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APPLICATION FOR ANTI-DUMPING DUTY ADMINISTRATIVE REVIEW

|  |
| --- |
| **Applicant(s) submitting must ensure that:**   * **submission to be bound and tagged accordingly;** * **5 copies of confidential version to be provided;** * **3 copies of non-confidential version to be provided;** * **each page to be labelled either "*confidential*" or "*non-confidential*" and all pages therein marked accordingly;** * **the *non-confidential* version must fully summarise the content and significance of the confidential information; and** * **the declaration is to be completed.** |

**APPLICANT:**

**SUBJECT MERCHANDISE:**

**MINISTRY OF INVESTMENT, TRADE AND INDUSTRY**

**MALAYSIA**

**INTRODUCTION**

APPLICANT :

SUBJECT MERCHANDISE :

H.S. CODES :

**Note: The H.S. Codes are given for information only and these classifications of the subject merchandise have no binding effect.**

ORIGINATING IN:

EXPORTED FROM:

For the purpose of this application submission:

**Year 1 :**

**Year 2 :**

**Year 3 :**

**Year 4 (Quarter 1) :**

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***

RETURN THE COMPLETE APPLICATION TO:

**THE DIRECTOR**

**TRADE PRACTICES SECTION**

**MINISTRY OF INVESTMENT, TRADE AND INDUSTRY**

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# PREAMBLE

*Please read this section before you proceed to answer the questions.*

1. The World Trade Organisation (WTO), to which Malaysia is signatory, provides remedies by way of duties where imported products are found to be dumped and causing or threatening to cause material injury to the domestic industry producing the like product.
2. The purpose of anti-dumping legislation is to empower the Government of Malaysia (the Government) to take remedial measures against unfair trading by foreign producers/exporters and to provide a framework for investigating allegations of injury caused by dumped or subsidized imports.
3. Ministry of Investment, Trade and Industry (MITI) on behalf of the Government to conduct an anti-dumping investigation against the subject merchandise imported or sold for importation into Malaysia.
4. An application shall be submitted by interested parties with sufficient evidence with regard to the elements necessary for an administrative review in accordance to the Countervailing and Anti-Dumping Duties Act 1993 (the Act) and the Countervailing and Anti-Dumping Duties Regulations 1994 (the Regulations).
5. MITI is not an advocate for any party in these inquiries, but assesses the information submitted by the industry, importers, exporters and other relevant interested parties to reach an impartial decision based on all the facts presented.
6. The application must be accompanied with all sufficient information to substantiate the administrative review. Failure to provide complete answers to all applicable questions accurately may amount to rejection and non-initiation or termination of the investigation.

# GENERAL INSTRUCTIONS

**A. Submission of an application for an administrative review on the imposition of anti-dumping duties**

1. The applicant shall submit an application in accordance with Section 28 of the Countervailing and Anti-Dumping Duties Act 1993 to request for the Government to conduct an administrative review on the imposition of anti-dumping duties.

**B. Filing of an application**

1. Please answer questions in the order as presented in the application. Please ensure that the information submitted conforms to the requested format and is clearly labelled.
2. The applicant shall not alter the existing set of questions in this application by inserting, deleting, modifying or any other means that may impinge the information requested by the Government. Any unauthorized alteration may amount to rejection and non-initiation or termination of the investigation.
3. Your reply to this application may be subjected to verification. Therefore, all worksheets including the source documents used in answering the application must be retained for verification during the on-the-spot investigation. The verification is only to verify information that has been submitted in the application. Any new or revised information submitted during the verification process will be disregard.
4. Please submit the application as accurately and completely and attach supporting documents. You may supplement your response with additional data not covered by the application 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 information required in the Tables of this application must be completed in the respective Sections without making reference to an attachment. However, this is exceptional for Tables B-1.2, C-1.1, D-1.8 and D-2.5 of this application, which are to be provided in Excel format.
6. 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.
7. For the purpose of submitting this application you should use data /information as recorded in your accounting records.
8. Data submitted in this application particularly in **Year 3** **must not exceed 6 months** on the date of submission (e.g. Year 3: 1 January 2022 to 31 December 2022, must be submitted before 30 June 2023). First quarter in Year 4 i.e. 1 January 2023 to 31 March 2023 or any other quarter otherwise determined by the Government must also be provided in the submission.
9. Please identify clearly all units of measurement and currencies used in tables and calculations. Apply the same measurements consistently throughout your application. You must indicate the source(s) from where the statistical figures are obtained.
10. If you intend to have another party acting on your behalf, please ensure that MITI receives a properly documented power of attorney. Another party includes legal representative or consultant of the company. This shall be notified to MITI expeditiously.
11. Please note that interested parties providing confidential response to the application 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, a party may indicate that such information is not susceptible of summary and a statement of the reasons why summarization is not possible must be provided;
* 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; and
* this is only exceptional for Tables B-1.2, C-1.1, D-1.8 and D-2.5 of this application because the Government acknowledges that its disclosure would be of significant competitive advantage to a competitor or because its disclosure would have a significantly adverse effect upon a person supplying the information or upon a person from whom that person acquired the information.

