



Australian Government
Anti-Dumping Commission

Wuxi Suntech Power Co., Ltd
PUBLIC RECORD

Exporter Questionnaire

Product: Certain Crystalline Silicon Photovoltaic Modules or Panels

From: The People's Republic of China

Period of Investigation: 1 July 2012 to 31 December 2013

Response due by: 25 June 2014

Extended to 2 July 2014

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Anti-Dumping Commission website: www.adcommission.gov.au

Return completed questionnaire to:

**Anti-Dumping Commission
Level 5, Customs House
5 Constitution Avenue
Canberra ACT 2601
Australia**

Attention: Director Operations 3

GOODS UNDER CONSIDERATION

The goods under consideration (the goods) i.e. the goods exported to Australia, allegedly at dumped prices are:

Certain crystalline silicon photovoltaic modules or panels, whether exported assembled or unassembled, and whether or not they have an inverter, capable of producing any power in terms of watt.

The following product types are excluded from the application:

- cells and wafers of the type used in PV modules or panels;
- solar chargers that consist of less than six cells, are portable and supply electricity to devices or charge batteries; and
- PV products that are permanently integrated into electrical goods, where the function of the electrical goods is other than power generation, and where these electrical goods consume the electricity generated by the integrated crystalline silicon photovoltaic cell(s).

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INSTRUCTIONS

Why you have been asked to fill out this questionnaire?

The Anti-Dumping Commission (the Commission) is responsible for investigating the allegation that certain crystalline silicon photovoltaic modules or panels (PV modules or panels) has been exported to Australia from the People's Republic of China (China) at prices less than their normal value and that dumping has caused material injury to the Australian industry.

The Commission will use the information you provide to determine normal values and export prices over the investigation period. This information will determine whether certain PV modules or panels is dumped. You may make separate submissions concerning any other matter, for example injury.

The Commission investigation will be carried out under the provisions of the Part XVB of the *Customs Act 1901*.

What happens if you do not respond to this questionnaire?

You do not have to complete the questionnaire. However, if you do not respond, do not provide all of the information sought, do not provide information within a reasonable time period, or do not allow the Commission to verify the information, we may deem you uncooperative. In that case the Commission may be required to rely on information supplied by other parties (possibly information supplied by the Australian industry). In that case we may assess a dumping margin for your company based upon normal values that may be the weighted average value of the cooperating exporters determined in your country during the investigation period.

It is in your interest, therefore, to provide a complete and accurate submission, capable of verification.

Due date for response

Manufacturers and exporters are requested to respond to this questionnaire and return it to the Commission within the time specified on the cover page. There is a statutory time limit imposed for the investigation. The Commission may not be able to consider submissions received after the due date.

If you cannot lodge your submission by the due date please advise the investigation case manager as soon as possible.

Confidential and non-confidential submissions

You are required to lodge one confidential version (for official use only) and one non-confidential version (for public record) of your submission by the due date.

Please ensure that *each page* of information you provide is clearly marked either "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD".

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

Please note, Australia's anti-dumping legislation requires that to the extent that information given to the Commission is claimed to be confidential or whose publication would adversely affect a business or commercial interest, the person giving the information must ensure that a summary of that information contains sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests.

The legislation allows that a person is not required to provide a summary for the public record if the Commission can be satisfied that no such summary can be given that would allow a reasonable understanding of the substance of the information. However, such a summary would add considerably to an interested party's understanding of information contained in a document.

As provided for in Australia's anti-dumping legislation, all submissions are required to have a bracketed explanation of deleted or blacked out information for the non-confidential version of the submission. Note that if such an explanation is not provided, the Commission may disregard the information in the submission. An example of a statement to accompany deleted/blacked out text is:

[explanation of cost allocation through the divisions].

If, for some reason, you cannot produce a non-confidential summary, please contact the investigation case manager.

Exporter's declaration

At section I, you are required to make a declaration that the information contained in your submission is complete and correct. Alternatively, if you did not export the goods during the period of investigation, you may make a declaration to that effect.

You must return a signed declaration with your response to the questionnaire.

Verification of the information that you supply

The Commission will seek to verify the information provided in your submission. Where there are a large number of exporters, the Commission may have to verify information from selected exporters only. The purpose of the visit is to verify the information submitted in response to this questionnaire. It is not meant to be a chance for you to provide new or additional information. The Commission expects your response to the questionnaire to be complete and accurate.

Verification visits take several days. We will want to examine in detail your company's records in respect of the goods and will ask for copies of documents relating to the manufacture and sale of the goods. We will need to consult with your staff, particularly your financial controller (or accountant) and your domestic and export sales people. We may also need to see your factory, in which case we will need to consult with your operational managers.

After gathering the information we will prepare a report of the visit. We will provide you with a draft of the report and then respond to any questions you have. We will ask you to prepare a non-confidential copy of the report for the public record.

If you do not manufacture the goods

You may export but not produce or manufacture the goods (for example, you are a trading company, broker, or vendor dealing in the goods).

In such cases it is important that you forward a copy of this questionnaire to the relevant manufacturers **immediately**. You should also inform the investigation case officer of the contact details for these manufacturers.

You should complete those sections of the questionnaire that you are reasonably able to complete. If, for example, you are unable to supply details of production costs, you should clearly explain why the section does not apply to your company.

If you do not export the goods

Depending on the arrangement for sale of the goods to Australia through an intermediary, the Commission will have to determine who is the exporter of the goods for the purpose of this investigation.

In any case, information (such as cost of production data) supplied by the manufacturer will be relevant to establishing the normal value of the goods. In the absence of verified information, the Commission may use other available information. This information may result in a decision less favourable to your company.

Outline of information required by this questionnaire

- Section A** General information relating to your company including financial reports.
- Section B** A complete list of your company's exports to Australia over the investigation period.
- Section C** A list of goods sold on the domestic market of the country of export (like goods) that may be compared to the goods under consideration (the goods).
- Section D** A detailed list of all of your company's sales of like goods in your domestic market.
- Section E** Information to allow a fair comparison between export and domestic

prices.

- Section F** Information in relation to your company's exports of like goods to countries other than Australia.
- Section G** Costs to make and sell, for exports to Australia and for the domestic market.
- Section H** Particular Market Situation.
- Section I** Your declaration.
- Section J** A checklist.

Appendix 1 A glossary of terms used in this questionnaire.

Some general instructions for preparing your response

- When answering the questionnaire please carefully read all instructions. The Commission requires a response to *all* sections of this questionnaire. Please provide an explanation if a question is not relevant to your situation.
- Answer questions in the order presented in the questionnaire. Please ensure that information submitted conforms to the requested format and is clearly labelled. Please repeat the question to which you are responding and place your answer below it.
- Identify source documents and advise where they are kept. During on-site verification you should be prepared to substantiate all the information you have submitted. Every part of the response should be traceable to company documents that are used in the ordinary course of business.
- We recommend that you retain all work sheets used in answering the questionnaire, in particular those linking the information supplied with management and accounting records. This will help us to verify the information.
- Clearly identify all units of measurement and currencies used. Apply the same measurement consistently throughout your response to the questionnaire.

Instructions on providing electronic data

- It is important that information is submitted in electronic format.
- Electronic data should be emailed or submitted on a CD-ROM, in IBM/MS-DOS format, or another operating system whose disk format is compatible with this MS-DOS version.

- The data must be created as spreadsheet files, preferably in Microsoft Excel, or alternatively in an Excel compatible format (for example, Excel can normally access data in Dbase or as an ASCII file).
- The Excel files must be compatible to the USA version.
- If you cannot present electronic data in the requested format contact the investigation case officer as soon as possible.

Further information

Before you respond to the questionnaire you should read all the documentation enclosed with this application including the applicant's non-confidential submission, the booklet *Australia's Anti-Dumping* and the Anti-Dumping Notice notifying the initiation of the investigation. We also advise that you read the attached glossary of terms.

If you require further assistance, or you are having difficulties completing your submission, please contact the investigation case manager. The Commission will need to know the reasons.

SECTION A - COMPANY STRUCTURE AND OPERATIONS

This section requests information relating to company details and financial reports.

A-1 Identity and communication

Please nominate a person within your company who can be contacted for the purposes of this investigation:

Head Office: **Wuxi Suntech Power Co., Ltd. (hereinafter referred to as “Wuxi Suntech” or “the Company”)**

Name: **Vera.Wang**
Position in the company: **Manager of Business Administration**
Address: **12 Xinhua Road, New District, Wuxi, China 214028**
Telephone: **+86 510 8531 7727**
Facsimile number: **+86 510 8534 8444**
E-mail address of contact person: vera.yuwang@suntech-power.com

Factory: **Wuxi Suntech Power Co., Ltd.**
Address: **12 Xinhua Road, New District, Wuxi, China 214028**
Telephone: **+86 510 8531 7727**
Facsimile number: **+86 510 8534 8444**
E-mail address of contact person: vera.yuwang@suntech-power.com

A-2 Representative of the company for the purpose of investigation

If you wish to appoint a representative to assist you in this investigation, provide the following details:

Name: **Zhong Lun Law Firm**
Address: **36-37/F, SK Tower, 6A Jianguomenwai Avenue, Beijing 100022, P.R. China**
Telephone: **+86 10 5957 2288**
Facsimile/Telex number: **+86 10 6568 1838**
E-mail address of contact person: **PU Lingchen, pulingchen@zhonglun.com; GUAN Jian: guanjian@zhonglun.com**

The original of the Power of Attorney issued by the Wuxi Suntech was submitted to the ADC hereby.

Note that in nominating a representative, the Commission will assume that confidential material relating to your company in this investigation may be freely released to, or discussed with, that representative.

A-3 Company information

1. What is the legal name of your business? What kind of entity is it (e.g. Company, partnership, sole trader)? Please provide details of any other business names that you use to export and/or sell goods.

Answer:

The legal name of the company is Wuxi Suntech Power Co., Ltd. (hereinafter referred to as “Wuxi Suntech” or “the Company”).

The company does not use any other business names for exports or sales in the domestic market.

2. Who are the owners and/or principal shareholders? Provide details of shareholding percentages for joint owners and/or principal shareholders. (List all shareholders able to cast, or control the casting of, 5% or more of the maximum amount of votes that could be cast at a general meeting of your company).

Answer:

Wuxi Suntech was [LIMITED] owned by [LIMITED] during the POI.

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company’s commercial activities and sensitive business information, disclosure of which could harm the Company’s market and competitive position.]

