



# **BANGLADESH TARIFF COMMISSION**

**QUESTIONNAIRE FOR COMPLAINANT FOR INITIATION OF  
INVESTIGATION ON SAFEGUARD MEASURES ALONG WITH GUIDE**

**APPLICATION FOR REMEDIAL ACTION AGAINST  
THE INCREASED IMPORTS OF**

[product(s)]

**APPLICANT**

Name :

Address : \_\_\_\_\_

## INTRODUCTION

1. The purpose of this questionnaire is to help domestic industries of Bangladesh bring together in a concise and logical form the information needed by the Bangladesh Tariff Commission (here the Commission) to decide whether or not to initiate a formal investigation, and will also serve as a basis for further investigation.
2. The Ministry of Commerce of the Government of the People's Republic of Bangladesh which puts into effect the provisions of the World Trade Organisation (WTO) that deal with safeguard action are contained in section 18E of sub-section (5) of Customs Act, 1969 (Act IV of 1969). The Safeguard Duty Rules, 2010 prepared under this section, authorises the Commission to investigate serious injury to industry in Bangladesh which is caused by a rapid and significant increase in imports.
3. The provisions of the WTO regarding safeguards are contained in WTO's Safeguards Agreement.
4. Bangladesh is bound by this Agreement and the Bangladesh Tariff Commission is committed to act in accordance with the Safeguard Agreement within the framework of Safeguard Duty Rules, 2010. Before answering the questionnaire we suggest that you read the Agreement, the Customs Act and the Safeguard Regulations, copies of which are available from the Commission's website, at [www.bdtariffcom.org](http://www.bdtariffcom.org).
5. The Chairman, Bangladesh Tariff Commission offers a public liaison service and if any party has particular problem in answering the questionnaire or requires more information or clarification on policy issues the staff of the Trade Remedies Wing of Bangladesh Tariff Commission is ready to discuss these issues and to provide assistance.
6. Applicants should provide full and accurate information and wherever possible provide supporting documentary evidence from commercial or governmental sources, e.g. financial statements, commercial invoices, official trade and production statistics. Failure to do so could detrimentally affect your case. The Commission will not consider unsubstantiated information. All cost related information should be reconcilable to the financial statements or management accounts.
7. If the application is based in part on confidential material the application must contain a non-confidential version of the confidential material together with an explanation of why it is confidential.

These summaries should be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. Therefore where confidential and non-confidential versions are supplied, parties must:

- (1) Indicate whether information has been omitted in each case;
- (2) Provide reasons for confidentiality in each instance;
- (3) Provide a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information in each instance; and
- (4) Where information is not susceptible to a non-confidential summary, indicate this in each instance and provide a sworn affidavit setting out the reasons why the information is not susceptible to summarisation.

The Commission will not formally accept an application until a proper non-confidential version has been submitted in accordance with the above guidelines. If the Commission finds that a request for confidentiality is not warranted and if the applicant is either unwilling to make the information public or to authorise its disclosure in summarised format, the Commission will not consider such information in determining the merits of the application.

Please take note that the rules relating to confidential information and the submission of non-confidential versions of submissions applies to **ALL correspondence, which unless clearly indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties**. If a document is indicated to be confidential but a proper non-confidential document complying with the above-mentioned rules is not filed, then the document will not be taken into consideration by the Commission. The public file is available for inspection at the Commission's offices by all interested parties, by appointment.

8. Note that interested parties are encouraged to inspect the public file regularly. The Commission and the Trade Remedies Wing will not check the public file on interest parties' behalf.
9. If this application is in respect of more than one product, a reference to "product", should be considered to be a reference to "products", and the applicant should respond to the relevant question(s) in respect of all products separately.
10. Information should be submitted in hard copies as well as on compact diskettes (CDs). The Commission's computer system is based on Windows and it uses Excel and MS Word 2003/2007 software.

Discs/Diskettes must be labelled clearly indicating:

1. Applicant's name;
2. Product(s) concerned;
3. Type of information on the disc; and
4. Software used
5. Confidential

The discs must be write protected.

11. The information with regard to injury normally covers the facts of last three financial years prior to the lodging of the application plus the current financial year.
12. The application must be addressed to  
**Chairman, Bangladesh Tariff Commission, First 12-Storeyed Govt. Office Building (9<sup>th</sup> floor), Segunbagicha, Dhaka-1000.** Tel: 88-02-8314542 / Fax: 88-02-8315685
13. The Commission will verify all information submitted. Should it be found that you have submitted false or misleading evidence, the Commission may decide not to proceed with the investigation.

