**APPLICATION FOR REMEDIAL ACTION AGAINST**

**THE ALLEGED SUBSIDISED EXPORT OF**

**[product(s)]**

**manufactured/produced**

**in**

**[country/countries of origin]**

**or exported**

**from**

**[country/countries of export]**

**APPLICANT**

Name:

**1. Introduction**

This questionnaire should be completed by an Applicant alleging that the subsidised export of a particular product is causing it material injury. It is important that that Applicant provides all the information required in the prescribed manner.

**2. Purpose**

The purpose of this questionnaire is to help the Southern African Customs Union (SACU) industry bring together in a concise and logical form the information needed by the International Trade Administration Commission (the Commission) to decide whether or not to initiate a formal investigation, and will also serve as a basis for further investigation.

**3. Legal**

3.1. The investigation, for which the information will be used, is conducted in terms of the International Trade Administration Act, 2002 (Act 71 of 2002) (the *ITA Act*), the International Trade Administration Countervailing Regulations (CV*R*) read with the WTO Agreement on Subsidies and Countervailing Measures.

3.2 The *ITA Act* authorises the Commission to investigate subsidised export in or to the common area of SACU, which consists of South Africa, Botswana, Lesotho, Namibia and Swaziland, while the Countervailing *Regulations (CVR)* contains additional substantive and procedural guidelines. Before answering the questionnaire we suggest that you read the *ITA Act* and the CV*R*, copies of which is available from the Commission offices, or at [www.itac.org.za](http://www.itac.org.za), and then decide whether to approach the Commission for remedial action with regard to subsidised export.

3.3 If the application is based in part on confidential material **the application must contain a non-confidential version of the confidential material together with an explanation of why it is confidential**. Section 33 of the ITA Act provides as follows:

“(1) A person may, when submitting information to the Commission, identify information that the person claims to be information that –

* 1. is confidential by its nature; or
  2. the person otherwise wishes to be recognised as confidential.

(2) A person making a claim in terms of subsection (1) must support that claim with -

1. a written statement in the prescribed form-
   * 1. explaining, in the case of information that is confidential by its nature, how the information satisfies the requirements set out in the definition of “information that is by nature confidential” in section 1(2); or
     2. motivating, in the case of other information, why that information should be recognised as confidential; and
2. either –
   * 1. a written abstract of the information in a non-confidential form; or
     2. a sworn affidavit setting out the reasons why it is impossible to comply with subparagraph (i).”

These summaries should be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. Therefore where confidential and non-confidential versions are supplied, parties must:

1. Indicate where information has been omitted in each case;
2. Provide reasons for confidentiality in each instance;
3. Provide a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information in each instance; and
4. Where information is not susceptible to a non-confidential summary, indicate this in each instance and provide a sworn affidavit setting out the reasons why the information is not susceptible to summarisation.

The Commission will not formally accept an application until a proper non-confidential version has been submitted in accordance with the above guidelines. If, in terms of section 34 of the ITA Act, the Commission finds that a request for confidentiality is not warranted and if the Applicant is either unwilling to make the information public or to authorise its disclosure in summarised format, the Commission will not consider such information in determining the merits of the application.

**4. General**

4.1 Applicants should provide full and accurate information and provide supporting documentary evidence from commercial or governmental sources, e.g. commercial invoices or offers, official trade and production statistics. Failure to do so could detrimentally affect your case. The Commission will not consider unsubstantiated information. All cost related information should be reconcilable to the financial statements or management accounts.

4.2 Please take note that the rules relating to confidential information and the submission of non-confidential versions of submissions applies to **ALL correspondence, which unless clearly indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties**.

4.3 If a document is indicated to be confidential but a proper non-confidential document complying with the above-mentioned rules is not filed, then the document will not be taken into consideration by the Commission. The public file is available for inspection at the Commission’s offices by all interested parties, by appointment.

* 1. Note that interested parties are encouraged to inspect the public file regularly. The Commission and the Trade Remedies section will not check the public file on interested parties’ behalf.
  2. If this application is in respect of more than one product, a reference to "product" should be considered to be a reference to "products", and the Applicant should respond to the relevant question(s) in respect of all products separately.

Information should be submitted in hard copies as well as in electronic format, such as on compact disks or flash disks. The Commission’s computer system is based on Windows and it uses Excel and MS Word software. The discs must not be write protected and must be labelled clearly indicating:

1. Applicant's name;

2. Product(s) concerned;

3. Type of information on the disc;

1. Software used; and
2. Whether or not confidential.
   1. The application must be addressed to:

Senior Manager: Trade Remedies

International Trade Administration Commission Uuzaji Block

Private Bag X 753 DTI Campus

PRETORIA 77 Meintjies Street

0001 Sunnyside, Pretoria

4.7 The original period of investigation for subsidized exports, which is the period for which it is assessed whether subsidized exports took place, shall normally be 12 months, and may be more, but in no case less than 6 months, and shall normally be a period ending not more than 6 months before the initiation of the investigation. The investigation period for subsidies shall be clearly indicated in the initiation notice published in the *Government Gazette*.

