

# **DOCUMENT PACKAGE FOR THE ANTIDUMPING DUTY ADMINISTRATIVE REVIEW OF WOODEN BEDROOM FURNITURE FROM THE PEOPLE’S REPUBLIC OF CHINA**

The Department of Commerce (“Department”) is requiring all companies for which an administrative review of wooden bedroom furniture from the People’s Republic of China (“PRC”) has been requested, that are seeking separate rate status in the review, to submit a timely Separate Rate Application or Separate Rate Certification, and a timely response to the Quantity and Value (“Q&V”) Questionnaire and the additional questions in this document package. See the initiation notice for the review as well as the Separate Rate Application and Separate Rate Certification for details as to who may file a Separate Rate Certification rather than a Separate Rate Application. In the event that the Department limits the number of respondents for individual examination in the administrative review of wooden bedroom furniture from the PRC, the Department intends to select respondents based on volume data contained in responses to the Q&V Questionnaire.

Instructions for filing documents with the Department are included in the document package in Attachment A. To assist you in filing your response, we have provided a general checklist in Attachment A which covers many of the major filing requirements. In addition, the Certificate of Service and the Certificates of Accuracy that must be filed with documents submitted to the Department are included in Attachment B of the document package. A list of items included in the document package is below.

Separate Rate Applications or Separate Rate Certifications, as well as a response to the Q&V Questionnaire and the additional questions in the document package, are due to the Department by **April 1, 2015**. Please note that the Department does not intend to grant any extensions for the submission of responses to the Q&V Questionnaire or other parts of this document package. Responses to this document package should be filed with the Department as one submission.

## **List of Items in the Document Package**

**Attachment A: Filing Instructions**

**Attachment B: Certificate of Service and Certificates of Accuracy**

**Attachment C: Quantity and Value Questionnaire**

**Attachment D: Separate Rate Application**

**Attachment E: Separate Rate Certification**

**Attachment F: Additional Questions**

If you have any questions about completing the documents in this package, you may contact Patrick O’Connor at 202-482-0989 or Patrick.O’Connor@trade.gov; or Jeffrey Pedersen at 202-482-2769 or Jeffrey.Pedersen@trade.gov.

# **Attachment A: Filing Instructions**

## Instructions for Filing the Response:

The following instructions apply to all documents you submit to the Department during the course of this proceeding.

### A. Due Date

1. All submissions must be made electronically using the Department's ACCESS website at <http://access.trade.gov>. If an exception to the electronic filing requirement applies, you must address and manually submit your response to the address indicated below in the section on "Manual Filing". To determine if your response qualifies for manual filing, see the section on "Manual Filing" below. All laws, regulations, and other descriptive materials that supplement your responses should be submitted on the same date as the initial response.
2. The **business proprietary** response should be submitted on the day specified on the cover page of this document package. The **public version** of the response may be filed one business day after the proprietary response.
3. An electronically filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time (ET) on the due date, unless an earlier time is specified. Where applicable, a submitter must manually file a document between the hours of 8:30 a.m. and 5 p.m. ET on the due date, unless an earlier time is specified.

### B. Format

1. You are required to state in the upper right-hand corner of your cover letter the following information in the following format:
  - a. on the first line, indicate the case number stated on the cover page to this document package;
  - b. on the second line, indicate the total number of pages in the document including cover pages, appendices, and any unnumbered pages;
  - c. on the third line, indicate the specific segment of the proceeding, (e.g., investigation, administrative review, scope inquiry, suspension agreement, etc.) and, if applicable, indicate the complete period covered (MM/DD/YY - MM/DD/YY);
  - d. on the fourth line, indicate the Department office conducting the proceeding;
  - e. on the fifth and subsequent lines, indicate whether any portion of the document contains business proprietary information and, if so, list the page numbers containing business proprietary information; and indicate the business proprietary/public status of the document and whether you agree or object to release of the submitted information under **administrative protective order** (APO) by stating one of the following:

- “Business Proprietary Document -- May Be Released Under APO,”
  - “Business Proprietary Document -- May Not Be Released Under APO,”
  - “Business Proprietary/APO Version-- May Be Released Under APO,” as applicable,
  - “Public Version,” or
  - “Public Document.”
2. Please include a “Re:” line on the cover letter of your response, or any other submissions you make during this proceeding. In the Re: line, briefly summarize the purpose of your submission, e.g., “response to Quantity & Value questionnaire,” “case brief.”
  3. Prepare your response in typed form and in English (see 351.303(d) and (e) for these and other formatting requirements). Include an original and translated version of all pertinent portions of non-English language documents that accompany your response, including financial statements.
  4. It is your responsibility to contact the official in charge if subsequent to your filing there are events that affect your response (e.g., changes in your cost accounting system are relevant to antidumping proceedings, and changes as a result of an audit are relevant to both antidumping and countervailing duty proceedings).

C. Manual Filing

1. **All submissions must be filed electronically.** Only under the following four circumstances will the Department accept a hardcopy response that is manually filed:
  - Documents exceeding 500 pages in length may be filed manually (in paper form) in the APO/Dockets Unit. This is referred to as a “bulky document.”
  - Data files greater than 20 MB must be filed manually on CD-ROM or DVD.
  - If the ACCESS system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour between 12:00 p.m. and 4:30 p.m. ET or for any duration of time between 4:31 p.m. and 5:00 p.m. ET, then a person may manually file the document in the APO/Dockets Unit. The Department will provide notice of such technical failures on the ACCESS Help Desk line at 202-482-3150 and on the E&C website, which is <http://www.trade.gov/enforcement/>.
  - Apart from the above, if you are unable to comply with the electronic filing requirement, as provided in § 351.103(c) of the Department’s Regulations, and in accordance with section 782(c) of the Tariff Act of 1930, as amended (the Act), you must promptly notify the official in charge and submit a full written explanation of the reasons you are unable to file the document electronically.

You must also suggest alternative forms in which to submit the information. The Department will consider the ability of a submitter and may modify the electronic filing requirement on a case-by-case basis.

2. All manually filed documents must be accompanied by a cover sheet generated in ACCESS. For manually filed bulky documents, separator sheets must also be generated and used.
3. If your response qualifies as a bulky document and you opt to file it manually, you must file two identical paper copies of the document. For all other authorized manual submissions, only one paper copy is required.
4. Manual submissions must be addressed and submitted to:  
**Secretary of Commerce**  
**APO/Dockets Unit**  
**Room 1870**  
**U.S. Department of Commerce**  
**Fourteenth Street and Constitution Avenue, N.W.**  
**Washington, D.C. 20230**  
**Attn: Enforcement & Compliance**  
**AD/CVD Operations, Office IV**

D. Certification

1. Submit the required **certification of accuracy** (included in Attachment B). Providers of information and the person(s) submitting it, if different (e.g., a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. The Department cannot accept responses that do not contain the certification statements. Forms for such certification are included in Attachment B to this document package. You may photocopy this form and submit a completed copy with each of your submissions.
2. Provide the required **certificate of service** (included in Attachment B) with each business proprietary document and public version submitted to the Department.
3. Signed certifications of accuracy and certificates of service should be scanned and appended to the appropriate electronic documents filed in ACCESS.

E. Business Proprietary Information and Summarization of Business Proprietary Information

1. Request business proprietary treatment for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping or countervailing duty proceeding in a public reading file. However, information deemed to be proprietary information will not be made available to the public. If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304, 351.305, and 351.306 of the Department's regulations. You must submit the request for proprietary treatment at the same time as the claimed business proprietary information is submitted to the Department.

2. Utilize the “one-day lag rule” under section 351.303(c)(2) of the Department’s regulations if you wish an additional day to review the final bracketing of business proprietary information in a document and to prepare the required public version. The filing requirements under the one-day lag rule provide for a party to file only the business proprietary document within the applicable time limit (section 351.303(c)(2)(i)). By the close of business one business day after the date the business proprietary document is filed, the person must file the complete final business proprietary document (section 351.303(c)(2)(i)(ii)). The final business proprietary document must be identical to the original document except for any bracketing corrections.
3. By the close of business one business day after the date the business proprietary document is filed (refer to the “one-day lag rule” in the preceding paragraph), submit the public version of your response (section 351.303(c)(2)(i)(iii)). A public version must contain:
  - (1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence, and/or
  - (2) an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

Please note: The summarization requirement does not apply solely to the narrative portion of your response. It applies equally to worksheets and other appendices to your response, and even to sales and cost databases submitted in antidumping proceedings. Generally, numerical data, such as that provided in sales and cost databases in antidumping proceedings, are adequately summarized only if grouped or presented in terms of indices or figures ranged within 10 percent of the actual figure. If a particular portion of data is voluminous, use ranged figures for at least one percent of the voluminous portion.

Responses, or portions thereof, that are not adequately summarized may be rejected from the record of this proceeding.

4. Submit the statements required regarding limited release of business proprietary information under the provisions of an APO. U.S. law permits limited disclosure to representatives of parties (e.g., legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:
  - (1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or

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

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. As discussed above, you must state in the upper right-hand corner of the cover letter accompanying your response whether you agree or object to release of the submitted information under APO (e.g., May Be Released Under APO or May Not Be Released Under APO). (See section 351.304 of the Department's regulations for specific instructions.<sup>1</sup>)

5. Place brackets (“[ ]”) around information for which you request business proprietary treatment. Place double brackets (“[[ ]]”) around information for which you request proprietary treatment and which you do not agree to release under APO.
6. Provide to all parties whose representatives have been granted APO access and who are listed on the Department's most recent APO Service List, a complete copy of the submission--proprietary document and public version, except for that information which you do not agree to release under APO. (APO service lists, as well as public service lists, are maintained at <http://web.ita.doc.gov/ia/webapotrack.nsf> under the People's Republic of China and Wooden Bedroom Furniture. If you exclude information because you do not agree to release it under APO, you must submit the complete business proprietary version, wherein information in double brackets has been excluded. This version of the response must be marked “Business Proprietary/APO Version-- May Be Released Under APO” on the cover page. For parties that do not have access to information under APO, please provide a public version only.

