



Republic of Mauritius

# TRADE REMEDIES INVESTIGATING AUTHORITY

**MINISTRY OF FOREIGN AFFAIRS, REGIONAL  
INTEGRATION AND INTERNATIONAL TRADE**

**REPUBLIC OF MAURITIUS**

***QUESTIONNAIRE REQUESTING THE INITIATION OF AN ANTI-  
DUMPING INVESTIGATION CONCERNING IMPORTS OF***

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(insert product)

***PRODUCT ORIGINATING IN OR EXPORTED FROM***

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(insert countries)

**APPLICANT:**

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(insert name of applicant filing the application)

**Investigating Authority  
International Trade Division  
Ministry of Foreign Affairs, Regional Integration and International Trade  
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La Chaussée Street  
Port Louis, Republic of Mauritius  
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## GLOSSARY

The Act	Trade (Anti-Dumping, Countervailing and Safeguard Measures) Act 2022
AD Agreement	WTO Agreement on Implementation of Article VI of GATT 1994
CIF	Cost, insurance and freight
Statistics Mauritius (SM)	Statistics Mauritius
IA	Investigating Authority
Direct production cost	Costs directly related to the production of the product, e.g. raw materials and components. Also called variable costs
Fixed cost	Costs that are fixed, i.e. costs that do not change along with changes in production volumes. Also called indirect production costs
FOB	Free on Board
GATT	General Agreement on Tariffs and Trade
Gross profit	Difference between selling price and cost of production
Indirect production cost	Costs indirectly related to the production of the product, e.g. direct labour (where the number of labour units does not change with changes in production volumes) and depreciation. Also known as fixed cost
MRA	Mauritius Revenue Agency
Net profit	Difference between selling price and total cost
WTO	World Trade Organization

## INTRODUCTION

The applicant must fill this Application Questionnaire. It is highly recommended that before doing so, the applicant reads carefully the Guide provided separately. If after reading it, you still have doubts or questions, please contact without delay the Investigating Authority:

**Chairperson, Investigating Authority**

International Trade Division

Ministry of Foreign Affairs, Regional Integration and International Trade

Telephone: +230-2602911 / 2602909

Fax: +230- 210 8145

Email: [motas@intnet.mu](mailto:motas@intnet.mu)

Webpage: <https://mauritustrade.mu/en>

1. Anti-dumping proceedings are conducted in terms of the Trade (Anti-Dumping, Countervailing and Safeguard Measures) Act 2022 (the Act) and the Trade Remedies Regulations 2023 (the Regulations). Being a Member of the WTO, in applying the legislation Mauritius must act consistently with Article VI of the General Agreement on Tariffs and Trade (GATT) 1994 and the WTO Anti-Dumping Agreement.
2. The purpose of this questionnaire is to help the Mauritian industry bring together in a concise and logical form the information needed by the Investigating Authority (IA), a body within the International Trade Division (ITD) of the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius (referred to as the IA) and headed by the Director, Trade Policy of the ITD, to decide whether or not to initiate a formal investigation. This application will also serve as a basis for further investigation.
3. If the applicant is an association on behalf of some or all of its members or a consulting firm acting on behalf of some Mauritian producers, note that many replies and information requested below will need to be provided separately by each Mauritian company supporting the application. This is for instance the case of the financial statements and the signed declaration of support. If you have any doubts on this matter, **please contact the IA immediately**.
4. **The IA can only proceed to initiate an investigation if it has *prima facie* proof of dumping, injury and of a causal link between them.** The application must therefore contain such a proof to the extent it is reasonably available to the applicant. Information provided should be in full and accurate.<sup>1</sup> Supporting documentary evidence from commercial or governmental sources, e.g. commercial invoices or offers, official trade and production statistics, shall be included in the application. **Mere statements unsubstantiated by proof will not be taken into consideration by the IA.**

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<sup>1</sup> According to section 116(1) of the Act “Any person who, for the purposes of this Act, furnishes to the Investigating Authority any information which is false or misleading in a material particular, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.”

5. The cooperation of the applicant and perhaps of other Mauritian producers of the like product will have to continue throughout the proceeding, should the investigation be initiated. In particular, a reply to an additional injury questionnaire updating information contained in the application will be required by the IA. Moreover, the IA will have to verify all the information provided by the applicant as well as other Mauritian producers. **In case that you are not in the position to accept these additional investigative steps, an investigation will have to be terminated without the imposition of measures.**
6. All cost related information should be reconcilable to the financial statements or management accounts.
7. This proceeding is to be conducted in English, but you may also submit documents in French.
8. **It is advisable that you seek consultations with the IA prior to submitting your application to ensure that the application is properly documented.** This can prevent any undue delays owing to incomplete information and also prevent unnecessary costs incurred in printing the required number of copies of the application and providing electronic copies before the application is ready to be submitted properly.
9. The response to this application questionnaire, as well as to any other additional request formulated by the IA subsequently, is to be made **in hard copy and electronic form**, as indicated below:
  - **Hard copies:** Any document – whether questionnaire response and subsequent documents requested – submitted to the IA must include the **original plus one (1) copy of the original (in both confidential and non-confidential versions)**. The original document must be initialled in every page and the declaration of accurateness and completeness must be signed by the company’s responsible officer. The non-confidential version only needs to be submitted at the time the IA is happy that the confidential document constitutes a properly documented application.
  - **Electronic submissions:** Confidential versions, and non-confidential summaries, of the questionnaire response and other documents for which the IA expressly requires that should be submitted electronically must be provided in any of the following formats:

Document Type	Formats supported	Latest Version Supported
Word Processing	Microsoft Word	Word 2013
Spreadsheet	Microsoft Excel	Excel 2013
Presentations	Microsoft PowerPoint	Access 2013
Other	Adobe Acrobat (PDF)	7.0

**If you feel that you cannot present the information as requested, please contact the IA immediately.**

Electronic submissions must be made on CD/DVD-ROM or memory stick, **free of viruses**. CD/DVD-ROMs must be labelled clearly indicating:

1. Party's name;
2. Product(s) concerned;
3. Type of information on the disc;
3. Software used; and
5. Whether the information is confidential or non-confidential.

