



## QUESTIONNAIRE (PETITIONER)

### PETITION FOR AN APPLICATION FOR ANTI-DUMPING DUTIES

Petitioner(s) providing submissions must ensure that:

- each page is labelled either "*confidential*" or "*non-confidential*"
- a *non-confidential* version is provided
- the *non-confidential* version fully explains the content and significance of the *confidential* information; and
- the declaration is completed



MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY  
MALAYSIA

## INTRODUCTION

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PETITIONER(S):

PRODUCT(S):

HS CODE:

AHTN CODE:

ORIGINATING IN: [COUNTRY]

EXPORTED FROM: [COUNTRY]

For the purpose of this questionnaire submission:

**Year 1** : [PERIOD]

**Year 2** : [PERIOD]

**Period of Investigation (POI)** : [PERIOD]

STATUTORY REFERENCE:

***Countervailing and Anti-Dumping Duties Act 1993***  
***Countervailing and Anti-Dumping Duties Regulations 1994***  
***Article VI of the General Agreement on Tariffs and Trade 1994***

**SUBMIT THE PETITION TO:**

THE DIRECTOR  
TRADE PRACTICES SECTION  
MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY  
14<sup>TH</sup> FLOOR, BLOCK 8  
GOVERNMENT OFFICES COMPLEX  
JALAN DUTA  
50622 KUALA LUMPUR  
MALAYSIA

**FACSIMILE: 603-6201 6394**

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## GENERAL INSTRUCTIONS

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### A. For filing the petition

1. Answer questions in the order as presented in the questionnaire. Please ensure that information submitted conforms to the requested format and is clearly labelled.
2. Your reply to this questionnaire may be subjected to verification. Therefore, all worksheets including the source documents used in answering the questionnaire must be retained, for verification during the on-the-spot investigation.
3. To facilitate the verification, please identify the source documents and specify where they are kept. During the verification, you should be prepared to substantiate all information submitted i.e. able to be traced back to regular company documents.
4. It is in your own interest to reply as **accurately** and **completely** to the questionnaire and to **attach supporting documents**. You may supplement your response with additional data not covered by the questionnaire if you believe it is necessary to support your case. If a question does not apply to your company, please write "*not applicable*" and where relevant, state the reason.
5. All documents and source materials submitted **other than in Bahasa Malaysia and the English language must be accompanied by an English translation**. Failure to provide an English translation may result in the information provided being disregarded.
6. For the purpose of replying to this questionnaire, you should use the amounts as recorded in your accounting records.
7. Identify clearly all units of measurement and currencies used in tables and calculations. Apply the same measurements consistently throughout your questionnaire response. You must indicate the source(s) from where the statistical figures are obtained.
8. If you intend to have another party acting on your behalf, please ensure that MITI receives a properly documented power of attorney.
9. Please note that interested parties providing confidential response to the questionnaire are required to furnish non-confidential summaries thereof. In this context, you should be aware that:
  - the non-confidential summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. In exceptional circumstances, such parties may indicate that such information is not susceptible of summary and a statement of the reasons why summarization is not possible must be

provided (Please refer to **Appendix 1** on how to complete the non-confidential version); and

- if it is considered that a request for confidentiality is not warranted and if the supplier of the information is either unwilling to make the information available or to authorise its disclosure in generalised or summary form, such information may be disregarded.

10. You are required to submit:

- five (5) printed copies of the confidential version; and
- three (3) printed copies of the **non-confidential** version.

Clearly mark each version as either “**CONFIDENTIAL**” or “**NON-CONFIDENTIAL**”

11. All information provided to MITI in confidence will be treated accordingly. Your non-confidential version of the submission would be placed in the public file for public viewing.

#### **B. For submitting computerised information**

1. It is essential that information be submitted in a computer media. If your company does not maintain records in a computer media or not in a position to submit the requested computerised data, please contact the officials in charge.
2. **Information should be given on any data storage medium compatible with the computer system used by the Government** and provide printouts of all the requested computer files.
3. All data storage medium should be **clearly labelled** with your company's name and file names.
4. The data files have to be compatible to the **MS-EXCEL format**.
5. Please ensure that the submitted data does not contain any virus.
6. Provide the requested files with the structure and column headings as proposed in the respective sections. The order and title of each of the field names, and formulae used in the computer spreadsheets should be maintained.

# MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY

## Petition for Anti-Dumping and Countervailing Duties Investigation

### DECLARATION

I request in accordance with Sections 4 and 20 of the Countervailing and Anti-Dumping Duties Act 1993 that the Government imposes, in respect of products the subject of this application:

- an anti-dumping duty, or
- a countervailing duty, or
- anti-dumping and countervailing duties.