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<sup>1</sup> If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (see section 351.304(d) of our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

General Checklist:

1. \_\_\_\_ You have filled out and included with your response the Certificate(s) of Accuracy in Attachment B of this document package.
- 2 \_\_\_\_ You have filled out and included with your response the Certificate of Service in Attachment B of this document package.

**Instructions relating to PUBLIC DOCUMENTS**

If you are willing to allow **all** of the information contained in your response to be made publicly available, you must comply with items 1 through 4 below:

1. \_\_\_\_ You marked the upper-right hand corner of the cover letter of your response as follows:

Case No. A-570-890  
Total Number of Pages: x  
Review: 1/1/2014-12/31/2014  
E&C Office IV  
**Public Document**

2. \_\_\_\_ **Do not** place brackets (“[ ]”) around any of the information provided in the public document.
3. \_\_\_\_ Your Certificate of Service lists each company on the Public Service list at <http://web.ita.doc.gov/ia/webapotrack.nsf>.

**Instructions relating to PROPRIETARY DOCUMENTS**

If you wish to treat any of the information contained in your response as proprietary information that you do not wish to be made publicly available, you must comply with items A and B below:

- A. You submitted a proprietary version of the document which meets requirements 1 through 7 below:
  1. \_\_\_\_ The upper-right hand corner of the cover letter of your response contains the following information:

Case No. A-570-890  
Total Number of Pages: x  
Review: 1/1/2014-12/31/2014  
E&C Office IV  
**Business Proprietary Document**  
Business Proprietary info on pages xx

2. \_\_\_\_ In addition to the above markings, you **must** include one of the following statements on the “**Business Proprietary Document**” line that you include

in the upper-right hand corner of the cover letter of your response: (1) **May Be Released Under APO** or (2) **May Not be Released Under APO**. APO stands for Administrative Protective Order. Administrative Protective Orders permit limited disclosure of proprietary information to representatives of parties (e.g., legal counsel to parties) who have been granted APO access. **You should note that most business proprietary information is usually released by the submitters of the information under APO.** However, if you object to the release under APO of certain information contained in your response, you **must** list the information which you believe should not be released under APO, together with arguments supporting your objections to release under APO.

3. \_\_\_\_\_ You have included the statement “Business Proprietary Treatment Requested” on the top of each page containing business proprietary information.
4. \_\_\_\_\_ You have placed brackets (“[ ]”) around the information that you consider proprietary which you do not wish to be made publicly available but which may be released under APO.
5. \_\_\_\_\_ If you object to releasing certain proprietary information under APO, place double brackets (“[[ ]]”) around such information and create a separate APO version of the business proprietary document. The upper-right hand corner of the cover letter of the APO version of your questionnaire response should contain the following information:

Case No. A-570-890  
Total Number of Pages: x  
Review: 1/1/2013-12/31/2013  
E&C Office IV

**Business Proprietary/APO Version - May be Released Under APO**

Business Proprietary Information deleted from pages xx

6. \_\_\_\_\_ Information in double brackets should be removed from the APO version of your response. Do not remove information in double brackets from the proprietary version of the response filed with the Department.
7. \_\_\_\_\_ Your Certificate of Service lists each company on the APO Service list at <http://web.ita.doc.gov/ia/webapotrack.nsf>. If you created an APO version of your response, provide the parties on the APO Service list with a copy of the **APO version** of your response. If you **did not** create an APO version of your response, provide the parties on the APO Service list with a copy of the **proprietary version** of your response. **Do not** provide parties on the Public Service list with a copy of either the proprietary version or APO version of your response.

B. You have created a public version of the proprietary document which meets requirements 1

through 3 below:

1. \_\_\_\_ The upper-right hand corner of the cover letter of your response contains the following information:

Case No. A-570-890  
Total Number of Pages: x  
Review: 1/1/2014-12/31/2014  
E&C Office IV  
**Public Version**

2. \_\_\_\_ In the public version of the response, you have summarized all of the numeric data in the proprietary version of the response that you placed in brackets (“[ ]”). An acceptable method of summarizing the proprietary numbers in the public version is to report numbers in the public version that differ from the numbers reported in the proprietary version by no more than 10 percent. For example if you reported [200] in the proprietary version, you may summarize this figure in the public version of that document by reporting a number between [220] and [180].
3. \_\_\_\_ Your Certificate of Service lists each company on the Public Service list at <http://web.ita.doc.gov/ia/webapotrack.nsf>.

Note: A chart summarizing AD/CVD document filing requirements can be found at <http://enforcement.trade.gov/filing/index.html>. Detailed and supplemental information concerning APOs, including the APO Handbook, a complete set of APO regulations, and APO application forms and service lists, can be found at <http://enforcement.trade.gov/apo/index.html>.

# **Attachment B: Certificate of Service and Certificates of Accuracy**

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**General Certifications**

(To be signed by the company official of the applying firm who is officially responsible for presentations made to the Department of Commerce.)

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, hereby certify that a copy of the

(name of certifying official)

foregoing submission on behalf of \_\_\_\_\_,

(company name)

dated \_\_\_\_\_, was served by first class mail or by hand delivery (circle the method

used) on the following parties:

(Business Proprietary Version)

On Behalf of

Name and address

(Public Version)

On Behalf of

Name and address

\_\_\_\_\_  
(signature of certifying official)

**COMPANY CERTIFICATION:\***

I, **(PRINTED NAME AND TITLE)**, currently employed by **(COMPANY NAME)**, certify that I prepared or otherwise supervised the preparation of the attached submission of **(IDENTIFY THE SPECIFIC SUBMISSION BY TITLE) due on (DATE) OR filed on (DATE)** pursuant to the **(INSERT ONE OF THE FOLLOWING OPTIONS IN { }): {THE (ANTIDUMPING OR COUNTERVAILING) DUTY INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (DATES OF PERIOD OF REVIEW) (ADMINISTRATIVE OR NEW SHIPPER) REVIEW UNDER THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (SUNSET REVIEW OR CHANGED CIRCUMSTANCE REVIEW OR SCOPE RULING OR CIRCUMVENTION INQUIRY) OF THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)}**). I certify that the public information and any business proprietary information of **(CERTIFIER'S COMPANY NAME)** contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\* For multiple person certifications, all persons should be listed in the first sentence of the certification and all persons should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, *e.g.*, "I" should be changed to "we" and "my knowledge" should be changed to "our knowledge."

**REPRESENTATIVE CERTIFICATION:\*\*\***

I, (PRINTED NAME), with (LAW FIRM or OTHER FIRM), (INSERT ONE OF THE FOLLOWING OPTIONS IN { }: {COUNSEL TO} or {REPRESENTATIVE OF}) (COMPANY NAME, OR GOVERNMENT OF COUNTRY, OR NAME OF ANOTHER PARTY), certify that I have read the attached submission of (IDENTIFY THE SPECIFIC SUBMISSION BY TITLE) due on (DATE) OR filed on (DATE) pursuant to the (INSERT ONE OF THE FOLLOWING OPTIONS IN { }: {THE (ANTIDUMPING OR COUNTERVAILING DUTY) INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (DATES OF PERIOD OF REVIEW) (ADMINISTRATIVE OR NEW SHIPPER) REVIEW UNDER THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)} or {THE (SUNSET REVIEW OR CHANGED CIRCUMSTANCE REVIEW OR SCOPE RULING OR CIRCUMVENTION INQUIRY) OF THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)}). In my capacity as (INSERT ONE OF THE FOLLOWING OPTIONS IN { }: {COUNSEL} or {ADVISER, PREPARER, OR REVIEWER}) of this submission, I certify that the information contained in this submission is accurate and complete to the best of my knowledge. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\*\*\* For multiple representative certifications, all representatives and their firms should be listed in the first sentence of the certification and all representatives should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, *e.g.*, “I” should be changed to “we” and “my knowledge” should be changed to “our knowledge.”

# **Attachment C: Quantity and Value Questionnaire**

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**OFFICE OF AD/CVD OPERATIONS  
QUANTITY AND VALUE QUESTIONNAIRE**

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**REQUESTER(S):** {insert name of company}  
{company address}  
{contact name and title}  
{contact telephone number}  
{contact fax number}  
{contact e-mail address}

**REPRESENTATION:** {insert name of counsel and law firm  
and contact info}

**CASE:** Wooden Bedroom Furniture from the People's  
Republic of China

**CASE NUMBER:** A-570-890

**PERIOD OF REVIEW:** January 1, 2014 to December 31, 2014

**DUE DATE FOR Q&V RESPONSE:** April 1, 2015 (30 days from publication date of  
the initiation notice) See  
<http://enforcement.trade.gov/download/prc-wbf/>

**OFFICIALS IN CHARGE:** Jeffrey Pedersen  
Patrick O'Connor

The Department has initiated an administrative review of the antidumping duty order on wooden bedroom furniture from the PRC covering the period January 1, 2014 through December 31, 2014.

Section 777A(c)(1) of the Tariff Act of 1930, as amended (“Act”), directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, section 777A(c)(2) of the Act permits the Department to examine either (1) a sample of exporters, producers or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined.

In advance of the issuance of the full antidumping questionnaire, we ask that you respond to the following Q&V Questionnaire in Appendix A of this attachment requesting the quantity and U.S. dollar sales value of all exports to the United States during the period January 1, 2014 through December 31, 2014, of merchandise covered by the scope of the order produced in the PRC. A definition of the scope of the merchandise subject to this review is included in Appendix B of this attachment. General instructions for filing the Q&V Questionnaire are contained in Attachment A of this document package. A full and accurate response to the Q&V Questionnaire from all participating respondents is necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents. Please be advised that completing and timely filing the Q&V Questionnaire does not guarantee that you will be chosen as a mandatory respondent because the Department may find it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act.

Companies that had no exports, sales, or entries of subject merchandise during the period January 1, 2014 through December 31, 2014 should properly file a timely Q&V Questionnaire response that indicates that the company had no exports, sales, or entries of subject merchandise during that period.

