

**UNITED STATES DEPARTMENT OF COMMERCE  
IMPORT ADMINISTRATION  
OFFICE OF ANTIDUMPING INVESTIGATIONS**

**REQUEST FOR INFORMATION**

**Office of Economic and Commercial Affairs**

**for**

**Romania**

**Circular Welded Non-Alloy Steel Pipe**

**PERIOD OF INVESTIGATION:** October 1, 1994 through March 31, 1995

**RESPONSE DUE DATE:** Section A - July 14, 1995  
Sections C & D - July 30, 1995

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**Return Questionnaire Response to:**

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Import Administration  
U.S. Department of Commerce  
Fourteenth Street and Constitution Avenue, N.W.  
Room 1870  
Washington, D.C. 20230**

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## GENERAL INSTRUCTIONS

This nonmarket economy questionnaire requests information for the United States Department of Commerce (the "Department") to determine whether your company dumped the **subject merchandise** in the United States.<sup>1</sup> Dumping is the sale of merchandise to the United States at prices below the **normal value** of the merchandise. If you have questions, we urge you to consult with the official in charge named on the cover page. If for any reason you do not believe that you can complete the response to the questionnaire by the date specified on the cover page of this questionnaire, or in the form requested, you should contact the official in charge immediately.

Your response to the questionnaire should include all of the information requested. It is essential and in your interest that the Department receive complete information early in the proceeding to ensure a thorough and accurate analysis and to provide all parties the fullest opportunity to review and comment on your submission and the Department's analysis. We appreciate your cooperation in this investigation.

This investigation will be conducted on a schedule dictated by law. If you fail to provide accurately the information requested within the time provided, the Department may be required to base its findings on the **facts available**. If you fail to cooperate with the Department by not acting to the best of your ability to comply with a request for information, the Department may use information that is adverse to your interest in conducting its analysis.

This questionnaire consists of the following sections:

Section A requests information about your organization and accounting practices, and general information regarding sales of the merchandise under investigation.

Section B Not Applicable

Section C requests information about the United States market, including a sales list and other data necessary to calculate the price in or to the United States market.

Section D requests information about the **factors of production** of the merchandise sold in or to the United States.

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<sup>1</sup> In each section of the questionnaire, the first use of each term included in the Glossary of Terms at Appendix I is shown in bold type face.

Section E requests information about further processing in the United States prior to delivery to **unaffiliated** United States customers.

Please comply with the following general instructions for filing and preparing your response to this questionnaire.

I. Instructions for Filing the Response

1. File your response in Washington, D.C., U.S.A., at the address listed on the cover of the questionnaire.
  
2. **Proprietary versions** of the response should be submitted on the day specified on the cover of the questionnaire. The **public version** of the response may be filed one business day after the proprietary version.
  
3. File the original and nine copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Word Perfect 5.1/5.2, you need file only the original version and four copies. For either alternative, only one copy of sample printouts and electronic media containing sales files and cost files need be submitted. (Appendix II contains instructions for filing electronic media.)  
  
File the original and four copies of the public version of your narrative response and attachments, including sample printouts.
  
4. Submit the required **certification of accuracy**. Providers of information and the person(s) submitting it, if different (e.g., a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. The Department cannot accept questionnaire responses that do not contain the certification statements. A form for such certification is included at Appendix IV of this questionnaire. You may photocopy this form and submit a completed copy with each of your submissions.
  
5. Provide the required certificate of service with each proprietary version and public version submitted to the Department.
  
6. Request **proprietary treatment** for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions

received in the course of an antidumping proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public.<sup>2</sup> If you wish to make a request for proprietary treatment for particular information, refer to sections 353.32 and 353.33 of the Department's regulations. Submit the request for proprietary treatment no later than one business day following the submission of the proprietary version of the questionnaire response accompanied by:

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<sup>2</sup> Supplier names will not be considered proprietary information in situations where the Department has excluded the exporter from the antidumping duty order. Exclusions only apply to the specific exporter/supplier combinations.

(1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence,<sup>3</sup> and/or

(2) an itemization of particular information that you believe you are unable to summarize, accompanied by a statement of the reasons you believe that to be true.

