



Republic of Mauritius

INVESTIGATING AUTHORITY

MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE

ANTI-SUBSIDY QUESTIONNAIRE FOR PRODUCERS/EXPORTERS

ANTI-SUBSIDY PROCEEDING CONCERNING

(product under investigation)

ORIGINATING IN OR EXPORTED FROM

(country/countries)

EXPORTER:

Period of Investigation: [dd/mm/yy to dd/mm/yy]

Officers in charge: [.....]

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INTRODUCTION

Countervailing proceedings are conducted in terms of the Trade (Anti-Dumping and Countervailing Measures) Act 2010 (the Act or the Trade Act 2010). This document is available at <http://www.gov.mu/scourt/publegislation/showDocActReg.do?id=21312> Being a Member of the WTO, in applying the Act Mauritius must act consistently with Article VI of the General Agreement on Tariffs and Trade 1994 and the WTO SCM Agreement.

The Investigating Authority, 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), hereby forwards this questionnaire for exporters. As an exporter of the allegedly subsidised product, please furnish the information requested in sections **A** to **F** *infra*. However, before proceeding to reply to the questions, please read carefully the general comments contained in pages 4 to 10.

You are required to furnish the response within the deadline set forth below. Wherever required, you should annex copies of requisite documents to substantiate your statements and figures indicated. Upon analysis of your reply, the IA may get back to you if clarifications to the originally submitted information or additional information are required.

You should be aware that your response to the questionnaire – and any subsequent additional requests formulated by the IA – will constitute the body of information on the basis of which preliminary and final findings will be made with regard to your company. In this respect, it is essential that your reply to the questionnaire, and any significant correction to it, is submitted within the time limits provided for this purpose as a considerable amount of preparatory work and analysis of replies have to be carried out.

It is required that you respond to all questions in the questionnaire. You should also be aware that the non-submission of all relevant information within the specified time limits, or the submission of incomplete, false or misleading information, can have unfavourable consequences for your company. In any of these circumstances, the IA may disregard any late response, or any responses which are significantly incomplete, false or misleading.

Where the IA decides to disregard a reply to a questionnaire and/or to any subsequent additional requests formulated by the IA, the IA may establish preliminary or final findings on the basis of the facts available, which may include the information set out in the application.

If you experience any problem in preparing the response to this questionnaire, please contact the officers in charge of the investigation promptly. The IA is willing to consider alternate methods of reporting if they provide the IA with adequate information in time to complete the investigation within the applicable statutory deadlines and do not deprive other parties of their rights of participation.

You will find all the public information relating to this proceeding in the webpage of the Investigating Authority, specifically at [\[insert link\]](#)

DEFINITION OF SUBSIDY

Section 2 of the Trade Act 2010 defines subsidy as follows:

“(a) a financial contribution by a government of a country other than Mauritius that confers a benefit to persons engaged in the production, manufacture, growth, processing,

purchase, distribution, transportation, sale, export or import of goods but does not include the amount of any duty or internal tax imposed on goods by the government of the country of origin or country of export from which the goods, because of their exportation, have been exempted or have been or will be relieved by means of a refund or drawback;
or

(b) any form of income or price support within the meaning of Article XVI of the General Agreement on Tariffs and Trade, 1994, that confers a benefit.”

In turn, the same provision states that a specific subsidy:

“means a subsidy which is specific to an enterprise, group of enterprise, industry or group of industry ”

Where a subsidy causes or threatens to cause material injury to a domestic industry, remedial measures can be imposed. The imposition of duties is subject to the results of the investigation on the existence of subsidization, injury and causation, carried out in accordance with the Mauritian legislation.

PERIOD OF INVESTIGATION

The period of investigation (“POI”) for determining the existence, amount and effect of any subsidy in this proceeding is [dd/mm/yy to dd/mm/yy]. In order to permit the appropriate allocation of certain types of subsidies, information relating to periods before the investigation period is also required in certain sections below.

TIMEFRAME FOR THE SUBMISSION OF THE QUESTIONNAIRE RESPONSE AND EXTENSIONS

Your response to this questionnaire (including a non-confidential version or summary) and any supporting evidence should be with the Investigating Authority no later than close of business on [add date]. The Investigating Authority is subject to a strict statutory deadline for the completion of the anti-subsidy investigation; therefore it is important that responses from interested parties are received by the due dates given.

Should you require an extension, **please contact the officers in charge before the expiry of the deadline to request an extension.** Under no circumstances, the time limit set by the Investigating Authority for returning the questionnaire will be extended unless **extension requests are received before the expiry of the deadline** and that **you can show good cause for extension.**

Please note that the Investigating Authority may reject a questionnaire response that is not submitted within the timeframes by the due dates given.

DOCUMENTATION PROVIDED

Your responses to questions asked **must be supported by evidence.** Additional documentation in support of your response may be required during the investigation. Original source material for all documents submitted should be available at the time any verification is undertaken, including source documents used in preparing computerised summaries and calculations.

LANGUAGE OF THE INVESTIGATION/TRANSLATIONS

This investigation is to be conducted in English. Please supply an English translation of all information supplied. **Only information for which an English version or translation is provided will be taken into account in the investigation.** Exceptionally, if you encounter substantial difficulties in supplying English translations of some documentation within the specified deadlines, please contact the investigating officer in charge prior to the deadline to discuss.

SUBMISSION OF INFORMATION

The response to this questionnaire, as well as to any other additional request formulated by the Investigating Authority 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 and three (3) copies 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.
- **Electronic submissions:** Confidential versions, and non-confidential summaries, of the questionnaire response and other documents for which the Investigating Authority 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 2007
Spreadsheet	Microsoft Excel	Excel 2007
Database	Microsoft Access	Access 2007
Other	Adobe Acrobat (PDF)	7.0
	PowerPoint	2007

Should you submit the questionnaire reply in PDF format, you will also have to submit a copy thereof in Word format.

If you feel that you cannot present the information as requested, please contact the officials in charge immediately.

Electronic submissions must be made on CD-ROM, **free of viruses**. CD-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.

CD-ROMs must be write-protected.

Submission by email: You may also submit your response (including all attachments and Annexures) **by email**. In this case, send the response to the Officer in charge at the following email address: XYZ@gov.mail.mu. Include a scanned PDF version of the signed certification page. Type the following

in the e-mail subject line: “Exporter questionnaire: CVD proceeding on [insert product] from [insert country/ies]”. Note that **you must still fully comply with the requirement to submit hardcopies and electronic copies as specified above even if you submit documentation by email.**

Please 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.

Any documents – whether hard copies or electronic submissions – **not complying with the above formalities may be returned to the party submitting them and not be used by the IA for the purpose of this investigation.**

A copy of this questionnaire is provided in electronic (Word) format. Tables and other Annexures are provided in Excel format.

CONFIDENTIALITY OF INFORMATION

According to section 36(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.¹ The IA has means in place to ensure that only authorised personnel can have access to all documentation submitted as confidential.

However, the IA is required by law to ensure that all interested parties to an anti-subsidy 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 this response to other interested parties participating in this investigation.

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.

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; 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

¹ 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.

