the county level for a business license; a unit to be engaged in utilization of hazardous waste shall apply for a business license to the administrative department for environmental protection under the State Council or of the people's government of a province, autonomous region, or municipality directly under the Central Government. The specific administrative measures in this regard shall be formulated by the State Council.

Engaging in collection, storage, utilization and treatment of hazardous waste without a business license or at variance with the provisions of a business license is prohibited.

Supplying or entrusting hazardous waste to a unit that does not have a business license for collection, storage, utilization and treatment of hazardous waste is prohibited.

Article 58 Hazardous waste shall be collected and stored separately according to their different properties as classified. Collecting, storing, transporting or treating mixed hazardous wastes that are incompatible in nature and that have not undergone safety treatment is prohibited.

Protective measures which conform to the national standards for environmental protection shall be adopted for storage of hazardous waste, and its storage may not exceed one year. Where it is really necessary to extend the time limit, the matter shall be subject to approval by the administrative department for environmental protection that originally approved the issue of the business license, except where otherwise provided for by laws and administrative regulations.

Mixing hazardous waste into nonhazardous waste for storage is prohibited.

Article 59 An entity that intends to transfer hazardous waste to another place shall, according to relevant provisions of the State, fill in duplicate forms for transfer of hazardous waste and submit an application to the administrative department for environmental protection of the local people's government at or above the level of a city divided into districts in the place where the hazardous waste is to be moved out.

The said department may grant approval of transferring the hazardous waste out only after consulting with and obtaining consent of the administrative department for environmental protection of the local people's government at or above the level of a city divided into districts in the place where the hazardous waste is to be accepted. Such waste shall not be transferred without approval.

Where hazardous waste is transferred via administrative areas other than the area where it is moved out and the area where it is accepted, the administrative department for environmental protection of the local people's government at the level of a city divided into districts in the place where the waste is to be moved out shall, in a timely manner, notify the relevant administrative departments for environmental protection of the local people's governments at or above the level of a city divided into districts along the way.

Article 60 For transportation of hazardous waste, measures for preventing environmental pollution shall be adopted and provisions of the State on the control of transportation of hazardous goods shall be observed.

Having hazardous waste and passengers carried by one and the same means of transport is prohibited.

Article 61 When places, facilities, equipment as well as containers, packages and other articles used for the collection, storage, transportation and treatment of hazardous waste are to be used for other purposes, they can be put to use only after pollution is eliminated through treatment.

Article 62 A unit where hazardous waste is generated or that collects, stores, transports, utilizes or treats hazardous waste shall formulate precaution measures and make contingency plans against accidents, and submit for the record those measures and plans to the administrative department for environmental protection of the local people's governments at or above the county level in the place it is located. The administrative department for environmental protection shall conduct inspection.

Article 63 A unit that causes serious pollution of the environment by hazardous waste due to an accident or an unexpected event shall immediately take measures to eliminate or alleviate the damage done by the pollution of the environment, promptly inform the units and residents that may be harmed by the pollution and, in the meantime, report to the administrative department for environmental protection and the relevant departments of the local people's government at or above the county level, and be ready for investigation and settlement of the matter.

Article 64 When the environment is seriously polluted by hazardous waste, thus threatening the safety of the lives and property of residents, or when there is evidence indicating the possible occurrence of the same, the administrative department for environmental protection of the local people's government at or above the county level or the administrative department for supervision and administration over prevention and control of environmental pollution by solid waste shall immediately report to the people's government at the corresponding level and the relevant

administrative department of the people's government at the next higher level, and the people's government shall take effective measures to prevent or alleviate the damage. The people's government concerned may, where necessary, instruct that the operation that has led or may possibly lead to such accident of environmental pollution be stopped.

Article 65 The expenses for putting out of use the key facilities and places for prevention and control of environmental pollution by hazardous waste shall be withdrawn in advance by having them included in the budgetary estimates of investment or in operating cost. The specific measures for withdrawal and control of the money shall be formulated by the department of finance and the department of pricing under the State Council, in conjunction with the administrative department for environmental protection under the State Council.

Article 66 Transferring hazardous waste via the territory of the People's Republic of China is prohibited.

Chapter V Legal Liability

Article 67 Where an administrative department for environmental protection of the people's government at or above the county level or an administrative department for supervision and administration over prevention and control of environmental pollution by solid waste, in violation of the provisions of this Law, commits one of the following acts, the people's government at the corresponding level or the relevant administrative department under the people's government at the next higher level shall instruct it to rectify, and shall give administrative sanctions according to law to the leading members in charge to be held responsible and the other persons directly responsible; if a crime is constituted, criminal liability shall be investigated according to law:

- (1) failing to grant administrative permission or issue approval document in accordance with law;
- (2) failing to investigate and deal with a violation of law discovered or reported; and
- (3) other acts such as failure to perform its duty of supervision and administration in accordance with law.

Article 68 Where an entity, in violation of the provisions of this Law, commits one of the following acts, the administrative department for environmental protection of the people's government at or above the county level shall instruct it to discontinue the violation and to rectify within a time limit, and may impose on it a fine:

- (1) failing to report for registration of industrial solid waste, as required by provisions of the State, or resorting to deception in reporting for registration of the same;
- (2) failing to build facilities and places for storage of industrial solid waste that is not to be recycled temporarily or that is unrecyclable in order to have such waste safely

stored in different categories as classified, or failing to adopt measures to make it innocuous through treatment;

(3) transferring, for use by another, the eliminated equipment that is included in the catalog of equipment to be eliminated within a time limit;

(4) without authorization, closing, leaving idle or dismantling facilities or places for prevention and control of environmental pollution by industrial solid waste;

(5) constructing facilities or places for concentrated storage or treatment of industrial solid waste or places for landfill of household waste in nature reserves, scenic spots or historical sites, protection zones of drinking water sources, protection zones of capital farmland or other zones that need special protection;

(6) without authorization, transferring solid waste out of the administrative areas of a province, autonomous region, or municipality directly under the Central Government for storage or treatment;

(7) failing to adopt the necessary precaution measures so that industrial solid waste is scattered, runs off, spills or the environment is polluted by other ways; and

(8) discarding or littering industrial solid waste along the way during transportation.

An entity that commits one of the acts specified in Subparagraphs (1) and (8) in the preceding paragraph shall be fined not less than CNY 5,000 but not more than CNY 50,000; if it commits one of the acts specified in Subparagraphs (2), (3), (4), (5), (6) and (7) in the preceding paragraph, it shall be fined not less than CNY 10,000 but not more than CNY 100,000.

Article 69 Where an entity, in violation of the provisions of this Law, puts the main part of a construction project into production or use while construction of its supporting facilities required for prevention and control of environmental pollution by solid waste has not been completed, or has not been checked and accepted as qualified or has been checked but not accepted as qualified, the administrative department for environmental protection that examined and approved the document of assessment of the impact exerted by the construction project on the environment shall instruct it to discontinue production or use and may, in addition, impose on it a fine of not more than CNY 100,000.

Article 70 Where an entity that, in violation of the provisions of this Law, refuses to accept on-the-spot inspection conducted by the administrative department for environmental protection of the people's government at or above the county level or the administrative department for supervision and administration over the prevention and control of environmental pollution by solid waste, the department conducting such inspection shall instruct it to rectify within a time limit; if it refuses to comply or practices fraud while undergoing inspection, it shall be fined not less than CNY 2,000 but not more than CNY 20,000.

Article 71 Where an entity engaged in raising livestock and poultry in a large scale fails to have the excrement and urine discharged by the livestock and poultry collected, stored or treated in conformity with the relevant provisions of the State and has thus caused environmental pollution, the administrative department for environmental protection of the local people's government at or above the county level shall instruct it to rectify within a time limit and may impose on it a fine of not more than CNY 50,000.

Article 72 Where an entity that, in violation of the provisions of this Law, manufactures, sells, imports or uses eliminated equipment or employs eliminated production techniques, the department in charge of comprehensive and macro-economic control of the people's government at or above the county level shall instruct it to rectify; if the circumstances are serious, the said department shall put forward a proposal to the people's government at the corresponding level, requesting that it, within the limits of its power as prescribed by the State Council, instruct the entity to suspend business or close down.

Article 73 Where a mining enterprise, after ceasing to use the facilities for storage of mining solid waste, such as tailings, gangue and waste rock, fails to close them, as required by relevant provisions of the State on environmental protection, the administrative department for environmental protection of the local people's government at or above the county level shall instruct it to rectify within a time limit and may impose on it a fine of not less than CNY 50, 000 but not more than CNY 200, 000.