1. In accordance with Regulation 37(4) of the Countervailing and Anti-Dumping Duties Regulations 1994, you are required to submit:

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

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

1. All information provided to the Government in confidence will be treated accordingly. Your non-confidential version of the submission would be placed in the public file for public viewing at **MITI Resource Centre, Level 2 MITI Tower, No. 7 Jalan Sultan Haji Ahmad Shah, 50480 Kuala Lumpur**.

**C. Submission of computerised information**

1. It is essential to the investigation that information be submitted on 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 MITI.
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 and submitted in the PDF, MS-Excel and MS-Word format.
5. 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 formulas used in the computer spreadsheets should be maintained.

**D. Submission of printed copies**

1. As outline in Regulation 37 of the Regulations, the application must be submitted in 5 copies of the confidential version of the submission and 3 copies of non-confidential version.
2. The submission of the copies as stated in paragraph 1, must be bound and accompanied with the appendices, attachments and supporting documents for both confidential and non-confidential versions.
3. The submission must be submitted by hand or mail in a sealed envelope or box in protected manner to the appropriate recipient. The Government will not be responsible for any leakage of confidential information should it not be sent to the address stated in the Introduction Section.

**E. How to Complete the Non-Confidential Version**

1. All non-confidential submission will be made available in public file for viewing.
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:

* Use the completed confidential application 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. In exceptional circumstances, where non-confidential submission is not possible to be provided, please provide the reason(s).
* 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.

1. Example on how to summarise confidential information:
2. When the information concerns numbers for various years, you can use indices.

Example of confidential information:

|  |  |  |
| --- | --- | --- |
| Year 1 | Year 2 | Year 3 |
| RM 20,000 | RM 30,000 | RM 40,000 |

The non-confidential summary could be:

|  |  |  |
| --- | --- | --- |
| Year 1 | Year 2 | Year 3 |
| 100 | 150 | 200 |

1. When the information concerns a single number, you can apply a redaction (xxx) to it.

Example of confidential figure:

“Cost of production is RM3,000 per tonne which consist 70% of raw materials cost.”

The non-confidential summary could be:

“Cost of production is RMxxx per tonne which consist xxx% of raw materials cost.”

1. 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 they acquired a ZRM Machine from JITU MACHINERY LTD on 20 September 2019. The product produced from the machine was sold to JIWA TRADING LTD. The product price was negotiated with a profit margin of 5% prior signing of the contract between the commercial and procurement department.”

The non-confidential summary could read:

“TRADING COMPANY LTD, stated that they acquired a [Machine] from [Supplier] on [Date]. The product produced from the machine was sold to [Customer]. [Commercially sensitive details relating to negotiations].”

# DECLARATION

APPLICATION FOR ANTI-DUMPING DUTY

ADMINISTRATIVE REVIEW

I hereby submit an application in accordance with Section 28 of the Countervailing and Anti-Dumping Duties Act 1993 for the Government to conduct an administrative review on the imposition of anti-dumping duties.

I affirm that the information contained in this application is complete and correct.

I understand that the information submitted may be subjected to audit and verification by the Government and any additional or revised information submitted after the submission of this application shall be disregard.

I agree that should the Government find any part of this application is incomplete or incorrect, where the Government determines that it would impede or disrupt the investigation or would adversely affect the rights of interested parties under the Act, the Government shall reject the application or terminate the investigation.