**If CD/DCD-ROMs are used, they must be write-protected.**

**Electronic (email) submission:** The application (including its annexures) may also be submitted by email. Such submission must be addressed to the Chairperson, Investigating Authority, at the following email address: motas@intnet.mu Please include the scanned pdf declaration of accurateness and completeness duly signed by the company's responsible officer. In the field "Matter" of the email, it should state: "Application for the initiation of an anti-dumping investigation concerning imports of [insert product] originating or exported from [insert the countries]". Please bear in mind that even if you submit the application by email, you must also submit hardcopies of the application (see requirements above). Also note that submitting your questionnaire by e-mail may subject your firm's business proprietary information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the IA warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the IA.

10. Any documents – whether hard copies or electronic submissions – not complying with the above formalities **may be returned** to the applicant and **not be used** by the IA.
11. A copy of this questionnaire is provided in electronic (Word) format. Tables and other Annexures are provided in Excel format.
12. **According to section 56(1) of the Act, the IA will treat in confidence all information for which such treatment is requested. Access to confidential information will be restricted to the officers in charge of the investigation.<sup>2</sup> The IA has means in place to ensure that only authorised personnel can have access to any documentation submitted as confidential.**
13. However, the IA is required by law to ensure that all interested parties to an anti-dumping investigation 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 IA. For instance, the IA has the obligation to provide a copy of the non-confidential application to the government of the exporting countries investigated and to the exporters identified in the application.
14. Any information which is by nature confidential (e.g. business or trade secrets concerning the nature of a product, production processes, operations, production equipment, or machinery; information concerning the financial condition of a company which is not publicly available; information concerning the costs, identification of customers, sales, inventories, shipments, or amount or source of any income, profit, loss or expenditure related to the manufacture and sale of a product), or which if disclosed would be of significant competitive advantage to a competitor, or which if disclosed could have a significant adverse effect upon a person supplying the information or upon a person from whom the supplier acquired the information, or which is provided on a confidential basis by parties to an investigation will, **upon good cause being shown**, be treated as confidential by the IA.
15. Parties requesting that information be treated as confidential shall:

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<sup>2</sup> If any party appeals a determination of the Investigating Authority, according to relevant Mauritian legislation, Courts may need to review portions of the confidential register. By submitting information to the IA, parties expressly accept that confidential information submitted by them may have to be disclosed to Courts under appropriate procedures.

- (a) **clearly** identify the information for which confidential treatment is requested;
- (b) provide **justification** for the request for confidential treatment; and
- (c) provide **a non-confidential version or 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 summarised. Non-confidential versions should contain sufficient details to allow other interested parties a reasonable understanding of the information submitted on confidential basis. Annexure I to this questionnaire provides guidelines on how to prepare a non-confidential summary of the confidential information.

**Please Note:\*\*** If the IA finds that the request for confidentiality is not warranted and the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, it **may disregard** such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

**\*\*** Information for which confidential treatment is **not** requested at the time it is submitted will be treated as non-confidential and **will be included in the public file** of the investigation. The public file is available for perusal or copying by any interested party or member of the public.

- 16. **You should indicate clearly in any submission, including this application, what information you consider to be confidential.**
- 17. It should be noted that if any further submissions are made, non-confidential versions are also required.

## SECTION A – GENERAL INFORMATION

### A-1 Identify your company

Name:  
 Address:  
 Tax ID No:  
 Telephone No:  
 Fax No:  
 Webpage:  
 E-mail Address:

### A-2 Identify the authorised contact person of your company

Name:  
 Designation:  
 Address:  
 Telephone No:  
 Fax No:  
 E-mail address:

### A-3 Legal Representative

If you have appointed a legal representative to assist you in this proceeding, please provide following details about him/her:

Name:  
 Address:  
 Telephone No:  
 Fax No:  
 E-mail address:

Please submit an authorization (“Power of Attorney”) for the legal representative to act on your behalf. **A template is enclosed as Annexure A-3.**

### A-4 Corporate Information

A-4.1 Indicate the legal form of your company. Provide a copy of the company’s inscription in the official registry showing the existence of the company at the time of filing the application. **If there is any chance during the investigation, please inform the IA immediately.**

A-4.2 Provide a complete listing of all shareholders that hold more than 5% of the shares in your company in the following format:

Name	Type of share	Number of shares	Percentage shareholding	Percentage of voting rights
1.				
2.				
3.				
Etc.				

A-4.3 Please indicate address(es) of all your offices involved in the administration, sales and production of the like product.



Office:  
Address:

A-4.4 Supply a detailed diagram outlining the overall internal hierarchical and organisational structure of your company. Please attach it as Annexure A-4.4.

A-4.5 Please provide your company's worldwide corporate structure and affiliations, including parent companies, subsidiaries or other related companies. Please attach it as Annexure A-4.5.

Are you related to (1) any of the exporters of product allegedly dumped or (2) any of the importers of the like product in Mauritius? If so, state to whom you are related. According to section 4 of the Act, relationship exists where:

- (a) one of them directly or indirectly controls the other;
- (b) both of them are directly or indirectly controlled by a third person; or
- (c) together they directly or indirectly control a third person,

provided that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers, and one shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter.

