

REPUBLIC OF MAURITIUS

**TRADE REMEDIES INVESTIGATING
AUTHORITY**

APPLICATION FOR SAFEGUARD MEASURES ON

(product)

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GLOSSARY

| | |
|--------------------------|---|
| Act | Trade (Anti-Dumping, Countervailing and Safeguard Measures) Act 2022 |
| C&F | Cost and freight |
| CIF | Cost, insurance and freight |
| Cost of production | All costs to produce the product, excluding any SGA costs and profit |
| Director | Director of the International Trade Division |
| 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. |
| Foreign like product | Product sold on the domestic market of the exporter |
| 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 called fixed cost. |
| Net profit | Difference between selling price and total cost |
| Price undercutting | The extent to which the price of the imported product is lower than the price for your product |
| SGA costs | Selling, general and administrative costs |
| Subject product | The product imported into Mauritius |
| WTO | World Trade Organization |

INTRODUCTION

1. This investigation is conducted in terms of the Trade (Anti-Dumping, Countervailing and Safeguard Measures) Act 2022, the Safeguard Regulations and the WTO Agreement on Safeguards.
2. The purpose of this questionnaire is to help the industry in Mauritius bring together in a concise and logical form the information needed by the Investigating Authority to decide whether or not to initiate a formal investigation. This application will also serve as a basis for further investigation. The application has to establish a *prima facie* case that unforeseen developments have caused a surge in imports and that the surge of imports is causing serious injury.
3. To the extent possible the Applicant should provide full and accurate information. Provide supporting documentary evidence from commercial or governmental sources, e.g. commercial invoices or offers, official trade and production statistics.
4. It is important that you should supply as much of the information as possible. The Investigating Authority may only proceed with an investigation if it has *prima facie* proof of unforeseen developments, increased imports, serious injury and of a causal link between the increased imports and the material injury.
5. If the applicant is a chamber or an association acting on behalf of some or all of its members or a consulting firm, note that some of the information requested in this form must be provided separately by each Mauritian company supporting the application. The chamber, association or consulting firm representing all the applicants should aggregate the information from each individual complaining company and submit it together with a joint analysis. If you have any doubts on this matter, **please contact the Investigating Authority immediately**.
6. **The Investigating Authority can only proceed to initiate an investigation when it has information which permits it to determine that there is sufficient evidence of serious injury, or threat thereof, caused by increased imports to the domestic industry, and that the increase in imports was caused by unforeseen developments.** The application must therefore contain such a proof to the extent as is reasonably available to the applicant. Information provided should be in full and accurate. Supporting documentary evidence from commercial or governmental sources, e.g. commercial invoices or offers, official trade and production statistics, must be included in the application. **The Investigating Authority will disregard mere statements unsubstantiated by proof.**
7. All cost related information should be reconcilable to the financial statements or management accounts.
8. This investigation is to be conducted, and all information provided in English
9. It is advisable that you seek consultations with the Investigating Authority 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 before the application is ready to be submitted properly.
10. 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 questionnaire response submitted to the **Investigating Authority** must include the **original confidential version** and the declaration of accurateness and

completeness must be signed by the company's responsible officer. A **non-confidential version only needs to be submitted once the Investigating Authority is happy that it has received a properly documented application.**

- Electronic submissions: Confidential and non-confidential versions of the questionnaire response, including any supporting documentation, should be submitted electronically and must be provided in any of the following formats:

| Document Type | Formats supported | Latest Version Supported |
|-----------------|-------------------|--------------------------|
| Word Processing | Microsoft Word | Word 2010 |
| Spreadsheet | Microsoft Excel | Excel 2010 |
| All | PDF | |

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

Electronic submissions must be made on CDROM, DVD or memory stick, **free of viruses** and 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.

Separate electronic storage should be used for confidential and non-confidential submissions.