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 will be treated as non-confidential and will be included in the IA's public file of the investigation. The public file is available for perusal or copying by any interested party or member of the public.

You should indicate clearly in any submission, including your questionnaire response, what information you consider to be confidential.

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

LISTING OF EXHIBITS AND INFORMATION

The listing of all exhibits and information submitted by all parties in the context of the investigation can be found in the page [**add link**].

PUBLIC FILE

In accordance with section 38(3) of the Act, the IA is required to ensure that all interested parties are given reasonable opportunity to have access to all non-confidential information that is relevant to the presentation of their cases and that is used by the IA in the investigation. To meet this requirement the IA places all non-confidential documents relating to an investigation in a public file.

The public file is held in hard copy form at the offices of the IA. These documents are available for inspection by interested parties upon request. Please contact one of the officials in charge of the investigation. Contact details will be found in the next page below. Non-confidential documents can also be accessed through the website of the IA at [**add link to the page containing the listing of exhibits and information**]. To access a particular public document, click on the link next to the entry for the document you wish to access.

INVESTIGATION PROCESS AND TIMELINE

A flow chart is enclosed as Annexure II to this questionnaire showing the major steps in a countervailing investigation and the indicative timelines by which they should be completed.

On the basis of the preliminary findings, the Director of the Investigating Authority may impose provisional countervailing measures. Such provisional measures shall not exceed the amount of the subsidy found to exist, calculated in terms of subsidisation per unit. However, where the IA determines that a lesser duty shall be adequate to remove the injury, the amount of the duty imposed shall not exceed that lesser duty. No provisional measures may be applied before the expiry of 60 days from the date of the publication of the notice initiating the investigation. The earliest date from which provisional duties could be applied in this case is **[add date]**.

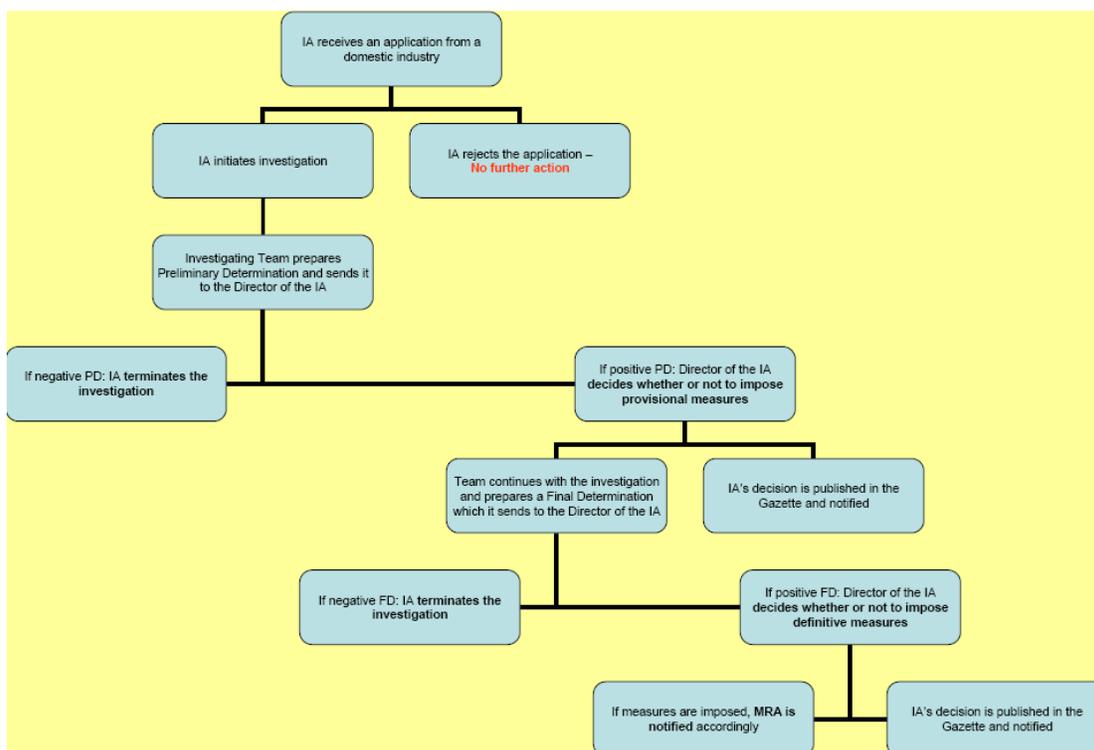
The IA must make a final determination within a year from the date on which the investigation was initiated, which in this case means no later than **[add date]**.

VERIFICATION OF INFORMATION PROVIDED

IA officials may need to visit your business to verify any information you supply in response to this questionnaire or any subsequent information requests. Such a visit would normally only be undertaken once a completed questionnaire has been received and analysed. You may be contacted at a later date concerning such a visit.

DECISION-MAKING PROCESS

The following graph summarises the decision-making process:



CONTACT DETAILS AT THE INVESTIGATING AUTHORITY

If you have any difficulty in interpreting the information requested in this questionnaire, please contact the officers assigned to the case at the IA:

Contact	Telephone number	Email address
[INCLUDE OFFICER NAME AND RELATED INFORMATION]	+230-xxxxxxx	[xxxxx@mail.gov.mu]
[INCLUDE OFFICER NAME AND RELATED INFORMATION]	+230-xxxxxxx	[xxxxx@ mail.gov.mu]
IA confidential facsimile	+230-2126368	

VERY IMPORTANT:

PLEASE NOTE THAT THIS QUESTIONNAIRE MUST BE SUBMITTED IN BOTH A CONFIDENTIAL AND A NON-CONFIDENTIAL VERSION FOR INSPECTION BY INTERESTED PARTIES

SECTION A – GENERAL INFORMATION

A-1 Identify your company

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

A-2 Identify the authorised contact person of your company for this investigation

Name:
Designation:
Address:
Telephone No:
Fax No:
E-mail address:
NB: This person should be able to speak English.

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:

If you have not done so before the submission of the response to this questionnaire, you must submit an authorization for the legal representative to act on your behalf. A template is enclosed as Annexure A-3.

A-4 Corporate Information

- A-4.1 Legal form of your company. Provide a copy of the registration of the company in an official/public registry. This document(s) should show that the company existed during the period of investigation. **If the situation changes during the investigation, please inform the IA immediately.**
- A-4.2 Please indicate address(es) of all your offices involved in the administration, sales and production of the product under investigation.
- A-4.3 Supply a detailed diagram outlining the overall internal hierarchical and organisational structure of your company.
- A-4.4 Please provide your company's worldwide corporate structure and affiliations, including parent companies, subsidiaries or other related companies. Is your company related to 1) any of the other

exporters of the investigated product (IP) in the investigated country or to 2) any of the importers of the like product in Mauritius or to 3) any of the Mauritian producers of the like product? If so, with whom?

According to the Act, parties are deemed to be related if:

- (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.

A-4.5 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 Nos. 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-4.6 Describe the nature of your relationship with those company(ies). 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-4.7 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-4.8 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.				