A-4.6 Provide, for all countries, the following information for subsidiaries and related companies. Also specify the activities of each related/subsidiary company.

Name, address, telephone & fax numbers of related company	List of activities	Involved with the product under investigation (Yes/No)	Involved in production of the product under investigation (Yes/No)	Customer for the product under investigation (Yes/No)	Supplier of raw material for the product under investigation (Yes/No)	Your percentage of share in the company	Percentage of share of the company in your company

A-4.7 Describe the nature of your relationship with those company(s). State whether you share any board members or senior executives with any of those entities. If so identify the persons and nature of their affiliations.

A-4.8 Specify in detail any financial or contractual links and joint ventures with any other company concerning production, sales, licensing, technical and patent agreements for the product under investigation.

**A-5 Range of products**

A-5.1 List all the products manufactured and/or sold by your company in Mauritius. If possible, please include a brochure of all your products.

**A-6 Accounting principles and cost accounting system**

A-6.1 State the financial year of your company.

A-6.2 Please indicate the address where the accounting records concerning the activities of the company are located. If they are kept in different locations please indicate which records are kept at which location.

A-6.3 For the three (3) most recent complete financial periods, enclose copies of the following information:

- (a) Chart of accounts;
- (b) Audited accounts (consolidated and unconsolidated, if applicable) including balance sheet, profit and loss accounts and all reports, notes, footnotes and auditor's opinion to these documents. In the event that your company's accounts have not been audited, attach the financial statements that are required by law.
- (c) Internal financial statements, management reports, standard cost reviews, etc. which are prepared and maintained by your company for the product concerned.

A-6.4 Please describe the accounting principles and practices used by your company. Also provide a description of the cost accounting system used by your company.

Please explain the details or differences, if any, between your company's normal cost accounting system and the cost accounting system used to record the production costs of the products concerned and to complete the reply to this questionnaire.

A-6.5 Indicate whether any of the following extraordinary or non-recurring expenses or income are affecting the production and sales of the like product in the reported data. Provide details of the amounts concerned for any items marked 'yes' in the table below.

- Start-up or shut-down expenses
- Change of Accounting principles
- Substantial write-off receivables, inventory, fixed assets etc.
- Restructuring expenses
- Any other items reported as extraordinary items
- Other (specify)

YES	NO

Description of the nature of the extraordinary or non-recurring items	20xx	20xx	20xx

## SECTION B – IMPORTED PRODUCT/LIKE PRODUCT

### **B-1 Imported Product Information**

B-1.1 Provide a complete description of the allegedly dumped product (the imported product or “subject product”). Specifically provide details on the following:

- (a) Product name;
- (b) Physical appearance;
- (c) Technical characteristics;
- (d) Raw materials;
- (e) Production process;
- (f) End-use;
- (g) Tariff classification;
- (h) Applicable technical specifications or standards (national or international);
- (i) Any other information used to distinguish the product from similar products.

Attach a copy of the tariff description from the latest Mauritian Customs Tariff Schedule (Integrated Tariffs) as Annexure B-1.1(a).<sup>3</sup>

In case that there are different types or models of the allegedly dumped product:

- (a) explain whether all types/models must be included in the definition of the product covered by the investigation;
- (b) indicate whether all types and models can be treated as part of a single product, and hence be investigated in a single proceeding. One important factor in this regard is whether different types/models are interchangeable from the point of view of users/consumers. Please provide any information available to you.

Attach copies of brochures showing the subject product as Annexure B-1.1(b).

B-1.2 Indicate the countries of origin of the subject product.

### **B-2 Like Product Information**

B-2.1 Provide a diagram showing the process of production of the like product manufactured by the applicant.

B-2.2 If your product is manufactured from both Mauritian and imported inputs:

- (a) identify the imported inputs and describe their use in the like product; and
- (b) state whether at least one substantial process of manufacture occurs in Mauritius (for example by reference to the value added, complexity of process, or capital invested).

B-2.3 Provide a complete description of the like product (see the Guide for the definition of a like product) produced by the applicant.

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<sup>3</sup> This document can be accessed at <http://www.gov.mu/portal/sites/mra/index.htm>, click “Customs” and then on “Tariff information”.

B-2.4 Provide details on differences between the subject product and the product that the applicant manufactures. Indicate how these differences affect substitutability, consumer preference and prices.

B-2.5 Attach copies of brochures showing the Mauritian product as Annexure B-2.5.

**B-3 Foreign Like Product Information**

B-3.1 Provide a complete description of the like product sold on the domestic market of the exporting country. Specifically provide details on differences between the subject product and the foreign like product, i.e. the product sold on the domestic market of the exporter.

B-3.2 Indicate how these differences affect substitutability, consume preference and prices.

B-3.3 Attach copies of brochures showing the product sold in the exporting countries as Annexure B-3.3.

## SECTION C – INTERESTED PARTIES

### **C-1 Domestic industry**

- C-1.1 Provide the names and full contact details (address, telephone number) of all known Mauritian producers of the like product.
- C-1.2 Provide the names and full contact details (address, telephone number) of all known chambers and trade associations for the like product in Mauritius.
- C-1.3 Do any of the Mauritian producers import the IP? If yes, please provide details of the volume and value of all such imports during the last three years and the year to date.
- C-1.4 Are any of the domestic producers related to the exporters or importers of the alleged dumped product? If yes, state the nature of such relationship.
- C-1.5 Provide the production data requested in the Excel format C-1.5. Note that:
- (a) Data must be provided concerning all producers of the like product in Mauritius;
  - (b) Data must be provided for the like product globally (not by type or model);
  - (c) If estimations are done, you have to explain how did you make such estimations.
- C-1.6 If the application is submitted on behalf of Mauritian producers by an association, a consulting firm etc., declarations of support from each producer must be submitted in the application. Annexure C-1.6 contains the format for such declarations.