This application is made on behalf of the Malaysian industry producing like products to the imported products which is the subject of this application. The application is supported by Malaysian producers whose collective output comprises:

- 25% or more of the total Malaysian production of the like products; and
- more than 50% of the total production of like products by those Malaysian producers that have expressed either support for, or opposition to, this application.

I believe that the information contained in this application:

- provides reasonable grounds for the publication of the notice(s) requested, and
- is complete and correct.

Signature
Name
Position
Company
Date

**SECTION A**  
**COMPANY STRUCTURE AND OPERATIONS**

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*This section is to provide MITI with an understanding of your company.*

**A-1 Contact Information**

Company

Name:  
Address:  
Telephone:  
Facsimile:  
Email:  
Web page:

Factory

Name:  
Address:  
Telephone:  
Facsimile:

Contact person

Name:  
Position/Designation:  
Address:  
Telephone:  
Facsimile:  
Email:

**A-2 Legal Representative/Consultant**

If you have appointed a legal representative/consultant to assist you in this proceeding, provide details of:

Name of legal representative/consultant:  
Name of contact person:  
Address:  
Telephone:  
Facsimile:  
Email:



### **A-3 Corporate Information (including related parties)**

1. Indicate the legal name and form (e.g. company, partnership sole trader) of your business. If you trade in a name other than this legal name, indicate the name(s) used.
2. List the principal shareholders of your company and indicate the percentage of shareholding and the activities of these shareholders. For this purpose, use Table A-3.2.

Table A-3.2: Shareholdings

<b>Name of shareholder</b>	<b>Activity of shareholder</b>	<b>Percentage of share holding</b>

3. Provide:
  - a. A diagram outlining the overall organisational structure of your company(s).
  - b. A detailed diagram which shows all units within your company involved in the production, sale, R&D, distribution and supply of the product in the Malaysian and export market during the investigation period.
  - c. Copies of legal documents (e.g. Form 24, Form 48, Form 13) to substantiate your explanation.
  - d. A copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities.
4. List the names, addresses, email, telephone and facsimile numbers of all subsidiaries or other related companies in all countries that are involved with the production, sale, R&D, distribution and supply of the product in Malaysian market and export market during the investigation period. Specify the activities of each related company and percentage of shares owned. For this purpose use Table A-3.4.

Table A-3.4: Related Companies Listing

+Name, address, email, telephone, fax of related company in all countries	List of activities	Tick if manufacturer of the product under investigation <input type="checkbox"/>	Tick if supplier of input used in the manufacturing of the product under investigation <input type="checkbox"/>	Tick if importer of the product under investigation <input type="checkbox"/>	Percentage of your company's shareholding in related company	Percentage of related company's shareholding in your company
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

5. If your company has contractual links with any other company(s) in Malaysia or other countries (in particular, alleged country(s) in this proceeding), for the production (e.g. subcontracting), supply and sale of the product or other licensing, technical patent or compensatory agreements, explain the nature of the agreement and indicate clearly the country where the company is located.
  
6. Provide details of any other area of activity where your company has other commercial relationships with the alleged country(s) in this proceeding (e.g. production facilities, joint ventures).

**SECTION B**  
**ACCOUNTING SYSTEM AND POLICIES**

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**Accounting System and Policies**

1. Indicate accounting period or financial year of your company. If any changes have occurred with respect to the accounting period or accounting practices over the last five years, explain the changes in detail and supply supporting documents.
2. Attach audited accounts, i.e. balance sheet, profit and loss statement, notes to the accounts and auditor's opinion, for the three most recent completed financial years as available.
3. If your company sells via a related company, provide the accounts of that company. If your company is part of a group of companies, also supply the consolidated accounts of the group for the three most recent completed financial years as available.
4. Indicate the address where the accounting records concerning the activities of the company are located. If they are maintained in different locations, indicate which record is kept at which location.
5. Describe the cost accounting system used by your company to record the production costs of the product and state whether standard costs or actual costs were used in reporting per unit costs including the allocations of the variances. Give details of the frequency of standard cost revisions.
6. Describe methods used in your general accounting system.
  - a. how do you value stock?
  - b. how do you deal with incidental revenue?
  - c. what methods do you use to allocate costs from general cost categories to a specific product?
  - d. how do you determine depreciation and useful life of fixed assets?
  - e. if standard costing is used rather than actual costs, describe methods used to determine standards, the frequency of revisions and the treatment of variances
  - f. how do you deal with costs and revenue of any by-product?

**SECTION C  
DOMESTIC INDUSTRY**

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**Domestic Industry**

“Domestic industry” means the domestic producers as a whole of the like product or the domestic producers whose collective output of the like product constitutes a major proportion of the total domestic production of the like product or where appropriate, the regional producers of the like product.