4.9The Commission may verify all information submitted. Should it be found that you have submitted false or misleading evidence the Commission may decide not to proceed with the investigation.

4.10 Should you encounter particular problems in answering the questionnaire or require more information or clarification on policy issues the staff of the Trade Remedies section is ready to discuss these issues and to provide assistance.

GLOSSARY

|  |  |
| --- | --- |
| SCM Agreement  Commission  ITA Act  SACU  WTO  CVR | Agreement on Subsidies and Countervailing Measures  International Trade Administration Commission of South Africa  International Trade Administration Act, 71 of 2002  Southern African Customs Union (Botswana, Lesotho, Namibia, South Africa and Swaziland  World Trade Organisation  Countervailing Regulations |

The next sections deal with specific information relating to the product concerned.

**SECTION A** **APPLICANT**

A1 Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postal Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physical Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tel: (\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax: (\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please attach a map indicating how to reach you as Annex A1.

Applicant’s production relative to total SACU production (%) is:

A2 The applicant’s manufacturing sites are situated at:

Physical Address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please attach a map as Annex A2 (if different to A1)

A3 The applicant has appointed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to act on its behalf in the investigation/the applicant has not appointed a consultant/representative.

If you have appointed a consultant/representative, please attach a copy of the letter of appointment, setting out the scope and duration of the appointment, as required by *ADR* 4.1, as Annexure A3.

A4 Provide a diagram of your company's group structure and indicate the percentage stockholdings and cross-holdings. Indicate all shareholders holding more than 5% of equity in your company. Attach as Annexure A4.

A5 The applicant is an industrial organisation/public company/private company/closed corporation/other (please specify).

A6 Indicate the franchise, manufacturing, licensing, know-how, technology and distribution agreements in place in respect of inputs, manufacturing and outputs, and which relate to the product that is the subject of this application:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A7 Name the product allegedly being dumped: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A8 Country of origin/export \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A9 Indicate which of the following is the basis for normal value:

* 1. The normal value is based on domestic sales in the country of origin
  2. export price to a third country
  3. a constructed normal value

A10 List the factors in respect of which actual material injury/a threat of material injury/the material retardation of the establishment of an industry is alleged.

(i)

(ii)

(iii)

(iv)

(v)

(vi)

(vii)

(viii)

**SECTION B** **PRODUCTS**

**Note on like product**

ADR1 defines like product as

1. a product which is identical, i.e. alike in all respects to the product under consideration; or
2. in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under consideration.

Further details on like product are contained in the ADR.

B1 **Imported (subject) product**

**Note** If there is more than one imported product competing directly with the SACU product, information should be submitted separately for each such product.

B1.1 Give a full description of the imported product. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B1.2 The main raw materials/components/inputs used in the production is/are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B1.3 The production process used is as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B1.4 The products’ technical characteristics and appearance are as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B1.5 The application and end-use of the products is for

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B1.6 The SACU like product is substitutable with the imported product to the following extent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B1.7 The following tariff dispensation applies to the imported product:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Tariff subheading | Description | Unit of measurement | Rate of customs duty | Rebate provision item number | Rebate provision description |
|  |  |  |  |  |  |

B1.8 Indicate if you are aware of any possible loopholes in the tariff classification, i.e. whether the product can be imported under any other tariff heading. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Substantiate your answers to B1.1 with catalogues, brochures and other literature/samples.

B2 **SACU like product**

**Note:** If remedial action is requested in respect of more than one product, the following information should be submitted separately for each product. Where the application is lodged in respect of numerous product lines, e.g. shoes, car tyres or circuit breakers, a sample must be selected for investigation purposes and the basis for determining the sample must be indicated. Note that the Commission may request information relating to products falling outside the sample after it has received the exporters’ and importers’ responses.