Article 74 Where an entity that, in violation of the provisions of this Law on prevention and control of environmental pollution by urban household waste, commits one of the following acts, the administrative department for environmental sanitation of the local people's government at or above the county level shall instruct it to discontinue the violation and to rectify within a time limit and may impose on it a fine:

- (1) dumping, littering or piling up household waste at will;
- (2) without authorization, closing, leaving idle or dismantling the facilities and places for treatment of household waste;
- (3) for a construction unit, failing to have the solid waste, left in the course of construction, promptly cleaned up and moved away, thus causing environmental pollution;
- (4) for a construction unit, failing to have the solid waste, left in the course of construction, utilized or treated in compliance with the regulations of the administrative department for environmental sanitation; and
- (5) discarding or littering household waste along the way during transportation.

A unit which commits one of the acts specified in Subparagraphs (1), (3) and (5) in the preceding paragraph shall be fined not less than CNY 5,000 but not more than

CNY 50,000; if it commits one of the acts specified in Subparagraphs (2) and (4) in the preceding paragraph, it shall be fined not less than CNY 10,000 but not more than CNY 100,000. An individual who commits one of the acts specified in Subparagraph (1) and (5) in the preceding paragraph shall be fined not more than CNY 200.

Article 75 Where an entity that, in violation of the provisions on prevention and control of environmental pollution by hazardous waste, commits one of the following acts, the administrative department for environmental protection of the people's government at or above the county level shall instruct it to discontinue the violation and to rectify within a time limit and may impose on it a fine:

- (1) failing to put up distinguishing signs of hazardous waste;
- (2) failing to report for registration of hazardous waste in accordance with provisions of the State, or resorting to deception in reporting for registration;
- (3) without authorization, closing, leaving idle or dismantling facilities and places for concentrated treatment of hazardous waste;
- (4) failing to pay fees for discharge of hazardous waste in accordance with provisions of the State;
- (5) supplying or entrusting hazardous waste to a unit that does not have a business license for business activities in this respect;
- (6) failing to fill in duplicate forms for transfer of hazardous waste, as required by provisions of the State, or transferring such waste without approval;
- (7) mixing hazardous waste into nonhazardous waste for storage;
- (8) collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment;
- (9) having hazardous waste and passengers carried by one and the same means of transport;
- (10) using for other purposes places, facilities, equipment as well as containers, packages and other articles for collecting, storing, transporting and treating hazardous waste without eliminating pollution through treatment;
- (11) failing to adopt the necessary precaution measures, thus causing the scattering, running off, and spilling of hazardous waste or environmental pollution in other ways;
- (12) discarding or littering hazardous waste along the way during transportation; and
- (13) failing to formulate precaution measures and make contingency plans against accidents caused by hazardous waste.

A unit that commits one of the acts specified in Subparagraphs (1), (2), (7), (8), (9), (10), (11), (12) and (13) in the preceding paragraph shall be fined not less than CNY 10,000 but not more than CNY 100,000; if it commits one of the acts specified in Subparagraphs (3), (5) and (6) in the preceding paragraph, it shall be fined not less

than CNY 20,000 but not more than CNY 200,000; if it commits the act specified in Subparagraph (4) in the preceding paragraph, it shall be instructed to pay the fees within a time limit, and if it fails to comply at the expiration of the time limit, it shall be fined not less than the amount of the fees for discharge of hazardous waste but not more than three times that amount.

Article 76 Where an entity where hazardous waste is generated, in violation of the provisions of this Law, fails to treat the hazardous waste generated and to bear the expenses for treatment which it should bear according to law, the administrative department for environmental protection of the local people's government at or above the county level shall instruct it to rectify within a time limit and impose on it a fine of not less than the amount of the expenses for treatment of the waste by another entity but not more than three times that amount.

Article 77 Where an entity engages in collecting, storing, utilizing or treating hazardous waste without a business license or at variance with the provisions of the business license, the administrative department for environmental protection of the people's government at or above the county level shall instruct it to discontinue the violation, confiscate its unlawful gains, and may, in addition, impose on it of fine of not more than three times the amount of such gains.

If an entity engages in the activities specified in the preceding paragraph, at variance with the provisions of the business license, its business license may, in addition, be revoked by the department that issued the license.

Article 78 Where an entity, in violation of the provisions of this Law, has solid waste from abroad dumped, piled up, or treated within the territory of the People's Republic of China, or imports solid waste the import of which is banned or, without permission, imports solid waste the import of which is restricted, for use as raw materials, the Customs shall instruct it to have such waste transported back and may, in addition, impose on it a fine of not less than CNY 100,000 but not more than CNY 1,000,000 ; if a crime is constituted, it shall be investigated for criminal liability according to law. Where the importer cannot be identified, the responsibility for transporting back the said waste or the expenses for treating the waste shall be borne by the carrier.

Where an entity evades Customs supervision and administration and has solid waste transported to the People's Republic of China from abroad, which constitutes a crime, it shall be investigated for criminal liability according to law.

Article 79 Where an entity, in violation of the provisions of this Law, transfers hazardous waste via the territory of the People's Republic of China, the Customs shall instruct it to transport back such waste and may, in addition, impose on it a fine of not less than CNY 50,000 but not more than CNY 500,000.

Article 80 With regard to illegally imported solid waste, the administrative department for environmental protection of the people's government at or above the provincial level shall, according to law, put forward suggestions to the Customs regarding its disposition, and the Customs shall make a decision on punishment in

accordance with the provisions of Article 78 of this Law. If such waste has caused environmental pollution, the administrative department for environmental protection of the people's government at or above the provincial level shall instruct the importer to eliminate the pollution.

Article 81 Where an entity, in violation the provisions of this Law, has caused serious environmental pollution by solid waste, the administrative department for environmental protection of the people's government at or above the county level shall, within the limits of its power prescribed by the State Council, make a decision on having the pollution brought under control within a time limit; if the entity fails to fulfill the task at the expiration of the time limit, the people's government at the corresponding level shall decide that it suspend business or close down.

Article 82 Where an entity, in violation of the provisions of this Law, has caused an accident of environmental pollution by solid waste, the administrative department for environmental protection of the people's government at or above the county level shall impose on it a fine of not less than CNY 20,000 but not more than CNY 200,000, if heavy losses are caused, the penalty shall be 30% of the direct loss, but not exceeding CNY 1,000,000 at most, and the leading member in charge to be held responsible and the other persons directly responsible for the accident shall be given administrative sanctions according to law; if a major accident of environmental pollution by solid waste is caused, the people's government at or above the county level shall, within the limits of its power prescribed by the State Council, decide, in addition, that the entity suspend business or close down.

Article 83 Where an entity, in violation of the provisions of this Law, collects, stores, utilizes or treats hazardous waste and has thus caused a major accident of environmental pollution, which constitutes a crime, it shall be investigated for criminal liability according to law.

Article 84 Units and individuals that have suffered damage from solid waste pollution shall have the right to claim compensation according to law.

A dispute over the liability for damage and the amount of compensation may, at the request of the parties, be settled through mediation by the administrative department for environmental protection or the administrative department for supervision and administration over prevention and control of environmental pollution by solid waste; if mediation fails, the parties may bring a suit before a people's court. The parties may also bring a suit directly before a people's court.

The State encourages legal service institutions to provide legal aid to the victims of environmental pollution by solid waste who are involved in lawsuits.

Article 85 An entity that has caused environmental pollution by solid waste shall remove the hazards, compensate for the losses according to law and adopt measures to put the environment back to its original state.

Article 86 Where a suit for damage compensation is incurred due to environmental pollution by solid waste, the inflictor shall bear the burden of proof substantiating that there exists no causal relationship between the main content of exoneration prescribed by law and its act on the one hand and the damage done on the other.

Article 87 For a dispute over the liability for damage caused by environmental pollution by solid waste and the amount of compensation, the parties may entrust an environmental monitoring institution with the furnishing of monitoring data. The said institution shall accept the entrustment and provide the truthful monitoring data required.

Chapter VI Supplementary Provisions

Article 88 For the purposes of this Law, the meanings of the following terms are:

- (1) “Solid waste” consists of things and substances generated in the course of production, people’s daily lives and other activities, which have lost their original use value, or are discarded or abandoned although they have not lost such value, which are solid or semi-solid in form or which are in the gaseous state and are kept in containers, and things and substances which are controlled as solid waste, as proscribed by laws and administrative regulations;
- (2) “Industrial solid waste” means solid waste generated from industrial production;
- (3) “Household waste” means solid waste generated from everyday life or from services provided to everyday life, as well as the solid waste that is regarded as household waste according to the provisions of laws and administrative regulations;
- (4) “Hazardous waste” means solid waste that is included in the national catalog of hazardous waste or defined as solid waste with hazardous properties according to the criteria and methods of the State for distinguishing solid waste;
- (5) “Storage” means the activities of keeping solid waste temporarily in specific facilities or on specific places;
- (6) “Treatment” means activities undertaken to reduce the quantity or curtail the volume of the solid waste generated, reduce or eliminate its hazardous components, through incineration or other methods designed to change its physical, chemical or biological properties, or activities undertaken ultimately to put solid waste in the places for landfill that meet the requirements for environmental protection; and
- (7) “Utilization” means activities undertaken to extract substances from solid waste for use as raw materials or fuel.