Producers who are related to the exporters or importers, or are themselves importers of the subject merchandise, the expression “domestic industry” may be construed as referring to the rest of the producers referred to, other than such related producers or producers who are importers.

1. Complete Table C-1, to demonstrate that Malaysian producers support the petition account for:
  - More than 50% of the total production of the like product by producers supporting/opposing the petition; and
  - At least 25% of the total Malaysian production of the like products.

In completing Table C-1, the data must:

- relate to the last twelve months;
- be provided for all companies in Malaysia producing like products;
- comprise production for each model/grade/type of like products;
- explain the basis of any estimates; and
- show the production volume.

Table C-1: Total Production of Domestic Industry

	your data
	calculated data

Model/Grade/Type of products	Volume
<b>A. Petitioner(s)</b>	
[Company I]	
[Company II]	
<b>B. Companies supporting the application</b>	
[Company III]	
[Company IV]	

<b>Model/Grade/Type of products</b>	<b>Volume</b>
<b>C. Companies opposing on the application</b>	
[Company V]	
[Company VI]	
<b>D. Companies not commenting on the application - neutral (estimated)</b>	
[Company VII]	
[Company VIII]	
<b>E. Total Malaysian Production (estimated)</b> <b>A+B+C+D=E</b>	
<b>F. Of the companies that have commented, the portion of production represented by companies supporting the application is (%)</b> <b><math>[(A+B)/(A+B+C)] \times 100</math></b>	
<b>G. The portion of total production supporting the application is (%)</b> <b><math>[(A+B)/(E)] \times 100</math></b>	

2. From table C-1.1, list the names, addresses, telephone and facsimile numbers of Malaysian producers of the like products in table C-1.2. Indicate if they are members of any relevant industry associations.

Table C-1.2: Contact Information of Malaysian Producers

<b>Name of company</b>	<b>Address/ Telephone/Fax</b>	<b>Association Member</b>

## SECTION D PRODUCT DESCRIPTION

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*This section requests a detailed description of the LIKE PRODUCT produced by your company and related company(s) in Malaysia and SUBJECT MERCHANDISE.*

### **Like Product**

The product produced by the domestic industry must be “like product” to the imported merchandise (subject merchandise). “Like product” means a product which is identical or alike in all respects to the subject merchandise, and may include any other product which has physical, technical or chemical characteristics, application or uses that resemble those of the subject merchandise as the Government deems appropriate.

### **Subject Merchandise**

“Subject merchandise” means the class or kind of merchandise imported or sold for importation into Malaysia that is the subject of any countervailing or anti-dumping action under this Act as determined by the Government to be appropriate for establishing the scope of the action.

### **D-1 Product Specifications**

1. Briefly describe the range of **products produced** by your company in Malaysia.
2. Provide full details of the products produced and/or exported by your company including:
  - a. physical, technical and chemical characteristics;
  - b. end use;
  - c. brand names;
  - d. production process including flow chart;
  - e. specification; and
  - f. illustrative material i.e. brochures, catalogues etc.
  - Supply technical documentation where appropriate; and
  - If the products involve a number of models and/or types, the details must cover all models or types produced and/or exported.
3. Describe in detail your company's own product coding system. Provide a key to your product codes, including all prefixes, suffixes, or other notations, which identify special specifications.

4. Fully describe the **subject merchandise** against which action is sought:
  - a. Physical, technical and chemical characteristics;
  - b. end use;
  - c. brand names;
  - d. production process including flow chart;
  - e. specification; and
  - f. illustrative material i.e. brochures, catalogues etc.
  - Supply technical documentation where appropriate.
  
5. Briefly explain the comparability of the product produced by your company with that imported from the alleged country(s) in this proceeding. For this purpose, use Table D-1.5.

Table D-1.5: Product Comparability

<b>Types of Product Produced by your Company (Include codes and description)</b>	<b>Imported Competitive Products (Subject Merchandise) (Include codes and description)</b>	<b>Identical Characteristics (Specify)</b>	<b>Differences (Specify)</b>

6. What is the tariff classification and rate of duty applied to the subject merchandise. For this purpose, use Table D-1.6.

Table D-1.6: Tariff Classification

<b>HS Code/AHTN</b>	<b>Product Description</b>	<b>MFN Rate (%)</b>	<b>Preferential Rate (%)</b>

## **D-2 Closed Processed Agricultural Products**

The industry producing the raw agricultural products is taken to be part of the domestic industry producing like (processed) product where it is established that the raw agricultural products are closely related to the processed product.

