



C-583-877
Investigation
Public Document
E&C/OIX: IR

May 10, 2024

Andy Tsai
Taipei Economic & Cultural Representative Office in the U.S.
4201 Wisconsin Ave NW
Washington, DC 20016

Re: Investigation of Certain Epoxy Resins from Taiwan: Countervailing Duty Questionnaire

Dear Mr. Tsai:

The U.S. Department of Commerce (Commerce) is conducting a countervailing duty investigation of certain epoxy resins (epoxy resins) from Taiwan.¹ See Certain Epoxy Resins From the People's Republic of China, India, the Republic of Korea, and Taiwan: Initiation of Countervailing Duty Investigations, 89 FR 33319 (April 29, 2024). As part of our investigation, we are requesting that the Taiwan Authorities (TA) and certain companies provide answers to the enclosed questionnaire. We have selected the following companies as respondents in this investigation: Chang Chun Plastics Co. Ltd. (Chang Chun) and Nan Ya Plastics Corp. (Nan Ya). See Memorandum, "Respondent Selection," dated May 7, 2024. Please note that the TA is responsible for forwarding copies of this cover letter and questionnaire to these respondent companies.

In this questionnaire, we are requesting information on programs which may constitute subsidies under U.S. law which were alleged in the petition and on which Commerce initiated an investigation. Commerce has taken no position on whether these programs provide subsidies in this case, and our request for information on these programs does not imply that we will necessarily find them to provide countervailable subsidies. Our decisions on those questions will be made on the basis of information received during this proceeding (including information from you) in light of the applicable provisions of U.S. law.

Please refer to the cover page and general instructions of the enclosed questionnaire for the due dates for responding to this questionnaire, the official in charge, and the instructions for filing the response. The companies identified above must complete Section III of the questionnaire and must submit their responses to Commerce by the deadlines noted. The TA must complete Section II of the questionnaire and submit a response by the same deadline.

¹ On April 29, 2024, Commerce published in the Federal Register the initiation of the countervailing duty investigation on certain epoxy resins from Taiwan. See Certain Epoxy Resins From the People's Republic of China, India, the Republic of Korea, and Taiwan: Initiation of Countervailing Duty Investigations, 89 FR 33319 (April 29, 2024).



With certain, limited exceptions, all submissions for all proceedings must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). An electronically filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time (ET) on the dates indicated on the cover page of the enclosed questionnaire.² Note that Commerce has amended certain requirements pertaining to the service of documents in section 351.303(f) of our regulations.³

For your convenience, Commerce has the following resources available online to assist you in complying with these electronic filing procedures:

ACCESS: Help Link
<https://access.trade.gov/help.aspx>

ACCESS: External User Guide
https://access.trade.gov/help/ACCESS_User_Guide.pdf

ACCESS: Handbook on Electronic Filing Procedures
https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf

Federal Register notice: Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures, 76 FR 39263 (July 6, 2011)
<http://www.gpo.gov/fdsys/pkg/FR-2011-07-06/pdf/2011-16352.pdf> and *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014)
<http://www.gpo.gov/fdsys/pkg/FR-2014-11-20/pdf/2014-27530.pdf>

Please note that revised certification requirements are in effect for company/authority officials as well as their representatives. In all segments of antidumping duty or countervailing duty proceedings, parties submitting factual information must use the formats for the revised certifications provided at the end of the Final Rule.⁴ Templates for these certifications are included as an attachment to this questionnaire.

Commerce must conduct this investigation in accordance with statutory and regulatory deadlines. If you are unable to respond completely to every question in the attached questionnaire by the established deadlines, or are unable to provide all requested supporting documentation by the established dates, you must notify the official in charge and submit a request for an extension of the related deadline for all or part of the questionnaire response. If you require an extension for only part of your response, such a request should be submitted separately from the portion of your response filed under the current deadlines. Statements included within a questionnaire response regarding a respondent's ongoing efforts to collect part of the requested information,

² We are also requesting that the company respondents submit certain information within 14 days of the date of this questionnaire. See Section III, page 1.

³ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings: Final Rule*, 88 FR 67069 (September 29, 2023).

⁴ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf. Templates for these certifications are included as an appendix to this questionnaire.

and promises to supply such missing information when available in the future, do not substitute for a written extension request. Section 351.302(c) of Commerce's regulations requires that all extension requests be in writing and state the reasons for the request. Any extension granted in response to your request will be in writing; otherwise the original deadline will apply. Extensions for the TA and for the respondent companies identified above must be requested separately; any extension granted will apply only to the party identified in the written extension issued by Commerce.

If Commerce does not receive either the requested information or a written extension request before **5:00 p.m. Eastern Time (ET)** on the established deadlines, we may conclude that the TA or the respondent company(ies) have decided not to cooperate in this proceeding. Commerce will not accept any requested information submitted after the established deadlines. As required by section 351.302(d) of our regulations, we will reject such submissions as untimely. Therefore, failure to properly request extensions for all or part of a questionnaire response may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

In the unlikely event that you have received this questionnaire after the deadlines to respond, you **MUST** contact the official in charge within 5 days of receipt of the questionnaire to receive further instructions and revised deadlines for the submission of the required information. Failure to do so may result in the presumption that you failed to cooperate by not acting to the best of your ability to comply with the request for information, and Commerce 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.

DEADLINE FOR SUBMISSION: Your response is due no later than **5:00 p.m. ET on the dates specified in the attachment.** Questionnaire responses normally entail the filing of many exhibits and databases on ACCESS. Accordingly, to the extent you submit your filing on the day it is due, rather than earlier, we strongly recommend that you begin uploading your response **no later than 12:00 noon on the above due date.** A questionnaire response must be filed in its entirety by the deadline to be considered timely.⁵

EXTENSIONS: **Note well:** Any extension request must be filed in writing. Extension requests filed after 5 p.m. on the due date will not be granted, except in extraordinary circumstances. An extraordinary circumstance is an unexpected event that could not have been prevented if reasonable measures had been taken, and that precludes a party or its representative from timely filing an extension request through all reasonable means.⁶ An extraordinary circumstance is extremely rare and may include "a natural disaster, riot, war, *force majeure*, or medical emergency."⁷ Note that "the earlier an extension request is filed, the more likely Commerce may consider the extension request, decide on its disposition, and inform the requesting party of its decision before the time limit expires."⁸ For extension requests that are filed very close to the expiration of the time for filing the submission, Commerce may issue a

⁵ 19 CFR 351.303(b)(1).

⁶ 19 CFR 351.302(a)(2).

⁷ See *Extension of Time Limits*, 78 FR 57790, 57793 (Sep. 20, 2013) (Preamble to the Final Rule).

⁸ *Id.* at 57792.

verbal response to a party's extension request before the applicable time limit expires and issue a written response as soon as practicable.⁹

Note well:

Parties should be aware that **the likelihood of Commerce granting an extension will decrease the closer the extension request is filed to the applicable time limit** because Commerce must have time to consider the extension request and decide on its disposition. Parties should not assume that they will receive an extension of a time limit if they have not received a response from Commerce. For submissions that are due at 5:00 p.m., **if Commerce is not able to notify the party requesting the extension of the disposition of the request by 5:00 p.m., then the submission would be due by the opening of business (8:30 a.m.) on the next business day.** See 19 CFR 351.103(b).¹⁰ **If a party requests an extension because of ACCESS/technical filing difficulties to which it did not receive a response from Commerce by 5:00 p.m., and the filing difficulties persist past 8:30 a.m. on the next business day, the party should contact the case analyst.**

If a party is experiencing issues with an ACCESS filing, the party should contact the ACCESS Help Desk by telephone to troubleshoot the filing issues. When experiencing filing issues on the day a submission is due, the filing party should also contact the case analyst if known, otherwise the official in charge, informing them of the filing difficulties. The submission for which a party is having difficulties filing on ACCESS should not be emailed to the case analyst or the official in charge.

Help Desk
(202) 482-3150
access@trade.gov
<https://access.trade.gov>

Should you have any questions about this matter, please contact Whitley Herndon at whitley.herndon@trade.gov.

Sincerely,



Whitley Herndon
Program Manager
AD/CVD Operations, Office IX
Enforcement and Compliance

Enclosure

⁹ *Id.*

¹⁰ *Id.* (emphasis added).

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**UNITED STATES DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION
ENFORCEMENT & COMPLIANCE**

COUNTERVAILING DUTY QUESTIONNAIRE

**Countervailing Duty (CVD) Investigation
Certain Epoxy Resins
from Taiwan
C-583-877**

PERIOD OF INVESTIGATION: January 1, 2023 to December 31, 2023

**RESPONSE TO SECTION III
IDENTIFYING AFFILIATED
COMPANIES DUE DATE:** May 24, 2024

**SECTIONS II and REMAINING
PORTIONS OF III RESPONSE
DUE DATE:** June 17, 2024

OFFICIALS IN CHARGE:

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OPERATIONS, OFFICE IX
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Instructions for filing a response to this questionnaire are outlined in Section I “General Instructions” of the questionnaire.

STATUTORY REFERENCE: Tariff Act of 1930, Title VII, as amended

REGULATORY REFERENCE: 19 CFR Parts 351 and 354

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PUBLIC SERVICE LIST

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	I. General Questions
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SECTION I GENERAL INSTRUCTIONS

The U.S. Department of Commerce (Commerce) requests information about the programs on which an investigation was initiated in order to determine whether countervailable subsidies have been provided to producers/exporters in the Taiwan of certain epoxy resins (epoxy resins or the subject merchandise). Section 775 of the Tariff Act of 1930, as amended (the Act), also requires Commerce to investigate any other potential countervailable subsidies it discovers during the course of this investigation that pertain to the manufacture, production, or exportation of epoxy resins.

If you have questions during the course of this investigation, we urge you to consult with the officials in charge named on the cover page. If for any reason you do not believe that you can complete a response to this questionnaire by the date specified on the cover page of this questionnaire, or in the form requested, you must notify the official in charge within 14 days of the date of this questionnaire.

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

I. PRODUCERS/EXPORTERS SUBJECT TO INVESTIGATION

We have selected Chang Chun Plastics Co. Ltd. and Nan Ya Plastics Corp., publicly identifiable producers/exporters of subject merchandise, as the mandatory company respondents (hereinafter, respondent(s), company respondent(s), or company(ies) under investigation). See Memorandum, "Respondent Selection," dated May 7, 2024 (Respondent Selection Memorandum).

Please note that the Taiwan Authorities (TA) is responsible for forwarding a copy of Section I and Section III of this questionnaire and the Initiation Checklist (Public Version), which contains more detailed information on the programs alleged for this investigation, to the producer(s) and/or exporter(s) subject to investigation.

II. SCOPE AND TIME PERIOD OF INVESTIGATION

A. Scope

The merchandise subject to this investigation are fully or partially uncured epoxy resins, also known as epoxide resins, polyepoxides, oxirane resins, ethoxyline resins, diglycidyl ether of bisphenol, (chloromethyl)oxirane, or aromatic diglycidyl, which are polymers or prepolymers containing epoxy groups (*i.e.*, three-membered ring structures comprised of two carbon atoms and one oxygen atom). Epoxy resins range in physical form from low viscosity liquids to solids.

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All epoxy resins are covered by the scope of this investigation irrespective of physical form, viscosity, grade, purity, molecular weight, or molecular structure, and packaging.

Epoxy resins may contain modifiers or additives, such as hardeners, curatives, colorants, pigments, diluents, solvents, thickeners, fillers, plasticizers, softeners, flame retardants, toughening agents, catalysts, Bisphenol F, and ultraviolet light inhibitors, so long as the modifier or additive has not chemically reacted so as to cure the epoxy resin or convert it into a different product no longer containing epoxy groups. Such epoxy resins with modifiers or additives are included in the scope where the epoxy resin component comprises no less than 30 percent of the total weight of the product. The scope also includes blends of epoxy resins with different types of epoxy resins, with or without the inclusion of modifiers and additives, so long as the combined epoxy resin component comprises at least 30 percent of the total weight of the blend.

Epoxy resins that enter as part of a system or kit with separately packaged co-reactants, such as hardeners or curing agents, are within the scope. The scope does not include any separately packaged co-reactants that would not fall within the scope if entered on their own.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing modifiers or additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The scope also includes epoxy resin that is commingled or blended with epoxy resin from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope are phenoxy resins, which are polymers with a weight greater than 11,000 Daltons, a Melt Flow Index (MFI) at 200°C (392°F) no less than 4 grams and no greater than 70 grams per 10 min, Glass-Transition Temperatures (Tg) no less than 80°C (176°F) and no greater than 100°C (212°F), and which contain no epoxy groups other than at the terminal ends of the molecule.

Excluded from the scope are certain paint and coating products, which are blends, mixtures, or other formulations of epoxy resin, curing agent, and pigment, in any form, packaged in one or more containers, wherein (1) the pigment represents a minimum of 10 percent of the total weight of the product, (2) the epoxy resin represents a maximum of 80 percent of the total weight of the product, and (3) the curing agent represents 5 to 40 percent of the total weight of the product.

