

ITAC Importer Questionnaire

INVESTIGATION INTO THE ALLEGED DUMPING AND/OR SUBSIDISED EXPORT OF

[product(s)]

manufactured/produced

in

[country/countries of origin]

Imported by:

[Name of importer]

1. Introduction

This questionnaire should be completed by an Importer of the product under investigation. It is important that that importer provides all the information required in the prescribed manner.

2. Purpose

The purpose of this questionnaire is to assist the importer to compile the information needed by the International Trade Administration Commission (the Commission) in an anti-dumping and or countervailing investigation. The information received will be used to validate the information received from the applicant and the exporter of the product.

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 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*) and the Countervailing Regulations (*CVDR*) read with the WTO Agreement on Subsidies and Countervailing Measures (*SCMA*).

3.2 The *ITA Act* authorises the Commission to investigate dumping in or to the common area of the Southern African Customs Union (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/CVDR*, copies of which is available from the Commission offices, or at www.itac.org.za.

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:

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- “(1) A person may, when submitting information to the Commission, identify information that the person claims to be information that –
- (a) is confidential by its nature; or
 - (b) 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 -
- (a) a written statement in the prescribed form-
 - i. 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
 - ii. motivating, in the case of other information, why that information should be recognised as confidential; and
 - (b) either –
 - i. a written abstract of the information in a non-confidential form; or
 - ii. 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 a response until a proper non-confidential version has been submitted in accordance with the above guidelines.

4. General

- 4.1 The importer should contact the Commission immediately and provide the name(s) and address(s) of the manufacturer(s) of the products concerned so that a questionnaire can still be forwarded to such manufacturer(s), in order for them to respond timeously.
- 4.2 Parties should provide full and accurate information and wherever possible provide supporting documentary evidence. The Commission will not consider unsubstantiated information. All cost related information should be reconcilable to the financial statements or management accounts.
- 4.3 The terms manufacture and manufacturer should be understood to include produce and producer, and *vice versa*.
- 4.4 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.**
- 4.5 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.
- 4.6 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.

- 4.7 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. Importer's name;
2. Product(s) concerned;
3. Type of information on the disc;
4. Software used; and
5. Whether or not confidential.

- 4.8 The application must be addressed to:

Senior Manager: Trade Remedies

International Trade Administration Commission	Uuzaji E
Private Bag X 753	DTI Campus
PRETORIA	77 Meintjies Street
0001	Sunnyside, Pretoria

The original period of investigation for dumping, which is the period for which it is assessed whether dumping 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 dumping shall be clearly indicated in the initiation notice published in the *Government Gazette*.

- 4.9 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

Anti-Dumping Agreement	Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994
Commission	International Trade Administration Commission of South Africa
ITA Act	International Trade Administration Act, 71 of 2002
SACU	Southern African Customs Union (Botswana, Lesotho, Namibia, South Africa and Swaziland)
WTO	World Trade Organisation
SCM Agreement	Subsidies and Countervailing Measures Agreement

SECTION A

GENERAL COMPANY INFORMATION

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:

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

- A2 State the names, telephone numbers of and positions held by the company's officers to be contacted.

Person: _____

Designation: _____

Direct line: (____) _____

Direct fax: (____) _____

Email: _____

- A3 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 A3.

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

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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 this as Annexure A4.

A5 Provide the names and addresses of all of your subsidiaries who trade in the products involved in this investigation.

Company:	
Postal Address:	Physical Address:
Tel: (____)	
Email:	Fax:

A6 If you are yourself a subsidiary, give the names and addresses of all related manufacturers/producers who supply you.

Company:	
Postal Address:	Physical Address:
Tel: (____)	
Email:	Fax:

A7 Give the names and addresses of all foreign manufacturers/producers of the product, being the subject of the investigation, known to you.

Company:	
Postal Address:	Physical Address:
Tel: (____)	
Email:	Fax:

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- A8 Do you import the products involved in this investigation for your own account or are you the SACU representative/agent of the foreign supplier?

- A9 Give the names and addresses of your foreign suppliers of the products being the subject of this investigation and their South African representatives/agents, if any.