### **C-2 Other interested parties**

- C-2.1 Provide the names and full contact details (address, telephone number) of all known exporters and foreign manufacturers of the subject product, i.e. in the countries alleged to be dumping.
- C-2.2 Provide the names and full contact details (address, telephone number) of all known importers of the subject product in Mauritius.
- C-2.3 Provide the names and full contact details (address, telephone number) of all known Mauritian users of the subject product.

## SECTION D – DUMPING

### D-1 Export Price

The applicant must provide the export price of the subject product sold to importers in Mauritius. Ideally, this price should be at the ex-factory level of the exporter. However, for the purposes of the application, the export price may be based on various options, depending among others on the availability of information and the type of product at stake, including the following:

- (a) one or more actual export invoice(s) to Mauritius;
- (b) a quotation for export of the subject product to Mauritius, including an export price list (which can include a price indicated on the internet);
- (c) the price at which the product is bought or sold by an importer, less all costs, charges, expenses, duties and taxes to arrive at the ex-factory price; or
- (d) the export price as contained in the import statistics provided by the STATISTICS MAURITIUS (SM), International Trade Centre, COMTRADE, or similar sources of information.

Information on the export price must be **reasonably recent** and for a **representative quantity** and **period of time**, e.g. 6 months.

#### D-1.1 Export price obtained

- (a) Indicate the export price you have obtained. Indicate the terms of sale (ex-factory, FOB, C&F, CIF, etc) at which the price was obtained.
- (b) Provide proof of the price you obtained, e.g. a copy of the invoice, price quotation, STATISTICS MAURITIUS (SM) statistics, etc. Attach this as Annexure D-1.1(b).
- (c) Indicate the adjustments that need to be made to obtain the ex-factory export price. Refer to the Guide in this regard.
- (d) Submit evidence to substantiate the adjustments made. Attach this as Annexure D-1.1(d).

Guidance on how to make and substantiate the necessary adjustments is included in the Guide.

If there are several different products, types or models, calculate export prices for a **representative sample** of models, types, grades, etc. Provide the basis for your selection of the models, e.g. biggest-selling models sold by the applicant, etc.

#### D-1.2 Constructed export price

In the event the applicant is unable to obtain an export price under D-1.1, or where the export price is unreliable on the basis that such sales are made to a related party in Mauritius, the ex-factory price may be constructed on the basis of the price at which the subject product is sold to the first independent buyer in Mauritius. If this alternative is used, supply the following information:

- (a) Indicate the import price you have obtained. Indicate the level of trade (distributor, wholesaler, retailer or end-user) at which the price was obtained.

- (b) Provide proof of the prices you obtained, i.e. copies of the invoices. Attach these as Annexure D-1.2(b).
- (c) Indicate the adjustments that need to be made to obtain the ex-factory export price. Refer to the Guide in this regard.
- (d) Submit evidence to substantiate the adjustments made. Enclose this as Annexure D-1.2(d).

## **D-2 Normal value**

The applicant must provide information on the normal value. Normal value may be based on three possible methodologies. The first is to obtain a selling price in the domestic market of the exporting country. You may **only** resort to either of the other methodologies if you cannot obtain such a selling price. In these cases, you may determine the normal value with reference to the export price of the like product from the exporting country to an appropriate third country or you may construct the normal value in the exporting country.

The information on normal value should **largely coincide in time** with the information on export price and **be of a representative quantity**.

### **D-2.1 Domestic selling price obtained**

D-2.1.1 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. retail invoices, retail advertisements, price list, international publication, etc) on which the allegation of dumping is based. Bear in mind that depending on the product at stake, a single invoice may well not be sufficient as a basis for determining normal value. If you have any doubts on this, please contact the IA before engaging into your price research. Attach proof of the normal value as Annexure D-2.1.1.

D-2.1.2 Indicate the adjustments that need to be made to obtain a net ex-factory price. This should include at least the following:

- (a) Transport, where sold on a delivered basis;
- (b) Credit 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 Mauritius, e.g. adjusting back from retail to a wholesale price.

D-2.1.3 Submit evidence substantiating the adjustments you have made. This could include proof of the interest rate, a quotation for movement expenses for the product in the exporting country, etc. Attach the documentary evidence as Annexure D-2.1.3.

### **D-2.2 Alternative methodologies to determine normal value**

D-2.2.1 In cases where you cannot determine the normal value on the basis of the domestic selling price in the exporting countries, provide the following information:

- (a) Explain how you attempted to obtain a domestic selling price in the exporting countries;
- (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.

D-2.2.2 In cases where you cannot determine the normal value on the basis of the domestic

selling prices in the exporting country, provide information on **one** of the following options as the basis for normal value:

- (a) the price charged by the exporters concerned for exports to an appropriate third country market; or
- (b) the constructed normal value of the product exported to Mauritius based on production costs in the country of origin, as far as possible in the format and detail indicated in Annexure D-2.2.2(b). The information should at a minimum indicate raw material costs; labour, energy costs, depreciation, other manufacturing overheads; selling, general and administrative expenses; and a reasonable profit margin. **Each of these cost elements must be substantiated with documentary evidence.**

**Note:** You may use the export statistics from the country subject to investigation to another country, or the import statistics from a third country from the country under investigation, as basis for the normal value under (a).

**Before opting for any of the above two alternative options,** please contact the IA which will explain further the specific type of evidence required for each of them.

#### D-2.3 Non-market economy countries

D-2.3.1 In case that you consider that the country of export is a non-market economy, please provide evidence to this effect. A non-market economy exists where the government has a monopoly, or a substantial monopoly, of trade in the country of export and determines (or substantially influences) the domestic price of like goods in that country.