7. Submit the statements required regarding limited release of proprietary information under the provisions of an **administrative protective order** ("APO"). U.S. law permits limited disclosure to representatives of parties (e.g., legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:

(1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or

(2) a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.<sup>4</sup>

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. You must state in the upper

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<sup>3</sup> Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.

<sup>4</sup> The Department may not disclose proprietary customer names without consent under APO during an antidumping investigation until either an order is published or the investigation is suspended. To insure that proprietary customer names are properly treated in this case, place double brackets ("[[ ]]") around all proprietary customer names in your submissions to the Department during the course of this investigation.

right-hand corner of the cover letter accompanying your questionnaire response whether you agree or object to release of the submitted information under APO. (See section 353.31(e)(2) of our regulations for specific instructions.)<sup>5</sup>

8. Place brackets (" [ ]") around information for which you request business proprietary treatment. Place double brackets (" [ [ ] ]") around information for which you request proprietary treatment and which you do not agree to release under APO.

9. Provide to all parties whose representatives have been granted an APO (as listed in the cover letter to the questionnaire or as listed in a subsequent letter from the Department) a complete copy of the submission, proprietary and public versions, except for that information which you do not agree to release under APO. If you exclude information because you do not agree to release it under APO, submit with your response to the Department a certificate of service and a copy of the APO version of the document containing the information that you agree may be released under APO. For parties that do not have access to information under APO, please provide a public version only.

## II. Instructions for Preparing the Response

1. Prepare your response in typed form and in English. Include an original and translated version of all pertinent portions of non-English language documents which accompany the response. If this is impractical for certain of the documents, please contact the official in charge.

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<sup>5</sup> If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (see section 353.34(c) of our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

2. Repeat the question to which you are responding in your narrative submission and place your answer directly below it. To assist you, we have provided a copy of the questionnaire on diskette in Word Perfect 5.1/5.2.
  
3. Refer to the instructions at Appendix II for information requested in electronic form (i.e., sales lists and factors of production data).
  
4. Include all worksheets, financial reports and other requested documents as appendices to your response.
  
5. Identify any source documents maintained in the normal course of business you have relied on in preparing your response, and specify the locations where such documents are maintained. Please include this information in an Appendix to your response. This information is used by the Department to prepare for verification.
  
6. Prepare sample printouts of information from each computer file submitted. The sample should contain the first and every fiftieth record (i.e., observations 1, 50, 100, . . . , n) in each file submitted. However, if the total records in a file number less than 500, prepare a printout of the entire file.<sup>6</sup> Submit the printouts with the electronic files (see Appendix II part D).
  
7. Provide a table of contents and a table of attachments. Assign a number to each attachment and include a descriptive name for each attachment and its number in the table.

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<sup>6</sup> While the Department requires only sample printouts, if requested you are obligated to provide a full printout of all submitted data files to any party granted an APO.

## SECTION A

### Organization, Accounting Practices, Markets and Merchandise

#### 1. Quantity and Value of Sales

- a. State the total quantity and value of the merchandise under investigation that you sold during the period of investigation ("POI") in the United States.<sup>7</sup> A chart for reporting the sales quantity and value can be found at the end of this section. Complete a chart for all **subject merchandise** produced and sold by your company.
- b. Exclude your U.S. sales to **affiliated resellers**.<sup>8</sup> Report instead the resales to the first unaffiliated customer.
- c. If you export merchandise for entry into a foreign trade zone ("FTZ") or into a bonded warehouse in the United States, this may affect the way we treat these sales. Please contact the official in charge to discuss the reporting requirements.

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<sup>7</sup> Throughout this questionnaire, whenever we refer to the "products under investigation," "merchandise under investigation," or "subject merchandise" we are referring to all products within the scope of the investigation that your company sold during the period of investigation to the United States. We have provided a description of the merchandise included in the investigation in Appendix III.

<sup>8</sup> Whenever the terms affiliate(s), affiliated, or unaffiliated appear in this questionnaire, refer to the definition of "affiliated persons" included in the Glossary of Terms at Appendix I.