11. 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 Investigating Authority for the purpose of this investigation.
12. **All questions must be answered.** Where the question is “not applicable”, you must state so in the reply. Where information is “not available”, you must say so and indicate why it is so.
13. Note that a copy of this questionnaire is available in electronic format on request. In addition, all tables and Annexures are available in electronic format in Excel on request. Should you require an electronic version, please contact the Investigating Authority.
14. Information submitted in confidence will be treated as such by the Investigating Authority. Access to confidential information will be restricted to the officers in charge of the investigation as well as to the Investigating Authority. The Investigating Authority has set up means to ensure that only authorised personnel can have access to all documentation submitted in confidence.
15. The Investigating Authority is required by law to ensure that all interested parties to a safeguard investigation are given reasonable opportunity to have access to all non-confidential information relevant to the presentation of their case after initiation of an investigation.
16. Any information which is by nature commercially confidential (for example, because its disclosure would be of significant competitive advantage to a competitor, or would have a significantly adverse effect on the person supplying the information or the person from whom the information was acquired,) 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 Investigating Authority.
17. You are only required to submit a confidential version of the application until such time as the Investigating Authority has informed you that the application is regarded as properly documented. However, before proceeding to initiation of an investigation, you will be required to submit a non-confidential version thereof. In this regard, 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 in each instance; 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 in confidence. Annexure I to this questionnaire provides guidelines on how to prepare a non-confidential summary of the confidential information.

18. Please reproduce all questions, followed by the answers, in your application.

SECTION A – GENERAL INFORMATION

A1 Identify your company

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

A2 Identify the authorised contact person(s) for your company for this investigation

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

A3 Legal Representative

If you have appointed a legal representative to assist you in this proceeding, please provide the following details:

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

Please submit an authorization for the legal representative to act on your behalf. A template is enclosed as Annexure A3.

A4 Corporate Information

A4.1 Indicate the legal form of your company (public company, private company, fully owned subsidiary, joint venture, etc.)

A4.2 Provide a complete listing of all shareholders that hold more than 1% 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. | | | | |

A4.3 Please indicate address(es) of all your offices involved in the administration, sales and production of the product under investigation.

Office:
 Address:
 Function:

A4.4 Supply a detailed diagram outlining the overall internal hierarchical and organisational structure of your company. Please attach as Annexure A4.4.

A4.5 Please provide your company's worldwide corporate structure and affiliations, including parent companies, subsidiaries or other related companies. Please attach as Annexure A4.5.

A4.6 Describe the nature of your relationship with the company(s) referred to in A4.5. 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.

A4.7 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.

A5 Range of products

A5.1 List all the products produced and/or sold by your company in Mauritius, i.e. not only the product that forms the subject of this application. Please include a brochure of all your products.

A6 Accounting principles and cost accounting system

A6.1 Please indicate your financial year.

A6.2 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.

A6.3 Indicate whether any 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.

A6.4 Please attach copies of your audited financial statements for the last three years as Annexure A6.4. If the financial statements for the last financial year have not been audited yet, please include your unaudited statements.

A6.5 Please attach copies of your monthly internal or management accounts for the full period of investigation as Annexure A6.5.

SECTION B – PRODUCT

B1 Subject Product Information:

B1.1 Provide a complete description of the **imported** products. Specifically provide details on the following:

- (a) Product name (scientific, general and trade names where applicable);
- (b) Physical appearance;
- (c) Technical characteristics;
- (d) Raw materials;
- (e) Production process;
- (f) Functions and end-use;
- (g) Distribution channels;
- (h) Tariff classification;
- (i) Applicable technical specifications or standards (national or international);
- (j) Any other information used to distinguish the product from similar products.

Attach a copy of the tariff description from the Mauritius Tariff Code Book as Annexure B1.1(a).

If available, attach copies of brochures or photographs showing the imported product as Annexure B1.1(b).

B1.2 Indicate the main countries of export of the subject product.

B2 Mauritius Like Product Information:

B2.1 Provide a complete description of **your product**. Specifically provide details on the following:

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

Attach copies of brochures/photos showing your product as Annexure B2.1.