In general, the Department has found that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates), require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined that company should be collapsed with others, or has continued to treat that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise the Department will not collapse companies for purposes of respondent selection.

A company responding to this Q&V Questionnaire which the Department has not determined to collapse with other companies, or not treated as collapsed with other companies, in the most recently completed segment of the proceeding should only report Q&V data for itself. Such a company should not include data for any other party, even if the company believes it should be treated as a single entity with other parties. If the Department has determined to collapse your company with other companies in the most recently completed segment of this proceeding, or has continued to treat your company as collapsed with others in the most recently completed segment of this proceeding, please report the requested information for the collapsed entity. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed.

Your response to the Q&V Questionnaire must be filed with the Department no later than **April 1, 2015** which is **30 days from the publication of the notice of initiation**. Please note that due to time constraints in this administrative review, the Department does not intend to extend the deadline for responding to the attached Q&V Questionnaire. All responses to the attached Q&V Questionnaire must be made electronically using the Department's ACCESS website at <http://access.trade.gov> (see the instructions in Attachment A of this document package). In addition, all submissions to the Department must be accompanied by a Certificate of Accuracy from company officials and, if represented by legal counsel or other firm, a Certificate of Accuracy from the representative. Further, all submissions to the Department must be served on the appropriate interested parties. A list of interested parties may be found at <http://web.ita.doc.gov/ia/webapotrack.nsf> under "People's Republic of China" and "Wooden Bedroom Furniture." Certificates of service and accuracy are in Attachment B of this document package.

To assist you in filing your response to this Q&V Questionnaire, we have provided a checklist in Appendix C of this attachment which covers many of the major filing requirements (see also the General Instructions in Attachment A of this document package). The checklist should be submitted with your response to the Q&V Questionnaire. Confirm that you have complied with the applicable items in the checklist by checking the appropriate item.

If you fail to respond or fail to provide the requested quantity and value information, please be aware that the Department may find that you failed to cooperate by not acting to the best of your ability to comply with the request for information, and may use an inference that is adverse to your interests in selecting from the facts otherwise available, in accordance with section 776(b) of the Act. Please note that your response to the Q&V Questionnaire may be subject to on-site verification by Department officials.

Also, please be advised that completing and filing a response to the Q&V Questionnaire does not guarantee that you will receive separate rate status but it is a requirement for obtaining separate rate status. The Department is also requiring all firms that wish to qualify for separate-rate status to complete a Separate Rate Application or Separate Rate Certification and the additional questions in Attachment F as described in the notice of initiation. Firms must submit a timely and complete response to the Q&V Questionnaire, in addition to a timely and complete Separate

Rate Application or Separate Rate Certification and a timely response to the additional questions in order to receive consideration for separate-rate status. In other words, the Department will not give consideration to any timely Separate Rate Certification or Separate Rate Application made by parties who failed to respond in a timely manner to the Q&V Questionnaire and the additional questions. The Separate Rate Application and Separate Rate Certification are in Attachment D and Attachment E respectively, of the document package and can be found on the Department's website at <<http://enforcement.trade.gov/download/prc-wbf/>>.

**Appendix A**  
**FORMAT FOR REPORTING QUANTITY AND VALUE INFORMATION**

In providing the information in the table below, please provide the total quantity in containers<sup>2</sup> and total value (in U.S. dollars) of all your sales of merchandise covered by the scope of this review (see the scope description in Appendix B), produced in the People's Republic of China, and exported/shipped to, or entered into, the United States during the period January 1, 2014 through December 31, 2014.

- Please include only information for subject merchandise exported by your company directly to the United States.
  - ♦ However, if your company made sales to third-countries for which you have knowledge that the merchandise was ultimately destined for the United States, please separately report the requested information for these sales and the location (i.e., countries) to which you made the sales.
- Please do not include shipments of wooden bedroom furniture manufactured in Hong Kong in your figures.

A company responding to this Q&V Questionnaire which the Department has not determined to collapse with other companies, or not treated as collapsed with other companies, in the most recently completed segment of the proceeding should only report Q&V data for itself. Such a company should not include data for any other party, even if the company believes it should be treated as a single entity with other parties. If the Department has determined to collapse your company with other companies in the most recently completed segment of this proceeding, or has continued to treat your company as collapsed with others in the most recently completed segment of this proceeding, please report the requested information for the collapsed entity. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed.

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<sup>2</sup> Note: The use of the unit "containers" is for Q&V purposes and respondent selection. This does not imply that antidumping duty margins will be calculated based on this unit.

Market: United States	Total Quantity (In Containers <sup>3</sup> )	Terms of Sale <sup>4</sup>	Total Value <sup>5</sup> (\$U.S.)
1. Export Price <sup>6</sup>			
2. Constructed Export Price <sup>7</sup>			
3. Further Manufactured <sup>8</sup>			
Total			

<sup>3</sup> One “container” equals one full 40-foot container. If you shipped any product in 20-foot, 40-foot high cubed, or other container sizes, please convert those container shipments to the equivalent number of 40-foot regular containers (e.g., two 20-foot containers = one 40-foot container; one 40-foot high cubed container = 1.13 40-foot regular containers).

<sup>4</sup> To the extent possible, sales values should be reported based on the same terms (e.g., FOB).

<sup>5</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

<sup>6</sup> Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

<sup>7</sup> Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States. If you have sales of further manufactured merchandise, please report them under Item 3, rather than under Item 2.

<sup>8</sup> “Further manufactured” refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

## **Appendix B**

### **DESCRIPTION OF PRODUCTS UNDER REVIEW**

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifferobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-chests,<sup>1</sup> highboys,<sup>2</sup> lowboys,<sup>3</sup> chests of drawers,<sup>4</sup> chests,<sup>5</sup> door chests,<sup>6</sup> chiffoniers,<sup>7</sup> hutches,<sup>8</sup> and armoires;<sup>9</sup> (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box

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1 A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

2 A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

3 A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

4 A chest of drawers is typically a case containing drawers for storing clothing.

5 A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

6 A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

7 A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

8 A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

9 An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;<sup>10</sup> (9) jewelry armories;<sup>11</sup> (10) cheval mirrors;<sup>12</sup> (11) certain metal parts;<sup>13</sup> (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set; (13) upholstered beds<sup>14</sup>; and (14) toy boxes.<sup>15</sup> Also excluded from the scope are certain

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10 As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. See CBP's Headquarters Ruling Letter 043859, dated May 17, 1976.

11 Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 inches in width, 18 inches in depth, and 49 inches in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. See Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, concerning "Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China," dated August 31, 2004. See also Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review, and Determination To Revoke Order in Part, 71 FR 38621 (July 7, 2006).

12 Cheval mirrors are any framed, tiltable mirror with a height in excess of 50 inches that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.*, a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. See Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review and Determination To Revoke Order in Part, 72 FR 948 (January 9, 2007).

13 Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.*, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under HTSUS subheadings 9403.90.7005, 9403.90.7010, or 9403.90.7080.

14 Upholstered beds that are completely upholstered, *i.e.*, containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part, 72 FR 7013 (February 14, 2007).

15 To be excluded the toy box must: (1) be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials ("ASTM") standard F963-03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part, 74 FR 8506 (February 25, 2009).

enclosable wall bed units, also referred to as murphy beds, which are composed of the following three major sections: (1) a metal wall frame, which attaches to the wall and uses coils or pistons to support the metal mattress frame; (2) a metal frame, which has euro slats for supporting a mattress and two legs that pivot; and (3) wood panels, which attach to the metal wall frame and/or the metal mattress frame to form a cabinet to enclose the wall bed when not in use. Excluded enclosable wall bed units are imported in ready-to-assemble format with all parts necessary for assembly. Enclosable wall bed units do not include a mattress. Wood panels of enclosable wall bed units, when imported separately, remain subject to the order.

Imports of subject merchandise are classified under subheadings 9403.50.9042 and 9403.50.9045 of the U.S. Harmonized Tariff Schedule (“HTSUS”) as “wooden . . . beds” and under subheading 9403.50.9080 of the HTSUS as “other . . . wooden furniture of a kind used in the bedroom.” In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9042 or 9403.50.9045 of the HTSUS as “parts of wood.” Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, 9403.20.0018, or 9403.90.8041. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as “glass mirrors . . . framed.” The order covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

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Further, as determined in the scope ruling memorandum “Wooden Bedroom Furniture from the People’s Republic of China: Scope Ruling on a White Toy Box,” dated July 6, 2009, the dimensional ranges used to identify the toy boxes that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

## Appendix C

### Checklist

#### General Items

1. \_\_\_\_ Confirm that you have provided all of the information requested in Appendix A to this questionnaire.
2. \_\_\_\_ Confirm that you have listed in the table in Appendix A the full name of the company for which you reported data.
3. \_\_\_\_ A company responding to this Q&V Questionnaire which the Department has not determined to collapse with other companies, or not treated as collapsed with other companies, in the most recently completed segment of the proceeding should only report Q&V data for itself. Such a company should not include data for any other party, even if the company believes it should be treated as a single entity with other parties. Quantity and value data pertaining to other, possibly affiliated companies, that you believe should be treated together with your company as a single entity should be separately reported by those companies.
4. \_\_\_\_ **Do not** submit your response via email or facsimile. Your response must be electronically filed using ACCESS unless you meet one of the exceptions listed under the “Manual Filing” section of the General Instructions in Attachment A of this document package.
5. \_\_\_\_ In addition to the above information, please provide the following contact information for the company for which you completed the table in Appendix A of this questionnaire:

Full Company Name:

Name of Contact Person at the Company (if not represented by legal counsel):

Full Company Address, **Including Postal Code**:

Telephone Number:

Fax Number:

Email Address:

# **Attachment D: Separate Rate Application**

A-570-890  
Total Number of Pages: {Insert Total Number of Pages}  
AD Review  
AD/CVD Operations, Office IV  
{Indicate Type of Document}

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**OFFICE OF AD/CVD OPERATIONS**

**PEOPLE'S REPUBLIC OF CHINA  
SEPARATE RATE APPLICATION  
AND REQUIRED SUPPORTING DOCUMENTATION**

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**REQUESTER(S):** {insert name of company}  
{company address}  
{contact name and title}  
{contact telephone number}  
{contact fax number}  
{contact e-mail address}

**REPRESENTATION:** {insert name of counsel and law firm  
and contact info}

**CASE:** **Wooden Bedroom Furniture from the People's  
Republic of China, A-570-890**

**PERIOD OF REVIEW:** {insert the period of review }

**DUE DATE FOR RESPONSE:** **April 1, 2015** (30 days from publication date of the  
initiation notice) See  
<http://enforcement.trade.gov/frn/index.html>

**OFFICIALS IN CHARGE:** **Jeffrey Pedersen**  
**Patrick O'Connor**

**FILING INSTRUCTIONS:** See instructions for filing the application in Attachment A  
of this document package.  
See also <http://enforcement.trade.gov/filing/index.html>.