The Department presumes that a single weighted-average dumping margin is appropriate for all exporters in a nonmarket economy country. The Department may, however, consider requests for separate rates from individual exporters. Individual exporters requesting a separate rate must respond to the following questions in order for the Department to consider fully the issue of separate rates.

2. Separate Rates

This section requests economic, industry, and company-specific information. All companies requesting a separate rate must respond to the following questions.

- a. Please describe and explain:
  - (i) Who owns your company;
  - (ii) Who controls your company;
  - (iii) Your company's relationship with the national, provincial, and local governments, including ministries or offices of those governments;
  - (iv) Your company's relationship with other producers or exporters of the subject merchandise. Do you share any managers or owners?
- b. Does the entity which owns or controls your company also own or control other exporters of the subject merchandise?
- c. If your company is owned or controlled by a provincial or local government, please identify other exporters of the subject merchandise in your province or locality.
- d. Provide any legislative enactments or other formal measures by the government that centralize or decentralize control of the export activities of your company. Provide English translations of each document.
- e. Provide copies of any business licenses held by your company and English translations of those licenses.
  - (i) What governmental agency or office is responsible for issuing the licenses?
  - (ii) Describe the purpose of the licenses.

- (iii) Do the licenses impose any limitations on the operations of your company? Do the licenses create any entitlements for your company? Describe and explain these limitations and entitlements.
  - (iv) Under what circumstances could the licenses be revoked, and by whom?
  - (v) Will these licenses need to be renewed? What actions must your company take to obtain renewal?
- f. Describe any controls on exports of the subject merchandise to the United States.
  - (i) Does the subject merchandise appear on any government list regarding export provisions or export licensing? If so, why was the product included in that list?
  - (ii) Do export quotas apply to the subject merchandise? If so, describe the process by which your company received its quota. Does the quota allocation process involve any government participation in the setting of export prices? Explain the quota allocation process. Are export licenses required for exports of the subject merchandise to the United States? If so, explain the licensing process and describe how your company obtained its export license(s). Does the licensing process involve any government participation in the setting of export prices?
- g. Describe how your company sets the prices of the merchandise it exports to the United States. Does your company negotiate prices directly with your customers? Are these prices subject to review by or guidance from any governmental organization? Provide evidence of any price negotiations.
- h. Does your company coordinate with other exporters in setting prices or in determining which companies will sell to which markets? What role does the Chamber of Commerce play in coordinating the export activities of your company?
- i. Describe how your company negotiates sales to the United States of the subject merchandise. Who in your company has the authority to contractually bind the company to sell merchandise? Does any organization outside your company review or approve any aspect of the sales transaction (e.g., the price, the product to be sold, the customer)? If so, identify the organization and explain the organization's role.
- j. Is your company, or any manager of your company, expected to achieve foreign exchange targets set by any governmental authority? If so, how are these targets determined?

- k. Describe how the management of your company is selected. If your company is required to notify any governmental authorities of who the managers are, please explain which authorities are notified and the purpose of the notification.
- l. Please identify the people who currently manage your company and explain how they were selected for these positions. Also identify the position that each held prior to assuming their current management role in your company.
- m. Are there any restrictions on the use of your company's export revenues? If so, explain when export earnings are deposited into a bank account:
  - (i) In whose name(s) is the account held?
  - (ii) Who has control of the account?
  - (iii) Who has access to the account?
- n. Explain how your company's export profits are calculated. What is the disposition of these profits and who decides how the profits will be used?
- o. Has your company suffered a loss on export sales in the past two years? If yes, how was that loss financed? If your company obtained loans from a bank, or attempted to obtain loans from a bank, describe the loan application process.
- p. What does your company do with the foreign currency it earns on sales of the subject merchandise to the United States?
  - (i) If the foreign currency earned (or some portion of it) must be sold to the government, what exchange rate is applied?
  - (ii) If the foreign currency earned (or some portion of it) is retained by your company, describe any restrictions on the use of that foreign currency.

The remaining questions must be answered by all companies (exporters and manufacturers), whether or not the company is requesting a separate rate.