## SECTION A APPLICANT

**Note:** Should the Commission accept the application for a formal investigation it will publish the initiation of the investigation in the *Government Gazette* and will identify the applicant in the notice. The application may also be made by a representative body.

A1 State the name, postal and street addresses, the telephone and fax numbers (including codes) and the E-mail address of your company.

Company: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tel: (\_\_\_\_) \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

A2 State the names, telephone numbers of and positions held by the company's officers to be contacted.

Person: \_\_\_\_\_

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

Direct line: (\_\_\_\_) \_\_\_\_\_

Direct fax: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

A3 Indicate the exact location of your manufacturing site(s). (Map to reach your offices)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A4 Provide a diagram of your company's group structure, if any, and indicate the percentage stockholdings and cross-holdings. Indicate particulars of all shareholders holding more than 5% of equity in your company. Attach as Annexure A4.

A5 Indicate the legal structure of your firm, i.e. sole-trader, partnership, public or private company, closed corporation, etc.

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A6 Give a summary of any franchise, manufacturing, licensing, know-how, technology and distribution agreements in respect of inputs, manufacturing and outputs with regard to all products under investigation.

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A7 Have you appointed a consultant, legal or other representative to assist you in writing up this application and/or ensuing the investigation?

Yes/No.

If affirmative, please attach a copy of the letter of appointment, setting out the scope and duration of the appointment, as Annexure A7.

## **SECTION B DOMESTIC INDUSTRY**

**B1** Domestic Producers of the like or directly competitive products on whose behalf the application is filed (Give details of all domestic producers who support the application).

**B2** Information on production accounted for by the domestic producers of the like or directly competitive products (in respect of those domestic producers who support the application).

**B3** Information on the total domestic production of the product concerned of the like or directly competitive products (in respect of all producers whether they support the application or not).



## **SECTION C PRODUCTS**

### **C1 Imported (subject) product**

**Note** If more than one type of imported product form part of this application, information should be submitted separately for each such product type.

C1.1 Name of the product.

C1.2 Enumerate in detail any difference between the imported product and the BANGLADESHI like or directly competitive product.

C1.3 Description: Provide full description of the product including chemical formula, grade constituent materials / Components, process of manufacture in brief, uses and inter-changeability of various grades, etc.

C1.4 Tariff classification: Provide the classification of the product under the HS classification as well as Bangladeshi customs Tariff Classification at 6/8/10 digit level.

C1.5 Import Duty: Provide information relating to rates of import duty levied during the past three years. If the product enjoys any concessional or preferential treatment, provide details.

C1.6 Import Duty: Provide information relating to rates of import duty levied during the past three years. If the product enjoys any concessional or preferential treatment, provide details.

C1.7 Country(ies) of Origin: Provide name(s) of country(ies) where the product has originated (where the country of origin is different then the country of export, the name of the country of origin should also be provided).

C1.8 Provide a list of all known foreign producers, exporters & importers of the imported product, country-wise, together with names and addresses of concerned trade associations and user associations etc.

C1.9 Information on major industrial users, organization of industrial users and representative consumer organizations. (In case the product is commonly sold at retail level).

C2.0 Export Price: Details of export price of the imported Product exporter / country-wise and the basis thereof (provide the f.o.b. / c.i.f. price at which the goods enter into Bangladesh).

### **C2 Bangladeshi like or directly competitive product**

If remedial action is requested in respect of more than one product, the following information should be submitted separately for each product. Where the application is lodged in respect of numerous product lines, e.g. shoes, car tyres or circuit breakers, a sample must be selected for investigation purposes and the basis for determining the sample must be indicated. Note that the Commission may request information relating to products falling outside the sample after it has received the exporters' and importers' responses.

C2.1 Describe the subject product that you produce (attach photograph or brochure):

- (a) Detailed physical description
  - Scientific name (if any)
  - Common name
  - Trade name
- (b) Main raw materials/components/inputs used.
- (c) Production/manufacturing process used.
- (d) Technical characteristics.
- (e) Application/use.
- (f) Categories of users.

Substantiate your description with catalogues, brochures and other literature/samples.