Question 2 and 3 seek evidence of vertical integration between the agricultural producers and the processors. Describe the process, showing the total output of the industry producing the raw agricultural products and the proportion of that output devoted to processing. Any significant changes to the relative proportion being processed should be explained. Details are to be supported by documentary material whenever possible.

1. Fully describe the locally produced raw agricultural products.
2. Provide details showing that the raw agricultural products are devoted substantially or completely from the raw agricultural products.
3. Provide details showing that the processed agricultural products are devoted substantially or completely from the raw agricultural products.
4. Provide information to establish either:
  - a. a close relationship between the price of the raw agricultural products and the processed agricultural products; or
  - b. the cost of the raw agricultural products to the producer of processed agricultural products is a significant part of the production cost of the processed agricultural.



## SECTION E DUMPING

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### E-1 Source of Imports

1. Identify the source country(s) of the imports into Malaysia.
2. Identify whether each country is only the country of origin of the imported products. If not, provide details.
3. If the source of the exports is a non-market economy, or an 'economy in transition', refer to **Part D-1.4 and D-1.5** of the application.
4. Where possible, provide the names, addresses and contact details of:
  - producers of the products exported to Malaysia;
  - exporters to Malaysia; and
  - importers in Malaysia.
5. If action is sought against countries which individually have less than 3% of total imports, demonstrate that they are collectively account for more than 7% of total imports of the subject merchandise. For this purpose, use Table E-1.5.

Table E-1.5: Source of imports

Country	Volume of Imports	Percentage of Imports (%)
<b>Total Imports</b>		

### E-2 Export Price

Possible sources of information on export price include: export price lists estimates from the Department of Statistics, Malaysia; a deductive export price calculation from the Malaysian selling price of the imported products; or export sales quotations or invoices.

1. Indicate the FOB/CIF export price(s) of the imported products during period of investigation. Where there are different grades, levels of trade, models or types involved, an export price should be supplied for each. For this purpose, use Table E-2.1.

Table E-2.1: Export price

Country	HS Code/AHTN	Grade/Models/Type	Export price (FOB/CIF)

2. Specify the terms and conditions of the sale, where known.
3. If you consider published export prices are inadequate, or do not appropriately reflect actual prices, please calculate a deductive export price for the products. **Appendix 2 (Deductive Export Price)** can be used to assist your estimation.
4. It is important that the application be supported by evidence to show how export price(s) have been calculated or estimated. The evidence should identify the source(s) of data.

**E-3 Selling Price (Normal Value) in the Exporter’s Domestic Market**

Possible sources of information about domestic selling prices in the country of export include: price lists for domestic sales (with information on discounts); actual quotations or invoices relating to domestic sales; published material providing information on the domestic selling prices; or market research undertaken on behalf of the petitioner.

1. State the selling price for each grade, model or type of like products sold by the exporter, or other sellers, on the domestic market of the country of export. For this purpose, use Table E-3.1.

Table E-3.1: Selling price (normal value)

Country	HS Code/AHTN	Grade/Models/Type	Selling price (normal value)

2. Specify the terms and conditions of the sale, where known. Provide supporting documentary evidence.
3. List the names and contact details of other known sellers of like products in the domestic market of the exporting country. For this purpose, use Table E-3.3.

Table E-3.3: List of Foreign Producers

Name	Address	Telephone Number	Fax Number

**E-4 Estimate of Normal Value Using another Method**

This section is only need to be completed where there is no reliable information available about selling prices as requested in E-3 or sales are not made in the ordinary course of trade. Other methods of calculating a normal value include:

- the cost to make the exported products plus the selling and administration costs (as if they were sold in the exporter's domestic market) plus an amount for profit (if applicable); OR
- the selling price of like products from the country of export to a third country.

Indicate the normal value of the like products in the country of export using another method (if applicable, use **Appendix 2** to **construct normal value**). Provide supporting documentary evidence.

**E-5 Exports from a Non-Market Economy**

1. If the country of export is a non-market economy which operates on a centrally planned economy (CPE), provide the detail.
2. Normal values for CPE'S may be established by reference to prices or cost to make and sell in a comparable market economy country. Provide the information sought in E-3 and explain why you consider the country chosen to be suitable for comparison.

**E-6 Adjustments**

A fair comparison must be made between the export price and the normal value. Adjustments should be made for differences in the terms and circumstances of the sales such as the level of trade, physical characteristics, taxes or other factors that affect price comparability.

1. Provide details of any known differences between the export price and the normal value. Include **supporting information and evidences, including the basis of estimates**.