Signature : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designation : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# SECTION A: COMPANY STRUCTURE AND OPERATIONS

## A-1 Contact Information

Company

Name:

Address:

Telephone:

Email:

Web page:

Factory

Name:

Address:

Telephone:

Email:

Contact person

Name:

Position/Designation:

Address:

Telephone:

Email:

## A-2 Legal Representative/Consultant

If you have appointed a legal representative/consultant to assist you in this proceeding as notified in the Letter of Authorization submitted to the Government, provide the following details:

Name of legal representative/consultant :

Firm :

Name of contact person :

Address :

Telephone :

Email :

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

1. Indicate the legal name and form (e.g. company, partnership or sole proprietorship) of your business. If you trade in the name of 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-3.1.

Table A-3.1: Shareholdings

|  |  |  |
| --- | --- | --- |
| **Name of shareholder** | **Activity of shareholder** | **Percentage of share holding** |
|  |  |  |
|  |  |  |
|  |  |  |

1. Provide:
2. A diagram outlining the overall organisational structure of your company(ies).
3. 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.
4. Copies of legal documents (e.g. Forms 13, 24, 48, 49, etc.) to substantiate your explanation.
5. A copy of your most recent annual report together with any relevant brochures or pamphlets on your business activities.
6. List the names, addresses, email and telephone numbers of all subsidiaries or other related companies in all countries that are involved with the production, sales, R&D, distribution and supply of the like 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-3.2.

Table A-3.2: Listing of Related Companies

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name, address, email and telephone of related company in all countries** | **List of activities** | **Tick if manufacturer of the like product**   |  | | --- | | √ | | **Tick if supplier of input used in the manufacturing of the like product**   |  | | --- | | √ | | **Tick if importer of the like product**   |  | | --- | | √ | | **Percentage of your company’s shareholding in related company** | **Percentage of related company’s shareholding in your company** |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

1. If your company has contractual links/agreement with other company(ies) in Malaysia or other countries (in particular, alleged country(ies) 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.
2. Provide a diagram outlining the overall organisational structure of all related companies.
3. Provide details of any other area of activity where your company has other commercial relationships with the alleged country(ies) in this proceeding (e.g. production facilities, joint ventures).

# SECTION B: IMPORTS

## B-1 Scope of The Review

The Subject Merchandise:

1. Provide the total value and volume of the subject merchandise imported by your company as per Table B-1.1.

Table B-1.1: Source of Imports

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Country | Quantity /  Value | YEAR 1 | | | | |
| Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | Total |
| Country A | Volume (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country B | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country C | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country | Quantity /  Value | YEAR 2 | | | | |
| Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | Total |
| Country A | Volume (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country B | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country C | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country | Quantity /  Value | YEAR 3 | | | | |
| Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | Total |
| Country A | Volume (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country B | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country C | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country | Quantity /  Value | YEAR 4 | | | | |
| Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | Total |
| Country A | Volume (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country B | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |
| Country C | (MT) |  |  |  |  |  |
| Value (RM) |  |  |  |  |  |
| % of Total Source Imports |  |  |  |  |  |

1. List all imports of subject merchandise during the period from Year 1, Year 2, Year 3 and first quarter of Year 4 as per Table B-1.2. For this purpose, please use format as per Table B-1.2 in **Appendix 1** which is provided in Excel format.

Table B-1.2: Imports during the period from Year 1, Year 2, Year 3 and first quarter of Year 4

Type/Model/Grade: ……..…………………………………………………………

| ***Field name*** | | ***Field description*** | ***Explanation*** |
| --- | --- | --- | --- |
| NO | | Sequence number | Identify each transaction, or line item, in the import purchase listing, by sequence number (i.e. the first transaction is “1”, the second is “2”, and so on) |
| INV-DT | | Invoice date | Indicate the invoice date of the transaction |
| INV-NO | | Invoice number | Indicate the invoice number |
| SU-NO | | Supplier number | Indicate the supplier identification number used in your records |
| SU-NA | | Supplier name | Indicate the supplier name used in your records |
| SU-CO | | Supplier country | Indicate the supplier country used in your records |
| PDT-GRADE | | Product grades/types | Grades or types of product in your record |
| VOL | | Volume of sales (MT) | Provide volume 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 |
| LEV | | Customer level of trade | Use code “1” for end-users, “2” for retailers, “3” for distributors, “4” for others *(specify the level)* |
| 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.) |
| COMM | | Commissions | Indicate value of any cash discounts, volume discounts, commissions, etc. |
| Overseas Cost | INF | Inland freight | Indicate the transport costs from factory/warehouse – port |
| OSF | Overseas freight | Indicate the overseas freight from exporting country port to importing country port |
| MAI | Marine Insurance | Indicate the marine insurance |
| OTC | Other costs | Specify if any |
| Wharf To Your Store Costs | CBF | Customs broker fees | Indicate brokerage fees |
| CDT | Custom duties & taxes | Indicate custom duties & taxes |
| PC | Port Charges | Indicate port charges by terminal operator |
| LL | Lift-on-lift-off | Indicate crane charges |
| CD | Container destuffing | Indicate destuffing cost (e.g labour cost, forklift cost) |
| INF | Inland freight | Indicate the transport costs from port – factory/warehouse. |
| OTC | Other costs | Specify if any |
| Selling, General & Administrative Costs | SE | Selling | Indicate selling cost |
| GA | General & administrative | Indicate general & administrative cost |
| FC | Financial charges | Indicate financial charges (e.g bank charges) |
| OTC | Other costs | Specify if any |