D-2.3.2 Propose an appropriate market economy to establish normal value. Take into consideration the following factors when assessing which country to propose:

- (a) Competitive environment in the proposed market economy country: the prices in that country must be determined by market forces and must not be distorted by market isolation;
- (b) Sales volume representativeness: Explain whether there are sales in representative quantities in the internal market of the proposed market economy country vis-à-vis the volume exported to Mauritius;
- (c) Similarity of the process of production and products: Provide evidence that the process of production of the product and the product sold in the proposed market economy are similar to those of the allegedly dumped product exported to Mauritius.

D-2.3.3 Justify the market economy country proposed based on the examination of the factors identified in section D-2.3.2 above, or any other factors that you consider pertinent.

D-2.3.4 Provide information on the selling price of the like product in the internal market of the proposed economy market.

#### D-2.4 Economies in transition

These are countries where the conditions mentioned in section D-2.3.1 existed (but are no longer non-market economies), or countries with respect to which the WTO permits that, for a certain period of time, data on normal value and costs be accepted only if exporters prove clearly that they operate in a market economy environment.

D-2.4.1 Provide information establishing that the country of export covered by the application is an economy in transition.

D-2.4.2 Provide the information requested in sections D-2.3.2 a D-2.3.4.



**D-3 Margin of Dumping**

Calculate the margin of dumping using the standard formula  $\{(Normal\ value - Export\ price) / CIF\ export\ price\}$ . Consult the Guide in case of doubts.

## SECTION E – INJURY

### E-1 Introduction

In order to determine whether there are reasonable indications to justify the initiation of an anti-dumping investigation, the IA must have at its disposal data showing the negative impact that the alleged dumped imports have on the applicant. These data concern, first, the volume and prices of the allegedly dumped products and, second, the negative impact that these imports have on the applicant. For certain factors such as sales volume and prices, the applicant's data must cover a period of three years, while for others such as price undercutting, data must cover a shorter, but recent and representative period of time. Certain factors are considered to be relevant in all cases, such as sales volume, prices and profitability, and hence the applicant must provide them in all cases.

The most important injury factors are as follows:

- Consumption in Mauritius;
- Volume and market share of the alleged dumped imports;
- Price of allegedly dumped imports;
- Price undercutting;
- Production, production capacity and capacity utilisation of the applicant;
- Sales volume, market share and exports of the applicant;
- Sales price evolution of the applicant in Mauritius;
- Cost of production of the applicant;
- Profitability of the applicant on sales in Mauritius;
- Employment of the applicant;
- Investment of the applicant;
- Stock variation of the applicant.

It is **not** required that all of the above factors show a negative performance for a finding of material injury. For instance, while sales volume might have increased in volume terms, the applicant might have lost a considerable volume of business due to lower prices of the allegedly dumped imports.

The applicant may also submit other information that it considers relevant in order to show that it is suffering injury. Anti-dumping duties can also be imposed where no actual material injury is yet felt, provided that a threat thereof can be proven.

When preparing the information requested in the following sections, please note the following:

- **Geographical scope:** All data requested below on injury indicators – unless otherwise indicated – refer exclusively sales in Mauritius.
- **Product:** The injury determination must be based exclusively on data for the like product manufactured and sold by the applicant (see section B of the Guide). Only where such separate identification of that production is not possible, the effects of the allegedly dumped imports can be assessed by the examination of the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided. If data are

determined on the basis of estimates, the applicant must explain the basis for such estimates.

- **Data for some types or models of the like product:** If the like product can be divided into many different types or models and some injury factors cannot be submitted for all of them, or if the evolution of data is not considered to be relevant, the applicant may only submit data for a representative sample of types or models. The selection of certain types or models will nonetheless have to be justified.
- **Period for submission of data:** As stated above, the period of investigation is normally three years. However, for certain factors such as price undercutting the data may cover a shorter, but recent and representative period of time (e.g. one year).
- **Reporting unit of measurement:** Several factors require information on “volume”.<sup>4</sup> Throughout the application, the volume must be reported in one and the same unit of measurement, whether it is kilograms, tonnes, units, litres, etc. This will depend on the nature of the product at stake. If information is available in different units of measurement, the applicant must convert those units into a single one. The conversion rates, including the source, must be clearly stated in the application, as submitted.
- **Residual tariff heading:** There are cases where the allegedly dumped product is classified under a tariff heading which includes imports of other goods. In those circumstances, the applicant will have to estimate the volume of imports of the allegedly dumped product. Export statistics of the exporting country may assist, as well as other commercial information.

Where more than one Mauritian producer intends to submit the application, each producer must provide **separately** a reply to this section of the Application Questionnaire. This is needed because the IA will have to verify the information provided by each company separately. In order to avoid releasing confidential information to your Mauritian competitors, each applicant company may **submit its own reply to this section directly to the IA**. The IA will accumulate the data from all applicant companies to assess the overall impact of the imports on all the applicant companies.

**You must provide the information requested below in written and electronic form, using the Excel formats which are provided together with this Word document.**

## **E-2 Injury information**

The applicant must submit information on each of the following factors and indices:

### **E-2.1 Consumption in Mauritius**

This information is necessary because the development of production, volume of sales and market share must be compared against consumption of the like product in Mauritius. It is also relevant for the purposes of assessing the existence of a causal link.

Real and/or apparent consumption can be based on market studies, statistical data compiled by the Government of Mauritius, etc or it can be calculated as follows:

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<sup>4</sup> Volume must **not** be confused with value, whether in Mauritian Rupees, USD or any other currency.