SECTION B - PRODUCT UNDER CONSIDERATION / LIKE PRODUCT

B-1 Investigated Product

The product being investigated (hereinafter referred to as the “IP”) is [insert detailed description of the product being investigated] currently classified under Mauritian Customs Tariff Schedule (Integrated Tariffs) 2007 code/s (hereinafter “Tariff Schedule”) No. [insert code(s)]. This(ese) Tariff Schedule code(s) is/are only given for information purposes.

B-2 Specifications of the Investigated Product (IP)

The following information is necessary to define and distinguish the different types of the IP produced and/or sold by your company and related companies.

- B-2.1 Explain in detail the types of the IP produced and/or sold by your company and your related companies. Also provide different characteristics and final uses of the IP.
- B-2.2 Describe in detail your company's product coding system. Provide a key to your production and sales codes, including all prefixes, suffixes, or other notations, which identify special specifications.
- B-2.3 Provide a complete set of catalogues and brochures issued by your company and/or your related companies covering all types of the IP.

B-3 Comparison of the exported product and like product in the importing country

- B-3.1 Identify the product types exported by your company and its related companies which are **identical** to types produced by the Mauritian producers. Separately, identify the product types exported by your company and its related companies to Mauritius which albeit are **not identical** **closely resemble** types produced by the Mauritian producers. Concerning these types of product, explain in detail **all differences** between the types of products that your company and its related companies export to Mauritius and those types of product manufactured by the Mauritian producers.

SECTION C – OPERATING STATISTICS

C-1 Total Quantity and Value of Sales

Please fill in the table in Annexure No. C-1 providing separately data on 1) **total company** (including related company) **sales** of all products, 2) sales for the **sector or division** of your company (including related company) that includes the IP, and 3) company (including related company) **sales of the IP** during the periods set forth therein.

C-2 Production capacity, Production and Capacity Utilisation

Please fill in the table in Annexure No. C-2 for the production capacity, production, capacity utilisation and purchases of the IP during the periods set forth therein.

C-3 Stocks

Please fill in the table in Annexure No. C-3 for the stocks in volume and in value of the IP during the periods set forth therein.

C-4 Investments

Please fill in the table in Annexure No. C-4 for the amount of investments made for the production of the IP during the periods set forth therein.

C-5 Employment

Please fill in the table in Annexure No. C-5.

SECTION D – INFORMATION EXPORT SALES OF THE PRODUCT CONCERNED

In this section please provide specific information on all your sales of the IP for exports to Mauritius during the POI.

D-1 General Information

- D-1.1 Explain your company's channels of distribution to Mauritius starting from the factory gate up to the first resale to unrelated customers. Include a detailed flow chart indicating terms of sale and pricing policies to each class of customer (e.g. end-users, distributors, etc.) including related companies.
- D-1.2 Describe each step in the sales negotiation process, from the first point of contact with customer through any after-sale price adjustments, including any guarantees and warranties. If the sales process differs between classes of customers, please describe each variation separately.
- D-1.3 Did you export the IP to Mauritius through intermediate countries?
- D-1.4 For all sales through related companies, give a detailed description of how sales are made indicating the procedure followed between time of order and delivery to the first unrelated customer. A full explanation of how the invoicing and payment is made should be given.
- D-1.5 If your sales are made pursuant to contracts (either long-term or short-term), describe in detail the process by which the contracts, and the prices and quantities therein, are agreed upon. Describe each of the types of contracts applicable to the IP, including the terms, the requirements for a price change or re-negotiation by either side, etc. Explain any commitments on either party should the contract be terminated prematurely.
- D-1.6 Explain whether production begins after the customer has ordered the product and the sale has been made, or pursuant to normal company production schedules.
- D-1.7 Provide copies of all price lists (original and translation in English) issued or in use during the POI for exports to Mauritius, including those used by related companies.
- D-1.8 List any cost incurred by your related companies that has been paid or reimbursed by your company, directly or indirectly, if these costs were incurred during the IP or within four years prior to the IP. Explain in detail the nature of these costs. Please also indicate any payments made by the related importer to your company whether in respect of the IP or any other corporate expenses.
- D-1.9 Please submit copies of the following documents for each shipment to Mauritius:²

² If your company exported fewer than 20 transactions to Mauritius during the POI, then please submit full documentation relating to all transactions, as detailed below. If you had more than 20 transactions, then please provide full documentation relating to at least one transaction for each month in which you had exports to Mauritius, with a minimum of 10 transactions.

- Purchase order
- Order confirmation
- Production order
- Commercial invoice and Credit/debit notes relating to the particular sales transaction
- Domestic transport charges
- Bill of Lading
- International freight and insurance
- Export customs documents
- Letter of credit
- Proof of receipt of payment (bank statement)
- Contract with agent in Mauritius/proof of payment of commission

SECTION E - SUBSIDIES

THE PURPOSE OF THIS SECTION IS TO OBTAIN INFORMATION ON SUBSIDIES. UNLIKE DUMPING, AND BECAUSE OF THE NATURE OF DIFFERENT SUBSIDY PROGRAMMES DIVERGE, THE QUESTIONNAIRE IN THIS SECTION WILL REQUIRE MAJOR REWORK PRIOR TO INITIATION OF THE INVESTIGATION. INDEED, WITH THE EXCEPTION OF SECTIONS E-1, E-2.1 AND E-2.2, WHICH ARE STANDARD FOR ALL INVESTIGATIONS, THE CASE HANDLERS WILL HAVE TO TAILOR-MAKE THE QUESTIONNAIRE DEPENDING ON THE ALLEGED SUBSIDY PROGRAMMES IN THE APPLICATION.

IN ADDITION TO INTRODUCTORY SECTIONS E-1 AND E-2.1, SECTION E-2.2 APPLIES TO ALL SUBSIDY PROGRAMMES COVERED BY THE INVESTIGATION. IN OTHER WORDS, FOR ALL SUBSIDY PROGRAMMES, REPLIES TO SECTION E-2.2 WILL HAVE TO BE REQUESTED FROM THE PRODUCERS/EXPORTERS IN THE INVESTIGATED COUNTRIES.

SECTION E-2.3 AND FOLLOWING SECTIONS WILL COVER EACH ONE SINGLE INCENTIVE AND WILL HAVE TO BE ADAPTED BY CASE-HANDLERS. SO, IF THE APPLICANT ALLEGES THAT THERE ARE 10 SUBSIDY PROGRAMMES, THERE WILL BE 10 DIFFERENT SECTIONS (SECTION E-2.3 TO SECTION E-2.12). EACH OF THESE SECTIONS WILL FOLLOW THE SAME STRUCTURE:

FIRST THERE WILL BE A ONE-PARAGRAPH SUMMARY OF THE ALLEGATION OF THE APPLICANT FOR THE PARTICULAR INCENTIVE AT STAKE. THIS SUMMARY WILL BE IN ITALICS TO DIFFERENTIATE THE TEXT FROM THE QUESTIONS.

SECOND, THE CASE-HANDLERS WILL HAVE TO INCLUDE A LIST OF QUESTIONS RELEVANT TO EACH INCENTIVE AT STAKE. THESE ARE QUESTIONS THAT SHOULD COMPLEMENT THOSE ALREADY IN SECTION E-2.2. DO NOT THEREFORE REPEAT THE SAME QUESTIONS.