3. If your company is a subsidiary of another company, list the principal shareholders of that company.

Answer:

Wuxi Suntech was a subsidiary of [LIMITED] which was [LIMITED]invested and held by [LIMITED] during the POI.

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company’s commercial activities and sensitive business information, disclosure of which could harm the Company’s market and competitive position.]

4. If your parent company is a subsidiary of another company, list the principal shareholders of that company.

Answer:

[LIMITED] was invested and held by [LIMITED] during the POI.

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

5. Provide a diagram showing all associated or affiliated companies and your company's place within that corporate structure.

Answer:

Please see Exhibit A-3.5 for the diagram showing all associated or affiliated companies.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

6. Are any management fees/corporate allocations charged to your company by your parent or related company?

Answer:

No such management fees.

7. Describe the nature of your company's business. Explain whether you are a producer or manufacturer, distributor, trading company, etc.

Answer:

Wuxi Suntech is a manufacturer and exporter of modules. The main business scope of Wuxi Suntech is [LIMITED].

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

8. If your business does not perform all of the following functions in relation to the goods under consideration, then please provide names and addresses of the companies which perform each function:

- produce or manufacture
- sell in the domestic market
- export to Australia, and
- export to countries other than Australia.

Answer:

Wuxi Suntech performs all of the functions as listed above.

9. Provide your company's internal organisation chart. Describe the functions performed by each group within the organisation.

Answer:

Please refer to Exhibit A-3.9 for the internal organisation chart.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

10. Provide a copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities.

Answer:

Not applicable. Wuxi Suntech does not publish such annual reports.

A-4 General accounting/administration information

1. Indicate your accounting period.

Answer:

The accounting period is from 1st January to 31st December.

2. Indicate the address where the company's financial records are held.

Answer:

The financial records are kept at the same place where the company is located.

3. Please provide the following financial documents for the two most recently completed financial years plus all subsequent monthly, quarterly or half yearly statements:

- chart of accounts;
- audited consolidated and unconsolidated financial statements (including all footnotes and the auditor's opinion);
- internal financial statements, income statements (profit and loss reports), or management accounts, that are prepared and maintained in the normal course of business for the goods under consideration.

These documents should relate to:

- the division or section/s of your business responsible for the production and sale of the goods under consideration, and
- the company.

Answer:

Please see [Exhibit A-4.3.1](#) for the Chart of Accounts.

Please see [Exhibit A-4.3.2](#) for the Audit Report of 2012.

Please see [Exhibit A-4.3.3](#) for the Audit Report of 2013.

There is no internal financial statement, income statements or management accounts.

[Information contained in the above Exhibits cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

4. If you are not required to have the accounts audited, provide the unaudited financial statements for the two most recently completed financial years, together with your taxation returns. Any subsequent monthly, quarterly or half yearly statements should also be provided.

Answer:

This question is not applicable.

5. Do your accounting practices differ in any way from the generally accepted accounting principles in your country? If so, provide details.

Answer:

There is no such difference.

6. Describe:

The significant accounting policies that govern your system of accounting, in particular:

- the method of valuation for raw material, work-in-process, and finished goods inventories (eg last in first out –LIFO, first in first out- FIFO, weighted average);

Answer:

The company applies [LIMITED] method for the valuation of raw material, work-in-process, and finished goods inventories

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- costing methods, including the method (eg by watts, units, revenue, direct costs etc) of allocating costs shared with other goods or processes (such as front office cost, infrastructure cost etc);

Answer:

The company applies processing cost, and allocates the shared costs by [LIMITED].

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- valuation methods for damaged or sub-standard goods generated at the various stages of production;

Answer:

The cost valuation method for damaged or sub-standard goods is the same with normal goods.

- valuation methods for scrap, by products, or joint products;

Answer:

There is no scrap, by products or joint products result from the production.

- valuation and revaluation methods for fixed assets;

Answer:

The fixed assets are valued by [LIMITED]. In principle, the fixed asset is not re-valued in its useful life.

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- average useful life for each class of production equipment and depreciation method and rate used for each;

Answer:

Type of fix assets	Depreciation year	Residue Rate	Yearly depreciation rate
House and buildings	[LIMITED]	[LIMITED]	[LIMITED]
Machinery	[LIMITED]	[LIMITED]	[LIMITED]
Transportation equipment	[LIMITED]	[LIMITED]	[LIMITED]
Electronic equipment\appliance and furniture	[LIMITED]	[LIMITED]	[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- treatment of foreign exchange gains and losses arising from transactions;

Answer:

The foreign exchange gains and losses arising from transactions are treated as financial expenses.

- treatment of foreign exchange gains/losses arising from the translation of balance sheet items;

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- inclusion of general expenses and/or interest;

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- provisions for bad or doubtful debts;

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- expenses for idle equipment and/or plant shut-downs;

Answer:

There is no such expense.

- costs of plant closure;

Answer:

There is no such cost.

- restructuring costs;

Answer:

There is no such cost.

- by-products and scrap materials resulting from your company's production process; and

Answer:

There is no by-products or scrap resulting from the production.

- effects of inflation on financial statement information.

Answer:

There was no inflation during the investigation period.

7. In the event that any of the accounting methods used by your company have changed over the last two years provide an explanation of the changes, the date of change, and the reasons for it.

Answer:

There was no change of accounting methods in the last two years.

A-5 Income statement

Please fill in the following table. It requires information concerning all products produced and for the goods under consideration (*'goods under consideration'* (the goods) is defined in the Glossary of Terms in the appendix to this form). You should explain how costs have been allocated.

	Most recent completed financial year (specify)		Investigation period	
	All products	Goods Under Consideration	All products	Goods Under Consideration
Gross Sales (1)				
Sales returns, rebates and discounts (2)				
Net Sales (3=1-2)				
Raw materials (4)				

Direct Labour (5)				
Depreciation (6)				
Manufacturing overheads (7)				
Other operating expenses (8)				
Total cost to make (9=4+5+6+7+8)				
OPERATING INCOME (10=3-9)				
Selling expenses (11)				
Administrative & general expenses (12)				
Financial expenses (13)				
SG&A expenses (14)=(11+12+13)				
INCOME FROM NORMAL ACTIVITIES (15)=(10-14)				
Interest income (16)				
Interest expense (enter as negative) (17)				
Extraordinary gains and				

Losses – enter losses as negative (18)				
Abnormal gains and losses – enter losses as negative (19)				
PROFIT BEFORE TAX (20)=(15+16+17+18+19)				
Tax (21)				
NET PROFIT (22)=(20-21)				

Note: if your financial information does not permit you to present information in accordance with this table please present the information in a form that closely matches the table.

Prepare this information on a spreadsheet named "**Income statement**".

This information will be used to verify the completeness of cost data that you provide in Section G. If, because of your company's structure, the allocations would not be helpful in this process, please explain why this is the case.

Answer:

Please see Table A-5 for the Income statement.

[This confidential information is provided to the ADC for investigation. Since such data is classified as highly sensitive commercial information, please refer to a summary of the information in an indexed form.]

A-6 Sales

State your company's net turnover (after returns and all discounts), and free of duties and taxes. Use the currency in which your accounts are kept, in the following format:

	Most recent completed financial year (specify)		Investigation period	
	Volume	Value	Volume	Value
Total company turnover (all products)				
Domestic market				
Exports to Australia				
Exports to Other Countries				
Turnover of the nearest business unit, for which financial statements are prepared, which includes the goods under consideration				
Domestic market				
Exports to Australia				
Exports to Other Countries				
Turnover of the goods under consideration				
Domestic market				
Exports to Australia				
Exports to Other Countries				

Prepare this information in a spreadsheet named "TURNOVER".

This information will be used to verify the cost allocations to the goods under consideration in Section G.

Also, you should be prepared to demonstrate that sales data shown for the goods is a complete record by linking total sales of these goods to relevant financial statements.

Answer:

Please see Table A-6 for the TURNOVER.

[This confidential information is provided to the ADC for investigation. Since such data is classified as highly sensitive commercial information, please refer to a summary of the information in an indexed form.]

SECTION B - SALES TO AUSTRALIA (EXPORT PRICE)

This section requests information concerning your export practices and prices to Australia. You should include costs incurred beyond ex-factory. Export prices are usually assessed at FOB point, but the Commission may also compare prices at the ex factory level.

*You should report prices of **all** goods under consideration (the goods) **shipped** to Australia during the investigation period.*

The invoice date will normally be taken to be the date of sale. If you consider:

the sale date is not the invoice date (see 'date of sale' column in question B4 below) and;

an alternative date should be used when comparing export and domestic prices

*you **must** provide information in section D on domestic selling prices for a matching period - even if doing so means that such domestic sales data predates the commencement of the investigation period.*

B-1 For each customer in Australia to whom you shipped goods in the investigation period list:

name;
address;
contact name and phone/fax number where known; and
trade level (for example: distributor, wholesaler, retailer, end user, original equipment).

Answer:

Please see **Exhibit B-1** for the customers in Australia.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

B-2 For each customer identified in B1 please provide the following information.

(a) Describe how the goods are sent to each customer in Australia, including a diagram if required.

Answer:

[LIMITED]

1) *[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information*

are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

Please see Exhibit B-2.(a) for the diagram for the sales to Australia.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- (b) Identify each party in the distribution chain and describe the functions performed by them. Where commissions are paid indicate whether it is a pre or post exportation expense having regard to the date of sale.

Answer:

Please refer to answer to question B-2.(a).

- (c) Explain who retains ownership of the goods at each stage of the distribution chain. In the case of DDP sales, explain who retains ownership when the goods enter Australia.

Answer:

The transaction item for the exports to Australia includes [LIMITED]
[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- (d) Describe any agency or distributor agreements or other contracts entered into in relation to the Australian market (supply copy of the agreement if possible).

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- (e) Explain in detail the process by which you negotiate price, receive orders, deliver, invoice and receive payment. If export prices are based on price lists supply copies of those lists.

Answer:

Please refer to answer to question B-2.(a).

- (f) State whether your firm is related to any of its Australian customers. Give details of any financial or other arrangements (eg free goods, rebates, or promotional subsidies) with the customers in Australia (including parties representing either your firm or the customers).

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- (g) Details of the forward orders of the goods under consideration (include quantities, values and scheduled shipping dates).