B2.1 Give the name and description of the SACU product \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B2.2 The main raw materials/components/inputs used in the production are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B2.3 The production process used is as follows

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B2.4 The products’ technical characteristics and appearance are as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B2.5 The application and end-use of the SACU product is for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B2.6 The following tariff dispensation applies to the SACU product:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Tariff subheading | Description | Unit of measurement | Rate of customs duty | Rebate provision item number | Rebate provision description |
|  |  |  |  |  |  |

B2.7 Enumerate in detail any differences between the imported product and the SACU like product

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B2.8 Give details of all standards/specifications applicable to the product concerned in the SACU prescribed by law or otherwise

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B3 **Like product in the country of export/origin**

B3.1 Give the name and description of the product sold in the exporting country \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B3.2 The main raw materials/components/inputs used in the production is/are: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B3.3 The production process used is as follows \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B3.4 The products’ technical characteristics and appearance are as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B3.5 The application and end-use of the products is for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B3.6 The SACU like product is substitutable with the imported product to the following extent:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B3.7 Enumerate in detail any differences between the imported product and the like product sold in the country of origin and/or export:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECTION C** **INTERESTED PARTIES**

C1 If there is a **SACU representative organisation** submit the following information:

(a) Names, address, telephone and fax numbers and E-mail addresses of and position held by the organisation's officers to be contacted;

Name of organisation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physical address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tel: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(b) Name the producers in the industry affiliated to the organisation and supply the following information:

|  |  |
| --- | --- |
| Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

C2 Name all other producers constituting the SACU industry concerned as provided below:

|  |  |
| --- | --- |
| Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

ADR7.3 provides as follows:

“An application shall be regarded as brought by or on behalf of the SACU industry if –

* 1. at least 25 per cent of the SACU producers by domestic production volume support the application; and
  2. of those producers that express an opinion on the application, at least 50 per cent by domestic production volume support such application.”

Without this support ITAC cannot accept an application for investigation. Letters of support for or opposition to the application must be attached to the application as Annexure C2.

C3 Indicate the industry support and/or opposition to the application in the following format:

|  |  |  |  |
| --- | --- | --- | --- |
| **Industry Standing**  (Total domestic production of like goods for the 12 months preceding the lodging of the application) | | | |
| Producer | Production volume-  Support Application | Production volume-  Oppose application | Production volume-  Neutral |
| Your Company |  |  |  |
| Other producers  1.  2.  3. |  |  |  |
| Total SACU |  |  |  |

C4 Give details of exporters and foreign producers in the investigation in the following format:

|  |  |
| --- | --- |
| Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

C5 Give details of the importers of the product under investigation in the following format:

|  |  |
| --- | --- |
| Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postal address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Physical address:  Contact person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Tel: (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**SECTION D: COUNTERVAILING/SUBSIDISED EXPORT**

A countervailing investigation against subsidised exports is separate from an anti-dumping investigation, but can be done concurrently. Countervailing action may only be taken if a subsidy exists and is countervailable.

The Countervailing Regulations provides as follows:

*“****Subsidies***

*For the purpose of these regulations, a subsidy shall be deemed to exist if-*

*(a) there is a financial contribution by a government at any level or any public body within the territory of an exporting country; i.e. where:*

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

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

*(iii) a government provides goods or services other than general infrastructure, or purchases goods;*

*(iv) 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 (i) to (iii) above which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by governments; or*

*(b) there is any form of income or price support by government; and*

*(c) a benefit is thereby conferred.*

*For the purposes of subsection 1, the territory of a country shall include any area set aside as an export processing or development zone and other similar areas.”*

***Countervailability of subsidies***

*A subsidy shall be countervailable only if:*

*“(a) such subsidy is specific, i.e. if the granting authority explicitly limits access to a subsidy to an enterprise or industry or group of enterprises or industries, or if the Commission finds in fact that the subsidy is used by a limited number of enterprises or industries or a disproportionately large amount of the subsidy is granted to a limited number of enterprises or industries [certain enterprises or industries]; and*

*(b) it causes material injury to the SACU industry producing the like product.”*

The following information is needed to enable the Commission to consider your application for countervailing action:

D1 Name the country in which the government provides the financial aid or other assistance.

|  |  |
| --- | --- |
|  |  |
|  |  |
|  |  |

D2 Name the product/s that benefit from the assistance.

|  |  |
| --- | --- |
|  |  |
|  |  |
|  |  |

D3 Give details of the financial aid or other assistance scheme. Substantiate your reply with documentation, e.g. government publications or international literature. Attach certified English translations where applicable.

Indicate the following:

(a) title and description of the subsidy programmes;

(b) conditions for granting the subsidy;

(c) the statutory body or authority under which the subsidy is provided;

(d) list the producers/exporters of the like product;

(e) the manner in which the subsidy is conveyed; and

(f) the estimated value of the subsidy when received and used by producers or sellers of the like goods with details of calculations (the estimated value should be expressed as a percentage of the fob export price)

D4 Submit details of the financial aid or other assistance scheme regarding any inputs of the product under investigation in the same detail as requested under question D3.

**SECTION E** **MATERIAL INJURY**

**Note:** Before the Commission can initiate a countervailing investigation it must have *prima facie* evidence to reach a reasonable conclusion that the alleged subsidized exports are causing or threatening to cause material injury to a SACU industry.

The information requested must relate only to the affected SACU product that is a like product to the product being imported under the alleged unfair trade practice. Where the available data does not allow separate identification of the product in question, the information given must relate to the narrowest identifiable product group that includes the SACU product that is a like product to the product being the subject of the application.

The Commission requires the use of indexing as a non-confidential summary of figures, that is, the use of a base value in the first period for which information is submitted with deviations from the base value indicated for subsequent periods.

When an applicant produces more than one product the information submitted in this section must relate only to the product that forms the subject of this application.

No investigation can be initiated unless at least 25% of all producers by volume support the application. Additionally, the Commission may not make a preliminary or final determination of injury unless it has considered evidence relating to “a major proportion” of the SACU industry.

Each producer in the South African industry, providing information to prove material injury to the SACU industry should provide the following information;

**E1 General information**

E1.1 Provide a flow chart of your marketing/distribution channels for the product(s) concerned in the application and indicate the percentage off-take for each channel.

E1.2 Provide full details of your terms and conditions of sale and selling price to each class of customer, e.g. wholesaler, retailer, downstream producer, etc. Attach a copy of your standard terms and conditions as **Annexure E1.2**.

E1.3 Give the reasons and basis for your categorisation of customers.

E1.4 Enumerate major changes over the past three years in your answers to the above questions.

## E2 FINANCIAL INFORMATION

**Note:** All financial information should be in a reconciled format. If such requested information is not readily available in the same format or needs adjustment or re-apportionment please qualify by way of explanatory notes or discuss the merits of the situation with the Commission.

E2.1 Indicate your normal accounting period.

E2.2 Provide copies of your audited financial statements, including detailed manufacturing, trading and profit and loss statements for the most recent three financial years. If your statutory statements do not include detailed accounts/schedules, please provide such accounts/schedules separately.)

E2.3 Provide copies of your year-to-date management accounts, including detailed manufacturing, trading and profit and loss accounts for the period between the last financial year end and the most recent month end. Provide ancillary schedules if not part of published accounts.

E2.4 Provide a separate sales and profit (before tax) contribution analysis of all the product line items manufactured by your company, including a percentage analysis. The information should be sufficient to allow proper verification of your like product information.

The requested income statements should be analysed in a departmental or divisionalised format detailing the product concerned as a separate activity. The analysis should also be in respect of three prior financial years and the most recent year-to-date management accounts period. **If the requested information is not available from your financial database, please discuss alternatives with officials of the Commission.**

**E3** **Effects on the SACU prices**

**E3.1 Price depression**

E3.1.1 Provide the following information with regard to your average per unit ex-factory selling prices:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Your ex-factory price per unit |  |  |  |

*State the unit of measurement*

E3.1.2 If your prices decreased significantly during the last 12 calendar months please supply the average ex-factory prices for each of the last 12 months. Please attach as **Annexure E3.1.1**.

E3.1.3 Indicate any other factors that have depressed your ex-factory selling price that do not reflect in the above table, e.g. longer payments terms, higher year-end rebates, additional free stock, etc.

**E3.2 Price suppression**

E3.2.1 Provide the following information with regard to your average per unit ex-factory selling prices:

**Table E3.2.1**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Your ex-factory price per unit |  |  |  |
| Your production cost per unit |  |  |  |
| Your gross profit per unit |  |  |  |
| Your gross profit% |  |  |  |
| Your production cost as a % of selling price |  |  |  |

*State the unit of measurement*

E3.2.2 If price suppression is more pronounced during the last 12 months supply the information as requested in Table E3.2.1 separately for each of the last 12 months. Please attach as **Annexure E3.2.2**.

E3.2.3 Indicate any other factors that have suppressed your ex-factory selling price that do not reflect in the above table, e.g. longer payments terms on sales, shorter payment terms on purchases, higher year-end rebates, additional free stock, etc.

**E3.3 Cost build-up**

E3.3.1 Please supply a cost build-up in the format indicated in **Annexure E3.3**. Where your management accounts do not allow for the specific cost elements indicated in the pro forma, please indicate the information that is available and supply as much detail as possible.

E3.3.2 Please supply a Bill of Materials for the domestic like product.

**E4** **SACU INDUSTRY SALES**

E4.1 Please supply the following information on your sales volume in SACU.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Your sales volume |  |  |  |
| Sales by other SACU producers  -  -  - |  |  |  |
| Total volume of SACU sales by SACU producers |  |  |  |

*State the unit of measurement.*

E4.2 If sales of the product is of a cyclical nature comment on the nature thereof, indicating the length of the cycle and the prices both during the up and down phases.

**PROFIT AND LOSS**

**E5 Actual and potential decline in profit**

E5.1 Supply the following information regarding your profit for the product concerned (where the information cannot be supplied separately for the product concerned indicate the group of products to which the profit applies and submit your calculations, indicating how costs and profit were allocated):

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Units sold |  |  |  |
| Your total gross profit |  |  |  |
| Your total net profit |  |  |  |

E5.2 Comment on the actual and potential decline in your profits.

**OUTPUT**

**E6 Actual and potential decline in output**

E6.1 Supply the following information regarding your actual production volumes over the last three years. Note that this should relate to total output of the product under consideration, regardless of whether destined for the domestic or export market.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Your total production of the product concerned |  |  |  |
| Other SACU producers’ production |  |  |  |

E6.2 Comment on the actual and potential decline in you production, both total and for SACU consumption.

**MARKET SHARE**

**E7 Actual and potential decline in market share**

E7.1 Supply the following information, based on sales (and not on output) **volume**, for the past three years:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Market share in volume (*unit*): |  |  |  |
| Applicant |  |  |  |
| Dumped imports |  |  |  |
| Other imports |  |  |  |
| Total SACU market |  |  |  |
| Percentage share held by: |  |  |  |
| Applicant |  |  |  |
| Dumped imports |  |  |  |
| Other imports |  |  |  |

E7.2 Supply the following information, based on sales (and not on output) **value**, for the past three years:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Your market share (%) |  |  |  |
| Other SACU producers’ market share (%) |  |  |  |
| Total SACU producers’ market share (%) |  |  |  |
| Market share of alleged dumped imports by country  -  -  - |  |  |  |
| Total market share of alleged dumped imports (%) |  |  |  |
| Market share of other imports (%) |  |  |  |

E7.3 Comment on the trends revealed in Tables E7.1 and E7.2.

**PRODUCTIVITY**

**E8 Actual and potential decline in productivity**

E8.1 Provide the following information regarding productivity:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Total production volume |  |  |  |
| Number of employees (manufacturing only) |  |  |  |
| Units per employee |  |  |  |

E8.2 Comment on the actual and potential decline in productivity identified in Table E8.1

**RETURN ON INVESTMENT**

**E9 Return on investment**

E9.1 Supply the information requested below for the product concerned only. If this is not possible, clearly indicate in both your confidential and non-confidential submissions on what basis the return on investment was determined. Please reflect the profit before tax, interest and extraordinary items.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Net profit (product concerned) |  |  |  |
| Total net profit (all products) |  |  |  |
| Net assets (product concerned) |  |  |  |
| Total net assets (total) |  |  |  |
| Return on net assets (product) |  |  |  |
| Return on net assets (total) |  |  |  |

**CAPACITY UTILISATION**

**E10 Actual and potential decline in capacity and capacity utilisation**

E10.1 Supply the information requested below regarding your actual and potential capacity and capacity utilisation for the product concerned. State the unit of measurement.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Your capacity (units) |  |  |  |
| Your actual production |  |  |  |
| Your capacity utilisation % |  |  |  |
| Rest of SACU capacity |  |  |  |
| Rest of SACU production |  |  |  |
| Rest of SACU capacity utilisation % |  |  |  |

E10.2 State the normal number of shifts per week, number of hours per shift and number of labour units involved, for each –

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| **Your company**  Number of shifts |  |  |  |
| Workers per shift |  |  |  |
| Other SACU producers  Number of shifts  -  - |  |  |  |
| Other SACU producers  Workers per shift  -  - |  |  |  |

E10.3 Comment on the trends revealed in Tables E10.1 and E10.2.

**CASH FLOW**

**E11 Actual and negative effects on cash flow**

E11.1 Provide the following information regarding your cash flow:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| **Product specific**  **Cash flow: incoming**  **Cash flow: outgoing**  **Net cash flow** |  |  |  |
| Company  Cash flow: incoming  Cash flow: outgoing  Net cash flow |  |  |  |

E11.2 Comment on your cash flow situation relating to the subject product.

**INVENTORIES**

**E12 Actual and potential effect on inventories**

E12.1 Supply the following information regarding your inventories for the subject product

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Volume |  |  |  |
| Value |  |  |  |

E12.2 Supply your inventories for the subject product on the same basis as in E12.1 for the last 12 calendar months as Annexure E12.2.

E12.3 Is the level of monthly inventories subject to fluctuation? If affirmative, please elaborate.

E12.4 What is the effect of the change in your inventories over the injury investigation period?

**EMPLOYMENT**

**E13 Actual and potential negative effect on employment**

E13.1 Supply the following information regarding employment:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Direct labour units: production |  |  |  |
| Indirect labour units: production |  |  |  |
| Total labour units: production |  |  |  |
| Labour units: Selling and Administrative |  |  |  |
| Rest of SACU: Total labour units: production |  |  |  |

E13.2 Comment on the actual and potential negative effect on employment, including comments on the possibility of moving employees to other production areas, the minimum number of employees required to operate the machinery, etc.

**WAGES AND SALARIES**

**E14 Actual and negative effects on wages and salaries**

E14.1 Supply the following information regarding wages and salaries relating the subject product:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Total wages: Production |  |  |  |
| Wages per employee |  |  |  |

\* - Indicate the time period, e.g. per hour, day, week or month

E14.2 Comment on the wage rates, indicating factors that have led to increases and/or decreases.

**GROWTH**

**E15 Actual and potential negative effect on growth**

E15.1 Supply the following information:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Size of the SACU market |  |  |  |
| % growth from previous year |  |  |  |
| Your sales volume |  |  |  |
| Your growth % |  |  |  |
| Rest of SACU producers volume |  |  |  |
| Rest of SACU growth % |  |  |  |
| Alleged dumped imports |  |  |  |
| Alleged dumped imports growth % |  |  |  |
| Other imports |  |  |  |
| Other imports growth % |  |  |  |

E15.2 Comment on the growth in the SACU market and factors affecting the growth.

**CAPITAL AND INVESTMENT**

**E16 Ability to raise capital and investment**

E16.1 Supply the following information regarding capital and investment:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Year 1 | Year 2 | Year 3 |
| Total capital/investment in subject product |  |  |  |
| Capital expenditure during year on subject product |  |  |  |

E16.2 Comment on your ability to raise additional capital or investments for the like product and indicate whether such capital or investments would be internally sourced, provided by your parent company or be provided by an outside institution.

**E17 OTHER INJURY INFORMATION**

E17.1 Please indicate any other injury information to be considered by the Commission and not covered by the questions above.

**SECTION F**  **THREAT OF MATERIAL INJURY**

**Note:** It is not necessary to complete this section if you can prove actual material injury.

Section 18 of the ADR provides that “a determination of threat of material injury shall be based on facts and not merely on allegation, conjecture or remote possibility. The change in circumstances which would create a situation in which dumping would cause material injury must be clearly foreseen and imminent.” Should an application only be based on a threat of material injury, it is advisable that estimates for all injury factors as contained in Section E be provided in addition to the information requested in this section.

F1 Give details on the freely disposable capacity or imminent substantial increase in capacity of the exporter.

F2 Substantiate any significant increase of allegedly dumped imports into the SACU market indicating the likelihood of substantially increased importation.

F3 State whether the products concerned enter the country at prices that will have a significant depressing or suppressing effect on SACU prices and are likely to increase demand for further imports. Substantiate your reply. (A depressing effect means the actual lowering of existing prices and a suppressing effect means the prevention of price increases which would have normally been affected.)

F4 Indicate the **exporters**’ inventories of the product being investigated.

F5 Indicate the state of the economy of the country of origin/export and its influence on the operations of the manufacturers/exporters.

F6 Give any other information relevant to your allegation that the infliction of material injury is imminent.

**SECTION G** **CAUSE OF MATERIAL INJURY**

**Note:** In order to justify action against the alleged subsidised imports the Commission must be satisfied that material injury is caused by the alleged subsidised imports. Further details on causation are contained in the Countervailing Regulations.

## General

G1 Give the reasons for your belief that the alleged subsidised imports are the cause of the alleged material injury or threat thereof.

**Imports**

**Volume of the subsidised imports**

The volume of exports from a country shall normally be regarded as negligible if the volume of imports for the like product from that country is found to account for less than three per cent of the total imports of the like product into the SACU market, unless countries which individually account for less than three per cent of the total imports of the like product into the SACU market for the like product collectively account for more than seven per cent of the total imports of the like product into the SACU market.

Give the following information on the imports of the product, being the subject of the application, for the latest three calendar years and separately on a monthly basis for the period subsequently to the end of the last calendar year.

**G2.1 Import volumes per annum (State unit of measurement)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 1%** | **Year 2** | **Year 2%** | **Year 3** | **Year 3%** |
| Subject countries  -  - - |  |  |  |  |  |  |
| Subtotal  Other countries |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |

Year%, etc – express the volume of imports from the different countries as a percentage of the total volume imports for the year.

