

**DEPARTMENT FOR TRADE
PROTECTION**

**MINISTRY OF ECONOMIC DEVELOPMENT
AND TRADE**

UKRAINE

***FORM FOR REQUESTING THE INITIATION OF AN ANTI-
SUBSIDY INVESTIGATION CONCERNING IMPORTS OF***

(insert product)

PRODUCT ORIGINATING IN OR EXPORTED FROM

(insert country(ies))

APPLICANT:

(insert name of company filing the application)

Ministry of Economic Development and Trade

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GLOSSARY

The Law	The Law “On protection of national industry against subsidized imports”, of 22 December 1998 (as amended) available at http://www.me.gov.ua/LegislativeActs/List?lang=uk-UA
Department	Department for Trade Protection, Ministry of Economic Development and Trade of Ukraine
FIFO	First-In, First-Out
FTE	Full Time Equivalent
LIFO	Last-In, First-Out
IP	Product imported from the country(ies) covered by the application
MEDT	Ministry of Economic Development and Trade of Ukraine
SCM Agreement	WTO Agreement on Subsidies and Countervailing Measures
UAH	Ukrainian Hryvnia
WTO	World Trade Organization

INTRODUCTION

It is highly recommended that before filling out this Form, you read carefully the Guide provided separately. If after reading it, you still have doubts or questions, please contact the investigating authority without delay:

Mrs. Olesya Bohdanivna Zaluska
Director, Department for Trade Protection
Ministry of Economic Development and Trade of Ukraine
Telephone: +38 044 596 68 01
Fax: +38 044 **[add]**
Email: ozaluska@me.gov.ua
Webpage: <http://www.me.gov.ua/>

1. Anti-subsidy investigations are conducted in terms of the Law of Ukraine “On protection of national industry against subsidized imports” of 22 December 1998, as amended (the Law). Being a WTO Member, in applying the Law Ukraine must act consistently with Article VI of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement).
2. The purpose of this Application Form is to help the Ukrainian industry bring together in a concise and logical form the information needed by the Department for Trade Protection (the Department) of the Ministry of Economic Development and Trade of Ukraine (MEDT). Based on the assessment of the information provided in the Application Form and other data obtained by the Department, the Commission will decide whether to initiate (or not) an anti-subsidy investigation.
3. In case that there is only one Ukrainian producer of a product, or that the application is only supported and submitted by a single producer, he may directly fill out this Application Form or he may allow a third party (association, consulting firm etc.) to do so on his behalf.
4. Where the application form is supported and submitted by several Ukrainian producers, they may choose to either submit separate, individual Application Forms – one by each producer –¹ or they may allow a third party (association, consulting firm etc.) to prepare and submit a single Application Form on behalf of all those producers. The Department recommends the latter.² In this case, however, individual replies of each producer for some sections of this Form³ will have to be submitted in

¹ In this case, the Department will combine the information provided in each individual Application Form into a single one.

² Submitting a single Application Form is preferable because the information to be submitted in various sections (e.g. C and D) should be common for the various Ukrainian producers. Moreover, injury data are to be assessed jointly for all producers supporting and submitting the application, rather than individually. Thus, if a third party gathers the individual information, it could assess and comment on the injury situation for all producers.

³ The information requested in the following sections must be provided individually and separately by

order to permit the Department's verification of the information submitted in the application. Each producer must also submit an individual declaration of support for the application as well as a declaration of accurateness and completeness. If you have any doubts on this matter, **please contact the Department immediately.**

5. **The Commission can only proceed with the initiation of an investigation if it has *prima facie* proof of the existence and amount of subsidies, injury and causal link between them.** The application must therefore contain such proof to the extent it is reasonably available to the applicant. Information provided should be in full and accurate. Supporting documentary evidence from commercial or governmental sources, e.g. commercial invoices or offers, official trade and production statistics, shall be included in the application. **Mere statements unsubstantiated by relevant evidence will not be taken into consideration by the Department.**
6. The cooperation of the applicant company(ies) and, if applicable, of other Ukrainian producers of the like product will have to continue throughout the proceeding, should the investigation be initiated. In particular, a reply to an additional injury questionnaire updating and complementing information contained in the application will be required. Moreover, the Department will have to verify all the information provided by the Ukrainian producers. **In case that you are not in the position to accept these additional investigative steps, an investigation will have to be terminated without the imposition of measures.**
7. All information submitted in the context of this application should be reconcilable to the financial statements, management accounts or other pertinent internal ledgers of the applicant company(ies).
8. **This proceeding is to be conducted in Ukrainian language.** Information in any other language can be submitted provided a translation to Ukrainian is provided.
9. **It is advisable that you seek consultations with the Department prior to formally submitting your application to ensure that the application is properly documented.** This can prevent any undue delays owing to incomplete information and also prevent unnecessary costs incurred in printing the required number of copies of the application and burning CDs before the application is ready to be submitted properly.
10. **All questions must be replied.** Where the question is "not applicable", you must so state in the Form. Where information is "not available", you must say so and indicate why it is so.
11. The response to this Application Form, as well as to any other additional requests formulated by the Department subsequently, is to be made **in hard copy and electronic form**, as indicated below:
 - **Hard copies: Any document** – including the Application Form and subsequent documents – submitted to the Department must include the **original plus three (3) copies of the original (in both confidential and non-confidential versions)**. The original document must be initialled in every page and the declaration of accurateness and completeness must be signed by the company's responsible officer.
 - **Electronic submissions:** Confidential versions, and non-confidential summaries, of the Application Form and other documents must be submitted in any of the

each Ukrainian producer submitting the application: A-1 to A-5, B-2, B-3, C-1.4, E-2 (company specific production data), E-5 (average selling price data and, if applicable, cost of production data, both on a per-type or model basis), E-6 to E-13, F-2 and Declaration of accurateness and completeness.

following formats:

Document Type	Formats supported	Latest Version Supported
Word Processing	Microsoft Word	Word 2007
Spreadsheet	Microsoft Excel	Excel 2007
Database	Microsoft Access	Access 2007
Other	Adobe Acrobat (PDF)	7.0
	PowerPoint	2007

If you feel that you cannot present the information as requested, please contact the Department immediately.