Excluded from the scope are preimpregnated fabrics or fibers, often referred to as “pre-pregs,” which are composite materials consisting of fabrics or fibers (typically carbon or glass) impregnated with epoxy resin.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 3907.30.0000. Subject merchandise may also be entered under subheadings 3907.29.0000, 3824.99.9397, 3214.10.0020, 2910.90.9100, 2910.90.9000,

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2910.90.2000, and 1518.00.4000. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

B. Period of Investigation

The time period covered by this investigation (the period of investigation - POI) is January 1, 2023, through December 31, 2023, or the most recently completed fiscal year for the TA and all of the companies under investigation, provided the TA and the companies have the same fiscal year.

It is the responsibility of the TA to notify the companies selected as respondents of the appropriate POI. Please contact the officials in charge if you have any questions regarding the POI and the TA's role in notifying firms of the appropriate POI.

III. INSTRUCTIONS FOR FILING THE RESPONSE

The following instructions apply to your response to this questionnaire and all other documents that you submit to Commerce during the course of this proceeding, such as responses to additional questionnaires, extension requests, and case briefs.

A. Filing:

1. The TA is responsible for submitting the responses for all central, provincial, and local authorities, as well as any company information requested in the TA section of this questionnaire. Either the TA or the companies under investigation are responsible for submitting the company responses to Commerce in a timely manner such that they will be received by Commerce in Washington, DC, no later than the close of business on the due dates specified on the cover page of this questionnaire. All laws, regulations, and other descriptive materials that supplement your response should be submitted on the same date as the initial response.
2. All submissions must be made electronically using Commerce'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 at Section C "Manual Filing," below. To determine if your response qualifies for manual filing, *see* "Manual Filing."
3. The business proprietary response should be submitted on the due dates specified. The public version of the response may be filed one business day after the proprietary response.
4. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00pm Eastern Time (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 questionnaire;
 - 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 “investigation” and the time period (MM/DD/YY - MM/DD/YY);
 - d. on the fourth line, indicate Commerce office conducting the proceeding (the office is indicated on the cover page to this questionnaire);
 - 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,”
 - “Public Version,” or
 - “Public Document.”
2. Please include a “Re:” line on the cover letter of your response, and any other submissions you make during this proceeding. In the Re: line, briefly summarize the purpose of your submission, e.g., “response to questionnaire,” “case brief.”
3. Prepare your response in typed form and in English (*See* 19 CFR 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. Any foreign language submission which is not accompanied by an English translation will be disregarded.

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4. Repeat the question to which you are responding in your narrative submission and place your answer directly below it.
5. Please respond to each question. If a particular question does not apply, please state so and explain why in your response. Failure to do so could lead to the use of adverse inferences for that particular question.
6. In each of your answers, please identify your source of information. Please include with your response copies of source documents necessary to understand your response and include an original and translated version of all source documents. For additional information sources not included in your response, indicate the location where the documents or electronic data systems are maintained. If information is maintained at multiple locations, please list in an appendix to your response these locations along with notes indicating the information maintained at each location. This information is used by Commerce to prepare for verification.
7. Include all worksheets, financial reports, and other requested documents as appendices to your response.
8. Provide a table of appendices. Assign a number to each appendix and include a descriptive name for each appendix and its number in the table.
9. Identify all units of measurement, currencies, and conversion factors used in your narrative response, worksheets, or other appendices. All monetary amounts should be shown in the currency in which they were originally denominated, and in the currency in which they are registered in your accounts (if the two are different). Also, report the actual exchange rate used for a particular conversion. For all values adjusted for inflation, please provide the data in both nominal and adjusted terms and explain how these values were adjusted.
10. We request that tabulated information regarding company use of programs (*e.g.*, loans, loan guarantees, and grants) be submitted using the Microsoft Excel spreadsheet program compatible with the Microsoft Windows Operating System (MS-Windows) software for PCs.
11. It is your responsibility to contact the officials in charge if subsequent to your filing there are events that affect your response (*e.g.*, changes as a result of an audit).

C. Manual Filing

1. All submissions must be filed electronically. Only under the following four circumstances will Commerce accept a hardcopy response that is manually filed:

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- 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 50 MB may be filed in an alternative manner after consulting https://access.trade.gov/help/Super_Bulky_Document_Submissions.pdf and contacting the ACCESS Help Desk at 202-482-3150.
 - 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. Commerce will provide notice of such technical failures on the ACCESS Help Desk line at 202-482-3150 and on the Enforcement and Compliance website, which is <https://www.trade.gov/us-antidumping-and-countervailing-duties>.
 - Apart from the above, if you are unable to comply with the electronic filing requirement, as provided in 19 CFR 351.103(c) of Commerce’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. Commerce 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
Attention: Enforcement and Compliance, AD/CVD Operations Office (*specify office number indicated on the cover page of this questionnaire*)
APO/Dockets Unit, Room 18022
U.S. Department of Commerce
Fourteenth Street and Constitution Avenue, N.W.
Washington, D.C. 20230

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D. Certifications

1. Submit the required *certification of factual information*.¹¹ 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. Commerce cannot accept questionnaire responses that do not contain signed certifications. Forms for such certification are included as attachments to this questionnaire within Sections II and III.
2. Provide the required *certificate of service* (included as an attachment) with each business proprietary submission and its public version, as well as each fully public submission.
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. You may request business proprietary treatment for information submitted that is not publicly available. As a general rule, Commerce 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 will not be made available to the public. If you wish to make a request for proprietary treatment for particular information, refer to 19 CFR 351.304, 351.305, and 351.306. You must submit the request for proprietary treatment at the same time as the claimed business proprietary information is submitted to Commerce.
2. Utilize the “one-day lag rule” under 19 CFR 351.303(c)(2) 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 (19 CFR 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 (19 CFR 351.303(c)(2)(i)(ii)). The final business proprietary document must be identical to the original document except for any bracketing corrections.

¹¹ Commerce’s certification requirements changed effective March 14, 2011. Additional changes regarding the certification of factual information by governments participating in a proceeding became effective on September 2, 2011. Any submissions made to Commerce pursuant to proceedings initiated on or after March 14, 2011, must be accompanied by the appropriate company, government, and representative certifications (as applicable). For more information refer to 76 FR 7491 (February 10, 2011) and 76 FR 54697 (September 2, 2011) of the Federal Register.

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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 (19 CFR 351.303(c)(2)(i)(iii)). A public version must contain:
 - (1) a non-proprietary (public) version of your response that has 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. Generally, numerical data, such as that provided in sales and loan charts, are adequately summarized only if grouped or presented in terms of indices or figures ranged within 10 percent of the actual figure. 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 questionnaire 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* 19 CFR 351.304 for specific instructions. 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,

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you will have the opportunity to withdraw the information (*See* 19 CFR 351.304(d)). However, any information which you withdraw will be removed from the official record and will not be used in our determination.

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.¹²
6. Provide to all parties whose representatives have been granted APO access and who are listed on Commerce’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 regularly updated and maintained as record documents in ACCESS at <https://access.trade.gov>. The current service lists are also either attached to the cover letter of this questionnaire or will be provided by a subsequent letter from Commerce). 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.
7. A chart summarizing AD/CVD filing requirements can be found at <https://access.trade.gov/Resources/filing/index.html> . ACCESS filing instructions are https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf. 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 https://access.trade.gov/Resources/Administrative_Protective_Order.aspx

F. Taiwan Authority (TA) Confidential Information

Any TA confidential information submitted to us should be clearly labeled, preferably with the security classification mark of the responsible authority. The appropriate authority should also submit a statement explaining, in detail, why the information is confidential.

Please note that any company-specific information submitted by the TA, for which the TA is acting merely as a conduit, is not entitled to government confidential treatment;

¹² Commerce will not disclose proprietary customer names under APO during an antidumping or countervailing duty investigation until either an order is published or the investigation is suspended. To ensure that proprietary customer names are properly treated in this case, place double brackets (“[[]]”) around all proprietary customer names in your submissions to Commerce during the course of this investigation.

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such information is covered by the business proprietary information guidelines outlined above.

G. Verification

All information submitted is subject to verification. Failure to allow full and complete verification of any information may affect the consideration accorded to that or any other verified or non-verified item in the responses.

H. Extension Requests

Commerce must conduct this proceeding in accordance with statutory and regulatory deadlines. If you are unable to respond completely to every question in the attached questionnaire by the established deadlines, or are unable to provide all requested supporting documentation by the same date, you must notify the officials in charge and submit a written request for an extension of the deadline for all or part of the questionnaire response. If you require an extension for only part of your response, such a request should be submitted separately from the portion of your response filed under the current deadline. Statements included within a questionnaire response regarding a respondent's ongoing efforts to collect part of the requested information and promises to supply such missing information when available in the future do not substitute for a written extension request. All extension requests must be in writing and should state the reasons for the request pursuant to 19 CFR 351.302(c). Any extension granted in response to your request will be communicated in writing by Commerce; otherwise the original deadline will apply.

If Commerce does not receive either the requested information or a written extension request before 5:00pm ET on the established deadline, we may conclude that you have decided not to cooperate in this proceeding. Commerce will not accept any requested information submitted after the established deadlines. As required by 19 CFR 351.302(d), we will reject such submissions as untimely. Therefore, failure to properly request extensions for all or part of a questionnaire response may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

I. Separate Letter of Appearance Required

Pursuant to 19 CFR 351.103(d)(1), "with the exception of a petitioner filing a petition in an investigation, to be included on the public service list for a particular segment, each interested party must file a letter of appearance." The letter of appearance must be filed separately from any other document (with the exception of an application for APO access). If you have an ACCESS E-Filer account, you may also enter your appearance by logging into ACCESS at <https://access.trade.gov> and clicking on "Manage Entry of Appearance" and then "Create New Entry of Appearance."

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IV. SUBMISSION OF COMPUTER DATABASES AND SPREADSHEETS

A. Filing Instructions

Except as described above under the section “Manual Filing,” all database files, including Microsoft Excel spreadsheets that are less than 50 MB in size must be filed electronically using ACCESS. Instructions for using ACCESS can be found above and at <https://access.trade.gov>. Please refer to the Handbook on Electronic Filing Procedures in the “Help” section of the website.

Please label the electronic files that you upload in a manner indicating their specific contents. For example, ABC Subsidiary 1 March 15 Electricity Worksheet, rather than ABC March 15 QR – Excel 1.

For manual filings (when available), separately pack and label the electronic media containing the databases or spreadsheets (*see* section below for labeling and other instructions). Deliver the package to the address listed in the section “Manual Filing.”

B. Special Instructions for Manual Filing of Databases in the Event of ACCESS Technical Failure

In the event of an ACCESS technical failure, you may submit your databases or spreadsheets manually on either a CD or DVD. Compressed databases are acceptable, but decompression instructions and software must accompany any compressed data submission.

Clearly label the CD or DVD with the following information:

1. Case name, case number, and submission date
2. Name of respondent
3. Proceeding and time period (*e.g.*, INV-POI 1/2011-12/2011)
4. Name of official in charge
5. File formats and software used to create the databases or worksheets
6. File names, number of observations, and record lengths
7. ACCESS bar code number

C. Data Formatting Instructions

1. Since the database or spreadsheet must be readable by an IBM-compatible PC, the data must be encoded in ASCII format or, at your option, PC SAS, Access, dBase, or Excel formats.
2. Report numerical data in a numerical format that allows calculations (*e.g.*, 10, not 10 MT). Units should be reported in fields separate from numerical values.

SECTION II

QUESTIONNAIRE FOR THE TAIWAN AUTHORITIES (TA)

The U.S. Department of Commerce (Commerce) requests information about the programs on which an investigation was initiated in order to determine whether countervailable subsidies have been provided to producers/exporters in Taiwan of certain epoxy resins (epoxy resins or subject merchandise). Section 775 of the Tariff Act of 1930, as amended (the Act), also requires Commerce to investigate any other potentially countervailable subsidies it discovers during the course of this investigation that pertain to the manufacture, production, or exportation of epoxy resins.

Commerce has selected the following companies as mandatory respondents in this investigation.

- **Chang Chun Plastics Co. Ltd. (Chang Chun)**
- **Nan Ya Plastics Corp. (Nan Ya)**

Your responses to this questionnaire should clearly identify all mandatory respondents' involvement with each program. We note that the mandatory respondent companies are instructed in Section III to provide you with the name(s) of other potentially relevant companies, including certain other companies affiliated with the mandatory respondents, certain companies otherwise involved in the mandatory respondents' production or sales of subject merchandise, and former owners. (Please see Section III below for additional information.) Accordingly, when providing answers to the questions below that solicit specific information for respondent companies, you must provide information regarding all such relevant companies that have been identified. (Note that all references to the company respondent, company under investigation, company under examination, *etc.* in the questions below should be understood to be references to the mandatory respondent companies as well as all these other companies, as identified by the mandatory respondents, that are required to respond to Section III of this questionnaire.)

Furthermore, the TA is responsible for providing the information requested below even if the alleged subsidy was received by respondent companies, or their former parent companies, which have since been merged with, purchased by, or have transferred a substantial portion of their assets to, other companies. If former parent companies received assistance under any of the programs listed below, please indicate and provide separate answers.

Respondents should be aware that Commerce allocates the benefits received from certain types of subsidies over time (*See* 19 CFR 351.524). The average useful life (AUL) for this investigation is 9.5 years. Thus, in order to appropriately measure any allocated subsidies, consistent with its practice, Commerce will use a 10-year AUL in this investigation. Although the POI is a recent period, we are investigating alleged subsidies received over a time period corresponding to the AUL. Regardless of the AUL, however, Commerce is only investigating alleged subsidies provided on or after January 1, 2002, the date on which Taiwan became a Member of the World Trade Organization.

