

MINISTRY OF INDUSTRY AND TRADE
VIETNAM COMPETITION ADMINISTRATION DEPARTMENT
DIVISION OF ANTI DUMPING, ANTI SUBSIDY, SAFEGUARD

LIMITED VERSION

VERSION OPEN FOR CONSULTATION

(tick box as appropriate)

SAFEGUARD QUESTIONNAIRE

INTENDED FOR: EXPORTERS

PRODUCT CONCERNED: Float glass classified under HS code of 7005 29 90 00 and 7005 21 90 00 (hereinafter “product concerned”)

STATUTORY REFERENCE: Ordinance No 42/2002/PL-UBTVQH dated June 7, 2002 on Safeguards in the Importation of Foreign Goods into Vietnam.

Decree No 150/2003/ND-CP dated December 8, 2003 making detailed provisions for the implementation of the ordinance in safeguards against imports into Vietnam.

REGULATORY REFERENCE: Decision No. 3329/QĐ-BCT dated July 1st, 2009 on initiation of investigation for application of safeguards measure

DUE DATE OF QUESTIONNAIRE RESPONSE: REFER TO POINT 8 OF THE NOTIFICATION ATTACHED WITH DECISION NO. 3329/QĐ-BCT

CASE HANDLERS

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25 NGO QUYEN STR, HANOI
VIETNAM
FAX: (+84-4) 2220 5003

PLEASE NOTE THAT THIS QUESTIONNAIRE HAS TO BE COMPLETED TWICE, ONCE AS A LIMITED VERSION AND ONCE AS A VERSION OPEN FOR CONSULTATION BY INTERESTED PARTIES.¹

¹ Please note that confidential information falls under the term “limited” according to the Vietnamese legislations. Hence, only documents labelled “limited” are considered confidential documents pursuant to Article 9 of Decree of Government No.150/2003/NĐ-CP. Therefore, any replies which contain confidential information must be labelled “Limited”.

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SECTION A - GENERAL INSTRUCTIONS FOR COMPLETING THE QUESTIONNAIRE

The Vietnam Competitive Administration Department (hereinafter referred to as the “VCAD” or the “Investigation Authority”) is responsible for administering the Vietnamese safeguards law. The law provides a mechanism for maintaining fair levels of import competition for Vietnamese producers when a sudden increase in imports of a product causes serious injury or threatens to cause serious injury to an established Vietnamese industry. The law reflects Vietnam’s obligations under the World Trade Organization (WTO) Agreement on Safeguards.

The VCAD has initiated an investigation into claims by the domestic industry in Vietnam that imports of the product concerned have been and are causing serious injury to the Vietnamese industry.

The VCAD has the right to ask for more evidence or information anytime during the investigation. It is very important that the persons who are responsible for replying to this questionnaire are able to provide the sources of the documents they used for completing when required.

Answers must be precise and sufficiently detailed.

For more information please contact the VCAD at the address referred to in this questionnaire.

Filling in the reply and relevant documentation

Do not leave any question or section blank. If an answer is ‘no’ or ‘not applicable,’ you should say so. It is in your own interest to reply as accurately and completely as possible and to attach all the supporting documents, if requested.

It is important that your responses to the questionnaire be backed up by evidence such as commercial invoices, cost sheets etc, in support of your claims. These need *not* be submitted together with your reply, unless otherwise specified, but must be made available upon request at any point during the investigation.

Important note concerning any computer files to be provided:

All data in tables should be submitted by computer media using MS Excel, preferably on CD-ROM or USB. Please provide sufficient format information to allow useful retrieval of the data.

Please make sure that all Excel tables are labeled in accordance with the corresponding heading in this questionnaire.

This response of the questionnaire has to be completed twice, once as hard copy and once as electronic version. The hard copy has to send to VCAD address before above deadline:

Division of Anti Dumping, Anti Subsidy, Safeguard Investigation

Vietnam Competition Administration Department
No. 25 Ngo Quyen Str., Hoan Kiem District, Hanoi, Vietnam.
Tel: (84) 4. 2220 5012
Fax: (84) 4. 2220 5003
Email: giangpc@moit.gov.vn

The electronic version has to send to VCAD's email GiangPC@moit.gov.vn. Title of the mail should clearly indicate "**Response to Safeguards questionnaire No. 09-KN-TVE-01**" In the mail, name and address of your firm and name, title and contact address contact person in this questionnaire should be included.

Hard copy printouts of all information must in principle accompany the submission of the computer media and must match exactly the contents thereof. If the paperwork exceeds a reasonable size or you feel that you cannot provide the answer as requested, please contact one of the officials in charge.

Confidential information

The VCAD is required to ensure that all interested parties are given reasonable opportunity to have access to all non-confidential information relevant to the presentation of their case and that is used by the VCAD in the course of the investigation.

Any information which is by nature commercially confidential (for example, because its disclosure would be of significant competitive advantage to a competitor) or which is provided on a confidential basis will, upon good cause being shown, be treated as confidential by the VCAD.

Parties requesting that information be treated as confidential should:

- (a) Clearly identify the information, for which confidential treatment is requested,
- (b) Provide justification for the request for confidential treatment,
- (c) Provide a non-confidential version or a non-confidential summary of the information for which confidential treatment is requested, or, if it is claimed that the information is not susceptible to such a summary, a statement of the reasons why such a summary is not possible. A non-confidential version should reproduce the original but have information considered to be confidential either omitted or summarized.

Parties requesting that information be treated as confidential should:

- (a) Clearly identify the information, for which confidential treatment is requested,
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the original but have information considered to be confidential either omitted or summarized.

Please note that the information you deem confidential may be summarized as follows:

Example of *confidential* information:

2004	2005	2006
20 000 VND	30 000 VND	40 000 VND

The *non-confidential* summary could be as follows:

2004	2005	2006
=100	150	200

It should be noted that if any further submissions are made, non-confidential versions would also be required.

Time Frame

Your reply to this questionnaire along with any supporting documentation must be with the VCAD at the address given below, by close of **(40)** calendar days from the date of the initiation of investigation, or earlier if possible.

Language

Your reply to this questionnaire must be in Vietnamese.



SECTION B – PRODUCT CONCERNED

PRODUCT CONCERNED BY THE INVESTIGATION

The product in question is float glass. The product concerned is currently classified within HS codes of 7005.29.90.00 và 7005.21.90.00.

COMPARISON

Please comment on the comparability of the product concerned that you export from outside Vietnam with that produced and sold in Vietnam. Identify any differences in physical characteristics and/or end uses of the imported product and that produced and sold in Vietnam.

SECTION C – GENERAL INFORMATION

C.1 Corporate information

Name:
 Legal form:
 Address:
 Telephone:
 Telefax:
 E - mail of contact person:

and indicate the names of the persons to contact and their function within the company

C.2 Owner or principal shareholders

Total share capital:

List the major shareholders in your company (including their part of shareholding). Please indicate if they are involved with the production and/or sale of the products concerned.

C.3 Structure of the company

Please outline your company's general corporate structure and affiliations.

C.4 Company organization

Please supply a diagram outlining the hierarchical and organizational structure of your company and its related entities.

C.5 Range of products

List all of products produced by your company in the following table for the year 2008. Distinction should be made between the different "products concerned" identified above in Section B.

PRODUCT	Tonnage produced	% of total production
Product concerned No		
Product concerned No		
.....		
.....		
Other products		

Total products		
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Please attach a technical description together, if available, with sales brochure and technical specifications for each of the "products concerned" exported by your company to the Vietnamese market.

C.6 Audited accounts

Attach audited accounts (balance sheet and profit and loss account) for the last three financial years for your company.

C.7 Total sales volume

Please complete the following table:

	2005	2006	2007	2008	First quarter of 2009
TOTAL COMPANY SALES VOLUME					
Domestic market					
Vietnam					
Other third countries					
SALES VOLUME OF ALL THE PRODUCTS CONCERNED					
Domestic market					
Vietnam					
Other third countries					

C.8 Total sales value (net free of taxes after all discounts)

Please complete the following table:

	2005	2006	2007	2008	First quarter of 2009
TOTAL COMPANY SALES VALUE					

Domestic market					
Vietnam					
Other Third countries					
SALES VALUE OF ALL THE PRODUCTS CONCERNED					
Domestic market					
Vietnam					
Other third countries					

C.9 Company's profitability (%)

	2005	2006	2007	2008	First quarter of 2009
Total activity					
Domestic Market					
Vietnam					
Other Markets					

SECTION D – INFORMATION CONCERNING THE PRODUCT CONCERNED

D.1 Production and capacity

	2004	2005	2006	2007	2008	First quarter of 2009
Production (m2 converted to glass 2mm)						
Capacity (m2 converted to glass 2mm)						
Capacity utilization (%)						

Production should cover both products sold by the company and products used internally for further processing. (captive use).

Capacity refers to maximum possible production. Describe the shift system operated by your company and the method used to calculate capacity installed.

In the event that your company produces products other than the product concerned on the same equipment and machinery used for the production of the product concerned, please list these products and explain the basis for your allocation of your company's total production capacity.

D.2. Total sales volume, captive use and stock variation (in m2 converted to glass 2mm)

	2004	2005	2006	2007	2008	First quarter of 2009
Total sales volume						
Captive use						
Stock variation						

D. 3 Destination of sales

Report total sales quantity, value of sales and average sales prices for the product concerned in the following table:

Sales quantity should be reported in m2 converted to glass 2mm.

Value of sales and average sales price should be reported net, ex-factory, free of taxes, after all rebates/discounts.

	2004	2005	2006	2007	2008	First quarter of 2009
Sales on your domestic market						
Volume						
Value						
Unit price						
Sales in Vietnam						
Volume						
Value						
Unit price						
Sales to other third markets (please specify)						
Volume						
Value						
Unit price						

D.4. Consumption in your domestic market

Please estimate the development of consumption of the "product concerned" in your domestic market. Please support the information provided (be it actual knowledge or "best estimates" according to experience) on the various markets by supplying appropriate documentation.

	2004	2005	2006	2007	2008	First quarter of 2009
Consumption						

D.5. World-wide capacity and production

Please comment on the current situation and the foreseen developments for the next three years of the capacity and production of the product concerned installed on your domestic market, in Vietnam and world-wide. Please support the information provided (be it actual knowledge or "best estimates" according to experience) on the various markets by supplying appropriate documentation.

D. 6. Future plans on production and capacity:

Please comment on your future plans for production and capacity of the products concerned in the event that:

- a) Safeguard Measures are imposed by Vietnam,
- b) Safeguard Measures are **not** imposed by Vietnam.

D.8 Future Plans for Sales

Please comment on your future forecasts for sales of the products concerned in the event that:

- a) Safeguard Measures are imposed by Vietnam,
- b) Safeguard Measures are **not** imposed by Vietnam.

D.9 Other Factors

Please comment on these potential factors, if any, and their evolution. Explain how they may affect the situation of the market for each product.

This analysis may include your views on the impact of these other factors on:

- the overall situation on the world market of the "product concerned" and perspective of exports towards third countries,
- the situation of the Vietnamese market with foreseeable developments of consumption in Vietnam of the "product concerned",
- the competitiveness of Vietnamese producers as well as other competitors on the World market.

This list is non-exhaustive. Please add any additional information as necessary.

SECTION E - CERTIFICATION

I, the undersigned, hereby certify that the information contained in this response is complete and correct to the best of my knowledge and belief and I understand that the information submitted may be subject to audit and verification by the VCAD.

Date

Signature of authorized person

Name and title of authorized person