*Note:*

1. *Prepare a computer file name ‘IMP\_SM as per TABLE B-1.2 for all purchases of subject merchandise* *during Year 1, Year 2, Year 3 on quarterly basis and first quarter of Year 4 on a transaction by transaction basis.*
2. *Complete* ***one table for each*** *type/model/grade of subject merchandise.*

## 

## B-2 Payment to Exporter

1. Indicate the mode of payment made to the exporter (e.g. Bank draft, letter of credit, telegraphic transfer etc) for each transaction.

## B-3 Relationship with Exporter

1. Provide details of any reimbursement, compensation or benefit in respect of the whole or any part of the price given by the exporter or an associate of the exporter.
2. Indicate in detail your company’s nature of commercial or other relationship with the exporter (e.g. Common shareholders etc).

Note: Company to provide information and detail in the event exporter and the company are related within the Section 2(5) of Act 504.

*“Parties shall be deemed to be related if:*

*(a) one of them directly or indirectly control the other;*

*(b) both of them are directly or indirectly controlled by a third party; or*

*(c) together they directly or indirectly control a third party.”*

1. Indicate the effects of this relationship on the price of the goods (e.g. Discount/Rebate/Commission etc).
2. Provide a copy of any written agreement between your company and the exporter.
3. Indicate the effects of this written agreement on the price paid (e.g. Discount/Rebate/Commission etc).

# SECTION C: LOCAL PURCHASE

This section requires information on purchases of the like product/subject merchandise originating in Malaysia.

## C-1 Local Purchase of Like Product

1. Do you buy locally manufactured subject merchandise during the period from Year 1, Year 2, Year 3 and first quarter of Year 4?

If YES, provide listing of all purchases for the like product from Year 1, Year 2, Year 3 and first quarter of Year 4 as per Table C-1.1. For this purpose, use format as per Table C-1.1 in **Appendix 2** which is provided in Excel format.

Table C-1.1: Purchase of the Like Product – Local Purchase

| ***Field name*** | ***Field description*** | ***Explanation*** |
| --- | --- | --- |
| INV-DT | Invoice date | Indicate the invoice date of the transaction |
| INV-NO | Invoice number | Indicate the invoice number |
| PR-NA | Producer/ Company’s name | Indicate the producer/company’s identification name used in your records |
| PDT-GRADE | Product grades/types | Grades or types of product in your record |
| DE-PP | Description of product purchase | Indicate the description of product purchase used in your records |
| VOL | Volume (MT) | Provide volume of product sold |
| VAL | Value (RM) | Provide value of product sold |
| TE-SA | Term of sale | Indicate agreed terms of payment and delivery (e.g. FOB 60 days, C&F 90 days, etc.) |

*Note:*

1. *Prepare a computer file name ‘LOCAL PURCHASE’ as per TABLE C-1.1*
2. *If possible, specify for each grade/type of the subject merchandise.*

## C-2 Comparison of Import Purchased and Local Purchased

1. Indicate in Table C-2.1 all types/grades of subject merchandise sold by you and related companies in the domestic market and in Malaysia Year 1, Year 2, Year 3 and first quarter of Year 4.
2. Define and distinguish between all different types/grades of the subject merchandise sold by you and related companies to the domestic market and Malaysian market.

