



Australian Government
Australian Customs and
Border Protection Service

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International Trade Remedies Branch

**SUPPLEMENTARY GOVERNMENT
QUESTIONNAIRE - CHINA**

GOC RESPONSE TO SECTION B QUESTIONS

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

INVESTIGATION PERIOD: 1 JULY 2010 TO 30 JUNE 2011

RESPONSE DUE BY: 10 APRIL 2012

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

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ABBREVIATIONS

the Act	the <i>Customs Act 1901</i>
Aluminium	includes primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium cast into an ingot or a billet, whether as an aluminium alloy, including aluminium alloy A356 and A356.2 or similar, or aluminium alone
Aluminium enterprises	Entities involved with the manufacture or processing of aluminium products
ARW	Aluminium Road Wheels
billet	means a bar of aluminium metal, including aluminium alloy A356 and A356.2 or similar
China	the People's Republic of China
Customs and Border Protection	Australian Customs and Border Protection Service
ESI	Enterprise with State Investment
EPZ	Export Processing Zones
FIE	foreign invested enterprise
GOC	Government of China
ingot	means an ingot of aluminium (including aluminium alloy A356 and A356.2 or similar) cast into a shape suitable for further processing
the goods	the goods the subject of the application (ARW)
the investigation period	1 July 2010 to 30 June 2011
SASAC	the State-owned Assets Supervision and Administration Commission of the State Council
SEZ	special economic zone
SOE	state-owned enterprise

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

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

- an investigation into allegations that certain Aluminium Road Wheels (ARWs) from the People's Republic of China (China) have been exported to Australia at dumped prices, and because of that dumping, material injury has been caused to an Australian industry producing like goods; and
- an investigation into allegations that countervailable subsidies have been received in respect of ARWs exported from China to Australia, and because of that subsidisation, material injury has been caused to an Australian industry producing like goods.

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

As part of its investigation, Customs and Border Protection provided the Government of China (GOC) a Government Questionnaire (GQ) that included questions and requested documents that it was considered would be useful in addressing the above-mentioned market situation and subsidy claims in relation to Chinese ARWs.

A confidential response to this GQ was received on 1 February 2012. A non-confidential response was received on 17 February 2012.

This Supplementary Government Questionnaire (SGQ) has been developed by the Australian Customs and Border Protection Service (Customs and Border Protection) after considering the GOC's response to the GQ to this investigation. It contains further questions and requests for information that Customs and Border Protection may be useful in assessing the allegations in relation to Chinese ARWs.

It should be noted that any reference below to an Attachment refers to the Attachments submitted by the GOC in response to the GQ.

2. Product concerned**Description**

The goods the subject of the application (the goods) are described as follows:

aluminium road wheels ("ARWs") for motor vehicles of HTISC heading 8708.70.91/78, in diameters ranging from 13" to 22".

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For clarification, the goods INCLUDE finished or semi-finished ARWs whether un-painted, painted, chrome plated or forged and EXCLUDE aluminium wheels for go-carts and All-Terrain Vehicles ("ATVs").

Tariff classification

The application stated that the goods are classified to tariff subheading 8708.70.91 (statistical code 78) in Schedule 3 to the Customs Tariff Act 1995.

Tariff subheading 8708.70.91/78 covers "road wheels for passenger motor vehicles including wheels used for caravans and trailers, unfinished wheels and wheels with tyres." This sub-heading does not cover parts of wheels.

The applicable rate of Customs Duty is 5%.

There are no Tariff Concession Orders applicable to the relevant tariff subheadings.

3. Investigation period

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

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

Customs and Border Protection will examine details of the Australian market from 1 July 2006 for injury analysis purposes.

4. Response to this questionnaire

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

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

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

If the GOC elects to respond to this questionnaire, the response is due by **close-of-business 10 April 2012**.

5. If you decide to respond

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

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Confidential and non-confidential versions

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

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

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

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

Declaration

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

Coordination of responses

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

However, it is the responsibility of the GOC to ensure that a full and complete response to all sections of the questionnaire is submitted, and that responses from all levels of government, agencies and/or other applicable entities are collated and coordinated in the one response.

Consultants/parties acting on your behalf

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

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

Provision of documents

Numerous documents are requested from the GOC throughout this questionnaire. In many cases, the titles or description of these documents within the questionnaire may not correlate to the official title that the GOC has

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granted each document, but is rather a descriptor of the document to the best of Customs and Border Protection's knowledge.

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

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

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

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

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

Lodgement

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

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

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

General matters

Responses to questions should:

- be as accurate and complete as possible, and attach all relevant supporting documents,¹ even where not specifically requested in this questionnaire;

¹ This includes, but is not limited to, any laws, decrees, regulations, statements of policy, or other administrative guidelines. In each case, include any legislative history as well as other descriptive materials and explanations of the criteria underlying the decisions relating to each of the programmes

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- be in English (with fully translated versions of all requested and other applicable documents submitted);
- list your source(s) of information for each question;
- identify all units of measurement used in any tables, lists and calculations;
- show any amounts in the currency in which they were originally denominated.

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

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

6. Clarification

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

mentioned in this questionnaire. If applicable, a sample of each of the applications that a company must complete to participate in each of the programs should also be included.

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SECTION B: SUPPLEMENTARY QUESTIONS - GENERAL

- 1. Question B2 of the GQ requested the GOC to describe the nature and structure of
 - (i) the ARW industry and market sector in China; and
 - (ii) the aluminium (including primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium) industry and market sector in China.

Please provide the following additional information in relation to this question:

- (i) ARW production value and volume during the investigation period (1 July 2010 to 30 June 2011) is required. In the response only the quantity for 2010 is provided.

The GOC does not have official data regarding the ARW industry for any period. For the purpose of the fullest cooperation with the investigation, and to provide as complete a picture of the industry as the GOC could manage, the GOC requested the relevant industrial association to provide the most relevant set of data available to it.

The GOC does understand that the data obtained from the association was incomplete. Also, half year data is not available.

Furthermore, the GOC understands that the relevant data for 2011 will not be available from the association until after the response date for this SGQ.

- (ii) For the state invested enterprises - actual percentage of ownership is required. In the response the GOC only mentions "Majority state-invested enterprise".

The GOC does not have a whole set of statistical data indicating the actual percentage of State investment in each and every SIE, whether involved in ARW production or in any other industry.

However, for the purpose of the fullest cooperation, the GOC now provides an updated table, at **Attachment 140 [CONFIDENTIAL ATTACHMENT]** detailing the actual percentage of State investment in known ARW SIEs based either on information from business registration authorities, or from the public domain.

- (iii) Under the heading "Openness to international markets" – the data provided for ARWs is in Metric Tonnes (MT). The import and export of ARW from China quantity in pieces and corresponding values from 2006 to June 2011 is requested.

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The GOC does not collect ARW import and export quantity data in pieces. The GOC now provides the required ARW import and export value from 2006 to June 2011 at **Attachment 141 [CONFIDENTIAL ATTACHMENT]**.

- (iv) In response to B2(ii) under the heading "Foreign investment and openness to international markets" the GOC has provided import statistics for bauxite, alumina and aluminium. Please provide export statistics for these materials in the same format.

The GOC now provides the required export statistics for bauxite, alumina and aluminium in the format requested at **Attachment 142 [CONFIDENTIAL ATTACHMENT]**.

2. In its response to Question B3 of the GQ, the GOC has provided a listing of the 13 identified ARWs producers and/or exporters that have produced and/or exported ARW destined for Australia during the investigation period.
- (i) Identify within Attachment 1 ARW producers by volume and value, and detail their total production of ARWs, during the investigation period 1 July 2010 to 30 June 2011

The GOC now provides the required export statistics for ARW producers within Attachment 1 by volume during the investigation period 1 July 2010 to 30 June 2011, at **Attachment 143 [CONFIDENTIAL ATTACHMENT]**.

However, as clarified earlier in response to question B.1, the GOC does not collect production data for enterprises in the normal course of its statistical practices. The GOC also notes that production data for responding enterprises has also been required to be provided by them in the initial Exporter Questionnaires. Therefore, the GOC asks Customs to review the EQs for the data requested.

- (ii) The list of 13 ARW producers that exported ARWs to Australia during the investigation period is a much smaller number of exporters than that recorded in Customs and Border Protection's import database. Please advise the method by which the GOC gathered the data in response to this question.

The list provided by the GOC comprised the top ten exporters (labelled as "Top ARW exporter") according to data from China Customs, as well as those exporters responding to this investigation (labelled as "Respondent") who were not within the top ten group.

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- (iii) What is meant by the phrase "Respondent" in the "Category" column of Attachment 1?

Please refer to the GOC's response to question B.2(ii) above.

- (iv) What is meant by the phrase "Top ARW exporter" in the "Category" column of Attachment 1?

Please refer to the GOC's response to question B.2(ii) above.

3. In its response to Question B4 of the GQ, the GOC has provided a listing of manufacturers/producers of aluminium in China that produced aluminium during the investigation period.

- (i) What is meant by the phrase "responding suppliers" in the title of Attachment 2?

The phrase "responding suppliers" refers to those suppliers said to be supplying aluminium to the respondents.

- (ii) What is meant by "N/A" in the "Nature of enterprise" column?

"N/A" indicates that no official data is available to ascertain the nature of the ownership structure of the enterprise in question.

- (iii) for all companies that are SOEs, indicate the percentage ownership held by the GOC during the investigation period.

The GOC has undertaken further inquiries and now provides an updated Attachment (new **Attachment 144 [CONFIDENTIAL ATTACHMENT]**) in response to the further inquiries of Australian Customs.

4. With respect, the GOC's response to Question B6 of the GQ does not answer the question, which asked the GOC to indicate which of the enterprises listed in response to Question B3 (ARW producers) and Question B4 (aluminium manufacturers) are located in a region or zone listed at B5, and which region they are located in.

The GOC's response refers to Attachment 2, which includes aluminium manufacturers only, and does not specifically state which zone each is located in.

The GOC does not collect or keep such a list or database in its normal course of

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administration. Moreover, it cannot compile such a list within a reasonable period of time in an efficient and feasible manner, due to the fact that business addresses are not a good indicator of zone location.

However, for the purpose of the fullest cooperation, the GOC now provides updated lists, at **Attachments 145 [CONFIDENTIAL ATTACHMENT] and 146 [CONFIDENTIAL ATTACHMENT]**, with some additional indications based on information the GOC has managed to obtain from the public domain.

5. In its response to Question B8 of the GQ, the GOC indicated exports of ARW's to Australia from 1 July 2006 to 30 June 2011.

Customs and Border Protection considers the GOC's response to Question B8 is limited and does not fully address the question.

Please review your response to Question B8 and provide a fully complete response. For example:

- (i) The GOC's response does not provide any source for the data in attachment 4.

The GOC advises that the data source was China Customs.

- (ii) ARW volume is requested in pieces (not tonnes).

China Customs does not collect data in relation to this product in "pieces", therefore the GOC is unable to report the data in that way.

6. Question C1 of the GQ requested the GOC to describe the Organization of the Government and described the role of *industrial policy and guidance on the ARW and aluminium sectors*.

- (i) Customs and Border Protection requests GOC to identify all rules, policies, guidelines that have been formulated by Ministry of Industry and Information Technology ("MIIT") and the Bureau of Raw Material Industry between 2008 and 2011 in relation to alumina and aluminium industrial sectors in China.

The GOC believes that it has provided all necessary information in its response to the GQ in this regard, in order to cooperate with Customs' investigation in this matter, including but not limited to:

- two relevant five-year plans for China as a whole (**Attachments A2 and A3**),
- two policy documents relating to nonferrous metal or aluminium sectors

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(Attachments A1 and A47); and

- a variety of policy documents covering wide range of manufacturing sectors (Attachments A11, A12, A13, A14, A15, A16, A18, A26, A33, A42, amongst others).

The GOC confirms that it has provided the whole framework picture of policies related to the aluminium and alumina sectors during the POI, whether published during the POI or prior to the POI, together with details sufficient for a comprehensive understanding of the policy.

The GOC would summarize the policy package in these sectors as follows:

- to guard against industry-wide capacity over expansion;
- to optimize product and sectoral structure;
- to facilitate new progress particularly in regard to R&D, reasonable consumption of resources, and energy-savings and reductions in emission;
- to facilitate the orderly removal of aluminium sectors from urban areas;
- to facilitate technological innovation in production facilities especially in terms of new processes and information technologies;
- to facilitate mergers and acquisitions ("M&A"), particularly trans-regional M&A, in sectors including primary aluminium, to enhance industrial concentration leading to a higher level of scale and scope economy, by way of dismantling institutional barriers, and coordinating related policies.

More specifically, the GOC encourages the development and industrialization of some technologies and/or processes, such as:

- the development of high efficiency, low consumption, low pollution metallurgical processes;
- the technology of extracting alumina from coal powder with high alumina content; and
- the high strength erosion-resistant aluminium alloy used for the main frame of transportation equipment.