### 3. Corporate Structure and Affiliations

The purpose of the questions concerning operational and legal structures and affiliations is to provide the Department with an understanding of your company and its role in the manufacture and/or sale of the merchandise under investigation.

a. Provide an organization chart and description of your company's operating structure. Describe the general organization of the company and each of its operating units. For example, if your operations are structured by product or families of products, provide a description of each product group; if your operations are structured by function, provide a list of functional groups and the activities performed by each.

Although you may provide a general description of the structure of the company as a whole, it is particularly important that the description of those units involved in the development, manufacture, sale and distribution of the merchandise under investigation be sufficiently detailed to provide the Department with a good working understanding of how these units function within the company.

b. Provide a list of all the manufacturing plants, sales office locations, research and development facilities and administrative offices involved in the manufacture and sale of the merchandise under investigation operated by your company. Briefly describe the purpose of each.

c. Provide an organization chart and description of your company's legal structure. In addition to the chart, provide a list of all companies affiliated with your company through stock ownership. In responding to this question, refer to the definition of affiliated person provided in the Glossary of Terms at Appendix I. Describe also the activities of each affiliated company, with particular attention to those involved with the merchandise under investigation. Specify the percentage of ownership and cross ownership among the companies listed.

#### 4. Sales Process

The **date of sale** for your sales to the United States is important to the Department's analysis. It will determine which sales and production factors are reported in response to sections C and D of this questionnaire. Note, however, that the Department's criteria for determining date of sale may differ from those that you apply in the normal course of business. A description of the Department's criteria is included in the Glossary of Terms at Appendix I; please use these criteria in preparing your response to this questionnaire. If you have difficulty deciding which date to use as the date of sale, please contact the official in charge immediately.

a. Describe the date (e.g., order date, shipment or invoice date) you have selected as the date of sale for sales to the United States during the period of investigation, and explain why the date(s) selected best satisfies the Department's date of sale criteria. If you use different methods to identify the date of sale for different transactions, explain why you have done so.

b. Explain how you determined the ultimate customer or market for the products sold through resellers. For these sales, explain whether you restrict the reseller's volume or geographic area for distribution. In addition, explain whether you provide customer lists to or make joint sales calls

with the reseller, or provide post-sales support or purchase incentives to the reseller's customers. Provide written sales contracts or sales terms with these resellers.

c. Describe your agreement(s) for sales in the United States (e.g., long-term purchase contract, short-term purchase contract, purchase order, order confirmation). Provide a copy of each type of agreement and all sales-related documentation generated in the sales process (including the purchase order, internal and external order confirmation, invoice, and shipping and export documentation) for a sample sale in the U.S. market during the POI or POR.

d. Describe the types of changes that occur after the initial agreement that affect the terms of the sale other than delivery dates. Explain how these types of changes affected your determination of date of sale.

e. Provide the approximate percentage of sales of the merchandise under investigation in the United States market made pursuant to each type of agreement listed in response to question 4. c. above.

f. Provide copies of all price lists used in sales of the merchandise under investigation to the United States and identify the types of sales to which these price lists pertain. Include any discount or rebate schedules used with each price list.

##### 5. Accounting/Financial Practices

A detailed understanding of your accounting and financial practices will help to ensure an accurate verification, and is necessary for the Department to analyze your reporting and allocation of expenses.

a. Describe your company's accounting and financial reporting practices, including your normal corporate accounting period.

b. Please provide the following financial documents for the two most recently completed fiscal years plus all subsequent monthly or quarterly statements: (1) chart of accounts; (2) audited, consolidated and unconsolidated financial statements (including any footnotes and auditor's opinion); (3) internal financial statements or profit and loss reports of any kind that are prepared and maintained in the normal course of business for the merchandise under investigation; or, in the absence of such reports, for the product line that corresponds most closely to the definition of the merchandise under investigation, including those for the next largest and smallest categories of merchandise and for the next largest and smallest internal business unit producing or selling the merchandise under investigation; (4) financial statements or other relevant documents (i.e., profit and loss reports) of all affiliates involved in the production or sale of the subject merchandise in the U.S. market, of all affiliated suppliers to these affiliates, and of the parent(s) of these affiliates; (5)

any financial statement or other financial report filed with the local or national government of the country in which your company is located.

6. Merchandise

The questions which follow relate to the merchandise under investigation sold in the United States.

- a. Provide a description of the types of merchandise under investigation produced and/or sold by your company. Include in the description a list (and brief description) of any products with a similar production process to the merchandise under investigation.
- b. Provide a key to your product codes assigned to the merchandise in the normal course of business, including an explanation of the full range of prefixes, suffixes, or other notations that identify special features. Explain whether identical products are listed under different codes depending on whether the product is destined for the U.S. market or another market. If so, provide a list showing how identical products are identified by product codes.
- c. Provide all catalogs and brochures issued by your company and affiliates that include the merchandise under investigation sold by your company in the United States.

7. Further Manufacturing in the United States

This section of the questionnaire concerns subject merchandise exported to the United States and changed in value or physical condition ("**further manufactured**") prior to delivery to the first unaffiliated customer in the United States.

Provide the following information with respect to merchandise that is further manufactured in the United States.

- a. Provide a list and description of the products sold to unaffiliated customers during the POI or POR that were produced from or contain subject merchandise. For each such product sold, identify the particular subject merchandise used to produce that final product.
- b. Provide the weighted-average net price for the period of investigation charged to the affiliated importer for each product included in the investigation that has been further manufactured and the weighted-average net price for the period of investigation charged the unaffiliated U.S. customers for each further manufactured final product. Report this data in a format which will permit the Department to compare the transfer prices of the imported merchandise to the price of the final product sold in the U.S. market. We suggest that for each further manufactured product sold during the POI or POR, you list the product code and name of the subject merchandise included in that product, the net unit transfer price charged the affiliated importer, the amount of the subject

merchandise consumed in the production of the further manufactured product, and the total value of the consumed subject merchandise (unit transfer price multiplied by the number of units consumed in production).<sup>9</sup>

8. Exports Through Intermediate Countries

If you are aware that any of the merchandise you sold to third countries was ultimately shipped to the United States, please contact the official in charge within two weeks of the receipt of this questionnaire.

9. Sales of Merchandise Under Investigation Supplied by an Unaffiliated Producer.

Please respond to this section of the questionnaire if neither your company nor an affiliate produced the merchandise under investigation which you sold to the United States.

a. Provide the names, addresses and facsimile numbers of those companies that supplied you with the merchandise under investigation that your company or an affiliate sold to the United States.

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<sup>9</sup> This question is designed to provide the Department with the information necessary to determine whether the value-added in the United States exceeds substantially the value of the subject merchandise that has been further processed. If you do not believe that the value-added in the United States exceeds substantially the value of the subject merchandise that has been further processed, you need not provide this information. If you choose to answer the question, you may provide the information in any format that supplies the appropriate information.

b. State whether the supplier of the merchandise under investigation knew or had reason to know the ultimate destination of any merchandise purchased by your company at the time of sale. For example, did you request that the supplier ship the merchandise directly to the United States; was the destination apparent from the product codes or other markings; were there product characteristics or features typical of the United States market? Was there an explicit or implicit understanding giving permission to or responsibility for exporting to the United States, or restricting, discouraging, or prohibiting sales in the home market or elsewhere? Does the supplier have the right to review your sales records? Does the supplier provide after-sales service in the United States, participate in U.S. sales calls or activities, or provide sales incentives to your customers?

c. State the currency in which your purchases from the supplier were transacted and paid.

10. Exports Through Trading Companies in Your Country

If you are aware that any of the merchandise that you sold to another company in your country was ultimately shipped to the United States, please contact the official in charge within two weeks of receipt of this questionnaire.

**FORMAT FOR REPORTING QUANTITY AND VALUE OF SALES**

Market	Unit of Measure	Total Quantity	Terms of Sale	Total Value
United States				
1. Export Price				
2. Constructed Export Price				
3. Further Manufactured				
Total				

Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

To the extent possible, sales values should be reported based on the same terms (e.g., FOB).

List the unit of measure (e.g., kilograms) of the quantity reported.

