

**CUESTIONARIO PARA EL EXPORTADOR O
PRODUCTOR EXTRANJERO INVESTIGADO
POR PRÁCTICAS DE DUMPING**

***QUESTIONNAIRE FOR EXPORTERS OR
FOREIGN PRODUCERS INVESTIGATED
FOR DUMPING PRACTICES***

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PRODUCTOR EXTRANJERO INVESTIGADO POR
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**QUESTIONNAIRE FOR EXPORTERS OR FOREIGN
PRODUCERS INVESTIGATED FOR DUMPING
PRACTICES**

Nombre de la Compañía / Name of Company:

Dirección /Address:

Teléfono / Telephone:

Fax:

Nombre del Representante Legal / Name of the Legal Representative: _____

Producto bajo investigación / Product under investigation:

Calzado con parte superior de materia textil y suela de distintos materiales, tales como caucho, plástico, cuero natural o regenerado, o una combinación de éstos u otros materiales. Estos productos ingresan principalmente por las siguientes subpartidas arancelarias: 6404.11.10.00, 6404.11.20.00, 6404.19.00.00, 6405.20.00.00 (Cabe señalar que la descripción de las subpartidas arancelarias es meramente referencial prevaleciendo para la investigación la definición del producto)

Footwear with uppers of textile materials and soles of rubber, plastic, leather or composition leather , or a combination of these or others materials. These products mainly enter by the following referential tariff codes: 6404.11.10.00, 6404.11.20.00, 6404.19.00.00, 6405.20.00.00 (It's important to indicate that the description of the tariff codes is merely referential prevailing for the investigation the definition of the product)

País de origen / Country of origin:

República Popular China/Popular Republic of China

República Socialista de Vietnam/Socialist Republic of Vietnam

Período de investigación del dumping / Period of dumping investigation:

Abril de 2005 a Marzo de 2006/April 2005 to March 2006

Período de investigación del daño / Period of injury investigation:

Enero 2002 a Marzo 2006/ January 2002 to March 2006

Fecha de inicio de investigación / Investigations´starting date:

23 de Mayo de 2006/May 23th 2006

**CUESTIONARIO PARA EL EXPORTADOR O PRODUCTOR
EXTRANJERO INVESTIGADO POR PRÁCTICAS DE DUMPING****QUESTIONNAIRE FOR EXPORTERS OR FOREIGN
PRODUCERS INVESTIGATED FOR DUMPING PRACTICES****DECLARACIÓN**

La autoridad abajo firmante declara que toda la información proporcionada en este documento en respuesta al cuestionario es verdadera y reconoce que queda sujeta a verificación por la Comisión de Fiscalización de Dumping y Subsidios del INDECOPI.

DECLARATION

The undersigned authority declares that all the information provided in this document is true and recognizes that it is subject to verification by the Antidumping and Countervailing Duties Commission of the National Institute for the Defense of Competition and the Protection of Intellectual Property – INDECOPI.

Nombre del Representante Legal/Name of the Legal Representative: _____

Firma Autorizada / Authorized Signature:

Fecha / Date:

INTRODUCTION

Dumping is a practice of international trade. If dumping causes injury to the domestic industry, it is sanctioned by a compensatory detraction known as "antidumping duty."

Dumping occurs when a product is introduced into the commerce of another country at a price lower than its normal value. The normal value is defined as the price for sales of the product in the country of origin, or alternatively and under special circumstances the export price from the country of origin to a third country, or the reconstructed value in the country of origin.

The normal value is determined on the basis of prices (internal or for sale to a third country) as long as these are determined in the ordinary course of trade. For example, when these prices generate profits. When there are no internal sales, or export sales to a third country, or when these sales are not representative, the normal value is determined on the basis of the reconstructed value.

The reconstructed value is defined as the production costs, general expenses and reasonable utility margin.

Your company has been included in the investigation for supposed dumping practices filed by Peruvian producers. Since this request fulfills our Law requirements, the Antidumping and Countervailing Measures Commission (the "Commission") has initiated an administrative procedure of investigation. Annexed to this questionnaire, you will find a copy of the publication in the Official Gazette "El Peruano" of the administrative resolution by which the investigation begins.