IN ORDER TO ASSIST THE CASE HANDLERS IN THIS TASK, WE INCLUDE BELOW QUESTIONS THAT THE EC OR THE UNITED STATES HAVE DEVISED FOR PARTICULAR TYPES OF SUBSIDIES (E.G. 1) GRANTS, 2) LOANS, 3) LOAN GUARANTEES, 4) GOVERNMENT FOREGOING OR NOT COLLECTING INCOME, 5) GOVERNMENT PROVIDING GOOD OR SERVICES AND 6) GOVERNMENT PURCHASING GOODS). WE ALSO INSERT EXAMPLES OF EACH OF THE ABOVE TYPES OF SUBSIDIES (INCLUDING THE SHORT SUMMARY OF THE PROGRAMME AT STAKE). THESE QUESTIONS ARE GIVEN AS EXAMPLES FOR THE TYPE OF SUBSIDY CONCERNED. HOWEVER, CASE HANDLERS ARE WARNED THAT THESE SPECIFIC QUESTIONS MAY HOWEVER NEED TO BE ADAPTED TO THE SPECIFIC FACTS OF EACH CASE. THEREFORE, THE CASE HANDLERS MUST READ THE QUESTIONS CAREFULLY IN E-2.3 AND FOLLOWING, AND THEN ADAPT, DELETE, OR AMEND THE QUESTIONS AS NEEDED FOR THE SPECIFIC SUBSIDY

PROGRAMME AND SPECIFIC CASE YOU ARE WORKING WITH. THE QUESTIONS PROVIDED ARE GENERAL INDICATIONS AND EXAMPLES ONLY.

PLEASE ENSURE THAT TEXT IN YELLOW, AS WELL AS TRACK CHANGES, AND THIS BOX ARE ERASED IN THE FINAL DRAFT

E-1 Subsidies: General

E-1.1 The complainant alleges that producers of [insert product concerned] have benefited from a number of subsidies granted by the Government(s) of [insert country], and that these subsidies fall within the definition of countervailability set out in the Trade Act 2010.

E-1.2 For each program, if your company (including affiliates) did not apply for, use, or benefit from that programme during the POI, you must clearly state so. Otherwise, please answer the questions listed. To determine the information which must be reported under each program, please see the instructions for each programme. If any government assistance, as enumerated below, was received by companies which have since been merged with or purchased by your company, you are responsible for answering the questions with respect to such assistance to the merged or purchased company.

E-1.3 Please provide all the information requested and also any other relevant information available, in respect of all subsidies listed in this questionnaire.

E-2 Specific Subsidy Programmes

E-2.1 Introduction

This section requests specific information with respect to each of the subsidy programmes covered by the application and listed below. For each of these programmes, you will be requested to provide replies to all of the general questions contained in Section E-2.2 below. In addition, you will have to provide separate replies to the specific questions relating to each particular subsidy programme starting in section E-2.3, below. Should you consider that a reply to a question under section E-2.2 already covers the more specific question under section E-2.3, E-2.4, etc., please state so when replying the pertinent question of the latter section.

E-2.2 General questions that have to be replied for each subsidy programme

- A. Specify the eligibility criteria your company had to meet in order to receive benefits under this programme. State whether eligibility was or is currently contingent on one or more of the following criteria: 1) whether or not your company exports or has increased its exports, 2) the use of domestic rather than imported inputs, 3) the industry to which your company belongs, or 4) the region in which your company is located.
- B. Describe in detail the application and approval process through which your company went to receive benefits through the programme.
- C. Specify the criteria your company met to receive the particular amount of assistance provided. Did the application or approval specify the product(s) for which this assistance was to be provided? If so, provide details of which product(s) was specified in the application and/or approval documents.

- D. What records does your company keep regarding each of the benefits received under this programme? Provide your company's completed application forms and other application documents with respect to this programme.
- E. Indicate where benefits under this programme can be found in your accounting system (*i.e.*, specify the ledgers or journals) and financial statements. If you have to file anything with the government to continue receiving benefits under this programme, provide a complete translated set of your most recent submissions made.
- F. Please indicate which product(s) you produced benefited from this programme.
- G. Has the programme been terminated? If so, please explain. When is the last date that your company could *apply for or claim* benefits under the programme? When is the last date that your company could *receive* benefits under the programme?
- H. Provide the amount of benefits you received under this programme.

E-2.3 *Subsidies for Development of Famous Export Brands*

[Example of a subsidy involving a direct transfer of funds in the form of a grant.]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example:]

The application alleges that the government provides grants, loans, and other incentives to enterprises in [insert country] to promote the development of global brand names under these programs

- a) Please provide information on the following:
 - i. what criteria are used to determine whether a particular brand or product qualifies as a "famous export brand" under the programme?
 - ii. does your company receive grants on an ongoing basis under this programme or is the grant designed to provide for one-time assistance only?
 - iii. have you filed a separate application each time you have received benefits? Please explain. Has each grant received been contingent upon separate government approval? Please explain.
- b) With respect to grants received during the POI, provide:
 - i. the amount of all grants authorized and the amount received (state whether the grant was received in a lump sum or in multiple disbursements), and
 - ii. date of the approval of the grant and the date(s) it was received.
 - iii. total or export sales (depending on whether the programme is a domestic or export subsidy) in the year in which the grant was received.
- c) For non-recurring grants, it may be necessary to allocate benefits beyond the year of receipt. Thus, for each year in which a non-recurring grant was approved, please provide:
 - i. your company's cost of long-term fixed rate debt incurred in that year, in the currency in which the grant was provided, and an explanation of how this rate was calculated. If this calculation includes loans received under any of the programs being investigated, please so indicate and list all of the details of the loan used in the calculation.

- ii. the amount of all grants authorized and the amount received (state whether the grant was received in a lump sum or in multiple disbursements), and
- iii. date of the approval of the grant and the date(s) it was received.
- iv. total or export sales (depending on whether the programme is a domestic or export subsidy) in the year in which the grant was received.

E-2.4 *The State Key Technology Project Fund*

[Example of a subsidy involving a direct transfer of funds in the form of a grant]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example:]

The application alleges that this programme provides funds to promote technological renovations and improvements in key industries. The application contends that recipients of these funds are mainly selected from large State Owned Enterprises (“SOEs”) and large-sized state holdings among key enterprises, and leading enterprises of designated industries.