2. State the amount of adjustments required for each and applies the adjustments to the domestic prices to calculate normal values. Include **supporting information and evidences, including the basis of estimates.**

#### **E-7 Dumping Margin**

1. Subtract the export price from the normal value for each grade, model or type of the products (after adjusting for any differences affecting price comparability). Show dumping margins as a percentage (%) of the export price based on the following formula:

$$\frac{\text{Normal value} - \text{Export price}}{\text{Export price}} \times 100$$

**SECTION F**  
**MATERIAL INJURY (OPERATION)**

---

**F-1 Production and Capacity**

1. Provide and explain information concerning the production capacity, actual production and capacity utilisation of the product produced by your company in Table F-1.1.

Table F-1.1: Capacity Utilisation

Description	Year 1	Year 2	POI
A. Production capacity in units <i>(specify the unit of measurement)</i>			
B. Actual production in units <i>(specify the unit of measurement)</i>			
C. Capacity utilisation (%) $(B/A) \times 100$			

2. State basis of determination of your capacity (i.e. number of shifts, working days per year, idle time of machinery for maintenance, changes in the production process).
3. If your company produces other products on the same production equipment and machinery used for the production of product, list the products and explain the basis for the allocation.
4. Provide full details of future plans to commence production or increase capacity in the Malaysian market for product.

**F-2 Inventories**

1. Complete and explain Table F-2.1 showing the volumes of inventories of the product produced in Malaysia.

Table F-2.1: Inventories

Description	Year 1	Year 2	POI
	Volume	Volume	Volume
Opening inventories			
Add: Purchases			
Add: Production			
Less: Sales			
Captive use*			
Other movements <i>(explain)</i>			
Closing inventories			

\* *Captive use = internal consumption*

### F-3 Employment and Wages

1. Complete and explain Table F-3.1 showing the number of people employed in your company.

Table F-3.1: Employment

Description	Year 1	Year 2	POI
Total personnel employed			
A. Personnel employed in the production process of the PUI			
B. Personnel employed in sales, general and administration of the PUI			
C. Total personnel employed in the PUI (A + B)			

2. If it is not possible to attribute the number of persons employed directly to the product, allocation should be made. Explain the basis of the allocation.
3. Explain if:
  - a. workers have been temporarily out of work; or
  - b. your company had to introduce reduced working hours.
4. Complete Table F-3.4 showing the wages of the total personnel employed in producing the product.

Table F-3.4: Wages

Description	Year 1 (RM)	Year 2 (RM)	POI (RM)
A. Wages			
B. Cost of social benefits			
C. Total labour costs (A+B)			

5. Have the alleged dumped imports had an effect on the level of wages for those employed in the production of the product and other employees in your company? If not, what are the main factors in deciding the level of wages increase for the product area?

**F-4 Productivity**

1. Provide and complete Table F-4.1. Explain how your company has been affected by the allegedly dumped imports.

Table F-4.1: Productivity

<b>Description</b>	<b>Year 1</b>	<b>Year 2</b>	<b>POI</b>
A. Production			
B. No. of employee involved in production of PUI			
C. Productivity (A/B)			

**SECTION G**  
**MATERIAL INJURY (SALES)**

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*This section is intended to enable MITI to review the evolution of sales volumes, values and average prices for the Malaysian domestic industry.*

1. Provide flow chart and explain your company's distribution system in Malaysia and describe the different sales channels up to first independent customer.

**G-1 Sales Turnover**

1. Provide the details of total sales turnover (after all discounts and free of taxes) of your company in Table G-1.1.

Table G-1.1: Turnover

Description	Year 1 (RM)	Year 2 (RM)	POI (RM)
Total turnover <i>(all products)</i>			
Turnover of product <i>(produced)</i>			
Turnover of product <i>(purchased)</i>			
Other product <i>(give details)</i>			

**G-2 Sales Volume and Value**

1. By using format in Table G-2.1, provide separate tables of information on net volumes (after all returns and cancelled sales) and values (after all discounts and free of taxes) of:
  - a. Sales of product produced by your company to unrelated parties.
  - b. Sales of product produced by your company to related parties.
  - c. Resale of purchased product to unrelated parties.
  - d. Resale of purchased product to related parties.



Table G-2.1: Sales of Product

Description	Year 1		Year 2		POI	
	Volume	Value (RM)	Volume	Value (RM)	Volume	Value (RM)
Sales in Malaysia						
Sales in other countries						
Total sales						

2. Base on format as per Table G-2.2, provide information on transaction-by-transaction basis relating to **sales of product** (produced and sold by your company) to **unrelated customers in Malaysian market** during the period of investigation. For this purpose use format as per Table G-2.2 in **Appendix 3** which is provided in MS-EXCEL format attached.