Answer:

Please see Exhibit B-2.(g) for the forward orders of the goods under consideration.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- B-3** Do your export selling prices vary according to the distribution channel identified? If so, provide details. Real differences in trade levels are characterised by consistent and distinct differences in functions and prices.

Answer:

Not applicable. The export selling prices do not vary according to the distribution channel.

- B-4** Prepare a spreadsheet named "Australian sales" listing all shipments (i.e. transaction by transaction) to Australia of the goods under consideration in the investigation period. You must provide this list in electronic format. Include the following export related information:

Column heading	Explanation
Customer name	names of your customers
Level of trade	the level of trade of your customers in Australia
Model/grade/type	Mono or Poly Crystalline and whether AC or DC PV modules or panels
Product code	code used in your records for the Mono or Poly crystalline and AC or DC PV modules or panels identified. Explain the product codes in your submission.
Invoice number	invoice number
Invoice date	invoice date
Date of sale	refer to the explanation at the beginning of this section. If you consider that a date <i>other than</i> the invoice date best establishes the material terms of sale, report that date. For example, order confirmation, contract, or purchase order date.
Order number	if applicable, show order confirmation, contract or purchase order number if you have shown a date other than invoice date as being the date of sale.
Shipping terms	Delivery terms eg. CIF, C&F, FOB, DDP (in accordance with Incoterms)
Payment terms	agreed payment terms eg. 60 days=60 etc
Quantity	Quantity in units shown on the invoice. Show basis eg Number of units.

Power output	Power output in watts (e.g 250W)
Gross invoice value	gross invoice value shown on invoice <i>in the currency of sale, excluding taxes.</i>
Discounts on the invoice	if applicable, the amount of any discount deducted on the invoice on each transaction. If a % discount applies show that % discount applying in another column.
Rebates	If applicable, the amount of any deferred rebates or allowances paid to the importer in the currency of sale.
Other charges	any other charges, or price reductions, that affect the net invoice value. Insert additional columns and provide a description.
Invoice currency	the currency used on the invoice
Exchange rate	Indicate the exchange rate used to convert the currency of the sale to the currency used in your accounting system
Net invoice value in the currency of the exporting country	the net invoice value expressed in your domestic currency as it is entered in your accounting system
Rebates or other allowances	the amount of any deferred rebates or allowances paid to the importer in the currency of sale
Quantity discounts	the actual amount of quantity discounts not deducted from the invoice. Show a separate column for each type of quantity discount.
Ocean freight**	the actual amount of ocean freight incurred on each export shipment listed.
Marine insurance	Amount of marine insurance
FOB export price**	the free on board price at the port of shipment.
Packing*	Packing expenses
Inland transportation costs*	inland transportation costs included in the selling price. For export sales this is the inland freight from factory to port in the country of export.
Handling, loading & ancillary expenses*	handling, loading & ancillary expenses. For example, terminal handling, export inspection, wharfage & other port charges, container tax, document fees & customs brokers fees, clearance fees, bank charges, letter of credit fees, & other ancillary charges incurred in the exporting country.
Warranty & guarantee expenses*	warranty & guarantee expenses
Technical assistance & other services*	expenses for after sale services, such as technical assistance or installation costs.
Commissions*	Commissions paid. If more than one type is paid insert

	additional columns of data. Indicate in your response to question B2 whether the commission is a pre or post exportation expense having regard to the date of sale.
Other costs*	any other costs, charges or expenses incurred in relation to the exports to Australia (include additional columns as required). See question B5.

** FOB export price and Ocean Freight:

FOB export price: An FOB export price must be calculated for each shipment - regardless of the shipping terms. FOB price includes inland transportation to the port of exportation, inland insurance, handling, and loading charges. It excludes post exportation expenses such as ocean freight and insurance. Use a formula to show the method of the calculation on each line of the export sales spreadsheet.

Ocean freight: as ocean freight is a significant cost it is important that the actual amount of ocean freight incurred on each exportation be reported. If estimates must be made you must explain the reasons and set out the basis - estimates must reflect changes in freight rates over the investigation period. Freight allocations must be checked for consistency.

* All of these costs are further explained in section E-1.

Answer:

Please see Table B-4.1 and B-4.2 for the spreadsheets of “Australian sales” by Wuxi Suntech and Wuxi Sunshine respectively.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company’s commercial activities and sensitive business information, disclosure of which could harm the Company’s market and competitive position.]

B-5 If there are any other costs, charges or expenses incurred in respect of the exports listed above which have not been identified in the table above, add a column (see “other factors” in question B-4) for each item, and provide a description of each item. For example, other selling expenses (direct or indirect) incurred in relation to the export sales to Australia.

Answer:

Wuxi Suntech reports the [LIMITED] under the column of “other cost”.

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- B-6** For each type of discount, rebate, allowance offered on export sales to Australia:
- provide a description; and
 - explain the terms and conditions that must be met by the importer to obtain the discount.

Where the amounts of these discounts, rebates etc are not identified on the sales invoice, explain how you calculated the amount shown in your response to question B4. If they vary by customer or level provide an explanation.

Answer:

There were no discounts, rebates or allowances offered on export sales to Australia in the investigation period.

- B-7** If you have issued credit notes (directly or indirectly) to the customers in Australia, in relation to the invoices listed in the detailed transaction by transaction listing in response to question B4, provide details of each credit note if the credited amount has **not** been reported as a discount or rebate.

Answer:

During the POI, [LIMITED].

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- B-8** If the delivery terms make you responsible for arrival of the goods at an agreed point within Australia (eg. delivered duty paid), insert additional columns in the spreadsheet for all other costs incurred. For example:

Import duties	Amount of import duty paid in Australia
Inland transport	Amount of inland transportation expenses within Australia included in the selling price
Other costs	Customs brokers, port and other costs incurred (itemise)

Answer:

If the sales were made on [LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

B-9 Select two shipments, in different quarters of the investigation period, and provide a complete set of all of the documentation related to the export sale. For example:

- the importer's purchase order, order confirmation, and contract of sale;
- commercial invoice;
- bill of lading, export permit;
- freight invoices in relation to movement of the goods from factory to Australia, including inland freight contract;
- marine insurance expenses; and
- letter of credit, and bank documentation, proving payment.

The Commission will select additional shipments for verification at the time of the visit.

Answer:

Please see Exhibit B-9 for the documentation related to the export sale.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

SECTION C - EXPORTED GOODS & LIKE GOODS

C-1 Fully describe all of the goods you have exported to Australia during the investigation period. Include specification details and any technical and illustrative material that may be helpful in identifying, or classifying, the exported goods.

Answer:

Please see [Exhibit C-1-1](#) for the all exported goods information. For the detailed information concerning the technical and illustrative description, please refer to [Exhibit C-1-2](#).

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

C-2 List each type of goods exported to Australia (these types should cover all types listed in spreadsheet "**Australian sales**" – see section B of this questionnaire).

Answer:

Please see [Exhibit C-1-1](#) and [Exhibit C-1-2](#) for the information.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

C-3 If you sell like goods on the domestic market, for each type that your company has exported to Australia during the investigation period, list the most comparable model(s) sold domestically;

- and provide a detailed explanation of the differences where those goods sold domestically (ie. the like goods – see explanation in glossary) are not identical to goods exported to Australia.

EXPORTED TYPE	DOMESTIC TYPE	IDENTICAL?	DIFFERENCES
Product code of each model of the goods exported to Australia	Product code of comparable model sold on the domestic market of the country of export	If goods are identical indicate "YES". Otherwise "NO"	Where the good exported to Australia is not identical to the like goods, describe the specification differences. If it is

			impractical to detail specification differences in this table refer to documents which outline differences
--	--	--	--

Answer:

Please see Exhibit C-3 for the like goods on the domestic market.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- C-4** Please provide any technical and illustrative material that may be helpful in identifying or classifying the goods that your company sells on the domestic market.

Answer:

No further information.

SECTION D - DOMESTIC SALES

This section seeks information about the sales arrangements and prices in the domestic market of the country of export.

*All domestic sales made during the investigation period must be listed transaction by transaction. If there is an extraordinarily large volume of sales data and you are unable to provide the complete listing electronically you **must** contact the case manager **before** completing the questionnaire. If the case manager agrees that it is not possible to obtain a complete listing he or she will consider a method for sampling that meets the Commission requirements. If agreement cannot be reached as to the appropriate method the Commission may not visit your company.*

The Commission will normally take the invoice date as being the date of sale in order to determine which sales fall within the investigation period.

If, in response to question B4 (Sales to Australia, Export Price), you have reported that the date of sale is not the invoice date and you consider that this alternative date should be used when comparing domestic and export prices –

*you **must** provide information on domestic selling prices for a matching period - even if doing so means that such domestic sales data pre-dates the commencement of the investigation period.*

If you do not have any domestic sales of like goods you must contact the case officer who will explain the information the Commission requires for determining a normal value using alternative methods.

D-1 Provide:

- a detailed description of your distribution channels to domestic customers, including a diagram if appropriate;
- information concerning the functions/activities performed by each party in the distribution chain; and
- a copy of any agency or distributor agreements, or contracts entered into.

If any of the customers listed are associated with your business, provide details of that association. Describe the effect, if any, that association has upon the price.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

Please refer to Exhibit D-1 for the Flow Chart of Domestic sales.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

D-2 Do your domestic selling prices vary according to the distribution channel identified? If so, provide details. Real differences in trade levels are characterised by consistent and distinct differences in functions and prices.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

D-3 Explain in detail the sales process, including:

- the way in which you set the price, receive orders, make delivery, invoice and finally receive payment; and the terms of the sales; and
- whether price includes the cost of delivery to customer.

If sales are in accordance with price lists, provide copies of the price lists.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

D-4 Prepare a spreadsheet named “**domestic sales**” listing **all** sales of like goods made during the investigation period. The listing must be provided on a CD-ROM. Include all of the following information.