The development of additional production capacity or facilities for primary aluminium is not encouraged. Small scale and/or outdated or backward production capacity or processes of aluminium are also not to be encouraged. Environmental laws can be expected to impact more heavily on these types of factories.

In addition, the GOC would clarify that the Bureau of Raw Material Industry is not

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an independent legal entity with authority to enact any rules, policies or guidelines on its own.

If Australian Customs doubts that all documents it believes are relevant have been provided by the GOC, that must mean that Australian Customs knows that there are documents that have not been provided. Therefore Australian Customs is requested to be specific in its requests, instead of requiring the GOC to guess what additional information it is that Australian Customs thinks should be provided.

- (ii) How are these measures, rules, policies or guidelines intended to help alumina and aluminium industrial sectors in China?

The measures, rules, policies and guidelines concerned are intended to help to:

- restrict resource-depleting expansion of capacity;
- encourage environmental protection measures and the dismantlement of inefficient, polluting facilities;
- promote the emergence of more efficient and cleaner technologies; and
- promote sustainable or scientific development so as to facilitate the healthy development of the sector in China's large and unevenly developing economy.

7. Question C1 of the GQ requested the GOC to describe the Organization of the Government and described the role of taxation - especially changes to export taxes and export tax rebates.

The attachments provided do not specifically answer this question in relations to export tax rebates. Customs and Border Protection requests the GOC to provide a summary of the export tax rebate rates for the ARW and aluminium industry from 2006 to 2011.

In relation to export tax rebates (GOC takes this to mean VAT rebate for exported goods), please see **Attachment 147**. This appears to have been mistakenly omitted from the GQ response.

8. In response to question C2.1 of the GQ, the GOC identified Ministry of Industry and Information Technology's (MIIT) involvement in the development of economic policy development, economic regulations and the general responsibilities of which in this regard are drafting and implementing of industry policy and of industrial blueprints.

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Provide copies of "*Industrial Blue Prints*" in relation to Aluminium industry from Ministry of Industry and Information Technology (MIIT) that were drafted, coordinated and implemented from 2008 to 2011.

There were no "Industrial Blue Prints" in relation to the aluminium industry that were published by MIIT for implementation either during or prior to the POI, other than those already provided by the GOC in its response to the GQ.

9. Question C2.7 (d) of the GQ requested the GOC to identify the zones or regions outlined in its response to Question B5 that provide concessions or benefits in electricity prices to manufacturing, including aluminium production

Please identify if any of the provincial and/or central NDRC or price bureaus outlined in your response to question B5 provide concessions or benefits in electricity prices to manufacturing, including aluminium production?

The GOC would advise that the NDRC at the central level did not provide any concessions or benefits in electricity prices for aluminium production. Provincial NDRC and central price bureaus have no authority to provide any such concessions or benefits.

10. Question C2.9(e) of the GQ requested the GOC to explain how the National Development and Reform Commission communicates guidelines to the aluminium enterprises and motivates aluminium enterprises to implement and/or satisfy the guidelines of the Guidelines for accelerating the restructuring of the Aluminium Industry as outlined in Chapter II

Customs and Border Protection considers that other than parts C2.9 (e) (xi) and (Xii), all other parts of this question are relevant to this investigation.

Please review your response to Question C2.9 (e) and provide a fully complete response.

The GOC would further clarify that the Guidelines document was issued only to, and directly to, various central and provincial authorities. The Guidelines communicate some policy recommendations and their background to those authorities for their understanding and cooperation with respect to the policy options in question. The Guidelines document was not issued to any aluminium enterprises. Therefore, it is not strictly correct to address questions to the GOC about the NDRC's manner of communicating the Guidelines and of motivating enterprises in relation to them.

The policy or "vision" of any government informs the introduction and

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implementation of its laws, and shapes the exercise of discretion by government officials within those laws. The Guidelines document can be expected to provide context for spatial rules (eg the use of land and its relationship to infrastructure) and for environmental protection laws (eg identifying polluting technologies and regulating them), to give two examples.

To provide a useful comparison, the GOC notes that Australia maintains legal systems that regulate research and development tax concessions, and concessional by-laws for imports. These laws were not enacted in a policy vacuum. At the same time, they are broad based, and do not tell industry or enterprises exactly what they must do, in the sense of ordering or directing their actions. The specific ideas underpinning them probably emanated from a political group within the ruling Australian party. They were given shape by a central agency such as the Treasury or by other Departments. They may have been commented upon by a think-tank such as the Productivity Commission. But none of those entities told Australian enterprises how to behave, nor did they pass laws mandating that their view of the world be implemented by companies, or directly administering the policy.

A document such as the Guidelines needs to be understood as the idealised vision of the issuing agency of government. In this case, the document represents the views of the NDRC for the development of aluminium production in an optimal way, from the perspectives of social goals, sustainability, environment and efficiency. However it is incorrect to interpret the Guidelines as being a form of direct communication with enterprises which must consequently be implemented or followed by them. That is not the case.

11. Question C2.9 (e) of the GQ requested the GOC to explain how the National Development and Reform Commission monitors the objectives outlined in Chapter II above.
- (i) Provide a copy of National Development and Reform Commission (NDRC) reports and analysis for the years 2008 to 2011 and explain where NDRC used information to analyse the relationship between the actual development situations of the aluminium industry.

With respect, the GOC asks Australian Customs to have regard to the way in which any government agency in any country receives information or carries out its functions, in order to realise that this question is impossible to answer.

Please also refer to the GOC's response to question 10.

- (ii) Provide all guidelines, policies and/or any actions taken as a result of this analysis.

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Again with respect, the GOC reiterates that it has already provided NDRC documents relevant to the aluminium industry. The GQ and the GOC's responses to date already expose the details of relevant laws and measures. If there are any others of which Australian Customs is specifically aware and which Australian Customs would like the GOC to address, please alert us to them.

Please also refer to the GOC's response to question 10.

12. Question C2.9 (m) (page 45) of the GQ requested the GOC to identify any policies that banks established under the Policy Banks Law of 1994 authorised by the GOC to provide policy loans at discounted interest rates for entities within the Chinese aluminium industry? What are the criteria for providing any such loans? What discounts are provided?

(i) Please identify in which year the "Policy Banks Law(?)" ended; and

China has two overarching laws relating to bank establishment and operation. One is the *Law of the People's Bank*, enacted on 18 March 1995 (see **Attachment 148**). The other is the *Law of Commercial Banks*, promulgated on 10 May 1995 (see **Attachment 22**).

China also enacted a law titled the *Law of Supervision and Regulation of Banking Industry* on 27 December 2003.

Accordingly, we are not aware of what it is that Australian Customs wants the GOC to address. The GOC requests further clarification from Australian Customs in relation to its inquiry, so that the GOC can understand the specific legal basis for this question and can respond appropriately.

(ii) Identify the industries and/or companies that took advantage of this scheme

The GOC observes that the policy view of the relevant macro-economic agencies has been that the aluminium industry in China is too large; that old technology smelters are inefficient and polluting; and that the entry of too many smaller operators would continue to place demands on the environment and on land use which are incompatible with sustainability and orderly development.

Against this background, it would not make much sense for the GOC to direct financial resources in the form of interest incentives to the industry when the GOC's view is that it would be better for the industry to engage in downscaling rather than even more expansion.

To the best of its knowledge, the GOC is not aware of the existence of such kind of *'policy loans at discounted interest rates for entities within the Chinese*

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aluminium industry".

13. Question C2.9 (c) (i) (page 54) of the GQ requested the GOC in relation to "Article 28" of the Price Law of the People's Republic of China (the Price Law) 'price monitoring system'. GOC indicated that NDRC has established and improved four price monitoring systems since 2005.

- (i) Provide a copy of price monitoring report of "National Important Energy" from 2005 to 2011.

Price collecting/submitting entities are not required to provide a specific report to price authorities under the administrative system which is in effect.

- (ii) Provide copies of any measures, policies or actions taken as a direct or indirect result of this monitoring process

The GOC wishes to reiterate what it has said on this topic in its previous GQ response to Australian Customs. Price monitoring is neither price administration nor administrative intervention. Instead, the purpose of price monitoring is to allow the GOC to understand the price changes in the markets for important goods and service, based on which the government can analyse and judge economic situations which are presented by those changes.

14. Question C2.9 (C) (ii) of the GQ requested the GOC in relation to Article 28 of the Price Law of the People's Republic of China (the Price Law) 'price monitoring system' applied to aluminium, aluminium raw materials and aluminium products since July 2006. GOC indicated that at present aluminium is subject to price monitoring.

- (i) Provide a copy of price monitoring report for aluminium and alumina from 2005 to 2011 and;

Price collecting/submitting entities are not required to provide a specific report to price authorities under the administrative system which is in effect.

- (ii) Provide a copy of any measures, policies or actions taken as a direct or indirect result of this monitoring process.

Please see the GOC's response to question B.13(ii).

15. The following questions relate to the GOC's response to part C3.12 of the GQ and related attachment(s).

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(a) The GOC's response to Question C3.12 (a) is unclear. While the GOC claims that it does not know any "Changjiang River Exchange" in the first paragraph, later in the paragraph the GOC confirms that "Changjiang River Exchange" is a nonferrous metal spot market.

References to "Changjiang River Exchange" in the GQ response were in quotation marks. This was intended to refer to those words in the sense used by Australian Customs. Also, in Chinese, "Changjiang River" and "Yangtsi" both refer to the same river.

More specifically, the GOC's statement of unawareness related to the entity referred to as "Changjiang River Exchange". The GOC is not aware of such an "Exchange". No such "Exchange" - in the sense of some specifically existing entity that trades futures contracts for aluminium - exists in China with the name "Changjiang River".

The GOC did obtain confirmation that "Changjiang River Exchange" is a nonferrous metal spot market. This was identified from a website entitled "Changjiang Nonferrous" (in pinyin: Chang Jiang You Se) at <http://market.cnal.com/changjiang/>. To the best of the GOC's knowledge, this website is associated with "cnal.com", which is mainly an e-commerce information service provider in the area of aluminium.

The GOC notes that there is another commercial website the title of which also includes the wording "Changjiang Nonferrous" (in pinyin: Chang Jiang You Se). The full name of this information service is, literally, "Shanghai Yangtsi Non-ferrous Metal Network".

In its response GOC also referred to "Shanghai Yangtsi Non-ferrous Metal Network" (www.sssci.com). Please confirm:

- (i) If both the Changiang River Exchange and Shanghai Yangtsi Non-ferrous Metal Network markets/exchanges exist, independently of each other;

Please refer to the GOC's response in the preamble section of this question B.15(a).

- (ii) If so, whether the "Shanghai Yangtsi Non-ferrous Metal Network" is a stock exchange, futures exchange (or similar). If not, please explain the role of "Shanghai Yangtsi Non-ferrous Metal Network"; and

Please refer to the GOC's response in the preamble section of this question 15. Moreover, the GOC confirms that "Shanghai Yangtsi Non-ferrous Metal Network"

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is not a stock exchange, futures exchange (or similar). To the best of its knowledge, the GOC understands that it is an e-commerce information service provider in the area of non-ferrous metal.

- (iii) Whether aluminium (including pre-alloy aluminium A356 and/or A356.2 or similar) traded on Shanghai Yangtsi Non-ferrous Metal Network.

Could Australian Customs please clarify this question? If it asks whether aluminium "is" traded on the "Shanghai Yangtsi Non-ferrous Metal Network", the GOC again refers to the preamble to this question B.15(a).

- (b) Explain in detail, the GOC's oversight of the Changjiang River Exchange and /or Shanghai Yangtze Non-ferrous Metal Network, including an explanation of the role and functions of the government body that is responsible for establishing securities market regulations with respect to the Changjiang River Exchange and/or Shanghai Yangtze Non-ferrous Metal Network.

Neither of the service providers are stock exchanges or futures exchanges (or similar). Therefore, they are not subject to any securities market regulations.

- (c) Provide the annual reports for the Changjiang River Exchange and /or Shanghai Yangtze Non-ferrous Metal Network for the two year period prior to 30 June 2011.

The GOC does not have such documents and is not aware of whether or not they exist. The private information service providers concerned may or may not issue "annual reports". However the GOC would think it is probably an unlikely thing to expect.

- (d) Provide the requirements, guidelines or rules for trading membership on the Changjiang River Exchange and/or Shanghai Yangtze Non-ferrous Metal Network.

GOC does not have such documents and is not aware of whether or not they exist. Certainly the "Exchange" and "Network" referred to are not regulated entities such as would require such rules in the strict sense.

- (e) Provide the trading rules of the Changjiang River Exchange and /or Shanghai Yangtze Non-ferrous Metal Network.

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Please refer to the GOC's response to question B.15(d).

(f) Can foreign, non-Chinese domestic companies, trade on the Changjiang River Exchange and/or Shanghai Yangtze Non-ferrous Metal Network? If not, explain the purpose of this limitation.