Table G-2.2: Sales Listing

Field name	Field description	Explanation
NO	Sequence number	Identify each transaction, or line item, in the sales listing, by sequence number (i.e. the first transaction is "1", the second is "2", and so on)
CODE	Company internal coding system	Indicate the code used for the product in your records
INV-NO	Invoice number	Indicate the invoice number
INV-DT	Invoice date	Indicate the invoice date of the transaction
CUST	Customer number	Indicate the customer number used in your records
LEV	Customer level of trade	Use code "1" for end-users, "2" for retailers, "3" for distributors, "4" for others ( <i>specify the level</i> )
QTY	Quantity of sales	Provide quantity (specify the unit of measurement) of product sold
GR-VAL	Gross invoice value	Provide the gross invoice value, net of taxes, of product sold
DISC	Discounts	Indicate the discounts deducted on the invoice
NT-VAL	Net invoice value	Provide the net invoice value after the discounts
PAY-TM	Payment terms	Indicate the payment terms agreed with the customer (e.g. 30, 60, 90 days, etc.)
DEL-TM	Delivery terms	Indicate the agreed terms of delivery (e.g. FOB, C&F, CIF, etc.)
DEL-CS	Delivery costs	Indicate the transport costs either as actual costs or as a function of the invoice value (%) or volume (costs per unit)
COMM	Commissions	Indicate any cash discounts, volume discounts, commissions, etc.

3. Provide details as per Table G-2.3, showing credit notes relating to sales of product (produced and sold by your company) to unrelated customers on Malaysian market during period of investigation on transaction-by-transaction basis. For this purpose use format as per Table G-2.3 in **Appendix 4** which is provided in MS-EXCEL format attached.

Table G-2.3: Credit Notes

<b>Field name</b>	<b>Field description</b>	<b>Explanation</b>
NO	Sequence number	Identify each transaction, or line item, in the sales listing, by sequence number (i.e. the first transaction is "1", the second is "2", and so on)
CODE	Company internal coding system	As in Table G-2.2: Sales Listing
CRD-NO	Credit note number	Indicate the number of the credit note
CRD-DT	Date of credit note	Indicate the date of the credit note issued
INV-NO	Relating invoice number	Ensure that this corresponds where appropriate to the number given in Table G-2.2: Sales Listing
CUST	Customer number	As in Table G-2.2: Sales Listing
QTY	Quantity of sales	Provide quantity (specify the unit of measurement) of product credited
VAL	Value credited	Provide the value of product credited

### **G-3 Sales Price**

1. If prices for the product produced in Malaysia are based on price lists, provide the price lists applicable during the investigation period. Explain how these price lists are used to establish the final sales price to the individual customers.
2. If price lists are not used as a basis, explain how and on which basis prices are fixed during sales negotiations. If your salesmen use a standard contract, provide a copy.
3. If you have made purchases of the product which originate in third countries, explain:
  - a. how resale prices are set for these products.
  - b. how and where these prices fit into the price structure of the products produced by your company.

**G-4 Cost to Make and Sell**

1. Provide (in the format shown at **Table G-4.1**) the **actual unit cost to make and sell** for each model/type of the product. Show the period for which the calculations are valid and, where possible, any supporting documentation and worksheets supporting your calculation. It is necessary to show all the costs associated with the manufacture and sale of the products. If possible, please provide a CD /thumbdrive containing the information required encoded in Excel formats.

Table G-4.1 – Cost To Make and Sell Per Unit

Provide data for each type/model of the product on quarterly basis for the three years (POI).

Type/Model/Grade : \_\_\_\_\_  
 Year : \_\_\_\_\_

<b>COST TO MAKE</b>	<b>Quarter Ended</b>	<b>Quarter Ended</b>	<b>Quarter Ended</b>	<b>Quarter Ended</b>
A. Production Quantity <i>(specify unit of measurement)</i>				
B. Variable Manufacturing Costs Raw materials: - local - imported Direct labour Other <i>(specify)</i>				
C. Fixed Manufacturing Costs Depreciation Other mfg. Overheads <i>(specify)</i>				
D. Work In Progress (+) Opening work in progress (-) Closing work in progress				
<b>E. TOTAL COST TO MAKE (B+C+D)</b>				
<b>F. UNIT COST TO MAKE (E/A)</b>				
<b>COST TO MAKE &amp; SELL</b>				
G. Sales Quantity <i>(specify unit of measurement)</i> - Domestic sales of local production <i>(excluding internal transfers)</i> - Export sales of local production				
H. Selling & Distribution Expenses <i>(specify)</i>				
I. Administration & Other Expenses <i>(specify)</i>				

<b>COST TO MAKE</b>	<b>Quarter Ended</b>	<b>Quarter Ended</b>	<b>Quarter Ended</b>	<b>Quarter Ended</b>
J. Financial Expenses ( <i>specify</i> )				
K. <b>TOTAL COST TO SELL (H+I+J)</b>				
L. <b>UNIT COST TO SELL (H+I+J)/G</b>				
M. <b>UNIT COST TO MAKE &amp; SELL (F+L)</b>				