I. GENERAL QUESTIONS

- A. Provide a copy of bulletins of economic and/or financial statistics regarding lending, economic development, and economic planning, published during the period of investigation (POI).
- B. Provide a copy of the generally accepted accounting principles of Taiwan. If there are different accounting principles applicable to different types of companies, explain the differences in detail and describe to which type of companies each set of principles applies.
- C. Provide the Taiwan Authorities' (TA's) schedule numbers which correspond to the HTSUS item numbers listed under Scope in Section I, General Instructions of this questionnaire. Provide the official description applicable to the products covered by these numbers.
- D. Unless the TA or the companies choose to demonstrate that a company-specific or alternative Taiwan-wide AUL of renewable physical assets differs from the AUL of renewable physical assets for the industry concerned as listed in the U.S. Internal Revenue Service's Depreciation Range System (IRS tables), Commerce will use the AUL set forth by the IRS tables for this industry as the allocation period for non-recurring subsidies. *See* 19 CFR 351.524(d)(2). In the case of the subject merchandise, the AUL for the industry is set at 10 years.
- E. When a company has been privatized or otherwise has changed ownership, in whole or part, during the AUL period, Commerce has a baseline presumption that non-recurring subsidies continue to benefit the recipient over the allocation period. If a company wishes to challenge the baseline presumption, please coordinate with the company to answer the questions in the *Change-in-Ownership Appendix*.

II. PROGRAM-SPECIFIC QUESTIONS

In responding to the questions below for each subsidy program, be sure that you clearly indicate whether a respondent company or any other company identified as potentially relevant (*e.g.*, cross-owned companies, trading companies) did or did not apply for, use, or benefit from that program during the POI.

We note that many of the questions below solicit information of a general nature about *e.g.*, the nature, scope, operation or overall availability and usage of a program. You are required to

provide full, complete responses to all questions for all programs, regardless of whether any respondent company applied for or used that program during the POI.¹³

For any program which had multiple funding sources or was administered by different governmental levels, please provide information as to the roles played by each administrating authority. If a question requires information from other authorities, *e.g.*, local authorities, please forward questions to the correct source. It is the responsibility of the TA to ensure that full and complete responses to questions on regional/local programs are obtained from the appropriate regional/local authority.

For detailed descriptions of the programs listed below, *see* the Initiation Checklist (public version) included with this questionnaire as Attachment C.

A. TAX PROGRAMS

Tax Incentives for Research and Development (R&D) Credits

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Tax Program Appendix**.

Tariff Exemption for Imported Equipment

1. Please respond to all questions in the **Standard Questions Appendix**. Because benefits provided under this program may be treated as non-recurring, please provide the information requested in **Allocation Appendix** for the start of the AUL period, through the POI.
2. Describe how companies apply for and earn import duty exemptions. If either of the respondents used this program, then for the requested example use the respondent's information.
3. Describe how companies import items duty-free under this program. Provide sample source documents that are generated when companies use the scheme to import items duty-free. If applicable, use the respondents' documentation in your response.
4. Did the respondents, including any cross-owned affiliates, import any equipment and machinery under this program duty-free during the POI? If so, for each company, please report:

- a. The product(s) imported;

¹³ Failure to provide answers to these questions may result in the determination on the basis of facts available under section 776 of the Act for financial contribution and specificity if it is determined during the course of the investigation that a company fails to cooperate; has been found to use and/or receive measurable benefits from the program; or has failed all or portions of a verification.

- b. The date(s) the item(s) were imported;
- c. The duties and other import fees that would have been charged on these items absent the import duty exemption; and
- d. Please provide documentation to support your answer, including copies of all relevant sections of the tariff schedule, amendments thereto, and policies affecting the relevant rates, for all products imported by respondents under this program during the POI.

Shareholder's Investment Tax Credit for Participation in Infrastructure Projects

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Tax Program Appendix**.

Shareholder's Investment Tax Credit for Investment in Newly Emerging, Important, and Strategic Industries

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Tax Program Appendix**.

Building and Land Value Tax Deduction for Supplying to Major Infrastructure Projects

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Tax Program Appendix**.

Major Infrastructure Projects – Land Lease Program

1. Please respond to all questions in the **Standard Questions Appendix**.
2. If applicable, please respond to all questions in the **Tax Program Appendix**
3. Please identify all instances in which land leases were provided by the TA to any mandatory respondent in the AUL period.
4. If land leases were provided to a mandatory respondent during this period, please provide all government laws or regulations pertaining to the land leases in the provinces, counties and/or municipalities or cities in which the mandatory respondents are located.
5. Indicate whether the land leases were contingent upon the firm's status (e.g., TA-owned enterprise, located in a particular geographical area, etc.) or activity (e.g., export sales, purchases from domestic suppliers, etc.).

Capitalization of Earnings

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Tax Program Appendix**.

Smart Machinery and 5G Equipment Investment

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Tax Program Appendix**.

B. LENDING PROGRAMS

Eximbank Medium and Long-Term Export Credit

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding all medium and long-term export credit loans by the Export-Import Bank of the Republic of China (Eximbank) to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

In addition, please respond to the following question:

1. Please explain how the Eximbank determines which products are eligible for companies to receive medium and long-term export credits and provide a list of those products.

Eximbank Medium and Long-Term Import Credit

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding all medium and long-term import credit loans by the Eximbank to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

In addition, please respond to the following question:

1. Please explain how the Eximbank determines which products are eligible for companies to receive medium and long-term import credits and provide a list of those products.

Eximbank Overseas Investment Credit

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding all overseas investment credit loans by the Eximbank to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

In addition, please respond to the following question:

1. Please explain how the Eximbank determines which products are eligible for companies to receive overseas investment credit loans and provide a list of those products.

Eximbank Short-Term Export Credit

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding all short-term export credit loans by the Eximbank to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

In addition, please respond to the following question:

1. Please explain how the Eximbank determines which products are eligible for companies to receive short-term export credits and provide a list of those products.

Eximbank General Export Credit

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding all general export credit loans by the Eximbank to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

In addition, please respond to the following question:

1. Please explain how the Eximbank determines which products are eligible for companies to receive general export credits and provide a list of those products.

Eximbank Export Guarantee

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding all export guarantees by the Eximbank to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

Eximbank Import Guarantee

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding all import guarantees by the Eximbank to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

Eximbank Export Credit Insurance

Please respond to all questions in the **Standard Questions Appendix**.

In addition, please provide the following information:

1. The annual reports for the Eximbank for 2019 through 2023.
2. A chart summarizing the Eximbank's long-term (5 year) operating costs/losses and the premiums it charged over the same period for the types of insurance purchased by the mandatory respondents during the POI.
3. Provide the same information provided in response to the previous question on a customer-specific basis for the mandatory respondents.
4. Demonstrate that the "export credit insurance" programs have covered the Eximbank's long-term costs for the POI and the five preceding years in a manner sufficient to cover the operating costs and any losses incurred each year. Please support your answer with supporting documentation.
5. Does the Eximbank publish a yearly income statement or balance sheet? If so, please provide a copy for the POI with translations of the section showing the income statement.
6. Indicate the amount of premiums received from the respondent companies during the POI and the number and amount of claims paid out by the Eximbank to these companies during the POI. Please support your answer with supporting documentation.
7. Describe how the Eximbank determines the rates at which premiums are to be paid. What information does the Eximbank collect from applicants before determining to insure their transactions? Please support your answer with supporting documentation.

Low-Interest Loans for Upgrade of Machinery and Equipment

Please respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.

Your response should provide details regarding low-interest loans for the upgrade of machinery and equipment by the TA to the mandatory respondents during the POI or outstanding during the POI, whether in the form of loans, negotiation fees, *etc.*

In addition, please respond to the following question:

1. Please explain how the TA determines which products are eligible for companies to receive low-interest loans for the upgrade of machinery and equipment and provide a list of those products.

C. GRANT PROGRAMS

Industrial Energy Technology Program

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix,**
2. **Allocation Appendix,** and
3. **Grant Appendix.**

Industrial Upgrade and Innovation Platform Program

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix,**
2. **Allocation Appendix,** and
3. **Grant Appendix.**

Conventional Industry Technology Development

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix,**
2. **Allocation Appendix,** and
3. **Grant Appendix.**

Self-Evaluation Service

Please respond to all questions in the following appendices:

1. **Standard Questions Appendix,**

2. **Allocation Appendix**, and
3. **Grant Appendix**.

D. PROVISION OF GOODS FOR LESS THAN ADEQUATE REMUNERATION (LTAR)

Provision of Electricity for LTAR

Please provide the information requested in the **Standard Questions Appendix**.

In addition, please respond to the following questions.

1. Provide all laws and regulations, with translations, that govern the provision of electricity in Taiwan and were applicable during the POI.
2. Provide the name and address of each of the TA agencies or authorities responsible for the provision of electricity in Taiwan.
3. Identify and explain the types of records maintained by the relevant TA agencies (*e.g.* accounting records, company-specific files, databases, budget authorizations, *etc.*) regarding the provision of electricity in Taiwan.
4. Provide a detailed overview of the electricity industry and market in Taiwan, including the generation, transmission, and distribution segments of the electricity sector.
5. Provide all laws and regulations, with translation, that govern the establishment and operation of Taiwan Power Co. (Taipower). Explain the purpose and role of each of these laws and regulations with respect to the electricity market in Taiwan.
6. Provide the original and full English translation of the following for Taipower that were in effect during the POI:
 - a. Articles of Incorporation;
 - b. Auditor's Reports; and
 - c. Annual Report.
7. Please trace all ownership back to the ultimate individual or TA owners for Taipower. For each of the entities that are TA entities, please specify the nature and level of the authority (*i.e.*, TA ministry, local authorities, *etc.*).
8. Explain the role of private entities and Taipower in the generation, transmission, and distribution of electricity in the Taiwanese market.
9. Provide the percentage of generation, transmission, and distribution of electricity that is accounted for by Taipower (and other TA-owned entities) and the percentages accounted for by private parties.

10. Explain the corporate governance structure of Taipower, including the ownership structure and lines of authority, including, in particular, how senior management is selected and removed, including the role of the board of directors (if applicable). Explain which corporate documents describe the governance structure.
11. Explain how and by whom (*i.e.* owners including the TA, board of directors, president, *etc.*) corporate decisions are taken in Taipower with respect to:
 - a. Appointment of senior managers;
 - b. Appointment of board members, if applicable;
 - c. Voting rights of board members;
 - d. Investments;
 - e. Distribution of profits;
 - f. Production and marketing;
 - g. Financing and use of funds; and
 - h. Mergers and acquisitions, change in capital structure, *etc.*
12. Identify the senior managers of Taipower and members of its board of directors (if applicable) during the POI. Explain any requirements for TA representation at any level of the company, and whether any of these managers or members of the board of directors were TA officials during the POI.
13. Explain if there are any obligations Taipower is required to carry out on behalf of the TA, such as public obligations or services it is required to render. If so, please provide relevant documents and translations to the extent they have not already been provided.
14. Explain whether Taipower is subject to any explicit or implicit obligations or targets regarding its prices/tariffs. If so, please provide relevant documents and translations to the extent they have not already been provided.
15. Provide the names of all private parties that are involved in the generation, transmission, or distribution of electricity in Taiwan.
16. Explain the roles of Taipower, the Ministry of Economic Affairs, and the Electricity Tariff Examination Council with respect to the operation of the electricity market in Taiwan.
17. Explain the role of Taipower and all TA entities that are involved in the setting of electricity tariff rates in Taiwan.
18. Explain how electricity tariffs are set in Taiwan. Provide copies, with translations, of all laws and regulations that govern the setting of electricity tariffs in Taiwan.
19. Explain the pricing principles and/or methodologies that are used by Taipower in determining its electricity rates or used in proposing the electricity rates that are

submitted to the appropriate TA regulator charged with approving electricity tariffs in Taiwan.

20. Explain how these pricing principles and methodologies are applied to each of Taipower's tariff classes (*i.e.* industrial, residential, *etc.*).
21. Explain and document whether the identical pricing principle and methodology is used to establish the rates for each of Taipower's tariff classes.
22. If there are different demand and energy charges across each of Taipower's tariffs classes, please explain in detail the differences in the cost and expense factors, including any return on capital, that justify these different charges. Provide the same information with respect to the different subcategories within the industrial tariff.
23. Explain how Taipower's operating costs, including any return on capital, is considered and reflected in its electricity rates, including the costs for electricity generation, transmission and distribution operations. Explain how capital costs as well as selling and administrative expenses, and return on capital are calculated and distributed across electricity generation, transmission and distribution operations.
24. Describe in detail the type of operating expenses that are included in electricity generation; in transmission; and within electricity distribution.
25. Provide Taipower's electricity tariff schedules that were applicable during the 2023 POI. Explain the tariffs that were applicable and paid by the respondent companies.
26. Explain whether the respondent companies were granted any adjustments to the generally applicable industrial tariff applicable during the POI. If so, please explain these adjustments and provide documentation to support your response.
27. For the tariffs that were in place during the 2023 POI, provide Taipower's operating costs and expenses, including return on capital that is incurred with respect to each of Taipower's tariff classes. In addition, provide this information with respect to each of the subcategories of Taipower's industrial tariff, if applicable.
28. Provide Taipower's earned revenue during the 2023 POI with respect to each of Taipower's tariff classes. In addition, provide this information with respect to each of the subcategories of Taipower's industrial tariff, if applicable
29. Explain whether the revenue earned for each of the Taipower's tariff classes was sufficient to cover the costs and expenses, including any return on capital, for providing electricity to each of the tariff classes.
30. Provide the total amount of electricity provided at the industrial tariff during the POI.
31. Provide the percentage for the chemical industry and largest 10 industries consuming

electricity for the POI based on total electricity consumed and the total industrial classification consumed.