Table C-2.1: Products Comparison

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Commercial name of like product in your domestic market | Quantity of like product sold domestically (unit)  (A) |  | Commercial name of Subject Merchandise sold in Malaysia | Quantity of Subject Merchandise sold in Malaysia  (unit)  (B) | Indicate the quantity of like product sold domestically as % of quantity subject merchandise sold to Malaysia  (A/B) x 100% |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

# SECTION D: SALES

**Note**:

Please separate the sales information for different grades or types of the like product/subject merchandise which have different pricing structures. Base on the function your company / organisation, please provide relevant information as per Section D-1 to D-3 below:

How do you define your company’s function(s)?

An importer of the subject merchandise and:

* a trader … Please refer to D-1
* a distributor … Please refer to D-2
* a further processor

of the imports … Please refer to D-3

* perform combination of any of the Please refer to D-1, D-2 and/or

above D-3

## D-1: TRADER

1. To whom is/are the exporter’s/producer’s invoice(s) addressed?

Your Company

Recipient/end user of the product

Both

1. How much is the commission received from the exporter/producer?

1. If there are sales to unrelated parties in the overall transactions, e.g. exporter/producer sells to you and then you sell to another unrelated party, what is your profit margin in Year 1, Year 2, Year 3 and first quarter of Year 4?
2. If you sell the subject merchandise at a loss, state the reason(s).
3. Is the profit margin of the like product/subject merchandise less, the same or more than your normal operating profit margin in Year 1, Year 2, Year 3 and first quarter of Year 4? If lesser than the profit margin, why?
4. What were the terms of sale for all or the majority of your sales of the like product/subject merchandise (e.g. Free into Store 30 days, etc.)
5. What is the average lead time between a customer’s order and the date of delivery for your sales of the like product/subject merchandise?
6. Provide all sales of like product/subject merchandise during the period from Year 1, Year 2, Year 3 and first quarter of Year 4 as per Table D-1.8. For this purpose, use format as per Table D-1.8 in **Appendix 3** which is provided in Excel format.

Table D-1.8: Sales of the Subject Merchandise (Trader)

| ***Field name*** | ***Field description*** | ***Explanation*** |
| --- | --- | --- |
| INV-DT | Invoice date | Indicate the invoice date of the transaction |
| INV-NO | Invoice number | Indicate the invoice number |
| PR-NA | Producer/ Company’s name | Indicate the producer/company’s identification name used in your records |
| CR-NA | Customer’s name | Indicate the customer name used in your records |
| VOL | Volume (MT) | Provide volume of product sold |
| VAL | Value (RM) | Provide value of product sold |
| TY/GR | Type/Grade | Provide type/grade of product sold |

*Note:*

1. *Prepare a computer file name ‘TRADE\_CUST’ as per TABLE D-1.8.*
2. *Specify for each grade/type of the subject merchandise.*
3. What is your selling cost for the subject merchandise in the domestic market during the Year 1, Year 2, Year 3 and first quarter of Year 4?

Table D-1.9: Selling Cost of Subject Merchandise

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Year: | | | | | | | |
| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
| Actual (A) or Average (V) | Value Per  Unit | Actual (A) or Average (V) | Value Per  Unit | Actual (A) or Average (V) | Value Per  Unit | Actual (A) or Average (V) | Value Per  Unit |
| Purchasing Cost (refer to Table B-2 & C-1) |  |  |  |  |  |  |  |  |
| Selling, General and Administration Costs (SGA) |  |  |  |  |  |  |  |  |
| Selling |  |  |  |  |  |  |  |  |
| Administrative and general |  |  |  |  |  |  |  |  |
| Financial charges  (e.g. Bank interest etc.) |  |  |  |  |  |  |  |  |
| Other costs (please specify…………) |  |  |  |  |  |  |  |  |

*Note:*

1. *State unit of purchase e.g. RM/MT, RM/Kg, RM/Litre, etc.*
2. *Specify whether the above costs are actual (A) or average (V).*
3. *Explain your allocation of selling, general and administration costs.*

## D-2: DISTRIBUTOR

1. What is the percentage of sales of the subject merchandise compared to your overall business in terms of quantity and value?

Table D-2.1: Percentage of Sales

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Year: | | | | | | | |
| Description | Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
| Quantity  (MT) | Value  (RM) | Quantity  (MT) | Value  (RM) | Quantity  (MT) | Value  (RM) | Quantity  (MT) | Value  (RM) |
| 1. Sales of subject merchandise |  |  |  |  |  |  |  |  |
| 1. Total Sales |  |  |  |  |  |  |  |  |
| 1. Percentage (%)   (A/B x 100) |  |  |  |  |  |  |  |  |

1. What is your profit margin for sales of the subject merchandise in Year 1, Year 2, Year 3 and first quarter of Year 4?
2. Is the profit margin of the subject merchandise less, the same or more than your normal operating profit margin in Year 1, Year 2, Year 3 and first quarter of Year 4?
3. If lesser than the profit margin, why?
4. Provide all sales during the period from Year 1, Year 2, Year 3 and first quarter of Year 4 as per Table D-2.5. For this purpose, use format as per Table D-2.5 in **Appendix 4** which is provided in Excel format.