Article 89 This Law shall be applicable to the prevention and control of pollution by liquid waste. The prevention and control of pollution by waste water discharged into water body shall be governed by relevant laws, not this Law.

Article 90 Where an international treaty regarding the prevention and control of environmental pollution by solid waste concluded or acceded to by the People’s

Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall prevail, with the exception of the provisions about which the People's Republic of China has declared reservations.

Article 91 This Law shall go into effect as of April 1, 2005.

中华人民共和国大气污染防治法

(2000年4月29日第九届全国人民代表大会常务委员会第十五次会议通过
2000年4月29日中华人民共和国主席令第32号公布 自2000年9月1日起
施行)

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第一章 总则

第一条 为防治大气污染，保护和改善生活环境和生态环境，保障人体健康，促进经济和社会的可持续发展，制定本法。

第二条 国务院和地方各级人民政府，必须将大气环境保护工作纳入国民经济和社会发展规划，合理规划工业布局，加强防治大气污染的科学研究，采取防治大气污染的措施，保护和改善大气环境。

第三条 国家采取措施，有计划地控制或者逐步削减各地方主要大气污染物的排放总量。

地方各级人民政府对本辖区的大气环境质量负责，制定规划，采取措施，

使本辖区的大气环境质量达到规定的标准。

第四条 县级以上人民政府环境保护行政主管部门对大气污染防治实施统一监督管理。

各级公安、交通、铁道、渔业管理部门根据各自的职责，对机动车船污染大气实施监督管理。

县级以上人民政府其他有关主管部门在各自职责范围内对大气污染防治实施监督管理。

第五条 任何单位和个人都有保护大气环境的义务，并有权对污染大气环境的单位和个人进行检举和控告。

第六条 国务院环境保护行政主管部门制定国家大气环境质量标准。省、自治区、直辖市人民政府对国家大气环境质量标准中未作规定的项目，可以制定地方标准，并报国务院环境保护行政主管部门备案。

第七条 国务院环境保护行政主管部门根据国家大气环境质量标准和国家经济、技术条件制定国家大气污染物排放标准。

省、自治区、直辖市人民政府对国家大气污染物排放标准中未作规定的项目，可以制定地方排放标准；对国家大气污染物排放标准中已作规定的项目，可以制定严于国家排放标准的地区排放标准。地方排放标准须报国务院环境保护行政主管部门备案。

省、自治区、直辖市人民政府制定机动车船大气污染物地方排放标准严于国家排放标准的，须报经国务院批准。

凡是向已有地方排放标准的区域排放大气污染物的，应当执行地方排放标准。

第八条 国家采取有利于大气污染防治以及相关的综合利用活动的经济、技术政策和措施。

在防治大气污染、保护和改善大气环境方面成绩显著的单位和个人，由各级人民政府给予奖励。

第九条 国家鼓励和支持大气污染防治的科学技术研究，推广先进适用的大气污染防治技术；鼓励和支持开发、利用太阳能、风能、水能等清洁能源。

国家鼓励和支持环境保护产业的发展。

第十条 各级人民政府应当加强植树种草、城乡绿化工作，因地制宜地采取有效措施做好防沙治沙工作，改善大气环境质量。

第二章 大气污染防治的监督管理

第十一条 新建、扩建、改建向大气排放污染物的项目，必须遵守国家有关建设项目环境保护管理的规定。

建设项目的环境影响报告书，必须对建设项目可能产生的大气污染和对生态环境的影响作出评价，规定防治措施，并按照规定的程序报环境保护行政主管部门审查批准。

建设项目投入生产或者使用之前，其大气污染防治设施必须经过环境保护行政主管部门验收，达不到国家有关建设项目环境保护管理规定的要求的

建设项目，不得投入生产或者使用。

第十二条 向大气排放污染物的单位，必须按照国务院环境保护行政主管部门的规定向所在地的环境保护行政主管部门申报拥有的污染物排放设施、处理设施和正常作业条件下排放污染物的种类、数量、浓度，并提供防治大气污染方面的有关技术资料。

前款规定的排污单位排放大气污染物的种类、数量、浓度有重大改变的，应当及时申报；其大气污染物处理设施必须保持正常使用，拆除或者闲置大气污染物处理设施的，必须事先报经所在地的县级以上地方人民政府环境保护行政主管部门批准。

第十三条 向大气排放污染物的，其污染物排放浓度不得超过国家和地方规定的排放标准。

第十四条 国家实行按照向大气排放污染物的种类和数量征收排污费的制度，根据加强大气污染防治的要求和国家的经济、技术条件合理制定排污费的征收标准。

征收排污费必须遵守国家规定的标准，具体办法和实施步骤由国务院规定。

征收的排污费一律上缴财政，按照国务院的规定用于大气污染防治，不得挪作他用，并由审计机关依法实施审计监督。

第十五条 国务院和省、自治区、直辖市人民政府对尚未达到规定的大气环境质量的区域和国务院批准划定的酸雨控制区、二氧化硫污染控制区，可以划定为主要大气污染物排放总量控制区。主要大气污染物排放总量

控制的具体办法由国务院规定。

大气污染物总量控制区内有关地方人民政府依照国务院规定的条件和程序，按照公开、公平、公正的原则，核定企业事业单位的主要大气污染物排放总量，核发主要大气污染物排放许可证。

有大气污染物总量控制任务的企业事业单位，必须按照核定的主要大气污染物排放总量和许可证规定的排放条件排放污染物。

第十六条 在国务院和省、自治区、直辖市人民政府划定的风景名胜区、自然保护区、文物保护单位附近地区和其他需要特别保护的区域内，不得建设污染环境的工业生产设施；建设其他设施，其污染物排放不得超过规定的排放标准。在本法施行前企业事业单位已经建成的设施，其污染物排放超过规定的排放标准的，依照本法第四十八条的规定限期治理。

第十七条 国务院按照城市总体规划、环境保护规划目标和城市大气环境质量状况，划定大气污染防治重点城市。

直辖市、省会城市、沿海开放城市和重点旅游城市应当列入大气污染防治重点城市。

未达到大气环境质量标准的大气污染防治重点城市，应当按照国务院或者国务院环境保护行政主管部门规定的期限，达到大气环境质量标准。该城市人民政府应当制定限期达标规划，并可以根据国务院的授权或者规定，采取更加严格的措施，按期实现达标规划。

第十八条 国务院环境保护行政主管部门会同国务院有关部门，根据气象、地形、土壤等自然条件，可以对已经产生、可能产生酸雨的地区或者其

他二氧化硫污染严重的地区，经国务院批准后，划定为酸雨控制区或者二氧化硫污染控制区。

第十九条 企业应当优先采用能源利用效率高、污染物排放量少的清洁生产工艺，减少大气污染物的产生。

国家对严重污染大气环境的落后生产工艺和严重污染大气环境的落后设备实行淘汰制度。

国务院经济综合主管部门会同国务院有关部门公布限期禁止采用的严重污染大气环境的工艺名录和限期禁止生产、禁止销售、禁止进口、禁止使用的严重污染大气环境的设备名录。

生产者、销售者、进口者或者使用者必须在国务院经济综合主管部门会同国务院有关部门规定的期限内分别停止生产、销售、进口或者使用列入前款规定的名录中的设备。生产工艺的采用者必须在国务院经济综合主管部门会同国务院有关部门规定的期限内停止采用列入前款规定的名录中的工艺。

依照前两款规定被淘汰的设备，不得转让给他人使用。

第二十条 单位因发生事故或者其他突然性事件，排放和泄漏有毒有害气体和放射性物质，造成或者可能造成大气污染事故、危害人体健康的，必须立即采取防治大气污染危害的应急措施，通报可能受到大气污染危害的单位和居民，并报告当地环境保护行政主管部门，接受调查处理。

在大气受到严重污染，危害人体健康和安全的紧急情况下，当地人民政府应当及时向当地居民公告，采取强制性应急措施，包括责令有关排污单位

停止排放污染物。

第二十一条 环境保护行政主管部门和其他监督管理部门有权对管辖范围内的排污单位进行现场检查，被检查单位必须如实反映情况，提供必要的资料。检查部门有义务为被检查单位保守技术秘密和业务秘密。

第二十二条 国务院环境保护行政主管部门建立大气污染监测制度，组织监测网络，制定统一的监测方法。

第二十三条 大、中城市人民政府环境保护行政主管部门应当定期发布大气环境质量状况公报，并逐步开展大气环境质量预报工作。

大气环境质量状况公报应当包括城市大气环境污染特征、主要污染物的种类及污染危害程度等内容。

第三章 防治燃煤产生的大气污染

第二十四条 国家推行煤炭洗选加工，降低煤的硫份和灰份，限制高硫份、高灰份煤炭的开采。新建的所采煤炭属于高硫份、高灰份的煤矿，必须建设配套的煤炭洗选设施，使煤炭中的含硫份、含灰份达到规定的标准。