**SECTION H**  
**MATERIAL INJURY (PROFITABILITY, RETURN AND CASH FLOW)**

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**H-1 Profitability**

1. Complete and explain the Table H-1.1 for your sales transactions to unrelated parties in Malaysia

Table H-1.1: Profitability

Description	Year 1		Year 2		POI	
	Domestic (RM)	Export (RM)	Domestic (RM)	Export (RM)	Domestic (RM)	Export (RM)
Sales						
Less:						
Cost of Sales						
Gross Profit						
Less:						
Selling, General and Administrative Expenses						
Profit/ (Loss)						
Other Income/ (Expense)						
Net Profit						

**H-2 Return on Total Assets**

1. Complete Table H-2.1 for the return on total assets employed in the production of product. If you cannot complete the table at this level, for example because certain assets are used in the production of other products, you should base your answer on the next appropriate level of your business, explaining what impact this has on the level and trend of the return identified.

Table H-2.1: Return on Total Assets

Description	Year 1	Year 2	POI
A. Net income* (RM)			
B. Total assets* (RM)			
C. Return on total assets (A/B) x 100			

\* Net income = Net profit after interest

\* Total Asset = Net Book Value of Non Current Assets + Current Assets

### H-3 Investments

1. Complete and explain Table H-3.1 showing investments made by your company. Figures should be provided for the net investment made each year and an estimate of the allocation to the product. Please indicate whether the investments are replacement or new investments.

Table H.3.1: Investments

Description	Year 1 (RM)	Year 2 (RM)	POI (RM)
Total Company Investments			
Total investments for the product (If any) of which: Capital : <ul style="list-style-type: none"><li>- Buildings</li><li>- Machinery &amp; equipment</li><li>- Other (specify)</li></ul> Non Capital : <ul style="list-style-type: none"><li>- R&amp;D</li><li>- Other (specify)</li></ul>			

### H-4 Return on Investment

1. Complete and explain Table H-4.1 for the return on investment for the product.

Table H-4.1: Return on Investment

Description	Year 1 (RM)	Year 2 (RM)	POI (RM)
A. Cost of investment			
B. Gain from investment			
C. Return on investment [(B/A) x100]			

### H-5 Cash Flow

1. Complete Table H-5.1 for the cash flows arising from your company's activities in the production and sale of the product. If you are unable to complete the table at this detailed level, please base your answer on the nearest appropriate level of your company's overall business, identifying what business sector you have chosen and any impact this has on cash flows identified.

Table H-5.1: Cash Flow Statement for the Product

<b>CASH FLOW STATEMENT</b>	<b>Year 1 (RM)</b>	<b>Year 2 (RM)</b>	<b>POI (RM)</b>
Operating Income			
Adjustment to reconcile net income to net cash provided by operating activities:			
Depreciation and amortization			
Changes in other accounts affecting operations:			
(Increase)/ decrease in accounts receivable			
(Increase)/ decrease in inventories			
(Increase)/ decrease in prepaid expenses			
Increase/ (decrease) in account payable			
Increase/ (decrease) in taxes payable			
Others (specify)			
Net cash provided by operating activities			

**H-6 Minimum Profit Required**

Please indicate what level of profit, before tax you consider necessary for the product, bearing in mind that it should be sufficient to allow for a normal return, investments and other necessary expenses. Express the level of profit as a percentage of turnover or on any other basis if considered more appropriate. Explain how you arrived to the level of profit stated.

**H-7 Ability to Raise Capital**

Has your ability to raise capital (new loans/share issues) been adversely affected by the allegedly dumped imports? If so, please give details and what affect this had on your activities in the area of the product concerned, e.g. curtailment or postponement of new investments, cutbacks in research and development. Provide documentary evidence (from financial statements and letters from financial institutions, for example) to support your claim.

**SECTION I  
CAUSAL LINK**

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1. Provide details of any other factors you consider to be the cause of the material injury suffered by your company
2. Explain how the dumped imports could affect your company's sales volume and market share.
3. Explain how the dumped imports could affect company's profits and profitability.
4. Explain how the dumped imports could affect your company's costs to make and sell (i.e. refer to changes in unit fixed costs or the ability to raise prices in response to material cost increases).
5. Explain how the prices of the dumped imports could affect your company's selling prices. If appropriate, refer to any price undercutting and price depression evident in the market.
6. Explain how the dumped imports could affect the others economic factors which include the return on investment in an industry, cash flow, the number of persons employed and their wages, the ability to raise capital, and the level of investment in the industry.
7. Describe how the injury factors caused by dumping and suffered by the Malaysian industry are considered to be 'material'.
8. Discuss factors other than dumped imports that may have caused injury to the industry.
9. This question is not mandatory, but may support your application. Where trends are evident in your estimate of the volume and prices of dumped imports, forecast their impact on your industry's economic condition. Use the data (Malaysian market), (cost to make and sell), and (other injury factors) to support your analysis.



