



**(Product Name) ORIGINATING IN OR EXPORTED
FROM
(Country Name)**

**SUBSIDIES/COUNTERVAILING DUTY
INVESTIGATION**

**GOVERNMENT QUESTIONNAIRE
(DRAFT 04/2004)**

INTERNATIONAL TRADE POLICIES DEPARTMENT

(Date of Investigation)

INTRODUCTION

The International Trade Policies Department of the Egyptian Ministry of Foreign Trade and Industry is responsible for administering the Egyptian subsidies/countervailing duty law. The law provides a mechanism for maintaining fair levels of import competition for Egyptian producers when the subsidization of imported goods causes material injury or threatens to cause material injury to an established Egyptian industry. The law reflects Egypt's obligations under the World Trade Organisation (WTO) Agreement on Subsidies and Countervailing Measures.

The Ministry of Foreign Trade and Industry has initiated an investigation into claims by (Egyptian companies), that subsidized imports of (product name) originating in or exported from (Country) have been causing material injury to the Egyptian industry.

This questionnaire is designed to assist your company in providing the necessary information to investigate the extent, if any, to imports of the product under investigation originating from (Country Name) are being subsidized and causing or threatening to cause material injury to the Egyptian industry producing like goods.

It is in your best interest to complete the questionnaire as, in the absence of a response, a decision can be based on the best information available. As this information is usually supplied by the Egyptian applicant, it is considered necessary that your company be given the opportunity to respond so that a fair investigation can be conducted.

Subsidy Defined

According to *Article 57* on Subsidies and Countervailing Measures (SCM) of Egyptian Regulation of law No. 161/1998 concerning national economy protection from injurious effects of unfair practices in international trade a subsidy is any financial contribution provided directly or indirectly, by the government of the country of origin or any public body within its territory which confers a benefit to the recipient of the subsidy, either producer(s) or exporters.

A subsidy includes any financial or other commercial benefit that has occurred or will accrue, directly or indirectly, to persons engaged in the production, manufacture, or trade of goods as a result of any scheme, program, practice or action done, provided or implemented by a foreign government. However, it does not include the amount of any duty or internal tax imposed on goods by the government of the country of origin or country of export from which the goods, because of their exportation from the country of export or country of origin, have been exempted or will be relieved by means of refund or drawback.

Not all subsidies are actionable. However, where a subsidy causes or threatens to cause material injury to a domestic industry, remedial duties may be imposed. The imposition of duties is subject to the results of the investigation into existence of a subsidy, injury and causation. Measures can be taken against a subsidy only if a financial contribution is found to exist, conferring a benefit on the recipient, and the subsidy is specific and causes material injury or threat thereof to the domestic industry or materially retards the establishment of a new industry, carried out in accordance with the WTO Agreement on Subsidies and Countervailing Measures.

Countervailing Duties

The Ministry of Foreign Trade and Industry may impose remedies only after an investigation has established that the goods are subsidized and have caused, or threaten to cause, material injury to the Egyptian industry producing like goods. Countervailing duties must not exceed the margin of subsidization.

Provisional countervailing duties can be imposed at any time after 60 days from the date of initiation, if the Ministry of Foreign Trade and Industry has reasonable cause to believe that the goods are being subsidized, that such subsidy is causing material injury to the Egyptian industry, and that provisional countervailing duties are necessary to prevent material injury to the Egyptian industry during the remainder of the investigation.

Goods Subject To Investigation

The goods subject to investigation are:

(Product under investigation)

The subject goods are classified in the tariff schedule under H.S.Heading item:

Item -- -- -- *and its subheadings*

Item -- -- -- *and its subheadings*

Further Information:

The goods subject to investigation are sold in Egypt under the categories given in the description of the products above.

Period of Investigation

The period of investigation (POI) is from --/--/---- to --/--/----. It is the responsibility of your government to notify the other parties of the appropriate POI.

Verification

The Department may need to visit your government to verify information supplied. Such a visit is normally undertaken once a completed questionnaire has been received and analysed. You will be contacted again at a later date should such a visit be necessary. Failure to allow full complete verification of any information may affect the consideration accorded to that or any other verified or non-verified item in the responses.

Documentation Provided

It is important that you provide supporting evidence such as copies of applicable laws, regulations, etc, for any claims made in response to the questionnaire.

Additional documentation in support of your response may be requested during the investigation. Original source material for all documents submitted should be available at the time any verification visit is made, including source documents used in loading computers.

Confidential Information

The Department is required to ensure that all interested parties to an investigation are given reasonable opportunity to have access to all non-confidential information relevant to the presentation of their case and that is used by the Department.

Any information which is by nature commercially confidential (for example, because its disclosure would be of significant competitive advantage to a competitor or because its disclosure would have a significantly adverse effect on the person supplying the information or upon the person from whom the information was acquired) or which is provided on a confidential basis by parties to an anti-dumping investigation will upon good cause being shown be treated as confidential by the Department.

Parties requesting that information be treated as confidential should:

- (a) Clearly identify the information for which confidential treatment is requested;
- (b) Provide justification for the request for confidential treatment; and
- (c) Provide a non-confidential version or non-confidential summary of the information for which confidential treatment is requested, or, if it is claimed that the information is not susceptible to such a summary, a statement of the reasons why such a summary is not possible. A non-confidential version should reproduce the original but have information considered to be confidential either omitted or summarised.

Note ** As provided for in [Article 12-4-1](#) of Part 5: Countervailing Measures of the W.T.O Agreement on Subsidies and Countervailing Measures, the Investigating Authority may disregard any information for which the party submitting it fails to provide a satisfactory non-confidential version or summary or satisfactory reasons why such summary cannot be provided.