Electronic submissions must be made on CD-ROM, **free of viruses**. CD-ROMs must be labelled clearly indicating:

1. Party's name;
2. Product(s) concerned;
3. Type of information on the disc;
3. Software used; and
5. Whether the information is confidential or non-confidential.

CD-ROMs must be write-protected.

Electronic (email) submission: The application (including its annexures) may also be submitted by email. Such submission must be addressed to the Director, at the following email address: ozaluska@me.gov.ua. Please include the scanned pdf declaration of accurateness and completeness duly signed by the company's responsible officer. In the field "Matter" of the email, it should state: "Application for the initiation of a countervailing investigation concerning imports of [insert product] originating or exported from [insert the country(ies)]". Please bear in mind that even if you submit the application by email, you must also submit hardcopies of the application (see requirements above). Also note that submitting your Form by e-mail may subject your firm's business proprietary information to transmission over an insecure environment and to possible disclosure. If you choose this option, the Department warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Department.

12. Any documents – whether hard copies or electronic submissions – not complying with the above formalities **shall be returned** to the party submitting them and **shall not be used** by the Department.
13. A copy of this Application Form is provided in electronic (Word) format.
14. **According Article 31, paragraph 1 of the Law, the Department shall treat in confidence all information for which such treatment is requested. Disclosure of confidential information will be restricted for the officers in charge of the investigation. The Department has means in place to ensure that only authorised personnel can have access to all documentation submitted as confidential.**
15. However, the Department is required by law to ensure that all interested parties to a countervailing 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. For instance, the Department has the obligation to provide a copy of the non-confidential application to the competent authorities of the exporting country(ies) investigated and to the known exporter(s).

16. Any information which is by nature confidential (e.g. business or trade secrets concerning the nature of a product, production processes, operations, production equipment, or machinery; information concerning the financial condition of a company which is not publicly available; information concerning the costs, identification of customers, sales, inventories, shipments, or amount or source of any income, profit, loss or expenditure related to the manufacture and sale of a product), or which if disclosed would be of significant competitive advantage to a competitor, or which if disclosed could have a significant adverse effect upon a person supplying the information or upon a person from whom the supplier acquired the information, or which is provided on a confidential basis by parties to an investigation will, **upon good cause being shown**, be treated as confidential by the Department.
17. Parties requesting that information be treated as confidential shall:
- (a) **clearly** identify the information for which confidential treatment is requested;
 - (b) provide **justification** for the request for confidential treatment; and
 - (c) submit **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. Non-confidential versions should contain sufficient details to allow other interested parties a reasonable understanding of the information submitted on confidential basis. Annexure I to this Application Form provides guidelines on how to prepare a non-confidential summary of the confidential information.

Please Note:** If the Department finds that the request for confidentiality is not warranted and the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, it **may disregard** such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

** Information for which confidential treatment is **not** requested at the time it is submitted will be treated as non-confidential and **will be included in the public file** of the investigation. The public file is available for perusal or copying by any interested party or member of the public.

18. **You should indicate clearly in any submission, including this application, what information you consider to be confidential.**
19. In accordance with Article 31, paragraph 6, of the Law, the information provided in the context of an anti-subsidy investigation can only be used for the purpose it has been submitted.

SECTION A – GENERAL INFORMATION

A-1 Identify your company

Name:
Address:
Tax Identification Document No:
Telephone No:
Fax No:
Webpage:
E-mail Address:

A-2 Identify the authorised contact person of your company

Name:
Designation:
Address:
Telephone No:
Fax No:
E-mail address:

A-3 Legal Representative

If you have appointed a legal representative to assist you in this proceeding, please provide following details about him/her:

Name:
Address:
Telephone No:
Fax No:
E-mail address:

Please submit an authorization (“Power of Attorney”) for the legal representative to act on your behalf. **A template is enclosed as Annexure A-3.**

A-4 Corporate Information

A-4.1 Indicate the legal form of your company. Provide a copy of the company’s inscription in the official registry showing the existence of the company at the time of filing the application. **If there are any changes, please inform the Department immediately.**

A-4.2 Provide a complete listing of all shareholders that hold more than 5% of the shares in your company in the following format:

Name	Type of share	Number of shares	Percentage shareholding	Percentage of voting rights
1.				
2.				
3.				
Etc.				

A-4.3 Please indicate address(es) of all your offices involved in the administration, sales

and production of the like product.

Office:

Address:

A-4.4 Supply a detailed diagram outlining the overall internal hierarchical and organisational structure of your company. Please attach it as Annexure A-4.4.

A-4.5 Please provide your company's worldwide corporate structure and affiliations, including parent companies, subsidiaries or other related companies. Please attach it as Annexure A-4.5.

Are you related to 1) any of the exporters of product allegedly subsidised or 2) any of the importers of that product in Ukraine? If so, state to whom you are related. According to Article 14, paragraph 2 of the Law, a relationship exists where:

- (a) one of them directly or indirectly controls the other;
- (b) both of them are directly or indirectly controlled by a third person; or
- (c) together they directly or indirectly control a third person,

provided that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers, and one shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter.

A-4.6 Provide, for all countries, the following information for subsidiaries and related companies. Also specify the activities of each related/subsidiary company.

Name, address, telephone & fax numbers of related company	List of activities	Involved with the product under investigation (Yes/No)	Involved in production of the product under investigation (Yes/No)	Customer for the product under investigation (Yes/No)	Supplier of raw material for the product under investigation (Yes/No)	Your percentage of share in the company	Percentage of share of the company in your company

A-4.7 Describe the nature of your relationship with those company(s). State whether you share any board members or senior executives with any of those entities. If so identify the persons and nature of their affiliations.