32. Provide the amount and percentage of electricity that is provided to each of the largest 100 industrial users of electricity during the POI.
33. Provide a blank copy of an electricity bill for an industrial user, with translation, as well as copies of the electricity bill for the month of July 2023 for each mandatory respondent, with translation, and explain how the total amount of the electricity is calculated.
34. If there are different subcategories for different cost recovery rates for industrial tariffs, please explain the industrial subcategory that would include the mandatory respondents.
35. With respect to the electricity tariffs that were in effect during the POI, provide the number of industrial customers for each different classification level of your industrial tariffs.
36. If Taipower has different recovery rates for different categories of industrial users, please explain why.

E. OTHER SUBSIDIES

Does the TA (or entities owned directly, in whole or in part, by the TA or any provincial or local authority) provide, directly or indirectly, any other forms of assistance to producers or exporters of epoxy resins? Please coordinate with the respondent companies to determine if they are reporting usage of any such program(s). For each such program, please describe such assistance in detail, including the amounts, date of receipt, purpose and terms, and answer all questions in the **Standard Questions Appendix**, as well as other appropriate appendices attached to this questionnaire.

SECTION II

Standard Questions Appendix

- A. Provide a description of the program, including the purpose of the program.
- B. Provide the date the program was established and explain how it was enacted, *e.g.*, by law, decree, regulation, etc. For programs under investigation that were not enacted pursuant to a legal instrument, indicate for how many years the program has been in operation. For example, for programs involving the provision of inputs for less than adequate remuneration not enacted pursuant to a legal instrument, please indicate how many years the input has been provided and/or sold by the TA, TA-controlled entities such as TA-owned enterprises, or other enterprises alleged to be “authorities” under section 771(5)(B) of the Act.
- C. Provide the name and address of each of the TA agencies or authorities responsible for administering the program. Please be specific in identifying the level of authority that has the authority to approve the assistance, and the level of authority responsible for administering the distribution of assistance.
- D. Please indicate which of the companies under investigation (including all cross-owned companies and any trading companies exporting subject merchandise into the United States) applied for, accrued, or received benefits under the program during the POI.

Please note that if this program has been terminated but there are residual benefits or a replacement program has been put into place (*See* 19 CFR 351.524), and the companies under investigation are still receiving, claiming or using assistance under the program or if they have applied for, received, claimed, accrued or used assistance under the replacement program, you must respond to all of the remaining questions for residual assistance or replacement programs.

- E. Provide translated copies of the laws and regulations relating to the program and any internal or external reports pertaining to the program that were applicable during the POI.
- F. Identify and explain the types of records maintained by the relevant TA entity or authority (*e.g.*, accounting records, company-specific files, databases, budget authorizations, etc.) regarding the program.
- G. Please identify all instances in which assistance under the program was provided to any mandatory respondent (including all responding cross-owned companies and any trading company) during the POI.
- H. Please explain whether the assistance under the program was provided to the mandatory respondent(s) pursuant to a statute, regulation, decree or other legal measure/instrument

that establishes the conditions and guidelines governing the operation of the program, such as eligibility criteria, amounts, etc.

- I. To the extent they are different from the entity (entities) identified in response to Question C, above, please provide the name(s) of the entity (entities) that provided each instance of assistance under the program to the mandatory respondent(s) described in response to under Question G, above.
- J. Please specify if the entity (entities) listed in response to Question I, above, is a TA, state or local authority entity, *e.g.*, a TA ministry, department, agency, office, etc.
- K. If the assistance under the program was provided by an entity other than a TA, state or local authority entity, please respond to the following questions:
 1. What is the legal status of the entity (entities), *e.g.*, is it a separately incorporated entity and/or a public/TA-owned corporation, public/TA-owned lending institution, commercial entity?
 2. Please explain how the entity (entities) was established and whether the entity operates pursuant to statutes, decrees, and/or regulations. Please explain the relevant statute, decrees and regulations under which the entity was established and operates.
 3. What is the legal basis that governs the entity's provision of assistance under the program? Please provide translated copies of the relevant legal measures.
 4. Has the entity (entities) listed above received any direct or indirect funding or support from a TA entity? Please specify if the TA provided any such direct or indirect funding for the purpose of providing assistance under this program.
 5. Did the entity (entities) listed above provide assistance under the program pursuant to specific guidelines and/or criteria under this program? Please describe those guidelines and/or criteria.
 6. Please provide the ownership structure of each such entity and specify the amount of any direct or indirect TA ownership during the POI (and for each year in which the assistance was provided).
 7. Please provide the translated annual report(s) during the POI (and for each year in which the assistance was provided) for each such entity.
 8. What are the core activities and functions of each entity that provided the assistance under the program?
 9. Explain why the assistance under this program was provided by this entity (entities) rather than directly by the TA.

- L. Describe the application process for assistance under the program and provide a blank copy of the application form (translated, if necessary). After an application is submitted, please describe the procedures by which an application is analyzed and eventually approved or rejected. Please provide for each company under investigation a copy of at least one completed application and approval package (and provide translations of headings and any summaries and of the exact reason(s) for the application and the exact reason(s) for approving the assistance).
- M. Please answer the following questions regarding eligibility for and actual use of the assistance provided under this program.
1. Describe the criteria governing the eligibility for and receipt of any assistance under this program. Please also describe the criteria for determining the amount of the assistance provided. Provide a copy of any law, regulation or other official document detailing these criteria. As part of your response, please also address the following questions:
 - (a) Is the actual export performance or export potential of an applicant or recipient taken into account in any way in determining eligibility for or receipt of any assistance under this program? Please explain. If eligibility for, or actual use of, this program is contingent upon export performance, whether solely or as one of several other conditions, you need not respond to the remaining questions under section M.
 - (b) Is the use of domestic goods or the creation of domestic value added by an applicant or recipient taken into account in any way in determining eligibility for or receipt of any assistance under this program? Please explain. If eligibility for this program is contingent upon the use of domestic over imported goods, you need not respond to the remaining questions under section M.
 - (c) Is eligibility for the subsidy limited to enterprises or industries located within designated geographical regions within the jurisdiction that authorized the program? If so, please provide the criteria for eligibility and you need not respond to the remaining questions under section M.
 - (d) Is the industry or sector in which the applicant or recipient operates taken into account in any way, either under the law or through discretion exercised by the TA agency or authority administering the program, in determining eligibility for or receipt of any assistance under this program? Please explain, and identify those industries or sectors that are eligible or otherwise receive special consideration for eligibility. If eligibility is limited, by law or in fact, to any enterprise or group of enterprises, or to any industry or group of industries, you need not respond to the remaining questions under section M.

- (e) With respect to the eligibility criteria and your administration of this program, please address the following, and provide documentation, if possible, to support your explanation:
- i. If the eligibility criteria, as listed in the applicable law, regulation or other official documents are met, will an applicant always and automatically receive assistance, or is final approval by the TA agency or authority which administers the program necessary?
 - ii. Is the amount of the assistance provided determined solely by established criteria found in the law, regulation or other official document, or is the amount ultimately determined by the TA agency or authority which administers the program? If established by criteria, please provide all of the criteria.
 - iii. If the TA agency or authority has any discretion that goes beyond the criteria laid out in the law, regulation or other official document, please explain the nature and extent of that discretion.
 - iv. Explain how the companies under investigation who have applied for, claimed, received, accrued or used assistance under this program have met the eligibility criteria.
- (f) Is eligibility for the subsidy limited to small and medium-sized enterprises? If so, please define and document how the term “small and medium-sized enterprises” is defined under the program and on what basis the company(ies) being examined met the definition. If the program is not contingent on firms being small and medium-sized enterprises, then so state and skip this question.
2. Please provide the following information, in table form, regarding the number of recipient companies and industries and the amount of assistance approved under this program for the year in which any mandatory respondent company was approved for assistance, as well as each of the preceding three years (*e.g.*, if a respondent was approved for assistance in 2010 and 2011, provide this information, by year, for 2007 through 2011). If this information is not available on the basis of year of approval, then provide the information based on the year of bestowal.
- (a) The amount of assistance approved for each mandatory respondent company, including all cross-owned companies and trading companies that sell the subject merchandise to the United States.
 - (b) The total amount of assistance approved for all companies under the program.
 - (c) The total amount of assistance approved for each of the largest 50 recipients

under the program and include the industry designation for each of these recipients. Note that at this time, you do not need to provide the name of the recipient, you just need to provide the individual amount of assistance approved.

- (d) The total number of companies that were approved for assistance under this program.
- (e) The total number of companies operating or established in the jurisdiction of the granting authority of the investigated program.
- (f) The total number of corporate/business income tax filers within the jurisdiction of the granting authority of the investigated program.
- (g) Provide a complete listing of the industries that operate in the jurisdiction of the granting authority of the investigated program. In identifying these industries, please use whatever resource or classification scheme the TA normally relies upon to define industries and to classify companies within an industry. Please provide the relevant classification guidelines, and please ensure the list provided reflects consistent levels of industrial classification.
- (h) The total amount of assistance approved for the industry in which the mandatory respondent companies operate, as well as the totals for every other industry in which companies were approved for assistance under this program. In identifying the industries, please use whatever resource or classification scheme the TA normally relies upon to define industries and to classify companies within an industry. Please provide the relevant classification guidelines, and please ensure the list provided reflects consistent levels of industrial classification. Please clearly identify the industry in which the companies under investigation are classified.
- (i) The total number of companies that applied for, but were denied, assistance under this program. Be sure that your response to question provides a complete discussion of the circumstances in which applications for assistance are denied.
- (j) If you have additional information that you believe demonstrates that this program is broadly available and widely used throughout the economy, please provide such information and a narrative description of your contention.

N. For purposes of any *de facto* specificity analysis that Commerce may conduct in this proceeding, please provide information on the economic activities within the jurisdiction of the granting authority for each relevant program. At a minimum, this information should include the number of establishments within the following sectors: agriculture, forestry, animal husbandry and fishery; mining; manufacturing; production and supply of electricity, heat, gas, and water; construction; wholesale and retail trades; transport,

storage and post; hotel and catering services; information transmission, software and information technology; financial intermediation; real estate; leasing and business services; scientific research and technical services; management of water conservancy, environment and public facilities; services to households, repair and other services; education; health and social services; culture, sports and entertainment; and public management, social security and social organizations.

- O. Describe any anticipated changes in the program. Provide documentation substantiating your answer. If the program is being terminated, state the last date that a company could apply for or claim benefits under the program. When is the last date that a company could receive benefits under the program? If the program has been terminated and replaced by a similar type of program, please provide a discussion of the replacement program to include the purpose of the program and the date it was established.

SECTION II

Allocation Appendix

Respondents should be aware that pursuant to 19 CFR 351.524, Commerce allocates the benefits received from certain types of subsidies over time. Although the POI is a recent period, we are investigating alleged subsidies received over a time period corresponding to the industry's average useful life of productive assets (AUL). According to 19 CFR 351.524(d)(2)(i), Commerce will presume that the industry's AUL corresponds to the AUL of renewable physical assets for the industry concerned as listed in the U.S. Internal Revenue Service's Depreciation Range System (IRS tables). In the case of the epoxy resin industry, the AUL is set at 10 years. Regardless of the AUL, however, Commerce is only investigating alleged subsidies provided on or after January 1, 2002, the date on which Taiwan became a member of the World Trade Organization.

According to 19 CFR 351.524(d)(2), parties to the investigation may choose to argue that the IRS tables do not reasonably reflect the AUL for the industry in question. To do so, parties must demonstrate that the AUL applicable to the industry producing subject merchandise in Taiwan differs by one year or more from the AUL in the IRS tables. If any of the parties under investigation choose to pursue an AUL other than that identified in the IRS tables, you will be required to provide information for the corresponding number of years.

Pursuant to 19 CFR 351.524(a) through (c), each program (other than loan programs) will normally be treated as either recurring or non-recurring. The Secretary normally will treat the following types of subsidies as providing recurring benefits: direct tax exemptions and deductions, exemptions and excessive rebates of indirect taxes or import duties, provision of goods and services for less than adequate remuneration, price support payments, discounts on electricity, water, and other utilities, freight subsidies, export promotion assistance, early retirement payments, worker assistance, worker training, wage subsidies, and upstream subsidies. The Secretary normally will treat the following types of subsidies as providing non-recurring benefits: equity infusions, grants, plant closure assistance, debt forgiveness, coverage for operating losses, debt-to-equity conversions, provision of non-general infrastructure, and provision of plant and equipment.

If a particular form of assistance is not on one of the non-binding illustrative lists, or if you wish to claim that a particular form of assistance on the recurring list should be treated as non-recurring, or that a particular form of assistance on the non-recurring list should be treated as recurring, please address the following criteria:

- A. Whether the subsidy is exceptional in the sense that the recipient cannot expect to receive additional assistance under the same program on an ongoing basis, from year to year;
- B. Whether the subsidy required or received the TA's express authorization or approval (*i.e.*, receipt of benefits is not automatic); or

- C. Whether the subsidy was provided for, or tied to, the capital structure or capital assets of the recipient firm. (For a definition of capital structure and capital assets, *See* the preamble of the CVD regulations (63 FR at 65393).)