Table D-2.5: Sales of Subject Merchandise

| ***Field name*** | ***Field description*** | ***Explanation*** |
| --- | --- | --- |
| INV-DT | Invoice date | Indicate the invoice date of the transaction |
| INV-NO | Invoice number | Indicate the invoice number |
| PR-NA | Producer/ Company’s name | Indicate the producer/company’s identification name used in your records |
| CR-NA | Customer’s name | Indicate the customer name used in your records |
| VOL | Volume (MT) | Provide volume (specify the unit of measurement) of product sold |
| VAL | Value (RM) | Provide value (specify the unit of measurement) of product sold |
| TY/GR | Type/Grade | Provide type/grade of product sold |

*Note:*

1. *Prepare a computer file name ‘DIST\_CUST’ as per Table D-2.5.*
2. *If possible, specify for each grade/type of subject merchandise.*
3. What were the terms of sale for all or the majority of your sales of the subject merchandise? (e.g. Free Into Store 30 days, etc.)
4. What is the average lead time between a customer’s order and the date of delivery for your sales of the subject merchandise?
5. What is your selling cost for the subject merchandise in Year 1, Year 2, Year 3 and first quarter of Year 4?

Table D-2.8: Selling Cost of Subject Merchandise

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Year: | | | | | | | |
| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
| Actual (A) or Average (V) | Value Per  Unit | Actual (A) or Average (V) | Value Per  Unit | Actual (A) or Average (V) | Value Per  Unit | Actual (A) or Average (V) | Value Per  Unit |
| Purchasing Cost (refer to Table B-2 & C-1) |  |  |  |  |  |  |  |  |
| Selling, General and Administration Costs (SGA) |  |  |  |  |  |  |  |  |
| Selling |  |  |  |  |  |  |  |  |
| Administrative and general |  |  |  |  |  |  |  |  |
| Financial charges  (e.g. Bank interest etc.) |  |  |  |  |  |  |  |  |
| Other costs (please specify…………) |  |  |  |  |  |  |  |  |

*Note:*

1. *State unit of purchase e.g. RM/MT, RM/Kg, RM/Litre, etc.*
2. *Specify whether the above costs are actual (A) or average (V).*
3. *Explain your allocation of selling, general and administration costs.*

## D-3: FURTHER PROCESSOR

1. If the subject merchandise is further processed, describe the production process of the end products and sectors in which the end products are further used.
2. If the subject merchandise is produced or used as input in the production of another product in your company, what is the percentage of the subject merchandise used in the production process compared to overall production inputs in terms of quantity and value?

Table D-3.2: Subject Merchandise Used in Production Process

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Description | Year: | | | | | | | |
| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
| Volume (MT) | Value (RM) | Volume (MT) | Value (RM) | Volume (MT) | Value (RM) | Volume (MT) | Value (RM) |
| 1. Subject Merchandise used |  |  |  |  |  |  |  |  |
| 1. Total Production Inputs |  |  |  |  |  |  |  |  |
| 1. Percentage (%)   (A/B x 100) |  |  |  |  |  |  |  |  |

1. Please provide a cost breakdown of the manufactured good.
2. Over the period of importation of the subject merchandise or in the last two years (whichever period is lesser) has the finished product been sold profitably?

YES/NO

If NOT, why?

1. Please list any products that may be substituted for the subject merchandise and their end uses.

Table D-3.5: List of substitute products

|  |  |
| --- | --- |
| Substitute products | End uses |
|  |  |

1. Have changes in the prices of substitute products affected the price of the subject merchandise? YES/NO

If YES, to what degree do changes in their prices affect the price of the subject merchandise?