From the GOC's own internet research, it is clear that foreign companies are "members" of "cnal.com". Companies from Chinese Taipei, Chinese Macao, Hong Kong and Malaysia are members. See **Attachments 149, 150, 151 and 152** respectively.

The Malaysian company, CVS Metal Industries Sdn Bhd lists aluminium ingot, aluminium alloy ingot, aluminium billets and aluminium scrap amongst its main products: see <http://www.worldal.com/CVSMETAL/profile.shtml>. This is accessible via the "cnal.com" website.

Please see **Attachment 153** for instructions as to how the "cnal.com" website can be searched for membership information.

(g) Provide a list of the Changjiang River Exchange and/or Shanghai Yangtze Non-ferrous Metal Network member companies that had aluminium trading rights during the investigation period.

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

The GOC does not have such information. In view of what has already been explained, the GOC believes that the suggestion that companies have aluminium trading "rights" in the accepted sense is not correct. These are informational exchanges on the internet, and in that circumstance the GOC believes that it cannot be expected to somehow try to obtain such information for Australian Customs.

(h) Are there any restrictions or limitations preventing Chinese companies from trading in foreign commodity exchange? If so, please explain.

Neither of the service providers are stock exchanges, futures exchanges (or similar). Therefore, they are not subject to any securities market regulations.

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(i) Do the Changjiang River Exchange and/or Shanghai Yangtze Non-ferrous Metal Network also trade pre-alloy aluminium A356 and/or A356.2 or similar?

Consistent with previous responses, the GOC does not have such information available to it.

(j) For Changjiang River Exchange and/or Shanghai Yangtze Non-ferrous Metal Network, provide the monthly trading volume and average spot settlement prices for aluminium (including pre-alloy aluminium A356 and/or A356.2 or similar) for every month in the investigation period (1 July 2010 to 30 June 2011).

Consistent with previous responses, the GOC does not have such information available to it.

(k) For the Changjiang River Exchange and/or the Shanghai Yangtze Non-ferrous Metal Network provide the following information from 2006 to 2011:

- full names OF the top 20 traders by volume and value (including pre-alloy aluminium A356 and/or A356.2 or similar)
- Indicate which traders are SOEs and which traders are otherwise associated with the GOC, as per the definition of associated persons found in the glossary.
- Also, indicate which companies are involved in the production or selling of aluminium and/or ARWs

Consistent with previous responses, the GOC does not have such information available to it.

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SECTION E: DECLARATION

DECLARATION

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

April 10, 2012
Date


Signature of authorised official

Gu Yu
Name of authorised official

First secretary
Title of authorised official



Australian Government
Australian Customs and
Border Protection Service

POSTED
FILE
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International Trade Remedies Branch

**SUPPLEMENTARY GOVERNMENT
QUESTIONNAIRE - CHINA**

GOC RESPONSE TO SECTION C QUESTIONS

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

INVESTIGATION PERIOD: 1 JULY 2010 TO 30 JUNE 2011

RESPONSE DUE BY: 10 APRIL 2012

ADDRESS FOR RESPONSE: International Trade Remedies Branch
Australian Customs and Border
Protection Service
5 Constitution Avenue
Canberra ACT 2601
Australia
Attention: Director Operations 2

CASE MANAGER: Arthur VLAHONASIOS
TELEPHONE: +61-2-6275-8130
FAX: +61-2-6275-6990
EMAIL: tmops2@customs.gov.au

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

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ABBREVIATIONS

the Act	the <i>Customs Act 1901</i>
Aluminium	includes primary aluminium, electrolytic aluminium, secondary aluminium, scrap aluminium cast into an ingot or a billet, whether as an aluminium alloy, including aluminium alloy A356 and A356.2 or similar, or aluminium alone
Aluminium enterprises	Entities involved with the manufacture or processing of aluminium products
ARW	Aluminium Road Wheels
billet	means a bar of aluminium metal, including aluminium alloy A356 and A356.2 or similar
China	the People's Republic of China
Customs and Border Protection	Australian Customs and Border Protection Service
ESI	Enterprise with State Investment
EPZ	Export Processing Zones
FIE	foreign invested enterprise
GOC	Government of China
ingot	means an ingot of aluminium (including aluminium alloy A356 and A356.2 or similar) cast into a shape suitable for further processing
the goods	the goods the subject of the application (ARW)
the investigation period	1 July 2010 to 30 June 2011
SASAC	the State-owned Assets Supervision and Administration Commission of the State Council
SEZ	special economic zone
SOE	state-owned enterprise

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SECTION A: BACKGROUND AND GENERAL INSTRUCTIONS

1. Background

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

- an investigation into allegations that certain Aluminium Road Wheels (ARWs) from the People's Republic of China (China) have been exported to Australia at dumped prices, and because of that dumping, material injury has been caused to an Australian industry producing like goods; and
- an investigation into allegations that countervailable subsidies have been received in respect of ARWs exported from China to Australia, and because of that subsidisation, material injury has been caused to an Australian industry producing like goods.

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

As part of its investigation, Customs and Border Protection provided the Government of China (GOC) a Government Questionnaire (GQ) that included questions and requested documents that it was considered would be useful in addressing the above-mentioned market situation and subsidy claims in relation to Chinese ARWs.

A confidential response to this GQ was received on 1 February 2012. A non-confidential response was received on 17 February 2012.

This Supplementary Government Questionnaire (SGQ) has been developed by the Australian Customs and Border Protection Service (Customs and Border Protection) after considering the GOC's response to the GQ to this investigation. It contains further questions and requests for information that Customs and Border Protection may be useful in assessing the allegations in relation to Chinese ARWs.

It should be noted that any reference below to an Attachment refers to the Attachments submitted by the GOC in response to the GQ.

2. Product concerned

Description

The goods the subject of the application (the goods) are described as follows:

aluminium road wheels ("ARWs") for motor vehicles of HTISC heading 8708.70.91/78, in diameters ranging from 13" to 22".

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For clarification, the goods INCLUDE finished or semi-finished ARWs whether un-painted, painted, chrome plated or forged and EXCLUDE aluminium wheels for go-carts and All-Terrain Vehicles ("ATVs").

Tariff classification

The application stated that the goods are classified to tariff subheading 8708.70.91 (statistical code 78) in Schedule 3 to the Customs Tariff Act 1995.

Tariff subheading 8708.70.91/78 covers "road wheels for passenger motor vehicles including wheels used for caravans and trailers, unfinished wheels and wheels with tyres." This sub-heading does not cover parts of wheels.

The applicable rate of Customs Duty is 5%.

There are no Tariff Concession Orders applicable to the relevant tariff subheadings.

3. Investigation period

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

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

Customs and Border Protection will examine details of the Australian market from 1 July 2006 for injury analysis purposes.

4. Response to this questionnaire

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

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

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

If the GOC elects to respond to this questionnaire, the response is due by **close-of-business 10 April 2012**.

5. If you decide to respond

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

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Confidential and non-confidential versions

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

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

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

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

Declaration

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

Coordination of responses

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

However, it is the responsibility of the GOC to ensure that a full and complete response to all sections of the questionnaire is submitted, and that responses from all levels of government, agencies and/or other applicable entities are collated and coordinated in the one response.

Consultants/parties acting on your behalf

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

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

Provision of documents

Numerous documents are requested from the GOC throughout this questionnaire. In many cases, the titles or description of these documents within the questionnaire may not correlate to the official title that the GOC has

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granted each document, but is rather a descriptor of the document to the best of Customs and Border Protection's knowledge.

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

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

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

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

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

Lodgement

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

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

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

General matters

Responses to questions should:

- be as accurate and complete as possible, and attach all relevant supporting documents,¹ even where not specifically requested in this questionnaire;

¹ This includes, but is not limited to, any laws, decrees, regulations, statements of policy, or other administrative guidelines. In each case, include any legislative history as well as other descriptive materials and explanations of the criteria underlying the decisions relating to each of the programmes

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- be in English (with fully translated versions of all requested and other applicable documents submitted);
- list your source(s) of information for each question;
- identify all units of measurement used in any tables, lists and calculations;
- show any amounts in the currency in which they were originally denominated.

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

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

6. Clarification

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

mentioned in this questionnaire. If applicable, a sample of each of the applications that a company must complete to participate in each of the programs should also be included.

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SECTION C: SUBSIDIES

Guidance note:

The request has been categorised by your responses to those programs requiring further and better information. In formulating your response, please identify by subsidy program number and sub-paragraph identifier (i.e. (a), (b)... etc.).

Program 1 - Aluminium provided by government at less than fair market value*Observations*

It is reported that the *Fuzhou Development Zone Development and Reform Bureau* helped at least one aluminium product manufacturer procure low-priced aluminium ingot during 2009 (see reference *Mawei District Government, "Fuzhou Development Zone 'Bites' on Scientific Development Tightly"* (May 4, 2009)).

Further information required

- (a) Please provide details on the manufacturer and the particular intervention/s, as well as any other cases relating to the Fuzhou Development Zone Development and Reform Bureau's assistance in procuring low-priced aluminium ingot for aluminium product manufacturers.

To the best of GOC's knowledge, no responding exporters were located in any area of Fuzhou, including "Fuzhou Development Zone", during the POI. Therefore, this question is not considered to be applicable to this proceeding.

Nonetheless, the GOC has attempted to locate the information to which you refer, noting that Australian Customs has neither provided a copy of that information to the GOC nor provided a reference indicating where Australian Customs itself obtained that information. English language internet research indicates that the article title is only quoted in one source. That source is the *Petition for the Imposition of Anti-Dumping and Countervailing Duties Volume III – Countervailing Duty Allegations* (specifically, footnote 308) dated March 2010. This document was filed with the International Trade Commission by the self-styled "Aluminum Extrusions Fair Trade Committee", being the petitioner in that case. This gave the GOC serious cause to doubt the veracity of the claim that whatever had occurred amounted to some "Program 1" subsidy as has been alleged against the GOC.

Chinese language internet research proves that the GOC's suspicion was well-founded. The relevant article says that the Fuzhou Development Zone assisted a manufacturer to seek "low price aluminium ingot on the market of the time" (emphasis

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added). We assume the underlined words were omitted from whatever allegation has been put to you by the applicants in this matter.

Moreover, the GOC would note that:

- the US case from which either the applicant or Australian Customs obtained that information took place in 2010;
- that the US case involved aluminium extrusions;
- that the fact situation it conveniently misrepresents took place in 2009; and
- that the allegation relates to aluminium ingot, not pre-alloyed aluminium.

Program 2 – Transitional preferential tax policies – Tax resident enterprises

Further information required

- (a) Please explain the status of the *State Administration of Taxation circular to further clarify that the enterprise income tax preferential policies for the implementation of the transition period calibre issues* (Guo Shui Han No. 157 of 2010) claimed to support this program in the applicant's application? If this instrument remains current, please explain why it has not been treated as a relevant document in your response to questionnaire?

This document did not create any new program, but only clarified some operational terms. There is no program of "preferential treatment for resident enterprise". The income tax preferential treatment can be recognized and determined without this document. In other words, it is not considered to be necessary information for the purpose of this investigation.

Observations

Otherwise, thank you for your response to *Program 2*. We have noted the difference between Tax-resident Enterprises and Non Tax-resident Enterprises.

Further information required

- (b) However, for the purpose of this questionnaire, please provide information (in detail) for the following in respect to preferential tax policies for tax resident enterprises with reference to the document referred to in (a):
- i. Identify the policies that existed during the period 1 January 2010 to 31 December 2011;
 - ii. For any policies listed in your response to (i) above, please answer questions D1.1 to D1.12 in the original questionnaire.

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Please refer to the GOC's response to Program 2 question (a) above.

By way of further clarification, and to the best of the GOC's knowledge, Guo Shui Han No. 157 of 2010 does not itself create new programs. Most of the preferential tax policies referred to in Guo Shui Han No. 157 of 2010 which are relevant to the current investigation were already covered by the GOC's response to the GQ. For example, Programs 4, 6, 7, 16, 17, 18 and 22 where applicable.

Program 3 – Preferential policies – Enterprise Income Tax*Further information required*

- (a) Please explain the status of the *Circular on some issues concerning execution of preferential policies on Enterprise Income Tax* (Cau Shui No. 69 of 2009) claimed to support this program in the applicant's application? If this instrument remains current, please explain why it has not been treated as a relevant document in your response to questionnaire?

The document did not create any new program, but only clarified some operational terms. There is no program of "preferential treatment for enterprise income tax". Any of the income tax preferential treatment which is the subject of Australian Customs' inquiries in the GQ can be recognized and determined without this document. In other words, it is not considered to be necessary information for the purpose of this investigation.

- (b) Also, with reference to the *Notice of the State Council on the Implementation of the Transitional Preferential Policies in respect of the Enterprise Income Tax* please provide substantive responses for the questions relating to this program listed in the original questionnaire in respect to each of the policies listed in the table on page 2 of the document

The GOC advises that the notice did not create any new program. It only set out the transitional period and schedule for the old programs. The document itself does not constitute any legal basis for any programs.

Program 4 – Preferential income tax for hi-tech enterprises*Further information required*

- (a) Please explain the status of the *Circular of the State Administration of Taxation on the issues concerning implementation of the preferential income tax for hi-tech enterprises* (Guo Shui Han No. 203 of 2009) claimed to support this program in the applicant's application? If this instrument remains current, please explain why it has not been treated as a relevant document in your response to questionnaire?

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The Circular did not create any new program. It only clarified some operational terms. The income tax preferential treatments for hi-tech enterprise which are the subject of Australian Customs' inquiries in the GQ can be recognized and determined without this document. In other words, it is not considered to be necessary information for purpose of this investigation.

- (b) What document/instrument/regulation establishes the eligibility criteria established under section D1.1(g)? Please identify the industries and geographical areas to which the "qualified industries" belong.

Article 93 of the Regulation on Implementation of the Enterprise Income Tax Law (**Attachment 80**) promulgated by the State Council specifies the eligibility criteria. High and new technologies are not necessarily linked with any specific industries and/or geographical areas, although they may be grouped into certain industries, such as electronic information technologies, bio- and new medicine technologies, aero and air craft technologies, new materials technologies, so on.

- (c) With reference to Article 93 of the *Regulation on the Implementation of the Enterprise Income Tax Law*, please provide (in detail) information on additional criteria used by departments and State Council to determine the eligibility of a high and new technology enterprise.

Additional criteria used by departments to determine the eligibility of a high and new technology enterprise also include the following:

- an enterprise must possess full intellectual property rights to the subject technology in relation to its business operation as a high technology enterprise; and
- other criteria may also be considered, such as the number of technologies to which it has full IP rights, and capacity to industrialize a new technology, among others.

- (d) With reference to the conditions outlined in the questionnaire for eligibility for this program, please identify the cities/provinces that are considered the "Key State Supported High and New Technology Areas", and provide details on the measures that are used to determine these areas.

The phrase "Key State Supported High and New Technology Areas" does not refer to any spatial or geographical areas, but to some specific grouping of high and new technologies, which include:

- electronic information technologies;

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- bio- and new medicine technologies;
- air craft technologies;
- new materials technologies;
- high-tech services;
- new energies and energy-saving technologies;
- technologies relating to resources and environment; and
- high and new-tech used for transforming traditional industries.

- (e) In response to D1.6 please provide the confirmation of the quantum of benefit received (as originally requested).

The quantum of the benefit is a reduction in the amount of income tax due evaluated at the tax rate of 15% as reduced from 25%, if the taxpayer has taxable income for the relevant period.

Program 5 - "Go West" strategy

Further information required

- (a) Please explain the status of the *Reply of the State Administration of Taxation on issues concerning applicable catalogues to the Enterprise Income Tax preference policies for western development* (Guo Shui Han No. 399 of 2009 claimed to support this program in the applicant's application?

This document was effective at all time during the POI and remains effective at this time.

- (b) If this instrument remains current, please explain why it has not been treated as a relevant document in your response to questionnaire?

The document did not create any new program. It only clarified some operational terms. The income tax preferential treatments for enterprise in western China provinces which are the subject of Australian Customs' inquiries in the GQ can be recognized and determined without this document. In other words, it is not considered to be necessary information for the purposes of this investigation.

- (c) Please confirm that both domestic projects concerning non-ferrous metals, namely aluminium and alloy quick casting, and foreign investment enterprises belonging to the aluminium industry in the western regions, are encouraged by the State.

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Domestic projects concerning some special processing technologies of non-ferrous metals are encouraged for the western regions, while foreign investment enterprises belonging to the aluminium industry are only encouraged in some provinces or in relation to certain special categories of products or projects.

Program 6 – Preferential tax policies – FIEs – Coastal Economic Open Areas & Economic and Technological Development Zones
Further information required

- (a) Please explain the status of the *State Council Circular* (Guo Fa No. 37 of 2000) claimed to support this program in the applicant's application?

This document was terminated on 1 January 2008.

- (b) If this instrument remains current, please explain why it has not been treated as a relevant document in your response to questionnaire?

Please see the GOC's response to Program 6 question (a) above.

Nonetheless the GOC advises that the repealed document deals only with income generated from business in China by foreign enterprises who do not have any legal entity in China, ie. those non-resident enterprise, and therefore, it is not directly related to the program under the title "*Preferential tax policies – FIEs – Coastal Economic Open Areas & Economic and Technological Development Zones*". That program only deals with FIEs in the relevant areas.

Program 7 – Reduced Tax rate - Two years of exemption – Three years at fifty per cent reduction

- (a) In response to D1.6 please provide the quantum of benefit received (as originally requested).

Any production enterprise with foreign investment that is intended to operate for a period of not less than ten years - from the year it begins to make a profit - shall be exempted from income tax in the first and second years of operation and be provided with a 50% reduction from the third to fifth year of operation, if the taxpayer has taxable income for the relevant period.

Program 8 – Preferential tax policies – FIE export enterprises

Further information required

- (a) In response to section D.1.1(g), please identify the document(s) setting out the eligibility criteria identified.

Please refer to **Attachment 95** at Article 75(7).

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- (b) In relations to section D1.7 (a), please identify the document(s) terminating the program.

Please refer to **Attachment 5**.

- (c) If the terminating document is identical to the one described in section D1.12, please provide a copy.

Please refer to **Attachment 5**.

Program 9 – Preferential tax policies – FIE export enterprises

Further information required

- (a) Please explain the status of the *State Administration of Taxation Circular* (Guo Shui Fa, No. 135 of 2003) claimed to support this program in the applicant's application?

This document was terminated in 2008, together with the FIE Income Tax Law.

Furthermore, it could not have been the legal basis for this program as the title provides, because it did not relate to FIE "exports" in any way.

However, the GOC has responded to questions under this program assuming that Australian Customs intended to refer to Program 9 in the GQ, ie. the one relating to "Preferential tax policies for FIEs which are technology-intensive and knowledge-intensive".

- (b) If this instrument remains current, please explain why it has not been treated as a relevant document in your response to questionnaire?

The instrument is not current. Please refer to the GOC's response to Program 9 question (a) above.

- (c) In response to subsections D.1.1(g) and (h) please identify the document(s) setting out the eligibility criteria identified, and provide copies.

Please refer to **Attachment 95** at Article 73(1).

- (d) Please provide a list naming the designated zones and regions listed in section D1.8(c), and identify whether any of the companies listed in your response to section B3 are located within these zones or regions.

As advised in the GQ, there are no responding exporters located in any of these

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zones or regions, and none that benefited from this preferential income tax treatment.

Program 10 – Preferential tax policies – Enterprises providing employment to the unemployed

Further information required

- (a) Please provide copy of instrument repealing the said *Interim Regulation of Enterprise Income Tax* (1994).

The instrument that repealed this Interim Regulation was the *Enterprise Income Tax Law*. Please refer to **Attachment 5** at Article 60.

Further, as advised in the GQ, there are no responding exporters located in any of these zones or regions, and none that benefited from this preferential income tax treatment.

Program 11 – Preferential tax policies – FIEs – High or New Technology industrial development zones – Advanced technology enterprises invested in and operated by FIEs

Further information required

- (a) Please explain the status of *State Council Circular* (Guo Shui Fa, No. 165 of 1991), and *State Council Circular* (Guo Fa, No. 37 of 2000) claimed to support this program in the applicant's application?

These documents ceased to be effective before the POI as the law the two instruments proposed to deal with was repealed on 1 January 2008.

- (b) If these instruments remain current, please explain why they have not been treated as relevant documents in your response to questionnaire?

Please refer to the GOC's response to Program 11 question (a).

- (c) Please identify the regulations referred to in your answer to section D 1.7(b) and the relevant section/s, by which the competent authority assesses the application.

This question is not considered to be relevant because there are no responding exporters located in any of these zones or regions that benefited from this preferential income tax treatment.

Program 12 – 100% refund of income tax paid – direct reinvestment

Further information required

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- (a) Please explain the status of *Notification of the State Council on Carrying out the Transition Preferential Policies Concerning Enterprise Income Tax* (Guo Fa No. 39 of 2007)?

This document is still in effect. Please refer to **Attachment 94**.

- (b) Please provide a copy of the repealing instrument.

Not applicable.

Program 14 – Preferential tax policies – Enterprises making ‘little’ profits

Further information required

- (a) Please provide further explanation of your responses at subsections D1.1(d) and (e).

The segments of the program took effect at different points in time:

- started on 1 January 2008, pursuant to the new EITL (at Article 28) and relevant rules, for a small and low-profit enterprise (or “SLE”), whose annual taxable income is less than RMB300,000, and number of employees is less than 100, the applicable income tax rate shall be 20% instead of 25%;
- started on 1 January 2010 through to 31 December 2011, for an SLE with taxable income less than RMB30,000, only half of their taxable income shall be subject to income tax, and the tax rate shall be 20%.
- started on 1 January 2012 through to 31 December 2015, for an SLE with taxable income less than RMB60,000, only half of its taxable income shall be subject to income tax, and the tax rate shall be 20%.

- (b) Please define ‘restricted or prohibited industries’ as mentioned in section D1.1 (g) and provide any documents listing industries considered ‘restricted or prohibited’.

The “restricted or prohibited industries” as mentioned in section D1.1(g) are defined by the *Directory Catalogue on Adjustment of Industrial Structure* promulgated in 2005 by NDRC. Please see **Attachment 86**.

Program 15 - Preferential tax policies – FIEs – Border cities

Further information required

Please provide a copy of the repealing document/instrument.

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Please refer to Attachment 5.

Program 17 - Preferential tax policies – FIEs – Pudong Area – Shanghai

Further information required

- (a) Please explain the status of *State Council Circular* (Guo Shui Fa, No. 165 of 1991), and *State Council Circular* (Guo Fa, No. 37 of 2000) claimed to support this program in the applicant's application?

These documents have ceased to be effective since their repeal on 1 January 2008.

- (b) If these instruments remain current, please explain why they have not been treated as relevant documents in your response to questionnaire?

The instruments do not remain current.

Program 19 – Preferential tax policies – FIEs – Three Gorges of Yangtze River Economic Zone

Further information required

- (a) Please provide a copy of the repealing document/instrument.

Please refer to Attachment 5.

Program 20 – Preferential tax policies – Enterprises – Poverty stricken areas

Further information required

- (a) Please provide a copy of the repealing document/instrument.

This question is not considered to be relevant because there are no responding exporters located in any of these areas and that benefited from this preferential income tax treatment.

Nonetheless the GOC advises that the description given to this program by the applicant and/or Australian Customs was impossibly broad, and that the EITL repealed all previous income tax laws, subject to transitional arrangements and a few other exceptions.

Program 21 – Grants – Headquarters – Foreign investment

Further information required

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- (a) In relation to your response to section D1.1(f), please explain the benefits referred to in the statement:
 "other benefits which would naturally or legally accrue from having Guangzhou as the location of headquarters, however these are not cash benefits"

This question is not considered to be relevant because there are no responding exporters located in the region in question and no respondent benefited from this program.

For other type of benefits an enterprise may enjoy by establishing its headquarters in Guangzhou, please refer to *Provisions of Guangzhou Municipality on Encouraging Foreign Investors to Set up Headquarters and Regional Headquarters - Attachment 101*.

Program 23 - Preferential policies – Industrial zones

Further information required

- (a) Particulars of this program are provided in United Nations Conference on Trade and Development, *Tax Incentives and Foreign Direct Investment A Global Survey*, United Nations, Geneva, 2000 (UNCTAD/ITE/IPC/Misc.3) as follows:

"Similar reduced rates [of income tax] are granted for foreign investments in economic and technological development zones (ETDZs), which include the following coastal cities: Beihai, Beijing, Dalian, Fuzhou, Guangzhou, Lianyungang, Nantong, Ningbo, Qingdao, Qinhuangdao, Shanghai, Tianjin, Wenzhou, Yantai, and Zhanjiang. Other regions are following the successful models of the SEZs and ETDZs. For example, the Pudong new development area, adjacent to the city of Shanghai, was approved in 1990 to offer incentives to foreign investors, and six free trade zones have been established, one each in Dalian, Guangzhou, Shanghai, and Tianjin and two in Shenzhen. Areas throughout China are being designated as high- or new-technology development zones. Zones similar to the ETDZs are to be created in the mid-western regions."

This does not appear to be a question.

- (b) Please advise whether or not any of these programs are in existence.

Please refer to the last paragraph of the GOC's response to GQ question 23.

However, this question is not considered to be relevant because none of the respondents are located in any of these zones or areas. On the other hand, in the spirit of cooperation, GOC would clarify that most of the programs relating to special regions were repealed on 1 January 2008 with a transitional period of five years until

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the end of 2012.

For more details, please refer to **Attachment 94**, particularly items 1, 2, 3, 5, 24 in the table attached to that Attachment.

Program 28 – Preferential tax rate – Guangzhou

Observations

Your response notes that "preferential tax rates in Guangzhou would be the same as those of general application in China".

Further information required

- (a) Please list all preferential tax rates of general application in China, and provide copies of any relevant documents.

Please refer to **Attachment 5**.

Program 31 – Exemption – Tariff and Import VAT – Imported Technologies and Equipments

Further information required

- (a) Please provide further information about the eligibility of [REDACTED] to receive benefits under *Program 31*:

[CONFIDENTIAL TEXT DELETED]

- (b) Please explain:

- on what grounds [REDACTED] were eligible to receive the benefits?

Please refer to the GOC's response to Program 31 question (a) above.

- the total amount of benefit [REDACTED] was eligible to receive;

The exempted import tariff is valued on an *ad valorem* basis. The exempted VAT equals (dutiable price + tariff + consumption tax) x applicable VAT rate. This exemption is not shown in the tax return.

- the period during which [REDACTED] were eligible to receive the benefit; and

[CONFIDENTIAL TEXT DELETED] would have been eligible to receive the benefit

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from the time it started its operations and completed the relevant legal procedure for importing equipment until it finished importing the total amount it was allowed to import under the program.

- when actions were taken by [REDACTED] which caused them to be eligible to receive the benefit.

All of the actions as referred to above would have had to be undertaken before [CONFIDENTIAL TEXT DELETED] submitted its applications for import duty and tax exemptions from time to time. For more details, please refer to relevant documentation submitted by [CONFIDENTIAL TEXT DELETED] regarding this program.

Observations

- (a) In section D1.9 (c), you state:

"If the applicant meets the eligibility criteria discussed above the applicant will receive the certificate from NDRC, no further discretion is exercised by the administering agency.

"Upon presentation of an NDRC issued certificate [China] Customs will make a decision on whether the enterprises may receive the benefit."

Further information required

- (a) On what basis does China Customs make its decision?

China Customs makes its decision on the basis of paper certificate issued by NDRC, which contains the list of equipment eligible for the program, among other documents such as a copy of the enterprise's business certificate, or import declaration form.

- (b) How long after receiving an NDRC issued certificate is China Customs required to make a decision?

There is no explicit specified time period required for China Customs to make a decision.

- (c) Who must be notified of the China Customs decision? Are appeals to decisions made by China Customs in relation to Program 31 allowable?

The importing enterprise or its agency must be notified of China Customs' decision. Appeal against a decision made by China Customs in relation to Program 31 is allowable.

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(d) If so, please describe this process.

This question is not considered to be relevant since there were no respondent exporters going through any of these processes during the POI.

Program 32 – Full refund of VAT to FIEs – Purchasing unused domestic equipment with currency in China

Further information required

(a) Please confirm that [REDACTED] received the benefit of the subsidy under Program 32 and if so, please explain the following:

- On what grounds was [REDACTED] eligible to receive the benefits?

[CONFIDENTIAL TEXT DELETED]

- The total amount of benefit [REDACTED] was eligible to receive and

[CONFIDENTIAL TEXT DELETED] as prescribed under the relevant law. For more detail, please refer to the response of [CONFIDENTIAL TEXT DELETED] to its EQ.

- When and what actions were taken by [REDACTED] which caused them to be eligible to receive the benefit?

The starting point would have been at the time that [CONFIDENTIAL TEXT DELETED] was legally established as an FIE, until the termination of this program, ie. 1 January 2009, when the VAT paid on purchase of equipment started to be deducted from the VAT payable to the tax authority.

Thus, we can say that [CONFIDENTIAL TEXT DELETED] was eligible from the time it started its business operations and it engaged in the activities that meet the criteria as described in Program 32 question (a) above.

- Why [REDACTED] continued to receive benefits during the period of 2009 when the program, according to the response in section D1.1(e) was terminated in 2008?

For a foreign-funded project which had been approved by the relevant department (hereinafter referred to as the approved project) before 1 July 2006 and for which the tax refund formalities were not handled according to the *Notice of the State Administration of Taxation and the National Development and Reform Commission on Issuing the Administrative Measures for Refunding Tax to Foreign-funded Projects that Purchase Home-made Equipment (for Trial Implementation)* (No.111 [2006] of

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the State Administration of Taxation), the foreign-funded enterprise concerned was permitted, before 28 February 2009, to apply to the State taxation bureau of the province at the locality of the enterprise to handle the tax refund formalities upon approval by the local DRC of the total amount to be refunded of VAT.

To provide FIEs with a reasonable and predictable business environment in China, the GOC permitted a transitional period for all purchases within the amount as confirmed before 31 December 2008 and finally approved for VAT refunding before 31 June 2009 by the relevant tax authority.

Therefore, although the program was terminated at the end of 2008, [CONFIDENTIAL TEXT DELETED] continued to receive benefits during the 2009 transitional period.

- Were there any other enterprises that continued to receive the benefits after 2008? If so, please identify and provide details of those enterprises, and the date on which the provision of benefits was terminated?

To the best of the GOC's knowledge, [CONFIDENTIAL TEXT DELETED] was the only respondent continuing to receive such benefits after 2008.

Observations

In section D1.7(a), you state:

"enterprises shall first apply for a 'Letter of Confirmation for Foreign-funded Project Conforming to State Industrial Policies' from the relevant Development and Reform Commission"

Further information required

- (b) According to what eligibility criteria does the Development and Reform Commission's base their decision upon to confirm an enterprise's status as a foreign-funded project conforming to State industrial policies?

To confirm an enterprise's status as a foreign-funded project conforming to State industrial policies, the competent Development and Reform Commission bases its decision on the applicable *Catalogue on Guidance for Foreign Investment Industries* (see Attachment 104).

Observations

Also referring to your response in section D1.7 (a), you advise that applications are submitted to the local competent tax refund authority.

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Further information required

- (c) Please provide information on the type of assessment measures employed by the various tax refund authorities, and how consistency relating to assessment outcomes is achieved.

The type of assessment employed by the various tax refund authorities includes two parts. The first part is an assessment of eligibility in general, which covers:

- assessment of legal person status of applicant based on its business license (business certificate);
- assessment of taxpayer status of applicant based on its tax registration certificate; and
- confirmation of consistency with industrial policies based on the letter of confirmation (annexed with a list of equipment intended for VAT refund) by competent NDRC.

The second part involves an assessment of transaction-wide information for the purpose of VAT refunding, which covers:

- VAT invoice for VAT paid and equipment purchased; together with
- the letter of confirmation (annexed with a list of equipment intended for VAT refund) by the competent NDRC.

Consistency relating to assessment outcomes by tax refund authorities is assured by the formal and verifiable documents submitted and their evaluation.

Observations

In section D1.7(b), you identify that applications from enterprises in the following industries will not be approved unless the information on the VAT invoices is accurate and the tax returns for the goods listed have been filed according to the relevant provisions:

- Foreign-funded enterprises engaging in transport or common dwelling house development
- Chinese-foreign cooperative enterprises engaging in marine petroleum exploration and exploitation.

Further information required

- (d) Please explain why you have specifically identified these industries in your response when you have stated in D1.8 (d) that:

"this program is not limited to any enterprises or group of enterprises, or to any industry or group of industries".

This program is not limited to any enterprises or group of enterprises, or to any

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industry or group of industries partly because even FIEs in some non-productive sectors, such as those engaging in transport or common dwelling house development, are eligible to receive benefits from this program. These industries have been specifically identified because many, if not all, of their domestic equipment purchased in China should be general-purpose equipment (transportation vehicles or home appliances, among others) and may be unlawfully transferred to non-eligible enterprises.

Observations

In subsection D1.7(b), you also state that "an on-site investigation to verify the purchase of equipment and determine the tax amount indicated on the VAT invoices" is conducted.

Further information required

- (e) Please identify who conducts the investigation and provide details on the criteria used during the process.

The criteria used during the process by the tax authority are truthfulness, completeness and accuracy of all the submitted and verified documents. The main objective is to ascertain the type of equipment and its origin and to check and to calculate the actual payment of VAT by verifying the original versions of various commercial, financial and tax documents to ensure the purchase amount is correct. Electronic verification is becoming more frequent these days.

Program 33 – Preferential tax treatment for casting and forging products*Observations*

You have confirmed in your response that this program was established in 2003 under the '*Interim Regulation of Enterprise Income Tax*'.

Further information required

- (a) Please provide a copy of this document.

The GOC confirms that none of respondents applied for, or benefited under, this program. Therefore, this question is not considered to be relevant to this proceeding.

However, the GOC would clarify that this program was established by the *Circular on VAT Refund on Casting and Forging Products* (Caishui [2003] No.96) in 2003. The GOC further advises that this establishing document provided that the program would terminate on 31 December 2005.

Observations

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You have also stated that this program "was repealed on 31 December 2005, without there being any transitional period".

Further information required

- (b) Please provide a copy of the documents repealing for Program 33.

Please refer to the GOC's response to Program 33 question (a) above.

Program 34 – Preferential tax treatment – Dies

Observations

You have confirmed in your response that this program was "initiated in 1997 under a series of notices of the State Administration of Taxation".

Further information required

- (a) Please provide a copy for each of the notices relating to this program, as well as identify the eligibility criteria for the program.

The GOC confirms that none of respondents applied for, or benefited under, this program during the POI. Therefore, this question is not considered to be relevant to this proceeding.

However, the GOC would clarify that this program was established in 1997 and renewed afterward until its full termination by the end of 2008. Please see **Attachment 115**.

- (b) Referring to the 'Circular of Stopping Implementation of Some Expired Taxation Regulatory Document' provided in your response, please explain why Articles 1 through to 16 and Articles 17 onwards have been omitted, and identify what the omitted Articles are in relation to.

The GOC advises that items 1 through to 16 and item 17 onwards have been omitted because they referred to other terminated documents that are not relevant to this proceeding.

- (c) Please advise the relevance of the following documents to the program:

- Ministry of Finance Circular (Cai Shui No. 139 of 1998); and
- Ministry of Finance Circular (Cai Shui No. 95 of 2003).

The GOC advises that the documents referred to were those renewing the program. For more details, please refer to the GOC's response to Program 34 question (a) above.

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Program 35 – Matching funds for International Market Development for SMEs

Observations

You have stated in section D1.1(b) that the following legislation was substituted in 2010 by: *Measure for Administration of International Market Developing Funds of Small and Medium Sized Enterprises (Market Developing Funds Measure)*:

- Circular of the Ministry of Finance; and
- Ministry of Foreign Trade and Economic Cooperation Concerning Printing and Distributing the Measures for the Administration of International Market Developing Funds of Small-and Medium-Sized Enterprises for Trial Implementation (**Detailed Rules**)

Further information required

- (a) Please clarify if the substitution of legislations was applicable in 2010 only or from 2010 to present.

The new legislation was applicable from 2010 to the present.

- (b) Following this, please provide in detail any changes to the eligibility criteria for the program as a result of the legislation substitution.

The GOC advises that some changes to the eligibility criteria came about as a result of the legislation substitution. These were mainly to take import value into account in working out the ceiling of trade value for SME eligibility. Under the new program the ceiling is a total import and export value amounting to USD45 million in the latest financial year. Under the old program the ceiling was export value amounting to only USD15 million.

- (c) Please confirm if the companies identified in the response [REDACTED] [REDACTED] received benefits under this program?

Please refer to the GOC's response to question D1.6 in respect of this program (Program 35) in the GQ.

- (d) If so, please provide further information on the following in respect to each company:
- (i) On what grounds the company was eligible to receive the benefits, including details on the application type for the company, as referred to in your response for section D1.7(a);

The companies would be eligible to receive the benefits on various grounds.

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For the legal grounds, please refer to **Attachments 116 through 119**.

For factual grounds, they will have undertaken various marketing activities in foreign countries, and applied for funding by way of the process available.

For more details, please refer to the respective EQ responses of the parties concerned.

(ii) The total amount of benefit the company was eligible to receive and actually received;

The amounts differ from company to company, and from among different business activities.

In the limited time available to the GOC it has not been able to ascertain further details. For more details, please refer to the respective EQ responses of the parties concerned.

(iii) The period during which the company received the benefit;

The period of availability will have been between 1 July 2006 and 24 May 2010 for the old program under the similar name, and between 24 May 2010 through to 30 June 2011 for the newer program.

(iv) When actions were taken by the company which caused them to be eligible to receive the benefit;

Normally within one year period prior to funding application.

For more details, please refer to the respective EQ responses of the parties concerned.

(v) Referring to the previous question, please provide details on any changes to the type and amount of benefit provided to the companies that received benefits during the period of substitution of legislations (for example, 2010 or 2011 to present).

There have been no substantial changes to the type (grants) and amount of benefit provided to the companies that received benefits during the period of substitution of legislation (for example, 2010 or 2011 to present).

Observations

Referring to your response in section D1.7(a), you advise that applications are submitted to the *Small-and Medium-Sized Enterprise (SME) Office* or the local foreign trade and economic departments.