After considering the above criteria, please provide information for each non-loan program for either the POI or the AUL period, as appropriate.

SECTION II

Grant Appendix

Questions A and B relate to whether grants under this program are “recurring” or “non-recurring.” For further explanation on recurring and non-recurring grants, *see* the Allocation Appendix above and 19 CFR 351.524(c).

- A. Does this program provide ongoing support to participants, *i.e.*, is the receipt of benefits predictable or is the program designed to provide one-time assistance to participants?
- B. Is a formal application and/or specific TA approval required each time benefits are received or is the receipt of benefits automatic after initial authorization for the benefits?

Based on the answers to the above questions, please provide the following information in chart form for each producer and/or exporter of the subject merchandise for either the POI or for each year since December 11, 2001.

- C. The amount of the grant approved by the TA.
- D. The date of TA authorization/approval.
- E. The amount actually disbursed.
- F. The date(s) the grant was disbursed. Please indicate whether the grant was paid in a lump sum or in multiple disbursements.

SECTION II

Tax Program Appendix

If any of the mandatory respondent companies under investigation used this program to take deductions from taxable income, to receive credit towards taxes payable, to take exemptions from taxes owed, to reduce the tax rate, to defer payment of taxes, to carry forward losses from previous tax years, to use accelerated depreciation, or to benefit from other tax advantages on the tax return filed during the POI, please respond to the following questions.

- A. Explain whether the assistance is a deduction from taxable income, a credit towards taxes payable, an exemption from taxes owed, a reduction in the tax rate, a deferral of taxes, a loss carry-forward from previous tax years, accelerated depreciation, or other tax benefit.
- B. How do companies using this program calculate the tax benefit they claim? Please be specific and provide a sample calculation using a blank tax form.
- C. If the company carried forward a loss from prior years and used that loss to offset taxes due on the tax return filed during the POI, demonstrate that this loss was not generated by use of any countervailable tax program.
- D. If the program involves a deferral of taxes owed, please provide the amount and length of the deferral, and the details of any interest charged on the deferral.
- E. If the tax assistance results in negative income for tax purposes, for example through accelerated depreciation, is the company able to carry forward this loss?
- F. For a program that provides a reduction in the tax rate or an exemption from taxes payable, please report the tax rate that was paid under the program and the tax rate that would have applied in absence of the program.

SECTION II

Loan Benchmark and Loan Guarantee Appendix

Short-Term Loans

If short-term loans (*i.e.*, one year or less) were provided under this program and principal or interest was repaid, accrued, and/or waived during the POI on those loans, answer the following questions. If the short-term financing being investigated is provided in foreign currency, or if the interest rate is based on or tied to a foreign currency rate, please provide the cost of commercial borrowing in that foreign currency and the charges associated with commercial borrowing in that currency, in response to questions B and C, below.

- A. Please describe the types of institutions (*e.g.*, banks, leasing firms, brokers, insurance companies) which provide short-term commercial credit in Taiwan. In addition, please explain the role of the TA in controlling/directing these institutions and their lending policies. For each type of institution, specify whether loans are provided in New Taiwan Dollars, foreign currency, or both.
- B. Please provide the predominant average short-term interest rate in Taiwan (including copies of the source material) for the POI and the previous 12 months. If a predominant average does not exist, please provide the interest rate in Taiwan for the POI and the previous 12 months for each type of short-term financing and the weight each of these represents as a percentage of the total of outstanding short-term loans.
- C. Specify other charges or practices that lenders use in normal commercial transactions, such as commitment fees, compensating balances, loan origination fees, taxes, commissions, loan discounting, adjusted payment schedules, guarantees, or the direct or indirect requirement that all or a significant portion of a company's business be channeled through a particular lending institution. To what extent do these additional charges and practices add to the cost of normal commercial financing? Specify the amount of each additional charge.
- D. Provide the date and amount of any forgiveness or assumption of any principal or interest payments on the loans under review during the POI.
- E. In all cases, state whether the applicable rate is for loans provided by publicly-owned or controlled institutions, or by privately held institutions, and whether such rate is subject to any TA-mandated ceiling or cap.

Long-term Loans

If long-term loans (*i.e.*, longer than one year) were provided under this program which had principal or interest outstanding during the POI, please answer the following questions. If the long-term financing being investigated is provided in foreign currency, or if the rate is based on

or tied to a foreign currency rate, please provide the cost of commercial borrowing in that foreign currency and the charges associated with commercial borrowing in that currency.

- F. Please describe the types of institutions (*e.g.*, banks, leasing firms, brokers, insurance companies) which provide long-term commercial credit in Taiwan. For each type of institution, specify whether loans are provided in New Taiwan Dollars, foreign currency, or both. For those TA banks that have provided long-term loans to the selected companies, please provide the annual reports for each year loans were provided.
- G. Please provide the following information (including copies of the source material) for each year in which a long-term loan was approved under this program which had principal or interest outstanding during the POI.
1. If the loan has a *fixed interest rate*, please provide the *long-term fixed interest rate(s)* available from private commercial lenders to most firms in Taiwan in question at the time the TA loan was approved. If such a figure(s) is (are) not available, please provide the *long-term variable interest rate(s)* available from private commercial lenders to most firms in Taiwan in question during the same period. If this figure is not available, please provide *all types of short-term financing* available in Taiwan at the time the loan was approved, the percentage each type represented of the total amount of short-term financing, and the corresponding monthly average interest rates for each type in the POI.
 2. If the loan has a *variable interest rate*, please provide the *long-term variable interest rate(s)* available from private commercial lenders to most firms in Taiwan at the time the TA loan was approved. Also provide the interest rate(s) during the POI of long-term variable rate loans from private commercial lenders which were approved at the time the TA loan was approved. If a long-term variable interest rate from commercial lenders is not available, please provide the *long-term fixed interest rate(s)* available from private commercial lenders to most firms in Taiwan at the time the TA loan was approved. If this figure is not available, please provide *all types of short-term financing* available in Taiwan at the time the loan was approved, the percentage each type represented of the total amount of short-term financing, and the corresponding monthly average interest rates for each type in the POI.
 3. In all cases, state whether the applicable rate is for loans provided by publicly-owned or controlled institutions or by privately held institutions, and whether such rate is subject to any TA-mandated ceiling or cap.
 4. Please provide the yields on industrial bonds as documented by the Central Bank of Taiwan.
- H. Specify other charges or practices that lenders use in normal commercial transactions, such as commitment fees, loan guarantee fees, compensating balances, loan origination fees, taxes, commissions, loan discounting, adjusted payment schedules, or the direct or

indirect requirement that all or a significant portion of a company's business be channeled through a particular lending institution. To what extent do these additional charges and practices add to the cost of normal commercial financing? Specify the amount of each additional charge and indicate whether such charges are included in the rates you have provided.

- I. If principal or interest on any loan provided under this program was forgiven or assumed during the POI or during a prior period corresponding to the industry's AUL, please provide the dates and amounts of each forgiveness or assumption.

Loan Guarantees

- J. For any short-term loans with principal or interest outstanding during the POR that were guaranteed or insured, please provide the information requested in questions B through E, above. For any long-term loans with principal or interest outstanding during the POR that were guaranteed or insured, please provide the information requested in questions G through I, above.
- K. Under what criteria were the guarantees provided?
- L. What are the charges for the guarantees?
- M. To whom do commercial banks or other private financial institutions offer guarantees and what rates do they charge?
- N. How do the interest rates charged by the commercial banks differ based on whether or not a loan is guaranteed by a third party?

SECTION II

Equity Appendix

Please provide the following information for each alleged equity investment or debt-to-equity conversion.

- A. Name of the recipient of each investment/conversion.
- B. The date(s) when the TA or TA entity approved the equity investment/conversion.
- C. The exact amount and date of the equity investment and the names and addresses of the TA entities involved in the approval process and the distribution of funds.
- D. All feasibility studies, market reports, economic forecasts, loan appraisals, or similar documents (*e.g.*, general industry market studies, industry-specific business publications) related to the future expected financial performance of the company related upon by the TA entity making the investment decision.¹⁴ These studies, etc., must have been completed *prior to* the equity investment/conversion.
- E. Clearly explain the assumptions and conclusions of these studies or reports.
- F. For each study, state clearly which private organization or TA entity conducted the study. If a private organization conducted the study, state whether it was commissioned by the TA. Also, state the purpose for which the study was undertaken.
- G. For each study, state clearly whether it was available to the TA and or/or private investors prior to the equity investment/conversion.
- H. Describe any attempts made by the TA to obtain equity investment from private sources. If the TA attempted to, or did, secure equity investment for the company from private sources, describe the circumstances surrounding the investment, any agreement interested into between the TA and private parties, and provide all relevant documentation (*e.g.*, a copy of the agreement, discussion memoranda, etc.).

¹⁴ These studies, etc., need not pertain solely to the investment/conversion being investigated, but may also be relevant to initial capital investments, capital to fund start-up operations, major expansion projects, repayment of loans, reorganizations, or any action that would affect the company's profitability.

SECTION II

Export Restrictions Appendix

1. Please describe the measures taken by the TA regarding the exportation of the relevant input (*i.e.*, export quotas, export taxes, licensing requirements, or additional measures).
2. Provide copies of the legislation, regulations, or administrative decisions imposing these measures.
3. Describe the purpose(s) of these measures. Please provide citations to the relevant official source documentation stating the purpose of these measures.
4. When did the TA put these measures into place? Provide specific information for each type of measure. Also, please identify the level of each measure (*e.g.*, export tax was 5 percent from January 1, 2009, to October 1, 2009; 10 percent from October 1, 2009, to December 31, 2010) since the TA put the restriction into place.
5. Provide the domestic prices for the relevant input during the POI.
6. Provide the name and address of each TA agency, authority, and industry organization that is responsible for, or otherwise involved in, approving and administering the export restriction. Please be specific in identifying the levels of authority that have the authority to approve and administer the export restriction.
7. Provide copies of TA or independent studies or analyses on which the TA has relied to analyze the effectiveness of the export restriction in meeting the TA's objectives.
8. Why did the TA select these particular measures (*e.g.*, an export quota and export tariff) to achieve its stated goals in this area? To the extent that the goal was to reduce overall demand for exhaustible natural resources, why were border measures adopted rather than, for example, a tax on all domestic and export sales? If the TA implemented more than one export restriction, why was adoption of more than one measure (rather than, *e.g.*, a larger export tariff alone) necessary? How are these measures intended to work together to achieve the stated goals?
9. Describe any formal or informal meetings or other consultations or ongoing interaction with the **relevant input**-producing or **relevant input**-consuming industries or relevant producer or trade associations that the TA has undertaken with respect to the imposition or adjustment of the export restrictions. If there is a relevant association in Taiwan, please provide the rules or guidelines under which it operates, a list of its members and its relationship to the TA. Please describe in what ways input from industry been considered and reflected in the determination of the level of the export restriction or in the administration of these measures? Please identify the companies and/or trade associations involved in any such consultative process or in the administration of the export restrictions.

10. Describe each factor (*i.e.*, economic, commercial, social, etc.) that the TA considers when determining the export restrictions (including taxes and/or quotas), and explain how these factors further the stated objectives of measures. Cite any official documents that identify these factors. Explain why the particular levels of the export restrictions have been chosen and why the TA determined that those levels should be adjusted over time (*e.g.*, the tariff increased from 5 percent to 40 percent over the course of two years). Please provide a translated copy of any study or analysis on which the TA relied to determine the appropriate level of the export restriction, including any analysis that quantifies the impact of the export restriction on prices, production, and the production of downstream products.
11. (Answer the following question if quotas are among the measures described in Question 1 above.) Please state whether the TA sets a minimum acceptable price for export quota allocation bids. If the TA sets such a price, describe the TA's methodology for calculating the relevant price. Please provide any relevant study or analysis used to determine the minimum acceptable bid price for the POI and preceding three years.
12. (Answer the following question if quotas are among the measures described in Question 1 above.) Provide a narrative description of the process through which a company applies and is approved for an export quota. Identify the qualifying criteria and explain how these criteria further the stated objectives of the quota. Are different types of companies (*e.g.*, SOEs, FIEs, privately-held companies) treated differently under these criteria? Finally, provide a complete discussion of the circumstances under which the TA denies applications.
13. Do the current laws and regulations allow for any exceptions to the export restrictions? If so, please describe the purpose of these exceptions, and cite relevant regulations identifying these exceptions. What percentage of the relevant input that was exported from Taiwan during the POI was exempted from the export restrictions?
14. Separately, for the POI and each of the preceding three years, please provide the following:
 - a. the annual volume and value of the relevant input produced and sold domestically in Taiwan;
 - b. the annual volume and value of exports of domestically-produced relevant input; and
 - c. the annual volume and value of the relevant input imported into China.Please explain any differences in the quality or grade of the relevant input sold domestically compared to the imported and exported relevant input.
15. (Answer the following question if quotas are among the measures described in Question 1 above.) Please provide the following information for the POI and each of the preceding three years:

- a. The total quantity, in metric tons (MT), of the relevant input export quota.
 - b. The total number of companies that the TA approved for allocations under the quota.
 - c. Any industry-specific quantity allocation (in MT) for industries that received allocations under the quota. In identifying the industries, please use whatever resource or classification scheme the TA normally relies upon to define industries and to classify companies within an industry. Provide the relevant classification guidelines, and please ensure the list provided reflects consistent levels of industrial classification.
 - d. The total number of companies that applied for, but were denied, export quota allocations.
16. Provide supporting documentation and relevant TA customs law regarding import duties and related fees/tariffs for the relevant input during the POI.
17. Provide Taiwan's import duty rate and import VAT rate on imports of the relevant input in effect during the POI.