- a) Please provide information on the following:
 - i. explain and document how firms are designated as **SOEs** under this programme.
 - ii. indicate whether **non-SOEs** can also participate under this programme. If so are the criteria identical to that of **SOEs**? If not explain.
 - iii. Does your company receive grants on an ongoing basis under this programme or is the grant designed to provide for one-time assistance only?
 - iv. have you filed a separate application each time you have received benefits? Please explain. Has each grant received been contingent upon separate government approval? Please explain.
- b) With respect to grants received during the POI, provide:
 - i. the amount of all grants authorized and the amount received (state whether the grant was received in a lump sum or in multiple disbursements), and
 - ii. date of the approval of the grant and the date(s) it was received.
 - iii. total or export sales (depending on whether the programme is a domestic or export subsidy) in the year in which the grant was received.
 - iv. for non-recurring grants, it may be necessary to allocate benefits beyond the year of receipt. Thus, for each year in which a non-recurring grant was approved, please provide:
 - v. your company's cost of long-term fixed rate debt incurred in that year, in the currency in which the grant was provided, and an explanation of how this rate was calculated. If this calculation includes loans received under any of the programs being investigated, please so indicate and list all of the details of the loan used in the calculation.
 - vi. the amount of all grants authorized and the amount received (state whether the grant was received in a lump sum or in multiple disbursements), and
 - vii. date of the approval of the grant and the date(s) it was received.
 - viii. total or export sales (depending on whether the programme is a domestic or export subsidy) in the year in which the grant was received.

E-2.5 *Loans at preferential interest rates*

[Example of a subsidy involving a direct transfer of funds in the form of a loan:]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example]

The application alleges that the Industrial Finance Corporation of Thailand (IFCT), a government-controlled agency, provides short and long-term loans for selected projects. This programme is financed through the Bank of Thailand which buys promissory notes from the IFCT at 50% of their face value. The purpose of the programme is to provide financing to companies which may have difficulties to borrow money under normal commercial conditions. The IFCT offers a lower interest rate and the maximum loan size is bigger if the project is export oriented.

- a) Please provide the following:
- i. describe the type of institutions (e.g. banks, insurance companies, etc.) which provide loans or commercial credit in your country. In addition, please explain to the best of your ability the role of the government in controlling these institutions and their lending policies.
 - ii. describe how the interest rate and the repayment schedule is established compared to other commercial loans which your company has taken out. Indicate whether a grace period is applicable in the repayment schedule. Provide copies of the loan agreement as well as any terms or criteria applicable to the loan(s).
 - iii. provide the predominant average short and long-term commercial interest rate **in Thailand** since 1990 to the period of investigation (per calendar year).

E-2.6 Government guarantees on loans for capital goods investments
[Example of a subsidy involving a government loan guarantee:]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example]

The application alleges that the government of [insert country] provides guarantees for loans of producers purchasing capital goods connected with the production, transport or export of the product concerned.

- a) Please provide:
- i. the criteria under which capital goods purchases qualify for the loan guarantee;
 - ii. specifics on loan guarantees that were applied for but denied. Indicate in each case the criteria on the basis of which guarantees were denied.

E-2.7 Corporate Income Tax Exemption
[Example of a subsidy involving a revenue otherwise due that is forgone:]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example]

The application alleges that companies which are located in one of the zones and which are export oriented, are exempt from paying corporate income tax for a certain period depending on the zone they are located.

- a) Please provide:
- i. the method of calculation of the **Corporate Income Tax Exemption**. Please provide an explanation how the taxes are credited against income tax payable
 - ii. provide a sample calculation of the **Corporate Income Tax Exemption** using a blank tax form

- iii. provide the name of the government administration(s) which is responsible for granting the **Corporate Income Tax Exemption** and describe their role in the decision and granting
- iv. has the Government discretion in granting **the Corporate Income Tax Exemption**?

E-2.8 Tax Exemption or Tax Reduction on Imports of Machinery

[Example of a subsidy involving a **revenue that is otherwise due that is forgone:**]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example]

The application alleges that companies located in Zones 1 and 2 are given a 50 per cent reduction in import duty on machinery.

- a) Please indicate:
 - i. what discretion if any the government has in granting the import duty exemption on machinery.
 - ii. the depreciation period for machinery used by your company, including machinery imported under this programme.
 - iii. specify the accounting rules relied upon to establish the depreciation periods referred to in point (ii) and provide copies of such accounting rule.

E-2.9 Tax Exemption on Import Duty on Essential Raw Materials

[Example of a subsidy involving a **revenue that is otherwise due that is forgone:**]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example]

The application alleges that export oriented companies such as those manufacturing the product concerned are exempt from import duty for one year if located in Free Zones 1 and 2 in cases where exports account for 30 per cent of domestic sales. It is alleged that the result hereof is duty being forgone by the Government of [insert country].

- a) Please specify with respect to this scheme:
 - i. what discretion the government has in granting the tax exemption on import duty on essential raw materials.
 - ii. whether the scheme applies to materials other than those consumed in the production process.
- b) Please explain whether the tax exemption on import duty on essential raw materials is part of a duty drawback system in **Thailand**.

E-2.10 Provision of Coking Coal for Less than Adequate Remuneration

[Example of a subsidy involving a **government providing goods or services other than government infrastructure:**]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example]

The application alleges that the government of [insert country] provides coking coal to seamless pipe producers for less than adequate remuneration, directly through state-owned producers of

coking coal.

a) Please specify:

- i. the total amount of coking coal used by your company during the POI and during each of the preceding 3 years.
- ii. the total amount of coking coal used in the production of the product concerned during the POI and during each of the preceding 3 years.
- iii. a description of how your company purchases coking coal on the open market (i.e. purchases not covered by this scheme)
- iv. purchase prices of coking coal which your company has purchased on the open market (i.e. not covered under this scheme) during the POI. Provide supporting documentation (such as purchase invoices) to support the price information provided.
- v. whether prices of coking coal purchased on the open market vary significantly during different periods of the year. If so explain why and provide supporting data on prices.

E-2.11 Government purchase programme

[Example of a subsidy involving a government purchasing goods:]

[Provide specifics on the allegations in the application with regard to this alleged subsidy programme. Example]

The application alleges that the government of [insert country] purchases the product concerned at a standard 5% above market value up to [insert number of units/kilos] produced by the domestic industry, in order to stimulate production.

a) Describe the purchase programme in [insert country] for 2006, 2007, and 2008. Please provide:

- i. a precise explanation of how the standard market value for the product concerned is determined;
- ii. does your company have any input with the government with regard to the criteria used to establish market value? Explain.
- iii. under what circumstances can your company be denied participation or continued participation in the purchase scheme?
- iv. the total volume and value of government purchases of the product concerned from your company during the POI and for each of the preceding three years;
- v. what percentage of your total sales of the product concerned are accounted for by government purchases under the scheme during the POI and for each of the preceding three years? Provide supporting evidence. What percentage the percentage of domestic consumption accounted for by government purchases;

E-2.12 Other Subsidy Schemes

Please provide full details of any subsidy schemes (whether specific to the textile sector or general for all sectors) not mentioned above which your company has received during the POI or each of the preceding three years.

In addition, as with the other subsidy programs examined in this questionnaire, for each additional subsidy scheme identified, provide the information requested in Section **E-2.2 above**.

SECTION F – COMMENTS ON THE APPLICATION, INJURY AND CAUSALITY

F-1 Comments on the application, injury and causality

Submit any other information you believe necessary to enable the Investigating Authority to reach a fair conclusion, including comments on the application, injury and causality.