The investigation procedure will be developed according to the dispositions contained in the following national decree: D.S. 006-2003-PCM that is available in our web page:

<http://www.indecopi.gob.pe/legislacionyjurisprudencia/cds.asp>

The Technical Secretariat of the Commission (the "Technical Secretariat") entity in charge of the investigation, will calculate the dumping margin on the basis of the information sent by interested parties, and/or collected by the office.

In case the required information is not provided, or the answers to the questionnaire is sent after the deadline or in an incomplete way, or if your company requests an extension for sending the above mentioned document, the Commission will be able to make its analysis on the basis of the facts available at the moment.

According to article 6.8 of the WTO Agreement of Implementation of Article VI of the General Agreement on Tariffs and Trade (the "Agreement"), in case your company refuses to provide the required information within a reasonable period of time, the investigating authority (in this case, INDECOPI) will be able to take decisions on the basis of the available information including those that appear in the investigation application presented by domestic industry.

Also, we would like to inform you that all requests for extension of time for providing information or presenting arguments will be evaluated by the Commission; nevertheless, its eventual acceptance or denial will not be obstacle for the authorities to arrive to preliminary and final determinations with the best available information, in accordance with article 6.8 of the Agreement.

On the other hand, according to article 7^o of the Agreement's Annex II, when an interested party does not cooperate and thus, relevant information is withheld from the authorities, a less favorable result to that party could be obtained in relation with the other parties that cooperate with the Commission.

All the information that is provided to the Technical Secretariat will have the character of sworn declaration and is subject to verification.

Additionally, your company can present non requested information. Even though this questionnaire doesn't refer to the causal relation between dumping practices and injury to the national production, your views on this topic can be annexed to your answer.

We should specify that your company, besides collaborating with the present questionnaire, is in the possibility of participating directly in the investigation procedure, and be considered as an interested party. In this case, you have to submit the respective powers (with its translation into Spanish), duly signed by the corresponding Peruvian consul and by the Peruvian Ministry of Foreign Affairs, just as it points out article 27^o of the Supreme Decree N^o 006-2003-PCM.

The documentation that is sent to the Technical Secretariat shall be addressed to:

Comisión de Fiscalización de Dumping y Subsidios del INDECOPI
Calle de La Prosa N^o 138
San Borja, Lima 41
Peru

If you want to communicate by telephone or fax, the numbers are the following:

Telephone : (51-1) 224-7800 (Extension 1220-1221)
Fax : (51-1) 224-7800 (Extension 1296)
e-mail : dumping@indecopi.gob.pe

GENERAL INSTRUCTIONS

In this case, the relevant measure unit of the product under investigation is the **number of pairs**, pointing out the conversion factors that have been used.

Identify each source of information and keep the work papers in order to allow the verification of the data in a later stage.

Additional questionnaires will be supplied upon request at dumping@indecopi.gob.pe. You can also make photocopies of this questionnaire.

The answer to this questionnaire should be presented in two versions: "confidential" and public or "non confidential." All the confidential information should be addressed with the "CONFIDENTIAL" legend or stamps in the respective pages only. The Commission will have access to this information and it will not be revealed without express authorization of the party that provides it.

The confidentiality of certain information should be requested by the interested party in the same document in which this information is provided, justifying the reason why it should not be known by the public. The Commission doesn't become responsible for the diffusion of information whose confidentiality has not been requested in the same document in which this information is provided, just as it points out article 37^o of Supreme Decree N^o 006-2003-PCM.

It is necessary to submit, besides the justification for the special treatment of confidentiality, non-confidential summaries (public) of the information provided as confidential. These summaries will be sufficiently detailed to allow a reasonable understanding of the substantial content of the information provided as confidential.

If the Commission concludes that the information provided as confidential is not properly justified, and if the party that provides it does not want to make it public or authorize its dissemination in general or summarized terms, this information will be only considered in case there are enough elements to demonstrate that the information is correct.

All the listings should be presented additionally in diskettes or CD'S, preferably in EXCEL or DBF including the formulas used.

The answer to the questionnaire should be presented in Spanish, or in English, as long as a translation into Spanish language is annexed.

1. GENERAL INFORMATION

1.1. INFORMATION OF THE EXPORTER

You must indicate if your company is a producer, trader or broker, or both, and if you export directly or in an indirect way. If you export through an affiliated company, indicate name, address and participation in the property of the company.

If your company is a trading company, identify the manufacturing companies that provide you the product under investigation. Specify if your company is subsidiary of these companies. If this is the case, provide the address of each principal company.