SECTION II

Change-in-Ownership Appendix

If there were any changes in ownership during the Average Useful Life (AUL), answer the applicable questions below for each change in ownership. Note that some of these questions may not be applicable to every change in ownership. In addition, some of the questions may require input from both the TA as well as the respondent company. Therefore, the TA and the respondent company should coordinate their responses to these questions. However, be sure to clearly identify in the response to each of the change-in-ownership questions the party (e.g., the TA, the company) providing the response to that question.

General Questions

1. If the seller of the assets or shares is a public or TA agency or entity, what is the name and purpose of the agency? To whom does the agency report? Explain in detail the nature of this relationship.
2. Describe any involvement in the sale of the assets or shares by the TA, TA officials, or agencies or institutions that are owned/controlled by the TA.
 - A. Discuss, for example, any participation in any meetings related to the transaction; any actual or promised funds, loans or debt forgiveness, guarantees, or waivers of rights or laws, credits to the bid price or anything else of value, provided (or required) in connection with the transaction(s).
 - B. Provide specific dates and amounts for each such promised funding, loans or debt forgiveness, guarantees, or waivers of rights or laws, credits to the bid price or anything else of value that was provided in connection with the transaction(s).
3. Explain the purpose and expectations of the asset or share sale (e.g., to raise financing, to unload an unprofitable business segment).
 - A. Was the sale part of a larger change-in-ownership plan organized by the TA or a corporate parent? Provide a detailed explanation of any such plan.
 - B. If the plan was implemented, reviewed or ratified by any TA entity, provide copies of all laws or decisions ratifying or approving the implementation of the plan.
4. Were any steps (e.g., assumption/write-off of debt, renegotiation of liabilities or restructuring) taken prior to or concurrent with the sale of the assets or shares? If so, explain in detail.
5. How was the company valued for purposes of the sale? Provide any appraisal or valuation studies (not just the executive summary but the entire study) performed prior to the sale.

In determining the value of the company, were financial statements prepared? If so, provide the financial statement and any accompanying notes.

6. Provide financial statements for the company whose assets or shares were sold for the two years prior to the sale, the year of the sale, and for two years after the sale. (Be sure to specify the extent to which the operations of the business in question are consolidated within larger corporate financial reporting. Specify the level of consolidation reflected in the financial statements provided.) If the change in ownership was announced more than two years prior to the sale, provide financial statements also for two years prior to the announcement and all subsequent years leading up to the sale.
7. At the time of the sale, were any of the parties to the transaction aware of the possibility that production of the company could be subject to countervailing duties in the United States? If so, did this play any role in the transactions, *e.g.*, consideration paid, structure of the company, or terms of the contract for sale? If so, explain and provide documentation.
8. Did the company explicitly pay back any previously received TA assistance prior to the change in ownership of the company? Did the company repay subsidies given under specific programs, or did the company repay a general amount? Provide the details of any repayments along with supporting documentation of the repayment.

Sales Process

If the part of all of the assets or shares of the company were sold through a bidding process, answer the questions in section 9, "Bid Process," below. If part or all of the company was sold through a stock offering, answer the questions in section 10, "Sale of Shares," below. If part or all of the company's assets were sold, answer the questions in section 11, "Sale of Assets," below.

9. Bid Process

- A. Describe in detail the structure of the bid process. Discuss why you adopted this particular bid structure.
- B. Selection of the winning bid.
 - (1) Explain in detail the bid selection criteria and how the winning bid was selected. Were these factors ranked in terms of importance? If so, provide the ranking.
 - (2) Were any factors other than purchase price (*e.g.*, maintenance of employment and production levels, guarantees by the buyer to keep the company in operation, or the company's impact on the economy) considered when selecting the winning bid?
 - (3) Provide a copy of the bid contract and supporting documentation under which the company was sold.

- C. Aside from the purchase price, were there any conditions of sale placed on the buyer, such as investment commitments or employment and production guarantees?
- (1) If so, describe these conditions of sale in detail. What was the reason for requiring these conditions of sale?
 - (2) How were the bidding parties' commitments to these conditions of sale valued or quantified when evaluating the bids?
 - (3) Was the winner of the bidding process free to close the company and liquidate the assets after the company was sold?
- D. Has the buyer met all of the terms and conditions of the bid contract? If not, explain why. What options are available to ensure that the buyer has complied with all of the terms of the purchase agreement?

10. Sale of Shares

- A. Indicate the percentage and the total number of shares (all classes of stock) sold and the price per share as well as the number and percentage of any shares that remained with the seller.
- (1) Identify separately each TA-owned (either directly or indirectly) entity that purchased any of the shares sold, along with the number and percentage of shares purchased by each of those entities. Explain why shares were sold to these TA-owned entities.
- B. Was this a sale of the company's existing shares or of newly issued shares?
- C. How were potential investors in the stock offering selected? Were there any limitations on when certain investors could sell their shares in the company? If so, did all shareholders face the same selling restrictions?
- D. Did the purchase of particular shares (*e.g.*, "golden shares") bestow special rights or privileges on any private or TA-affiliated investor?¹⁵ If so, detail all special rights and privileges attendant to such shares.
- E. Provide any sales contract governing the sale of shares.

¹⁵ A golden share is often characterized as a share which has voting rights capable of exercising a veto over specified or significant changes to the constitution or articles of association of a company.

- (1) Do the terms of the sale of shares require anything other than cash from the buyer, such as investment commitments, debt assumption, worker training commitments, employment guarantees, *etc.*? If so, describe the conditions required and reasons for the conditions.
- (2) Have all buyers met all of terms and conditions of the stock sale? If not, explain why. What options are available to ensure that buyers have complied with all of the terms of the purchase agreement?

11. Sale of Assets

- A. Provide a copy of the sales contract and supporting documentation under which the assets of the company were sold.
- B. Do the terms of the sales contract require anything other than cash from the buyer, such as investment commitments, debt assumption, worker training commitments, employment guarantees, *etc.*? If so, describe the conditions required and reasons for the conditions. Support this explanation with specific citations to relevant portions of the sales contract.
- C. Did any liabilities transfer with the assets sold? If so, quantify amount of liabilities and explain why they were transferred. Support this explanation with specific citations to relevant portions of any sales contract.
- D. Has the buyer met all of the terms and conditions of the sales contract? If not, explain why. What options are available to ensure that the buyer has complied with all of the terms of the purchase agreement?
- E. Were any previously provided subsidies tied, in any way, to the particular assets sold?

Post-Sales Effect on Company

12. Explain whether and how any of the proceeds of the sale of assets or shares were reinvested in the company. For example, were the proceeds used to cover the general financing requirements of the company, or were the proceeds used for expansion of a particular facility or product line?
13. Describe the impact of the sale of shares or assets on the legal and corporate structure of the business producing subject merchandise. Also, describe the legal status of the business before and after the sale. Also, describe in detail the nature of the sale, *e.g.*, whether the sale was an acquisition of the firm by another firm or an equal merging of two companies. Provide all formal documents that describe the sale of the company.
14. Detail any instances in which the sale of the shares or assets resulted in any fundamental change in the general business operations of the company.

- A. Compare and contrast the main business and product segments of the company's operations after the sale with those before the sale. Detail any ways in which the operations are fundamentally different. Were parts (*e.g.*, production lines, subsidiaries, sales divisions) of the company shut down or ceded to other parts of the buyer's operations? Explain the extent to which these changes are consistent with the original goals and expectations of the sale (citing, as appropriate, to provisions in the sales contract or any pre-sale documents).
 - B. Identify the legal and trade names of the company and its main product lines before and after the sale. Explain the reasons for any changes.
 - C. Indicate whether any of the company's suppliers changed as a result of the sale.
 - D. Identify what impact, if any, the sale had on the company's customer base. Also, describe how the sale affected the company's U.S. sales operations.
 - E. Support this narrative with specific citations to the company's financial statements or other source documentation on the record.
15. Detail any instances in which the sale of the shares or assets resulted in any fundamental change in the production facilities of the company.
- A. Identify any production facilities that were acquired or disposed of as a result of the sale. Provide all documentation pertaining to the acquisition or disposal of any assets (*e.g.*, contracts, sales agreements).
 - B. Identify any and all changes in the product lines and production capacity at any of the company's facilities producing the subject merchandise that may have occurred as a result of the sale.
16. Detail any instances in which the sale of shares or assets resulted in any fundamental change in the financial structure of the company.
- A. Indicate what portion of the assets of the company was transferred as a result of this sale. In cases where the assets sold were those of a parent or affiliated company, explain how the sale impacted the business producing subject merchandise.
 - B. Provide a detailed explanation of any instances where the purchaser of the shares or assets did not become legally responsible for the existing and potential liabilities of the company. Support this explanation with specific citations to any relevant portions of the sales contract.
17. Detail any instances in which the sale of shares or assets resulted in any fundamental change in the level and composition of the personnel of the company.

- A. Identify the total number by category (*e.g.*, management, production workers, sales personnel) of any employees whose jobs were created or terminated as a result of the sale. Tie these numbers to any employment figures reported in the company's financial statements.
 - B. Explain how, under the terms of the sale, any existing employment agreements or union contracts were treated. Support this explanation with specific citations to any relevant portions of the sales contract and the union contracts.
 - C. Detail the extent to which the composition and the responsibilities of the Board of Directors of the company changed as a result of the sale.
18. If the transaction was a partial change in ownership (only some portion of the shares or assets of the company were sold), explain to what extent the sale affected control and direction of the company's finances and productive operations.

**SECTION II
ATTACHMENT A**

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 _____ (state the method of service used,

e.g., via ACCESS, by secure electronic transmission, by first class mail, by email, or by hand

delivery) 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)

**SECTION II
ATTACHMENT B**

GOVERNMENT CERTIFICATION*

I, (PRINTED NAME AND TITLE) , currently employed by (GOVERNMENT), certify that I prepared or otherwise supervised the preparation of the attached submission of (IDENTIFY THE SPECIFIC SUBMISSION BY TITLE AND DATE) pursuant to the (INSERT ONE OF THE FOLLOWING: THE (ANTIDUMPING OR COUNTERVAILING DUTY) INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER) or THE (DATES OF POR) (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 AD/CVD ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER). I certify that the information 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, Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that I am filing a copy of this signed certification with this submission to the U.S. Department of Commerce and that I will retain the original for a five-year period commencing with the filing of this document. The original will be available for inspection by U.S. Department of Commerce officials.

Signature: _____
Date: _____

ALTERNATIVE GOVERNMENT CERTIFICATION*

I, (name and title), currently employed by (person), certify that (1) I have read the attached submission, and (2) the information contained in this submission is, to the best of my knowledge, complete and accurate.

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.”

For the legal counsel or other representative:

REPRESENTATIVE CERTIFICATION*

I, (PRINTED NAME) , with (LAW FIRM or OTHER FIRM) , counsel or representative to (COMPANY OR GOVERNMENT OR PARTY) , certify that I have read the attached submission of (IDENTIFY THE SPECIFIC SUBMISSION BY TITLE AND DATE) pursuant to the (INSERT ONE OF THE FOLLOWING: THE (ANTIDUMPING OR COUNTERVAILING DUTY) INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER) or THE (DATES OF POR) (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 AD/CVD ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER). In my capacity as an adviser, counsel, 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, Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that I am filing a copy of this signed certification with this submission to the U.S. Department of Commerce and that I will retain the original for a five-year period commencing with the filing of this document. The original will be available for inspection by U.S. Department of Commerce officials.

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."

SECTION II
ATTACHMENT C: INITIATION CHECKLIST (PUBLIC VERSION)



C-583-877
 Investigation
Public Version
 E&C/OIX: Team

April 23, 2024

**ENFORCEMENT AND COMPLIANCE
 OFFICE OF AD/CVD OPERATIONS
 COUNTERVAILING DUTY INVESTIGATION
 INITIATION CHECKLIST**

SUBJECT: Certain Epoxy Resins from Taiwan
CASE NUMBER: C-583-877

THE PETITIONER:

U.S Epoxy Resin Producers *Ad Hoc* Coalition.¹

LEAD COUNSEL TO THE PETITIONER:

Stephen J. Orava
 King & Spalding LLP
 1700 Pennsylvania Ave, NW
 Washington, DC 20006
 (202) 737-0500

SCOPE: *See* Attachment I – Scope of the Investigation, to this checklist.

APPROXIMATE CASE CALENDAR:

Event	No. of Days	Date of Action	Day of Week
	Countervailing Duty Investigation		
Petition Filed	0	April 3, 2024	Wednesday

¹ The petitioner is the U.S. Epoxy Resin Producers *Ad Hoc* Coalition (the petitioner or Coalition). The Coalition consists of Olin Corporation and Westlake Corporation. For contact information for the members of the Coalition, *see* Petitioner’s Letter, “Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Epoxy Resins from China, India, South Korea, Taiwan and Thailand,” dated April 23, 2024 (Petition), at Volume I (page 6).