C2.2 Statutory or other standards/specifications

Give details of all standards/specifications applicable to the product concerned in the Bangladeshi prescribed by law or otherwise.

## **SECTION E    SERIOUS INJURY**

**Note:** Before the Commission can initiate a safeguard investigation it must have sufficient evidence to reach a reasonable conclusion that the increased imports are causing or threatening to cause serious injury to a Bangladeshi industry. The term industry refers to the domestic procedures as a whole of the like or directly competitive products or to those of them whose collective output of the products constitute a major proportion of the total domestic production of these products.

### **E1    General Information**

- E1.1 Provide a flow chart of your marketing/distribution channels for the product(s) concerned in the application and indicate the percentage off-take for each channel.
  
- E1.2 Provide full details of your terms and conditions of sale and selling price to each class of customer, e.g. wholesaler, retailer, downstream producer, etc. Attach a copy of your standard terms and conditions as **Annexure E1.2**.
  
- E1.3 Give the reasons and basis for your categorisation of customers.
  
- E1.4 Enumerate major changes over the past three years in your answers to the above questions.

### **E2    FINANCIAL INFORMATION**

**Note:** All financial information should be in a reconciled format. If such requested information is not readily available in the same format or needs adjustment or re-apportionment please qualify by way of explanatory notes or discuss the merits of the situation with the Commission.

- E2.1 Indicate your normal accounting period.
  
- E2.2 Provide copies of your audited financial statements, including detailed manufacturing, trading and profit and loss statements for the most recent three financial years. If your statutory statements do not include detailed accounts/schedules, please provide such accounts/schedules separately.)
  
- E2.3 Provide copies of your year-to-date management accounts, including detailed manufacturing, trading and profit and loss accounts for the period between the last financial year-end and the most recent month end. Provide ancillary schedules if not part of published accounts.
  
- E2.4 Provide a separate sales and profit (before tax) contribution analysis of all the product line items manufactured by your company, including a percentage analysis. The information should be sufficient to allow proper verification of your like product information.

**E3 IMPORTS**

The Commission shall consider the rate and volume of the increase in imports of the product concerned in absolute terms; or relative to the production and demand in Bangladesh.

Give the following information on the imports of the product, being the subject of the application, for the latest three calendar years and separately on a monthly basis for the period subsequently to the end of the last calendar year.

**E3.1 Annual import statistics**

**Import volumes and values per annum (State unit of measurement)**

	2007	2008	2009	2010
Volume				
Value				
Average unit price				

**E3.2 Import volumes and values per month**

Attach as Annexure E3.2 a table indicating, in the same format as under section E3.1.1, the monthly volumes, values and unit prices of imports for the last 18 consecutive months.

**E3.3 Own imports**

Provide the following information on your own imports of the product:

	2007	2008	2009	2010
Volume				
Value				
Average unit price				

State your reasons for importing the product.

**E4 Effects on the Bangladesh prices**

**Definitions:**

**Price undercutting** is the extent to which the price of the imported product is lower than the price of the Bangladeshi product. The price should be compared at the same level of trade and with the same terms of condition of trade, normally at the Bangladesh ex-factory level compared to the landed cost of the imported product.

**Price depression** is the extent to which the Bangladesh industry has been forced to reduce its prices, i.e. price depression takes place where there has been an absolute decrease in prices.

**Price suppression** takes place where the Bangladesh industry is not able to increase prices in line with the increase in costs, i.e. where there is a relative decrease in prices.

**E4.1 Price undercutting**

E4.1.1 Provide the following information with regard to your selling price per unit and the selling price per unit of the imported product (indicate separately for each country against which the allegation is lodged):

(R/unit)	2008	2009	2010
Your company			
Average landed cost (incl. duty) of imported product-			
Undercutting per unit			
Undercutting in %			

Undercutting %: express the undercutting per unit as a percentage of your price. Indicate the level of trade and selling conditions of your product and the imported product, i.e. ex-factory/delivered, payment terms, distributor/wholesaler/retailer.

E4.1.2 Comment on the trends indicated by this information and substantiate how this factor is indicative of serious injury. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

**E4.2 Price suppression and depression**

E4.2.1 Provide the following information with regard to your average per unit ex-factory selling prices:

Per unit	2008	2009	2010
Your production cost			
Your total cost (incl. Selling, general and admin costs)			
Your ex-factory price			
Total cost % of selling price			

E4.2.2 If your cost or prices changed significantly during the last 18 (eighteen) calendar months please additionally supply the above mentioned information on a monthly or quarterly basis. Please attach as Annexure E4.2.2.

E4.2.3 Indicate any other factors that have depressed your ex-factory selling price that do not reflect in the above table, e.g. longer payments terms, higher year-end rebates, additional free stock, etc.

**E4.4 Cost build-up**

E4.4.1 Please supply a cost build-up in the format indicated in Annexure E4.4. Where your management accounts do not allow for the specific cost elements indicated in the *pro forma*, please indicate the information that is available and supply as much detail as possible.

E4.4.2 Please supply a 'Bill of Materials' for the domestic like or directly competitive product.

**E5 BANGLADESHI INDUSTRY SALES AND MARKET SHARE**

E5.1 Please supply the following information on your sales volume in Bangladesh. State the unit of measurement.

	2008	2009	2010
Your sales volume			
Sales by other Bangladesh producers			
Total volume of Bangladesh sales by Bangladesh producers			
Volume of imports			
Your market share			
Total market share held by Bangladesh producers			
Market share held by imports			

E5.2 Attach as Annexure F5.2 a table indicating, in the same format as under section E5.1, the quarterly volumes, values and unit prices of imports for the last six consecutive quarters.

E5.3 Indicate how the information in Tables F5.1 and F5.2 supports your allegation of serious injury.

E5.4 If sales of the product is of a cyclical nature comment on the nature thereof, indicating the length of the cycle and the prices both during the up and down phases.

**E6 Actual and potential decline in profit**

E6.1 Supply the following information regarding your profit for the product concerned (where the information cannot be supplied separately for the product concerned indicate the group of products to which the profit applies and submit your calculations, indicating how costs and profit were allocated):

	2008	2009	2010
Your gross profit margin (%)			
Your gross profit per unit			
Units sold			
Your total gross profit			
Your net margin (%)			
Your net profit per unit			
Units sold			
Your total net profit			

E6.2 Comment on the actual and potential decline in your profits.

**E7 Actual and potential decline in output**

E7.1 Supply the following information regarding your actual production volumes over the last five years:

	2008	2009	2010
Your total production of the product concerned			
Your production for Bangladesh consumption			
Other Bangladesh producers' production for Bangladesh consumption			

E7.2 Comment on the actual and potential decline in you production, both total and for Bangladeshi consumption.

**E8 Employment and productivity**

E8.1 Provide the following information regarding productivity:

	2008	2009	2010
Total production volume			
Number of employees (manufacturing only)			
Units per employee			
Total employment			
Total investment			
Output ratio *			

\* Output ratio: Indicate the value of the output compared to the total investment in your company/industry

**E9 Actual and potential decline in capacity and capacity utilisation**

E9.1 Supply the information requested below regarding your actual and potential capacity and capacity utilisation for the product concerned. State the unit of measurement.

	2008	2009	2010
Your capacity (units)			
Your actual production			
Your capacity utilisation %			
Rest of Bangladesh capacity			
Rest of Bangladesh production			
Rest of Bangladesh capacity utilisation %			

E9.2 State the normal number of shifts per week, number of hours per shift and number of labour units involved, for each –

	2008	2009	2010
<b>Your company</b>			
Number of shifts			
Workers per shift			
Other Bangladesh producers			
Number of shifts-			
Other Bangladesh producers			
Workers per shift-			

E9.3 State whether your production capacity can be increased without additional machinery, equipment and buildings indicating the method (e.g. more shifts, hours or labour units) and the extent of the possible increase in terms of volume.

**E10 Other injury information**

Please indicate any other injury information to be considered by the Commission and not covered by the questions above.



## **SECTION F THREAT OF SERIOUS INJURY**

**Note:** It is not necessary to complete this section if you can prove actual current serious injury.

**Note:** Any allegation of threat of serious injury should be based on concrete evidence and not only mere conjecture or remote possibility.

- F1 Give details on the freely disposable capacity or imminent substantial increase in capacity of the exporter.
- F2 Substantiate any significant increase of imports into the Bangladesh market indicating the likelihood of substantially increased importation.
- F3 State whether the products concerned enter the country at prices that will have a significant depressing or suppressing effect on Bangladesh prices and are likely to increase demand for further imports. Substantiate your reply.
- F6 Give any other information relevant to your allegation that the infliction of material injury is imminent.