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Further information required

- (e) Please provide detailed information on the assessment measures employed by the assessing Office and departments, and how consistency relating to assessment outcomes is achieved.

The GOC advises that whichever department undertakes the assessment, the applicable rules are the same. They are implemented in a consistent manner to a substantial extent, noting that there are a few differential rules to adapt to differences in business environments facing different SMEs.

Observations

In section D1.9(a) you have stated that:

"for SMEs in the western regions and for marketing activities carried out in accordance with the market diversity strategy outlined in Article 12 of the *Measure*, program funding may be as high as 70% of total project expenditure".

Further information required

- (f) Please explain in detail how this program is not limited to particular designated regions as you have stated in your response in D1.8(a) when the above response is targeted at SMEs in Western regions.

The GOC would clarify that this program is applicable nationwide as a whole, without any limitation in geographical areas in China. In its implementation there are some differential treatments, as reported by the GOC.

Program 36 – Innovative experimental enterprise grant

Further information required

- (a) Identify the *statute or other legal instrument* under which Venture Investment (**Venture**) Co. Ltd was established, incorporated or otherwise mandated as a legal entity.

The GOC is not aware of the involvement of "Venture Investment (**Venture**) Co. Ltd" under this program.

- (b) Identify any statute or other legal instrument relevant to the operation and regulation of Venture (including but not limited to the *Circular of Chongqing People's Government Office on Temporary Administration Measures on Venture Investment Fund of Hi-tech industry in Chongqing Venture Investment Co., Ltd.*).

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Please refer to the GOC's response to Program 36 question (a) above.

- (c) Provide details of the officeholders and shareholders of Venture and whether or not they are officers of the Government of China.

Please refer to the GOC's response to Program 36 question (a) above.

- (d) Identify and provide copies of all reports within the Government of China's possession or control relevant to the operation and functions of Venture (including, but not limited to the reporting requirements under Article 21 of the *Circular of Chongqing People's Government Office on Temporary Administration Measures on Venture Investment Fund of Hi-tech industry in Chongqing Venture Investment Co., Ltd.*

Please refer to the GOC's response to Program 36 question (a) above.

Program 40 – One-time awards – “Well-known trademarks of China” or “Famous Brands of China”

Further information required

- (a) Please provide copies of the documents/instruments terminating this program.

Please see Attachment 126.

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SECTION E: DECLARATION

DECLARATION

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

April 10, 2012
Date


Signature of authorised official

Gu Yu
Name of authorised official

First Secretary
Title of authorised official

Law of the People's Republic of China on the People's Bank of China

(Adopted at the Third Session of the Eighth National People's Congress on March 18, 1995, promulgated by Order No. 46 of the President of the People's Republic of China on March 18, 1995, and amended in accordance with the Decision on Amending the Law of the People's Republic of China on the People's Bank of China adopted at the 6th Meeting of the Standing Committee of the Tenth National People's Congress on December 27, 2003)

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Chapter I

General Provisions

Article 1 This Law is enacted in order to define the status and make clear the functions and responsibilities of the People's Bank of China, ensure the correct formulation and implementation of the monetary policies of the State, establish and perfect a macro-control system through a central bank and maintain financial stability.

Article 2 The People's Bank of China is the central bank of the People's Republic of China.

The People's Bank of China shall, under the leadership of the State Council, formulate and implement monetary policies, guard against and eliminate financial risks, and maintain financial stability.

Article 3 The aim of monetary policies shall be to maintain the stability of the value of the currency and thereby promote economic growth.

Article 4 The People's Bank of China shall perform the following functions and responsibilities:

- (1) to promulgate and carry out the orders and regulations related to its functions and responsibilities;
- (2) to formulate and implement monetary policies in accordance with law;
- (3) to issue Renminbi (RMB) and control its circulation;
- (4) to supervise and administer the inter-bank lending market and the inter-bank bond market;

- (5) to exercise control of foreign exchange and supervise and administer the inter-bank foreign exchange market;
- (6) to supervise and administer the gold market;
- (7) to hold, administer and manage the State foreign exchange reserve and gold reserve;
- (8) to manage the State Treasury;
- (9) to maintain the normal operation of the system for making payments and settling accounts;
- (10) to guide and make plans for the fight against money laundering in the banking industry, and to be responsible for monitoring the use of the funds earmarked for the fight against money laundering;
- (11) to be responsible for statistics, investigation, analysis and forecasting concerning the banking industry;
- (12) to engage in relevant international banking operations in its capacity as the central bank of the State; and
- (13) other functions and responsibilities prescribed by the State Council.

To implement monetary policies, the People's Bank of China may carry out financial operations in accordance with the relevant provisions of Chapter IV of this Law.

Article 5 The People's Bank of China shall report its decisions to the State Council for approval concerning the annual money supply, interest rate, foreign exchange rates and other important matters specified by the State Council before they are implemented.

The People's Bank of China shall immediately implement decisions on monetary policies for matters other than those specified by the State Council for the record.

Article 6 The People's Bank of China shall submit to the Standing Committee of the National People's Congress work reports concerning matters of monetary policies and the operations of the banking industry.

Article 7 The People's Bank of China shall, under the leadership of the State Council, implement monetary policies, perform its functions and carry out its business operations independently according to law and be free from intervention by local governments, government departments at various levels, public organizations or individuals.

Article 8 All capital of the People's Bank of China is invested by the State and owned by the State.

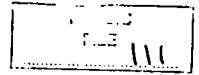
Article 9 The State Council shall establish a coordinating mechanism for financial supervision and administration. The specific measures therefor shall be formulated by the State Council.

Chapter II

Organizational Structure

Article 10 The People's Bank of China shall have a Governor and a certain number of Deputy Governors.

The candidate for the Governor of the People's Bank of China shall be nominated by the Premier of the State Council and decided by the National People's Congress; when the National People Congress is not in session, the Governor shall be decided by the Standing Committee of the National People's Congress and appointed or removed by the President of the People's Republic of China. The Deputy Governors of the People's Bank of China shall be appointed or removed by the Premier of the State Council.



Article 11 The People's Bank of China shall practice a system wherein the Governor shall assume overall responsibility. The Governor shall direct the work of the People's Bank of China, the Deputy Governors shall assist the Governor in his or her work.

Article 12 The People's Bank of China shall establish a monetary policy committee, whose functions, composition and working procedures shall be prescribed by the State Council and reported to the Standing Committee of the National People's Congress for the record.

The monetary policy committee of the People's Bank of China shall play an important role in the State macro-control and the formulation and adjustment of monetary policies.

Article 13 The People's Bank of China shall establish branches as its representative organs in light of the need of performing its functions and responsibilities and exercise unified leadership and administration with respect to its branches.

The branches of the People's Bank of China shall, as authorized by the People's Bank of China, maintain financial stability in their respective districts and handle relevant business operations.

Article 14 The Governor, Deputy Governors and other staff members of the People's Bank of China shall scrupulously abide by their duties; they may not abuse their power or conduct malpractice for private ends and they may not assume concurrent positions in any other banking institutions, enterprises or foundations.

Article 15 The Governor, Deputy Governors and other staff members of the People's Bank of China shall safeguard State Secrets according to law and be obligated to safeguard the secrets of the banking institutions and parties concerned with their implementation of their functions and responsibilities.

Chapter III

The Renminbi



Article 16 The legal tender of the People's Republic of China is the Renminbi (RMB). When Renminbi is used to repay all public or private debts within the territory of the People's Republic of China, no units or individuals may refuse to accept it.

Article 17 The unit of the Renminbi is the yuan and the units of the fractional currency of the Renminbi are the jiao and the fen.

Article 18 The Renminbi shall be printed and issued solely by the People's Bank of China.

When putting forth a new Renminbi issue, the People's Bank of China shall make known to the public the issuing date, face values, designs, patterns and specifications.

Article 19 It is prohibited to counterfeit or alter Renminbi. It is prohibited to sell or purchase counterfeit or altered Renminbi. It is prohibited to transport, hold or use counterfeit or altered Renminbi. It is prohibited to deliberately destroy or damage the Renminbi. It is prohibited to illegally use the patterns of Renminbi in propaganda materials, publications or other commodities.

Article 20 No units or individuals may print or sell promissory notes as substitutes for Renminbi to circulate on the market.

Article 21 The damaged or soiled Renminbi shall be exchanged in accordance with the regulations of the People's Bank of China, which shall also be responsible to recall and destroy such Renminbi.

Article 22 The People's Bank of China shall establish a Renminbi issue treasuries at its branches. The subsidiary issue treasuries shall, in allocating Renminbi issue fund, act on the order of allocation from their superior treasury. No units or individuals may use the issue fund in violation of regulations.

Chapter IV

Business Operations

Article 23 To implement monetary policies, the People's Bank of China may apply the following monetary policy instruments:

- (1) to require a financial institution of the banking industry to place a deposit reserve at a prescribed ratio;
- (2) to fix the base interest rates for the central bank;
- (3) to handle rediscount for financial institutions of the banking industry that have opened accounts in the People's Bank of China;
- (4) to provide loans for commercial banks;
- (5) to deal in State bonds, other government bonds, and financial bonds and foreign exchange on the open market; and
- (6) other monetary policy instruments decided by the State Council.

When applying the monetary policy instruments listed in the preceding paragraph to implement monetary policies, the People's Bank of China may work out specific requirements and procedures.

Article 24 The People's Bank of China shall manage the State treasury in accordance with laws and administrative rules and regulations.

Article 25 The People's Bank of China may, on behalf of the financial department under the State Council, issue to financial institutions, and honour State bonds and other government bonds.

Article 26 The People's Bank of China may open accounts for financial institutions of the banking industry as needed, but may not allow them to overdraw.

Article 27 The People's Bank of China shall organize or assist in organizing a clearing system among financial institutions of the banking industry, coordinate the efforts of such institutions in matters of clearing and provide services in this regard. The specific measures therefore shall be formulated by the People's Bank of China.

The People's Bank of China shall, in conjunction with the banking regulatory authority under the State Council, formulate regulations on payment and clearing.

Article 28 The People's Bank of China may, as required by the implementation of monetary policies, determine the amounts, term, interest rates and forms of loans extended to commercial banks, however, the maximum term of loans shall not exceed one year.

Article 29 The People's Bank of China may not make an overdraft for the government, and may not directly subscribe or underwrite State bonds or other government bonds.

Article 30 The People's Bank of China may not provide loans to the local governments or government departments at various levels, to non-banking institutions, other units or individuals, with the exception of the specific non-banking institutions as decided by the State Council.

The People's Bank of China may not provide guaranty for any unit or individual.

Chapter V

Financial Supervision and Control

Article 31 The People's Bank of China shall, in accordance with law, monitor the operation of the financial markets, conduct macro-control of such markets and promote their coordinated development.

Article 32 The People's Bank of China shall have the power to inspect and supervise the following activities of the financial institutions and other units and individuals:

- (1) implementation of the regulations for control of deposit reserve;
- (2) activities related to the special loans of the People's Bank of China;
- (3) implementation of the regulations for control of Renminbi;
- (4) implementation of the regulations for control of the inter-bank lending market and the inter-bank bond market;
- (5) implementation of the regulations for control of foreign exchange;
- (6) implementation of the regulations for control of gold;
- (7) management of the State Treasury on behalf of the People's Bank of China;
- (8) implementation of the regulations for control of clearing; and
- (9) implementation of the regulations against money laundering.

The special loan mentioned in the preceding paragraph are loans granted, upon decision by the State Council, by the People's Bank of China for special purposes.

Article 33 The People's Bank of China may, according to the need to implement monetary policies and maintain financial stability, propose that the banking regulatory authority under the State Council inspect and supervise the financial institutions of the banking industry. The said authority shall, within thirty days from the date it receives the proposal, make a reply.

Article 34 When financial institutions of the banking industry have difficulties in making payment that may trigger off financial risks, the People's Bank of China shall, with a view to maintaining financial stability, have the power to inspect and supervise the financial institutions of the banking industry with the approval of the State Council.

Article 35 The People's Bank of China shall, according to the need to fulfill its functions and responsibilities, have the power to demand the financial institutions of the banking industry to submit the necessary balance sheets, statements of profit and other financial and accounting reports, statistical reports and information.

The People's Bank of China, the banking regulatory authority under the State Council and the other financial regulatory institutions under the State Council shall establish a mechanism to share supervisory information.

Article 36 The People's Bank of China shall be responsible for compiling unified statistics and accounting statements from the national banking system and shall publish them in accordance with relevant regulations of the State.

Article 37 The People's Bank of China shall establish and perfect system for its own examination and inspection and strengthen its own supervision and administration.

Chapter VI

Financial Affairs and Accounting

Article 38 The People's Bank of China shall exercise independent control over its financial budget.

The budget of the People's Bank of China shall be incorporated in the central budget after it has been examined and verified by the financial department under the State Council and the implementation thereof shall be subject to supervision of the financial department under the State Council.