Initiation Date	20	April 23, 2024	Tuesday
ITC Preliminary Determination	45	May 20, 2024	Monday*
ITA Preliminary Determination†**	85	June 27, 2024	Thursday
ITA Final Determination†	160	September 10, 2024	Tuesday
ITC Final Determination***	205	October 25, 2024	Friday
Publication of Order****	212	November 1, 2024	Friday

* Where the deadline falls on a weekend/holiday, the appropriate date is the next business day.

† These deadlines may be extended under the governing statute.

** This will take place only in the event of a preliminary affirmative determination from the U.S. International Trade Commission (ITC).

*** This will take place only in the event of a final affirmative determination from the International Trade Administration (ITA).

**** This will take place only in the event of a final affirmative determination from the ITA and the ITC.

Note: The ITC final determination will take place no later than 45 days after a final affirmative ITA determination.

Note: Publication of order will take place approximately seven days after an affirmative ITC final determination.

INDUSTRY SUPPORT:

Does the Petition identify the entire domestic industry, including the names, addresses, and phone numbers of the petitioner and all domestic producers known to the petitioner?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

Does the Petition contain information relating to the degree of industry support for the Petition, including:

The total volume or value of U.S. production of the domestic like product for the most recently completed calendar year?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

The volume or value of the domestic like product produced by the petitioner and each domestic producer identified for the most recently completed calendar year?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

Do the petitioner(s) and those expressing support for the Petition account for more than 50% of production of the domestic like product?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

If No, do those expressing support account for the majority of those expressing an opinion and at least 25% of domestic production?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	Not Applicable

Was there opposition to the Petition from any producers or workers engaged in the production of the domestic like product?

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

Are any of the parties who have expressed opposition to the Petition either importers or domestic producers affiliated with foreign producers?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	Not Applicable

For a detailed analysis of industry support, *see* Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, Taiwan, and Thailand, to this checklist.

INJURY TEST:

Because Taiwan is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Tariff Act of 1930, as amended (the Act), section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from Taiwan materially injure, or threaten material injury to, a U.S. industry.

INJURY ALLEGATION:

The ITC's notice of institution of antidumping and countervailing duty (CVD) investigations was published in the *Federal Register* on April 9, 2024. The notice indicates that the ITC instituted investigations to determine whether there is a reasonable indication that the domestic industry

producing certain epoxy resins (epoxy resins) is materially injured, or threatened with material injury, by reason of imports of epoxy resins from Taiwan.²

The information relevant to material injury, threat of material injury, or material retardation, and causation, including information on the volume of imports, the effect of these imports on prices in the U.S. market, and the consequent impact of imports on the domestic industry, can be found in the Petition at Volume I (pages 22-46 and Exhibits I-4, I-5, I-7, I-14, I-16, and I-24 through I-31); First General Issues Supplement at 15-17 and Exhibits I-S7 and I-S8;³ and Second General Issues Supplement at 8 and Exhibit I-SS6.⁴

For analysis of the injury allegation, *see* Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation the Antidumping and Countervailing Duty Petitions Covering Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, Taiwan, and Thailand, to this checklist.

PETITION REQUIREMENTS:

Does the Petition contain the following?

- a clear and detailed description of the merchandise to be investigated, including the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheadings (*see* Petition at Volume I (pages 8-16 and Exhibits I-7 through I-13, I-33, and I-34); *see also* First General Issues Supplement at 3-10 and Exhibit I-S4; and Second General Issues Supplement at 2-3).
- the name of each country in which the merchandise originates or from which the merchandise is exported (*see* Petition at Volume I at 16).
- the identity of each known exporter, foreign producer, and importer of the merchandise (*see* Petition at Volume I at 16-17 and Exhibits I-15 and I-17; *see also* First General Issues Supplement at 2-3 and Exhibits I-S1 and I-S3).
- import volume and value information for the most recent two-year period (*see* Petition at Volume I (pages 17, 22 through 26, 32, 40, and Exhibit I-24)).
- a statement indicating that the Petition was filed simultaneously with the U.S. Department of Commerce (Commerce) and the ITC (*see* cover letter to the Petition at 5).

² *See Epoxy Resins from China, India, South Korea, Taiwan, and Thailand; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations*, 89 FR 24860 (April 9, 2024).

³ *See* Petitioner's Letter, "Petitioner's Response to Volume I Supplemental Questionnaire," dated April 12, 2024 (First General Issues Supplement).

⁴ *See* Petitioner's Letter, "Petitioner's Response to Second General Issues Supplemental Questionnaire," dated April 18, 2024 (Second General Issues Supplement).

- an adequate summary of the proprietary data (*see* public versions of the Petition, First General Issues Supplement, and Second General Issues Supplement).
- a statement regarding release under administrative protective order (*see* the cover letters to the Petition at 1-5, First General Issues Supplement at i-ii, and Second General Issues Supplement at 1-2).
- a certification of the facts contained in the Petition by an official of the petitioning firm(s) and its legal representative (if applicable) (*see* attachments to the cover letters to the Petition, First General Issues Supplement, Second General Issues Supplement, and Taiwan CVD Supplement).⁵

COUNTERVAILING DUTY ALLEGATIONS:

The proposed period of investigation (POI) is January 1, 2023, through December 31, 2023.

The petitioner filed the Petition on April 3, 2024. On April 8 through 16, 2024, Commerce sought clarification on certain subsidy issues in the Petition.⁶ The petitioner provided additional information in response to Commerce’s questionnaires on April 12 through 18, 2024.⁷

CONSULTATIONS:

Pursuant to section 702(b)(4)(A)(ii) of the Act, on April 4, 2024, we invited representatives of the Taiwan Authorities (TA) for consultations with respect to the CVD petition.⁸ On April 18, 2024, the TA responded to our letter agreeing to have consultations.⁹ We held consultations with the TA on April 19, 2024.¹⁰

COUNTERVAILING DUTY INVESTIGATION INITIATION STANDARD:

Section 702(b) of the Act states that petitioner must allege the elements necessary for the imposition of a CVD under section 701(a) of the Act; *i.e.*, the existence of countervailable

⁵ *See* Petitioner’s Letter, “Certain Epoxy Resins from China, India, South Korea, Taiwan, and Thailand: Petitioner’s Response to Volume X Supplemental Questionnaire (Taiwan Countervailing Duties),” dated April 15, 2024 (Taiwan CVD Supplement).

⁶ *See* Commerce’s Letter, “Supplemental Questions,” dated April 8, 2024; *see also* Commerce’s Letter, “Supplemental Questions,” dated April 8, 2024; and Memorandum, “Phone Call with Counsel to the Petitioner,” dated April 16, 2024.

⁷ *See* First General Issues Supplement; *see also* Taiwan CVD Supplement; and Second General Issues Supplement.

⁸ *See* Commerce’s Letter, “Invitation for Consultations to Discuss the Countervailing Duty Petition,” dated April 4, 2024.

⁹ *See* Memorandum, “Consultations with the Taiwan Authorities,” dated April 19, 2024, at Attachment I (Consultations Memo).

¹⁰ *Id.*

subsidies and material injury, or threat of material injury, by reason of the subsidized imports. Section 702(b)(1) of the Act requires that these allegations be supported by information reasonably available to the petitioner.

PROGRAMS ON WHICH COMMERCE IS INITIATING AN INVESTIGATION

Recommendation: For each of the following programs the petitioner alleged the elements of a subsidy, *i.e.*, financial contribution, benefit, and specificity (description and specific provisions summarized below). We find that the petitioner's allegations are supported by adequate and accurate information that was reasonably available to it. We recommend investigating the programs listed below based on the description and support provided from the petitioner. Unless otherwise noted, we recommend initiating on these programs as alleged by petitioner. Any program below for which we recommend initiating on a different basis than that alleged by petitioner, we state our recommendation under each program.

A. Tax Programs

Unless otherwise noted, for each of the tax programs listed below, the petitioner alleges that it: (1) provides a financial contribution in the form of revenue forgone, pursuant to section 771(5)(D)(ii) of the Act; (2) is *de facto* specific under section 771(5A)(D)(iii)(I) of the Act because the actual recipients of the subsidy, whether on an enterprise or industry basis, are limited in number; and (3) confers the benefit in the amount of revenue forgone under 19 CFR 351.509(a)(1).

1. Tax Incentives for Research and Development (R&D) Credits

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 6-8 and Exhibits X-1, X-9, X-14, X-23, X-26, X-43, and X-56); and pages 1-5 of the Taiwan CVD Supplement. The petitioner alleges that under Article 10 of the Statute for Industrial Innovations (SII), the TA provides companies that have not committed serious violations of environmental, employment, or food safety laws with R&D tax incentives. The petitioner also alleged that Article 10-1 of the SII states that only companies engaging in certain types of R&D activities can benefit from the tax credit. The petitioner states that these R&D incentives enable companies to credit R&D expenditures against up to 30 percent of a company's income tax liability, either by deducting up to 15 percent of the company's R&D expenditures from income tax for the current year, or by deducting up to 10 percent of R&D expenditures for three years. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program.

Specificity: The petitioner also alleges that this program is *de jure* specific under section 771(5A)(D)(i) of the Act, because this program is only available to companies that have not committed serious violations of environmental, employment, or food safety laws and that Article 10-1 of the SII states that only companies engaging in certain types of R&D activities can benefit from the tax credit.

Recommendation: We recommend initiating on this program based on the allegation that it is *de facto* specific under section 771(5A)(D)(iii)(I) of the Act because the number of recipients of the subsidy is limited in number.

2. Tariff Exemption for Imported Equipment

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 8-10 and Exhibits X-9 and X-26). The petitioner asserts that to revitalize non-technology-related industries in Taiwan, the TA allows certain manufacturers and technical service providers to receive tariff exemptions on the machinery and equipment that they import. The petitioner states that the applicant must submit a tariff exemption application to the authority overseeing the industry to which the machinery, equipment, or instrument is related. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program. The petitioner also notes that Commerce previously found this program to be countervailable.¹¹

3. Shareholder's Investment Tax Credit for Participation in Infrastructure Projects

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 10-12 and Exhibit X-9). The petitioner states that under the Act of Promotion for Private Participation in Infrastructure Projects (PPPIPA), private companies participating in major infrastructure projects may receive a tax credit for up to 20 percent of the subscription price for registered shares against the business income tax payable for the current year. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program. The petitioner also notes that Commerce previously found this program to be countervailable.¹²

4. Shareholder's Investment Tax Credit for Investment in Newly Emerging, Important, and Strategic Industries

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 12-14 and Exhibits X-9 and X-33). The petitioner states that pursuant to the Article 8 of the Statute for Upgrading Industries, the TA provides investment tax credits for investment in newly emerging, important, and strategic industries to support economic development and high-risk industries. The petitioner further states that a profit-seeking enterprise investor, who subscribes to the registered stock issued by a company within the newly emerging, important, and strategic industries may credit up to 20 percent of the price paid for acquisition of such stock. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program. The petitioner also notes that Commerce previously found this program to be countervailable.¹³

¹¹ See *Non-Oriented Electrical Steel from Taiwan: Final Affirmative Countervailing Duty Determination*, 79 FR 61602 (October 14, 2014) (*NOES from Taiwan*), and accompanying Issues and Decision Memorandum (IDM) at 13-14.

¹² *Id.* at 15-16.

¹³ *Id.* at 16-17.

5. Building and Land Value Tax Deduction for Supplying to Major Infrastructure Projects

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 14-15 and Exhibits X-9 and X-34). The petitioner states that pursuant to Article 39 of PPPIPA, the TA administers the building and land value tax deduction for supplying to major infrastructure projects. The petitioner also states that under PPPIPA, private institutions participating in the building or operation of a major infrastructure project are eligible for a reduction or exemption from the land value tax, building tax, or deed tax. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program. The petitioner also notes that Commerce previously found this program to be countervailable.¹⁴

Specificity: The petitioner alleges that this program is *de jure* specific under section 771(5A)(D)(i) of the Act, because this program is only available to companies participating in major infrastructure projects.

6. Major Infrastructure Projects – Land Lease Program

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 15-16 and Exhibits X-1, X-9, and X-26). The petitioner states that pursuant to Article 46 of PPPIPA, the TA administers the major infrastructure projects – land lease program. Companies participating in infrastructure projects are eligible for a 40 percent discount off standard lease rates. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program. The petitioner also notes that Commerce previously found this program to be countervailable.¹⁵

Specificity: The petitioner alleges that this program is *de jure* specific under section 771(5A)(D)(i) of the Act, because this program is only available to companies participating in major infrastructure projects.

7. Capitalization of Earnings

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 16-17 and Exhibits X-1, X-9, X-14, and X-26); and pages 6-9 and Exhibit X-S12 of the Taiwan CVD Supplement. The petitioner alleges that under Article 23-3 of the SII, companies that use undistributed earnings to make substantive investments by purchasing or constructing buildings, software or hardware equipment, or technology for use in production are eligible for tax incentives. Under Article 23-3 of the SII, provided in Exhibit X-26, companies meeting these conditions may deduct those expenses from their undistributed earnings, thus reducing the taxable amount of undistributed earnings under the profit-seeking enterprise income tax. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program.

¹⁴ *Id.* at 19-20.