		20xx	20xx	20xx
a)	Volume of total sales in Mauritius of products manufactured in Mauritius by: - The applicant - Other domestic producers			
b)	Total imports			
c)	Real consumption in Mauritius (a+b)			

Source: [insert]

a) “Volume of total sales in Mauritius” of products manufactured in Mauritius results from adding up the sales of the like product by all the Mauritian producers, regardless of whether they file, support, or oppose the application. In part, this can be estimated. If a portion of production is consumed internally by the applicants (used in the production of downstream products produced by the same applicant), provide data on captive consumption.

b) “Total imports” result from adding up all imports of the good covered by the application, regardless of whether they are exported, or originate, in the countries covered by the application. These data may be obtained from Statistics Mauritius (SM) statistics. If the tariff heading includes other products, imports of the good covered by the application will have to be separated from other imports.

#### E-2.2 Volume and market share of the alleged dumped imports

This volume cover only the imports of the allegedly dumped product exported, or originating, in the countries covered by the application. These data must be expressed in a common unit throughout the Application Questionnaire.

The applicant must calculate the market share as a percentage of consumption globally for all countries covered by the application in Mauritius and then, separately, for each exporting country covered by the application:

$$\frac{\text{Volume of the alleged dumped imports from country "A"}}{\text{Consumption in Mauritius}} * 100$$

#### E-2.3 Prices of the allegedly dumped imports

The development of import prices can be an indicator of injury to the applicant.

Depending on the nature of the information available, there are three possible alternative methodologies to calculate the development of the prices of imported products. This does not mean however that the applicant may not use other methodologies:

- Generally, the STATISTICS MAURITIUS (SM) data indicate the average CIF import price on a per unit basis, as well as the tariffs to be paid for each import transaction;
- It is also possible to assess the development of imports by selecting a sample of types or models of the product allegedly dumped, provided the sample is representative. This methodology may be especially adequate where the product is not homogeneous;
- Other sources of information may be private or public studies, market studies, salesmen reports, export statistics of the countries concerned, etc.

Note that the development of resale price in Mauritius is only **indicative** of import prices and, in and of itself, it is not sufficient to determine the price of imports.

#### E-2.4 Price undercutting, price suppression and price depression

In order to determine if there is price undercutting or if the prices of the alleged dumped imports have suppressed or depressed the applicant's prices, it is essential to compare the sales price of the allegedly dumped product and the sales price of the applicant for the like product.

This comparison must cover a recent period of time (normally twelve months).

Three different ways to present evidence are suggested, albeit other may be proposed by the applicant. The comparison must concern, if possible, the same – or similar – types or models, at the same level of trade (e.g. retail level, wholesaler, etc.), and at approximately the same time:

- Documentary evidence (list of prices, price quotations, invoices, salesmen reports, etc.) that an imported product has been sold in the Mauritian market at a price lower than that of the applicant's price.
- As stated previously, in addition the applicant may consider necessary to compare certain representative types or models (e.g. those sampled for determining the dumping margin). In such a case, the applicant must justify the selection of the sample.
- A comparison may be based on Statistics Mauritius (SM) import statistics, using the average import CIF price, Mauritian border, and the ex-works price of the applicant. However, this option would not be viable where the allegedly dumped product is classified under a tariff heading which covers other products.

The undercutting margin must be expressed as a percentage of the sales price of the applicant in Mauritius, using the following formula:

$$\frac{\text{Sales price of the applicant} - \text{sales price of the allegedly dumped imports}}{\text{Sales price of the applicant}} \times 100$$

#### E-2.5 Impact of imports on the applicant

##### E-2.5.1 Production, production capacity and utilisation of capacity

Provide data on the total volume of production of the applicant. Report separately production for captive use.

Indicate if the applicant has purchased significant volumes of the product at stake to other Mauritian producers, countries covered by this application or third countries. If this is done regularly, the applicant must explain why it does so.

Provide information on the actual (not theoretical) production capacity. If in the same production line products other than those covered by the application are produced, please explain how did you determine the production (e.g. using an allocation method).

Capacity utilisation results from dividing the production volume by the actual production capacity.

##### E-2.5.2 Sales, market share and exports

Indicate the applicant's volume of sales in Mauritius, on the one hand, and exports to third markets, on the other. Separate domestic sales by the level of trade of the customers. Report separately captive sales.

##### E-2.5.3 Sales price

Report the average sales price at which the applicant sells the like product in Mauritius. The formula for calculating the average sales price is as follows:

$$\frac{\text{Net turnover value for sales of the like product in Mauritius}}{\text{Net sales volume of the like product in Mauritius}}$$

As stated above, where the product is heterogeneous – i.e. where different models or types have different production costs and consequently different selling prices – the applicant may provide separate price data for a representative sample of types or models of the like product. To the extent possible, these should be the same types or models used for calculating the effects of imports on the applicant's prices (see section E-2.4 above).

Market studies or other price data sources may be useful to the assessment of this factor.

#### E-2.5.4 Cost of production

Cos of production must be understood to include not only the manufacturing cost, but also an amount for selling, general and administrative costs related to the production and sales of the like product in Mauritius. Cost of production may be supplied for the like product as a whole, or if the product is not heterogeneous, also separately for a representative sample of types or models.

To facilitate reporting and verification, it is recommended that cost data in a manner that resembles as closely as possible that used by the applicant in its own financial and cost accounting records.

#### E-2.5.5 Profitability

Generally, the average profitability of the applicant may be determined in the following manner:<sup>5</sup>

$$\frac{\text{Profits (loss) on sales of the like product in Mauritius}}{\text{Net sales turnover of the like product in Mauritius}} \quad *100$$

Data are in all cases before taxes.