A-4.8 Specify in detail any financial or contractual links and joint ventures with any other company concerning production, sales, licensing, technical and patent agreements for the product under investigation or the like product.

A-5 Range of products

A-5.1 List all the products manufactured and/or sold by your company in Ukraine. If possible, please include a brochure of all your products.

SECTION B – IMPORTED PRODUCT/LIKE PRODUCT

B-1 Information regarding the imported product

- B-1.1 Provide a complete description of the allegedly subsidised product imported into Ukraine (the imported product or “IP”). Specifically provide details on the following:
- (a) Product name;
 - (b) Physical appearance;
 - (c) Technical characteristic(s);
 - (d) Raw material(s)/component(s)/input(s);
 - (e) Production process;
 - (f) Function(s) and end-use(s);
 - (g) Distribution channel(s);
 - (h) Tariff classification;
 - (i) Applicable technical specifications or standards (national or international);
 - (j) Any other information used to distinguish the product from similar products.

Attach a copy of the tariff description from the Law of Ukraine ‘On Customs Tariff’ 2013⁴ as Annexure B-1.1(a). Are you aware of any loopholes in the tariff classification?

In case that the allegedly subsidised product can be divided into different types or models:

- (a) state whether all types/models must be included in the definition of the product covered by the investigation;
- (b) indicate whether all types and models can be treated as part of a single product, and hence be investigated in a single anti-subsidy proceeding. One important factor in this regard is whether different types/models are interchangeable from the point of view of users/consumers. Please provide any information available to you.

Attach copies of brochures showing the imported product as Annexure B-1.1(b).

- B-1.2 Indicate the country(ies) of origin from which the imported product has been imported during the most recent 3-year period.

B-2 Information regarding the like product

- B-2.1 Provide a diagram showing the process of production of the like product as is manufactured by your company.
- B-2.2 If your product is manufactured from both Ukrainian and imported inputs:
- (a) identify the imported inputs and describe their use in the like product; and
 - (b) state whether at least one substantial process of manufacture occurs in Ukraine (for example by reference to the value added, complexity of process, or capital invested).
- B-2.3 Provide a complete description of the like product (see the Guide for the definition of a like product) produced by your company. This description should address items (a) to (j) under section B.1-1 above.

⁴ This document can be accessed at [\[add\]](#)

B-2.4 Provide details on differences between the imported product and the product that your company manufactures. Indicate how these differences affect substitutability, consumer preference and prices.

B-2.5 Attach, as Annexure B.2-5, copies of brochures showing the like product that your company manufactures and sells in Ukraine.

B-3 Information on the comparability of the IP with the Like Product

B-3.1 Briefly explain the comparability of the product produced by your company with that imported and note any differences in physical and technical and end-uses.

Types produced by your company (includes codes and description)	Competing imported types (includes codes and description)	Differences

SECTION C – INTERESTED PARTIES

C-1 Domestic industry

- C-1.1 Provide the names and full contact details (address, telephone number) of all known Ukrainian producers of the like product.
- C-1.2 Provide the names and full contact details (address, telephone number) of all known chambers and trade associations related with the like product in Ukraine.
- C-1.3 What is the total annual production of the like product in Ukraine? Please provide this information for the most recent period for which it is available.
- C-1.4 Imports of the IP:
(a) Do you import the IP? If yes, please provide details of the volume and value of all such imports during the last three years and the year to date.
(b) Do you know if any of the other Ukrainian producers imports the IP? If yes, please provide any information available that you may have.
- C-1.5 Do you know if any of the other Ukrainian producers of the like product is related to the exporters or importers of such product? If so, please submit information available in this regard.
- C-1.6 If the application is submitted on behalf of Ukrainian producers by an association, a consulting firm etc., declarations of support from each producer must be submitted in the application. Annexure C-1.6 contains the format for such declarations.

C-2 Other interested parties

- C-2.1 Provide the names and full contact details (address, telephone number) of all known foreign suppliers of the IP in the country(ies) alleged to be granting subsidies.
- C-2.2 Provide the names and full contact details (address, telephone number) of all known importers of the IP in Ukraine.
- C-2.3 Provide the names and full contact details (address, telephone number) of all known Ukrainian suppliers of goods and services to the domestic industry for the production and sale of the like product.
- C-2.4 Provide the names and full contact details (address, telephone number) of all known Ukrainian users of the IP.

SECTION D – SUBSIDISATION

D-1 Introduction

Section V of the Law contains the rules applicable to the initiation of countervailing investigations. These investigations shall normally be initiated following an application submitted by, or on behalf of, the Ukrainian producers of the like product. Article 15, paragraph 2, of the Law lists the information that shall be submitted in the application. These requirements will be developed in section D-2 below.

D-2 Subsidies which can be countervailed

According to Article 15, paragraph 2 of the Law, for each programme covered by the application the applicant shall provide information, in the sense of proof, regarding each of the following elements:

- 1) Existence of a **financial contribution**;
- 2) From a **government or any public body** in the territory of the country(ies) covered by the application; and
- 3) The financial contribution confers a **benefit** to its recipient.

In addition to the above requirements, you must prove that each programme is **specific**.

D-2.1 List of programmes to be investigated

A list of all programmes that, according to your information, the suppliers of the country(ies) covered by this application are using shall be included hereunder.

D-2.2 Financial contribution

Article 1.1(a)(1) and (2) of the WTO SCM Agreement contains a list of the types of financial contributions against which action can be undertaken under the terms of that Agreement and the national legislations of WTO Member countries. Paragraph 2 of Article 6 of the Law implements the above-mentioned provision into national law. For more on this, please read the Guide to the completion of an anti-subsidy application.

You shall demonstrate, supporting your assertions with relevant evidence, that each programme listed in section D-2.1 constitutes a financial contribution in accordance with paragraph 2 of Article 6 of the Law.

D-2.3 Of a government or any public body

Government includes any legislative or executive authority of the country of origin or exporting country, whether at central or sub-central level. “Public body” includes entities that possess, exercise or are vested with governmental authority. For more on this, please read the Guide to the completion of an anti-subsidy application.

For each programme listed under section D-2.1 above, you will have to identify which authority or public body confers the financial contribution. Evidence of assertions will have to be included in the application.

D-2.4 Benefit

Both the WTO SCM Agreement and the Law require you to prove that each programme covered by the application confers a benefit to the suppliers in the

country(ies) targeted through the application. In order to prove the existence of a benefit, the relevant benchmark is the market place. Thus for instance, if the programme consists of loans provided by a public bank, the determination of whether this programme confers a benefit to the recipients of the loans will require you to obtain information regarding the interest rates for the loans provided by the public bank as well as for the loans extended by private banks in the exporting country (in similar circumstances).

For each programme listed under section D-2.1 above, you will therefore have to present evidence showing that the programme confers a benefit to its recipient.

D-2.5 Specificity

Paragraphs 1-4 of Article 8 of the Law set forth conditions that must be met for a subsidy to be “specific”. For more on this, please read the Guide to the completion of an anti-subsidy application.

For each programme listed under section D-2.1 above, you will have to submit *prima facie* evidence that the subsidy is specific to a company, or a group of companies; to an industry, or to a group of industries; to a region, or to several regions in the jurisdiction of the exporting country; or that the subsidy is contingent upon export results or upon the use of domestic over imported goods.

D-3 Calculation of the amount of subsidy and the overall level of subsidisation

You must submit a calculation of the subsidy amount – result of adding up the subsidy amounts of each specific subsidy programme covered by this application – and explain the basis for this calculation.

The overall level of subsidisation must be calculated in monetary units or *ad valorem* percentages per unit of imported subsidised products.

For more details on how to compute the subsidy amount and the overall level of subsidisation, please refer to the Guide.

SECTION E – MATERIAL INJURY OR THREAT THEREOF

E-1 Introduction

One of the pillars of an anti-subsidy determination is the assessment of whether the Ukrainian industry is suffering currently material injury or a threat thereof.⁵ For any of these determinations to be possible, certain data must be gathered and assessed. These data concern, first, the volume and prices of the imports of the allegedly subsidised product and, second, the negative impact that those imports have on the domestic industry. The Law requires information on 14 factors. (see paragraph 5 of Article 13 of the Law)

It is not required that all of the 14 factors show a negative performance for a finding of material injury to be possible. For instance, while the sales volume might have increased in volume terms, the domestic industry might have lost a considerable volume of business due to lower prices of the increased imports.

In addition to information on the 14 factors, domestic producers may submit other information that they consider relevant in order to show that they are suffering injury. In particular, you are invited not only to present the data requested in the tables below, but also to assess it (individually, for each factor, or jointly, taking into consideration the data for all the factors).

Countervailing measures can also be imposed where no actual material injury is yet felt, provided that a threat thereof can be proven. If you intend to argue the existence of threat of material injury, you will also have to fill out Section E-14 below.

When preparing the information requested in the following sections, please note the following:

- **Geographical scope:** All data requested below on injury indicators – unless otherwise indicated – refers exclusively to sales in Ukraine.
- **Product:** The injury determination must be based exclusively on data for the like product manufactured and sold in Ukraine (see section B of the Guide). Only where such separate identification of that production is not possible, the effects of the allegedly subsidised imports can be assessed by examining the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided. If data are determined on the basis of estimates, you must explain the basis for such estimates.
- **Data for some types or models of the like product:** The information required below normally refers to the like product as a whole. Unless otherwise indicated, no separate data are to be provided for each type or model of the like product.
- **Period for submission of data:** Please provide information for three calendar years preceding the request and any more recent partial-year data for which information is available. If you encounter difficulties in gathering data for any particular period, please inform the Department as soon as possible.

⁵ In addition, injury may also be established where the applicant shows material retardation in the establishment of a domestic industry. In case that you intend to argue the existence of this type of injury, please contact the Department immediately.

- **Reporting unit of measurement:** Several factors require information on “volume”.⁶ Please indicate in the tables the unit chosen for presenting volume-related information. If information is available in different units of measurement, you must choose one unit and present all volume-related information using that unit. If you need to convert data to a single unit or measurement, the conversion rates, including the source, must be clearly stated in the application. If you encounter difficulties in converting data, please inform the Department as soon as possible.
- **Tariff heading covering products other than the allegedly subsidised product:** Where the allegedly subsidised product is classified under one or more tariff heading(s) which include(s) imports of other goods, you will have to estimate the volume of imports of the allegedly subsidised product. The methodology to estimate the actual imports of the allegedly subsidised product must be explained in detail.

Each Ukrainian producer must provide **separately** a reply to this section of the Application Form. This is needed because the Department will have to verify the information provided by each Ukrainian applicant separately.

You must provide the information requested below in **written and electronic form**.

In each reply, you must **indicate the precise source** of the information submitted. Where calculation spreadsheets have been prepared, please keep them for verification.

E-2 Apparent consumption in Ukraine

This information is necessary in order to determine market shares. It is also required in order to assess the development of several injury factors, including production and volume of sales. Finally, it is also relevant for the purposes of assessing the existence of a causal link.

Apparent consumption can be based on market studies, statistical data compiled by the Government of Ukraine, etc. or it can be calculated as follows:

	unit	201x	201x	201x
(A)	Volume of total sales in Ukraine of the like product manufactured in Ukraine by: - Your company - Other domestic producers			
(B)	Total volume of imports of the product covered by this application			
(C)	Apparent consumption in Ukraine ((A)+(B))			

Source: [insert]

a) “Volume of total sales in Ukraine of the like product manufactured in Ukraine” results from adding up the sales of the like product by all the Ukrainian producers, regardless of whether they file, support, or oppose the application. In case you do not have information about sales of other Ukrainian producers, please estimate their sales. If you consume a portion of the like product internally (in the production of downstream products), provide separately data on captive consumption and sales to the free market.

⁶ Volume must **not** be confused with value, whether in Ukrainian Hryvnia (UAH), US Dollars or any other currency.

b) “Total volume of imports” result from adding up all imports of the product covered by the application, regardless of whether they are exported, or originate, in the country(ies) covered by the application. These data may be obtained from the [State Statistics Service of Ukraine](#).⁷ If the tariff heading(s) under which the product covered by the application is imported include(s) other products, you will have to estimate the volume of imports of the product covered by the application.

E-3 Volume, import and market share of the allegedly subsidised imports

Please fill out the table below:

	[unit]	201x	201x	201x
(A)	Total volume of imports of the product covered by this application			
(B)	Volume of imports of the product covered by this application from [insert the country(ies) covered by the application]			
(C)	Volume of imports of the product covered by this application from [insert the country(ies) covered by the application] expressed as a percentage of the total volume of imports of the product covered by this application $((A) / (B)) * 100$	%	%	%
(D)	Apparent consumption in Ukraine			
(E)	Volume of imports of the product covered by this application from [insert the country(ies) covered by the application] expressed as a percentage of the apparent consumption in Ukraine $((B) / (D)) * 100$	%	%	%

Source: [insert]

Assess the development of other injury factors (E-6 to E-13 below) in relation to the development of the consumption.

E-4 Prices of the allegedly subsidised imports

Please fill out the table below:

		201x	201x	201x
(A)	Total value of imports of the product covered by this application [unit of measurement] ⁸			
(B)	Total volume of imports of the product covered by this application ⁹ (in UAH)			
(C)	Average import price per unit $((A) / (B))$ (in UAH)			

Source: [insert]

In case that the product covered by this application can be subdivided into types or models with considerably different prices, please try to obtain and submit prices of a sample of types or models of the product allegedly subsidised, provided the sample is representative. If this application covers various countries, please try to submit information for each of those countries.

⁷ If you face any difficulties in obtaining these data, please contact the Department.

⁸ If this application covers more than one export country, provide the value information separately for each country.

⁹ Id.

E-5 Price effects of the allegedly subsidised imports

The Law and the SCM Agreement acknowledge that imports can have three possible effects on the selling prices of like goods manufactured and sold by the Ukrainian producers on the domestic market: 1) they can undercut, 2) they can depress or 3) they can suppress Ukrainian producers' prices. You are required to provide evidence on whether any of these three effects occurs.

In order to determine whether there is price undercutting, the sales price of the allegedly subsidised product and your sales price for the like product must be compared. This comparison must cover a recent and reasonable period of time (normally twelve months). If the imported product can be divided in various types or models with different prices, the comparison must normally be done between identical – or similar – types or models. Moreover, the comparison must be done at the same level of trade (e.g. retail level, wholesaler, etc.), and at approximately the same time. Ukrainian producers' prices should be at ex-works or ex-warehouse level, while prices of imported products should be at ex-wharf or ex-importer's store.

Please fill out the table below:

[insert type / model]		Period: [insert]
(A)	Ukrainian producer's price per unit [state level of trade, e.g. ex-works, ex-warehouse] (in UAH)	
(B)	Price of the allegedly subsidised product per unit [state the level of trade, e.g. ex-wharf, ex-importer's store] (in UAH)	
(C)	Amount of price undercutting ((A) – (B)) (in UAH)	
(D)	Price undercutting as a % of the Ukrainian producer's price (((A) - (B) / (A))*100)	

Source: [insert]

Price depression occurs when the Ukrainian industry's domestic selling prices are reduced because of the allegedly subsidised product. In order to demonstrate price depression, you should submit information preferably in the form of ex-factory selling prices per unit (net of discounts and rebates) of your company. Please fill out the following table:

[state type or model]	Period	201x	201x	201x
Average selling price per unit, net of discounts and rebates [state basis of sale e.g. ex-factory] (in UAH)				

Source: [insert]

Finally, price suppression occurs when price increases that would otherwise have occurred do not happen because of the allegedly subsidised goods. As a result, cost increases may not be fully recovered. In order to demonstrate price suppression, you should preferably submit evidence in the form of financial data showing that average costs per unit relative to average selling prices per unit.

Please fill out the following table:

[state type or model]	Period	201x	201x	201x
(A) Average selling price per unit, net of discounts and rebates [state basis of sale e.g. ex-factory] (in UAH)				

(B) Average cost of manufacturing per unit (in UAH)			
(C) Average selling, general and administrative expenses per unit (in UAH)			
(D) Average total cost of production per unit ((B) + (C)) (in UAH)			
(E) Total costs as % of average selling (((D) / (A)*100))			

Source: [insert]

E-6 Production, capacity and stocks

E-6.1 Production

Provide the following information on production:

[unit of measurement]	201x	201x	201x
Total production:			
- Out of which, for captive use:			

Source: [insert]

E-6.2 Production capacity

Provide the following information on production capacity:

[unit of measurement]	201x	201x	201x
Total production capacity			

Source: [insert]

Indicate on which basis you have calculated your production capacity (number of machines installed, idle time of machinery for maintenance and changes in the production process, working days per year, etc.).

If your company produces other products on the same machinery used for manufacturing the like product, list these products and explain the basis for the allocation of production capacity among products.

E-6.3 Capacity utilisation

Provide the following information on capacity utilisation:

	201x	201x	201x
Rate in % (total production/production capacity)			

Source: [insert]

E-6.4 Purchases of the like product from other sources

If you purchase the like product from independent parties (either originating in Ukraine or abroad) for sale in Ukraine, please fill in the following table. For each model or type of the like product, provide volume, value and average price. Add rows, if necessary. Please explain the reasons for purchasing the like product from other sources.

Model/type and characteristics	Country of origin	Volume and value (1)	201x	201x	201x
		Volume			
		Value			
		Average price			
		Volume			
		Value			

		Average price			
--	--	---------------	--	--	--

(1) Volume should be given in [insert unit of measurement] and value in UAH

E-6.5 Stocks

Complete the following table with respect to the like product manufactured by your company or purchased from other sources. Please explain the method used by your company for stock evaluation, e.g. FIFO, LIFO etc. Indicate whether stocks traditionally vary in different seasons.

	Volume [insert unit of measurement]		
	201x	201x	201x
Opening stock			
+ Production			
+ Purchases			
- Sales			
= Closing Stock			

Source: [insert]

E-7 Sales volume and value data

In the tables below, state the total volume and value of all sales of the like product made by your company to unrelated customers. If your company sells via related companies, you should consolidate all sales to the level of the first independent customer and use the corresponding price, in order not to reflect “transfer/internal” prices, but the price invoiced to the first independent customer.

	Volume [insert unit of measurement](1)		
	201x	201x	201x
Sales in the Ukrainian market			
Exports outside Ukraine			
Total sales			

(1) Fill separate tables in case that you sell own production and product purchased from other sources

	Value (in UAH) (1)(2)		
	201x	201x	201x
Sales in the Ukrainian market			
Exports outside Ukraine			
Total sales			

(1) Fill separate tables in case that you sell own production and product purchased from other sources

(2) Report net turnover, on ex-work basis and net of all discounts and rebates

(in UAH)	Value/unit (1)		
	201x	201x	201x
Sales in the Ukrainian market			
Exports outside Ukraine			
Total sales			

(1) Fill separate tables in case that you sell own production and product purchased from other sources

With respect to sales for the like product of your own production in Ukraine, please explain if your prices are based on price lists. Where this is the case, provide the price lists applicable for the last two years. Please explain how these price lists are used when individual sales contracts are negotiated. If price lists are not used, explain how and on which basis prices are fixed.

If you resell like product that you have imported and/or purchased from other Ukrainian producers, please indicate if your pricing policy for traded goods differs from the pricing policy for your own production. What are the main factors that determine the setting of the resale price?

If the like product can be divided into different models or types with different production costs and consequently different selling prices, you are requested to provide separate volume and value data for a representative sample of types or models of the like product. To the extent possible, these should be the same types or models used for calculating the effects of imports (see section E-4 above).

E-8 Cost of production of the like product

This section of the Application Form is intended to enable the Department to get acquainted with your manufacturing process and your accounting practices. This is required in order to analyse the cost of production data.

E-8.1 Production process

Describe the manufacturing process for the like product. Flow charts explaining the manufacturing process, including a step-by-step explanation of the production process starting from the first input of primary material and ending with the packaging of the like and/or directly competitive product would be useful in this respect.

E-8.2 Accounting principles and cost accounting system

E-8.2.1 Accounting practices

Please indicate the financial year of your company.

Attach the following documents for the three most recent complete financial periods:

- (a) Chart of accounts;
- (b) Audited accounts (consolidated and unconsolidated, if applicable) including balance sheet, profit and loss accounts and all reports, notes, footnotes and auditor's opinion to these documents. In the event that your company's accounts have not been audited, attach unaudited financial statements.
- (c) Internal financial statements, management reports, standard cost reviews, etc. which are prepared and maintained by your company for the like product.

If your company is part of a group of companies, also supply the consolidated accounts of the group for the years in question.

Please indicate the address where the accounting records concerning the activities of the company are located. If they are maintained in different locations indicate which records are kept at which location.

E-8.2.2 Please describe the accounting principles and practices used by your company. Also provide a description of the cost accounting system used by your company.

Please explain the details or differences, if any, between your company's normal cost accounting system and the cost accounting system used to record the production costs of the like product.

E-8.2.3 Please indicate whether your company purchases any direct materials (individually representing more than 5% of costs of manufacturing of the like product) from a related supplier or a supplier with which your company has a compensatory agreement. Please indicate the elements in the following table:

Direct material	Average purchase price in the	Price setting (e.g. market price,
-----------------	-------------------------------	-----------------------------------

(specify)	period of investigation (indicate currency)	transfer price, etc.)

Source: [insert]

E-8.2.4 Indicate whether any of the following extraordinary or non-recurring expenses or income are affecting the production and sales of the like product in the reported data. Provide details of the amounts concerned for any items marked 'yes' in the table below.

Start-up or shut-down expenses
 Change of accounting principles
 Substantial write-off receivables, inventory, fixed assets etc.
 Restructuring expenses
 Any other items reported as extraordinary items
 Other (specify)

YES	NO

Description of the nature of the extraordinary or non-recurring items	201x	201x	201x
	UAH	UAH	UAH

E-8.3 Total cost of production for the like product

Please complete the table below for the like product that is sold in Ukraine. Where the like product can be divided into different types or models with considerably different costs of production, please also submit separately cost of production tables for a representative sample of types or models. This sample should cover the same types or models for which data on sales prices has been provided in reply to section E-7 above.

If you purchase the like product as well, you should **not** include the purchase costs of these goods in the following tables.

If your company sells the like product via related companies, please make sure you include the costs of the related company in an appropriate way.

Explain the methodology used in order to allocate indirect costs to the like product. Also specify whether standard costs were used in your response and whether all variances between standard and actual costs have been allocated.

Is any item which enters directly into the production of the like product supplied by a party which whom your firm is associated or has a compensatory agreement? If so, specify.

	201x	201x	201x
(A) Total Manufacturing Cost (in UAH)			
(1) Selling, General and Administrative expenses (in UAH)			
(2) Interest expenses (in UAH)			
(3) Other Expenses (in UAH)			
(B) Total Expenses ((1)+(2)+(3)) (in UAH)			
(C) Total Cost of Production ((A)+(B)) (in			

UAH)			
(D) Volume produced [insert unit of measurement]			
(E) Unit Cost per unit ((C) / (D)) (in UAH)			

Source: [insert]

E-9 Profitability

E-9.1 Please fill in the table below, providing information on sales of the like product as a whole. The information should only refer to sales to the first independent product customer. Should this table include extraordinary expenses (or revenue), please itemise, provide the value of each such expense (or revenue) and an explanation.

(in UAH)		201x		201x		201x	
		Sales in Ukraine	Sales Outside Ukraine	Sales in Ukraine	Sales Outside Ukraine	Sales in Ukraine	Sales Outside Ukraine
(A)	Gross turnover						
(B)	Rebates, Discounts						
(C)	Net turnover (on an ex-works basis) ((A) - (B))						
(D)	Cost of goods sold						
(E)	Selling, General & Administrative Expenses						
(F)	Financing expenses						
(G)	Other costs expenses						
(H)	Full cost ((D) + (E) + (F) + (G))						
(I)	Net profit/loss before taxes ((C) - (H))						
(J)	Return on net turnover (Profit & Loss as % of net sales) ((I) / (C))						

Source: [insert]

As indicated in previous sections, where the like product can be sub-divided into several different types or models, you are required to submit separate profitability analyses for sampled types or models. These analyses should cover each of the types or models for which information has been provided in earlier sections.

E-9.2 What is the level of prices you consider necessary to ensure the future long-term viability of your company?

E-10 Cash flow

The cash flow may be calculated by using the (simplified) indirect method beginning with net profit or loss before tax to which expenses not involving cash outflows are added back (depreciation, decrease inventory,..) and revenues not involving cash inflows are subtracted (increase in inventory,..). Should you consider that another methodology should be used to calculate cash flow, please contact the Department.

(in UAH)		201x	201x	201x
	Net profit (loss) before tax			
(+)	Expenses not involving cash flows			
	- Depreciation			
	- Decrease in inventory			
	- Other non-cash expenses(*)			
(-)	Revenues not involving cash flows			

	- Increase in inventory			
	- Other non-cash revenues(*)			
(=)	Cash-flow from operations			

(*) Include only significant 'other non-cash expenses/revenues', e.g. set up of provisions for restructuring.

Source: [insert]

E-11 Investment and return on investment

E-11.1 Investment

Please complete the following table. Where estimated, rather than actual, figures are provided, please explain the methodology used to allocate investments to the like product. Indicate also whether the investments are replacements or new investments.

(in UAH)	201x	201x	201x
Buildings			
- Like product			
- Other			
Plant & Machinery			
- Like product			
- Other			
Other investments related to the like product (specify)			
Total investments for the like product			

Source: [insert]

E-11.2 Return on investment

Please fill in the table below:

(in UAH)	201x	201x	201x
(A) Net profit (loss) before tax			
Gross value of investments directly related to the production of the like product			
- Cumulated depreciation thereof			
(B) = Net book value thereof			
Gross value of investments indirectly related to the production of the like product (*)			
- Cumulated depreciation thereof			
(C) = Net book value thereof			
(D) Total net investments ((B)+(C))			
(E) Return on investment (%) ((A) / (D))			

(*) Explain the methodology you used to allocate investments to the like product.

Source: [insert]

Should you consider that another methodology should be used to calculate the return on investment, please contact the Department.

E-12 Employment and wages

E-12.1 Please give the number of persons employed by your company at the end of each period, according to the following table:

	201x	201x	201x
1. Average number of persons employed in the company (in FTE (full time equivalent))			
2. Average number of persons attributable to the production of the like product			

a) <u>Manufacturing</u> (in FTE)			
Number of employees			
Wages thereof (incl. social security) (in UAH)			
b) <u>Sales, administration and general</u> (in FTE)			
Number of employees			
Wages thereof (incl. social security) (in UAH)			

Source: [insert]

If it is not possible to attribute personnel directly to the like product, allocations should be made. Explain how the allocation has been made.

E-12.2 Does your company manufacture other products using the same workers employed in the manufacture of the like product? Explain how you allocated the number of workers to the like product.

E-12.3 Have workers been temporarily laid off? Have you had to introduce reduced working hours? If so, please provide evidence.

E-13 Other relevant factors and indices

If you consider other factors and indices relevant to the analysis of whether the Ukrainian domestic industry suffers injury, information on those factors and indices may be submitted in this section of the application.

E-14 Threat of material injury

If you argue to be suffering threat of material injury, in addition to information requested in sections E-6 to E-13, please provide any information you may have on the following:

- Nature of the subsidy(ies) in question and the trade effects that are likely to arise therefrom. Is/Are the subsidy(ies) export contingent?
- Rate of increase of imports into Ukraine. Do you have any evidence of the likelihood of substantially increased importation of imports into Ukraine, e.g. knowledge of future imports by Ukrainian importers? Are there any changes in the domestic markets of the country(ies) covered by this application that could point towards an increased importation into Ukraine?
- Are import prices at such levels that they indicate the likelihood of substantially increased imports into Ukraine?
- Do exporters of the product covered by this application have freely disposable capacities? Or, do they plan an imminent, substantial increase in capacity indicating the likelihood of substantially increased exports to the Ukrainian market?
- Do you know to which other export markets the companies listed in response to question C.2-1 export the product covered by this application and whether those markets can absorb any additional exports? In this regard, are there any known obstacles (such as anti-dumping duties, safeguard measures, technical barriers/sanitary or phytosanitary measures etc.) affecting exports from the country(ies) covered by this application?
- Do producers/exporters in the country(ies) covered by this application, or importers in Ukraine, have inventories of the imported product?
- Any other factors which in your view demonstrate that injury will materialise soon unless countervailing measures are imposed.