¹⁵ *Id.* at 20-21.

Specificity: The petitioner also alleges that this program is *de jure* specific under section 771(5A)(D)(i) of the Act, because only companies that meet the requirements of Article 23-3 of the SII may qualify for this program. According to the petitioner, to qualify for the tax benefits, firms must make “substantial” investments of over NT\$1 million and they must have undistributed surplus earnings.

Recommendation: We recommend initiating on this program based on the allegation that it is *de facto* specific under section 771(5A)(D)(iii)(I) of the Act because the number of recipients of the subsidy is limited in number.

8. Smart Machinery and 5G Equipment Investment

Information to support the petitioner’s allegation regarding this program can be found in the Petition at Volume X (pages 17-19 and Exhibits X-1, X-9, X-14, and X-26); and pages 9-10 and Exhibit X-S13 of the Taiwan CVD Supplement. The petitioner alleges that under Article 10-1 of the SII, the TA provides companies that have not committed serious violations of environmental, employment, or food safety laws tax incentives for investing in smart machines, 5G equipment, or cyber security for their own use. The petitioner states that companies may participate in this program if eligible investments of between one million Taiwan Dollars (TWD) and one billion TWD are made. The petitioner claims that companies may deduct up to five percent of eligible expenditures from their income tax burden for the current year, or three percent of the eligible expenses for three years, starting with the current year. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program.

Specificity: The petitioner also alleges that this program is *de jure* specific under section 771(5A)(D)(i) of the Act, because under Article 10-1 of the SII only companies investing in certain types of equipment can benefit from the tax credit.

Recommendation: We recommend initiating on this program based on the allegation that it is *de facto* specific under section 771(5A)(D)(iii)(I) of the Act because the number of recipients of the subsidy is limited in number.

B. Lending Programs

Unless otherwise noted, for each of the loan programs listed below, the petitioner alleges that it: (1) provides a financial contribution in the form of a direct transfer of funds, pursuant to section 771(5)(D)(i) of the Act; (2) is specific under according to section 771(5A)(A) and (B) of the Act because eligibility for this program is contingent upon export performance; and (3) confers the benefit equal to the difference between what the recipients paid on the loans and the amount that they would have paid on comparable commercial loans under section 771(5)(E)(ii) of the Act.

1. Eximbank Medium and Long-Term Export Credit

Information to support the petitioner’s allegation regarding this program can be found in the Petition at Volume X (pages 23-25 and Exhibit X-37). The petitioner alleges that through this program the Taiwan Eximbank extends supplier’s credit to foreign buyers for obtaining medium

and long-term loans for the purchase of machinery, equipment, and capital goods, including industrial products, from Taiwan to assist Taiwanese exporters. Under this program, the Taiwanese exporter can apply to receive funds amounting up to 85 percent of the value of the contract after the delivery of goods directly from the Eximbank. According to the petitioner, the Eximbank provides the foreign buyer with an installment facility based on competitive interest rates under the conditions that the foreign buyer makes a 15 percent downpayment prior to the shipment and provides a guarantee considered acceptable by the Eximbank. The petitioner asserts that reasonably available evidence suggests that Taiwanese producers and/or exporters of epoxy resin are likely to have benefited from this program.¹⁶

2. Eximbank Medium and Long-Term Import Credit

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 25-26 and Exhibits X-46); and pages 14-15 and Exhibit X-S5 of the Taiwan CVD Supplement. The petitioner states that under this program, the Taiwan Eximbank provides medium and long-term credit to help local manufacturers import eligible products, including "precision instruments or equipment, foreign technology, industrial raw material, machinery parts, or spare parts manufactured for export."¹⁷ Eligibility to apply for credit under this program is limited to duly registered manufacturers, engineering companies, or trading companies in Taiwan. The petitioner alleges that the credit terms are up to 10 years for the import of precision instruments and equipment or foreign technology and up to three years for the import of raw materials or spare parts. Under this program, the credit amount to importers shall not exceed 85 percent of the total import value, and the interest rate is the six-month TAIFX3 rate plus margin in U.S. dollars (USD) or the six-month TAIBOR rate plus margin in TWD. Repayment can be made in installments or in lump sum upon final maturity of the loan. The petitioner notes that Commerce has found that similar credits and loans from state-banks from other countries were specific and countervailable.¹⁸ The petitioner asserts that reasonably available evidence suggests that Taiwanese producers and/or exporters of epoxy resin are likely to have benefited from this program.¹⁹

Specificity: The petitioner alleges that this program is *de facto* specific under section 771(5A)(D)(iii) of the Act because the recipients of benefits under this program are limited in number.

3. Eximbank Overseas Investment Credit

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 26-27 and Exhibit X-47); and pages 16-17 of the Taiwan CVD Supplement. The petitioner alleges that under this program the Taiwan Eximbank aims to help "local manufacturers in overseas investments to enable them to expand foreign markets or

¹⁶ See Petition at Volume X (page 23 and Exhibit X-9).

¹⁷ *Id.* at 25.

¹⁸ See Taiwan CVD Supplement at 15 (citing *e.g.*, *Oil Country Tubular Goods from the Republic of Korea: Final Affirmative Countervailing Duty Determination*, 87 FR 59056 (September 29, 2022), and accompanying IDM at 13-14).

¹⁹ See Petition at Volume X (page 23 and Exhibit X-9).

develop major resources.”²⁰ Applicants for this program must be local companies approved by or that have filed reports with the Investment Commission under the TA’s Ministry of Economic Affairs (MOEA) to invest overseas. The petitioner alleges that eligible credit items include “machinery, equipment, parts, raw materials, semi-finished products, or finished products.”²¹ Under this program, companies can receive a credit amount up to 80 percent of the foreign share capital investment amount and an interest rate of six-month TAFX3 rate plus margin in USD or the six-month TAIBOR rate plus margin in TWD. The petitioner states that the credit period shall not exceed seven years, but that exceptions can be granted in certain circumstances. The petitioner asserts that reasonably available evidence suggests that Taiwanese producers and/or exporters of epoxy resin are likely to have benefited from this program.²²

Specificity: The petitioner alleges that this program is *de facto* specific under section 771(5A)(D)(iii) of the Act because the recipients of benefits under this program are limited in number.

4. Eximbank Short-Term Export Credit

Information regarding this program can be found in the Petition at Volume X (pages 27-28 and Exhibit X-48). The petitioner states that, under this program, the Taiwan Eximbank offers short-term credits to local manufacturers in order to promote exports. The petitioner alleges that applicants eligible for this program are local firms that have obtained foreign letters of credit, export contracts, or purchase orders accepted by the Eximbank, and eligible products include products “manufactured or assembled in Taiwan, or goods purchased from Taiwanese exporters but shipped abroad.”²³ The petitioner also states that financing under this program shall not exceed a period of one year, and the interest rate is the six-month TAFX3 rate plus the applicable margin in USD or the six-month TAIBOR rate plus the applicable margin in TWD. The petitioner asserts that reasonably available evidence suggests that Taiwanese producers and/or exporters of epoxy resin are likely to have benefited from this program.²⁴

5. Eximbank General Export Credit

Information to support the petitioner’s allegation regarding this program can be found in the Petition at Volume X (pages 29-30 and Exhibit X-49). According to the exhibit the petitioner provided, the Taiwan Eximbank offers various export credit facilities to help local manufacturers obtain working capital to expand exports.²⁵ The petitioner states that eligible products include “equipment, machinery, hardware, office equipment, electric equipment, and industrial products and components,” and duly registered manufacturers, engineering companies, or trading companies in Taiwan are able to apply to receive benefits under this program.²⁶ The petitioner alleges that financing for standby letters of credit or deferred payment letters of credit shall not exceed 85 percent of the export amount, excepting for 720 days usance letters of credit, and the

²⁰ *Id.* at 26.

²¹ *Id.*

²² See Taiwan CVD Supplement at 16-17.

²³ See Petition at Volume X (page 28 and Exhibit X-48).

²⁴ *Id.* at 23 and Exhibit X-9.

²⁵ *Id.* at Exhibit X-49.

²⁶ *Id.* at 29.

financing term shall not exceed two years from the date of shipment. According to the exhibit provided by the petitioner, the interest rate under this program is “fixed as offered by the Eximbank.”²⁷ The petitioner asserts that reasonably available evidence suggests that Taiwanese producers and/or exporters of epoxy resin are likely to have benefited from this program.²⁸

6. Eximbank Export Guarantee

Information to support the petitioner’s allegation regarding this program can be found in Volume X of the Petition (pages 30-31 and Exhibit X-50); and page 19 of the Taiwan CVD Supplement. The petitioner alleges that the Taiwan Eximbank provides local manufacturers with export guarantees, such as bid bonds, performance bonds, advance payment bonds, and other related export guarantees, to assist in expanding their foreign markets. The petitioner alleges that applicants for this program are duly registered manufacturers, engineering companies, and trading companies. According to the exhibit provided by the petitioner, the Eximbank will issue a letter of guarantee or stand-by letter of credit, in which the guarantee amount and guarantee fee are both determined by the Eximbank on a case-by-case basis. The petitioner asserts that reasonably available evidence suggests that Taiwanese producers and/or exporters of epoxy resin are likely to have benefited from this program.²⁹

Benefit: The petitioner alleges that this program provides a benefit, in accordance with section 771(5)(E)(iii) of the Act, equal to the difference, after adjusting for any difference in guarantee fees, between the amount the recipient of the guarantee pays on the guaranteed loan and the amount the recipient would pay for a comparable commercial loan if there were no guarantee by the TA.

7. Eximbank Import Guarantee

Information to support the petitioner’s allegation regarding this program can be found in the Petition at Volume X (pages 31-32 and Exhibit X-51); and pages 19- 21 of the Taiwan CVD Supplement. The petitioner alleges that under this program the Taiwan Eximbank provides payment guarantees to foreign suppliers and assists local manufacturers in obtaining facilities, spare parts, and raw materials from abroad. According to the exhibit provided by the petitioner, the Eximbank will issue a letter of guarantee or a stand-by letter of credit, in which the guarantee amount and guarantee fee rate are determined on a case-by-case basis by the Eximbank. The petitioner also notes that duly registered local manufacturers or trading companies of scale are eligible to apply to receive benefits under this program. The petitioner provided reasonable information that Taiwanese epoxy resin producers and/or exporters may have received benefits under this program.³⁰

Benefit: The petitioner alleges that this program provides a benefit, in accordance with section 771(5)(E)(iii) of the Act, equal to the difference, after adjusting for any difference in guarantee fees, between the amount the recipient of the guarantee pays on the guaranteed loan and the

²⁷ *Id.* at Exhibit X-49.

²⁸ *Id.* at 23 and Exhibit X-9.

²⁹ *Id.*

³⁰ *See* Taiwan CVD Supplement at 20.

amount the recipient would pay for a comparable commercial loan if there were no guarantee by the TA.

Specificity: The petitioner alleges that this program is *de facto* specific under section 771(5A)(D)(iii) of the Act because the recipients of benefits under this program are limited in number.

8. Eximbank Export Credit Insurance

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 32-33 and Exhibit X-52); and pages 21-22 and Exhibit X-S6 of the Taiwan CVD Supplement. The petitioner alleges that the Taiwan Eximbank provides several types of export credit insurance, including Comprehensive Export Credit Insurance for D/P, D/A Transactions;³¹ Comprehensive Export Credit Insurance for Open Account Transactions; and GlobalSure Credit Insurance, to Taiwanese exporters. According to the exhibit provided by the petitioner, exporters in Taiwan can be insured under these programs, and the insurance period, insured amount, and insurance premiums vary by program. Additionally, the petitioner's exhibit demonstrates that the Eximbank also provides Overseas Investment Insurance, which protects different types of overseas investments against various political risks. The petitioner asserts that reasonably available evidence suggests that Taiwanese producers and/or exporters of epoxy resin are likely to have benefited from this program.³²

Benefit: The petitioner alleges that this program provides a benefit pursuant to 19 CFR 351.520(a)(1) because the premium rates charged are likely inadequate to cover the long-term operating costs and losses of the program.³³

9. Low-Interest Loans for Upgrade of Machinery and Equipment

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 33-34 and Exhibit X-14); and pages 22-24 and Exhibit X-S3 of the Taiwan CVD Supplement. The petitioner alleges the TA offers financing incentives for the purchase of machinery for an upgrade project. According to the petitioner, the maximum loan amount offered under this program is 80 percent of the cost of the machinery purchased for a project, except for loans to purchase net zero emissions machinery and equipment, which is capped at one billion TWD. Additionally, the total loan amount for each applicant is capped at 400 million TWD. The petitioner notes that although the WTO Secretariat reported that this program was only enforced until December 15, 2022,³⁴ that loans under this program are valid until December 15, 2025.³⁵ The petitioner provided information that Taiwanese epoxy resin producers and/or exporters may have received benefits under this program.³⁶

³¹ *Id.* at Exhibit X-S7.

³² *See* Petition at Volume X (page 23 and Exhibit X-9).

³³ *See* Taiwan CVD Supplement at 21.

³⁴ *See* Petition at Volume X (page 33).

³⁵ *See* Taiwan CVD Supplement at Exhibit X-S3.

³⁶ *Id.* at 23.

Specificity: The petitioner alleges that this program is *de facto* specific under section 771(5A)(D)(iii) of the Act because the recipients of benefits under this program are limited in number.³⁷

C. