



Australian Government
**Australian Customs and
Border Protection Service**

International Trade Remedies Branch

SUPPLEMENTARY GOVERNMENT QUESTIONNAIRE - CHINA

PRODUCT CONCERNED: HOT ROLLED PLATE STEEL FROM THE
PEOPLE'S REPUBLIC OF CHINA, THE
REPUBLIC OF KOREA, JAPAN,
INDONESIA AND TAIWAN

INVESTIGATION PERIOD: 1 JANUARY TO 31 DECEMBER 2012

RESPONSE DUE BY: 12 JULY 2013

ADDRESS FOR RESPONSE: International Trade Remedies Branch
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Please note that a non-confidential version of the reply to this questionnaire must be provided at the same time the confidential version is provided.

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ABBREVIATIONS

the Act	the <i>Customs Act 1901</i>
China	the People's Republic of China
CISA	China Iron and Steel Association
ACBPS	the Australian Customs and Border Protection Service
EPZ	Export Processing Zones
FIE	foreign invested enterprise
GOC	Government of China
the goods	the goods the subject of the application hot rolled plate steel
HRC	hot-rolled coil
the investigation period	1 January 2012 to 31 December 2012
BlueScope Steel	BlueScope Steel Limited
SASAC	the State-owned Assets Supervision and Administration Commission of the State Council
SEZ	special economic zone
SIE	state-invested enterprise

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BACKGROUND AND GENERAL INSTRUCTIONS**1. Background**

On 12 February 2013, following an application by BlueScope Steel Limited (BlueScope Steel), an Australian industry member, the Australian Customs and Border Protection Service (ACBPS) initiated:

- a dumping investigation in respect of hot rolled plate steel exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea), Japan, Indonesia and Taiwan; and
- a countervailing investigation in respect of hot rolled plate steel exported to Australia from China.

BlueScope alleged that the Australian industry has suffered material injury caused by hot rolled plate steel exported to Australia from Korea, Japan, Indonesia and Taiwan at dumped prices and exported from China at dumped and subsidised prices.

The abovementioned dumping investigation involves allegations that there is a situation within the domestic Chinese hot rolled plate steel market that renders sales within this 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 this market).

A notice advising initiation of the investigation was published in The Australian on 12 February 2013. Australian Customs Dumping Notice (ACDN) No. 2013/18 and 2013/20 outlining the details of the investigation, and the procedures to be followed during the investigation can be accessed on the ACBPS website at www.customs.gov.au.

2. Purpose of this Second Supplementary government questionnaire

ACBPS has considered the GOC's response to the Government Questionnaire (GQ) submitted on 15 April 2013, in relation to hot rolled plate steel. ACBPS seeks further clarification and information necessary for assessing 'Particular Market Situation' and subsidy claims. During the course of the investigation, ACBPS also identified twelve additional countervailable subsidy programs and requires further information in relation to these new programs.

The GOC does not have to complete the supplementary government questionnaire (SGQ). However, if the GOC does not respond, ACBPS may be required to rely on information supplied earlier by the GOC or supplied by other parties (including information supplied by the Australian industry).

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

If the GOC chooses to respond to this questionnaire, the response is due by **COB 12 July 2013**.

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

For official use only and public record

If the GOC chooses to respond to this supplementary questionnaire, the GOC is required to lodge a “for official use only” and a “public record” 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 “**FOR OFFICIAL USE ONLY**” or “**PUBLIC RECORD**” in the header and footer.

All information provided to ACBPS “for official use only” will be treated confidentially. The public record version of your submission will be placed on the public record, which all interested parties can access.

Your public record submission must contain sufficient detail to allow a reasonable understanding of the substance of the “for official use only” version. If, for some reason, you cannot produce a public record 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 the GOC official at the last section of this questionnaire with the GOC’s response.

Consultants/parties acting on your behalf

If you intend to have another party act on your behalf please advise ACBPS of the relevant details.

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

Provision of documents

When providing documents, please indicate whether the documents:

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

Responses to questions should:

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

Please note that answers such as: "Not Applicable" or an answer that only refers to an exhibit or an attachment may not be considered by ACBPS 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.

Lodgement

Lodgement by email is preferred. 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 "for official use only" and "public record" versions of your submission by the due date.

You may also lodge your response by mailing it to the address shown on the front cover of this questionnaire. For questions requiring a response in a Microsoft Excel spreadsheet, please provide the spread sheets on a CD-ROM.

4. Future questions

Please note that after receiving the GOC response to this supplementary questionnaire, ACBPS may seek additional information from the GOC.

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A. MARKET SITUATION – ALLEGED IN APPLICATION

The following questions relate to the allegations that ‘a particular market situation’ exists in China in hot rolled plate steel industries. It has also been noted that in some parts of the questions where the GOC made certain claims it did not provide adequate supporting evidence and data. The following questions highlight these deficiencies seeking additional information.

1. In its response to the GQ A-1 (item k), the GOC stated that “.... *the GOC has been encouraging a more “eco-friendly” steel industry through policies that encourage the dismantling of heavy-polluting or energy-inefficient production facilities and discourage the new building of such facilities*”.

Provide a copy of all such policies (translated and original copies) that the GOC used to achieve its objectives stated above.

2. In response to GQ A-1(d) (item b), the GOC stated that “*The Law of the People’s Republic of China on Promotion of Cleaner Production came into effect on 1 July 2012*”. Furthermore, the GOC stated that the law clarifies that the legal basis of some industry guidance catalogues that require the prohibition on investment in, or elimination of, particular types of ‘equipment’ and/or ‘processes’.

Provide a copy of “*The Law of the People’s Republic of China on Promotion of Cleaner Production*” including industry guidance catalogues.

3. In response to GQ A-1(d) (item c), the GOC stated that “... *an environment-friendly policy cannot be effective without curtailing more exports of polluting goods. By qualifying the level of exports or additional costs on those exports, the GOC attempts to limit the environment damage such production causes...*”

Provide details of all forms of measures to ‘qualify exports’ and all forms of ‘additional costs’ on exports imposed by the GOC.

4. In response to various parts of GQ A-2 numbers of attachments were provided. It has been noted that for some attachments, there were no data provided between January 2008 and December 2009. If data is not available or if there were no imports in this period, please specify. If there are other reasons, clearly state the reasons for not providing the data for this period.
 - (i) Response to GQ A- 2(a) refers. No data has been provided in attachments 12, 14 and 15 for the period January 2008 to December 2008 and in attachment 16 from January 2008 to December 2009.
 - (ii) QA- 2(b) refers. No data has been provided in attachments 17, 18, 19, 20, and 21 for the periods January 2007 to December 2008 and in attachment 22 January 2008 to December 2009.

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- (iii) QA-3(b) refers. Attachment 24 does not refer to import quotas. Please confirm whether there were any import quotas for the items during the period specified in the attachment and if so, provide complete details.
5. GQ A-2 Attachments 14, 20, 21 and 22 refers. Analysis of the data provided by the GOC shows abnormal trends (large variance compared to the previous three quarters) in the unit prices in the last quarter of 2012 (October to December 2012) for the following raw materials and hot rolled plate steel:
- a) export price per tonne of HRC (decreased by XX%);
 - b) export price per tonne of scrap metal (increased by XX%); and
 - c) export price per tonne of hot rolled plate steel (increased by XX%).

If the data is correct for this period, can the GOC explain why the unit prices have such variances? If the data is incorrect, the GOC is requested to provide revised attachments 14, 20, 21 and 22.

6. In its response to GQ A-3 (Attachment 26 refers), the GOC stated that coke was subject to export quotas from 2008 to 2012 but did not quantify. However, in its response to the SGQ for the galvanised steel and aluminium zinc coated steel cases, the GOC provided attachment 80 which stated that in 2012 export quota for coke was XX million tonnes for general trade and XX million tonnes for general and border trade. Please provide the following additional information:
- a. Has there been any change to the export quotas for coke in the second half of 2012? If so please provide updated export quotas for coke in 2012.
 - b. It is noted from the data provided in response to SGQ for INV 190a and INV 190b (attachment 80 refers), that the export quota for coke in 2012 was higher than that in 2011. Please explain why the GOC increased the export quota for coke in 2012.
 - c. Provide value and volume of coke export quotas and for each year from 2008 to 2010 and provide explanations for any variations in the export quotas during this period.
 - d. The GOC in the initial response to the GQ for INV190a and INV190b (attachment 31 refers) stated that coking coal was subject to export quotas from July 2007 to June 2012. However, in its response to SGQ for INV190a and INV190b (SGQ 3-(iv) refers) the GOC stated that coking coal was not subject to any form of export quotas in 2011 and 2012.

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Furthermore, in response to GQ A-3(c) for this investigation, the GOC provided attachment 26 (export quotas for the raw material and the goods). In that attachment, it is stated that coking coal was not subject to any export quotas from 2008 to 2012. Please provide the following additional information:

- (i) clearly identify which information (attachment) is correct;
 - (ii) if the export quotas for coking coal were abolished in 2010, identify all factors that the GOC considered in abolishing the export quotas; and
 - (iii) if coking coal was subject to export quotas prior to 2011, provide the value and volume of the export quota applicable in each year from 2008 to 2010 and explain the reasons for any variations in the export quotas during this period.
7. In response to GQ A-4, the GOC provided attachment 32 identifying the top 50 manufacturers of the goods. Please clarify what is meant by “*collective enterprise*” used for control status code 2 in this attachment.

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B.SUBSIDY PROGRAMS – ALLEGED IN APPLICATION

The following questions relate to alleged ‘countervailable subsidy programs’ provided to hot rolled plate steel exporters by the GOC

Table 1 below lists the alleged countervailable subsidy programs that have been initially identified in the HSS investigation (INV 177) and again investigated during the galvanised steel and aluminium zinc coated steel investigations (INV193a and INV193b). These are also being investigated in relation to hot rolled plate steel.

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

Table 1: alleged countervailable subsidies being investigated

Program Number ¹	Program Name	Program Type	Case 193 ² Program Number	Case 177 Program Number
1	Hot rolled coil provided by government at less than adequate remuneration	Remuneration	1	20
2	Steel slab provided by government at less than adequate remuneration	Remuneration	NA	N/A
3	Coking coal provided by government at less than adequate remuneration	Remuneration	2	N/A
4	Coke provided by government at less than adequate remuneration	Remuneration	3	N/A
5	Preferential Tax Policies for Enterprises with Foreign Investment Established in the Coastal Economic Open Areas and Economic and Technological Development Zones	Income Tax	4	1
6	Preferential Tax Policies for Foreign Invested Enterprises– Reduced Tax Rate for Productive Foreign Invested Enterprises scheduled to operate for a period of not less than 10 years	Income Tax	5	10
7	Preferential Tax Policies for Enterprises with Foreign Investment Established in Special Economic Zones (excluding Shanghai Pudong	Income Tax	6	11

¹ Refers to the program number that is used in this investigation

² Refers to galvanised steel (INV 193a) and aluminium zinc coated steel investigations (INV 193b)

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Program Number ¹	Program Name	Program Type	Case 193 ² Program Number	Case 177 Program Number
	area)			
8	Preferential Tax Policies for Enterprises with Foreign Investment Established in Pudong area of Shanghai	Income Tax	7	12
9	Preferential Tax Policies in the Western Regions	Income Tax	8	13
10	Land Use Tax Deduction	Income Tax	9	29
11	Preferential Tax Policies for High and New Technology Enterprises	Income Tax	10	35
12	Tariff and value-added tax (VAT) Exemptions on Imported Materials and Equipments	Tariff & VAT	11	14
13	One-time Awards to Enterprises Whose Products Qualify for 'Well-Known Trademarks of China' and 'Famous Brands of China'	Grant	14	2
14	Matching Funds for International Market Development for Small and Medium Enterprises	Grant	13	5
15	Superstar Enterprise Grant	Grant	14	6
16	Research & Development (R&D) Assistance Grant	Grant	15	7
17	Patent Award of Guangdong Province	Grant	16	8
18	Innovative Experimental Enterprise Grant	Grant	17	15
19	Special Support Fund for Non State-Owned Enterprises	Grant	18	16
20	Venture Investment Fund of Hi-Tech Industry	Grant	19	17
21	Grants for Encouraging the Establishment of Headquarters and Regional Headquarters with Foreign Investment.	Grant	20	18
22	Grant for key enterprises in equipment manufacturing industry of Zhongshan	Grant	21	19
23	Water Conservancy Fund Deduction	Grant	22	21

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Program Number ¹	Program Name	Program Type	Case 193 ² Program Number	Case 177 Program Number
24	Wuxing District Freight Assistance	Grant	23	22
25	Huzhou City Public Listing Grant	Grant	24	23
26	Huzhou City Quality Award	Grant	25	27
27	Huzhou Industry Enterprise Transformation & Upgrade Development Fund	Grant	26	28
28	Wuxing District Public List Grant	Grant	27	30
29	Anti-dumping Respondent Assistance	Grant	28	31
30	Technology Project Assistance	Grant	29	32

- Reference is made to GQ B-1. The GOC stated that it will answer the questions in Section B with regards to Jinan Iron and Steel International Trade Co., Ltd and its responding related company Shandong Steel and collectively referred to as '*respondents*'.

The GOC is required to provide the details of all Chinese exporters of hot rolled plate steel in this section. In response to GQ A-4, the GOC provided a list of the top 50 manufacturers of hot rolled plate steel (attachment 32 refers) and further stated that there are 77 large scale producers of medium plate steel and 53 large scale produces of thick plate steel.

Please provide the answers to all questions in section B of the GQ with respect to all Chinese exporters of hot rolled plate steel.

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POTENTIAL NEW SUBSIDY PROGRAMS

ACBPS identified the following potential additional countervailable subsidy programs during verification of data pertaining to Shandong Iron and Steel Jinan Company.

Table 2: potential new countervailable subsidies

Program Number	Program Name (New)	Program Type	Provider	Date of Grant
31	Technique transformation grant for rolling machine	Grant	Jinan Development and Reform Commission	Nov 2009
32	Grant for Industrial enterprise energy management center construction demonstration project Year 2009	Grant	Ministry of Finance	Dec 2009
33	Key industry revitalization infrastructure spending in budget Year 2010	Grant	Shandong Provincial Department of Finance	Dec 2009
34	Provincial emerging industry and key industry development special fund	Grant	Shandong Provincial Department of Finance and Shandong Economic and Information Committee	Nov 2010
35	Environmental protection fund	Grant	Jinan Municipal Bureau of Finance and Jinan Municipal Environmental Protection Bureau	Dec 2011
36	400 sintering desulfuration transformation fund	Grant	Jinan Municipal Economic and Information Committee and Jinan Municipal Bureau of Finance	Dec 2011
37	Intellectual property licensing	Grant	Intellectual Property Office of Shandong Province	Jun 2012
38	Financial resources construction special fund	Grant	Jinan Finance Bureau	Dec 2012
39	Reducing pollution discharging and environment improvement assessment award	Grant	Jinan Municipal Finance Bureau	Dec 2012
40	Comprehensive utilization of resources - VAT refund upon collection	Tariff and VAT	Shandong provincial economic and information commission	Dec 2012
41	Grant of elimination of outdated capacity (350 blast furnace)	Grant	Shandong Province Finance Bureau	May 2012

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Program Number	Program Name (New)	Program Type	Provider	Date of Grant
42	Grant from Technology Bureau (development and application of coke oven gas waste heat efficiency reuse technology)	Grant	Jinan Licheng District Finance Bureau	Jun 2012

For each of the programs identified in Table 2 above, answer the following questions.

Note: In responding to the questions in this part, you are required to provide information on each program, regardless of the year the benefit was granted by the GOC or the year that the benefit was received by the recipient company, where the program benefits impact on the production and sale of hot rolled plate steel during the investigation period.

2. Provide details of the program including the following.
 - (a) Policy objective and/or purpose of the program.
 - (b) Legislation under which the subsidy is granted.
 - (c) Nature or form of the subsidy.
 - (d) When the program was established.
 - (e) Duration of the program.
 - (f) How the program is administered and explains how it operates.
 - (g) To whom and how is the program provided.
 - (h) The eligibility criteria in order to receive benefits under the program.
3. Provide translated copies in English of the decrees, laws and regulations relating to the program and any reports pertaining to the program published prior to, during or since the investigation period.
4. Identify the GOC department or agency administering the program.
5. Identify and explain the types of records maintained by the relevant government or governments (e.g., accounting records, company-specific files, databases, budget authorizations, etc.) regarding the program.
6. Identify all Chinese hot rolled plate steel producers and/or exporters that have produced and/or exported hot rolled plate steel destined for Australia during the investigation period that accrued or received benefits under the program during the period 1 January 2003 – 31 December 2012.

Provide, on an annual basis by calendar year the amount(s) and/or nature of the benefit or concession granted (monetary and/or non-monetary) under the program.

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7. Answer the following questions regarding the application process:
- (a) Describe the application process (including any application fees charged by the government agency or authority) for the program and provide a blank copy of the application form (translated and original copies).
 - (b) After an application is submitted, describe the procedures by which an application is analysed and eventually approved or disapproved.
 - (c) If the application is approved, provide the approval documents together with any conditions or criteria subject to which the approval is made.
 - (d) If the application is not approved, provide the disapproval documents together with the reasons for disapproval.
8. Answer the following questions regarding eligibility for and actual use of the benefits provided under this program.
- (a) Is eligibility for, or actual use of this program contingent, whether solely or as one of several other conditions, upon export performance? If so, please describe.
 - (b) Is eligibility for this program contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods? If so, please describe.
 - (c) Is eligibility for the subsidy limited to enterprises or industries located within designated regions? If so, specify the enterprises or industries and the designated regions.
 - (d) Is eligibility limited, by law, to any enterprise or group of enterprises, or to any industry or group of industries? If so, describe and specify the eligible enterprises or industries.
9. Respond to the following questions regarding the criteria governing the eligibility for and receipt of any benefit under this program.
- (a) Describe the criteria governing the size of the benefit provided.
 - (b) Provide a copy of any law, regulation or other official document detailing these criteria.
 - (c) If the eligibility criteria as listed in the applicable law, regulation or other official documents are met, will the applicant always receive a benefit or is final approval contingent upon the government agency or authority that administers the program?
 - (d) Is the amount of the benefit provided exclusively determined by established criteria found in the law, regulation or other official

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document or does the government agency or authority that administers the program determine the benefit amount?

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

- 10.** Provide a list by industry and by region of the companies that have received benefits under this program in the year the provision of benefits was approved and in each of the years from 1 January 2008 to 31 December 2012.
- 11.** Provide the total amounts of benefits received by each type of industry in each region in the year the provision of benefits was approved and each of the years from 1 January 2008 to 31 December 2012.
- 12.** How many companies in the steel industry have applied for benefits under this program in the year the financial assistance or benefit was approved and in each of year from 1 January 2008 to 31 December 2012?
- 13.** How many applicants have received financial assistance/benefit and how many applicants have been rejected in the year the financial assistance/benefit was approved and in each of the years from 1 January 2008 to 31 December 2012? Provide the main reasons why applicants have been rejected.
- 14.** Describe any anticipated changes in the program. Provide documentation substantiating your answer. If the program has been terminated, state the last date that a company could apply for or claim benefits under the program. When is the last date that a company could receive benefits under the program?

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C. DECLARATION

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

Date

Signature of authorised
official

Name of authorised official

Title of authorised official

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D. GLOSSARY OF TERMS

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

Associated Persons and/or Companies

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

(a) both being natural persons:

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

(b) both being bodies corporate:

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

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

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

(e) they are members of the same partnership.

Benefit

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

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

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

Enterprise

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

Financial Contribution

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

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

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

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

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

Foreign Invested Enterprise (FIE)

An FIE may be:

1. Chinese-foreign equity joint venture:

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

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

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

2. Chinese-foreign contractual joint venture:

A joint venture established between foreign enterprises and other economic organisations or individuals, and Chinese enterprises or

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

3. Wholly foreign owned enterprises:

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

Government of China (GOC)

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

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

Particular market situation

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

Program(s)

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

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

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Special Economic Zone (SEZ)

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

State Invested Enterprises (SIE)

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

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

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

of which there are several types.

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

Subsidy

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

(a) a financial contribution:

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

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

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

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

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