B2.2 Describe the manufacturing process for the like or directly competitive product. Flow charts explaining the manufacturing process, including a step-by-step explanation of the production process starting from the first input of primary material and ending with the packaging of the like product would be useful in this respect.

B2.3 If your product is manufactured from both Mauritian and imported inputs, or only from imported inputs:

- (a) identify the imported inputs and describe their use in the like product or directly competitive 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).

B2.4 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. **Note: this coding will assist the Investigating Authority in obtaining relevant product-specific information from exporters and importers, although the Investigating Authority may decide to adjust the coding system used.**

B2.5 Specifically provide details on differences between the imported product and the Mauritius like or directly competitive product.

B2.6 Indicate how these differences affect substitutability, consumer preference and prices.

B3 Comparability of the subject product concerned with the Like or Directly Competitive Product:

B3.1 Briefly explain the comparability of the product produced by your company with that imported and note any differences in physical and technical and end-uses. Do this on a model-by-model or product group basis where applicable.

| Types produced by your company (include codes and description) | Competing imported types (include codes and description) | Differences |
|---|---|--------------------|
| | | |
| | | |
| | | |

This information may also be provided as Annexure B3.1.

SECTION C – INTERESTED PARTIES

Note that no investigation can be initiated unless you have identified these parties. 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 C1 contains the format for such declarations.

C1 Domestic industry:

- C1.1 Provide the names and full contact details (address, telephone number, contact person, email) of all known domestic (Mauritian) producers of the like product.
- C1.2 Provide the names and full contact details (address, telephone number) of all known chambers and trade associations for the like product in Mauritius.
- C1.3 Do you import the subject product? If so, please indicate your reasons for importation and provide information on the types/models, the volume and value imported during the injury investigation period.
- C1.4 Does any of the other domestic producers import the subject product? If yes, to the extent possible, please provide details of the volume and value of all such imports during the last three years and the year to date.
- C1.5 Are you or any of the domestic producers related to the exporters or importers of the subject product? If affirmative, state the nature of such relationship.
- C1.7 State the volume of Mauritius production with a separate breakdown of that of the applicant and of other Mauritius producers not party to this complaint. The application should be supported by at least 25% of the domestic industry by production volume, with more producers by production volume supporting the application than those opposing it. Please provide the data in the following format, by indicating the party's volume of production in the relevant column:

Table C1.6.1

| | Support application | Neutral | Oppose application |
|--------------------------|---------------------|---------|--------------------|
| Applicant | | | |
| Other producer 1* | | | |
| Other producer 2* | | | |
| Total | | | |

Note: Insert as many rows as required.

Attach letters of support from other producers as Annexure C-1.6.1.

* - indicate name of producer

C2 Other interested parties

- C2.1 Provide the names and full contact details (address, telephone number, email, website) of all known **importers** of the subject product that you are aware of that imported the product to Mauritius during the investigation period.
- C2.2 Provide the names and full contact details (address, telephone number, email) of all known domestic (Mauritius) users of the subject product if it is a product that is used in **downstream manufacturing**.

SECTION D – UNFORESEEN DEVELOPMENTS / OBLIGATIONS INCURRED BY MAURITIUS

It is a requirement that the increase in imports must have been as a result of an “unforeseen development”, i.e. something the Government of Mauritius could not reasonably have foreseen when it negotiated its commitments under the GATT 1994 and the WTO Agreement in 1994. There must be a “logical connection” linking the “unforeseen developments” and an increase in imports of the product that is causing, or threatening to cause, serious injury. Without such a “logical connection” no safeguard measures may be applied.

D1 Unforeseen developments

- D1.1 Please enumerate the factors that you consider the “unforeseen developments” that led to the significant increase in imports of the product concerned and provide relevant factual background information with respect to each of them.
- D1.2 Justify, in the light of description above how each of the factors listed in the reply to D1.1 constitutes unforeseen developments.
- D1.3 Explain the connection between the “unforeseen developments” and the increase of imports causing injury to the domestic industry.