对已建成的所采煤炭属于高硫份、高灰份的煤矿，应当按照国务院批准的规划，限期建成配套的煤炭洗选设施。

禁止开采含放射性和砷等有毒有害物质超过规定标准的煤炭。

第二十五条 国务院有关部门和地方各级人民政府应当采取措施，改进城市能源结构，推广清洁能源的生产和使用。

大气污染防治重点城市人民政府可以在本辖区内划定禁止销售、使用国务院环境保护行政主管部门规定的高污染燃料的区域。该区域内的单位和个人应当在当地人民政府规定的期限内停止燃用高污染燃料，改用天然气、液化石油气、电或者其他清洁能源。

第二十六条 国家采取有利于煤炭清洁利用的经济、技术政策和措施，鼓励和支持使用低硫份、低灰份的优质煤炭，鼓励和支持洁净煤技术的开发和推广。

第二十七条 国务院有关主管部门应当根据国家规定的锅炉大气污染物排放标准，在锅炉产品质量标准中规定相应的要求；达不到规定要求的锅炉，不得制造、销售或者进口。

第二十八条 城市建设应当统筹规划，在燃煤供热地区，统一解决热源，发展集中供热。在集中供热管网覆盖的地区，不得新建燃煤供热锅炉。

第二十九条 大、中城市人民政府应当制定规划，对饮食服务企业限期使用天然气、液化石油气、电或者其他清洁能源。

对未划定为禁止使用高污染燃料区域的大、中城市市区内的其他民用炉灶，限期改用固硫型煤或者使用其他清洁能源。

第三十条 新建、扩建排放二氧化硫的火电厂和其他大中型企业，超过规定的污染物排放标准或者总量控制指标的，必须建设配套脱硫、除尘装置或者采取其他控制二氧化硫排放、除尘的措施。

在酸雨控制区和二氧化硫污染控制区内，属于已建企业超过规定的污染

物排放标准排放大气污染物的，依照本法第四十八条的规定限期治理。

国家鼓励企业采用先进的脱硫、除尘技术。

企业应当对燃料燃烧过程中产生的氮氧化物采取控制措施。

第三十一条 在人口集中地区存放煤炭、煤矸石、煤渣、煤灰、砂石、灰土等物料，必须采取防燃、防尘措施，防止污染大气。

第四章 防治机动车船排放污染

第三十二条 机动车船向大气排放污染物不得超过规定的排放标准。

任何单位和个人不得制造、销售或者进口污染物排放超过规定排放标准的机动车船。

第三十三条 在用机动车不符合制造当时的在用机动车污染物排放标准的，不得上路行驶。

省、自治区、直辖市人民政府规定对在用机动车实行新的污染物排放标准并对其进行改造的，须报经国务院批准。

机动车维修单位，应当按照防治大气污染的要求和国家有关技术规范进行维修，使在用机动车达到规定的污染物排放标准。

第三十四条 国家鼓励生产和消费使用清洁能源的机动车船。

国家鼓励和支持生产、使用优质燃料油，采取措施减少燃料油中有害物质对大气环境的污染。单位和个人应当按照国务院规定的期限，停止生产、

进口、销售含铅汽油。

第三十五条 省、自治区、直辖市人民政府环境保护行政主管部门可以委托已取得公安机关资质认定的承担机动车年检的单位，按照规范对机动车排气污染进行年度检测。

交通、渔政等有监督管理权的部门可以委托已取得有关主管部门资质认定的承担机动船舶年检的单位，按照规范对机动船舶排气污染进行年度检测。

县级以上地方人民政府环境保护行政主管部门可以在机动车停放地对在用机动车的污染物排放状况进行监督抽测。

第五章 防治废气、尘和恶臭污染

第三十六条 向大气排放粉尘的排污单位，必须采取除尘措施。

严格限制向大气排放含有毒物质的废气和粉尘；确需排放的，必须经过净化处理，不超过规定的排放标准。

第三十七条 工业生产中产生的可燃性气体应当回收利用，不具备回收利用条件而向大气排放的，应当进行防治污染处理。

向大气排放转炉气、电石气、电炉法黄磷尾气、有机烃类尾气的，须报经当地环境保护行政主管部门批准。

可燃性气体回收利用装置不能正常作业的，应当及时修复或者更新。在回收利用装置不能正常作业期间确需排放可燃性气体的，应当将排放的可燃

性气体充分燃烧或者采取其他减轻大气污染的措施。

第三十八条 炼制石油、生产合成氨、煤气和燃煤焦化、有色金属冶炼过程中排放含有硫化物气体的，应当配备脱硫装置或者采取其他脱硫措施。

第三十九条 向大气排放含放射性物质的气体和气溶胶，必须符合国家有关放射性防护的规定，不得超过规定的排放标准。

第四十条 向大气排放恶臭气体的排污单位，必须采取措施防止周围居民区受到污染。

第四十一条 在人口集中地区和其他依法需要特殊保护的区域内，禁止焚烧沥青、油毡、橡胶、塑料、皮革、垃圾以及其他产生有毒有害烟尘和恶臭气体的物质。

禁止在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的区域露天焚烧秸秆、落叶等产生烟尘污染的物质。

除前两款外，城市人民政府还可以根据实际情况，采取防治烟尘污染的其他措施。

第四十二条 运输、装卸、贮存能够散发有毒有害气体或者粉尘物质的，必须采取密闭措施或者其他防护措施。

第四十三条 城市人民政府应当采取绿化责任制、加强建设施工管理、扩大地面铺装面积、控制渣土堆放和清洁运输等措施，提高人均占有绿地面积，减少市区裸露地面和地面尘土，防治城市扬尘污染。

在城市市区进行建设施工或者从事其他产生扬尘污染活动的单位，必须

按照当地环境保护的规定，采取防治扬尘污染的措施。

国务院有关行政主管部门应当将城市扬尘污染的控制状况作为城市环境综合整治考核的依据之一。

第四十四条 城市饮食服务业的经营者，必须采取措施，防治油烟对附近居民的居住环境造成污染。

第四十五条 国家鼓励、支持消耗臭氧层物质替代品的生产和使用，逐步减少消耗臭氧层物质的产量，直至停止消耗臭氧层物质的生产和使用。

在国家规定的期限内，生产、进口消耗臭氧层物质的单位必须按照国务院有关行政主管部门核定的配额进行生产、进口。

第六章 法律责任

第四十六条 违反本法规定，有下列行为之一的，环境保护行政主管部门或者本法第四条第二款规定的监督管理部门可以根据不同情节，责令停止违法行为，限期改正，给予警告或者处以五万元以下罚款：

（一）拒报或者谎报国务院环境保护行政主管部门规定的有关污染物排放申报事项的；

（二）拒绝环境保护行政主管部门或者其他监督管理部门现场检查或者在被检查时弄虚作假的；

（三）排污单位不正常使用大气污染物处理设施，或者未经环境保护行政主管部门批准，擅自拆除、闲置大气污染物处理设施的；

（四）未采取防燃、防尘措施，在人口集中地区存放煤炭、煤矸石、煤渣、煤灰、砂石、灰土等物料的。

第四十七条 违反本法第十一条规定，建设项目的大气污染防治设施没有建成或者没有达到国家有关建设项目环境保护管理的规定的要求，投入生产或者使用的，由审批该建设项目的环境影响报告书的环境保护行政主管部门责令停止生产或者使用，可以并处一万元以上十万元以下罚款。

第四十八条 违反本法规定，向大气排放污染物超过国家和地方规定排放标准的，应当限期治理，并由所在地县级以上地方人民政府环境保护行政主管部门处一万元以上十万元以下罚款。限期治理的决定权限和违反限期治理要求的行政处罚由国务院规定。

第四十九条 违反本法第十九条规定，生产、销售、进口或者使用禁止生产、销售、进口、使用的设备，或者采用禁止采用的工艺的，由县级以上人民政府经济综合主管部门责令改正；情节严重的，由县级以上人民政府经济综合主管部门提出意见，报请同级人民政府按照国务院规定的权限责令停业、关闭。

将淘汰的设备转让给他人使用的，由转让者所在地县级以上地方人民政府环境保护行政主管部门或者其他依法行使监督管理权的部门没收转让者的违法所得，并处违法所得两倍以下罚款。

第五十条 违反本法第二十四条第三款规定，开采含放射性和砷等有毒有害物质超过规定标准的煤炭的，由县级以上人民政府按照国务院规定的权限责令关闭。

第五十一条 违反本法第二十五条第二款或者第二十九条第一款的规定，在当地人民政府规定的期限届满后继续燃用高污染燃料的，由所在地县级以上地方人民政府环境保护行政主管部门责令拆除或者没收燃用高污染燃料的设施。

第五十二条 违反本法第二十八条规定，在城市集中供热管网覆盖地区新建燃煤供热锅炉的，由县级以上地方人民政府环境保护行政主管部门责令停止违法行为或者限期改正，可以处五万元以下罚款。