# SECTION E: PROFITABILITY

1. Complete and explain the Table E-1 and Table E-2 for your sales transactions to related and unrelated parties in Malaysia

Table E-1: Profitability (Like Product)

Provide data for like product sold during Year 1, Year 2, Year 3 on quarterly basis and first quarter of Year 4.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Description | Year: | | | | | | | |
| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
| Domestic (RM) | Export (RM) | Domestic (RM) | Export (RM) | Domestic (RM) | Export  (RM) | Domestic (RM) | Export  (RM) |
| Sales |  |  |  |  |  |  |  |  |
| Less: |  |  |  |  |  |  |  |  |
| Cost of Goods Sold |  |  |  |  |  |  |  |  |
| Gross Profit |  |  |  |  |  |  |  |  |
| Less: |  |  |  |  |  |  |  |  |
| Selling, General and Administrative Expenses |  |  |  |  |  |  |  |  |
| Financial Expenses |  |  |  |  |  |  |  |  |
| Other Income/ (Expense) |  |  |  |  |  |  |  |  |
| Profit Before Tax |  |  |  |  |  |  |  |  |
| Tax Expense |  |  |  |  |  |  |  |  |
| Profit After Tax |  |  |  |  |  |  |  |  |
| Net Profit Margin (%) |  |  |  |  |  |  |  |  |

Table E-2: Profitability (All Products)

Provide data for all products sold during Year 1, Year 2, Year 3 on quarterly basis and first quarter of Year 4.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Description | Year: | | | | | | | |
| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
| Domestic (RM) | Export (RM) | Domestic (RM) | Export (RM) | Domestic (RM) | Export  (RM) | Domestic (RM) | Export  (RM) |
| Sales |  |  |  |  |  |  |  |  |
| Less: |  |  |  |  |  |  |  |  |
| Cost of Goods Sold |  |  |  |  |  |  |  |  |
| Gross Profit |  |  |  |  |  |  |  |  |
| Less: |  |  |  |  |  |  |  |  |
| Selling, General and Administrative Expenses |  |  |  |  |  |  |  |  |
| Financial Expenses |  |  |  |  |  |  |  |  |
| Other Income/ (Expense) |  |  |  |  |  |  |  |  |
| Profit Before Tax |  |  |  |  |  |  |  |  |
| Tax Expense |  |  |  |  |  |  |  |  |
| Profit After Tax |  |  |  |  |  |  |  |  |
| Net Profit Margin (%) |  |  |  |  |  |  |  |  |

1. Attach a copy of your company’s audited financial statements for the last **five financial years**.

|  |
| --- |
| **Note :**  If the profit and loss can only be broken down to a particular level of the business, please supply the relevant information relating to that level and identify any item/costs that do not apply to the purchase and sale of the subject merchandise, i.e. advertising cost, when the subject merchandise is not advertised. |

# SECTION F: PUBLIC INTEREST

*The Applicant has made a number of statements regarding the Malaysian market and material injury to the domestic industry. You may wish to provide comments on the Malaysian market, market trends generally and/or any other factors you consider relevant to the claims of material injury by the domestic industry. Any comment should be* ***supported*** *with* ***documentary evidence****.*

## F-1 MALAYSIAN MARKET

Please provide a general outline of the subject merchandise in the Malaysian market including any segmentation (e.g. brand name vs. generic, geographic divisions), historical and expected demand patterns, changes in consumer taste, distribution channels and seasonal fluctuations. You may also wish to comment on other factors affecting the Malaysian industry such as supply and demand, prices, the relative importance of imports, etc.

## F-2 MATERIAL INJURY

Please comment on each specific claim made by the Applicant with regards to material injury.

## F-3 CAUSAL LINK

Please provide details of any other factors you consider to be the cause of the injury claimed by the Applicant.

## F-4 PRICE COMPARISON

Do you have evidence of the price of imports of the subject merchandise (e.g. price lists)? If so, please provide details and enclose copies of relevant documents.

## F-5 EFFECT OF CONTINUED IMPORTS

What would happen to your business and the market in general if corrective measures are taken on the imports of subject merchandise? Explain the reasons for your views.