D2 Obligations incurred by Mauritius under the GATT 1994

Please identify those obligations incurred under the GATT 1994 that are linked with the increase in imports causing serious injury to its domestic industry, including the current applied duty and the maximum duty that may be imposed.

SECTION E – INCREASED IMPORTS

E1 Import statistics:

E1.1 Provide the import statistics for the subject product in the following format (insert the names of the exporting countries as required):

Table E1.1: Import volumes (indicate unit of measurement – kg/units/litres)

| Volume | 20xx | 20xx | 20xx | 20xx |
|---------------|------|------|------|------|
| Country 1 | | | | |
| Country 2 | | | | |
| Sub-total | | | | |
| Other imports | | | | |
| Total imports | | | | |

Identify each country representing more than 3 per cent of the import volume of the subject product into Mauritius (insert additional rows in the Tables as required).

If imports take place under different tariff subheadings, the tables in E1.1, E1.2 and E1.3 should be completed separately for each tariff subheading, as well as for all products combined.

Provide information for at least the **last three full years and the current year to date** (as recent as information is available from Customs) and indicate in the headings to which years the information relates to. If you believe this better supports your case, you may provide information for a period of up to five years. Clearly indicate whether the information relates to calendar or financial years. This relates to all three tables (E1.1, E1.2 and E1.3)

Table E1.2: Import values

| Value | 20xx | 20xx | 20xx | 20xx |
|---------------|------|------|------|------|
| Country 1 | | | | |
| Country 2 | | | | |
| Sub-total | | | | |
| Other imports | | | | |
| Total imports | | | | |

Table E1.3: Import prices

| Unit price | 20xx | 20xx | 20xx | 20xx |
|---------------|------|------|------|------|
| Country 1 | | | | |
| Country 2 | | | | |
| Sub-total | | | | |
| Other imports | | | | |
| Total imports | | | | |

E1.2 In case that the tariff code(s) under which the subject product is classified includes products that should not be covered by the investigation, explain in detail how you have separated imports of the product concerned from other non-covered products.

E1.3 Provide data regarding the increase in subject products relative to domestic production of the like product or directly competitive product.

E1.4 Please comment on how the change in import volumes, including within the period, indicates that the increase in imports has been

- (a) sudden;
- (b) sharp;

- (c) recent; and
- (d) significant.

Note that generally the increase should have taken place in the last 12 (or at most 18) months to qualify as a **recent** increase. **The only exception is if imports increased at an earlier time, but have remained at such high levels as to cause or threaten serious injury.**

E2 Monthly import statistics

E2.1 Provide the monthly import statistics for the last 24 months for which information is available for the subject product in the following format (insert the names of the months as required):

| Month | Volume | Value | Unit price |
|-------|--------|-------|------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |

If imports take place under different tariff subheadings, Table E2.1 should be completed separately for each tariff subheading, as well as for all products combined.

SECTION F – SERIOUS INJURY / THREAT THEREOF

Introduction

One of the pillars of a safeguard determination is the assessment of whether the Mauritian industry is suffering serious injury or a threat thereof. For this determination to be possible, certain data must be gathered and assessed. These data concern, first, the volume and prices of the investigated product and, second, the negative impact that these imports have on the domestic industry.

It is not required that all of the factors show a negative performance for a finding of serious injury to be possible. For instance, while sales volume might have remained stable, the domestic industry might have significantly decreased profitability due to lower prices to compete with the increased imports.

In addition to information on these factors, domestic producers may submit other information that they consider relevant in order to show that they are suffering injury.

Safeguard measures can also be imposed where no actual serious injury is yet felt, provided that a threat thereof can be proven, that is, where serious injury will be evident in the near future unless action is taken.