The comments made in earlier sections regarding the approach to be followed where the like product can in fact be sub-divided in several different types or models are equally valid to this section. If separate profitability data is provided for different types or models, please ensure consistency with earlier sections in terms of types or models sampled.

Indicate the minimum margin of profitability that the industry producing the like product in Mauritius should achieve in order to ensure its long-term survival. Please justify your reply.

#### E-2.5.6 Employment

Report data on employment (or an estimate thereof) involved in the production, administration and sales (separately for each function) of the like product.

#### E-2.5.7 Investments

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<sup>5</sup> If the applicant considers it appropriate to use a different approach, explain the reason for that when submitting the application.

Report any investments made related to production, administration and sales of the like product.

#### E-2.5.8 Stocks

Report the volume and value of stocks of the like product. Indicate whether stocks traditionally vary in different seasons.

#### E-2.5.9 Other relevant factors and indices

There are additional factors and indices for which the IA needs to have information. This includes among others return on investment, wages, growth, ability to raise capital or investments, and cash flow. Information on these factors may also indicate that the applicant is suffering injury. Thus, if the applicant considers it pertinent, information on these factors may also be submitted in the application.

#### E-2.5.10 Other injury factors

The applicant may submit comments, supported by evidence, on any other matters that it may consider relevant for the purpose of showing that it is suffering injury (see also section F below on causal relationship).

#### E-2.6 Threat of material injury

Where the applicant's situation does not yet show present material injury, it may nonetheless argue that its situation will continue deteriorating in the near future in case no action is taken against the allegedly dumped imports. The Act allows the IA to impose anti-dumping measures where the applicant successfully shows that such imports pose a real threat of causing material injury to it.

The determination of threat of material injury must be based on facts and not merely on allegations. For this reason, should you allege threat of material injury, you must provide evidence showing that the injury is clearly foreseen and imminent. The following is a list of factors that may be relevant to a threat of injury determination:

- **Percentage of increase of the allegedly dumped product:** A significant rate of increase of dumped imports into the domestic market may indicate the likelihood of substantially increased importations in Mauritius;
- **Prices of imports:** The arrival of products at prices which have a significant depressing or suppressing effect on the applicant's prices may indicate the likelihood of substantially increased importations in Mauritius;
- **The exporters' production capacity:** The existence of sufficient freely disposable or an imminent, substantial increase in capacity of the exporters may indicate the likelihood of substantially increased dumped exports to Mauritius;
- **The exporters' inventories:** The built-up of significant volumes of inventories in the exporting country is a factor that may indicate the likelihood of substantially increased dumped exports to Mauritius;
- **Changes of the export markets:** Structural changes in the internal market of the countries covered by the application (decrease in consumption, technical developments, investments, opening to foreign producers, etc) can contribute to an increase on exports at dumped prices;
- **Obstacles to exports to third countries** (such as anti-dumping measures, technical barriers to trade, sanitary and phytosanitary measures etc): When such situations occur, exporters should logically redirect their exports to other markets, including Mauritius.

In addition to the above factors, the applicant must also submit information with respect to all the factors examined in sections E-2.1 a E-2.5 above.

#### E-2.7 Material retardation

Mauritian companies potentially interested in producing a product may be discouraged to do so due to imports of an allegedly dumped product. When this occurs, those companies may apply for anti-dumping relief alleging material retardation in the establishment of a domestic industry. Any such application will nonetheless have to clearly document the efforts undertaken to establish a Mauritian industry to produce the allegedly dumped product.



## SECTION F – CAUSALITY

In addition to providing the data establishing dumping and injury on a *prima facie* basis, the applicant must also demonstrate that there is a causal link between the alleged dumped imports and the claimed material injury suffered by the domestic industry. This does **not** mean that the dumped imports must be the sole reason for any injury suffered. Causality is usually shown by the coincidence in time of the increasing low-priced imports with the deterioration of the situation of the applicant as shown by the development of the injury factors outlined above.

Please provide the information requested in the Excel format entitled “Section F”.

**F-1 Link between dumping and injury**

Submit your reasons for claiming that the alleged dumped imports are the cause of your material injury. Refer to matters such as the increase in imports of the subject product compared to decreases in your sales volumes, price undercutting by the subject product and other factors that can directly link injury to the alleged dumping.

**F-2 Other factors causing injury**

Indicate any other factors that contributed to the injury experienced by the domestic industry. This might include among others natural disasters, strikes, changes in consumer demand, technological advances, contraction of the market or decreased exports.

## ANNEXURE I

### GUIDELINES FOR COMPLETING THE NON-CONFIDENTIAL VERSION OF THE APPLICATION

When completing the application destined for inspection by interested parties (non-confidential version of the application) you should bear in mind that all the parties registered as interested parties in this investigation will have access to it. The reply destined for inspection by interested parties should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted as confidential. When completing the application destined for inspection by interested parties you may act as follows:

1. Use the completed 'confidential version' of the application as a basis/template. Identify all information in the 'confidential' application, which you consider is not confidential, and copy it to the file destined for inspection by interested parties.
2. After this, check again whether the information you did not copy to the response destined for inspection by interested parties is really confidential. If you still consider it to be confidential, you must give the reasons why, item by item, and summarise the confidential information in a form destined for inspection by interested parties. If, in exceptional circumstances, it is not possible to even summarise the confidential information, give reasons why giving a summary is not possible.

#### Examples on how to summarise confidential information.

- **When the information concerns numbers for various years you can use indices.**

Example of **confidential** information:

2018	2019	2020
MUR20.000	MUR30.000	MUR40.000

The summary destined for inspection by interested parties could be indexed as follows:

2018	2019	2020
=100	150	200

- **When the information concerns a single number you can apply a % change to it.**

Example of **confidential** figure: "My cost of production is MUR300 per tonne."

The summary destined for inspection by interested parties could be as follows:

"My cost of production is MUR330 per tonne" (+ footnote saying: "actual numbers have been amended by a margin of maximum +/- 10%, to protect confidentiality").

- **When the confidential information concerns text, you can either summarise it or eliminate the names of parties by indicating their function.**

Example of **confidential** information: "TRADING COMPANY Ltd, told me that the prices of imports were 20% lower."

The summary destined for inspection by interested parties could be as follows:

"[One of my customers], told me that the prices of imports were 20% lower."

ANNEXURE A-3

**AUTHORISATION LETTER**

I, the undersigned, on behalf of [**insert name of the company**], hereby appoint the following person/firm to represent us before the Investigating Authority of the Republic of Mauritius (the IA), for the purpose of requesting the initiation of an anti-dumping investigation concerning imports of [**insert product**], originating in, or exported from, [**insert countries**]:

**[Insert Name, address, telephone, fax number of the person/firm who may represent you]**

[**insert name of person/firm**] is authorised, *inter alia* for the following:

- 1) To receive communications containing confidential and/or non-confidential information and data from the IA.
- 2) To make submissions on our behalf.
- 3) To appear for, and on, our behalf in hearings and any other meetings with the IA.
- 4) Other (please specify)

(Please strike off whichever activity is not authorised)

Date \_\_\_\_\_

Place \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name/Designation)

**Note:**

- 1) The Chief Executive Officer of the Company or the proprietor of the firm filing response to this questionnaire should sign this letter.
- 2) This authorisation letter should be printed under the letterhead of the Company.
- 3) Please attach the resolution of the Board of the Company approving the submission of the application.

## ANNEXURE C-1.6.1

**[NOTE that This certificate should be produced and signed on your company's letterhead by an officer who has authority to submit information on behalf of the company]**

### **DECLARATION OF SUPPORT TO AN APPLICATION FOR THE INITIATION OF AN ANTI-DUMPING INVESTIGATION CONCERNING IMPORT OF [INSERT SUBJECT PRODUCTS] ORIGINATING IN, OR EXPORTED FROM, [INSERT COUNTRIES]**

I, the undersigned, confirm that **[insert name of company]** supports the application for the initiation of an anti-dumping investigation concerning imports of **[insert subject product]** originating in, or exported from, **[insert subject country]**.

For the purpose of determining industry standing, **[insert name of your company]** produced **[insert number of units produced]** (in units, in kilograms, etc.) during the period **[insert period]**. **[insert name of company]** is not importing **[insert subject product]** from **[insert subject country]**, nor it is related with any company in Mauritius importing that product.

**[insert name of your company]** is willing to cooperate with the Investigating Authority of the Republic of Mauritius, in its examination of whether the Mauritian industry producing and selling the like product is suffering material/threat of material injury caused by the dumped imports from **[insert subject country]**.

I, **[insert name & surname]**, **[position]** of **[insert name of your company]** certify that the information submitted to the Investigating Authority of the Republic of Mauritius herewith is accurate and complete.

Signed \_\_\_\_\_

(Insert City) (Republic of Mauritius), (Insert date)

Telephone #: **[insert telephone number]**

Email #: **[insert email address]**

Address: **[insert address]**

**ANNEXURE D2.2.2(b)**

**COST BUILD-UP**

Notes	Cost of production for the product under investigation	Products under investigation		All other products	Company total
		Total cost	Cost/unit	Total cost	Total cost
1	Units produced in last financial year				
2	<b>DIRECT COST</b>				
	Domestic materials:				
	<i>Raw material 1</i>				
	<i>Raw material 2, etc.</i>				
	Imported materials:				
	<i>Raw material 1</i>				
	<i>Raw material 2, etc.</i>				
3	Total materials				
	Direct labour & related costs				
	Power & fuel				
	Other direct costs				
4	<b>FIXED OVERHEAD COST</b>				
	Indirect labour				
	Repair & maintenance				
	Rates & insurance				
	Plant depreciation				
	Other fixed cost				
5	<b>TOTAL MANUFACTURING COST</b>				
	Stock movement				
6	<b>NET TOTAL MANUFACTURING COST</b>				
7	<b>SELLING, GENERAL &amp; ADMIN COST</b>				
	Financial expenses				
	Selling expenses:				
	<i>Transport costs</i>				
	<i>Insurance</i>				
	<i>Packaging, etc.</i>				
	General and administrative costs:				
	<i>Sales personnel salaries</i>				
	<i>Depreciation</i>				
	<i>Advertising/publicity, etc.</i>				
	Other (Please report in separate rows)				
8	<b>TOTAL COST</b>				
9	Net profit				
10	<b>TURNOVER</b>				

**Notes:**

	<b>THIS COST BUILD-UP SHOULD BE COMPLETED TWICE: ONE INDICATING TOTAL FIGURES AND THE OTHER INDICATING COST/UNIT</b>
1	The information on sales volumes should correspond to the information submitted in the Excel annexure corresponding to section E
2	Direct cost is the total of raw materials, direct labour & related costs, power & fuel, and other direct costs
3	Total materials is the total of domestic and imported raw materials
4	Fixed overhead cost is the total of indirect labour, repair & maintenance, rates & insurance, plant depreciation and other fixed costs
5	Total production cost is the total of direct cost and fixed overhead cost
6	Selling, general & admin cost includes wages and salaries, and other costs
7	Net total production cost is the total of total production cost and stock movement
8	Total cost is the total of net total production cost and Selling, general & admin cost
9	Net profit should correspond to the information submitted in the Excel annexure corresponding to section E
10	Turnover should correspond to the information submitted in the Excel annexure corresponding to section E