## **SECTION G CAUSE OF SERIOUS INJURY**

**Note:** In order to justify safeguard action the Commission must be satisfied that serious injury is caused by the increase in imports.

G 1 Give the reasons for your belief that the imports are the cause of the alleged serious injury or threat thereof.

G 2 Give a comparison between your actual ex-factory selling prices and the actual landed costs of the imported products concerned over the latest three financial years, and indicate what your actual (unsuppressed) prices ought to have been.

G 3 Give the details of any depression of your ex-factory selling prices to enable you to compete with the imported products (indicate price depression, extended payment terms or lower discounts granted, etc.)

G 4 Give the details of any suppression of your ex-factory selling prices to enable you to compete with the imported products. Refer to matters such as unavoidable increases in the cost of inputs that had to be absorbed partially or totally by your firm.

G 5.1 Indicate the view that your clients have regarding:

- (a) the quality of your product;
- (b) your delivery times;
- (c) your service; and
- (d) your after sales service, including guarantees and warranties and technical training to customers.

G 5.2 Have you had any strikes, go-slows or lock-outs during the past twelve calendar months? Please elaborate.

G 5.3 Has there been a contraction in demand for your product or has there been a change in consumption patterns? Please elaborate.

G 5.4 Indicate the technology developments that have taken place since you last updated your manufacturing process.

G 5.5 Comment on your productivity vis-à-vis that of the exporters.

## **SECTION H GENERAL**

Provide any other evidence you wish to bring to the attention of the Commission.

### **CERTIFICATION**

The information submitted must be accompanied by the following certificate:

**"I, the undersigned, certify that the information given above is complete and correct to the best of my knowledge and belief and that I have been authorised to represent"**

\_\_\_\_\_.  
Company

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of authorised person

\_\_\_\_\_  
Name and title of authorised person **(in print)**

**NB: HAVE YOU COMPLETED YOUR NON-CONFIDENTIAL SUBMISSION?**

**IN THE ABSENCE OF A PROPER NON-CONFIDENTIAL VERSION THE COMMISSION WILL NOT BE IN A POSITION TO REGARD YOUR COMPLAINT AS A PROPERLY DOCUMENTED APPLICATION AND NO INVESTIGATION CAN BE INITIATED.**

Cost and price build-up (two pages)  
(See question E4.4.1)

ANNEXURE E4.4

	Products under investigation			All other products			Company total cost	
<b>1. DIRECT COST:</b>								
Materials # - Imported - Domestic Waste recovery * Components * - Imported - Domestic Direct labour & related costs Re-tooling * Power & fuel Royalties, etc Variable overheads * Other *	<i>Separate cost analyses must be provided for each of the subject products in this format. Note that the cost data should reconcile to your company's income statement.</i>							
<b>2. FIXED OVERHEAD COST:</b>								
Direct labour Utilities * Repair & maintenance Rates & insurance R & D Plant depreciation Other *								
<b>3. TOTAL PRODUCTION COST:</b>								
4. Operating profit								
<b>5. IN-STORE COST: (3&amp;4)</b>								
<b>6. SELLING &amp; ADMINISTRATIVE EXPENSES:</b>								
Administrative expenses - salaries & wages - rent - rates & insurance - depreciation - other * Selling expenses - salespersons salaries - advertising - warranties & guarantees - warehousing - other * Other costs *								
<b>7. TOTAL COST: (5&amp;6)</b>								
<b>8. PROFIT, ETC:</b>								
Subsidies Selling profit								
<b>9. SELLING (LIST) PRICE (7&amp;8)</b>								
<b>10. DISCOUNTS, ETC:</b>								
Discounts Settlements discounts Rebates								
<b>11. NET EX-FACTORY PRICE (9&amp;10)</b>								
12. Distribution costs *								
<b>13. NET DELIVERED PRICE (11&amp;12)</b>								

# - Supply a full Bill of materials, indicating the cost and volume of each material or component

\* - Supply a detailed breakdown of the items.

Indicate the production volume on which the above cost and price build-ups are based.

This format serves as an indication of the details required by the Commission. However, you may use your own format, provided that the required amount of detail is submitted. This information should be reconcilable to your income statements. Provide a detailed breakdown of the basis of allocation in each case that an allocation has been made.

**The cost and price build-ups should refer to the average costs for the 12-month period under investigation.**