F-2 Information on threat of material injury

Where the initiation of the investigation is based on threat of material injury, or where the Investigating Authority does not have evidence of material injury being suffered by the Mauritian industry, upon request from a party the Investigating Authority will examine the threat of injury to the industry as a result of the allegedly subsidised imports. In considering whether there is a threat of injury to the Mauritian industry, the Investigating Authority will take account of factors including the following:

- The nature of the subsidy or subsidies in question and the trade effects likely to arise therefrom.
- The likelihood of substantially increased importations, including:
 - Exporters' freely disposable capacity, or imminent substantial increase in capacity, indicating the likelihood of substantially increased exports into Mauritius.
 - Importers' ability to easily source and distribute substantially increased volumes of subsidised imports.
 - The ability of an exporter to easily enter the market.
- Whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices, and would likely increase demand for further imports.
- The inventory levels in Mauritius and the country of the goods being investigated.

Please answer the following questions (F-2.1 to F-2.11) in relation to the above indicators of threat of injury:

The Likelihood of Substantially Increased Imports

F-2.1 What are your business' intentions regarding future exports of the product under consideration to Mauritius? Please include comments on how you perceive growth in such exports and your estimated export volume figures over the next 12 months.

F-2.2 Please comment on the financial ability of your business, and the ability of your distribution system, to cope with a substantial increase in export of the product concerned to Mauritius.

F-2.3 Does your business have any contractual arrangements with any importers of the product under consideration for export to Mauritius, including forward orders for future purchases of the product under consideration? If so, please indicate the value and volume of the product under consideration that you have arranged to sell, and the intended dates or period of importation (listing category and quantity ordered, price paid or payable, and anticipated delivery dates) for the next twelve months.

- F-2.4 Please describe the total capacity of your business' facilities to export the product concerned at the end of the period of investigation. Please detail the methodology by which you have calculated this figure. Please express your level of exports at the end of the period of investigation as a percentage of this capacity.
- F-2.5 Do you have freely disposable capacity? If so, what is the extent of the unused capacity (in number of units of the product under investigation and as a percentage of annual sales)? Are you planning to increase its capacity? Please comment on the extent to which any such increase would enable your company to significantly increase exports to Mauritius.
- F-2.6 What markets, other than Mauritius, are available to absorb any significant increase in exports resulting from the utilisation of spare capacity or from an increase in capacity? To what extent could these markets absorb a significant increase in exports?
- F-2.7 Please provide your total exports to all countries of the product under investigation in the period **[insert period]**.

Pricing of Exported Goods

- F-2.8 Please comment on the extent to which you consider pricing influences demand for the product under investigation exported by your business to Mauritius.
- F-2.9 Do you consider that demand in Mauritius for the product under investigation exported by your business is influenced by factors other than price, such as quality? If so, please comment on what these other factors are.

Inventory levels in Mauritius and in the country(ies) exporting the product under investigation

- F-2.10 Please provide your inventory level (in number of units, at the end of the period of investigation) of the product under investigation available for export. What percentage of your annual export sales does your level of inventory at the end of the period of investigation represent? Do you intend to increase this inventory level, in the foreseeable future? If so, by what amount and by what date?
- F-2.11 What are the factors causing your business or other exporters and suppliers to stockpile inventory?

SECTION G – CHECK LIST

The purpose of the following checklist is to ensure that you have answered all questions of the above sections and to permit a quick survey on information, which may be missing. You are requested to tick the box where complete information is submitted or where information has not sufficiently been provided:

SECTION	Please tick if you submitted all information requested	Please tick if information is <u>not or insufficiently</u> submitted
SECTION A: General Information	 <input type="checkbox"/>	 <input type="checkbox"/>
SECTION B: Product under investigation / Like product	<input type="checkbox"/>	<input type="checkbox"/>
SECTION C: Operating statistics	<input type="checkbox"/>	<input type="checkbox"/>
SECTION D: Information on exports	<input type="checkbox"/>	<input type="checkbox"/>
SECTION E: Subsidies	<input type="checkbox"/>	<input type="checkbox"/>
SECTION F: Comments on the application, injury and causality	<input type="checkbox"/>	<input type="checkbox"/>

IMPORTANT NOTE REGARDING THE ANNEXURES:
Please provide the information requested in all the tables in Excel format as well.

DECLARATION

Having made the enquiry, I hereby certify that the information contained in this submission is true, complete and correct to the best of my knowledge and belief, on the basis of records available and generally maintained by the company, and no material has been concealed or misrepresented.

Date _____

(Signature)

(Name/Designation)

Note:

- (1) This page should be completed and appended at the beginning of your submission.
- (2) Chief company official responsible should sign the declaration.

ANNEXURE-I

GUIDELINES FOR COMPLETING THE NON-CONFIDENTIAL VERSION OF THE QUESTIONNAIRE

When completing the non-confidential summary of the questionnaire for inspection by interested parties, 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 reply 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:

2001	2002	2003
MUR20.000	MUR30.000	MUR40.000

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

2001	2002	2003
=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.**

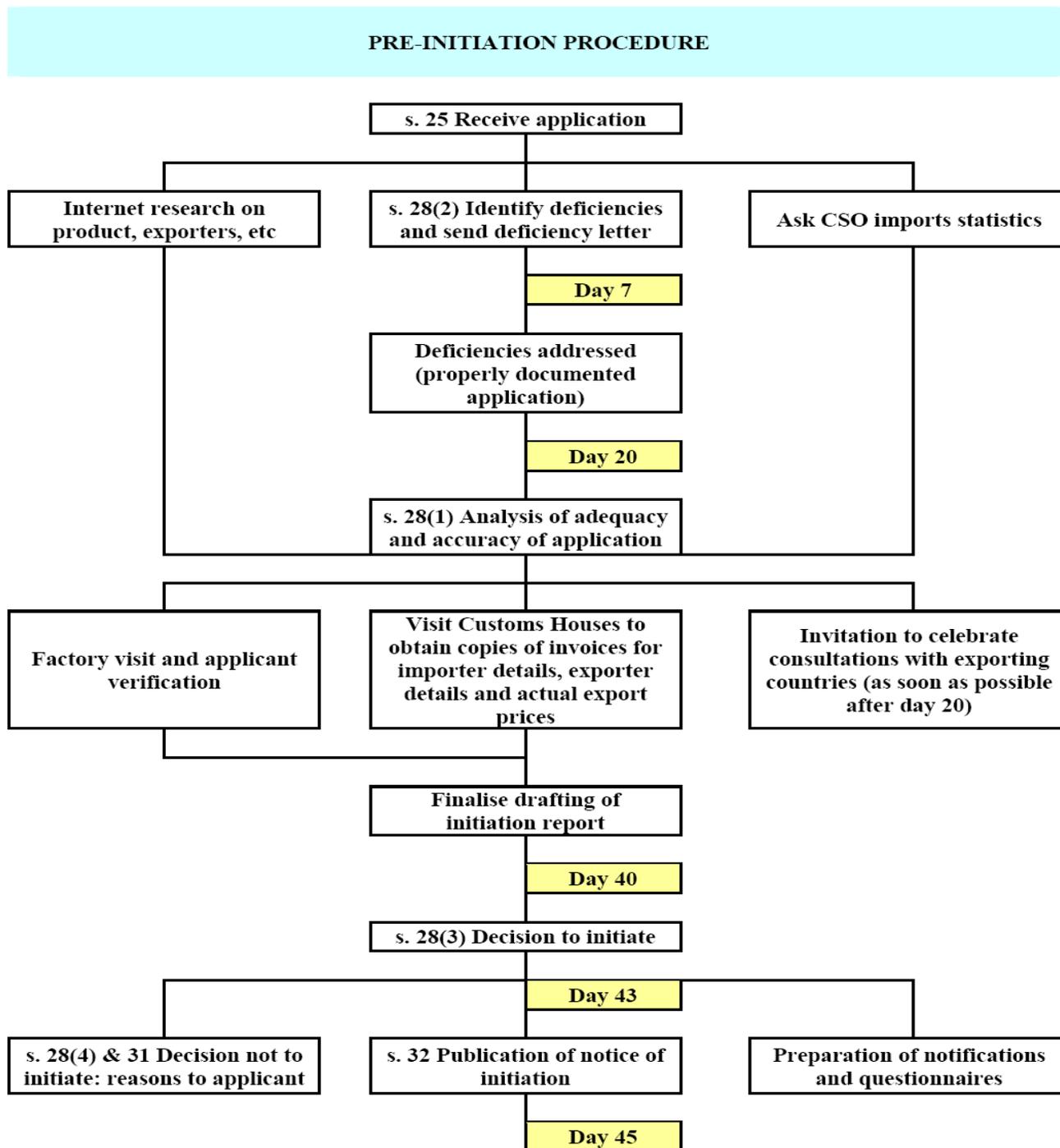
Example of **confidential** information: "TRADING COMPANY Ltd, told me that the prices of imports were 20% lower."

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."

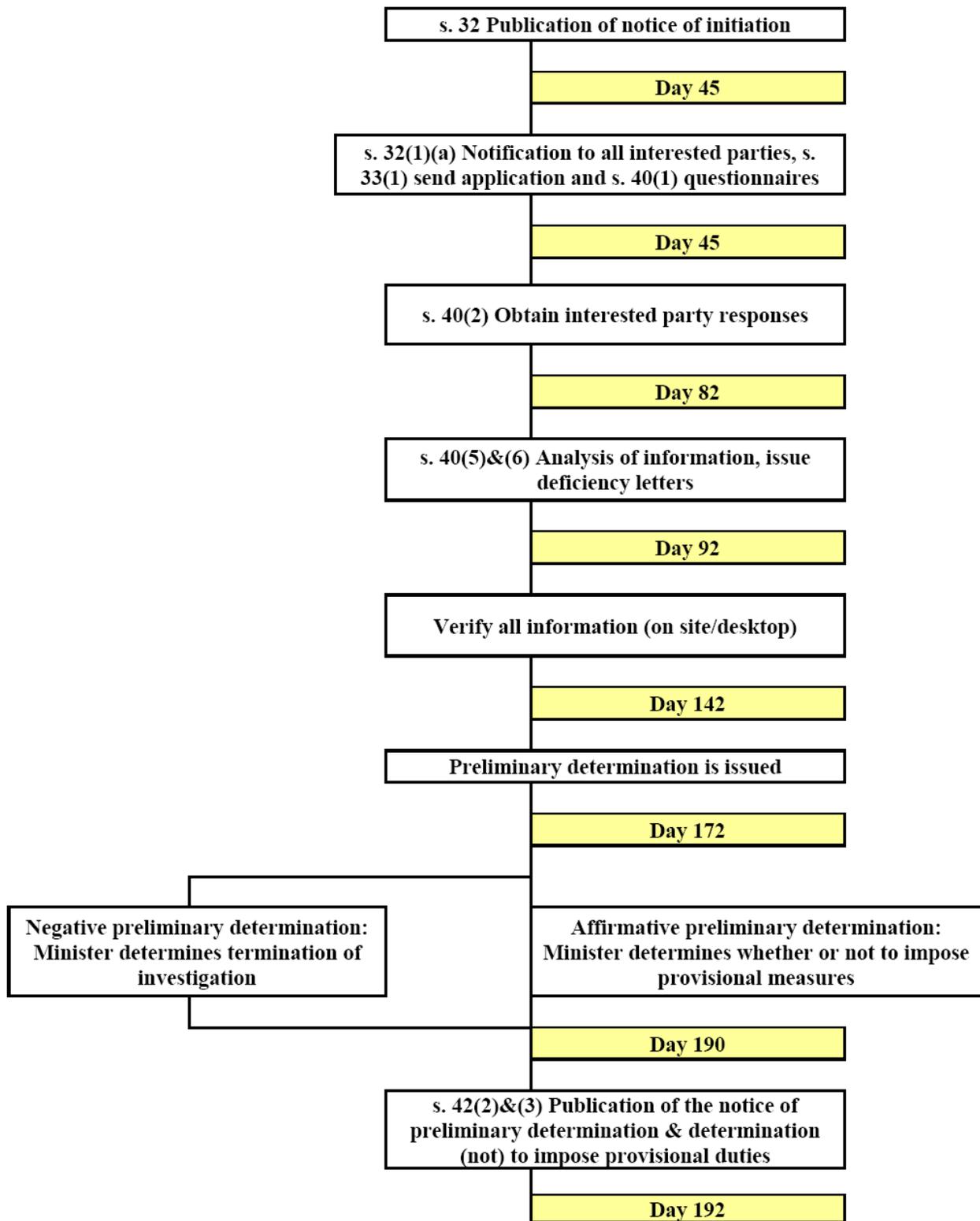
ANNEXURE-II

FLOW DIAGRAM FOR INVESTIGATIONS³

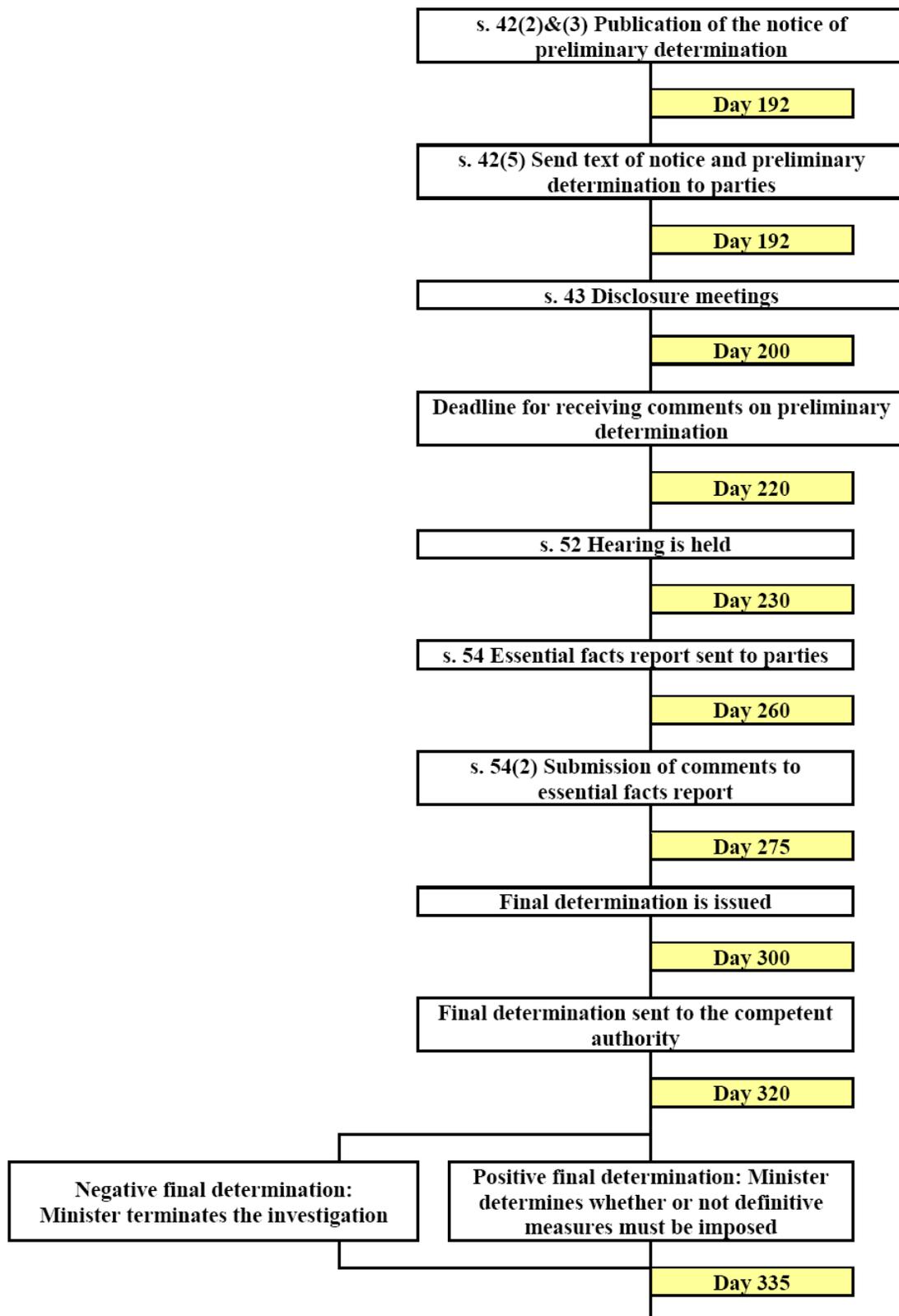


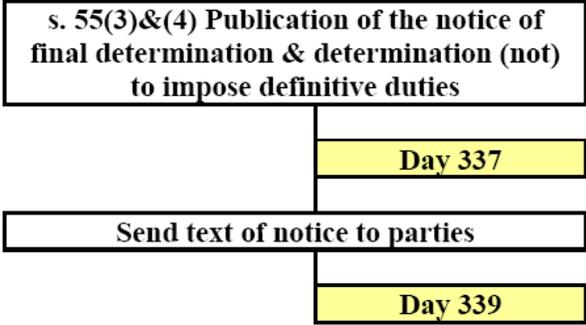
³ This timetable is merely indicative and does not confer any right to any interested party. In particular, the Act does not require the Minister to impose provisional or final measures. These are discretionary prerogatives of the Minister which can only be acted upon when the requirements set forth in the Mauritian legislation and in the international agreements signed by Mauritius are met.

PRELIMINARY INVESTIGATION PROCEDURE



FINAL INVESTIGATION PROCEDURE





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 International Trade Division, Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius (the IA) in the context of the countervailing investigation concerning imports of [**insert product**], originating in, or exported from, [**insert country(ies)**]:

[**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: The Chief Executive Officer of the Company or the proprietor of the firm filing response to this questionnaire should sign this letter.

ANNEXURE C-1

QUANTITY AND VALUE OF TOTAL SALES OF IP IN THREE YEARS PRECEDING CURRENT YEAR If the POI does not coincide with the calendar year, add another complete financial year to the table. E.g. if the POI covers the period 1 April 2009 to 31 March 2010, in addition to POI data regarding sales in 2007, 2008 and 2009 should be submitted

Name of country	Product Name	Financial Year								Financial Year								POI							
		1 st Quarter		2 nd Quarter		3 rd Quarter		4 th Quarter		1 st Quarter		2 nd Quarter		3 rd Quarter		4 th Quarter		1 st Quarter		2 nd Quarter		3 rd Quarter		4 th Quarter	
		Quantity	Value																						
Mauritius																									
Country A																									
Country B																									
Country C																									
Country D																									
Country ...																									
Domestic sales																									
Total																									

Specify the units of quantity and currency used. If you sell to a related importer in Mauritius report the total quantity and value of sales of the product in Mauritius by the related importer to an independent buyer. If you sell both to independent and related importers, report the quantities and values separately for each type of sale.

ANNEXURE C-2

PRODUCTION CAPACITY, PRODUCTION AND CAPACITY UTILISATION