**SECTION J  
PUBLIC INTEREST**

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*You may wish to provide comments on the Malaysian market, trends generally and/or any other factors you consider relevant to the claims of material injury.*

*It should be noted that any comments you make at this point must be supported by factual and documentary evidence at the time of submission and also available in a non-confidential form if they are to be taken into account by MITI.*

**J-1 Malaysian Market**

Provide a general outline and trends of the Malaysian market from your perspective and provide comments on any other factors you believe affect the Malaysian industry such as supply and demand, prices, the relative importance of imports, etc.

**J-2 Effect of Continued Imports**

What would happen to your business and the market in general if the imports of product were to continue in their current trend without corrective measures being taken by the institutions of Malaysia? Explain the reasons for your view.

## CHECKLIST

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*The purpose of the following checklist is to ensure that you have answered all questions in section A to section I and to permit a quick survey on information, which may be missing. Tick the box where complete information is submitted or where information has not sufficiently been provided:*

<b>Section</b>	<b><i>Tick if complete information is submitted</i></b>	<b><i>Tick if information is not or insufficiently submitted</i></b>
Section A: Company Structure and Operations		
Section B: Accounting System		
Section C: Domestic Industry		
Section D: Product Description		
Section E: Dumping		
Section F: Operation Statistics		
Section G: Sales		
Section H: Profitability, Return And Cash Flow		
Section I: Causal Link		
Section J: Public Interest		

**Guidelines on How to Complete the Non-Confidential Version**

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1. All non- confidential submission will be made available in public file for viewing only.
2. When completing the non-confidential submission you should bear in mind that all exporters, importers, Malaysian domestic producers and other interested parties will have access to it. The non-confidential submission should be sufficiently details to permit a reasonable understanding of the substance of the information submitted in confidence.
3. In order to assist you in completing the non-confidential submission we advise you to:
  - a. Use the completed confidential questionnaire response as a basis. Identify all information in the confidential response, which you consider is not confidential, and copy it to the non-confidential version.
  - b. After this, check once more whether the information you did not copy to the non-confidential response is really confidential. If you still consider it to be confidential, summarise the confidential information in non-confidential form. If, in exceptional circumstances, it is not possible to even summarise the confidential information, give reasons, why summarisation is not possible.
  - c. If the authorities find that a request for confidentiality is not warranted and if the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, the authorities may disregard such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.
4. Example on how to summarise confidential information:
  - a. When the information concerns numbers for various years, you can use indices.

Example of confidential information:

Year 1	Year 2	POI
RM 20,000	RM 30,000	RM 40,000

The non-confidential summary could be:

Year 1	Year 2	POI
100	150	200

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

Example of confidential figure:  
“Cost of production is RM 300 per tonne.”

The non-confidential summary could be:  
“Cost of production is RM330 per tonne” (+ footnote saying: actual number have been amended by a margin of maximum  $\pm 10\%$ , to protect confidentiality”)

- c. 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, stated that the prices of imports were 20% lower.”

The non-confidential summary could read:  
“(one of the customers), stated that the prices of imports were 20% lower.”

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**Deductive Export Price**


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**EXPORT PRICE**

Applicants are to note that this form needs to be completed only where you have reasons to believe that the selling price between the exporter and the importer is unreliable.

- Data should relate to the most recent sale for which information is available.
- Source data and work sheets should be retained for later verification by MITI

**DEDUCTIVE EXPORT PRICE**

**Model/Grade/Type<sup>1</sup>** .....

**RM**

**1. PRICE AT FIRST POINT OF RESALE IN MALAYSIA**

Less charges for:

Overseas Freight  
 Overseas Insurances  
 Customs Duty  
 Sales Tax  
 Clearance and Handling  
 Cartage to Store  
 Further Manufacture (if any)  
 Selling and Administration<sup>2</sup>  
 Delivery to Customer  
 Net Profit/Loss  
 Other (specify)

**2. DEDUCTIVE EXPORT PRICE (FOB)**

Less charges before exportation:

Packing  
 Inland Freight  
 Insurance  
 Taxes  
 Other (specify)

**3. EX-FACTORY PRICE**


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<sup>1</sup> A separate schedule should be prepared for each model/grade/type.

<sup>2</sup> Includes distribution and financial expenses