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

- **Product:** The injury determination must be based exclusively on data for the like or directly competitive product produced and sold by Mauritian producers (see section B above). Only where the separate identification of that production is not possible, the effects of the increased imports can be assessed by examining the production of the narrowest group or range of products, which includes the like product or the directly competitive product, for which the required information can be provided. If data are determined on the basis of estimates, please explain the basis for such estimates.
- **Data for some types or models of the like or directly competitive product:** Unless indicated otherwise, the information refers to the like or directly competitive product as a whole. Thus, unless otherwise indicated no separate data need to be provided for each type or model of the like product or directly competitive product. However, this will depend on the nature of the product and the scope of the investigation. In some cases this questionnaire requires you to provide information for each model or type separately, even on a transaction-by-transaction basis. If you consider that submitting information for each model or type of the like product or directly competitive product is too cumbersome, please contact the Investigating Authority as soon as possible to discuss.
- **Period for submission of data:** Please provide information for three full years preceding the request. Note that this does not have to be calendar years, but may be financial years or rolling 12-month periods. If you encounter difficulties in gathering data for any particular period, please inform the Investigating Authority as soon as possible.
- **Reporting unit of measurement:** Several factors require information on “volume”. Please provide the data in the unit requested in the text or tables. If information is available in different units of measurement, you must convert those units into the unit requested. The conversion rates, including the source, must be clearly stated in the application, as submitted.

F1 Serious injury:

F1 Please supply the following injury information (must be reconcilable to your financial statements).

| Note | Description | 20xx | 20xx | 20xx | 20xx |
|------|--------------------------------------|------|------|------|------|
| 1 | Units sold (Mauritius) | | | | |
| 2 | Turnover (Mauritius) | | | | |
| 3 | Average Mauritius selling price | | | | |
| 4 | Gross profit on Mauritius sales | | | | |
| 5 | Net profit on Mauritius sales | | | | |
| 6 | Actual (total) production | | | | |
| 7 | Actual production for Mauritius | | | | |
| 8 | Capacity utilisation % | | | | |
| 9 | Total production workers | | | | |
| 10 | SGA staff | | | | |
| 11 | Total staff | | | | |
| 12 | Units produced per production worker | | | | |

In completing this table, please refer to the following explanatory notes. Where necessary, indicate this separately for each product group/model as well as the total.

| Note | Description | Note | Description |
|------|--|------|---|
| 1 | Indicate the volume of sales of the like product in Mauritius. Also indicate the unit of measurement (units, kg, etc.). | 7 | Indicate that part of the production volume of the like product that was destined for sales in Mauritius, thus excluding production for the export market |
| 2 | Indicate the value of turnover of the like product at ex-factory (undelivered) level | 8 | Express your actual total production as a percentage of your actual capacity |
| 3 | Divide the total value of sales by the total volume of sales | 9 | Indicate the number of production workers dedicated to production of the like product only. If this is not possible, provide it for the narrowest group of products for which it is available |
| 4 | State the total gross profit (GP) on Mauritius sales of the like product. GP relates to the difference between the turnover indicated under note 2 and the total production cost, inclusive of raw material, labour, factory overheads, depreciation, etc., but excluding any selling, general and administrative (SGA) costs. | 10 | Indicate the number of SGA staff, including management dedicated to sales of the like product. ¹ |
| 5 | State the total net profit on Mauritius sales of the like product. Net profit relates to the difference between the turnover indicated under note 2 and TOTAL costs, including SGA expenses | 11 | Add the total number of production and SGA staff |
| 6 | Indicate the actual total volume produced of the like product during the period indicated (regardless of destination) | 12 | Divide the total production units by the number of production workers |

¹ If this cannot be separately indicated, please indicate the number of workers for the narrowest group of products or for the company in total, but add a qualifying note to this effect

F2 Other injury factors

Provide comments, supported by evidence, on any other matters that it may consider relevant for the purpose of showing that the Mauritian industry is suffering injury.

F3 Cost of production:

Please complete the cost build-up in Annex F3

F4 Threat of serious injury:

Note: It is not necessary to complete this section if you can prove serious injury under question F1. The Trade Remedies Act requires that "a determination of threat of serious injury caused by increased imports of the investigated product shall be based on facts". No finding of a threat can be based on allegation, conjecture or remote possibility. The change in circumstances which would create a situation in which increased imports would cause serious injury must be clearly foreseen and imminent. Should an application only be based on a threat of material injury, you still have to complete the information in question F1, **but you need to add two columns for the current year and the next year**, providing substantiated estimates for all injury factors, in addition to the information requested in this section.