第五十三条 违反本法第三十二条规定，制造、销售或者进口超过污染物排放标准的机动车船的，由依法行使监督管理权的部门责令停止违法行为，没收违法所得，可以并处违法所得一倍以下的罚款；对无法达到规定的污染物排放标准的机动车船，没收销毁。

第五十四条 违反本法第三十四条第二款规定，未按照国务院规定的期限停止生产、进口或者销售含铅汽油的，由所在地县级以上地方人民政府环境保护行政主管部门或者其他依法行使监督管理权的部门责令停止违法行为，没收所生产、进口、销售的含铅汽油和违法所得。

第五十五条 违反本法第三十五条第一款或者第二款规定，未取得所在地省、自治区、直辖市人民政府环境保护行政主管部门或者交通、渔政等依法行使监督管理权的部门的委托进行机动车船排气污染检测的，或者在检测中弄虚作假的，由县级以上人民政府环境保护行政主管部门或者交通、渔政等依法行使监督管理权的部门责令停止违法行为，限期改正，可以处五万元以下罚款；情节严重的，由负责资质认定的部门取消承担机动车船年检的资格。

第五十六条 违反本法规定，有下列行为之一的，由县级以上地方人民政府环境保护行政主管部门或者其他依法行使监督管理权的部门责令停止违法行为，限期改正，可以处五万元以下罚款：

（一）未采取有效污染防治措施，向大气排放粉尘、恶臭气体或者其他含有有毒物质气体的；

（二）未经当地环境保护行政主管部门批准，向大气排放转炉气、电石气、电炉法黄磷尾气、有机烃类尾气的；

（三）未采取密闭措施或者其他防护措施，运输、装卸或者贮存能够散发有毒有害气体或者粉尘物质的；

（四）城市饮食服务业的经营者未采取有效污染防治措施，致使排放的油烟对附近居民的居住环境造成污染的。

第五十七条 违反本法第四十一条第一款规定，在人口集中地区和其他依法需要特殊保护的区域内，焚烧沥青、油毡、橡胶、塑料、皮革、垃圾以及其他产生有毒有害烟尘和恶臭气体的物质的，由所在地县级以上地方人民政府环境保护行政主管部门责令停止违法行为，处二万元以下罚款。

违反本法第四十一条第二款规定，在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的区域内露天焚烧秸秆、落叶等产生烟尘污染的物质的，由所在地县级以上地方人民政府环境保护行政主管部门责令停止违法行为；情节严重的，可以处二百元以下罚款。

第五十八条 违反本法第四十三条第二款规定，在城市市区进行建设施工或者从事其他产生扬尘污染的活动，未采取有效扬尘防治措施，致使大气

环境受到污染的，限期改正，处二万元以下罚款；对逾期仍未达到当地环境保护规定要求的，可以责令其停工整顿。

前款规定的对因建设施工造成扬尘污染的处罚，由县级以上地方人民政府建设行政主管部门决定；对其他造成扬尘污染的处罚，由县级以上地方人民政府指定的有关主管部门决定。

第五十九条 违反本法第四十五条第二款规定，在国家规定的期限内，生产或者进口消耗臭氧层物质超过国务院有关行政主管部门核定配额的，由所在地省、自治区、直辖市人民政府有关行政主管部门处二万元以上二十万元以下罚款；情节严重的，由国务院有关行政主管部门取消生产、进口配额。

第六十条 违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令限期建设配套设施，可以处二万元以上二十万元以下罚款：

（一）新建的所采煤炭属于高硫份、高灰份的煤矿，不按照国家有关规定建设配套的煤炭洗选设施的；

（二）排放含有硫化物气体的石油炼制、合成氨生产、煤气和燃煤焦化以及有色金属冶炼的企业，不按照国家有关规定建设配套脱硫装置或者未采取其他脱硫措施的。

第六十一条 对违反本法规定，造成大气污染事故的企业事业单位，由所在地县级以上地方人民政府环境保护行政主管部门根据所造成的危害后果处直接经济损失百分之五十以下罚款，但最高不超过五十万元；情节严重的，对直接负责的主管人员和其他直接责任人员，由所在单位或者上级主管

机关依法给予行政处分或者纪律处分；造成重大大气污染事故，导致公私财产重大损失或者人身伤亡的严重后果，构成犯罪的，依法追究刑事责任。

第六十二条 造成大气污染危害的单位，有责任排除危害，并对直接遭受损失的单位或者个人赔偿损失。

赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护行政主管部门调解处理；调解不成的，当事人可以向人民法院起诉。当事人也可以直接向人民法院起诉。

第六十三条 完全由于不可抗拒的自然灾害，并经及时采取合理措施，仍然不能避免造成大气污染损失的，免于承担责任。

第六十四条 环境保护行政主管部门或者其他有关部门违反本法第十四条第三款的规定，将征收的排污费挪作他用的，由审计机关或者监察机关责令退回挪用款项或者采取其他措施予以追回，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

第六十五条 环境保护监督管理人员滥用职权、玩忽职守的，给予行政处分；构成犯罪的，依法追究刑事责任。

第七章 附则

第六十六条 本法自2000年9月1日起施行。

Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution

(Adopted at the 22nd Meeting of the Standing Committee of the 6th National People's Congress on September 5, 1987; Revised at the 15th Meeting of the Standing Committee of the Eighth National People's Congress on August 29, 1995, Revised at the 15th Meeting of the Standing Committee of the 9th National People's Congress on April 29, 2000, promulgated by Order No. 32 of the President of the People's Republic of China on April 29, 2000; and effective as of September 1, 2000)

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Chapter I General Provisions

Article 1 This Law is formulated for the purpose of preventing and controlling atmospheric pollution, protecting and improving people's environment and the ecological environment, safeguarding human health, and promoting the sustainable development of the economy and society.

Article 2 The State Council and the local people's governments at various levels shall incorporate the protection of the atmospheric environment into the national economic and social development plans, make rational plans for the geographical distribution of industry, improve scientific research in the prevention and control of atmospheric pollution and adopt measures to prevent and control atmospheric pollution, in order to protect and improve the atmospheric environment.

Article 3 The State takes measures to control or gradually reduce, in a planned way, the total amount of the major atmospheric pollutants discharged in different areas.

The local people's governments at various levels shall be responsible for the quality of the atmospheric environment within the areas under their jurisdiction, making plans

and taking measures to ensure that the quality of the atmospheric environment within the said areas meet the standards.

Article 4 The administrative departments for environmental protection under the people's governments at or above the county level shall exercise unified supervision and administration over the prevention and control of atmospheric pollution.

The administrative departments for public security, transportation, railways and fishery at various levels shall perform their respective functions in conducting supervision and administration over atmospheric pollution caused by motor vehicles and vessels.

The relevant competent departments under the people's governments at or above the county level shall, with the limits of their respective functions conduct supervision and administration over the prevention and control of atmospheric pollution.

Article 5 All units and individuals shall have the obligation to protect the atmospheric environment and shall have the right to inform or lodge charges against units or individuals that cause pollution to the atmospheric environment.

Article 6 The administrative department for environmental protection under the State Council shall establish the national standards for atmospheric environment quality.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for items not specified in the national standards for atmospheric environment quality and report the same to the administrative department for environmental protection under the State Council for the record.

Article 7 The administrative department for environmental protection under the State Council shall, on the basis of the national standards for atmospheric environment quality and the country's economic and technological conditions, establish the national norm for the discharge of atmospheric pollutants.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local discharge norms for items not specified in the national norm for the discharge of atmospheric pollutants; with regard to items already specified in the national norms for the discharge of atmospheric pollutants, they may set local discharge norms which are more stringent than the national norm and report the same to the administrative department for environmental protection under the State Council for the record.

Where the local norms for the discharge of atmospheric pollutants by motor vehicles and vessels established by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government are more stringent than the national norm, they shall be subject to approval by the State Council.

Units that discharge atmospheric pollutants in areas where local discharge norms have been established shall do so in conformity with such norms.

Article 8 The State adopts economic and technological policies and measures to facilitate the prevention and control of atmospheric pollution and the relevant multi-purpose utilization.

Units or individuals that have made outstanding achievements in the prevention and control of atmospheric pollution or in the protection and improvement of the atmospheric environment shall be rewarded by the people's governments at various levels.

Article 9 The States encourages and supports scientific and technological research into the prevention and control of atmospheric pollution, promotes the wide use of advanced and applicable technologies for such prevention and control; encourages and supports the development and utilization of clean energy like the solar energy, wind energy and water energy.

The State encourages and supports the development of the environmental protection industries.

Article 10 The people's governments at various levels shall redouble their efforts in afforestation, grass planting, urban and rural greening, and take effective measures that are suited to local conditions to prevent and control desertification so as to improve the atmospheric environment.