Article 39 The People's Bank of China shall, after withdrawing funds for its general reserve at a proportion determined by the financial department under the State Council, turn over to the State treasury the entire net profit remaining from its income in an accounting year minus its expenditures in the same period.

Losses sustained by the People's Bank of China shall be made up by appropriations from the State treasury.

Article 40 The financial receipts and payments and accounting affairs of the People's Bank of China shall be governed by laws, administrative regulations and unified State financial and accounting systems and be subject to the auditing and supervision conducted, in accordance with law, separately by the audit institution and the financial department under the State Council.

Article 41 The People's Bank of China shall, within three months after the end of every accounting year, compile balance sheets of its assets, statements of profit and loss and relevant financial and accounting reports, prepare its annual report and publish them in accordance with relevant regulations of the State.

The fiscal year of the People's Bank of China begins on the first day of January and ends on the thirty-first day of December of the Gregorian calendar.

Chapter VII

Legal Responsibility

Article 42 Anyone who counterfeits or alters Renminbi, sells counterfeit or altered Renminbi or knowingly transports counterfeit or altered Renminbi, which is serious enough to constitute a crime, shall be investigated for criminal responsibility in accordance with law; if the case is not serious enough to constitute a crime, he shall be put in detention for not more than 15 days and fined not more than 10,000 yuan by a public security organ.

Article 43 Anyone who buys counterfeit or altered Renminbi or knowingly holds or uses counterfeit or altered Renminbi, which is serious enough to constitute a crime, shall be investigated for criminal responsibility in accordance with law; if the case is not serious enough to constitute a crime, he shall be put in detention for not more than 15 days and fined not more than 10,000 yuan by a public security organ.

Article 44 If anyone illegally uses the patterns of Renminbi in propaganda materials, publications or other commodities, the People's Bank of China shall order him to set it right and shall destroy the illegally used patterns of Renminbi, confiscate the illegal gains and impose a fine of not more than 50,000 yuan.

Article 45 If anyone prints or sells promissory notes as substitutes for Renminbi to circulate on the market, the People's Bank of China shall order him to cease his illegal act and impose a fine of not more than 200,000 yuan.

Article 46 Where in relevant laws and administrative regulations there are provisions governing punishment for violations in respect of the activities as are listed in Article 32 of this Law, punishment shall be meted out in accordance with those provisions; where in such laws and administrative regulations there are no provisions governing such punishment, the People's Bank of China shall, on the merits of each case, give a disciplinary warning, confiscate the unlawful gains, or if the unlawful gains exceed 500,000 yuan, shall, in addition, impose a fine of not less than the amount of such gains but not more than five times that amount; if there are no unlawful gains or if such gains are less than 500,000 yuan, it shall impose a fine of not less than 500,000 yuan but not more than 2,000,000 yuan. The director or senior manager who is directly in charge or any other person who is directly responsible shall be given a disciplinary warning and be fined not less than 50,000 yuan but not more than 500,000 yuan. If a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 47 If any party refuses to accept the administrative punishment, he may institute an administrative lawsuit in accordance with the Administrative Procedure Law of the People's Republic of China.

Article 48 If the People's Bank of China commits any of the following acts, the persons directly in charge and other persons directly responsible for the offense shall be subject to administrative sanctions according to law; if the case constitutes a crime, the offenders shall be investigated for criminal responsibility according to law:

(1) to provide a loan in violation of the provisions in the first paragraph of Article 30;

(2) to provide guaranty for a unit or individual; or

(3) to use the issue fund without authorization.

If any of the acts specified in the preceding paragraph results in losses, the persons directly in charge and other persons directly responsible for the offense shall be partially or wholly liable for the losses.

Article 49 If a local government or a government department at any level, a public organization or an individual forcibly demands the People's Bank of China or its staff member to provide a loan or a guaranty in violation of the provisions in Article 30, the persons directly in charge and other persons who are directly responsible for the offense shall be subject to administrative sanctions in accordance with the law; if the case constitutes a crime, the offenders shall be investigated for criminal responsibility according to law; if losses are caused, the offenders shall be partially or wholly liable for the losses.

Article 50 If any staff member of the People's Bank of China divulges State secrets or the business secrets he knows, which is serious enough to constitute a crime, he shall be investigated for criminal responsibility according to law; if the case is not serious enough to constitute a crime, he shall be subject to administrative sanction according to law.

Article 51 If any staff member of the People's Bank of China commits embezzlement, accepts bribes, conducts malpractices for personal ends, abuses his power or neglects his duty, which is serious enough to constitute a crime, he shall be investigated for criminal responsibility according to law; if the case is not serious enough to constitute a crime, he shall be subject to administrative sanction according to law.

Chapter VIII

Supplementary Provisions

Article 52 For purposes of this law, the financial institutions of the banking industry are financial institutions established within the territory of the People's Republic of China that take in deposits from the general public, including, among others, commercial banks, urban credit cooperatives and rural credit cooperatives, and policy banks.

The provisions of this Law pertaining to financial institutions of the banking industry are applicable to the assets management companies, trust and investment companies, financial companies and financial leasing companies established within the territory of the People's Republic of China and other financial institutions established with the approval of the banking regulatory authority under the State Council.

Article 53 This Law shall be effective on the date of promulgation.

(Legislative Affairs Commission of the Standing Committee of the National People's Congress)

中华人民共和国中国人民银行法

(1995年3月18日第八届全国人民代表大会第三次会议通过 根据
2003年12月27日第十届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国中国人民银行法〉的决定》修正)

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第一章 总则

第一条 为了确立中国人民银行的地位，明确其职责，保证国家货币政策的正确制定和执行，建立和完善中央银行宏观调控体系，维护金融稳定，制定本法。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献1篇)

第二条 中国人民银行是中华人民共和国的中央银行。

中国人民银行在国务院领导下，制定和执行货币政策，防范和化解金融风险，维护金融稳定。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献2篇)

第三条 货币政策目标是保持货币币值的稳定，并以此促进经济增长。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献3篇)

第四条 中国人民银行履行下列职责：

- (一) 发布与履行其职责有关的命令和规章；
- (二) 依法制定和执行货币政策；
- (三) 发行人民币，管理人民币流通；
- (四) 监督管理银行间同业拆借市场和银行间债券市场；
- (五) 实施外汇管理，监督管理银行间外汇市场；
- (六) 监督管理黄金市场；
- (七) 持有、管理、经营国家外汇储备、黄金储备；
- (八) 经理国库；

- (九) 维护支付、清算系统的正常运行;
- (十) 指导、部署金融业反洗钱工作, 负责反洗钱的资金监测;
- (十一) 负责金融业的统计、调查、分析和预测;
- (十二) 作为国家的中央银行, 从事有关的国际金融活动;
- (十三) 国务院规定的其他职责。

中国人民银行为执行货币政策, 可以依照本法第四章的有关规定从事金融业务活动。

(相关资料: 案例与裁判文书1篇 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献3篇)

第五条 中国人民银行就年度货币供应量、利率、汇率和国务院规定的其他重要事项作出的决定, 报国务院批准后执行。

中国人民银行就前款规定以外的其他有关货币政策事项作出决定后, 即予执行, 并报国务院备案。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献1篇)

第六条 中国人民银行应当向全国人民代表大会常务委员会提出有关货币政策情况和金融业运行情况的工作报告。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第七条 中国人民银行在国务院领导下依法独立执行货币政策, 履行职责, 开展业务, 不受地方政府、各级政府部门、社会团体和个人的干涉。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第八条 中国人民银行的全部资本由国家出资, 属于国家所有。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第九条 国务院建立金融监督管理协调机制, 具体办法由国务院规定。

(相关资料: 条文释义1篇 法学教程1篇 法学文献6篇)

第二章 组织机构

第十条 中国人民银行设行长一人, 副行长若干人。

中国人民银行行长的人选, 根据国务院总理的提名, 由全国人民代表大会决定; 全国人民代表大会闭会期间, 由全国人民代表大会常务委员会决定, 由中华人民共和国主席任免。中国人民银行副行长由国务院总理任免。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第十一条 中国人民银行实行行长负责制。行长领导中国人民银行的工作, 副行

长协助行长工作。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇)

第十二条 中国人民银行设立货币政策委员会。货币政策委员会的职能、组成和工作程序,由国务院规定,报全国人民代表大会常务委员会备案。

中国人民银行货币政策委员会应当在国家宏观调控、货币政策制定和调整中,发挥重要作用。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇 法学文献 1篇)

第十三条 中国人民银行根据履行职能的需要设立分支机构,作为中国人民银行的派出机构。中国人民银行对分支机构实行统一领导和管理。

中国人民银行的分支机构根据中国人民银行的授权,维护本辖区的金融稳定,承办有关业务。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇)

第十四条 中国人民银行的行长、副行长及其他工作人员应当恪尽职守,不得滥用职权、徇私舞弊,不得在任何金融机构、企业、基金会兼职。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇)

第十五条 中国人民银行的行长、副行长及其他工作人员,应当依法保守国家秘密,并有责任为履行其职责有关的金融机构及当事人保守秘密。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇)

第三章 人民币

第十六条 中华人民共和国的法定货币是人民币。以人民币支付中华人民共和国境内的一切公共的和私人的债务,任何单位和个人不得拒收。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇)

第十七条 人民币的单位为元,人民币辅币单位为角、分。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇)

第十八条 人民币由中国人民银行统一印制、发行。

中国人民银行发行新版人民币,应当将发行时间、面额、图案、式样、规格予以公告。

(相关资料: 修订沿革 1篇 条文释义 1篇 法学教程 1篇)

第十九条 禁止伪造、变造人民币。禁止出售、购买伪造、变造的人民币。禁止

运输、持有、使用伪造、变造的人民币。禁止故意毁损人民币。禁止在宣传品、出版物或者其他商品上非法使用人民币图样。

（相关资料：[修订沿革](#) | [条文释义](#) | [法学教程](#) | [篇](#)）

第二十条 任何单位和个人不得印制、发售代币票券，以代替人民币在市场上流通。

（相关资料：[案例与裁判文书](#) | [修订沿革](#) | [条文释义](#) | [法学教程](#) | [篇](#)）

第二十一条 残缺、污损的人民币，按照中国人民银行的规定兑换，并由中国人民银行负责收回、销毁。

（相关资料：[修订沿革](#) | [条文释义](#) | [法学教程](#) | [篇](#)）

第二十二条 中国人民银行设立人民币发行库，在其分支机构设立分支库。分支库调拨人民币发行基金，应当按照上级库的调拨命令办理。任何单位和个人不得违反规定，动用发行基金。

（相关资料：[地方法规规章](#) | [修订沿革](#) | [条文释义](#) | [法学教程](#) | [篇](#)）

第四章 业务

第二十三条 中国人民银行为执行货币政策，可以运用下列货币政策工具：

- （一）要求银行业金融机构按照规定的比例交存存款准备金；
- （二）确定中央银行基准利率；
- （三）为在中国人民银行开立账户的银行业金融机构办理再贴现；
- （四）向商业银行提供贷款；
- （五）在公开市场上买卖国债、其他政府债券和金融债券及外汇；
- （六）国务院确定的其他货币政策工具。

中国人民银行为执行货币政策，运用前款所列货币政策工具时，可以规定具体的条件和程序。

（相关资料：[修订沿革](#) | [条文释义](#) | [法学教程](#) | [法学文献](#) | [篇](#)）

第二十四条 中国人民银行依照法律、行政法规的规定经理国库。

（相关资料：[修订沿革](#) | [条文释义](#) | [法学教程](#) | [篇](#)）

第二十五条 中国人民银行可以代理国务院财政部门向各金融机构组织发行、兑付国债和其他政府债券。

（相关资料：[修订沿革](#) | [条文释义](#) | [法学教程](#) | [篇](#)）

第二十六条 中国人民银行可以根据需要，为银行业金融机构开立账户，但不得对银行业金融机构的账户透支。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第二十七条 中国人民银行应当组织或者协助组织银行业金融机构相互之间的清算系统,协调银行业金融机构相互之间的清算事项,提供清算服务。具体办法由中国人民银行制定。

中国人民银行会同国务院银行业监督管理机构制定支付结算规则。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献1篇)

第二十八条 中国人民银行根据执行货币政策的需要,可以决定对商业银行贷款的数额、期限、利率和方式,但贷款的期限不得超过一年。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献1篇)

第二十九条 中国人民银行不得对政府财政透支,不得直接认购、包销国债和其他政府债券。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第三十条 中国人民银行不得向地方政府、各级政府部门提供贷款,不得向非银行金融机构以及其他单位和个人提供贷款,但国务院决定中国人民银行可以向特定的非银行金融机构提供贷款的除外。

中国人民银行不得向任何单位和个人提供担保。

(相关资料: 修订沿革1篇 实务专题5篇 条文释义1篇 法学教程1篇)

第五章 金融监督管理

第三十一条 中国人民银行依法监测金融市场的运行情况,对金融市场实施宏观调控,促进其协调发展。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第三十二条 中国人民银行有权对金融机构以及其他单位和个人的下列行为进行检查监督:

- (一) 执行有关存款准备金管理规定的行为;
- (二) 与中国人民银行特种贷款有关的行为;
- (三) 执行有关人民币管理规定的行为;
- (四) 执行有关银行间同业拆借市场、银行间债券市场管理规定的行为;
- (五) 执行有关外汇管理规定的行为;
- (六) 执行有关黄金管理规定的行为;
- (七) 代理中国人民银行经理国库的行为;
- (八) 执行有关清算管理规定的行为;
- (九) 执行有关反洗钱规定的行为。

前款所称中国人民银行特种贷款,是指国务院决定的由中国人民银行向金融机构

发放的用于特定目的的贷款。

(相关资料: 法律2篇 行政法规1篇 部门规章1篇 地方法规规章2篇 条文释义1篇 法学教程1篇 法学文献2篇)

第三十三条 中国人民银行根据执行货币政策和维护金融稳定的需要,可以建议国务院银行业监督管理机构对银行业金融机构进行检查监督。国务院银行业监督管理机构应当自收到建议之日起三十日内予以回复。

(相关资料: 条文释义1篇 法学教程1篇 法学文献2篇)

第三十四条 当银行业金融机构出现支付困难,可能引发金融风险时,为了维护金融稳定,中国人民银行经国务院批准,有权对银行业金融机构进行检查监督。

(相关资料: 法律2篇 地方法规规章1篇 条文释义1篇 法学教程1篇)

第三十五条 中国人民银行根据履行职责的需要,有权要求银行业金融机构报送必要的资产负债表、利润表以及其他财务会计、统计报表和资料。

中国人民银行应当和国务院银行业监督管理机构、国务院其他金融监督管理机构建立监督管理信息共享机制。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇 法学文献5篇)

第三十六条 中国人民银行负责统一编制全国金融统计数据、报表,并按照国家有关规定予以公布。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第三十七条 中国人民银行应当建立、健全本系统的稽核、检查制度,加强内部的监督管理。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第六章 财务会计

第三十八条 中国人民银行实行独立的财务预算管理制度。

中国人民银行的预算经国务院财政部门审核后,纳入中央预算,接受国务院财政部门的预算执行监督。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第三十九条 中国人民银行每一会计年度的收入减除该年度支出,并按照国务院财政部门核定的比例提取总准备金后的净利润,全部上缴中央财政。

中国人民银行的亏损由中央财政拨款弥补。

(相关资料: 修订沿革1篇 条文释义1篇 法学教程1篇)

第四十条 中国人民银行的财务收支和会计事务，应当执行法律、行政法规和国家统一的财务、会计制度，接受国务院审计机关和财政部门依法分别进行的审计和监督。

（相关资料：修订沿革1篇 条文释义1篇 法学教程1篇）

第四十一条 中国人民银行应当于每一会计年度结束后的三个月内，编制资产负债表、损益表和相关的财务会计报表，并编制年度报告，按照国家有关规定予以公布。中国人民银行的会计年度自公历1月1日起至12月31日止。

（相关资料：修订沿革1篇 条文释义1篇 法学教程1篇）

第七章 法律责任

第四十二条 伪造、变造人民币，出售伪造、变造的人民币，或者明知是伪造、变造的人民币而运输，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，由公安机关处十五日以下拘留、一万元以下罚款。

（相关资料：部门规章1篇 地方法规规章3篇 修订沿革1篇 实务专题3篇 条文释义1篇 法学教程1篇）

第四十三条 购买伪造、变造的人民币或者明知是伪造、变造的人民币而持有、使用，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，由公安机关处十五日以下拘留、一万元以下罚款。

（相关资料：部门规章1篇 地方法规规章2篇 修订沿革1篇 实务专题2篇 条文释义1篇 法学教程1篇）

第四十四条 在宣传品、出版物或者其他商品上非法使用人民币图样的，中国人民银行应当责令改正，并销毁非法使用的人民币图样，没收违法所得，并处五万元以下罚款。

（相关资料：部门规章2篇 修订沿革1篇 条文释义1篇 法学教程1篇）

第四十五条 印制、发售代币票券，以代替人民币在市场上流通的，中国人民银行应当责令停止违法行为，并处二十万元以下罚款。

（相关资料：修订沿革1篇 条文释义1篇 法学教程1篇 法学文献1篇）

第四十六条 本法第三十二条所列行为违反有关规定，有关法律、行政法规有处罚规定的，依照其规定给予处罚；有关法律、行政法规未作处罚规定的，由中国人民银行区别不同情形给予警告，没收违法所得，违法所得五十万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足五十万元的，处五十万元以上二百万元以下罚款；对负有直接责任的董事、高级管理人员和其他直接责任人员给予警告，处五十万元以上五十万元以下罚款；构成犯罪的，依法追究刑事责任。

(相关资料: 部门规章 17 篇 地方法规规章 3 篇 案例与裁判文书 2 篇 条文释义 1 篇 法学教程 1 篇)

第四十七条 当事人对行政处罚不服的,可以依照《中华人民共和国行政诉讼法》的规定提起行政诉讼。

(相关资料: 修订沿革 1 篇 条文释义 1 篇 法学教程 1 篇 法学文献 1 篇)

第四十八条 中国人民银行有下列行为之一的,对负有直接责任的主管人员和其他直接责任人员,依法给予行政处分;构成犯罪的,依法追究刑事责任:

(一)违反本法第三十条第一款的规定提供贷款的;

(二)对单位和个人提供担保的;

(三)擅自动用发行基金的。

有前款所列行为之一,造成损失的,负有直接责任的主管人员和其他直接责任人员应当承担部分或者全部赔偿责任。

(相关资料: 修订沿革 1 篇 实务专题 2 篇 条文释义 1 篇 法学教程 1 篇 法学文献 1 篇)

第四十九条 地方政府、各级政府部门、社会团体和个人强令中国人民银行及其工作人员违反本法第三十条的规定提供贷款或者担保的,对负有直接责任的主管人员和其他直接责任人员,依法给予行政处分;构成犯罪的,依法追究刑事责任;造成损失的,应当承担部分或者全部赔偿责任。

(相关资料: 修订沿革 1 篇 条文释义 1 篇 法学教程 1 篇 法学文献 1 篇)

第五十条 中国人民银行的工作人员泄露国家秘密或者所知悉的商业秘密,构成犯罪的,依法追究刑事责任;尚不构成犯罪的,依法给予行政处分。

(相关资料: 修订沿革 1 篇 实务专题 1 篇 条文释义 1 篇 法学教程 1 篇 法学文献 1 篇)

第五十一条 中国人民银行的工作人员贪污受贿、徇私舞弊、滥用职权、玩忽职守,构成犯罪的,依法追究刑事责任;尚不构成犯罪的,依法给予行政处分。

(相关资料: 修订沿革 1 篇 条文释义 1 篇 法学教程 1 篇 法学文献 1 篇)

第八章 附则

第五十二条 本法所称银行业金融机构,是指在中华人民共和国境内设立的商业银行、城市信用合作社、农村信用合作社等吸收公众存款的金融机构以及政策性银行。

在中华人民共和国境内设立的金融资产管理公司、信托投资公司、财务公司、金融租赁公司以及经国务院银行业监督管理机构批准设立的其他金融机构,适用本法对银行业金融机构的规定。

(相关资料: 条文释义 1 篇 法学教程 1 篇)

第五十三条 本法自公布之日起施行。

<p><input type="checkbox"/> 鑫源国际股份有限公司(制造商)</p> <p>鑫源国际股份有限公司 台湾省台湾</p> <p>查看该企业发布的供应信息</p> <p>· 联系方式 · 点此留言</p>	<p>台湾省台湾</p> <p>普通会员</p> <p>暂未绑定证件</p>	<p>双零浴 通用型材 建筑型材 铝轮毂 铸铝床床 铝型板 轧制液 耐热器型材料 蒸发铝线 拉丝铝板 包装袋 深冲铝板 电缆 扁锭铝板 叉车 热模锻曲柄压力机 六角铝棒 扫描电子显微镜 水性铝膏 铝箔轧机 线扫描测径仪 断桥铝型材 分切机 圆锭 阳极氧化 铝合金棒 断桥铝型材 除气箱 热轧机 进口铝板 铝土矿 铝箔轧机 薄压机 压花铝板 自动二维测床</p>
<p><input type="checkbox"/> 万泰机械股份有限公司(制造商)</p> <p>万泰机械股份有限公司 台湾省台湾</p> <p>查看该企业发布的供应信息</p> <p>· 联系方式 · 点此留言</p>	<p>台湾省台湾</p> <p>普通会员</p> <p>暂未绑定证件</p>	
<p><input type="checkbox"/> 商蒙实业股份有限公司(制造商)</p> <p>商蒙实业股份有限公司 台湾省台湾</p> <p>查看该企业发布的供应信息</p> <p>· 联系方式 · 点此留言</p>	<p>台湾省台湾</p> <p>普通会员</p> <p>暂未绑定证件</p>	
<p><input type="checkbox"/> 台晖铝业股份有限公司(制造商)</p> <p>台晖铝业股份有限公司 台湾省台湾</p> <p>查看该企业发布的供应信息</p> <p>· 联系方式 · 点此留言</p>	<p>台湾省台湾</p> <p>普通会员</p> <p>暂未绑定证件</p>	

热门关键字

铝合金门面 有德型门型材 特德五门
 在铝板材表面缺陷检测设备
 工业铝型材 滑浴房 5754铝板
 6082铝板 重石粉 井式电阻炉
 水箱用铝材 工业铝管 镜面铝板
 多用炉 连续炉 固溶炉 硝盐炉
 连续式氧化保温炉 铝合金退火炉
 回转窑炉 强对流光罩式炉
 对开式罩式炉 铜带炉 油炉
 连续式深筒炉 电阻带 加热元件
 可锻式台车炉 燃气井式炉
 钟罩式电阻炉 铝板材料致炉
 蓄热式加热炉 多晶硅烧炉 烘箱

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 勤丰铝业集团 台湾省台湾
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 台北梅花铝业公司 台湾省台湾
 查看该企业发布的供应信息
 • 联系方式 • 点此留言

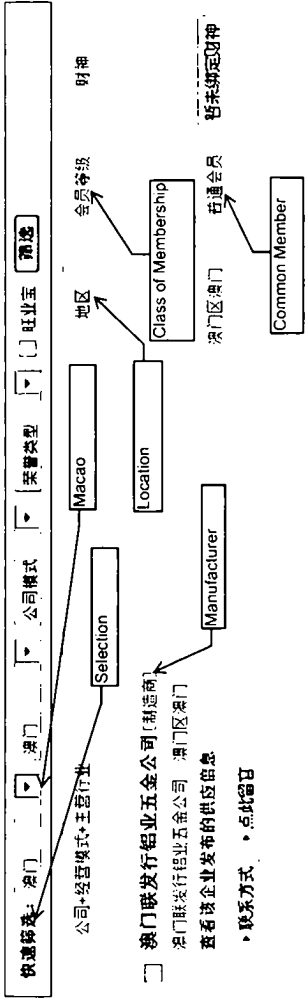
台湾省台湾 普通会员 暂未绑定财神

台湾省台湾 普通会员 暂未绑定财神

台湾省台湾 普通会员 暂未绑定财神

台湾省台湾 普通会员 暂未绑定财神

当期搜索: 搜索 获得约 0 条结果, 以下是第 条.



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 澳门艺泰铝制品厂 澳门区: 澳门
 查看该企业发布的供应信息
 联系方式 点此留言

对比公司 请全部选项

在线咨询

- 广东省惠州市新通基电缆厂
- 无锡立先达铝业有限公司
- 两京永科电热设备有限公司
- 浙江鼎耀机械制造有限公司
- 武汉群英热能技术有限公司
- 洛阳裕源科技有限公司
- 徐州裕国铝业有限公司
- 天津市浩鑫伟业钢铁贸易有限公司
- 北京航兴盛经贸有限公司
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- 公司信息导航
- 氧化生产技术 轧辊磨床 圆盘铝卷
 - 气液磨 冲击磨 铝箔中轧机 双通铝板
 - 速熔铸 铝合金压铸
 - 铝电解石墨阳极 抛丸设备 千分尺
 - 保温铝带 板带表面热喷涂设备 铸床

注册步骤: 1. 填写注册信息 > 2. 注册成功

请认真、仔细地填写以下信息，严格的商业信息有助于您获得别人的信任，结交潜在的商业伙伴，获取商业机会！

Second step: Provide personal information and code here

1、设置您的帐户信息

会员登录名:*

密码:*

确认密码:*

2、姓名和联系方式

真实姓名:* C 女士 先生

您的职位:*

电子邮箱:*

固定电话:* 86 区号 固定电话

传真号码:* 86 区号 传呼号码

手机:

3、公司名称和主营业务

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提升企业知名度
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让生意更快捷方便
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不错过任何一商机