Column heading	Explanation
Customer name	names of your customers. If an English version of the name

	is not easily produced from your automated systems show a customer code number and in a separate table list each code and name.
Level of trade	the level of trade of your domestic customer
Model/grade/type	commercial model whether Mono or Poly crystalline and whether AC or DC PV modules or panels
Product code	code used in your records for the model for Mono or Poly crystalline and AC or DC PV modules or panels of the goods identified. Explain the product codes in your submission.
Invoice number	invoice number
Invoice date	invoice date
Date of sale	refer to the explanation at the beginning of this section. If you consider that a date <i>other than</i> the invoice date best establishes the material terms of sale and should be used, report that date. For example, order confirmation, contract, or purchase order date.
Order number	show order confirmation, contract or purchase order number if you have shown a date other than invoice date as being the date of sale.
Delivery terms	eg ex factory, free on truck, delivered into store
Payment terms	payment terms agreed with the customer eg. 60 days=60 etc
Quantity	quantity in units shown on the invoice.
Power output	Power output in watts
Gross Invoice value	gross value shown on invoice <i>in the currency of sale</i> , net of taxes.
Discounts on the Invoice	the amount of any discount deducted on the invoice on each transaction. If a % discount applies show that % discount applying in another column.
Other charges	any other charges, or price reductions, that affect the net invoice value. Insert additional columns and provide description.
Net invoice value in the currency of the exporting country	the net invoice value expressed in your domestic currency as recorded in your accounting system
Rebates or other Allowances	the actual amount of any deferred rebates or allowances in the currency of sale
Quantity discounts	the actual amount of quantity discounts not deducted from the invoice. Show a separate column for each type of quantity discount.
Packing*	packing expenses
Inland transportation Costs*	amount of inland transportation costs included in the selling price.
Handling, loading And ancillary Expenses*	handling, loading & ancillary expenses.
Warranty &	warranty & guarantee expenses

Guarantee expenses*	
Technical assistance & other services*	expenses for after sale services such as technical assistance or installation costs.
Commissions*	commissions paid. If more than one type is paid insert additional columns of data.
Other factors*	any other costs, charges or expenses incurred in relation to the domestic sales (include additional columns as required). See question D5.

Costs marked with * are explained in section E-2.

Answer:

Please see [Table D-4](#) for the spread sheet for domestic sales.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

D-5 If there are any other costs, charges or expenses incurred in respect of the sales listed which have not been identified in the table in question D-4 above add a column for each item (see "other factors"). For example, certain other selling expenses incurred.

Answer:

There is no such cost, charges or expenses.

D-6 For each type of commission, discount, rebate, allowance offered on domestic sales of like goods:

- provide a description; and
- explain the terms and conditions that must be met by the customer to qualify for payment.

Where the amounts of these discounts, rebates etc are not identified on the sales invoice, explain how you calculated the amounts shown in your response to question D4.

If you have issued credit notes, directly or indirectly to the customers, provide details if the credited amount has **not** been reported as a discount or rebate.

Answer:

There is commission, discount, rebate or allowance offered on domestic sales of like goods.

- D-7** Select two domestic sales, in different quarters of the investigation period, that are at the same level of trade as the export sales. Provide a complete set of documentation for those two sales. (Include, for example, purchase order, order acceptance, commercial invoice, discounts or rebates applicable, credit/debit notes, long or short term contract of sale, inland freight contract, bank documentation showing proof of payment.)

The Commission will select additional sales for verification at the time of its visit.

Answer:

Please see Exhibit D-7 for two sets of domestic sales documentation.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

SECTION E - FAIR COMPARISON

Section B sought information about the export prices to Australia and Section D sought information about prices on your domestic market for like goods (ie. the normal value).

Where the normal value and the export price are not comparable adjustments may be made. This section informs you of the fair comparison principle and asks you to quantify the amount of any adjustment.

As prices are being compared, the purpose of the adjustments is to eliminate factors that have unequally modified the prices to be compared.

To be able to quantify the level of any adjustment it will usually be necessary to examine cost differences between sales in different markets. The Commission must be satisfied that those costs are likely to have influenced price. In practice, this means that the expense item for which an adjustment is claimed should have a close nexus to the sale. For example, the cost is incurred because of the sale, or because the cost is related to the sale terms and conditions.

Conversely, where there is not a direct relationship between the expense item and the sale a greater burden is placed upon the claimant to demonstrate that prices have been affected, or are likely to have been affected, by the expense item. In the absence of such evidence the Commission may disallow the adjustment.

Where possible, the adjustment should be based upon actual costs incurred when making the relevant sales. However, if such specific expense information is unavailable cost allocations may be considered. In this case, the party making the adjustment claim must demonstrate that the allocation method reasonably estimates costs incurred.

A party seeking an adjustment has the obligation to substantiate the claim by relevant evidence that would allow a full analysis of the circumstances, and the accounting data, relating to the claim.

The investigation must be completed within strict time limits therefore you must supply information concerning claims for adjustments in a timely manner. Where an exporter has knowledge of the material substantiating an adjustment claim that material is to be available at the time of the verification visit. The Commission will not consider new claims made after the verification visit.

E-1 Costs associated with export sales

(These cost adjustments will relate to your responses made at question B-4, 'Australian sales')

1. Transportation

Explain how you have quantified the amount of inland transportation associated with the export sale (“**Inland transportation costs**”). Identify the general ledger account where the expense is located. If the amount has been determined from contractual arrangements, not from an account item, provide details and evidence of payment.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company’s commercial activities and sensitive business information, disclosure of which could harm the Company’s market and competitive position.]

Please refer to Exhibit E-1 for examples of the freight contract and evidence of payment.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company’s commercial activities and sensitive business information, disclosure of which could harm the Company’s market and competitive position.]

2. Handling, loading and ancillary expenses

List all charges that are included in the export price and explain how they have been quantified (“**Handling, loading & ancillary expenses**”). Identify the general ledger account where the expenses are located. If the amounts have been determined using actual observations, not from a relevant account item, provide details.

The various export related ancillary costs are identified in the table at question B4, for example:

- terminal handling;
- wharfage and other port charges;
- container taxes;
- document fees and customs brokers fees;
- clearance fees;
- bank charges, letter of credit fees
- other ancillary charges.

Answer:

All such costs, if any, have been included in the transportation cost above.

3. Credit

The cost of extending credit on export sales is not included in the amounts quantified at question B4. However, the Commission will examine whether a credit adjustment is warranted and determine the amount. Provide applicable interest rates over each month of the investigation period. Explain the nature of the interest rates most applicable to these export sales eg, short term borrowing in the currency concerned.

If your accounts receivable shows that the average number of collection days differs from the payment terms shown in the sales listing, *and if* export prices are influenced by this longer or shorter period, calculate the average number of collection days. See also item 4 in section E-2 below.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

4. Packing costs

List material and labour costs associated with packing the export product. Describe how the packing method differs from sales on the domestic market, for each model. Report the amount in the listing in the column headed '**Packing**'.

Answer:

There is no packing difference between the domestic sales and export to Australia.

5. Commissions

For any commissions paid in relation to the export sales to Australia:

- provide a description; and
- explain the terms and conditions that must be met.

Report the amount in the sales listing in question B-4 under the column headed "**Commissions**". Identify the general ledger account where the expense is located.

Answer:

There is no commission offered for Australia sales.

6. Warranties, guarantees, and after sales services

List the costs incurred. Show relevant sales contracts. Show how you calculated the expenses (“**Warranty & guarantee expenses**” and “**Technical assistance & other services**”), including the basis of any allocations. Include a record of expenses incurred. Technical services include costs for the service, repair, or consultation. Where these expenses are closely related to the sales in question, an adjustment will be considered. Identify the ledger account where the expense is located.

Answer:

There is no such difference.

7. Other factors

There may be other factors for which an adjustment is required if the costs affect price comparability – these are identified in the column headed “**Other factors**”. For example, other variable or fixed selling expenses, including salesmen’s salaries, salesmen’s travel expenses, advertising and promotion, samples and entertainment expenses. Your consideration of questions asked at Section G, concerning domestic and export costs, would have alerted you to such other factors.

Answer:

There is no other factor which influences the price comparability between domestic sales and export sales.

8. Currency conversions

In comparing export and domestic prices a currency conversion is required. Fluctuations in exchange rates can only be taken into account when there has been a ‘sustained’ movement during the period of investigation (see article 2.4.1 of the WTO Agreement). The purpose is to allow exporters 60 days to adjust export prices to reflect ‘sustained’ movements. Such a claim requires detailed information on exchange movements in your country over a long period that includes the investigation period.

Answer:

Not applicable.

E-2 Costs associated with domestic sales

(These cost adjustments will relate to your responses made at question D-4, “**domestic sales**”)

The following items are not separately identified in the amounts quantified at question D-4. However you should consider whether any are applicable.

1. Physical characteristics

The adjustment recognises that differences such as quality, chemical composition, structure or design, mean that goods are not identical and the differences can be quantified in order to ensure fair comparison.

The amount of the adjustment shall be based upon the market value of the difference, but where this is not possible the adjustment shall be based upon the difference in cost plus the gross profit mark-up (i.e. an amount for selling general and administrative costs (S G & A) plus profit).

The adjustment is based upon actual physical differences in the goods being compared and upon the manufacturing cost data. Identify the physical differences between each model. State the source of your data.

Answer:

There is no such adjustment made to physical characteristic.

2. Import charges and indirect taxes

If exports to Australia:

- are partially or fully exempt from internal taxes and duties that are borne by the like goods in domestic sales (or on the materials and components physically incorporated in the goods), or
- if such internal taxes and duties have been paid and are later remitted upon exportation to Australia;

the price of like goods must be adjusted downwards by the amount of the taxes and duties.

The taxes and duties include sales, excise, turnover, value added, franchise, stamp, transfer, border, and excise taxes. Direct taxes such as corporate income tax are not included as such taxes do not apply to the transactions.

Adjustment for drawback is not made in every situation where drawback has been received. Where an adjustment for drawback is appropriate you must provide information showing the import duty borne by the domestic sales. (That is, it is not sufficient to show the drawback amount and the export sales quantity to Australia. For example, you may calculate the duty borne on domestic sales by quantifying the total amount of import duty paid and subtracting the duty refunded on exports to all countries. The difference, when divided by the domestic sales volume, is the amount of the adjustment).

In substantiating the drawback claim the following information is required:

- a copy of the relevant statutes/regulations authorising duty exemption or remission, translated into English;
- the amount of the duties and taxes refunded upon *exportation* and an explanation how the amounts were calculated and apportioned to the exported goods;
- an explanation as to how you calculated the amount of duty payable on imported materials is borne by the goods sold *domestically* but is not borne by the exports to Australia;

Substitution drawback systems

Annex 3 of the WTO Agreement on Subsidies provides: *“Drawback systems can allow for the refund or drawback of import duties on inputs which are consumed in the production process of another product and where the export of this latter product contains domestic inputs having the same quality and characteristics as those substituted for the imported inputs”*

If such a scheme operates in the country of export adjustments can also be made for the drawback payable on the substituted domestic materials, provided the total amount of the drawback does not exceed the total duty paid.