The Department assigns separate rates in non-market economy (“NME”) cases only if the applicant can demonstrate an absence of both *de jure* and *de facto* governmental control over its export activities in accordance with the separate-rates test criteria. In determining whether

companies should receive separate rates, the Department focuses its attention on the exporter rather than the manufacturer. *See Notice of Final Determination of Sales at Less Than Fair Value: Manganese Metal from the People's Republic of China*, 60 FR 56045 (November 6, 1995). Consequently, in this proceeding, the Department will limit its consideration of separate-rate applications to firms that exported subject merchandise to the United States during the period of review.

To be considered for separate-rate treatment, an applying firm must have exported subject merchandise to the United States during the period of review in a commercial transaction.

To establish whether a company's export activities are sufficiently independent of the government to be eligible for separate rate status, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) ("*Sparklers*"), and later expanded upon in *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*"). Under this analysis, exporters of subject merchandise are accorded separate, company-specific margins if they can provide sufficient proof of an absence of government control, both in law and in fact, with respect to export activities. Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: 1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; 2) any legislative enactments decentralizing control of companies; and 3) any other formal measures by the central and/or local government decentralizing control of companies. *See Sparklers*, 56 FR at 20588.

Our analysis of absence of *de facto* government control over exports is typically based on the following four factors: 1) whether each exporter sets its own export prices independent of the government and without the approval of a government authority; 2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding disposition of profits or financing of losses; 3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and 4) whether each exporter has autonomy from the government regarding the selection of management. *See Silicon Carbide*, 59 FR at 22586-87.

Following the test outlined above, this form is an application for separate rate treatment in the review. This Application is intended for firms that **do not** currently have separate rate status; firms that currently have separate rate status should complete the separate rate Certification form instead. Firms that the Department selects to be mandatory respondents will be required to respond to the Department's antidumping questionnaire in order to retain their eligibility for consideration of separate rate status.

- Applicants must individually complete and submit this form with all the required supporting documentation no later than 30 days from the publication date of the initiation notice, pursuant to the Department's 05.1 Policy Bulletin. *See Separate Rates and Combination Rates in Antidumping Investigations involving Non-Market Economy Countries*, 70 FR

17233 (April 5, 2005). This deadline applies equally to NME-owned and wholly market-economy owned firms. Firms whose applications are incomplete or otherwise deficient may be denied a separate rate.

- In addition to submitting a complete application, your firm must also respond to the Department's Q&V Questionnaire and the additional questions as discussed in the initiation notice in order to receive consideration for a separate rate. The Q&V Questionnaire is in Attachment C of this document package. The additional questions are in Attachment F of this document package. Responses to the Q&V Questionnaire from all participating respondents are necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents. The Department intends to use the responses to the Q&V Questionnaire to select mandatory respondents for this review.
- NME firms owned wholly by entities located in market-economy countries, provided that the ultimate owners are also located in market-economy countries ("wholly market-economy owned firms"), need only fill out the certifications contained in this application and provide supporting documentation for the fields in the application that are marked with an asterisk, "\*." These marked fields pertain to the firm's eligibility for separate rates consideration based on having sold subject merchandise to the United States during the period of review and support the firm's claim that it is in fact wholly owned by a market-economy entity. This information is also necessary for administration once a separate rate has been issued.
- There are two sets of requirements for reporting any affiliations with other firms involved in the production or sale of the subject merchandise, one for wholly market-economy owned firms and another for NME-owned firms.
  - Wholly market-economy owned firms are required to report *all* of their affiliations with other firms involved in the production or sale of the subject merchandise.
  - Firms that are not owned wholly by market-economy entities, however, must only identify any affiliates that exported subject merchandise to the United States during the period of review and any U.S. affiliates involved in the sale of the subject merchandise.
- Each applicant seeking separate rate status must submit a separate and complete individual application regardless of any common ownership or affiliation between firms and regardless of foreign ownership.
- Applicants which have been selected as mandatory respondents prior to the deadline for submission of separate rate applications are not required to file a separate rate application. Additionally, mandatory respondents are required to file full Section A questionnaire responses, and cannot refer to or substitute information or supporting documentation submitted in a separate rate application.

- The name that is provided to the Department in the application must be the name that appears on the exporter's business license/registration documents. All shipments to the United States declared to U.S. Customs and Border Protection must identify the exporter by its legal business name, and this name must match the name that appears on the exporter's business/registration documents. If your firm is assigned separate rate status, your firm will only be able to ship under your separate rate names that are included on your business license/registration documents, or for which you have explained are otherwise permitted (*see* question 2 below).
- All documents submitted in response to a specific question must pertain to the same sale. If volumes or values do not exactly match from one document to the next, the applicant must provide a clear narrative explanation as to why they do not and what the appropriate links are among the documents. The applicant must also provide and explain additional documentation necessary to corroborate its explanation in this regard. For example, if an invoice shows a sales value of \$10,000, but the payment amount is \$15,000, the applicant must explain the difference and provide documentary support for the explanation.
- **All** documents submitted with the application must be, to the extent possible, direct unaltered photocopies of the original documents (*i.e.*, no copies of copies, and the documents must not be altered in any way, including tracing). All documents submitted with the application must be legible to the maximum extent possible. In case the direct photocopy is not legible, or if submitting a direct photocopy is not possible, you must supply the most legible unaltered photocopy available. Firms that are not able to submit completely legible copies of all the documents required in the application, or are unable to submit a required document, must complete the additional certification in Appendix B and include an explanation of why the submission of completely legible documents is not possible. In addition, you must provide supplemental information explaining the contents of any documents that are not fully legible. Illegible or altered documents cannot be considered evidence of the points for which they are required if not accompanied by the requisite certification and explanations in Appendix B.
- All documents generated in a language other than English must be translated into English. The original language document must also be included with all translations. If all documentation is not complete or if documents are not fully translated, the Department will consider these documents missing for purposes of the separate rate analysis.
- Please label all documents submitted in response to the application with sequential page numbers, so the Department may refer to each document by its respective page number.

The Application is divided into four sections. Section I identifies the required certifications that an officer of the company must make to the Department, indicating that the information provided in the application is correct. Section II identifies the firm that is applying for separate rate status and demonstrates that this firm is eligible for a separate rate by confirming that it exported or

sold subject merchandise to the United States during the period of review. Section III certifies that the firm meets the *de jure* requirements, *i.e.*, that there are no legal barriers to a firm's independent control over its export activities at either the national or any sub-national level. Section IV attests to *de facto* independence, *i.e.*, that this *de jure* independence also exists in practice. Attachment A of this document package relates to filing requirements for the application and gives applicants an opportunity to request business proprietary treatment for information that they submit. Appendix A of this attachment provides a sample chart of corporate affiliations that firms may wish to reference. Appendix B of this attachment contains an additional certification, which firms that are unable to submit completely legible copies of all the documents required in the application must complete.

Firms completing this form are certifying that their responses contained in this form are true and accurate and that the supporting documentation supports the answers they provide in the application. The Department only accepts applications that are completed in full (except for wholly market-economy owned enterprises<sup>24</sup>) and submitted with all the required supporting documentation filed timely and in proper form. Sections II, III, and IV require supporting documentation, and the fields in these sections that require supporting documentation are identified in the application and list the specific types of documents that the Department accepts for each certification. As noted above, all supporting documentation pertaining to a U.S. sale must pertain to the same sale and be legible to the maximum extent possible. Moreover, the information contained in these documents must be consistent. If there are any discrepancies between information contained in a series of documents pertaining to the same sale, all such discrepancies must be clearly identified and explained. This is necessary to substantiate the claim for separate rates eligibility. Submission of alternate documents in lieu of documents that are not available and/or clarification of documents that are not completely legible may be acceptable, depending on the facts of each individual case, but may result in the Department's issuance of additional supplemental questions and the conduct of an on-site verification to establish the integrity, reliability, relevance and suitability of the alternative documentation for separate-rate purposes. All firms that do not provide completely legible photocopies of all of the documents that are required in the application must make the additional certifications in Appendix B of this attachment and include an explanation of why the submission of completely legible photocopies of all the documents required in the application is not possible.

Since firms have clear notice of what is required to document a separate-rate claim, incomplete applications may be rejected without supplementary questionnaires. Completing the application and submitting the supporting documentation does not guarantee receipt of separate rate status. The Department will review each completed application. If the Department finds that the certifications are not supported by the attached documents or are incomplete, the applicant will

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<sup>24</sup> Please note that all wholly market-economy owned enterprises are required to complete only the asterisked fields.

not have demonstrated to the Department that it qualifies for a separate rate and may receive a rate based on adverse facts available. If the applicant does not provide the required documentation in the appropriately required form or is unable or unwilling to make the requested certifications, the applicant will not have demonstrated its eligibility for a separate rate.

If necessary, the Department will issue questionnaires for the purpose of clarifying fully responsive answers. The Department retains the right to require additional information concerning the representations made in your firm's application. All information submitted and representations made by applicants are subject to verification. If the Department selects your firm for an on-site verification, the Department will provide your firm with additional instructions at a time preceding the verification.