Company:	
Postal Address:	Physical Address:
Tel: ()	
Email:	Fax:

- A10 Provide a certified copy of the agreement with your supplier (attach as **Annexure A10**).

- A11 In which countries do the subject products imported by you originate?

- A12 Enumerate any changes over the past three years concerning any and all of the replies given to the above questions.

- A13 Explain your company's channels of distribution. Include a chart indicating the terms and conditions of sale and selling prices to each class of customer (e.g. wholesaler, retailer, original equipment manufacturer, etc.).

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- A14 Explain the basis of your categorisation of customers and the reasons for different terms and conditions of sale and/or different selling prices to the different classes of customers.

- A15 If you sell through a related and/or unrelated reseller, give a detailed explanation of the circumstances in each case.

- A16 If your company is related to the exporter of the subject product please provide details of the relationship and the shareholding of the exporter in the your importing company

SECTION B PRODUCTS

Note on like product

The ADR defines like product as

- (a) a product which is identical, i.e. alike in all respects to the product under consideration; or
- (b) 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 The products involved in this investigation

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 product you import.

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 packaging of the product is as follows

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

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

B1.8 State your reasons for importing the products.

B1.9 Name the countries of origin of the products imported by you.

B1.10 Name the countries of export of the products imported by you.

B1.11 Give the names and addresses of:

(a) the foreign manufacturers/producers of the product you import;

Company:	
Postal Address:	Physical Address:
Tel: (____)	
Email:	Fax:

(b) the exporters/suppliers of the products you import.

Company:	
Postal Address:	Physical Address:
Tel: (____)	
Email:	Fax:

B2 Your imports

B2.1 List all your purchases from foreign suppliers of the products, being the subject of this investigation, over the dumping period of investigation indicating the following information **for each supplier and/or manufacturer separately, and for each product separately**; in the following format **Please copy this table as necessary**):

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Date	Invoice date	Shipment date	Payment date	Invoice number	Product description	DA500 number	Volume	Unit price	Total value	Total value (Rand)

B2.2 In the case of **each** shipment received of the products being the subject of this investigation, provide the details as contained in the table on the next page as regards the price and cost structure thereof. Specify the unit of measurement and provide copies of documentation relevant to each shipment. **Please copy this page as necessary. [If the product imported undergoes further processing before it is sold, also include details with regard to the price and cost of the final product sold into the SACU market.]**

COST AND PRICE BUILD-UP

	Total Cost	Cost per unit	% of Cost	% of Selling Price
Ex-factory price				
Transport costs				
Wharfage				
Other costs *				
FOB price				
Insurance				
Freight				
Bank charges				
Other *				
Total CIF				
Duty				
Landing cost				
Clearing cost				
Storage overstay				
Transport to warehouse				
Warehousing				
Documentation/agency fees				
Other costs *				
Total landed cost				
Internal freight				
Other costs *				
In store cost				
Administration expenses *				
salaries and wages				
rent				
rates and insurance				
other *				
Selling expenses *				
salesmen salaries				
advertising				
warranties				
warehousing				
other *				
Total cost without processing				
Cost of further processing**				
Total cost				
Distribution costs *#				
Profit				
Selling price				
Discounts			100,00%	
Settlement discounts				
Rebates				
Net price realised				
				100,00%

Supply a detailed breakdown of the items and (where applicable) a breakdown of the basis of allocation.

****** *Provide detailed cost of further processing.*

*State whether the product is sold F.O.R. or delivered.*

B3 Sales of the imported products

B3.1 Furnish a detailed statement of sales of the products being the subject of this investigation **(separately for each product)** per month for the dumping period of investigation in the following format:

Date	Product code or product specification	Customer or customer number	Invoice number	Statistical quantity	R/Unit	Total value of sale	Payment terms

B3.2 Furnish your estimate of the present size of the SACU market (per annum) both in quantity and in value, for the products being the subject of this investigation, and indicate the basis for your estimates.

Size:

Basis for estimate:

B3.3 Give your estimate of the annual rate of change in quantity and value of the size of the SACU market for these products indicating the basis for your estimates.

Rate of change:

Volume: _____%

Value: _____%

Basis for estimate:

SECTION C OTHER INFORMATION

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.