**G2.2 Import values per annum**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 1%** | **Year 2** | **Year 2%** | **Year 3** | **Year 3%** |
| Subject countries  -  - - |  |  |  |  |  |  |
| Subtotal  Other countries |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |

Year%, etc – express the value of imports from the different countries as a percentage of the total value imports for the year.

**G2.3 Import prices per unit**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** |
| Subject countries  -  -  - |  |  |  |
| Subtotal  Other countries |  |  |  |
| Total |  |  |  |

G2.4 If subsidised imports are alleged against more than one country, state the reasons why you believe imports from the different countries may be cumulated.

**G3 Monthly import statistics**

**G3.1 Import volumes per month**

Attach as **Annexure G3.1** a table indicating in the same format as under section G2.1, the monthly volumes of imports from the various countries for the last 12 consecutive months. If you believe that the statistics do not properly reflect the increasing trend in imports you may include the monthly import statistics for the last 18 consecutive months.

**G3.2 Import values per month**

Attach as **Annexure G3.2** a table indicating in the same format as under section G2.2, the monthly volumes of imports from the various countries for the last 12 consecutive months. If you believe that the statistics do not properly reflect the increasing trend in imports you may include the monthly import statistics for the last 18 consecutive months.

**G3.3 Price per unit per month**

Attach as **Annexure G3.3** a table indicating in the same format as under section G2.3, the monthly volumes of imports from the various countries for the last 12 consecutive months. If you believe that the statistics do not properly reflect the increasing trend in imports you may include the monthly import statistics for the last 18 consecutive months.

**G4 Own imports**

G4.1 Provide the following information on your own imports of the product:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** |
| Volume imported from countries under investigation |  |  |  |
| Volume imported from other countries |  |  |  |
| Total volume imported |  |  |  |
| Value imported from countries under investigation |  |  |  |
| Value imported from other countries |  |  |  |
| Total value imported |  |  |  |
| Price per unit imported from countries under investigation |  |  |  |
| Price per unit imported from other countries |  |  |  |
| Total average price per unit imported |  |  |  |

G4.2 State your reasons for importing the product.

|  |  |
| --- | --- |
|  |  |
|  |  |
|  |  |

G4.3 List all your transactions over the injury investigation period in the following format (duplicate as required and attach as **Annex G4.3**):

|  |  |  |
| --- | --- | --- |
|  | **Shipment/file nr** | **Shipment/file nr** |
| Invoice date  DA 500 date  DA500 number  Volume (units) |  |  |
| Invoice price (foreign currency)  Invoice terms (FOB/CIF, etc)  Exchange rate/forward cover rate |  |  |
| Ex-factory price (SA Rand)  Costs to FOB |  |  |
| FOB price (SA Rand)  Ocean freight  Insurance |  |  |
| CIF price (Rand)  Customs duty  Landing and clearing costs |  |  |
| Landed costs  Domestic transport |  |  |
| In-store cost |  |  |
| In-store cost per unit |  |  |

**G5 Price undercutting**

The *Countervailing Regulations* define price undercutting as the extent to which the price of the imported product is lower than the price of the SACU product. The price should be compared at the same level of trade and with the same terms and conditions of trade, normally at the SACU ex-factory level compared to the landed cost of the imported product.

G5.1 Provide the following information regarding your selling price per unit and the landed cost per unit of the imported product during the POI (indicate separately for each country against which the allegation is lodged):

|  |  |
| --- | --- |
| **(R/unit)** | **POI** |
| Your ex-factory selling price |  |
| Other SACU producers |  |
| Landed cost of imports from  -  -  - |  |
| Undercutting per unit  -  -  - |  |
| Undercutting %  -  -  - |  |

Undercutting %: express the undercutting per unit as a percentage of your ex-factory selling price.

Indicate the level of trade and selling conditions of your product and of the imported product separately, i.e. ex-factory/delivered, payment terms, distributor/wholesaler/retailer.

G5.2 Comment on the trends indicated by this information and substantiate how this factor is indicative of material injury. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**Market Share**

G6 Supply the following information, based on sales (and not on output) **volume**, for the past three years (refer question E7.1):

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** |
| Your market share (%) |  |  |  |
| Other SACU producers’ market share (%) |  |  |  |
| Total SACU producers’ market share (%) |  |  |  |
| Market share of alleged subsidised imports by country  -  -  - |  |  |  |
| Total market share of alleged subsidised imports (%) |  |  |  |
| Market share of other imports (%) |  |  |  |

**Prices of non-subsidised products available in SACU**

G7.1 Indicate the prices of NON-subsidised products available in the market and the effect thereof on SACU industry prices:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** |
| Your ex-factory selling price |  |  |  |
| Landed cost of product imported from countries not alleged to be subsidised |  |  |  |
| Total SACU producers’ market share (%)  -  -  -  - |  |  |  |

G7.2 The *Countervailing* *Regulations* defines unsuppressed selling price is “the price at which the SACU industry would have been able to sell the like product in question in the absence of subsidised imports, and can be determined with reference to –

1. the expected or required return of the SACU industry for the like or similar product; or
2. the profit margins of the industry for the like product before the entry of the subsidised imports; or
3. the prices obtained for the like product by the industry directly before the entry of the subsidised imports; or
4. any other reasonable basis.”

State what your unsuppressed selling price is at present.

**Other factors causing Injury**

G8.1 Indicate any contraction in demand for or changes in the patterns of consumption of the product under consideration over the past three years.

G8.2 Indicate any trade restrictive trade practices of and competition between the foreign and SACU producers.

G8.3 Indicate any recent developments in technology.

G8.4 Indicate any other factors affecting the SACU prices.

G8.5 Comment on the SACU industry’s export performance.

G8.6 Comment on the productivity of the SACU industry vis-à-vis that of the exporting countries.

G8.7 Have you had any strikes, go-slows or lock-outs during the past twelve calendar months? Please elaborate.

G8.8 Indicate what the effect of the changing exchange rate has been on -

(a) Your production cost;

(b) your selling price; and

(c) the price of the imported product.

G8.9 Indicate any other factors affecting your sales or your sales prices, including the state of the economy and the industry.

**SECTION H** **GENERAL**

Provide any other evidence you wish to bring to the attention of the Commission.

**CERTIFICATION**

The information submitted must be accompanied by the following certificate:

"I, the undersigned, certify that the information given above is complete and correct to the best of my knowledge and belief and that I have been authorised to represent

."

Company

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Date |  | Signature of authorised person |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and title of authorised person **(in print)**

NB: HAVE YOU COMPLETED YOUR NON-CONFIDENTIAL SUBMISSION?

IN THE ABSENCE OF A PROPER NON-CONFIDENTIAL VERSION THE COMMISSION WILL NOT BE IN A POSITION TO REGARD YOUR COMPLAINT AS A PROPERLY DOCUMENTED APPLICATION.

**Cost and price build-up** (See question E3.3.1) **ANNEXURE E3.3**

The cost and price build-up should refer to the average costs for the 12-month period under investigation.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | Product under investigation |  |  | All other products |  |  | Company total cost |  |
| 1. **DIRECT COST:** |  |  |  |  |  |  |  |  |  |
| Materials and components#  - Imported  - Domestic  Direct labour & related costs  Re-tooling **\***  Power & fuel  Royalties, etc  Variable overheads **\***  Other **\*** |  | ***Separate cost analyses must be provided for each product line of the subject product in this format. Note that the cost data should reconcile to your company’s income statement.*** |  |  |  |  |  |  |  |
| 2. **FIXED OVERHEAD COST:** |  |  |  |  |  |  |  |  |  |
| Indirect labour  Repair & maintenance  Rates & insurance  R & D  Plant depreciation  Other **\*** |  |  |  |  |  |  |  |  |  |
| 3. **TOTAL PRODUCTION COST:**  4. Operating profit |  |  |  |  |  |  |  |  |  |
| 5. **IN-STORE COST:** (3&4)  6. **SELLING, GENERAL & ADMINISTRATIVE EXPENSES:** |  |  |  |  |  |  |  |  |  |
| Administrative expenses  General expenses  Selling expenses |  |  |  |  |  |  |  |  |  |
| 7. **TOTAL COST:** (5&6)  8. Mark-up |  |  |  |  |  |  |  |  |  |
| 9. **SELLING (LIST) PRICE** (7&8)  10. **DISCOUNTS, ETC:** |  |  |  |  |  |  |  |  |  |
| Discounts  Settlements discounts  Rebates |  |  |  |  |  |  |  |  |  |
| 11. **NET EX-FACTORY PRICE** (9&10)  12. Distribution costs \* |  |  |  |  |  |  |  |  |  |
| 13. **NET DELIVERED PRICE** (11&12) |  |  |  |  |  |  |  |  |  |

# - Supply a full Bill of materials, indicating the cost and volume of each material or component

\* - Supply a detailed breakdown of the items.

Indicate the production volume on which the above cost and price build-ups are based.

This format serves as an indication of the details required by the Commission. However, you may use your own format, provided that the required amount of detail is submitted. This information should be reconcilable to your income statements. Provide a detailed breakdown of the basis of allocation in each case that an allocation has been made.