## **SECTION I**

### **General Certifications**<sup>25</sup>

1.\* Certificate of Service

– See Attachment B of this document package for a copy of the Certificate of Service.

2.\* Company Certification

– See Attachment B of this document package for a copy of the Company Certification of Accuracy.

3.\* Representative Certification

– See Attachment B of this document package for a copy of the Representative Certification.

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<sup>25</sup> Note again that the asterisked fields are to be completed by all firms, including those wholly foreign-owned by entities located in market-economy countries. Wholly market-economy owned firms need not respond to non-asterisked fields of this application.

**SECTION II**

**Administration**

\*1. The full and exact name and contact information (including address, telephone, fax, and e-mail address) of the exporter<sup>26</sup> applying for separate rate status:

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\*2a. Is the applicant identified by any other names, such as trade names or “doing-business-as” (“d.b.a.”) names, as a legal matter in the home market, in third countries, or in the United States?<sup>27</sup>

- Yes (complete the chart below, in full)  
 No

If yes, then complete the chart below in full with all trade names and/or d.b.a. names, when and under what circumstances they are used, and confirm whether the business license/registration documents submitted with this application and covering the period of review (“POR”)/period of investigation (“POI”) include each of these or other alternative names. Please also provide evidence that these names were used during the POR/POI. Then, please answer question 2b.

If a trade name is not listed on the company’s business license/registration documents, please provide an explanation and any evidence as to how the company is permitted to use that trade name.

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	Covered by the Business License (Y/N)	Capacity in which the trade name/DBA used	Used during POI/POR (Y/N)	Cite to Evidentiary Support in this SRA (i.e., Exhibit #)
Trade Name/DBA 1				
Trade Name/DBA <i>n</i>				

<sup>26</sup> Ensure that each applicant seeking separate rate status is submitting a separate and complete individual application regardless of any common ownership or affiliation between firms and regardless of foreign ownership. Your response to this question should have only one company name.

<sup>27</sup> Trade names are other names under which the company does business. It does not include product brand names or the names of any other entities in the applicant’s “group,” affiliated or otherwise. If your firm is assigned separate rate status, your firm will only be able to ship under your separate rate under names that are included on your business license/registration documents, or are otherwise permitted, as explained in your response to this question.

\*2b. Is the applicant requesting separate rate status for any of the trade names listed in the table above? If so, please list the trade names or d.b.a. names, noted above, for which you are requesting separate rate status. Please note that the applicant must provide documentary evidence that the trade name or d.b.a. name was used during the relevant period.

\*3. The applicant certifies the accuracy of and can document the following statements: (check any of the following that apply)

- a. It has exported, or has sold for export, subject merchandise to the United States during the period of review.
- b. It has, under its own name(s), made a shipment of merchandise that was entered for consumption in the United States.
- c. It has, sold the merchandise during the period of review to an unaffiliated third-country customer for export to the United States (there must be either a sale or entry during the period of review to proceed with the separate-rate request).

\*4.  The applicant certifies that it will, to the maximum extent possible, provide a direct legible photocopy (not a copy of a copy) of all of the following original documents for the first sale by invoice date of subject merchandise to an unaffiliated customer in the United States during the POR for a commercial transaction.<sup>28</sup> These documents must not be altered in any way. If your firm's first sale by invoice date during the period of review was a sample sale, a sale of non-commercial quantities, or a sale to an affiliated party, identify this sale and provide documentation on another sale.<sup>29</sup> If providing documentation on another sale during the period of review, attach an explanation of why providing documentation for the first sale during the period of review was not possible. If you are not able to supply completely legible photocopies of any documents required below, you must supply the most legible photocopies available, complete the additional certification in Appendix B, and include an explanation in it of why submission of all the photocopies in completely legible form is not possible.

A. The U.S. Customs 7501 Entry Summary or the U.S. FDA Release Form.<sup>30</sup>

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<sup>28</sup> If you are not able to supply completely legible photocopies of any documents requested in the application, you must attach an explanation of why submission of completely legible photocopies is not possible.

<sup>29</sup> If your firm has *only* made sales to affiliated parties during the period of investigation/review, you must provide evidence of the first sale to an *unaffiliated* U.S. customer by the affiliated party to qualify for a separate rate.

<sup>30</sup> If the merchandise was entered into the United States informally using Customs Form 368 or 368A because the value of the

If the exporter is unable to obtain the relevant U.S. Customs 7501 Entry Summary or U.S. FDA Release Form, the exporter must explain why it is unable to submit these documents and provide documentation that it has attempted to obtain these documents from its customers.

- B. The bill of lading.
- C. The commercial invoice.
- D. The packing list.
- E. Documentation demonstrating receipt of payment.

All the documents above must pertain to the same sale (normally, the first sale by invoice date during the POR, unless one of the conditions discussed above applies). In addition to providing these documents, you must provide a narrative explanation of how the documents relate to one another and what the specific links are among the documents. If volumes or values do not exactly match from one document to the next, the applicant must provide in this narrative a clear explanation of any apparent discrepancies among the documents. The applicant must also provide and explain additional documentation necessary to corroborate its explanation in this regard. For example, if the invoice and payment amount do not match, the applicant must explain the difference and provide documentary support for this explanation.

\*5. Does the applicant have any knowledge that merchandise it sold was resold to the United States through market-economy third-country exporters in U.S. dollars?<sup>31</sup>

- Yes
- No

\*6. Provide the full name and contact information (including address, telephone, fax, and e-mail address) of each of the applicant's producers and/or suppliers of subject merchandise whose merchandise the applicant sold or exported to the United States during the POR<sup>32</sup>:

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entry was USD \$2000 or less, provide a copy of Customs Form 368 or 368A.

<sup>31</sup> The Department considered Belarus, Georgia, the Kyrgyz Republic, the People's Republic of China, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Moldova, the Republic of Tajikistan, the Republic of Uzbekistan, the Socialist Republic of Vietnam, and Turkmenistan to be non-market economies during this period of investigation/review.

<sup>32</sup> With respect to investigations, if your firm is assigned separate rate status, the rate will *only* apply to merchandise exported by your firm and supplied by the producers identified here. See Enforcement & Compliance Policy Bulletin 05.1, available on the Department's website at <http://enforcement.trade.gov/policy/index.html>.

\*7. Are the producers and/or suppliers, listed under question 6 above, identified by any other names as a legal matter in the home market, in third countries, or in the United States (*i.e.*, do the companies use trade names)?<sup>33</sup>

- \_\_\_ Yes  
\_\_\_ No

If yes, then list any and all other names here, and provide a copy of the business licenses/registration documents showing that the suppliers use these alternative names and the dates in which these names were in effect.

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\*8. Indicate whether, to the best of your knowledge, the producers and/or suppliers identified under question 6 above directly exported subject merchandise to the United States during the period of review.

### **SECTION III**

#### ***De Jure Control***

Please check the boxes below if you can certify that the statements below are accurate

1.  The applicant certifies that there are no government laws or regulations, at either national and sub-national (*e.g.*, provincial, local) levels of government, that control the applicant's export activities.
- \*2a.  The applicant possesses an official government business license/registration documents valid during the period of review and is submitting with the application original-language and translated copies of any business licenses in effect during the POR, the most current business license, and original-language and translated unaltered photocopies of any and all additional business licenses/registration documents or amendments thereto issued to the applicant and in effect during the POR. If you are not able to supply completely legible photocopies of any of these required documents, you must supply the most legible photocopies available, complete the additional certification in Appendix B, and include an explanation in it of why submission of all the photocopies in completely legible form is not possible.<sup>34</sup>

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<sup>33</sup> Trade names are other names under which the company does business. It does not include product brand names or the names of any other entities in the applicant's "group," affiliated or otherwise.

<sup>34</sup> Note that if the Department determines that your firm is eligible for separate rate status, the separate rate will only apply to the firm as named in your business license/registration documents and not to any alternative or trade names that are not included in your business license/registration documents. It is the Department's understanding that a valid business license/registration

2b. Indicate the full name and contact information (address, telephone, fax, and e-mail address) of the business license/registration documents authority which issued your business license/registration documents and the expiration date of your business license/registration documents (see footnote 36).

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2c. Provide the month, day, and year on which the business license authority last renewed your business license/registration documents.

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\*2d. Indicate from the following choices the ownership structure under which your company has registered itself with the official government business license issuing authority.

- owned by all of the people
- collective
- limited liability
- proprietorship
- partnership
- joint-stock limited company
- other (please describe: \_\_\_\_\_)

Select from the following choices any applicable secondary forms of registration related to foreign-invested enterprises that apply to your firm:

- domestic-foreign equity joint venture
- domestic-foreign contractual joint venture
- wholly foreign-owned enterprise
- other (please describe: \_\_\_\_\_)

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documents with clearly defined periods of validity issued by the appropriate licensing authority is required for all business activity. An applicant submitting a business license without an expiration date must provide an explanation in order for the Department to consider its application.

3a. Indicate the full name and contact information (address, telephone, fax, e-mail address) of the business license authority which issued your export certificate of approval and the dates in which it was in effect.

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3b. Provide the month, day, and year on which the business license authority issued your export certificate of approval.

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3c.  By checking the box, the applicant certifies that it is submitting with the application an original-language and translated copy of its export certificate of approval or foreign trade operator registration form which was valid during the period of review.<sup>35</sup>

4. In order to conduct export activities, is the applicant required by any national, provincial, or local government law or regulation to possess additional certificates or other documents related to the legal status and/or operation of its business beyond those discussed above?<sup>36</sup>

- Yes  
 No

If yes, identify the certificates below, and submit original-language and translated copies thereof with the application.

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5. Check the box next to the following PRC government laws and legislative enactments that apply to the applicant firm:

- Company Law of the PRC, effective as of January 1, 2006
- Foreign Trade Law of the PRC, effective as of July 1, 2004
- Administrative Regulations of the PRC Governing the Registration of Legal Corporations
- PRC's Enterprise Legal Person Registration Administrative Regulations of June 13, 1998
- Law of the PRC on Chinese-Foreign Cooperative Joint Ventures
- Regulation Governing Rural Collectively-Owned Enterprises of the PRC of 1990

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<sup>35</sup> It is the Department's understanding that an export certificate of approval or foreign trade operator registration form issued by the appropriate licensing authorities is required for all export activity. Therefore, the Department will not consider a separate rate for any applicant not providing such a certificate/form.

<sup>36</sup> The Department is interested only in government laws or regulations which restrict or limit exports rather than regulations which regulate purely domestic operations (*i.e.*, environmental or labor regulations). If you are unsure of the possible relevance of a given law, please contact the Department immediately.

- Law of the PRC on Industrial Enterprises Owned by the Whole People, adopted on April 13, 1988 (“The Industrial Enterprises Law”)
  - Regulations for Transformation of Operational Mechanisms of State-Owned Industrial Enterprises of 1992 (“Business Operation Provisions”)
  - The Organic Law on Village Communities in the PRC (“Village Committee Law”)
  - Other (if checked, please identify below any additional specific national PRC laws and/or legislative enactments which relate to the export functions of the applying company)
- 

6. Are there any sub-national (provincial, local) government laws affecting the applicant’s export operations?

- \_\_\_ Yes
- \_\_\_ No

If yes, identify the laws and submit original and translated copies of each provincial or local government law with the application:

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## **SECTION IV**

### ***De Facto Control***

#### **A. Ownership**

\*1a. For each intermediate and ultimate shareholder entity, please respond to the following. In responding, please ensure that you include information regarding the ownership of your reported shareholder entities. The ultimate owners may be individuals, government entities, etc.<sup>37</sup> A shareholder entity which has further ownership (such as individuals or additional shareholder entities) is not considered the ultimate shareholder, but an intermediate owner. Information must be included for all intermediate and ultimate owners.

- a. Provide the names and contact information (full business address, telephone number, fax number, and e-mail address) of the legal entities which are the shareholders (*i.e.*, both intermediate and ultimate owners) of each shareholder entity and indicate the percentage ownership.
- b. Submit a copy of each shareholder entity’s business license.

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<sup>37</sup> Please state in your response if any of your intermediate or ultimate shareholders are owned or supervised, in full or in part, by the State Owned Assets Supervision and Administration Commission (“SASAC”).

- c. State the legal domicile of each shareholder entity.<sup>38</sup>
- 

\*1b. If any of your intermediate and/or ultimate shareholders reported in response to question 1a., are government entities, such as a SASAC, or are supervised by a government entity, such as a SASAC, please respond to the following:

- a. Provide a description of the nature of SASAC's or government entities' relationship with the applying firm.
- b. Provide a breakdown of the different types of shares by owner (e.g. please explain whether there are voting, non-voting, controlling, shares with special rights, "golden shares," etc.)
- c. Explain whether the government entity or SASAC is involved in the activities or selection of the applying firm's board of directors and/or board of supervisors.

\*2. Applicants must provide the following documentation to support your response to question 1 above.

- a. capital verification report
- b. consolidated financial statements
- c. share transfer agreement
- d. articles of incorporation/articles of association
- e. export certificate of approval

If you are not able to submit legible, unaltered photocopies of each of these documents, you must provide the most legible unaltered copies of the documents available, complete the additional certification in Appendix B of this attachment, and provide a narrative description of why you are not able to provide legible photocopies all of the above documents.

3. In addition, identify the top 10 individual shareholders of your company. If the top 10 individual shareholders of your company do not make up at least 50 percent of the ownership of your company, identify the largest shareholders which make up at least 50 percent ownership.
- 4A. For each of the applying firm's top ten shareholders (individuals and non-individual firm or government entities) and all of their entity shareholders, at any time during period of review, report in detail any significant relationship<sup>39</sup> with any of the following:

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<sup>38</sup> Note to firms applying as wholly market-economy owned entities: document whether the ultimate owners of your company are located in market-economy countries and, if so, indicate which market-economy countries.

PRC state asset management company (government-owned and/or private chartered)  
The PRC national government and/or its ministries/agencies;  
PRC provincial governments;  
PRC local/municipal/village government(s)/agency(ies).

- 4B. Please state what relationship(s) each shareholder entity's managers and board of director members has with any level of the government, (*e.g.*, national, provincial, local) and/or government agencies.
5. For the top ten individual owners of the intermediate and ultimate shareholder entities (*i.e.*, shareholders that are not individuals) of the applying firm, please state whether they hold office at any level of the PRC government (*e.g.*, national, provincial, local) or held office at any PRC government agencies during the past three years. If so, for each individual, identify the office held, the level of the government and/or agency with which the office is held, and describe the official role of each.

## **B. Price Negotiation**

Please check the boxes below to make the following certifications.

6.  The applicant certifies that its export prices are not set by, subject to the approval of, or in any way controlled by a government entity at any level (national, provincial, local).<sup>40</sup>
7.  The applicant certifies that it has independent authority to negotiate and sign export contracts and other agreements (conducts independent price negotiation).<sup>41</sup>
8. The applicant must provide documentation supporting its certification that the applicant conducts independent price negotiations. (see question 7 above) You must submit such documentation related to the first sale of the period of review with the application.<sup>42</sup> If you

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<sup>39</sup> A significant relationship would include ownership, control, affiliation, significant transactions, *etc.*

<sup>40</sup> This includes, but is not limited to, the presence of government officials at any meeting where export and pricing decisions are discussed.

<sup>41</sup> The authority to conduct independent price negotiation refers to the ability of an NME exporter to set its own export prices independently of the government at any level (national, provincial, local) and without the approval of any government entity.

<sup>42</sup> Applicants must provide documents showing price negotiation, not documents merely confirming that a sale will take place at a given price. If your firm conducts its price negotiation by phone, does not keep phone logs of meetings conducted over the phone, and therefore has no records of price negotiation, you are required to attach 1) a certification that there are no records of price negotiation, and 2) an affidavit signed and dated by the unaffiliated U.S. customer attesting that it conducts independent price negotiation with the applying firm. Affidavits must provide adequate information to link the applicant to the party signing the affidavit.

cannot provide such documentation please contact the official in charge. Examples include the following types of documentation:

- faxes/e-mail correspondence between applicant and unaffiliated U.S. customer
- purchase order from unaffiliated U.S. customer
- order confirmation
- logs of negotiations conducted over the telephone with an unaffiliated U.S. customer

If you do not have any documentation to support your certification that your firm conducts independent price negotiation, you may submit an affidavit as an alternative. This affidavit testifying to independent price negotiation must be signed and dated by an *unaffiliated* U.S. customer, and include the unaffiliated U.S. customer's contact information.

### C. Selection of Management

9.  By checking the box, the applicant certifies that it has autonomy from all levels of the government (national, provincial, local) and from any government entities in making decisions regarding the selection of management.

10. The applicant must provide specific documentation that evidence independence in the selection of management which supports its certification in question 9 above. Examples might include the following:

- appointment letters
- director meeting minutes
- company-issued resolutions/notifications (besides appointment letters)

11. Provide the name of each manager and board member in the applicant's company who held a management position during the period of review and the date (month, day, year) that each of the managers obtained his or her position at your company. Also provide the names of each manager and his or her employment (*i.e.*, position, name of company) for the three years prior to working at your company if they have been working at your company for less than three years.

12. Have any of the applying firm's managers or board members worked for the government, at any level (national, provincial, local), or any government entities, in the past three years?

\_\_\_ Yes  
\_\_\_ No

If yes, briefly describe the government involvement of the manager in question in supporting documentation.

13. Does the applying firm have to submit any of its candidates for managerial positions within the firm for approval to any government entity at any level (national, provincial, local)?

\_\_\_ Yes  
\_\_\_ No

If yes, you certify that you are filing a document with the application containing an explanation.

**D. Disposition of Profits**

14.  By checking the box, the applicant certifies that it retains the proceeds of its export sales and makes independent decisions regarding the disposition of profits or financing of losses.

15. If the applicant realized a profit during the period of review, then describe the process by which the applicant's profits were distributed. Specifically, indicate the sections in the company's books and records where such profits were recorded.

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16. Did the applicant make any disbursements to government accounts during the period of review other than for tax or government-provided goods or services?

\_\_\_ Yes  
\_\_\_ No

If yes, describe these disbursements, the specific government accounts, and file a document or documents with the Department illustrating these disbursements.

17. For each bank account held by the applicant during the period of review, the applicant certifies it will provide the following information:

- Name and address of the bank
- Bank account number
- Month/Year in which the account was opened

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18.  The applicant certifies that it is submitting with the application audited year-end financial statements covering all months of the POR as well as any other information which supports the applicant's response to question 16 above.<sup>43</sup> If the applicant does not have

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<sup>43</sup> If financial statements covering the POR are not available at the time this application is filed, please indicate when these statements would be available and submitted to the Department, and provide the Department with monthly financial statements, if available.

audited year-end financial statements for the period in question, it must affirmatively state so and submit with the application un-audited year-end financial statements covering all months of the POR.

**E. Affiliation**

All firms must respond to question 19. In addition, firms applying under NME ownership must respond to question 20, and firms that are applying for separate rate status under the status of 100% foreign ownership must respond to question 21.

Section 771(33) of the Tariff Act of 1930, as amended, defines affiliates as:

- A. Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and linked descendants
- B. Any officer and director of an organization and such organization
- C. Partners
- D. Employer and Employee
- E. Any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares or any organization and such organization
- F. Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person
- G. Any person who controls any other person

For the purposes of affiliation, the Department will consider a person to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

\*19. Explain whether your firm made shipments or sales to unaffiliated parties, affiliated parties or both, during the period of review, as defined by Section 771(33) of the Tariff Act of 1930. If your firm *only* made sales to affiliated parties during the period of review, you must provide evidence of the first sale to the first unaffiliated party to qualify for a separate rate.

- shipments or sales to affiliated parties only
- shipments or sales to unaffiliated parties only
- shipments or sales to both affiliated and unaffiliated parties

20. As defined by Section 771(33) of the Tariff Act of 1930, as amended, does the applicant have *any affiliates that are located in the United States, or that exported merchandise to the United States* which would fall under the description of merchandise covered by the scope of the proceeding?

- Yes
- No

If the applying firm is affiliated with any other exporters of subject merchandise pursuant to this definition of affiliation, then the firm must list the full names and contact information (business address, telephone, fax, e-mail address) of the affiliates below. In addition, it would be useful if you would provide a chart demonstrating the ownership and affiliation structure of all of your affiliates that are involved in the production or sale of subject merchandise. For an example of how you might design this chart, *see* Appendix A of this attachment. .

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\*21. As defined by Section 771(33) of the Tariff Act of 1930, as amended, does the applicant have any *affiliates involved in the production or sale of merchandise in the home market, third-country markets, or the United States* which would fall under the description of merchandise covered by the scope of the proceeding?

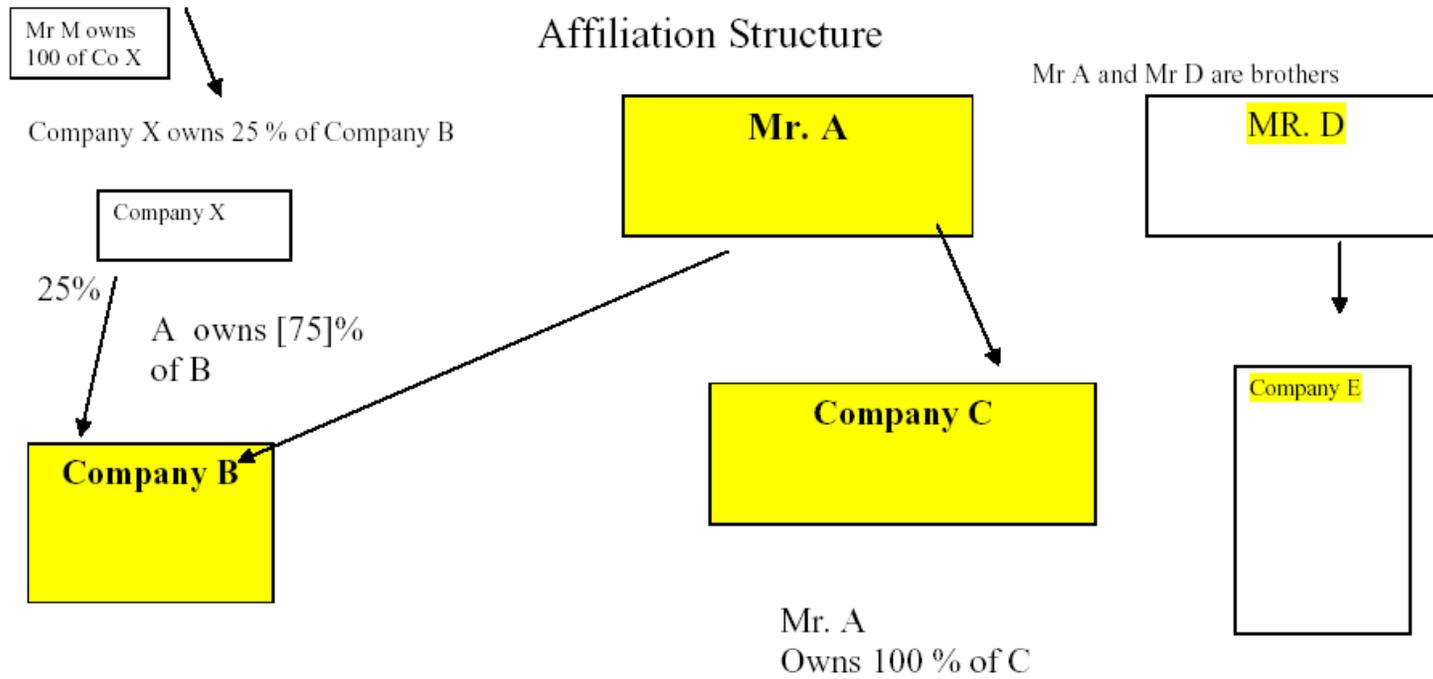
- Yes
- No

If the applying firm is affiliated with any other producers or exporters of subject merchandise pursuant to this definition of affiliation, then list the full names and contact information (business address, telephone, fax, e-mail address) of the affiliates below. In addition, it would be useful if you would provide a chart demonstrating the ownership and affiliation structure of all of your affiliates that are involved in the production or sale of subject merchandise. For an example of how you might design this chart, *see* Appendix A of this attachment.

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# APPENDIX A

## Affiliation Structure



## APPENDIX B

Appendix B must be completed by all firms for whom it is not possible to submit completely legible unaltered photocopies of all of the supporting documentation required in the application. This appendix applies both to firms that are not able to submit all the required supporting documentation, and to those who are not able to submit completely legible photocopies thereof. To complete this section, you must make the certification below and provide an explanation of why the submission of completely legible copies of all of the required supporting documentation is not possible.

I, \_\_\_\_\_ certify that I am not able to submit completely legible photocopies of the following documents \_\_\_\_\_ that are requested in the fields \_\_\_\_\_. I certify that I have made the maximum effort to obtain and submit the most complete and legible photocopies possible, and that I am submitting with the application the most legible photocopies of the documents possible. The reasons I cannot supply completely legible photocopies of all the required documents are (supply an explanation for each document that is missing or not completely legible):

I have therefore, in place of these photocopies, provided the following documents to reflect or explain what is contained in the documents that are missing or not completely legible:

\_\_\_\_\_ (name)

# **Attachment E: Separate Rate Certification**

A-570-890  
Total Number of Pages: {Insert Total Number of Pages}  
AD Review  
AD/CVD Operations, Office IV  
{Indicate Type of Document}

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**OFFICE OF AD/CVD OPERATIONS**  
**PEOPLE'S REPUBLIC OF CHINA**  
**SEPARATE RATE CERTIFICATION**  
**FOR FIRMS PREVIOUSLY AWARDED SEPARATE RATE STATUS\*\***

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\*\* Firms that do not currently hold a separate rate may **not** use this Certification and **must** instead submit an Application for separate rate status (available in Attachment D).

**REQUESTER(S):** {insert name of applicant}

**REPRESENTATION:** {insert name of counsel and law firm and contact info}

**CASE:** Wooden Bedroom Furniture from the People's Republic of China,  
A-570-890

**PERIOD OF REVIEW:** {insert period of review}

**DUE DATE FOR RESPONSE:** April 1, 2015 (30 days from publication date of the  
initiation notice) *see*  
<http://enforcement.trade.gov/frn/index.html>

**OFFICIALS IN CHARGE:** **Jeffrey Pedersen**  
**Patrick O'Connor**

**FILING INSTRUCTIONS:** See instructions for filing the certification in Attachment A  
of this document package. See also  
<http://enforcement.trade.gov/filing/index.html>.

## SEPARATE RATE BACKGROUND

The Department assigns a separate rate in non-market economy (“NME”) cases only if the firm can demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), over its export activities in accordance with the separate-rate test criteria. The Department limits its separate rate consideration to firms that exported or sold subject merchandise to the United States during the period of review (“POR”) in a commercial transaction.

- ∃ Completion of this Certification does not guarantee separate rate status for this POR.
- ∃ If your responses to the questions in this Certification do not demonstrate your eligibility for separate rate status, you will not be granted a separate rate for this POR.
- ∃ Each firm seeking separate rate status must submit a separate Certification regardless of any common ownership or affiliation between firms and regardless of foreign ownership.
- ∃ Firms whose Certifications are untimely, incomplete or otherwise deficient may be denied a separate rate in the administrative review.
- In addition to submitting a complete certification, your firm must also respond to the Department’s Q&V Questionnaire and the additional questions as discussed in the initiation notice to receive consideration for a separate rate. The Q&V Questionnaire is in Attachment C of this document package. The additional questions are in Attachment F of this document package. Responses to the Q&V Questionnaire from all participating respondents are necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents. The Department intends to use the responses to the Q&V Questionnaire to select mandatory respondents for this review.
- ∃ By completing the Certification, firms certify that they have relevant supporting documents and can submit them to the Department upon request. If a firm that has completed this form is not able to furnish supporting documents as requested by the Department, the Department may conclude the firm is not eligible for a separate rate.
- ∃ Along with requesting supporting documentation, the Department may issue questionnaires for clarification purposes. All information submitted and representations made by your firm are subject to verification.
- ∃ There is a possibility that your firm may be selected as a mandatory respondent, in which case your firm will be required to respond to the Department’s antidumping questionnaire in full in order to retain eligibility for consideration of separate rate status.
- ∃ Companies who had changes to corporate structure, ownership, or to the official company name may not file a Separate Rate Certification but must instead file a Separate Rate

Application. Please note that, as explained in the bullet point below and in Question 7, changes to trade names are allowed. Only changes to the official company name (*i.e.*, the name appearing on the business license and other registration documents) require the filing of a Separate Rate Application.

- ∃ The firm name provided to the Department in this Certification must be the name that appears on the firm's business license/registration documents. All shipments to the United States declared to U.S. Customs and Border Protection must identify the firm by its legal business name, and this name must match the name that appears on the firm's business/registration documents. If your firm is assigned separate rate status, your firm will only be able to ship under your separate rate under names that are included on your business license/registration documents, or for which you have explained are otherwise permitted (*see* question 7 below).
- ∃ Firms owned wholly by entities located in market-economy countries, provided that the ultimate owners are also located in market-economy countries, ("wholly market-economy owned firms"), need not respond to questions marked with an asterisk ("\*").