# SECTION G: THE IMPOSITION OF ANTI-DUMPING DUTIES NO LONGER NECESSARY

*You may wish to provide facts and evidences on the trend and performance of the domestic industry and/or any other factors consider relevant to the claims that the anti-dumping duties are no longer necessary.*

*It should be noted that any response under this section must be supported by factual and documentary evidence at the time of submission and also available in a non-confidential form for it to be taken into consideration by the Government.*

# *­*CHECKLIST

*The purpose of the following checklist is to ensure that you have answered all questions in section A to section H and to permit a quick survey on information, which may be missing.*

*Tick the appropriate box to indicate sections with complete information is provided; and those without or where information is not sufficiently been provided.*

|  |  |  |
| --- | --- | --- |
| Section | ***Tick if complete information is provided*** | ***Tick if information is not provided or insufficiently provided*** |
| Section A: Company Structure & Operations |  |  |
| Section B: Imports |  |  |
| Section C: Local Purchase |  |  |
| Section D: Sales |  |  |
| Section E: Profitability |  |  |
| Section F: Public Interest |  |  |
| Section G: The Imposition of Anti-Dumping Duties No Longer Necessary |  |  |

## Appendix 1

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | | | | | | | | | | | | | | | **Overseas Cost** | | | | **Wharf To Your Store Costs** | | | | | | | **Selling, General & Administrative Costs** | | | |
| **Sequence number** | | **Invoice date** | **Invoice number** | **Supplier number** | **Supplier name** | **Supplier country** | **Product grades/types** | **Volume of sales (MT)** | **Gross invoice value** | **Discounts** | **Net invoice value** | **Customer level of trade** | **Payment terms** | **Delivery terms** | **Commissions** | **Inland freight** | **Overseas freight** | **Marine Insurance** | **Other costs** | **Customs broker fees** | **Custom duties & taxes** | **Port Charges** | **Lift-on-lift-off** | **Container destuffing** | **Inland freight** | **Other costs** | **Selling** | **General & administrative** | **Financial charges** | **Other costs** |
| **NO** | | **INV-DT** | **INV-NO** | **SU-NO** | **SU-NA** | **SU-CO** | **PDT-GRADE** | **VOL** | **GR-VAL** | **DISC** | **NT-VAL** | **LEV** | **PAY-TM** | **DEL-TM** | **COMM** | **INF** | **OSF** | **MAI** | **OTC** | **CBF** | **CDT** | **PC** | **LL** | **CD** | **INF** | **OTC** | **SE** | **GA** | **FC** | **OTC** |
|  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

**Table B-1.2: Imports during the period from Year 1, Year 2, Year 3 and first quarter of Year 4**

*Note:*

1. *Prepare a computer file name ‘IMP\_SM’ as per TABLE B-1.2 for all purchases of subject merchandise from during Year 1, Year 2, Year 3 on quarterly basis and first quarter of Year 4 on a transaction-by-transaction basis.*
2. *Complete one table for each type/model/grade of subject merchandise.*

## Appendix 2

**Table C-1.1: Purchase of the Like Product – Local Purchase**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Invoice Date** | **Invoice No.** | **Producer/ Company’s name** | **Product grades/types** | **Description of product purchase** | **Volume (MT)** | **Value (RM)** | **Terms of sales (e.g. FOB 60 days, etc.)** |
| **INV-DT** | **INV-NO** | **PR-NA** | **PDT-GRADE** | **DE-PP** | **VOL** | **VAL** | **TE-SA** |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

*Note:*

1. *Prepare a computer file name ‘LOCAL PURCHASE’ as per TABLE C-1.1 for all purchases of like product from during Year 1, Year 2, Year 3 on quarterly basis and first quarter of Year 4 on a transaction-by-transaction basis.*
2. *If possible, specify for each grade/type of the subject merchandise.*

## Appendix 3

**Table D-1.8: Sales of the Subject Merchandise (Trader)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Invoice Date** | **Invoice No.** | **Producer/ Company’s name** | **Customer’s name** | **Volume (MT)** | **Value (RM)** | **Types/Grades** |
| **INV-DT** | **INV-NO** | **PR-NA** | **CR-NA** | **VOL** | **VAL** | **TY/GR** |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

*Note:*

1. *Prepare a computer file name ‘TRADE\_CUST’ as per TABLE D-1.8.*
2. *Specify for each grade/type of the subject merchandise.*

## Appendix 4

###### Table D-2.5: Sales of the Subject Merchandise (Distributor)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Invoice Date** | **Invoice No.** | **Producer/ Company’s name** | **Customer’s name** | **Volume (MT)** | **Value (RM)** | **Product grades/types** |
| **INV-DT** | **INV-NO** | **PR-NA** | **CR-NA** | **VOL** | **VAL** | **TY/GR** |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

*Note:*

1. *Prepare a computer file name ‘DIST\_CUST’ as per Table D-2.5.*
2. *If possible, specify for each grade/type of Subject Merchandise.*