- F4.1 Give details on the freely disposable capacity or imminent substantial increase in capacity of the foreign producers.
- F4.2 Substantiate any significant increase of subject product imports into Mauritius indicating the likelihood of substantially further increased importation.
- F4.3 State whether the products concerned enter Mauritius at prices that will have a significant depressing or suppressing effect on the Mauritian like or directly competitive product prices and are likely to increase demand for further imports. Substantiate your reply. (A depressing effect means the actual lowering of existing prices and a suppressing effect means the prevention of price increases that would have normally been affected.)
- F4.4 Indicate the state of the world economy and its influence on the operations of the producers/exporters.
- F4.5 Give any other information relevant to your allegation that the infliction of serious injury is imminent.

SECTION G – CAUSALITY

Causality:

The applicant, in addition to providing the data establishing an increase in imports and (a threat of) serious injury on a *prima facie* basis, must demonstrate that there is a causal link between the increased imports and the serious injury. This does not mean that the increased imports must be the only reason for any injury suffered. Causality is usually shown by the coincidence in time of the increasing imports with the deterioration of the situation of the industry as shown by the development of the injury factors outlined above.

G1 Link between increased imports and injury

Submit your reasons for alleging that the increased imports are the cause of your serious injury. Refer to matters such as the increase in imports of the investigation period compared to decreases in your sales volumes; price undercutting during the investigation period; and other factors that can directly link injury to the increased imports. Note that attention should not only be given to the end-point analysis (i.e. the figures in the first and last years), but also to intervening trends.

G2 Other factors causing injury

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

SECTION H – OTHER QUESTIONS

This section of the application questionnaire addresses a number of different, but very important, issues.

H1 Provisional measure

H1.1 Do you request the application of a provisional safeguard measure? If so,

- You will need to provide information regarding critical circumstances where delay in taking action would cause damage to the industry which it would be difficult to repair; and
- You will have to indicate the level of the tariff increase requested as provisional measure. You should explain the methodology in detail.

H2 Application of a definitive measure

H2.1 Please indicate the form (duty, quota or tariff quota), level and duration of the definitive safeguard measure sought. Indicate, in particular, how the measure sought would permit achieving the objectives of the industry to adjust or restructure to meet international competition after the definitive measure has lapsed.

Note that the Investigating Authority is not bound by your selection, but will give it due consideration.

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)

- Notes:**
- (1) This page should be completed and appended at the beginning of your submission.
 - (2) The Chief Executive Officer, Managing Director, Chief Finance Officer, a Director, Partner or the proprietor of the firm filing response to this questionnaire should sign the declaration – it may not be signed by a consultant.

ANNEXURE A3

AUTHORISATION LETTER

We hereby appoint the following person/firm in Mauritius to represent us in the safeguard investigation being conducted by the Trade Remedies Investigating Authority. This representation will remain in effect until revoked in writing.

(Name, address, telephone, fax number, email address of the person/firm who may represent you)

M/s (name) is authorised, *inter alia* for the following: _____

- 1) To communicate with and receive communication from the Investigating Authority.
- 2) To make submissions on our behalf.
- 3) To appear for and on our behalf.

(Please strike off whichever activity is not authorised)

Date _____

(Signature)

(Name/Designation)

Note: The Chief Executive Officer, Managing Director, Chief Finance Officer, a Director, Partner or the proprietor of the firm filing response to this questionnaire should sign the declaration – it may not be signed by a consultant.

ANNEXURE I

DRAFTING THE NON-CONFIDENTIAL RESPONSE

All information for which confidentiality is claimed should be submitted in a non-confidential format that enables other interested parties a reasonable understanding of the information that was submitted in confidence. This can either be done by submitting data in index form or by providing a non-confidential summary. The following example shows how the information can be presented.