1.2. INFORMATION OF THE PRODUCER

Does the manufactured product or your firm receives some type of tributary incentive or preferential treatment in the import of inputs, or benefits from any other kind of payment discharge, condonement, subsidy, etc?

Yes No

If yes, please explain.

Does your company produces other products using the same production equipment and related workers employed to produce textile shoes?

Yes No

If yes, please indicate the percentage of your total production of the product under investigation.

1.3. **DISTRIBUTION SYSTEMS**

Do your prices and sale terms differ by type of client and/or type of market?

Yes No

If yes, explain the basis for the differences.

Do you sell through a related client or distributor in Perú?,

Yes No

If yes, indicate the name of your client/distributor and if the prices and/or sale conditions are different from those applicable to non related clients.

2. **TOTAL SALES OF THE PRODUCT UNDER INVESTIGATION** **(Period April 2005 to March 2006)**

Using ANNEX 2 provide the value (**US\$**) and volume (**in pairs**) of the total monthly sales between **April 2005** and **March 2006** to your domestic market, to the Peruvian market, and to other export markets.

In case you sell only some specific type of products to Perú (see list in Annex 1), please fill out Annex 2 for the most important types of products exported to Perú. In case you export several different types, add them and put "textile shoes" as product.

3. **PRICE DATA**

Using Annex 3 (3.A and 3.B) list in magnetic form **your sales made during the period April 2005 to March 2006** of textile shoes indicating if they are sales made in the internal market or for export to Perú.

A. FOR THE CASE OF THE INVESTIGATED PRODUCT, each transaction included in the listing should contain the following information:

Listings of Sales (ANNEX 3A):

- (1) Description (code) of the product.
- (2) Invoice number.
- (3) Date of invoice.
- (4) Value. (with and without taxes)
- (5) Quantity. (in pair)
- (6) Exchange rate to dollars (US\$) of the date of the transaction.
- (7) Unitary price in dollars per pair.
- (8) Name of the client.
- (9) Type of client (manufacturing company / distributor / final consumer).
- (10) Relationship with the client (existence or not of corporate bonds with the client) (tie / not tie).
- (11) Date of shipment.
- (12) Sale type (Local or Export).
- (13) Destination.
- (14) Terms of sale.
- (15) Terms of Payment (30, 90 days, etc.).
- (16) Date in which you received the payment of the invoice.

Adjustments to the sale price (ANNEX 3B):

- (17) Expenses for packing.
- (18) Expenses for merchandise handling.
- (19) Expenses for internal freights.
- (20) Expenses for internal insurance.
- (21) Expenses for external freights.
- (22) Expenses for external insurance.
- (23) Credit expenses.
- (24) Expenses for commissions or paid wages to salesmen.
- (25) Name of the commission agent.
- (26) Category of the commission agent.
- (27) Other expenses (specify each one, including columns if it is necessary).
- (28) Adjustments for physical differences.
- (29) Total of adjustments.
- (30) Total of adjustments in terms of dollars for pair.
- (31) Net price (column 16–column 30).

With respect to the exchange rate use the official exchange rate applicable to the day in which the operation was billed or the average exchange rate for the month, however, if your country has a system of

Please send photocopies of the first 30 correlative invoices of internal sales and/or export for every month, from **April 2005 to March 2006**, whether it corresponds or not to the investigated product. (Total of 12 months X 30 invoices = 360 copies)

3.1. ADJUSTMENTS TO THE PRICE OF INTERNAL SALE AND THE PRICE OF EXPORT

Describe how your firm determines the prices that it charges for export sales of the product (transaction by transaction negotiation, contracts for multiple shipments, set price lists, etc). If your firm issue price lists, please include a copy of a recent price list with your submission.

When the normal value is determined on the basis of internal prices and/or export prices, the prices that should be used are those paid by the buyer, net of discounts on list prices and reimbursements.

Also, in order to compare the normal value and the export price at the same commercial level, the differences between both must be neutralized. In particular, the differences between the price of internal sale and the export price, relative to differences in terms and sale conditions, differences in amounts, physical differences, and differences in tax loads, must be eliminated.

When an interested party requests that such differences must be taken into consideration, it will have to present proofs that justify its request, and in case these proofs are not provided, these differences could not be considered by the Commission.

The adjustments for differences in sale conditions should be made not only on the internal sale price, but also on the export price. The adjustments for differences in quantities, physical differences and differences in tax loads should be made exclusively on the internal sale price.

The differences between internal sale price and the export price, with respect to sale conditions, will be only adjusted as long as these differences are related directly to the market under investigation. The acceptable adjustment items should include the following:

- I. Charges for packing and manoeuvres,
II. Transport charges, freight charges and insurance charges,
III. Credit expenses,
IV. Commissions and paid wages to salesmen, and
-
-

y Subsidios.

- V. Post-sale services such as technical attendance, maintenance and repairs.

Generally, the differences relative to terms and sale conditions must be eliminated subtracting to the normal value and export price, the amounts that correspond in each case.

When the prices vary in function to the physical characteristics of the goods, and when some or none of the goods in the origin country are physically similar to the exported goods, the prices of the internal sales can be homologated to the prices of the export sales, adjusting the differences between the variable cost of production of the exported goods and the variable cost of production of the goods sold in the origin country.

4. **COSTS (ANNEX 4)**

Determine the structure of your unitary costs. Use ANNEX 4. Provide information by type (code) of product (See Annex N° 1). Specify in US\$ by pair. Identify the exchange rate to dollars and the conversion factor used.

The production cost should include the cost of the materials and direct components, the cost of the direct labor and the indirect expenses of manufacture. The indirect expenses of production should include:

- a) the cost of the materials and indirect components,
- b) the cost of indirect labor,
- c) the cost of energy, including electricity and fuels,
- d) the depreciation of assets dedicated to the production and
- e) indirect expenses that result applicable.

As a general rule, the packing cost should be considered part of the production cost.

The production cost should correspond to the average production cost used for all the enterprises that manufacture the goods under investigation.

Identify the inputs that are bought from related companies, indicating the price paid by them. Provide the market price of the inputs and send the sale documentation of these inputs to non-related companies.

The general expenses should be defined as the sum of administrative expenses and sales, the financial expenses and other general expenses, like those ones concerning to investigation and development and

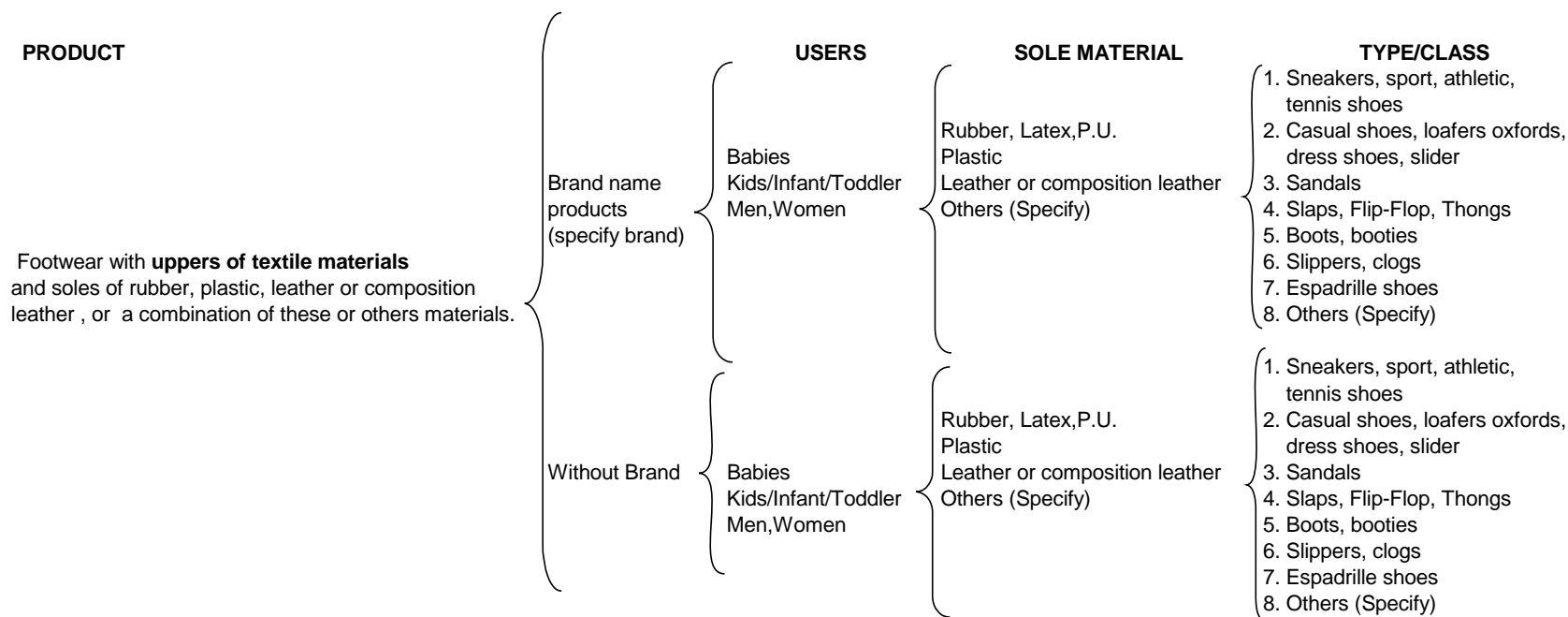
the depreciation of assets not dedicated to the production. The financial expenses should be considered net of the financial revenues coming from short-term investments.

