**APPLICANT SUNSET REVIEW QUESTIONNAIRE**

**SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON**

**[product(s)]**

**manufactured/produced**

**in**

**[country/countries of origin]**

**APPLICANT**

Name :

**1. Introduction**

This questionnaire should be completed by an Applicant alleging that the expiry of the anti-dumping duty would likely lead to the continuation and/or recurrence of dumping and 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 (Commission) to decide whether the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury. The information will serve as the 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*), and the Anti-Dumping Regulations (*ADR*) read with the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the *Anti-Dumping Agreement*).

3.2 The *ITA Act* authorises the Commission to investigate dumping in or to the common area of SACU, which consists of South Africa, Botswana, Lesotho, Namibia and Swaziland, while the *ADR* contains additional substantive and procedural guidelines.

Before answering the questionnaire we suggest that you read the *ITA Act* and the *ADR*, 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 dumping.

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.

The Commission will initiate a sunset review and provide other interested parties with a non-confidential version of the application only if it decides that sufficient information is submitted to show that the expiry of the duty is likely to lead to a continuation and/or recurrence of dumping and injury. If sufficient information is not submitted, the Commission will not continue with the sunset review and will recommend the immediate termination of the anti-dumping duties.

**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 the 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 behalf of interested parties.
  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.

4.6 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 should 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

4.8 The original period of investigation for dumping, which is the period which is assessed to determine the likelihood of continuation and/or recurrence of dumping, 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 dumping shall be clearly indicated in the initiation notice published in the *Government Gazette*.

The investigation period for injury, which is the period for which is assessed to determine the likelihood of continuation and/or recurrence of material injury to the SACU industry, shall normally cover a period of three years plus the current financial year at the date that the application was submitted, but may be determined by the Commission as a different period provided that the period is sufficient to allow for a fair investigation. If injury information for the current financial year does not encapsulate a full calendar or fiscal year, information on injury covering the same calendar or fiscal period must also be submitted for each year of the three-year period for which injury information is provided. Such partial information is in addition to injury information for each year of the three-year period. The investigation period for injury shall be clearly indicated in the initiation notice published in the *Government Gazette*.

* 1. The Commission may verify 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

|  |  |
| --- | --- |
| ADR  Anti-Dumping Agreement  Commission  ITA Act  SACU  WTO | Anti-Dumping Regulations  Agreement on Implementation of Article VI of General Agreement on Tariffs and Trade 1994  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 |

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

**SECTION A** **APPLICANT**

A1 State the name, postal and street addresses, the telephone and fax numbers (including codes) and the E-mail address of your company.

|  |  |  |
| --- | --- | --- |
|  | Company: | |
|  | Postal Address: | Physical Address: |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  | Tel: (\_\_\_\_\_) |  |
|  | Email: | Fax: |
|  | Web address: |  |

Please attach a map indicating how to reach you as Annex A.1.

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 A2.1 (if different to A2.1)

A3 State the names, telephone numbers of and positions held by the company's officers to be contacted.

Person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Direct line: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Direct fax: (\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

A4 Have you appointed a consultant, legal or other representative? If yes, please attach a copy of the letter of appointment setting out the scope and duration of the appointment, as required by the ADR, as Annexure A4.

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

A5 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 this as Annexure A5.

A6 The Applicant is an industrial organisation/public company/private company/closed corporation/other (please specify).

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

A7 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:

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

A8 Name the product allegedly being dumped

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

A9 Country (countries) of origin/export

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

**SECTION B** **PRODUCTS**

**Note on like product**

The ADR defines like product as:

a product which is identical, i.e. alike in all respects to the product under consideration; or

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 line of the subject product competing directly with the SACU product, information should be submitted separately for each such product line.

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

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

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

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

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

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

B1.5 The application and end-use of the product 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.

B1.9 Anti-dumping duties

Indicate the level of anti-dumping duties, the countries to which they apply and the date on which they were imposed in respect of the product under investigation.

**B2 SACU like product**

**Note:** If remedial action is requested in respect of more than one product line of the subject product, the following information should be submitted separately for each product. Where the application is lodged in respect of numerous product lines, , 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:-

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

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

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 country of origin:

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

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

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

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

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

B3.3 The production process used is:-

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

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

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

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

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

B3.5 The application and end-use of the product 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: | Company: |
|  | Postal Address: | Postal Address: |
|  |  |  |
|  |  |  |
|  |  |  |
|  | Physical Address: | Physical Address: |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  | Contact person: | Contact person: |
|  | Designation: | Designation: |
|  | Tel: (\_\_\_\_\_) | Tel: (\_\_\_\_\_) |
|  | Fax: (\_\_\_\_\_) | Fax: (\_\_\_\_\_) |
|  | Email: | Email: |

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

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

The ADR 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: | Company: |
|  | Postal Address: | Postal Address: |
|  |  |  |
|  |  |  |
|  |  |  |
|  | Physical Address: | Physical Address: |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  | Contact person: | Contact person: |
|  | Designation: | Designation: |
|  | Tel: (\_\_\_\_\_) | Tel: (\_\_\_\_\_) |
|  | Fax: (\_\_\_\_\_) | Fax: (\_\_\_\_\_) |
|  | Email: | Email: |

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

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

**SECTION D DUMPING**

The purpose of this Section D is to provide the information needed for a proper comparison of export price and normal value (exported products’ domestic selling price).

**Note:** Low prices do not necessarily mean that imports are dumped. Dumping is defined in section 1 of the ITA Act, as "the introduction of goods into the commerce of the Republic or the Common Customs Area at an export price … which is less than the normal value … of those goods."

**D1 Normal value**

Normal value is defined in section 32(2)(b) of the ITA Act as:

"(i) the comparable price paid or payable in the ordinary course of trade for like goods intended for consumption in the exporting country or country of origin; or

(ii) in the absence of information on a price contemplated in subparagraph (i), either -

(aa) the constructed cost of production of the goods in the country of origin when destined for domestic consumption, plus a reasonable addition for selling, general and administrative costs and for profit; or

(bb) the highest comparable price of the like product when exported to an appropriate third country or surrogate country, as long as that price is representative;”

D2 Wherever possible, normal value should be established on the basis of the domestic selling price in the exporting country before turning to determine the normal value with reference to the export price from that country to a third country or constructing the normal value. Where you cannot obtain a domestic selling price in the exporting country clearly indicate your attempts to obtain a domestic selling price in the exporting country. Make sure to refer to the ADR 8 for further details on normal value information.

D3 Identify the source of your information and substantiate all your replies to this section with documentary evidence.

D4 If the product is sold on the exporter’s domestic market, invoices, price lists and advertisements containing prices can be used to establish a normal value. In the case of a cost build-up all the main inputs must be substantiated by the necessary documentation such as international commodity prices, publication and internet information.

**D5 Domestic selling price in country of origin**

D5.1 Furnish the price charged on the exporter's domestic market. Ideally this should be the net ex-factory selling price exclusive of all internal taxes. If this is not available submit the price available to you (e.g. a retail invoice, a retail advertisement, price list, international publication, etc) on which the allegation of dumping is based.

D5. 2 Indicate the adjustments that need to be made to obtain a net ex-factory level. This should include at least the following:

(a) Transport, where sold on a delivered basis;

(b) Payment costs, based on the estimated payment days and the applicable short-term borrowing interest rate in the exporting country;

(c) Level of trade adjustment, if the product is not sold on the same basis as the exports to SACU, e.g. adjusting back from retail to a wholesale price.

**D6 Normal value other than on basis of domestic selling price**

D6.1 (a) Indicate your attempts to obtain a domestic selling price in the exporting country and provide documentary evidence thereof.

(b) Where there are no sales on the exporter’s domestic market give the reason why you believe that there are no sales of the like product in the exporter's domestic market.

(c) Where domestic sales do not allow for a proper comparison with the exports to South Africa, give the reasons why you believe that the sales in the exporter's domestic market do not allow for such comparison, e.g. it is insignificant in comparison with total output.

(d) Where you believe that domestic sales are not made in the ordinary course of trade, i.e. made at a loss, or past or present government intervention to the effect that the normal value does not properly reflect the intrinsic value of the product, submit evidence to support your view.

D6.2 In any one of the situations referred to in D6.1 provide information on one of the following options as the basis for normal value -

(a) the price charged by the supplier concerned for exports to a third country market or

(b) the constructed normal value of the like product, exported to South Africa based on production costs in the country of origin, as far as possible in the format and detail indicated in Annex D2.2. The cost build-up format is only a guideline to indicate the level of detail required by the Commission. Each cost element must be based on substantiated evidence and not merely on presumptions relating to your own cost information.

D6.3 In instances where the application is brought in terms of the Record of Understanding between Bureau of Fair Trade for Imports and Exports of the Ministry of Commerce of the People’s Republic of China and ITAC, and where domestic selling prices in the PRC are not reasonably available or the SACU industry is unable to determine whether the domestic selling prices in the PRC are comparable to prices in the ordinary course of trade, please provide the following:

D6.3.1 Nominate a third country and a producer of the like product in that country for the purpose of determination of a normal value for the product allegedly dumped product. The third country should have an industry at a similar level of development as that in the PRC. If more than one country is subject to the current application the information of that country may be used as the third country.

D6.3.2 When no third country is subject for anti-dumping action, the applicant must preferably obtain the cooperation from a producer in a third country and submit a letter from that producer confirm that it is willing to cooperate with the investigation. Provide that producer's address, telephone and fax numbers, email address, and indicate the contact person.

D6.3.3 Provide the reasons for your nomination of the third country.

D6.3.4 Furnish the third country normal value. Ideally this should be the net ex-factory selling price exclusive of all internal taxes. If this is not available submit the price available to you (e.g. a retail invoice, a retail advertisement, price list, international publication, etc) on which the allegation of dumping is based.

D6.3.5 Indicate the adjustments that needs to be made to obtain a net ex-factory level and provide substantiation for the proposed adjustments. This should include at least the following:

(a) Transport, where sold on a delivered basis;

(b) Payment costs, based on the estimated payment days and the applicable short-term borrowing interest rate in the exporting country;

(c) Level of trade adjustment, if the product is not sold on the same basis as the exports to SACU, e.g. adjusting back from retail to a wholesale price.

**D7 Export price**

**Note:** Export price is defined in section 32(2)(a) of the ITA Act as "the price actually paid or payable for goods sold for export, net of all taxes, discounts and rebates actually granted and directly related to that sale". Where there is no export price or it is unreliable for whatever reason, the export price can be determined on the basis of the price at which the imported goods are first resold to an independent buyer in the cases as contemplated in section 32(5) and (6) of the ITA Act.

To enable proper comparison with the normal value, the export price should be at the net ex-factory level.

D7.1 Give the export prices to the SACU of the products being the subject of the application (separately for each product, where possible).

**Note:** The Commission will normally use the official SARS import statistics to determine an export price except in instances where the statistics are unreliable because other products, that are not subject to investigation, are also classifiable under the tariff subheading concerned or for any other reason., Where the official SARS statistics are used, a substantiated adjustment should be made for movement expenses and costs from the f.o.b. to an ex-factory level in the exporting country.

D7.2 If you are of the opinion that the export price is unreliable, give reasons and supply the following information:

**Table D7.2: Constructed export price**

|  |  |
| --- | --- |
|  | **Cost per unit** |
| **Resale price of imported product to independent buyer**  **Less adjustments:** |  |
| **Transport (factory to harbour)** |  |
| **Harbour and other expenses** |  |
| **International freight** |  |
| **Insurance** |  |
| **Customs duty** |  |
| **Clearance costs** |  |
| **Agent's commission** |  |
| **Transport to importer** |  |
| **Importer's costs**  **- Administration** |  |
| **- Selling** |  |
| **- Distribution** |  |
| **- Profit** |  |
| **Constructed ex-factory export price** |  |

Supply a detailed breakdown of the cost items and provide supporting notes/evidence to substantiate your calculation.

**Note:** The constructed export price may also be used if no other export price can be obtained.

**D8 Price comparison**

**Note:** For the price comparison to be fair, the export price and the normal value should be on a similar basis and level as regards the physical characteristics of the product, the quantities sold, and the terms and conditions of sale. The comparison should be made at the same level of trade, preferably the ex-factory level. However, if the export price and normal value are not on a comparable basis, allowance should be made for any differences.

If the export price and normal value are not on a comparable basis, give the following information.

**D8.1 Differences in physical characteristics.**

If the product used for determining normal value is not identical to the exported product (refer to section B) –

(a) list the differences;

(b) quantify the effect of the differences on the price of the product;

(c) quantify the effect of the differences on the cost of production of the product.

**D8.2 Differences in taxation**

If the product sold in the exporting country attracts any form of tax that is not incurred in export sales, e.g. VAT, consumption tax or recycle tax, indicate

(a) the conditions under which the tax is payable;

(b) the tax rate;

(c) the effect of the tax on the normal value (excluding the tax).

**D8.3 Differences in terms of trade.**

If the product is exported to the SACU at different terms of trade (payment terms, delivery terms, warranties, guarantees, etc.), -

(a) indicate the terms of trade for the product exported to the SACU;

(b) indicate the terms of trade for domestic sales in the exporting country;

(c) quantify the effect of the difference in the terms of trade on the price and submit details of your calculations; and

(d) quantify the effect of the difference in the terms of trade on the cost of the product and submit details of your calculations.

**D8.4 Differences in the levels of trade.**

The level of trade refers to whether the product is sold to a wholesaler, retailer, end-user, through an agent, differences in the volumes sold, etc. If the level of trade of the product exported to the SACU is different to the level at which the like product is sold in the domestic market of the exporter:-

(a) indicate the level of trade pertaining to the exported product;

(b) indicate the level of trade pertaining to the like product sold in the domestic market of the exporter;

(c) quantify the effect of the difference in the levels of trade on the price of the product and submit details of your calculations; and

(d) quantify the effect of the difference in the levels of trade on the cost to sell the product and submit details of your calculations.

**D8.5 Other differences.**

If you are aware of any other differences affecting price comparability, including quantity rebates, direct marketing and sales expenses, credit insurance, etc, provide

(a) details of the differences; and

(b) a substantiated estimate of the allowances to be made for each of the differences.

**D9 Dumping margin**

The dumping margin is the margin by which the normal value exceeds the export price after allowance has been made for any differences affecting price comparability. Give the margin of dumping and your calculation thereof separately per product model as follows:

|  |  |
| --- | --- |
|  | **Currency** |
| **Normal value** |  |
| **Less adjustments** |  |
| **Adjusted normal value** |  |
| **Export price** |  |
| **Margin of dumping** |  |
| **Margin of dumping expressed as a percentage of the export price** |  |

**Note:** If the calculated margin of dumping is less than 2% the Commission will not initiate an investigation as a dumping margin of less than 2% is regarded as *de minimis* in terms of the ADR.

D10 If the information you have provided does not show that dumping is occurring, provide substantiating information to show that the expiry of the duty would be likely to lead to the recurrence of dumping. Please refer to the following in your response:

D10.1 Has dumping of the subject product by the original exporter investigated, taken place in markets other than the SACU since the imposition of the current anti-dumping duty? Substantiate your reply.

D10.2 Indicate what the international supply and demand situation for the subject product is. Please provide the source of the information contained in your response and submit published documentation in support. Attach as Annexure D10.2.

D10.3 Give details on the freely disposable capacity or imminent substantial increase in capacity of the exporter.

D10.4 Indicate the state of the economy of the country of origin/export and its influence on the operations of the manufacturers/exporters.

D10.5 Are you aware of any anti-dumping action taken by other anti-dumping authorities with regard to the subject product? Please substantiate your answer.

D10.6 Give any other information relevant to your allegation that the expiry of the duty would be likely to lead to the recurrence of dumping.

**SECTION E MATERIAL INJURY**

Note: Before the further investigation of the effect of the expiry of the anti-dumping duty can be considered, the Commission must have sufficient evidence to reach a reasonable conclusion that the expiry of the duty would be likely to lead to continuation or recurrence of injury to the SACU industry. The term industry refers to the domestic producers as a whole of the like products or to those of them whose collective output of the products constitute a major proportion of the total domestic production of these products.

Information submitted with regard to each of the injury indicators should reflect your company’s position for the last three of the imposition of the current anti-dumping duties, as well as a substantiated estimate of what the effect of the expiry of the duty will have on your company.

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 indicate for subsequent periods.

When an Applicant produces more than one product and the anti-dumping or countervailing duty in question relates to only one of its products, the information submitted in this section must relate only to the product that forms the subject of this application.

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

**E1 General information**

E1.1 Provide a flow chart of your marketing/distribution channels for the product 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 officials of the unit 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 3 most 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 Imports**

Give the following information on the imports of the product, being the subject of the application, for the 3 years prior to the imposition of the current anti-dumping duty and for the years ensuing the imposition of the current anti-dumping duty to date. For the latest calendar year, provide the information on a monthly basis.

**Volume of the dumped imports**

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 subsequent to the end of the last calendar year.

E3.1 Import volumes per annum (State unit of measurement) and provide an estimate for the next year, in the event of the duty expiring:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| 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.

E3.2 Import values per annum

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| Subject countries  -  -  - |  |  |  |  |
| Subtotal  Other countries |  |  |  |  |
| Total |  |  |  |  |

E3.3 Import prices per unit

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| Subject countries  -  -  - |  |  |  |  |
| Subtotal  Other countries |  |  |  |  |
| Total |  |  |  |  |

E3.4 If dumping is alleged against more than one country, state the reasons why you believe imports from the different countries may be cumulated.

E3.5 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

E3.6 Substantiate any significant increase of allegedly dumped imports into the SACU market indicating the likelihood of substantially increased importation if the anti-dumping duty were to expire.

E3.7 Please give the basis for the estimate figures.

**E4 Monthly import statistics**

E4.1 Import volumes per month

Attach as **Annexure E4.1** a table indicating in the same format as under section E3.1, 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.

E4.2 Import values per month

Attach as **Annexure E4.2** a table indicating in the same format as under section E3.2, 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.

E4.3 Price per unit per month

Attach as **Annexure E4.3** a table indicating in the same format as under section E3.3, 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.

**E5 Own imports**

E5.1 Provide the following information on your own imports of the product:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| 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 |  |  |  |  |

E5.2 State your reasons for importing the product.

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

E5.3 List all your transactions over the injury investigation period in the following format (duplicate as required and attach as Annex E5.3):

|  |  |  |
| --- | --- | --- |
|  | **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 Rands)  Costs to FOB |  |  |
| FOB price (SA Rands)  Ocean freight  Insurance |  |  |
| CIF price (Rands)  Customs duty  Landing and clearing costs |  |  |
| Landed costs  Domestic transport |  |  |
| In-store cost |  |  |
| In-store cost per unit |  |  |

**E4 Effects on the SACU prices**

**E4.1 Price undercutting**

The *Anti-Dumping 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.

E4.1.1 Provide the following information regarding your ex-factory selling price per unit and the landed cost per unit of the imported product during the POI, and provide an estimate for the next year, in the event of the duty expiring (indicate separately for each country against which the allegation is lodged):

|  |  |  |
| --- | --- | --- |
| **(R/unit)** | **POI** | **Estimate if duty expires** |
| 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.

E4.1.2 Comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

E4.1.3 Please provide the basis for your figures for the estimate.

**E4.2 Price depression**

E4.2.1 Price depression occurs when the SACU industry’s ex-factory selling price decreases during the investigation period (POI). Provide the following information with regard to your average per unit ex-factory selling prices for the years since the duty was imposed, and provide an estimate for the next year, in the event of the duty expiring:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| Your ex-factory price per unit |  |  |  |  |

State the unit of measurement

E4.2.2 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 E4.2.2**.

E4.2.3 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.

E4.2.4 Comment on the trends revealed in Table E4.2.1.

E.2.5 Please give the basis for your figures for the estimate.

E4.2.6 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E4.3 Price suppression**

E4.3.1 Provide the following information with regard to your average per unit ex-factory selling prices, and provide an estimate for the next year, in the event of the duty expiring:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| 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

E4.3.2 If price suppression is more pronounced during the last 12 months supply the information as requested in Table E4.3.1 separately for each of the last 12 months. Please attach as **Annexure E4.3.2**.

E4.3.3 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.

E4.3.4 Please give the basis for your figures for the estimate.

E4.3.5 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

E4.3.6 Please indicate if the products concerned entering the SACU at depressed and/or suppressed prices are likely to intensify the demand for further imports. Substantiate your reply.

**E5 Cost build-up**

E5.1 Please supply a cost build-up in the format indicated in Annexure E5.1. 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.

E5.2 State the production volume on which the above cost-and-price build-ups are based.

E5.3 Indicate the expected effects upon the above cost-and-price build-up of specified increases and decreases in the production volume used.

**E6 ECONOMIC FACTORS AND INDICES HAVING A BEARING ON THE STATE OF THE INDUSTRY**

E6.1 **SACU Industry Sales**

E6.1.1 Submit the following information for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| Your sales volume |  |  |  |  |
| Sales by other SACU producers  -  -  - |  |  |  |  |

Note: All information submitted should be reconcilable to the financial accounts. State the unit of measurement.

E6.1.2 Please give the basis for your figures for the estimate.

E6.1.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

E6.1.4 Comment on the cyclical nature or otherwise of the product (only if the product is of a cyclical nature) indicating the length of the cycle and the prices both during the up and down phases.

E6.2 Actual and potential decline in sales value of the product under investigation

E6.2.1 Submit the following information as far as possible for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description Value Rand (current year to date)** | **Year 1** | **Year 2** | **Year 3** | **Estimate if duty expires** |
| Your sales in SACU (value) |  |  |  |  |
| Sales by other SACU producers (value)  -  -  - |  |  |  |  |

E6.2.2 Please give the basis for your figures for the estimate.

E6.2.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

E6.2.4 Supply the following information in respect of your most recent twelve months’ sales in value and volume:

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Months** | **#** | **#** | **#** | **#** | **#** | **#** | **#** | **#** | **#** | **#** | **#** |
| Sales volume |  |  |  |  |  |  |  |  |  |  |  |
| Sales value |  |  |  |  |  |  |  |  |  |  |  |

# Identify the specific month, e.g. Jan, Feb etc.

E6.2.5 Supply a schedule of sales on a transaction-by-transaction basis for the period indicated in E6.2.1 containing the following information: date, customer (name or code), invoice number, volume, net value (after discounts and rebates and excluding tax), net unit price and indicate any rebates given. This information can be given on a computer disc.

**E6.3 Actual or potential decline in profit**

E6.3.1 Supply the following information regarding your own profit situation (profit must be calculated on total sales) for the product/s concerned for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Units sold |  |  |  |  |
| Your total gross profit |  |  |  |  |
| Your total net profit |  |  |  |  |

E6.3.2 Please substantiate your figures for the estimate.

E6.3.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E6.4 Actual and potential decline in output**

E6.4.1 Supply the following information regarding output for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Volume** | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Your total production of the product concerned |  |  |  |  |
| Other SACU producers’ production |  |  |  |  |

State the unit of measurement.

E6.4.2 Please substantiate your figures for the estimate.

E6.4.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

E6.5 Actual and potential decline in market share

E6.5.1 Supply the following information regarding market share based on sales (and not on output) **volume** for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Market share in volume (*unit*): |  |  |  |  |
| Applicant |  |  |  |  |
| Other SACU producers |  |  |  |  |
| Alleged dumped imports |  |  |  |  |
| Other imports |  |  |  |  |
| Total SACU market |  |  |  |  |
| Percentage share held by: |  |  |  |  |
| Applicant |  |  |  |  |
| Other SACU producers |  |  |  |  |
| Alleged dumped imports |  |  |  |  |
| Other imports |  |  |  |  |

State the unit of measurement.

E5.2 Supply the following information regarding market share based on sales (and not on output) **value** for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Rand** | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Market share in value (Rand): |  |  |  |  |
| Applicant |  |  |  |  |
| Other SACU producers |  |  |  |  |
| Alleged dumped imports |  |  |  |  |
| Other imports |  |  |  |  |
| Total SACU market |  |  |  |  |
| Percentage share held by: |  |  |  |  |
| Applicant |  |  |  |  |
| Other SACU producers |  |  |  |  |
| Alleged dumped imports |  |  |  |  |
| Other imports |  |  |  |  |

E6.5.2 Please give the basis for your figures for the estimate.

E6.5.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E6.6 Actual and potential decline in productivity**

E6.6.1 Complete the following table on productivity for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Total production volume |  |  |  |  |
| Number of employees (manufacturing only) |  |  |  |  |
| Units per employee |  |  |  |  |

E6.6.2 Please give the basis for your figures for the estimate.

E6.6.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E6.7 Actual and potential decline in return on investment**

E6.7.1 Supply the following information on the return on investment for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

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** | **Estimate if the duty expires** |
| 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) |  |  |  |  |

E6.7.2 Please give the basis your figures for the estimate.

E6.7.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E6.8 Utilization of capacity - actual or potential decline**

E6.8.1 Submit the following detail of your and the rest of the SACU industry's normal production capacity (by volume) and the utilisation thereof for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format: 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** | **Estimate if the duty expires** |
| Your capacity (units) |  |  |  |  |
| Your actual production |  |  |  |  |
| Your capacity utilisation % |  |  |  |  |
| Rest of SACU capacity |  |  |  |  |
| Rest of SACU production |  |  |  |  |
| Rest of SACU capacity utilisation % |  |  |  |  |

E6.8.2 Please give the basis for your figures for the estimate.

E6.8.3 State the normal number of shifts per week, number of hours per shift and number of labour units involved.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| **Your company**  Number of shifts |  |  |  |  |
| Workers per shift |  |  |  |  |
| Other SACU producers  Number of shifts  -  -  - |  |  |  |  |
| Other SACU producers  Workers per shift  -  -  - |  |  |  |  |

E6.8.4 State whether your production capacity can be increased without additional machinery, equipment and buildings indicating the method (e.g. more shifts, hours or labour units) and the extent of the possible increase in terms of volume.

E6.8.5 Give the details of plans, inclusive of financing and time schedules, if any to increase the production capacity and the actual production increase planned in volume terms -

(a) For the Applicant.

(b) For other SACU manufacturers - if known

E6.8.6 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E7.1 Actual and potential negative effects of cash flow**

E7.1.1 Provide the following information regarding your cash flow:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Product specific  Cash flow: incoming  Cash flow: outgoing  Net cash flow |  |  |  |  |
| Company  Cash flow: incoming  Cash flow: outgoing  Net cash flow |  |  |  |  |

Is your cash flow regarding the specific product/s impeded because of the alleged dumped imports? If so, give details of the actual or negative effects on thereon. Substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E7.2 Inventories- actual or potential negative effects**

E7.2.1 Indicate the levels of your inventories of the product concerned for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Volume |  |  |  |  |
| Value |  |  |  |  |

E7.2.2 Please give the basis for your figures for the estimate.

E7.2.3 Indicate the levels of your inventories of the product concerned at the end of each of the last 12 calendar months.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Inventories** | **Months** | | | | | | | | | | | |  |
|  | # | # | # | # | # | # | # | # | # | # | # | # | Ave |
| Volume  Value |  |  |  |  |  |  |  |  |  |  |  |  |  |

E7.2.4 Are the level of monthly inventories subject to seasonal fluctuations? If affirmative please elaborate.

E7.2.5 What are the consequences (e.g. cash flow, interest, etc.) of the trend in your stockholding?

E7.2.6 Please comment on the trends revealed by the information in E7.2.1 and E7.2.3 above and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E7.3 Actual and potential negative effects on employment**

E7.3.1 Supply the following information regarding employment in the SACU industry for the product concerned for the three years prior to and for all years subsequent to the imposition of the anti-dumping duty, and provide an estimate for the next year in the event of the expiry of the duty, in the following format:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Units: Production |  |  |  |  |
| Indirect labour units: production |  |  |  |  |
| Total labour units: production |  |  |  |  |
| Labour units: Selling and Administrative |  |  |  |  |
| Rest of SACU: Total labour units: production |  |  |  |  |

E7.3.2 Please give the basis for your figures for the estimate.

E7.3.3 Please comment on the trends indicated by this information and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

E7.4 Actual and potential negative effects on wages

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Total wages: Production |  |  |  |  |
| Wages per employee |  |  |  |  |

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

Please comment on the actual and potential negative effects on wages and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E7.5 Actual and potential negative effects of growth**

Supply the following information:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| 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 % |  |  |  |  |

Is your growth in the market for the product in respect of which this application is brought inhibited because of the alleged dumped imports? If so, please elaborate on the actual and potential effects and substantiate how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E7.6 Ability to raise capital/investment**

Supply the following information regarding capital and investment:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Year 1** | **Year 2** | **Year 3** | **Estimate if the duty expires** |
| Total capital/investment in subject product |  |  |  |  |
| Capital expenditure during year on subject product |  |  |  |  |

E7.6.1 Comment on your ability to raise capital or draw investment should you wish to expand your current production.

E7.6.2 Provide details of your company's present gearing structure, i.e. own funding versus foreign/outside funding, and distinguish between long and medium term loans.

E7.6.3 Indicate if your ability to raise capital is inhibited because of the alleged dumped imports. If so, please substantiate this and how this factor is indicative of material injury and/or why the expiry of the anti-dumping duty is likely to lead to the continuation or recurrence of material injury in respect of this particular factor.

**E8 Own imports**

If you import the product comparable to the product being the subject of the application or if you imported material which make up 75% or more of your local content, used in the manufacture of such product and where the final product is imported from any country, please supply the information requested below:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **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 |  |  |  |

E8.1 Give your reasons for importing the product/raw material.

E8.2 Do you import directly, through an agent, or are you a representative of the exporter?

E8.3 Provide the names, addresses, telephone and fax numbers of:

(a) the foreign manufacturers and

(b) the exporters that supply you.

E8.4 List all your transactions over the injury investigation period in the following format (duplicate as required and attach as **Annex E8.4**):

|  |  |  |
| --- | --- | --- |
|  | 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 Rands)  Costs to FOB |  |  |
| FOB price (SA Rands)  Ocean freight  Insurance |  |  |
| CIF price (Rands)  Customs duty  Landing and clearing costs |  |  |
| Landed costs  Domestic transport |  |  |
| In-store cost |  |  |
| In-store cost per unit |  |  |

\* Indicate in foreign currency

E8.5 For each transaction provide the following details of the cost and price build-up and in the format indicated in Annexure E8.5. (Specify the unit of measurement). (Details must be substantiated with customs clearance documents including invoices.)

E9 If you are aware of any other injury indicators, not covered in the injury indicators above, please elaborate.

**SECTION F GENERAL**

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

**SECTION G 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 ITAC WILL NOT BE IN A POSITION TO REGARD YOUR COMPLAINT AS A PROPERLY CONSTITUTED APPLICATION AND NO INVESTIGATION CAN BE INITIATED.**

**Annexure E8.5**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | Products 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 of the subject products model/type 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 Board. 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.

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

**Annexure E5.1**

Average cost and price structure of the product/s under investigation (a cost build-up must be supplied for each product to which this application pertains):

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | 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.