If the POI does not coincide with the calendar year, add another complete financial year to the table. E.g. if the POI covers the period 1 April 2009 to 31 March 2010, in addition to POI data regarding production and capacity utilisation in 2007, 2008 and 2009 should be submitted

Please fill in the table below for the production capacity, production, capacity utilisation and purchases of the IP during the periods set forth therein

	Financial year 200x	Financial year 200x	POI
Number of production lines installed (including dormant)			
Number of production lines in operation			
Maximum possible production capacity, for the IP (kg., units, etc)			
Actual production, of the IP (kg., units, etc)			
Capacity utilisation in %.			
Purchases of the product concerned (kg., units, etc)			

ANNEXURE C-3

STOCKS

If the POI does not coincide with the calendar year, add another complete financial year to the table. E.g. if the POI covers the period 1 April 2009 to 31 March 2010, in addition to POI data regarding stocks in 2007, 2008 and 2009 should be submitted

Please fill in the table below for the stocks in volume and in value of the IP during the periods set forth therein.

<i>Period</i>	Stock of products <u>produced</u> by the company	
	Product concerned in value (insert currency)	Product concerned in quantity (kg., units, etc)
Beginning of 200x financial year		
End of 200x financial year		
Beginning of 200x financial year		
End of 200x financial year		
Beginning of 200x financial year		
End of 200x financial year		
Beginning of POI		
End of POI		

ANNEXURE C-4

INVESTMENTS

If the POI does not coincide with the calendar year, add another complete financial year to the table. E.g. if the POI covers the period 1 April 2009 to 31 March 2010, in addition to POI data regarding investments in 2007, 2008 and 2009 should be submitted

Please fill in the table below for the amount of investments made for the production of the IP during the periods set forth therein.

Identify currency	Financial year 200x	Financial year 200x	POI	Planning for following years
Buildings				
Machinery and Equipment				
Other (please specify)				

ANNEXURE C-5

EMPLOYMENT

If the POI does not coincide with the calendar year, add another complete financial year to the table. E.g. if the POI covers the period 1 April 2009 to 31 March 2010, in addition to POI data regarding investments in 2007, 2008 and 2009 should be submitted

Please fill in the table below with data concerning employment during the periods set forth therein.

	Financial year 200x	Financial year 200x	POI
Personnel employed (total)			
Personnel employed (to produce the IP)			
Personnel employed on selling, administrative and general matters (linked with the IP)			