

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

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Special Distribution

Committee on Anti-Dumping Practices

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QUESTIONNAIRES USED IN PRICE INVESTIGATIONS

Submissions by Members of the Committee

The following communication has been received from the Permanent Mission of the United States.

The United States has recently revised the questionnaire used in anti-dumping price investigations to reflect the elimination of Section 153.4(b), the "25 per cent rule", from our Anti-Dumping Regulations.

A copy of this revised questionnaire, which supersedes the version published in COM.AD/11, dated 19 January 1971, is enclosed for the information of the Committee on Anti-Dumping Practices.

Merchandise:

Country of export:

Effective date:

GENERAL INSTRUCTIONS

1. The questionnaire attached is made up of three sections. Section A consists of one question which requests information concerning your total sales of identical and like merchandise in all your markets. Section B relates to your sales in your home market or, where appropriate, to third countries. Section C deals with your sales to the United States. Frequently, a fourth section is included. This section if added will pose specific questions which are believed pertinent in this case.
2. If it is impractical to provide full data on all types or qualities of the merchandise sold to the United States, you should limit your responses in Sections B and C to those types of qualities sold to the United States in the most substantial quantities and as to identical or like types or qualities sold in the home market.
3. Replies to questions in Section B should concern merchandise in the home market which is identical to that sold to the United States. If identical merchandise is not sold in the home market, replies should concern the product sold in the home market which is most comparable to the product being sold to the United States. In the absence of sales of either an identical or like product in the home market, sales of the identical product to third countries should be used as the basis of your responses. Finally, in the absence of all of the above, sales of the most comparable product to third countries should be used. (In the event a question arises in determining which of these markets is appropriate, the assistance of the customs representative should be sought before proceeding.)
4. In your reply to questions in Sections B and C, whenever one of the below-listed conditions exists, please provide a complete list showing each transaction, the price, the date of the transaction, and the purchaser. Identify and describe all discounts, freight charges, commissions, and other factors bearing on the price.
 - (a) The prices vary from sale to sale, purchaser to purchaser, or from time to time.
 - (b) The prices are constant, but the net return varies because of factors such as commission, discounts, freight, etc.

(c) Any combination of the above.

Finally, any arrangement which affects your ultimate return on sales which is not elsewhere discussed should be explained in detail.

5. Price information should not be furnished on an average basis: in those instances in which prices vary, complete listings should be furnished. If, however, in the judgment of the customs representative, such a listing would not be practicable, he may authorize submission of data on a weighted-average basis. In such event, specific information, as chosen by him, must be provided with respect to typical transactions.

6. Your replies should provide the requested information as specifically as possible. If you believe that furnishing information which is responsive to the questions will not provide an accurate understanding of all circumstances which you feel bear on the matters under consideration, you may supplement your reply with whatever additional data you believe will clarify the situation. Such material will be given our consideration. We must emphasize, however, that such material must be in addition to accurate responses to the questions. If you should find it impossible to respond to any questions in the manner requested, you should seek advice from the customs representative.

7. Question 5 in Section B deals with quantity discounts and differentials. No claim for allowance from home market price for a quantity discount or differential will be considered in determining whether or not the merchandise sold to the United States in equivalent quantities is being sold at less than fair value unless one of the two following alternative conditions is met:

(a) For six months prior to the date shown on page 1, 20 per cent or more of the merchandise sold in the home market was sold at a quantity discount or differential as great or greater than that claimed to have been applied to equivalent quantity sold to the United States.

(b) The claimed allowance for quantity is justified by cost savings attributable to differences in quantity.

In order to qualify a discount or allowance under either of the above conditions, full justification must be provided. Under (a), a breakdown of sales showing the amount sold at each quantity discount or differential, and the amount of the discount granted must be provided. Under (b), detailed cost justification must be furnished which specifically ties the claimed discount or differential to differences in quantity.

8. Unless otherwise noted, or the context implies otherwise, all data should relate to the period beginning four months prior to the date specified on page 2 and ending approximately at the time of the preparation of your response.

QUESTIONNAIRE

A. General

Please state the approximate total quantity of identical and like merchandise to that under consideration which has been sold by you during the one-year period immediately preceding the date shown on page 1:

- (a) in your home market;
- (b) for exportation to countries other than the United States;
- (c) to the United States.

B. Home market data (or third country - see General Instruction No. 1)

1. What are the unit prices at which you sell this merchandise? Please furnish price lists, if available.
2. Do the prices vary according to the class of purchaser? If so, identify each class, and furnish the prices to each. Unless it is obvious from the context, describe the types of purchaser included in each class.
3. Are discounts other than for quantity granted from these prices? Please identify each discount granted. What are the terms of the discount? What is the amount?
4. If pricing is set by some other method not clearly apparent from the above, please provide full details concerning the method by which prices are determined.
5. Are quantity discounts granted? Are price differentials granted for quantity? Fully describe conditions under which quantity discounts or differentials are granted. In this regard, please note Item No. 5 under General Instructions.
6. What are the terms of sale (ex-factory, f.o.b., etc.)?
7. Identify by name and amount all charges included in the prices furnished above (e.g. freight, commissions, insurance, etc.).
8. Please specify the cost of packing of the merchandise. Clearly indicate whether this packing is included or charged extra.
9. Does any financial relationship exist between you and any home market purchaser? Your response should include any relationship through a third party. If such a relationship exists, please provide full details.

10. If the merchandise sold in the home market is not identical to that sold to the United States, adjustment may be made to the price to reflect the effect of these differences in the market value of the merchandise. Please furnish full details of the effect on market value of such differences in the merchandise. In addition, please provide detailed information on the difference in the cost of producing the respective products.

C. Exportation to the United States

1. What are the unit prices at which you sell the merchandise for exportation to the United States? Indicate the currency of transactions.
2. Do the prices vary according to the class of purchaser? If so, identify each class and furnish the price to each. Unless it is obvious from the context, describe the types of purchaser included in each class.
3. Are discounts including quantity discounts or differentials granted from these prices? What are the terms of the discounts? What are the amounts?
4. If pricing is set by some other method, not clearly apparent from the above, please provide full details concerning the pricing method.
5. What are the terms of sale (ex-factory, f.o.b., etc.)?
6. Identify by name and amount all charges included in the prices (e.g. freight, insurance, commissions, duty, etc.).
7. Specify the cost of packing. Clearly indicate whether this packing is included or charged extra.
8. Does any financial relationship exist between you and any United States purchaser of the merchandise? Your response should include any relationship through a third party. If such a relationship exists, please provide full details.
9. Do you receive any rebate or other benefit by reason of the exportation of the merchandise involved? Please state the nature and amount of any such rebate.
10. If you have any arrangement with any United States purchaser under which you agree to pay or reimburse any anti-dumping duties which might become payable, please provide a copy of the agreement, or if it is not in writing, furnish full details.