## SEPARATE RATE CERTIFICATION

### APPLICANT INFORMATION:

1. Please provide the full name and contact information (including address, telephone, fax, and e-mail address) of the firm, previously granted separate status, which is seeking separate rate status for this administrative review.
2. I certify that during the POR, the firm was owned (select one):
  - wholly or partially by a domestic entity/entities located the PRC
  - 100% by a foreign entity/entities<sup>44</sup> located in (identify country or countries)

Firm official and representative certifications:

3. Please include the Company Certification included in Attachment B of this document package as your response to this question.<sup>45</sup>
4. If your company is represented by legal counsel or another firm, please include the Representative Certification included in Attachment B of this document package as your response to this question.<sup>46</sup>

### GENERAL CERTIFICATIONS:<sup>47</sup>

5. I certify that (Firm) was previously granted separate rate status as part of the final determination/results in the (insert investigation/review and period of investigation/review); published in Federal Register (insert citation), that the separate rate status is currently applicable, and the separate rate status has not been revoked.

(Firm official, legal counsel or representative signature)

6. I certify that I will provide, to the best of my ability, any and all documents requested by the Department in support of separate rate status for this administrative review. I understand that

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<sup>44</sup> Wholly market-economy owned firms need not respond to questions marked with an asterisk (“\*”).

<sup>45</sup> For multiple person certifications, all persons should be listed in the first sentence of the certification and all persons should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, e.g., “I” should be changed to “we” and “my knowledge” should be changed to “our knowledge.”

<sup>46</sup> For multiple person certifications, all persons should be listed in the first sentence of the certification and all persons should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, e.g., “I” should be changed to “we” and “my knowledge” should be changed to “our knowledge.”

<sup>47</sup> If you cannot certify to each question in this section, please contact the official in charge.

if I cannot furnish these documents, the Department may conclude the firm is not eligible for a separate rate.

(Firm official, legal counsel or representative signature)

**EXPORT CERTIFICATIONS (check any that apply):**

7. I certify that during the POR, the firm conducted business under the following (please include a list of all trade names)<sup>48</sup>:
- only the same trade names as identified in the segment of investigation or review in which the firm was granted a separate rate (“previous Granting Period”).
  - the same trade names as identified in the previous Granting Period, as well as new trade names. For new trade names, please provide evidence that these names were used during the POR, and that the trade names are permitted by the firm's business license/registration documents.
  - only new trade names. For new trade names, please provide evidence that these names were used during the POR, and that the trade names are permitted by the firm's business license/registration documents.

If a trade name is not listed on the company’s business license/registration documents, please provide an explanation and any evidence as to how the company is permitted to use that trade name.

8.  I certify the firm possesses an official government business license/registration documents for each trade name listed in response to question 7, above, valid during the POR. (list each trade name, the corresponding document and its expiration date).<sup>49</sup>
9.  I certify the firm exported or sold subject merchandise to the United States during the POR.

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<sup>48</sup> Trade names are other names under which the firm does business. It does not include product brand names or the names of any other entities in the firm’s “group,” affiliated or otherwise. Note that if the Department determines that your firm is eligible for separate rate status, the separate rate will only apply to the firm as named in your business license/registration documents and not to any alternative or trade names that are not included in your business license/registration documents or not otherwise permitted, as explained in your response to this question.

<sup>49</sup> It is the Department’s understanding that a valid business license/registration documents with clearly defined periods of validity issued by the appropriate licensing authority is required for all business activity. A firm submitting a business license without an expiration date must provide an explanation in order for the Department to consider its Certification.

**CERTIFICATIONS OF ABSENCE OF *DE JURE* CONTROL (check any that apply):**

10.  \* I certify that during the POR, as with the previous Granting Period, there were no government laws or regulations, at either national and sub-national (*e.g.*, provincial, local) levels of government, that controlled the firm's export activities.
11.  I certify that during the POR, the ownership under which the firm registered itself with the official government business license issuing authority remains the same as for the previous Granting Period.<sup>50</sup>
12.  \* I certify that during the POR, the firm had valid PRC Export Certificate(s) of Approval.<sup>51</sup>
13.  \* I certify that during the POR, as with the previous Granting Period, in order to conduct export activities, the firm was not required by any national, provincial, or local government law or regulation to possess additional certificates or other documents related to the legal status and/or operation of its business beyond those discussed above.
14.  \* I certify that during the POR, the PRC government laws and legislative enactments applicable to the firm seeking a separate rate remained the same as for the previous Granting Period.

**CERTIFICATIONS OF ABSENCE OF *DE FACTO* CONTROL (check any that apply):**

15.  \* I certify that during the POR, the largest 10 individual/entity shareholders of the firm and all of their shareholders had no significant relationship<sup>52</sup> with any of the following:<sup>53</sup>
- PRC state asset management company (government-owned and/or private chartered);
  - The PRC national government and/or its ministries/agencies;
  - PRC provincial governments;
  - PRC local/municipal/village government(s)/agency(ies).

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<sup>50</sup> If you cannot certify to this statement, leave the box unchecked and provide a short narrative explanation.

<sup>51</sup> If you cannot certify to this statement, leave the box unchecked and provide a short narrative explanation.

<sup>52</sup> A significant relationship would include ownership, control, affiliation, significant transactions, *etc.*

<sup>53</sup> If you cannot certify to this statement, leave the box unchecked and provide a short narrative explanation.

16.  \* I certify that during the POR, the firm's export prices were not set by, subject to the approval of, or in any way controlled by a government entity at any level (*e.g.*, national, provincial, local).<sup>54</sup>
17.  I certify that during the POR, the firm had independent authority to negotiate and sign export contracts and other agreements (*i.e.*, the firm conducted independent price negotiation).<sup>55</sup>
18.  I certify that during the POR, the firm had autonomy from all levels of the government (*e.g.*, national, provincial, local) and from any government entities in making decisions regarding the selection of management.
19.  I certify that during the POR, the firm did not have to submit for approval any of its candidates for managerial positions within the firm to any government entity at any level (*e.g.*, national, provincial, local).
20.  \* I certify that during the POR, the firm retained the proceeds of its export sales and made independent decisions regarding the disposition of profits or financing of losses.

#### **SALES & AFFILIATION:**

21. I certify the firm made at least one export or sale to the United States during the POR to (select only one):

- affiliated<sup>56</sup> parties only.
- unaffiliated parties only.
- both affiliated and unaffiliated parties.

#### **ADDITIONAL DOCUMENTATION:**

22. Please provide copies of the following documentation:
- The firm's business license(s)/ registration document(s) valid during the POR;

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<sup>54</sup> This includes, but is not limited to, the presence of government officials at any meeting where export and pricing decisions are discussed.

<sup>55</sup> The authority to conduct independent price negotiation refers to the ability of an NME firm to set its own export prices independently of the government at any level (national, provincial, local) and without the approval of any government entity.

<sup>56</sup> See Section 771(33) of the Tariff Act of 1930, as amended, for a definition of affiliation. For the purposes of control under the definition of affiliation, the Department will consider a person to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

- \* The firm's PRC Export Certificate(s) of Approval valid during the POR.

## **Attachment F: Additional Questions**

## Additional Questions

All parties filing Separate Rate Applications or Separate Rate Certifications must respond to the following questions. This information should be filed with your Separate Rate Application or Separate Rate Certification and your Q&V Questionnaire response. If you filed a Separate Rate Application, you should have already responded to questions 1, 2, and 3.

Filing instructions are in Attachment A of this document package. Certificates of Service and Certificates of Accuracy are in Attachment B of this document package.

1. Provide the full name and contact information (including address, telephone, fax, and e-mail address) of each of your producers and/or suppliers of subject merchandise whose merchandise you sold or exported to the United States during the POR.
2. Are the producers and/or suppliers, listed under question 1 above, identified by any other names as a legal matter in the home market, in third countries, or in the United States (i.e., do the companies use trade names)?<sup>57</sup>  
 Yes  
 No

If yes, then list any and all other names here, and provide a copy of the business licenses/registration documents showing that the suppliers use these alternative names and the dates during which these names were in effect.

3. Indicate whether, to the best of your knowledge, the producers and/or suppliers identified under question 1 above directly exported subject merchandise to the United States during the period of review.
4. Indicate whether, to the best of your knowledge, the producers and/or suppliers identified under question 1 above directly exported non-subject furniture to the United States during the period of review.
5. Provide the full name and contact information (including address, telephone, fax, and e-mail address) of each company that you believe to have exported your subject merchandise to the United States during the POR, explaining which company's invoice was used to ship the merchandise to the U.S. customer.
6. Are the companies listed in response to question 5 above, identified by any other names as a legal matter in the home market, in third countries, or in the United States (i.e., do the companies use trade names)?<sup>58</sup>

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<sup>57</sup> Trade names are other names under which the company does business. It does not include product brand names or the names of any other entities in the applicant's "group," affiliated or otherwise.

<sup>58</sup> Trade names are other names under which the company does business. It does not include the product brand

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

If yes, then list any and all other names here, and provide a copy of the business licenses/registration documents showing that the exporters use these alternative names and the dates during which these names were in effect.

7. Indicate whether, to the best of your knowledge, the companies identified under question 5 above produced subject merchandise during the period of review.

8. Please identify all companies that acted as importer of record for your subject merchandise that entered the United States during the POR.

9. Provide documentation demonstrating that you conducted price negotiations with U.S. customers to whom you sold subject merchandise during the POR. Submit such documentation for the first sale of the period of review to each of your largest three customers by POR sales volume. If you cannot provide such documentation please explain why it is not possible to provide such documentation. Examples include the following types of documentation:

- faxes/e-mail correspondence between you and your unaffiliated U.S. customer
- purchase order from the unaffiliated U.S. customer
- order confirmation
- logs of negotiations conducted over the telephone with an unaffiliated U.S. customer

10. Please identify each company that you believe exported your non-subject furniture to the United States during the POR.

11. Please explain your sales process for your sales of non-subject furniture to the United States during the POR. Is your sales process for non-subject furniture different than your sales process for subject merchandise? If it is different, please explain how it is different.

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names or the names of any other entities in the applicant's "group," affiliated or otherwise.