Confidential information

Table I.1

| Sales volume | 2015 | 2016 | 2017 | 2018 |
|--------------|---------|-----------|-----------|---------|
| Model 1 | 489,253 | 538,178 | 527,415 | 406,109 |
| Model 2 | 134,235 | 153,028 | 142,316 | 103,891 |
| Model 3 | 346,234 | 373,933 | 366,454 | 344,467 |
| Total | 969,722 | 1,065,139 | 1,036,185 | 854,467 |

Indexed version

The information in Table I.1 can be reproduced in index form as follows:

Table I.2

| Sales volume | 2015 | 2016 | 2017 | 2018 |
|--------------|------|------|------|------|
| Model 1 | 100 | 110 | 108 | 83 |
| Model 2 | 100 | 114 | 106 | 77 |
| Model 3 | 100 | 108 | 106 | 99 |
| Total | 100 | 110 | 107 | 88 |

ANNEXURE C1

[NOTE that this certification 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 A SAFEGUARD INVESTIGATION CONCERNING IMPORT OF [INSERT SUBJECT PRODUCTS]

I, the undersigned, confirm that **[insert name of company]** support the application for the initiation of a safeguard investigation concerning imports of **[insert subject product]**.

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]**, 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 in its examination of whether the Mauritian industry producing and selling the like or directly competitive product is suffering serious injury or a threat of serious injury caused by increased imports.

I, **[insert name & surname]**, **[position]** of **[insert name of your company]** certify that the information submitted herewith to the Investigating Authority of Commerce is accurate and complete. I also accept a verification of the said information.

Signed _____

[Insert City] (Mauritius), **[Insert date]**

Telephone #: **[insert telephone number]**
Email: **[insert email address]**
Address: **[insert address]**

ANNEXURE F3: COST AND PRICE BUILDUP

| Notes | Cost of production for the product under investigation | Like or directly competitive product # | | All other products | Company total |
|-------|--|--|------------|--------------------|---------------|
| | | Total cost | Cost/unit* | Total cost | Total cost |
| 1a | Units produced in last financial year | | | | |
| 1b | Units sold in last financial year | | | | |
| 2 | DIRECT COST | | | | |
| | Domestic materials | | | | |
| | Imported materials | | | | |
| | Consumables | | | | |
| 3 | Total materials | | | | |
| | Power & fuel | | | | |
| | Other direct cost | | | | |
| 4 | FIXED OVERHEAD COST | | | | |
| | Labour costs | | | | |
| | Repair & maintenance | | | | |
| | Rates & insurance | | | | |
| | Plant depreciation | | | | |
| | Other fixed cost | | | | |
| 5 | TOTAL PRODUCTION COST | | | | |
| 6 | Stock movement | | | | |
| 7 | NET TOTAL PRODUCTION COST | | | | |
| 8 | SGA COST | | | | |
| | Wages and salaries | | | | |
| | Other | | | | |
| 9 | TOTAL COST | | | | |
| 10 | Net profit | | | | |
| 11 | TURNOVER | | | | |

* For cost/unit up to net production cost, divide by production volume; for cost/unit thereafter, divide by sales volume
Where you have different products, product types or models, these two columns should be prepared for each such product type or model that represents more than 5% of the value of sales of all the like or directly competitive products, with a further column for other product types or models, as well as a column with the totals of all like products.

Notes:

| | |
|----|--|
| 1a | See row 6 in question F1 |
| 1b | See row 1 in question F1 |
| 2 | Direct cost is the total of "total materials", 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 | Stock movement should correspond to the difference between the units produced and sold |
| 7 | SGA cost is the total of SGA wages and salaries, and other costs (which include marketing, advertising, warranties, delivery, etc.) |
| 8 | Net total production cost is the total of total production cost and stock movement |
| 9 | Total cost is the total of net total production cost and Selling & admin cost |

| | |
|----|---|
| 10 | Net profit should correspond to the information submitted in row 9 in question E1.1 |
| 11 | Total turnover, including on exports, but only for products produced in-house (i.e. no resales) |