Answer:

Not applicable.

3. Level of trade

Question D-4 asks you to indicate the level of trade to the domestic customer. To claim an adjustment for level of trade differences you will need to quantify the amount by which level of trade influences price.

Trade level is the level a company occupies in the distribution chain. The trade level to which that company in turn sells the goods and the functions carried out distinguish a level of trade. Examples are producer, national distributor, regional distributor, wholesaler, retailer, end user, and original equipment.

It may not be possible to compare export prices and domestic prices at the same level of trade. Where relevant sales of like goods at the next level of trade must be used to determine normal values an adjustment for the difference in level of trade may be required where it is shown that the difference affects price comparability.

The information needs to establish that there are real trade level differences, not merely nominal differences. Real trade level differences are characterised by a consistent pattern of price differences between the levels and by a difference in functions performed. If there is no real trade level differences all sales are treated as being at the same level of trade.

A real difference in level of trade (may be adjusted for using either of the following methods:

- (a) *costs arising from different functions*: the amount of the costs, expenses etc incurred by the seller in domestic sales of the like goods resulting from activities that would not be performed were the domestic sales made at the same level as that of the importer.

This requires the following information:

- a detailed description of each sales activity performed in selling to your domestic customers (for example sales personnel, travel, advertising, entertainment etc);
- the cost of carrying out these activities in respect of like goods;
- for each activity, whether your firm carries out the same activity when selling to importers in Australia;
- an explanation as to why you consider that you are entitled to a level of trade adjustment.

or

- (b) *level discount*: the amount of the discount granted to purchasers who are at the same level of trade as the importer in Australia. This is determined by an examination of price differences between the two levels of trade in the exporter's domestic market, for example sales of like goods by other vendors or sales of the same general category of goods by the exporter. For this method to be used it is important that a clear pattern of pricing be established for the differing trade levels. Such pattern is demonstrated by a general availability of the discounts to the level - isolated instances would not establish a pattern of availability.

Answer:

Not applicable.

4. Credit

The cost of extending credit on domestic sales is not included in the amounts quantified at question D-4. However, the Commission will examine whether a credit adjustment is warranted and determine the amount. An adjustment for credit is to be made even if funds are not borrowed to finance the accounts receivable.

The interest rate on domestic sales in order of preference is:

- the rate, or average of rates, applying on actual short term borrowing's by the company; or
- the prime interest rate prevailing for commercial loans in the country for credit terms that most closely approximate the credit terms on which the sales were made; or
- such other rate considered appropriate in the circumstances.

Provide the applicable interest rate over each month of the investigation period.

If your accounts receivable shows that the average number of collection days differs from the payment terms shown in the sales listing, and if domestic prices are influenced by this longer or shorter period, calculate the average number of collection days.

Where there is no fixed credit period agreed at the time of sale the period of credit is determined on the facts available. For example, where payment is made using an open account system¹, the average credit period may be determined as follows:

1. *Calculate an accounts receivable turnover ratio*

This ratio equals the total credit sales divided by average accounts receivable. (It is a measure of how many times the average receivables balance is converted into cash during the year).

In calculating the accounts receivable turnover ratio, credit sales should be used in the numerator whenever the amount is available from the financial statements. Otherwise net sales revenue may be used in the numerator.

An average accounts receivable over the year is used in the denominator. This may be calculated by:

- using opening accounts receivable at beginning of period plus closing accounts receivable at end of period divided by 2, or
- total monthly receivables divided by 12.

2. *Calculate the average credit period*

¹ Under an open account system, following payment the balance of the amount owing is carried into the next period. Payment amounts may vary from one period to the next, with the result that the amount owing varies.

The average credit period equals 365 divided by the accounts receivable turnover ratio determined above at 1.

The resulting average credit period should be tested against randomly selected transactions to support the approximation.

The following items are identified in the amounts quantified at question D-4:

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

5. Transportation

Explain how you have quantified the amount of inland transportation associated with the domestic sales (“**Inland transportation Costs**”). Identify the general ledger account where the expense is located. If the amount has been determined from contractual arrangements, not from an account item, provide details and evidence of payment.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

The general ledger account for this expense is Selling Expenses.

Please refer to Exhibit E-2.5 for examples of the freight contract and evidence of payment. But please kindly note these contracts are for reference only. It is not possible to link them with each specific domestic transaction.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

6. Handling, loading and ancillary expenses

List all charges that are included in the domestic price and explain how they have been quantified (“**Handling, loading and ancillary Expenses**”). Identify the general ledger account where the expense is located. If the amounts have been determined using actual observations, not from a relevant account item, provide details.

Answer:

All such costs, if any, have been included in the transportation cost above.

7. Packing

List material and labour costs associated with packing the domestically sold product. Describe how the packing method differs from sales on the domestic market, for each model. Report the amount in the listing in the column headed “**Packing**”.

Answer:

There is no packing difference between the domestic sales and export to Australia.

8. Commissions

For any commissions paid in relation to the domestic sales:

- provide a description
- explain the terms and conditions that must be met.

Report the amount in the sales listing under the column headed “**Commissions**”. Identify the general ledger account where the expense is located.

Answer:

There is no commission offered for domestic sales.

9. Warranties, guarantees, and after sales services

List the costs incurred. Show relevant sales contracts. Show how you calculated the expenses (“**Warranty & Guarantee expenses**” and “**Technical assistance & other services**”), including the basis of any allocations. Include a record of expenses incurred. Technical services include costs for the service, repair, or consultation. Where these expenses are closely related to the sales in question, an adjustment will be considered. Identify the ledger account where the expense is located.

Answer:

There is no such difference.

10. Other factors

There may be other factors for which an adjustment is required if the costs affect price comparability – these are identified in the column headed “**Other factors**”. List the factors and show how each has been quantified in per unit terms. For example:

- *inventory carrying cost*: describe how the products are stored prior to sale and show data relating to the average length of time in inventory. Indicate the interest rate used;
- *warehousing expense*: an expense incurred at the distribution point;
- *royalty and patent fees*: describe each payment as a result of production or sale, including the key terms of the agreement;
- *advertising*; and
- *bad debt*.

Answer:

There is no other factor which influences the price comparability between domestic sales and export sales.

E-3 Duplication

In calculating the amount of the adjustments you must ensure that there is no duplication.

For example:

- adjustments for level of trade, quantity or other discounts may overlap, or
- calculation of the amount of the difference for level of trade may be based upon selling expenses such as salesperson’s salaries, promotion expenses, commissions, and travel expenses.

Separate adjustment items must avoid duplication.

An adjustment for quantities may not be granted unless the effect on prices for quantity differences is identified and separated from the effect on prices for level of trade differences.

Answer:

The duplication possibility has been duly considered and avoided.

SECTION F - EXPORT SALES TO COUNTRIES OTHER THAN AUSTRALIA (THIRD COUNTRY SALES)

Your response to this part of the questionnaire may be used by the Commission to select sales to a third country that may be suitable for comparison with exports to Australia.

Sales to third countries may be used as the basis for normal value in certain circumstances. The Commission may seek more detailed information on particular third country sales where such sales are likely to be used as the basis for determining normal value.

F-1 Using the column names and column descriptions below provide a summary of your export sales to countries other than Australia.

Column heading	Explanation
Country	Name of the country that you exported like goods to over the investigation period.
Number of customers	The number of different customers that your company has sold like goods to in the third country over the investigation period.
Level of trade	The level of trade that you export like goods to in the third country.
Quantity	Indicate quantity, in units, exported to the third country over the investigation period.
Unit of quantity	Show unit of quantity (eg Number of units or watts)
Value of sales	Show net sales value to all customers in third country over the investigation period
Currency	Currency in which you have expressed data in column SALES
Payment terms	Typical payment terms with customer(s) in the country eg. 60 days=60 etc
Shipment terms	Typical shipment terms to customers in the third country eg CIF, FOB, ex-factory, DDP etc.

Supply this information in spreadsheet file named "Third country"

Answer:

Please refer to Table F-1 for sales to Third country.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

F-2 Please identify any differences in sales to third countries which may affect their comparison to export sales to Australia.

Answer:

Please refer to Table F-1 for the detailed information of the products sales to third countries.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

SECTION G - COSTING INFORMATION AND CONSTRUCTED VALUE

The information that you supply in response to this section of the questionnaire will be used for various purposes including:

- testing the profitability of sales of like goods on the domestic market;*
- determining a constructed normal value of the goods under consideration (the goods) - ie of the goods exported to Australia; and*
- making certain adjustments to the normal value.*

You will need to provide the cost of production of both the exported goods (the goods) and for the like goods sold on the domestic market. You will also need to provide the selling, general, and administration costs relating to goods sold on the domestic market; the finance expenses; and any other expenses (eg. non-operating expenses not included elsewhere) associated with the goods.

In your response please include a worksheet showing how the selling, general, and administration expenses; the finance expenses; and any other expenses have been calculated.

If, in response to question B4 (Sales to Australia, Export Price) you:

- reported that the date of sale is not the invoice date and consider that this alternative date should be used when comparing domestic and export prices, and*
- provided information on domestic selling prices for a matching period as required in the introduction to Section D (Domestic Sales)*

you must provide cost data over the same period as these sales even if doing so means that such cost data predates the commencement of the investigation period.

At any verification meeting you must be prepared to reconcile the costs shown to the accounting records used to prepare the financial statements.

G-1. Production process and capacity

1. Describe the production process for the goods. Provide a flowchart of the process. Include details of all products manufactured using the same production facilities as those used for the goods. Also specify all scrap or by-products that result from producing the goods.

Answer:

The production processes for the product concerned include [LIMITED] *[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]*

Please see attached Exhibit G-1 for the production flowchart.

There is no other product produced in the same production facilities.

There is no scrap and by-products result from producing the goods.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

G-2. Provide information about your company's total production in the following table:

	PREVIOUS FINANCIAL YEAR	MOST RECENT FINANCIAL YEAR	Investigation Period
A – Production capacity (eg no. of units (and/or watts)*)			
B – Actual production in volume (eg no. of units (and/or watts))			
C – Capacity utilisation (%)			

(B/A x 100)			
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* rather than showing a 'name-plate' optimal capacity it is more meaningful to show the maximum level of production that may reasonably be attained under normal operating conditions. For example assuming: normal levels of maintenance and repair; a number of shifts and hours of operation that is not abnormally high; and a typical production mix.

Provide this information on a spreadsheet named "**Production**".

Answer:

Please see attached Table G-2 for the Production.

[This confidential information is provided to the ADC for investigation. Since such data is classified as highly sensitive commercial information, please refer to a summary of the information in an indexed form.]

G-3. Cost accounting practices

1. Outline the management accounting system that you maintain and explain how that cost accounting information is reconciled to your audited financial statements.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

2. Is your company's cost accounting system based on standard (budgeted) costs? State whether standard costs were used in your responses to this questionnaire. If they were state whether all variances (ie differences between standard and actual production costs) have been allocated to the goods - and describe how those variances have been allocated.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- 3 Provide details of any significant or unusual cost variances that occurred during the investigation period.

Answer:

There was no significant or unusual cost variances occurred during the investigation period.

- 4 Describe the profit/cost centres in your company's cost accounting system.

Answer:

Please refer to Exhibit G-3.4 for the list of cost centre.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- 5 For each profit/cost centre describe in detail the methods that your company normally uses to allocate costs to the goods under consideration. In particular specify how, and over what period, expenses are amortised or depreciated, and how allowances are made for capital expenditures and other development costs.

Answer:

Please refer to Exhibit G-3.4 for the allocation method of each centre.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- 6 Describe the level of product specificity (models, grades such as mono or poly crystalline and whether AC or DC power output) that your company's cost accounting system records production costs.

Answer:

The company records production costs for each product, i.e. each material number.

- 7 List and explain all production costs incurred by your company which are valued differently for cost accounting purposes than for financial accounting purposes.

Answer:

There is no such difference.

- 8 State whether your company engaged in any start-up operations in relation to the goods under consideration. Describe in detail the start-up operation giving dates (actual or projected) of each stage of the start-up operation.

Answer:

This question is not applicable.

- 9 State the total cost of the start-up operation and the way that your company has treated the costs of the start-up operation in its accounting records.

Answer:

This question is not applicable.

G-4 Cost to make and sell on domestic market

This information is relevant to testing whether domestic sales are in the ordinary course of trade.²

1. Please provide (in the format shown in the table below) the actual unit cost to make and sell each model/type (eg as mono or poly crystalline and whether AC or DC power output)* (identified in section C) of the like goods sold on the domestic market. Provide this cost data for each quarter over the investigation period. If your company calculates costs monthly, provide monthly costs.
2. Indicate the source of cost information (account numbers etc) and/or methods used to allocate cost to the goods. Provide documentation and worksheets supporting your calculations.

	Quarter X	Quarter X	Quarter X	Quarter X
Like Domestic Model/Type – from spreadsheet LIKE GOOD (section C-3)				
Material Costs ¹				
Direct Labour				
Manufacturing Overheads				
Other Costs ²				

² The Commission applies the tests set out in s.269TAA of the Customs Act 1901 to determine whether goods are in ordinary course of trade. These provisions reflect the WTO anti-dumping agreement – see Article 2.2.1.

Total Cost to Make				
Selling Costs				
Administration Costs				
Financial Costs				
Delivery Expenses ³				
Other Costs ³				
Unit Cost to Make and Sell				

Prepare this information in a spreadsheet named "**Domestic CTMS**".

- ¹ Identify each cost separately. Include indirect material costs as a separate item only if not included in manufacturing overheads.
- ² Relating to costs of production only; identify each cost separately.
- ³ Identify each cost separately. Please ensure non-operating expenses **that relate to the goods under consideration** are included. Where gains/losses due to foreign currency exchange are incurred, please provide detail of the amounts separately for transaction and translation gains/losses.

Provide this information for each quarter (or month if your company calculates costs on a monthly basis) over the period of the investigation.

Provide the information broken down into fixed and variable costs, and indicate the % total cost represented by fixed costs.

If you are unable to supply this information in this format, please contact the case officer for this investigation at the address shown on the cover of this questionnaire.

Please specify unit of currency.

Answer:

Please see Table G-4 for the cost to make and sell of domestic models, which are identical with export models.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

G-5 Cost to make and sell goods under consideration (goods exported to Australia)

The information is relevant to calculating the normal values based on costs. It is also relevant to calculating certain adjustments to the normal value.

	Quarter X	Quarter X	Quarter X	Quarter X
Model/Type exported to Australia – from spreadsheet LIKEGOOD				
Material Costs ¹				
Direct Labour				
Manufacturing Overheads				
Other Costs ²				
Total Cost to Make				
Selling Costs				
Administration Costs				
Financial Costs				
Delivery Expenses ³				
Other Costs ³				
Unit Cost to Make and Sell				

Prepare this information in a spreadsheet named "**Australian CTMS**".

- ¹ Identify each cost separately. Include indirect material costs as a separate item only if not included in manufacturing overheads.
- ² Relating to costs of production only; identify each cost separately.
- ³ Identify each cost separately. Please ensure non-operating expenses **that relate to the goods** are included. Where gains/losses due to foreign currency exchange are incurred, please provide detail of the amounts separately for transaction and translation gains/losses.

Provide this information for each quarter (or month if your company calculates costs on a monthly basis) over the period of the investigation.

Provide the information broken down into fixed and variable costs, and indicate the % total cost represented by fixed costs.

If you are unable to supply this information in this format, please contact the case officer for this investigation at the address shown on the cover of this questionnaire.

Please specify unit of currency.

Answer:

Please see Table G-5.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- 1 Where there are cost differences between goods sold to the domestic market and those sold for export, give reasons and supporting evidence for these differences.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- 2 Give details and an explanation of any significant differences between the costs shown, and the costs as normally determined in accordance with your general accounting system. Reference should be made to any differences arising from movements in inventory levels and variances arising under standard costing methods.

Answer:

There is no such significant difference.

- 3 In calculating the unit cost to make and sell, provide an explanation if the allocation method used (eg number, or watts etc) to determine the unit cost differs from the prior practice of your company.

Answer:

There is no such difference.

G-6 Major raw material costs

List major raw material costs, which individually account for 10% or more of the total production cost.

For these major inputs:

- identify materials sourced in-house and from associated entities;
- identify the supplier; and
- show the basis of valuing the major raw materials in the costs of production you have shown for the goods (eg market prices, transfer prices, or actual cost of production).

Where the major input is produced by an associate of your company the Commission will compare your purchase price to a normal market price. If the associate provides information on the cost of production for that input such cost data may also be considered.

Normal market price is taken to be the price normally available in the market (having regard to market size, whether the input is normally purchased at 'spot prices' or under long term contracts etc).

The term associate is defined in section 269TAA of the *Customs Act*. Included in that definition are companies controlled by the same parent company (a company that controls 5% or more of the shares of another is taken to be an associated company); companies controlled by the other company; and companies having the same person in the board of directors.

Important note: If the major input is sourced as part of an integrated production process you should provide detailed information on the full costs of production of that input.

Answer:

Please see Table G-6. The only major input which accounts for 10% or more of the total production cost is cell.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

SECTION H - PARTICULAR MARKET SITUATION

The applicant claims that a 'particular market situation' exists in respect of certain crystalline silicon photovoltaic modules or panels (the goods) in China due to the government providing "policy loans" and credit facilities by the state owned Chinese banks at preferential rates that do not take into account commercial risk and prudential lending practices that otherwise applied in the Chinese capital credit market.

The existence of a 'particular market situation' could affect the Commission's approach to calculating the normal value within its dumping assessment. In broad terms, it is generally the case that the normal value of the goods is the price paid for like goods sold for home consumption in the country of export. One of the exceptions to using domestic selling prices for this purpose is if the Minister is satisfied that a situation in the market has rendered domestic selling prices unsuitable for establishing normal values (i.e. a 'particular market situation' exists).

These situations may be where the domestic selling prices in the country of export have been materially influenced by the government rendering those prices unsuitable for use in establishing normal values.

In this part of the questionnaire, the Commission is seeking information from your business, supported by evidence, in assessing the market situation claims made by the applicant. All document provided must be accompanied with a translated English version as well as the original version.

It may be necessary for the Commission to request additional information following receipt and review of your responses.

General Comments:

At the outset, Suntech would like to comment on the issue of the alleged existence of particular market situation (PMS) in this investigation. The applicant claims that exporting producers may be subject to the Chinese government's policy loans and credit facilities provided by state-owned Chinese banks at preferential rates. Consequently, the examination of whether or not a PMS exists is to determine whether domestic prices in China have been materially influenced by such alleged policies; the result of such examination may affect the Commission's approach to determine normal values.

Suntech understands that the Australian government recognizes China as a full market economy country, under which, when trade remedy investigation is initiated, the Commission compares the domestic prices with export prices in order to determine whether dumping exists.

However, Suntech notices that in some cases the Commission resorts to external alternative prices rather than the prices prevailing in China to impute normal values on the grounds of the existence of PMS. Therefore Suntech is concerned about this approach, especially by reading through the list of questions under Section H, it by and large resembles some degree of “market economy status criteria” applied by some other WTO members, such as the European Union, India and Canada.

To an appreciable extent, a positive recognition of China’s market economy status in trade remedy cases by the Australian government has now been attached “conditions”, under which Chinese exporting producers have to prove there is no existence of PMS.

I. What is the legal definition of “particular market situation”

In effect, the term PMS appears in Article 2.2 of WTO Anti-dumping Agreement in the context of determination of margins of dumping. In the opinions of Suntech, there seems no definition given with regard to what PMS is.

By reading carefully the context of Article 2.2, Suntech disagrees to the applicant’s position claiming that PMS is legally referred to “preferential lending policy and credit facilities”.

“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, (footnote omitted) such sales do not permit a proper comparison, the margin of dumping shall be determined by comparison with a comparable price of the like product when exported to an appropriate third country, provided such this price is representative, or with the cost of production in the country of origin plus a reasonable amount for administrative, selling and general costs and for profits.”

It is clear that Article 2.2 is intended to deal with sales that do not permit a proper comparison, due to no domestic sales, or no sales in the ordinary course of trade, or when, because of the particular market situation or the low volume of sales.

There is no indication to define a “particular market situation” to be related to “policy loans” and “credit facilities”, rather it is related to issues of sales volume, or in the opinions of Suntech an occurrence of a particular market situation that may possibly cause no or low sales volume. Paragraph of “..... the margin of dumping shall be determined by comparison with a comparable price of the like product when exported to an appropriate third country” supports Suntech’s understanding that whatever a particular circumstance may happen, i.e., no sales or because of an existence of undefined particular market situation or low sales volume, which cannot properly permit a direct comparison, an alternative methodology to determine normal values can be established by (1) reference to export prices to a third country or, (2) by a so-called constructed normal value, i.e., cost + SG&A + a reasonable amount of profit.

II. Allegations contain no sufficient evidence

If Suntech follows the reasoning of the applicant to ascribe PMS to specific aspects of “policy loans and credit facilities” to a country with a market economy status like China, this does not seem to be a correct way of interpreting PMS in the context of anti-dumping investigation and certainly not an objective and fair approach to Chinese exporting producers.

This seems to bear a strong bias against Chinese exporting producers, which mainly aims at finding margins of dumping through means of PMS. In effect, Suntech finds no factual evidence provided by the applicant to substantiate its claims for PMS. For instance, to what extent “preferential loans policy and credit facilities” have *materially* distorted the prices and why those elements have led to an existence of PMS in China.

Suntech takes the position that PMS has no connection with the issues of “preferential loans policy and credit facilities”. If such allegations can be considered as constituting PMS, then there is no “normal” market existed in the world. Based on the context of Article 2.2 of ADA, Suntech understands that PMS refers to *sales of the products* under the investigation in a market that may appear to be “particular” situation, which may render comparison impossible or difficult.

For purpose of cooperation, Suntech provides replies, where applicable, to the following questions listed in Section H. The Commission can ascertain whether prices have been materially influenced by the alleged policies.

Part 1 General information

1. Ownership and management

- a) Has the Government of China (GOC)³ anytime in the previous 5 years been a shareholder (or invested either directly or indirectly) in your business? If so, provide details of shareholding and/or investments.

Answer:

In the previous 5 years, no government or agency has acted as a shareholder in Suntech's business.

- b) List all the directors and major shareholders of your business and identify any common directors and executive officers between your business and related businesses.

Answer:

Please refer to Exhibit H-1.b for the list of directors and major shareholders.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- c) Are any directors or major shareholders, employees, or otherwise affiliated with the GOC? If so, identify the individuals, their role and their affiliation with the GOC.

Answer:

No directors or major shareholders, employees are affiliated with the GOC.

- d) Are any directors or employees of your business appointed, managed or recommended by the GOC? If so, identify the government department(s) they were recommended by.

Answer:

No, there are no directors or employees appointed, managed or recommended by the GOC.

- e) Provide details of any significant changes in the ownership structure of your business over the last 5 years.

Answer:

³ References to the GOC include any government authorities at any level (e.g. National, Provincial, Regional, Local), agency, party, or otherwise associated entity, including the State-owned Assets Supervision and Administration Commission of the State Council (SASAC).

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- f) Identify all positions within your business that are appointed or designated to act on behalf of GOC authorities.

Answer:

There are no such positions appointed or designated to act on behalf of GOC authorities.

- g) Explain whether there are any GOC requirements by law and/or any internal business policy to have GOC representation in your business. If so explain their role.

Answer:

Suntech is established in accordance with the Company Law of China, which has duly acquired a legal person status, there are no such requirements by law and/or any internal business policy to have GOC representation in the company.

- h) Does the GOC representative(s) or the person(s) appointed by the GOC have any VETO rights for any decisions made by the Board and/or the senior executives of your business? If so explain how and when such powers are exercised.

Answer:

This question is not applicable, because there is no GOC representative appointed by the GOC. In any event, according to the Articles of Association, there is no veto rights accorded.

- i) Who has the ability to reward, hire, fire or discipline your business' senior managers and executives?

Answer:

The joint decision shall be made by the responsible VPS, CEO and chairman of BOD. And if the termination or disciplinary action is made by the company then the corresponding reasons and procedures shall be compliant with the related labor laws and regulations.

- j) Do any of your business' senior managers hold positions in any GOC

departments or organisations, associations or Chambers of Commerce? If so describe the nature of their positions.

Answer:

There are no senior managers concurrently hold positions in any GOC department or association or Chamber of Commerce.

k) Is your business publicly listed and traded on a securities exchange?

Answer:

Wuxi Sutech is not a publicly listed company, therefore the following questions are not applicable.

- l) If so, identify all types of securities listed and name all securities exchange's on which they are traded.
- m) Are there any restrictions to trade these securities (e.g. restricted only to Chinese nationals etc.)?

2. Business planning

a) Explain your business' decision-making process in general and in respect of PV modules or panels products in relation to:

Answer:

Please refer to a summary reply below:

- i. what goods are produced;
- ii. how the goods are produced;
- iii. how much is produced;
- iv. the quantity of inputs (such as raw materials) purchased and how it is allocated to the manufacture of different products;
- v. the location of your production facility;
- vi. how your business' profit is distributed (e.g. dividends, share buyback etc); and
- vii. how you make decisions regarding your companies' growth target and other strategic decisions (e.g. expansions, mergers, acquisitions, restructures).

It is clear that the decision with regard to goods produced, or how produced and how much produced falls within the powers of senior managers and the Board of Directors. Purchases of raw materials need to be arranged in accordance with the production output, capacity and demand of market. Production of PV modules is essentially required of wafers and cells, which are the important stage of production to complete modules, thus there is no allocation of materials used for other products.

The production of facilities to produce PV modules is located at the place where the company is registered.

Distribution of profit is arranged in accordance with relevant provisions of Articles of Association.

The decisions regarding Suntech's growth target is generally based on the development of market, growth of renewable energy industry in various markets. In short, decisions must be made in response to market signals, subject to changes of supply and demand.

- b) Provide a description of any GOC input/guidance into the decision-making process regarding your manufacturing, marketing and sale of PV modules or panels products.

Answer:

Being an independent legal person, Suntech has possessed all the powers and authorities necessary for its management and operation of the company's production, sales, marketing, purchasing and employment matters. In accordance with Company Law of China, it specifically prescribes the functions assumed by and authorities accorded to the board of directors.

GOC has no influence, input or guidance into such decision-making process.

- c) Provide a list of all government departments/offices that are involved, either directly or indirectly, in your manufacture, sale or purchase of PV modules or Panels products.

Answer:

No such involvement in Suntech's business.

- d) Provide copies of the minutes of your Board of Directors and Board of Shareholders meetings over the investigation period.

Answer:

Please see **Exhibit H-1.(2).d**.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- e) Provide copies of the notes to business meetings where pricing decisions on PV modules or Panels products have been made over the investigation period.

Answer:

No such notes.

- f) Provide the copies of your Business and/or Corporate Plan that were effective during the Investigation period.

Answer:

No such plans.

- g) Has your business been involved in any mergers and/or acquisitions in the last 5 years? Is so, provide details.

Answer:

No, Suntech has not involved in either merger or acquisition in the last 5 years.

- h) Has your business undergone any major restructuring in the last 5 years? Is so, provide details.

Answer:

Please refer to reply above at part I, (1) (e).

- i) Is your business currently, or in the last 5 years, been involved in a joint venture? If so, provide details.

Answer:

No, Suntech has not been involved with any joint venture in the last 5 years.

3. Licensing

- a) Provide a copy of your business license(s).

Answer:

Please see Exhibit H-1.(3).a.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- b) Identify the GOC departments or offices responsible for issuing the license(s).

Answer:

Administration for Industry and Commerce Bureau is in charge of issuing business license.

- c) Describe the procedures involved in applying for your business license(s).

Answer:

In summary, the procedures go through application – examination -- approval. During the process, identities of shareholders, name of the company, location of the company, methods of investment shall be filled in the application form; a copy of Articles of Association, verification of capital investment shall be presented to the bureau. With completion of all the required documents, business license is issued.

- d) Describe all requirements and/or conditions that must be met in order to obtain the license(s).

Answer:

Please see reply above.

- e) Describe any sanctions and/or restrictions imposed on your business if you act outside the scope of your business license(s).

Answer:

According to the regulation pursuant to business license, if a company acts or conducts illegal activities sanction may be imposed; there are no restrictions imposed as long as the company acts in line with its applied scope of business. Restricted business is usually concerned for example unauthorized drugs, arms or items that are indicated by law.

- f) Describe and explain any rights or benefits conferred to your business under the license(s).

Answer:

According to the law and regulation, business license is a proof of company's valid and legitimate status and good standing under the law, by which, the company acts as a legal person having authority and power to enter into any commercial dealings.

- g) Describe the circumstances under which your business license(s) can be revoked, and who has the authority to revoke the license(s).

Answer:

As explained above, in case a company acts illegally, the business license would be subject to revocation; the administration for industry and commerce bureau is responsible for such action.

- h) What are the on-going conditions and/or requirements of your business license? Name the authority that manages the compliance of these conditions and/or requirements?

Answer:

Apart from the circumstances described above, as long as a company continues its operation, the business license would remain valid, thus there are no on-going conditions and/or requirements. However, an annual check on business license by law shall be fulfilled.

4. Capital investment activities

- a) List all capital investment activities (e.g. new production line, upgrades) your business has undertaken in the last 5 years and provide details of the approval process and any conditions placed upon the approval. Provide all relevant documentation, including copies of application forms and approval letters.

Answer:

Suntech has no investment activities in terms of new production line, upgrades in the last 5 years.

- b) If an application for your capital investment activity was not approved, provide details and documentation for the refusal.

Answer:

This question is not applicable.

- c) Identify all relevant authorities responsible for approving capital investments including the office address, phone and fax numbers. Also provide a brief description of the role of the authority in the approval process.

Answer:

Suntech has not experienced such procedures. There is no such requirement by law when a company making capital investments, because this is entirely subject to the decision of shareholders.

5. Financing and investment activities

- a) How is your business debt funded? Provide a list of all major lenders.

Answer:

It is mainly through bank loans. The major lenders during the investigation period are:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- b) What is the rate of interest paid by your business on all debt instruments over the last 5 years?

Answer:

Please refer to Exhibit H-1.(5).b for the rate of interest paid by Suntech over the last 5 years.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- c) Has your business benefited from any concessional interest rates for your loans/debts in the last 5 years? If so, provide details.

Answer:

No, Suntech has not benefited from any concessional interest rates.

- d) Has your business raised any capital using issuance of shares, preferential shares, rights issue, bonds, warrants, debentures, sub-ordinate loans or any other debt and/or equity instruments in the last 5 years? If so:
- i. explain what instruments were used;
 - ii. identify the type (e.g government guarantee) and provider of the security; and

- iii. explain the reasons for raising the capital.

Answer:

Suntech has not issued or used any instruments listed above in order to raise capital.

- e) Does your business have policies on how cash reserves are to be invested? If so, provide details.

Answer:

Suntech has no policies on how cash reserves are to be invested.

- f) Has your business invested in either government or non-government debt securities (such as bonds, quasi-government bonds)? If so provide details (e.g. type of instrument, amount invested and the expected rate of return).

Answer:

Suntech has not invested in either government or non-government debt securities.

6. Industry associations

- a) Are you a member of any industry association (either governmental or non-governmental)? If so, for each association provide details including:

Answer:

The following questions are not applicable because Suntech is not a member of any industry associations.

- i. The name of the association.
- ii. When your business joined the association.
- iii. Whether there are any membership fees.
- iv. The purpose of the association.
- v. The benefits of the association.
- vi. Any restrictions or conditions placed on your business by being a member of the association.
- vii. Any other on-going requirements for the association.

7. Interaction with the GOC

- a) Provide details of all interactions that your business has with the GOC including reporting requirements to the GOC.

Answer:

The main governmental agency is tax bureau – reporting financial statements, and Administration for Industry and Commerce Bureau for registration or modifications, if any.

- b) Provide contact details of any GOC departments, bureaus or agencies that your business has had any dealings with that are responsible for the administration of measures in the PV modules or panels industry.

Ensure that your response includes contact information regarding the following areas:

Answer:

Please be aware that some questions are not applicable or relevant to Suntech.

- i. industrial policy and guidance on the PV modules or panels industry sector;

Answer:

Suntech is not required to make any contact with bureau responsible for industrial policy and guidance. As Suntech explains above, company that has acquired legal person status it shall carry out commercial business activities independently, in line with the development of the market. Moreover, policy has no binding force or practical influence on activities of Suntech.

- ii. market entry criteria for the PV modules or panels industry sector;

Answer:

As long as a company fulfils legal requirements as a valid legal entity, the decision to enter into a particular sector of industry rests with company's investors. Suntech is not subject to any market entry criteria for the PV modules, it therefore did not have any dealings with this type of governmental agencies.

- iii. environmental enforcement for the PV modules or panels industry sector;

Answer:

The companies should carry out clean production examination in order to respond to the call of environmental protection.

- iv. management of land utilization;

Answer:

For an industrial corporate entity, it needs to apply for land to be used for industrial purposes from Land and Resources Bureau. Once the right to use the land is obtained, the company can develop business in accordance with its investment activities.

- v. the China Banking Regulatory Commission for the PV modules or panels industry sector;

Answer:

Suntech has no contact or dealings with CBRC, because it basically supervises and regulates banks in China, not company like Suntech.

- vi. investigation and inspection of new PV modules or panels expansion facilities;

Answer:

Suntech has no such experience.

- vii. the section in the National Development and Reform Commission that is responsible for the PV modules or panels industry sector; and

Answer:

Suntech has no contact or dealings with NDRC.

- viii. import licensing for PV modules or panels raw materials.

Answer:

There are no such licensing requirements for importing raw materials.

- c) Have you had dealings or communications with the National Development and Reform Commission (NDRC) and/or the Ministry of Industry and Information Technology (MIIT) in the last 5 years? If so, provide details.

Answer:

No, Suntech has no dealings with either governmental agency.

- d) Provide details of all the taxes paid by your business in the last 5 years (e.g company tax, sales tax, levies, royalties). Ensure that you include the tax rate, whether it is a reduced rate and the name of the authority that it is paid to.

Answer:

Suntech is currently subject to corporate income tax at rate [LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- e) List and describe all reports that are required to be submitted to the GOC? How often such reports are required? Identify the government department/office where each report is filed.

Answer:

There are no requirements to submit any reports to the GOC, apart from financial statements/reports to the Tax Bureau.

- F) Does your business provide selling price information or participate in surveys to an external agency? If so, provide details.

Answer:

No, Suntech does not provide such information to any external agency concerning selling price information or participating in surveys.

PART 2 PV Modules or Panels

1. Sales and production

- a) Provide a list of all your domestic customers of the goods, include the location (city and province) of the customer and indicate whether each customer is an state invested (and/or owned) enterprise (SIE).

Answer:

Please see Exhibit H-2.(1).a).

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- b) Does your business need to obtain approval or a licence to manufacture and sell the goods? If so, provide details.

Answer:

Apart from the above-mentioned business license, there is no additional requirement regarding production and sales of the PV modules.

- c) Are there any restrictions and/or conditions in relation to the quality or

quantity of the production of the goods placed upon your business? If so, provide details.

Answer:

Suntech assumes that the question relating to quality and quantity are kind of restrictions and/or conditions imposed by the state. If so, the answer is negative.

d) Does your business require an export licence? If so, provide details.

Answer:

The answer is negative.

e) Are the goods sold by your business subject to any export restrictions and/or limits during the previous 5 year? If so, provide details.

Answer:

No restrictions or limits whatsoever imposed on exports.

f) Provide details regarding any other restrictions (e.g., geographic/regional, downstream, end use) placed upon your business on the sale of the goods.

Answer:

In Suntech's experience, there are no such restrictions imposed on the business of sales of the goods.

g) Have there been any changes to your production capacity of the goods over the last 5 years? If so, provide details.

Answer:

With regard to production of modules, the capacity has remained stable over the last five years.

2. Selling price

a) Describe in detail how the selling price of the goods is determined. In particular, provide details of any restrictions, limitations, or other considerations imposed on your business.

Answer:

Price determination by Suntech is not subject to any restrictions, limitations or other considerations. As explained above, it is the decisions made by the company itself, in line with cost of materials, market trends, and supply and demand.

- b) Which organisation/business entity do you consider as the price leader of the goods?

Answer:

In a competitive market with numerous players, it is difficult to say which one is a price leader.

- c) Does your business have a pricing committee in respect of the goods? If so provide the names and positions of all members of the Committee.

Answer:

There is no such committee within Suntech.

- d) How often does the pricing committee meet to discuss selling prices of the goods? Provide the minutes or any other relevant documents of all meetings of the pricing committee during the investigation period.

Answer:

This question is not applicable.

- e) Identify the person who authorises the sales terms, prices and other contract provisions for the sale of the goods by your business.

Answer:

Sales prices are decided by managers in charge of prices, and sales transactions, such as contractual terms are made by managers in charge of contracts.

- f) If you have production facilities of the goods in more than one region and/or province, are the laws and regulations in each region the same with respect to pricing of the goods? If not, provide details on the differences.

Answer:

The laws and regulations in each region are the same with respect to pricing of the goods.

3. Raw material purchases

Only answer the following questions if your business, or related businesses, manufacture PV modules or panels

- a) Provide a detailed listing of your raw material purchases (e.g. polysilicon, silicon ingots, silicon wafers, solar (PV) cells) by completing the '**Raw Material Purchases**' tab in the attached spreadsheet.

Answer:

Please refer to Table G-6.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- b) Do you have more than one supplier of the raw materials? If so, provide an explanation of the reasons of price differences between these suppliers (if applicable)?

Answer:

Yes, like any corporate entity, suppliers are usually organized or selected by several commercial factors, such as but not limited to, quality of goods, timely delivery, prices, creditability and capacity to supply. Price is one of the factors to select suppliers.

- c) Describe in detail your business' purchase procedures of the raw materials and the considerations in selecting a supplier. If it is by tenders, provide details of the criterion/conditions.

Answer:

Please refer to Exhibit H-2.(3).c) for detailed information about purchasing procedures of the raw materials and the considerations in selecting a supplier .

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- d) If any of your raw materials for the production of PV modules or panels are imported by your business, or related businesses :
- i. Provide details including a description of the raw material imported, the supplier and country of origin.

Answer:

Please refer to Table G-6.

[Information contained in the above Exhibit cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- ii. Explain the process required to import the raw materials (e.g. obtaining an import licence, import declarations).

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

- iii. Provide details of any conditions to importing the raw materials (e.g. customs and/or quarantine).

Answer:

There are no special conditions to importing the raw materials

- iv. Are you eligible for a duty drawback? If so, provide details.

Answer:

[LIMITED]

[Information contained in the above answer cannot be susceptible to a meaningful non-confidential summary. Since these information are related to the Company's commercial activities and sensitive business information, disclosure of which could harm the Company's market and competitive position.]

SECTION I - EXPORTER'S DECLARATION

I hereby declare that **Wuxi Suntech Power Co., Ltd.**

did, during the period of investigation export the goods under consideration and have completed the attached questionnaire and, having made due inquiry, certify that the information contained in this submission is complete and correct to the best of my knowledge and belief.

I hereby declare that.....(company)

did not, during the period of investigation, export the goods under consideration and therefore have not completed the attached questionnaire.

Name: Vera Wang

Signature: 王雨

Position in Company:

Manager of Business Administration Department



Date: July 2, 2014

SECTION J - CHECKLIST

This section is an aid to ensure that you have completed all sections of this questionnaire.

Section	Please tick if you have responded to all questions
Section A – general information	<input type="checkbox"/> ✓
Section B – export price	<input type="checkbox"/> ✓
Section C – like goods	<input type="checkbox"/> ✓
Section D – domestic price	<input type="checkbox"/> ✓
Section E – fair comparison	<input type="checkbox"/> ✓
Section F – exports to third countries	<input type="checkbox"/> ✓
Section G – costing information	<input type="checkbox"/> ✓
Section H - a particular market situation	<input type="checkbox"/> ✓
Section I – declaration	<input type="checkbox"/> ✓

Electronic Data	Please tick if you have provided spreadsheet
INCOME STATEMENT	<input type="checkbox"/> ✓
TURNOVER – sales summary	<input type="checkbox"/> ✓
AUSTRALIAN SALES – list of sales to Australia	✓ <input type="checkbox"/>
DOMESTIC SALES – list of all domestic sales of like goods	<input type="checkbox"/> ✓
THIRD COUNTRY – third country sales	<input type="checkbox"/> ✓
PRODUCTION – production figures	✓ <input type="checkbox"/>
DOMESTIC COSTS – costs of goods sold domestically	<input type="checkbox"/> ✓
AUSTRALIAN COSTS – costs of goods sold to Australia	<input type="checkbox"/> ✓
Raw Material Purchases – raw material purchases	<input type="checkbox"/> ✓