Either the production cost or the general expenses should include all the fixed components and variables. For costs and fixed expenses, it is understood those independently of its production. For costs and variable expenses it is understood those that derive from the production processes and sales.

The relative costs related to the non used productive capacity factors, should be considered as fixed costs and, as it is the case, must be assigned directly to the investigated product or be distributed to this in a proportional way.

The assignment methods should show an evident and reasonably verifiable relationship between the cost or indirect expense to be distributed.

ANNEX N° 1
CATEGORIES OF THE PRODUCT UNDER INVESTIGATION



**Comisión de Fiscalización de Dumping
y Subsidios**

ANEXO 2: Ventas por Mercado /
ANNEX 2: Sales by Market ¹
 Producto/Product (Use
 Annex 1) :
 Mes/Año/Month/Year :

	VALOR / VALUE	VOLUMEN / VOLUME
MERCADO / MARKET	En dólares / Value in US\$ ²	En pares / In pairs
Interno / Local		
Exportación al Perú / Exports to Perú		
Exportación a otros países / Exports to other countries		
TOTAL / TOTAL		

¹ La información solicitada corresponde al periodo comprendido entre Abril de 2005 y Marzo de 2006 y se debe presentar un cuadro para cada mes de dicho periodo. / **The requested information corresponds to the period between April 2005 and March 2006 and you should present a schedule for every month of this period.**

² Utilice el tipo de cambio promedio observado en cada uno de los meses del periodo de investigación. / **Use the average exchange rate for each month of the period of investigation.**

ANEXO 4 / ANNEX 4
ESTRUCTURA DE COSTOS / COST STRUCTURE
(MENSUAL Y PROMEDIO ANUAL) / (MONTHLY AND ANUAL AVERAGE)
VALOR EN DÓLARES POR UNIDAD(PAR)/ VALUE IN DOLLARS PER UNIT (PAIR)

ANEXO:4

Producto: 1/ <i>Product: 1</i>	2005									2006			Promedio / <i>Average</i>
	Abril/ <i>April</i>	Mayo/ <i>May</i>	Junio/ <i>June</i>	Julio/ <i>July</i>	Agosto / <i>August</i>	Setiembre/ <i>September</i>	Octubre/ <i>October</i>	Noviembre/ <i>November</i>	Diciembre/ <i>December</i>	Enr / <i>Jan</i>	Feb / <i>Febr</i>	Marzo/ <i>March</i>	
A. Costo de Producción / <i>Production Cost</i>													
A = (1) + (2) + (3)													
(1) Materiales y Componentes (Directos) / Materials and Components (Direct)													
(2) Mano de Obra (Directa) / Labor Costs (Direct)													
(3) Gastos Indirectos de Fabricación / Indirect Cost of production													
B. Gastos Generales / General Expenses													
B = (4) + (5) + (6)													
(4) Ventas y Administración / Sales and Management													
(5) Financieros / Financial													
(6) Investigación y Desarrollo / Research and development.													
C. Costo Ex-fábrica / Ex – work Costs													
C = A + B													
D. Ganancia / Pérdida antes de Impuestos / Profit / Losses before taxes													

1/ En caso de existir más de un producto investigado, debe prepararse un cuadro por cada uno de ellos. (Ver Anexo N° 1)/ **In there are more than one investigated product, you should prepare one chart for each one (See Annex N° 1)**