** Information for which confidential treatment is not requested will be treated as non-confidential and will be included in the Public File of the investigation. The Public File is available for perusal by any interested party.

You should indicate clearly on each page in your submission what information you consider to be confidential and forward an accompanying non- confidential version of your reply.

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

Number of Copies

Your responses to this questionnaire must be submitted in 3 copies confidential version and 3 copies non-confidential version. Also, your response must be submitted in an electronic format as described at page (7). Please provide with your response copies of all source materials.

Time Frame

Due Date: / /200X

Your reply to this questionnaire along with any supporting documentation must be with the International Trade Policies Department by close of business 37 days from the date of sending this questionnaire or earlier if possible. It is very important to receive responses from interested parties by the *Due Date* given. Nevertheless, if your information is received after the due date, the Investigating Authority (IA) has the choice whether or not to take it into consideration and you will be considered a not fully cooperating party. As a result and according to *Article 59* of the Egyptian regulation investigating authority shall establish the amount of the subsidy according to reliable available data if it does not have sufficient data to verify the amount of the subsidy.

Certification

You must certify that you have read the submission and that all information you provided is to the best to your understanding is accurate and complete. Also, the person signing and authorizing must has legal representative of the government.

Language

Your reply to this questionnaire must be in the English language. An English translation of any supporting documentation and evidence should also be provided.

This questionnaire requests information about programs available to the producers or exporters subject to this investigation in [Country] of [Product] (subject merchandise). The Department is also required to investigate any programs discovered during the course of this investigation which may confer countervailable subsidies on the manufacture, production or exportation of the subject merchandise.

The Department has standardized the appendices of this questionnaire; one or more of the appendices may not be applicable to the circumstances of this investigation. You should only respond to the questions in a specific appendix if it is identified under a specific question below.

SPECIAL NOTE

IF YOU HAVE ANY QUESTION DURING THE COURSE OF THIS INVESTIGATION OR ANY PROBLEMS INTERPRETING THE INFORMATION REQUIRED BY THIS QUESTIONNAIRE PLEASE CONTACT THE INTERNATIONAL POLICES DEPARTMENT

Please ensure your response:

- Is signed
- Shows your name and title
- Is dated

And forward by fax to:

Head Of Anti-Dumping, Subsidy & Safeguard Department
International Trade Policies Department
Trade Agreements Sector
Ministry of Foreign Trade and Industry
EGYPT

Attention: Mr. Muwafak El Fayoumy

Important

Please ensure that your response to this questionnaire is faxed back to the International Trade Policies Department no later than the date specified. The original version plus supporting documents (including a non-confidential version) should be forwarded by courier to the above address.

It is important that responses are received by the due dates

*All replies and any further information
should be presented in the English language.*

Standard Questions Appendix

- A. Provide the name and address of the entity (e.g., a federal, provincial, or other government agency, or any other institution) responsible for administering this program.
- B. Describe the nature of the program, when it was established, and the administering authority's policy behind the program. How is the program administered and how does it operate?
- C. Provide translated copies of the laws and regulations relating to the program and any reports pertaining to the program published during or since the POI.
- D. Identify and explain the types of records maintained by the relevant government agency or other administering authority (e.g., accounting records, company-specific files, databases, budget authorizations, etc.) regarding the program.
- E. Describe the application process for the program and provide a blank copy of the application form (translated into English, if necessary). After an application is submitted, please describe the procedures by which an application is analyzed and eventually approved or disapproved.
- F. In accordance with *Article 57* of Egyptian Regulations of Law No. 161/1998, concerning the protection of national economy from injurious effects of unfair practise in international trade the Department must determine whether benefits under this program are specific. Please answer the following questions regarding eligibility for and actual use of the benefits provided under this program.
 - 1. Is eligibility for, or actual use of this program contingent, whether solely or as one of several other conditions, upon export performance? If so, please explain. If eligibility for, or actual use of, this program is contingent upon export performance, you need not respond to the remaining questions.
 - 2. Is eligibility for this program contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods? If so, please explain. If eligibility for this program is contingent upon the use of domestic over imported goods you need not respond to the remaining questions.
 - 3. Is eligibility for the subsidy limited to enterprises or industries located within designated regions? If so, you need not respond to the remaining questions.
 - 4. Is eligibility limited, by law or in fact, to any enterprise or group of enterprises, or to any industry or group of industries? If so, please explain, and specify the eligible enterprises or industries. If eligibility is limited, by law or in fact, to any enterprise or group of enterprises, or to

any industry or group of industries, you need not respond to the remaining questions.

5. Describe the criteria governing the eligibility for, and receipt of, any benefit under this program. Please also describe the criteria governing the size of the benefit provided. Provide a copy of any law, regulation or other official document detailing these criteria. If the eligibility criteria as listed in the applicable law, regulation or other official documents are met, will the applicant always receive a benefit, or is final approval contingent upon the government agency or authority which administers the program? Is the amount of the benefit provided exclusively determined by established criteria found in the law, regulation or other official document, or is the benefit amount determined by the government agency or authority which administers the program?
 6. Please provide a list of the industries which have received benefits under this program in the year the provision of benefits was approved and each of the preceding three years. Please identify which regions were eligible for and received benefits under the program. Provide the total amounts of benefits received by each type of industry, in each region, in the year the provision of benefits was approved and each of the preceding three years.
 7. How many companies applied for benefits under this program in the year the financial assistance or benefit was approved and each of the preceding three years? How many applicants received financial assistance/benefit and how many applicants have been rejected in the year the financial assistance / benefit were approved and each of the preceding three years? Please explain why any applicants were rejected.
- G. Describe any anticipated changes in the program. Provide documentation supporting your answer. If the program is being terminated, state the last date that a company could apply for or claim benefits under the program. When is the last date that a company could receive benefits under the program?