SECTION F – CAUSALITY

In addition to providing the data establishing subsidisation and material injury (or threat thereof) on a *prima facie* basis, you must also demonstrate that there is a causal link between the allegedly subsidised imports and the claimed material injury suffered by the domestic industry. This does **not** mean that the subsidised imports should be the sole reason for any injury suffered. Causality is usually shown by the coincidence in time of the increasing low priced imports with the deterioration of the situation of the applicant as shown by the development of the injury factors outlined above.

F-1 Link between subsidised imports and injury

Submit your reasons for claiming that the allegedly subsidised imports are the cause of material injury to the Ukrainian industry. Refer to matters such as the increase in imports of the IP compared to decreases in the domestic industry's sales volumes, price undercutting by the IP and other factors that can directly link injury to the alleged subsidies.

F-2 Other factors causing injury

Indicate any other factors that contributed to the injury experienced by the domestic industry. This might include among others natural disasters, strikes, changes in consumer demand, technological advances, contraction of the market or decreased exports.

DECLARATION OF ACCURATENESS AND COMPLETENESS

I, the undersigned, hereby certify that the information contained in this Application Form is complete and correct to the best of my knowledge and belief and I understand that the information submitted may be subject to audit and verification by the Ministry of Economic Development and Trade.

I am willing / am not willing (strike through the non-applicable statement) to accept a visit from the Ministry of Economic Development and Trade to my premises to verify the information supplied in this Application Form and in any subsequent submissions.

Date

Signature of authorised person

Name and title of authorised person

ANNEXURE I

GUIDELINES FOR COMPLETING THE NON-CONFIDENTIAL VERSION OF THE APPLICATION

When completing the application destined for inspection by interested parties (non-confidential version of the application) you should bear in mind that all the parties registered as interested parties in this investigation will have access to it. The reply destined for inspection by interested parties should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted as confidential. When completing the application destined for inspection by interested parties you may act as follows:

1. Use the completed 'confidential version' of the application as a basis/template. Identify all information in the 'confidential' application, which you consider is not confidential, and copy it to the file destined for inspection by interested parties.
2. After this, check again whether the information you did not copy to the response destined for inspection by interested parties is really confidential. If you still consider it to be confidential, you must give the reasons why, item by item, and summarise the confidential information in a form destined for inspection by interested parties. If, in exceptional circumstances, it is not possible to even summarise the confidential information, give reasons why giving a summary is not possible.

Examples on how to summarise confidential information.

- **When the information concerns numbers for various years you can use indices.**

Example of **confidential** information:

2011	2012	2013
UAH20.000	UAH30.000	UAH40.000

The summary destined for inspection by interested parties could be indexed as follows:

2011	2012	2013
=100	150	200

- **When the information concerns a single number you can apply a % change to it.**

Example of **confidential** figure: "My cost of production is UAH300 per tonne."

The summary destined for inspection by interested parties could be as follows:

"My cost of production is UAH330 per tonne" (+ footnote saying: "actual numbers have been amended by a margin of maximum +/- 10%, to protect confidentiality").

- **When the confidential information concerns text, you can either summarise it or eliminate the names of parties by indicating their function.**

Example of **confidential** information: "TRADING COMPANY Ltd, told me that the prices of imports were 20% lower."

The summary destined for inspection by interested parties could be as follows:

"[One of my customers], told me that the prices of imports were 20% lower."

ANNEXURE A-3

AUTHORISATION LETTER

I, the undersigned, on behalf of [insert name of the company], hereby appoint the following person/firm to represent us before the Department for Trade Protection of the Ministry of Economic Development and Trade of Ukraine (the Department), for the purpose of requesting the initiation of an anti-subsidy investigation concerning imports of [insert product], originating in, or exported from, [insert country(ies)]:

[Insert Name, address, telephone, fax number of the person/firm who may represent you]

[insert name of person/firm] is authorised, *inter alia* for the following:

- 1) To receive communications containing confidential and/or non-confidential information data from the Department.
- 2) To make submissions on our behalf.
- 3) To appear for, and on, our behalf in hearings and any other meetings with the Department.
- 4) Other (please specify)

(Please strike off whichever activity is not authorised)

Date _____

Place _____

(Signature)

(Name/Designation)

Note:

- 1) The Chief Executive Officer of the Company or the proprietor of the firm filing response to this Application Form should sign this letter.
- 2) This authorisation letter should be printed under the letterhead of the company.
- 3) Please attach the resolution of the Board of the company approving the submission of the application.

ANNEXURE C-1.6.1

[This certification should be produced and signed on your company's letterhead by an officer who has authority to submit information on behalf of the company]

DECLARATION OF SUPPORT TO AN APPLICATION FOR THE INITIATION OF AN ANTI-SUBSIDY INVESTIGATION CONCERNING IMPORTS OF [INSERT SUBJECT PRODUCTS] ORIGINATING IN, OR EXPORTED FROM, [INSERT COUNTRY(IES)]

I, the undersigned, confirm that **[insert name of company]** supports the application for the initiation of a countervailing investigation concerning imports of **[insert subject product]** originating in, or exported from, **[insert subject country]**.

For the purpose of determining industry standing, **[insert name of your company]** produced **[insert number of units produced]** (in units, in kilograms, etc.). During the period **[insert period]**. **[[If applicable:] [insert name of company] is not importing [insert subject product] from [insert subject country], nor it is related with any company in Ukraine importing that product.]**

[insert name of your company] is willing to cooperate with the Department for Trade Protection of the Ministry of Economic Development and Trade of Ukraine in its examination of whether the Ukrainian industry producing and selling the like product is suffering material/threat of material injury caused by the allegedly subsidised imports from **[insert subject country]**.

I, **[insert name & surname]**, **[position]** of **[insert name of company]** certify that the information submitted to the Department for Protection of Trade of the Ministry of Economic Development and Trade of Ukraine herewith is accurate and complete.

Signed _____

[insert city] (Ukraine), on **[insert date]**

Telephone #: **[insert telephone number]**

Fax #: **[insert fax number]**

Address: **[insert address]**