Chapter II Supervision and Administration over the Prevention and Control of Atmospheric Pollution

Article 11 Projects which discharge atmospheric pollutants shall be built, expanded or rebuilt in compliance with the provisions of the State requiring environmental protection in respect of such projects.

In the statement regarding the environmental impact of a construction project, the atmospheric pollution the project is likely to produce and its impact on the ecological environment shall be assessed and measures for its prevention and control be specified; and the statement shall, in accordance with the specified procedures, be submitted to the administrative department for environmental protection for examination and approval.

Before a construction project is put into operation or to use, its facilities for the prevention and control of atmospheric pollution shall be subject to inspection and acceptance by the administrative department for environmental protection; no construction projects that fail to meet the requirements specified in the provisions of the State requiring environmental protection in respect of such projects shall be permitted to be put into operation or to use.

Article 12 Units that discharge atmospheric pollutants shall, pursuant to the regulations laid down by the administrative department for environmental protection under the State Council, report to the local administrative department for environmental protection the facilities installed for discharging and treating pollutants and the categories, quantities and density of the pollutants discharged under regular

operation conditions and submit to the same department the relevant technical data concerning the prevention and control of atmospheric pollution.

The units that discharge pollutants, as mentioned in the preceding paragraph, shall without delay report on any substantial change in the categories, quantities or density of the atmospheric pollutants discharged. They shall keep their facilities for treating atmospheric pollutants in regular operation; where the said facilities are to be dismantled or left idle, the matter shall be reported to the local administrative department for environmental protection under the people's government at or above the county level for approval in advance.

Article 13 No units may discharge atmospheric pollutants in excess of the density specified by the State and by local authorities.

Article 14 The State institutes a system under which fees are charged discharge of atmospheric pollutants on the basis of the categories and quantities of the pollutants discharged and establishes reasonable rates for such fees according to the need for improved prevention and control of atmospheric pollution and the country's economic and technological conditions.

The rates fixed by the State shall be applied in collecting the fees for discharge of pollutants, specific measures and the procedures for their implementation shall be prescribed by the State Council.

All the fees collected for discharge of pollutants shall be turned over to the Treasury and shall be used for the prevention and control of atmospheric pollution as prescribed by the State Council and may not be used for other purposes. And the auditing authority shall, in accordance with law, exercise supervision over their use through auditing.

Article 15 With regard to the areas, where the specified standards for the quality of the atmospheric environment are not met, and the acid rain control areas and the sulfur dioxide pollution control areas designated as such with the approval of the State Council, the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may delimit them as the areas where the total amount of the main atmospheric pollutants discharged is kept under control. The specific measures for such control shall be prescribed by the State Council.

The relevant local people's governments in the areas where the total amount of the atmospheric pollutants discharged is kept under control shall, in compliance with the requirements and procedures prescribed by the State Council and in line with the principles of openness, fairness and impartiality, check and fix the total amounts of the main atmospheric pollutants discharged by enterprises and institutions and issue them permits for discharge for such pollutants.

The enterprises and institutions that undertake to control their total amounts of atmospheric pollutants discharged shall discharge pollutants in conformity with the

checked and fixed total amounts of the main atmospheric pollutants to be discharged and the requirements in respect of their discharge prescribed by the permits.

Article 16 Within the scenic or historic sites, nature reserves, the areas adjacent to historical or cultural sites under protection and other zones that need special protection, delimited as such by the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, no industrial production installations that cause environmental pollution shall be built; the pollutants discharged by other installations to be built in these areas may not exceed the norms prescribed. Enterprises and institutions which, before the enforcement of this Law, have built installations that discharge pollutants in excess of the specified norms shall, in accordance with the provisions of Article 48 of this Law, put such pollution under control within a time limit.

Article 17 The State Council shall designate key cities for prevention and control of atmospheric pollution in accordance with the overall plan for urban development, the planned target for environmental protection and the quality of the atmospheric environment of cities.

Municipalities directly under the Central Government, provincial capitals, open coastal cities and key tourist cities shall be included in the list of key cities for prevention and control of atmospheric pollution.

Key cities for prevention and control of atmospheric pollution that fail to meet the standards for the quality of the atmospheric environment shall be required to do so within the time limit specified by the State Council or the administrative department for environmental under the State Council. The people's governments of such cities shall make plans to meet the standards within the time limit and may, under the authorization of the State Council or on the basis of its regulations, adopt more stringent measures to fulfil such plans on schedule.

Article 18 The administrative department for environmental protection under the State Council together with the relevant departments under the State Council may, in light of the meteorological, topographical, soil and other natural conditions, delimit the areas where acid rain has occurred or will probably occur and areas that are seriously polluted by sulfur dioxide as acid rain control areas or sulfur dioxide pollution control areas, subject to approval by the State Council.

Article 19 Enterprises shall give priority to the adoption of clean production techniques that are instrumental to high-efficient use of energy and reduced discharge of pollutants so as to decrease the generation of atmospheric pollutants.

The State practises an elimination system for the outdated production techniques and equipment which cause serious pollution to the atmospheric environment.

The competent department for comprehensive economic affairs under the State Council shall, in conjunction with the relevant departments under the State Council, publish a catalog of the techniques which cause serious pollution to the atmospheric

environment and the use of which shall be prohibited within a time limit, and a catalog of the equipment which causes serious pollution to the atmospheric environment and the production, sale, importation and use of which shall be prohibited within a time limit.

Producers, sellers, importers or users shall, within the time limit specified by the competent department for comprehensive economic affairs under the State Council in conjunction with the relevant departments under the State Council, discontinue the production, sale, importation or use of the equipment listed in the catalog as mentioned in the preceding paragraph. Users of the production techniques listed in the catalog mentioned in the preceding paragraph shall, within the time limit specified by the competent department for comprehensive economic affairs under the State Council in conjunction with the relevant departments under the State Council, stop using such techniques.

No equipment eliminated in accordance with the provisions of the preceding two paragraphs may be transferred to another for use.

Article 20 Any unit that, as a result of an accident or any other exigency, discharges or leaks toxic or harmful gas or radioactive substances, thereby causing or threatening to cause an accident of atmospheric pollution and jeopardize human health, shall promptly take emergency measures to prevent and control the atmospheric pollution hazards, make the situation known to such units and inhabitants as are likely to be endangered by the atmospheric pollution hazards, report the case to the local administrative department for environmental protection and accept its investigation and disposal.

Under the urgent circumstances of a severe atmospheric pollution that jeopardizes human health and safety, the local people's government shall make the matter known to the local inhabitants without delay and take compulsory emergency measures, including ordering the pollutant discharging unit concerned to stop discharging pollutant.

Article 21 The administrative departments for environmental protections and other supervisory and administrative departments shall have the power to make on-site inspections of the units under their jurisdiction that discharge pollutants. The units under inspection shall truthfully report the situation to them and provide them with the necessary data. The inspecting departments shall have the obligation to keep confidential the technological know-how and business secrets of the units inspected.

Article 22 The administrative department for environmental protection under the State Council shall set up a monitoring system for atmospheric pollution, organize a monitoring network and work out unified monitoring measures.

Article 23 The administrative departments for environmental protection under the people's governments of large and medium-sized cities shall regularly publish bulletins on the quality of the atmospheric environment and gradually introduce the practice of forecasting the quality of the atmospheric environment.

A bulletin on the quality of the atmospheric environment shall include such contents as the characteristics of the urban atmospheric pollution, the types of the main pollutants and the degree of the harm caused by the pollution.

Chapter III Prevention and Control of Atmospheric Pollution by the Burning of Coal

Article 24 The State promotes the dressing of coal by washing to reduce the sulfur and ash in coal, and restricts the mining of high-sulfur or high-ash coal. If the coal mined from a newly-built coal mine is of high-sulfur or high-ash, supporting facilities for the dressing of coal by washing shall be installed to keep the sulfur and ash in coal within the limits prescribed.

If the coal mined from an established coal mine is of high-sulfur or high-ash, supporting facilities for the dressing of coal by washing shall, in accordance with the plan approved by the State Council, be installed within a time limit.

It is prohibited to mine the coal containing toxic or harmful substances, such as radioactive and arsenic substances, that exceed the limits prescribed.

Article 25 The relevant departments under the State Council and the local people's governments at various levels shall adopt measures to improve the mix of urban energy and popularize the production and utilization of clean energy.

The people's governments of key cities for prevention and control of atmospheric pollution may, within the regions under their respective jurisdiction, delimit areas as ones where sale and use of the seriously polluting fuels defined by the administrative department for environmental protection under the State Council are prohibited. The units and individuals in such areas, within the time limit prescribed by the local people's governments, stop using such seriously polluting fuels and shall instead use natural gas, liquefied petroleum gas, electricity or other clean energy.

Article 26 The State adopts economic and technical policies and measures conducive to the clean utilization of coal, encourages and supports the use of fine coal of low-sulfur or low-ash, and encourages and supports the development and popularization of the technology of coal cleaning.

Article 27 The competent department concerned under the State Council shall, pursuant to the norms for boiler discharge of atmospheric pollutants prescribed by the State, stipulate corresponding requirements in the boiler quality standards; no boilers that do not meet the prescribed requirements shall be manufactured, sold or imported.

Article 28 Urban construction shall be conducted on the basis of over-all planning. In areas of coal heating, unified provision of heat sources shall be practised and central heating developed. In areas covered by central heating pipelines or networks, no coal heating boilers may be installed.

Article 29 People's governments of large or medium-sized cities shall make plans for catering service enterprises to start the use of clean energy such as natural gas, liquefied petroleum gas and electricity within a time limit.

For other users of domestic cooking ranges in urban areas of large or medium-sized cities not delimited as areas where the use of seriously polluting fuels is prohibited, they shall, within a time limit, start to use sulfur-fixed briquette of coal or other clean energy.

Article 30 Where heat-engine plants and other large or medium-sized enterprises that discharge sulfur dioxide are built or expanded, if the prescribed norms for pollutants discharge or the control quotas for total amounts of discharge are exceeded, supporting facilities for desulphurization and dust removal shall be installed or other measures for control of the discharge of sulfur dioxide or for dust removal adopted.

In the acid rain control areas or sulfur dioxide pollution control areas, if established enterprises discharge atmospheric pollutants in excess of the norms for pollutants discharge, they shall, in accordance with the provisions of Article 48 of this Law, be required to keep the discharge under control within a time limit.

The State encourages enterprises to adopt advanced technology for desulphurization and dust removal.

Enterprises shall adopt measures to control the nitrogen oxide generated by the burning of fuel.

Article 31 When coal, gangue, coal cinder, coal ashes, sandstone, lime soil or other material is stored in densely inhabited areas, fire and dust prevention measures shall be taken in order to prevent atmospheric pollution.

Chapter IV Prevention and Control of Pollutants Discharged by Motor Vehicles and Vessels

Article 32 No motor vehicles and vessels shall be permitted to discharge atmospheric pollutants in excess of the prescribed discharge norms.

No unit or individual may manufacture, sell or import motor vehicles or vessels that discharge pollutants in excess of the prescribed discharge norms.

Article 33 No motor vehicles in use that do not meet the norms for pollutants discharge prescribed for motor vehicles in use at the time of their manufacture may be driven on the road.

When the people's governments of provinces, autonomous regions and municipalities directly under the Central Government prescribe new norms for pollutants discharged by motor vehicles in use and decide to have them transformed technically, they shall report the matter to the State Council for approval.

Motor-vehicle repair units shall, in compliance with the requirements for prevention and control of atmospheric pollution and the relevant technical norms of the State, make repairs to ensure that the motor vehicles in use meet the prescribed norms for pollutants discharge.

Article 34 The State encourages the manufacture and use of motor vehicles and vessels that consume clean energy.

The State encourages and supports the production and use of fine fuel oil, and takes measures to reduce pollution of atmospheric environment by harmful substances contained in fuel oil. Units and individuals shall, within the time limit prescribed by the State Council, stop producing, importing and selling leaded gasoline.

Article 35 The administrative departments for environmental protection under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may authorize the units which undertake annual test of motor vehicles and whose qualifications have been verified by the public security authorities to conduct annual test of motor vehicles for their emission of fumes in accordance with the norms prescribed.

The departments of transportation, fishery and other departments vested with supervisory and administrative power may authorize the units which undertake annual test of motor vessels and whose qualifications have been verified by the relevant authorities to conduct annual test of motor vessels for their emission of fumes in accordance with the norms prescribed.

The administrative departments for environmental protection under the local people's governments at or above the county level may conduct random supervisory test of the motor vehicles in use for the pollutants discharged at their places of parking.

Chapter V Prevention and Control of Pollution by Waste Gas, Dust and Malodorous Gases

Article 36 Units that discharge dust into the atmosphere shall adopt measures to remove such dust.

The discharge of toxic waste gas and dust into the atmosphere shall be strictly restricted. Where such discharge is really necessary, the discharged gas or dust shall undergo purification treatment so as not to exceed the prescribed discharge norms.

Article 37 Inflammable gas engendered during industrial production shall be recycled; if such gas is discharged into the atmosphere due to the absence of the means of for recycling, it shall undergo treatment for the prevention and control of pollution.

The discharge into the atmosphere of converter gas, acetylene, yellow phosphoric tail gas engendered by electric furnace process, or organic hydrocarbon tail gas shall be reported to the local administrative department for environmental protection for approval.

Where the installations for recycling inflammable gas cannot operate normally, they shall be repaired or updated without delay. Where the discharge of inflammable gas is really necessary during the period when the installations for recycling cannot operate normally, the inflammable gas to be discharged shall be fully burnt, or other measures shall be taken, to reduce atmospheric pollution.

Article 38 Units that discharge sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal or smelting non-ferrous metal shall be equipped with desulphurizing installations or shall adopt other measures for desulphurization.

Article 39 Gas and aerosols containing radioactive substances shall be discharged into the atmosphere in compliance with the provisions of the State on protection against radioactivity, and they may not be discharged in excess of the prescribed discharge norms.

Article 40 Units that discharge malodorous gases into the atmosphere shall take measures to prevent pollution of the neighboring residential areas.

Article 41 In densely inhabited areas and other areas that need special protection according to law, the burning of asphalt, asphalt felt, rubber, plastics, leather, garbage or other substances that produce toxic or harmful smoke or dust or malodorous gases is prohibited.

In densely inhabited areas, the areas around the airports, the areas in the vicinity of main traffic arteries or the areas designated by local people's governments, the burning in the open air of stalks, fallen leaves or other substances that will cause smoke or dust pollution is prohibited.

In addition to the provisions in the preceding two paragraphs, municipal people's governments may, in light of the actual conditions, adopt other measures to prevent and control smoke or dust pollution.

Article 42 Where substances that diffuse toxic or harmful gases or dust are transported, loaded or unloaded, or stored, sealing or other protective measures shall be taken.

Article 43 Municipal people's governments shall introduce the responsibility system for afforestation and take measures to strengthen administration of construction, increase the area of paved ground and control the heaping up of debris and waste as well as measures for clean transportation, in order to increase the per capita area of green land, reduce the area of bare land and the amount of surface dust, and prevent and control dust pollution in the urban areas.

Units which engage in construction or other activities that generate dust pollution in the urban areas of cities shall take measures to prevent and control dust pollution in compliance with the local regulations on environmental protection.

The relevant administrative department under the State Council shall make control of dust pollution one of the criteria for assessing a city's comprehensive control of its environment.

Article 44 Businesses providing catering services in cities shall adopt measures to prevent and control pollution caused by soot to the residential environment in the neighborhood.

Article 45 The State encourages and supports the manufacture and use of the substitutes for products that deplete the substances of the ozone layer, gradually reducing the output of such products until the termination of their manufacture and use.

Units which manufacture or import products that deplete substances of the ozone layer shall, within the time limit prescribed by the State, manufacture or import such products in accordance with the quotas approved by the relevant administrative department under the State Council.

Chapter VI Legal Liability

Article 46 Any unit or individual that violates this Law shall, depending on the circumstances of the case, be ordered to discontinue the violation and make rectification within a time limit, be given disciplinary warning or fined not more than CNY 50,000 by the administrative department for environmental protection, or a supervisory and administrative department as mentioned in the second paragraph of Article 4 of this Law, for any of the following acts:

- (1) Refusing to report or submitting a false report on items of pollutants discharge for which registration is required by the administrative department for environmental protection under the State Council.
- (2) Refusing an on-site inspection by the administrative department for environmental protection or any other supervisory and administrative department, or resorting to trickery and fraud when being inspected;
- (3) Failing, on the part of the unit that discharges pollutants, to keep the facilities for treatment of atmospheric pollutants operating regularly or dismantling or leaving idle such facilities without prior approval by the administrative department for environmental protection; or
- (4) Storing coal, coal gangue, coal cinder, coal ash, sandstone, lime soil or other material in densely inhabited areas without taking any measures for fire and dust prevention.

Article 47 Any unit that, in violation of the provisions of Article 11 of this Law, puts a construction project into operation or to use before the facilities for prevention and control of atmospheric pollution have been installed or when the requirements in respect of construction projects as specified in the provisions of the State concerning environmental protection are not met, shall be ordered by the administrative department for environmental protection responsible for the examination and approval of the statement on the environmental impact of the construction project to suspend operation or used and may also be fined not less than CNY10,000 but not more than CNY 100,000.

Article 48 Any unit that, in violation of the provisions of this Law, discharges pollutants to the atmosphere in excess of the discharge norms prescribed by the State or local authorities shall make treatment thereof within a time limit and shall also

fined not less than CNY 10,000 but not more than CNY 100,000 by the administrative department for environmental protection under the local people's government at or above the county level. The limits of power to decide on treatment within a time limit and the administrative penalties for failing to meet the requirements for treatment within a time limit shall be prescribed by the State Council.

Article 49 Any unit or individual that, in violation of the provisions of Article 19 of this Law, produces, sells, imports or uses the equipment the production, sale, importation or use of which is prohibited or employs the techniques the employment of which is prohibited shall be ordered to make rectification by the competent department for comprehensive economic affairs of the people's government at or above the county level; if the circumstances are serious, the said competent department shall put forward suggestions thereon and submit them to the people's government at the corresponding level, which shall, within the limits of power prescribed by the State Council, order the violator to suspend operation or close down.

Any unit or individual that transfers eliminated equipment to another person for use, the illegal earnings therefrom shall be confiscated by the administrative department for environmental protection or any other department exercising the power of supervision and administration according to law under the local people's government at or above the county level, and the unit or individual shall also be fined not more than twice of the illegal earnings.

Article 50 Any unit that, in violation of the provisions of the third paragraph of Article 24 of this Law, mines the coal containing toxic or harmful substances, such as radioactive and arsenic substances, that exceed the prescribed limits, shall be ordered to close down by the people's government at or above the county level within the limits of power prescribed by the State Council.

Article 51 Any unit or individual that, in violation of the provisions of the second paragraph of Article 25 or the first paragraph of Article 29 of this Law, continues to use the seriously polluting fuels at the expiration of the time limit prescribed by the local people's government shall be ordered to dismantle the installations for consumption of the seriously polluting fuels, or such installations shall be confiscated, by the administrative department for environmental protection under the local people's government at or above the county level.

Article 52 Any unit that, in violation of the provisions of Article 28 of this Law, installs coal heating boilers in the urban areas covered by central heating pipelines or networks shall be ordered to discontinue the violation or make rectification within a time limit and may be fined not more than CNY 50,000 by the administrative department for environmental protection under the local people's government at or above the county level.

Article 53 Any unit or individual that, in violation of the provisions of Article 32 of this Law, manufactures, sells or imports motor vehicles or vessels that discharge

pollutants in excess of the prescribed norms shall be ordered by the department exercising the power of supervision and administration according to law to discontinue the violation, the said department shall confiscate the illegal gains, if any, and may also impose a fine of not more than the illegal gains; the motor vehicles and vessels that cannot be made to meet the prescribed norms for pollutants discharge shall be confiscated and destroyed.

Article 54 Any unit or individual that, in violation of the provisions of the second paragraph of Article 34 of this Law, fails to discontinue the manufacture, importation or sale of leaded gasoline within the time limit prescribed by the State Council shall be ordered by the administrative department for environmental protection or any other department exercising the power of supervision and administration according to law under the local people's government at or above the county level to discontinue the violation, and the said department shall confiscate the said gasoline and the illegal gains.

Article 55 Any unit that, in violation of the provisions of the first or the second paragraph of Article 35 of this Law, conducts test of motor vehicle or vessels for their emission of fumes, without authorization of the administrative department for environmental protection under the people's government of a province, autonomous region or municipality directly under the Central Government or the authorization of the department of transportation or fishery or any other department exercising the power of supervision and administration according to law, or practices fraud in the test, shall be ordered to discontinue the violation and make rectification within a time limit and may be fined not more than CNY 50,000 by the administrative department for environmental protection under the people's government at or above the county level or the department of transportation or fishery or any other department exercising the power of supervision and administration according to law; if the circumstances are serious, the unit shall be disqualified to undertake annual test of motor vehicles or vessels by the authorities that verified its qualifications.

Article 56 Any unit or individual that violates this Law shall, for any of the following acts, be ordered to discontinue the violation and make rectification within a time limit and may be fined not more than CNY 50,000 by the administrative department for environmental protection under the local people's government at or above the county level or any other department exercising the power of supervision and administration according to law:

- (1) discharging dust, malodorous gases or other gases containing toxic substances into the atmosphere without taking any effective measures to prevent and control pollution;
- (2) discharging into the atmosphere converter gas, acetylene, yellow phosphoric tail gas engendered by electric furnace process, or organic hydrocarbon tail gas without approval by the local administrative department for environmental protection;

(3) transporting, loading and unloading, and storing substances that diffuse toxic or harmful gases or dust without adopting sealing or other protective measures; or

(4) where proprietors providing catering services in cities fail to adopt effective measures to prevent and control pollution, so that the soot discharged pollutes the residential environment in the neighbourhood.

Article 57 Any unit or individual that, in violation of the provisions of the first paragraph of Article 41 of this Law, burns asphalt, asphalt felt, rubber, plastics, leather, garbage or other substances that produce toxic or harmful smoke or dust or malodorous gases in densely inhabited areas or other areas that need special protection according to law shall be ordered to discontinue the violation and be fined not more than CNY 20,000 by the administrative department for environmental protection under the local people's government at or above the county level.

Any unit or individual that, in violation of the second paragraph of Article 41 of this Law, burns in the open air stalks, fallen leaves or other substances that will cause smoke or dust pollution in densely inhabited areas, the areas around the airports, the areas in the vicinity of main traffic arteries or the areas designated by the local people's government shall be ordered to discontinue the violation by the administrative department for environmental protection under the local people's government at or above the county level; if the circumstances are serious, the unit or individual may be fined not more than CNY 200.

Article 58 Any unit that, in violation of the provisions of the second paragraph of Article 43 of this Law, engages in construction or other activities that generate dust pollution in the urban areas of a city but fails to take effective measures to prevent and control dust pollution, thus causing pollution to the atmospheric environment shall make rectification within a time limit and be fined not more than CNY 20,000; if, at the expiration of the time limit, it fails to meet the requirements prescribed in the local regulations on environmental protection, it may be ordered to suspend construction or other activities for rectification.

The punishment for dust pollution caused by construction as provided for in the preceding paragraph shall be decided by the administrative department for construction under the local people's government at or above the county level; the punishment for dust pollution caused by other activities shall be decided by the relevant department designated by the said government.

Article 59 Any unit that, in violation of the provisions of the second paragraph of Article 45 of this Law, manufactures or imports, within the time limit prescribed by the State but in excess of the quotas approved by the relevant administrative department under the State Council, products that deplete substances of the ozone layer shall be fined not less than CNY 20,000 but not more than CNY 200,000 by the relevant local administrative department under the people's government of a province, autonomous region or municipality directly under the Central Government; if the

circumstances are serious, the manufacture or import quotas shall be revoked by the relevant administrative department under the State Council.

Article 60 Any unit that violates the provisions of this Law shall, for any of the following acts, be ordered to be equipped with supporting facilities within a time limit and may be fined not less than CNY 20,000 but not more than CNY 200,000 by the administrative department for environmental protection under the people's government at or above the county level:

(1) Failing to install the supporting facilities for the dressing of coal by washing in accordance with relevant provisions of the State, where the coal mined from a new coal mine being of high-sulfur or high-ash is concerned;

(2) Failing to install the desulphurizing installations or take other measures for desulphurization in accordance with relevant provisions of the State, where an enterprise that discharges sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal or smelting non-ferrous metal is concerned.

Article 61 Any enterprise or institution that, in violation of the provisions of this Law, causes an atmospheric pollution accident shall be fined not more than 50 percent of the direct economic losses thus occasioned but not more than the maximum of CNY 500,000 by the administrative department for environmental protection under the local people's government at or above the county level on the basis of the damages inflicted. If the circumstances are relatively serious, the persons who are directly in charge and the other persons who are directly responsible shall be given administrative sanctions or disciplinary punishment according to law by the unit to which they belong or by the competent authority at a higher level. Where a major atmospheric pollution accident is caused that leads to any grave consequences resulting in heavy public or private property losses or serious personal injuries or deaths, and if a crime is constituted, criminal liability shall be investigated in accordance with law.

Article 62 Any unit that causes an atmospheric pollution hazard shall have the responsibility of removing the hazard and of making compensation to the units or individuals that have suffered direct losses.

A dispute over the liability to make compensation or the amount of compensation may, at the request of the parties, be settled through mediation by an administrative department for environmental protection; if mediation fails, the party may bring a suit before a people's court. The party may also bring a suit before the people's court directly.

Article 63 Where atmospheric pollution losses are caused absolutely by irresistible natural disasters and cannot be averted even if reasonable measures are promptly taken, the party concerned shall be exempted from liability.

Article 64 Where an administrative department for environmental protection or any other relevant department, in violation of the provisions of the third paragraph of Article 14 of this Law, misappropriates the fees collected for discharge of pollutants for other purposes, the auditing or supervisory authorities shall order it to refund the money misappropriated or shall take other measures to recover the money, and the persons who are directly in charge and the other persons who are directly responsible for the violation shall be given administrative sanctions according to law.

Article 65 Any supervisor for environmental protection who abuses his power or neglects his duty shall be given administrative sanction; if a crime is constituted, criminal liability shall be investigated according to law.

Chapter VII Supplementary Provisions

Article 66 This Law shall go into effect as of September 1, 2000.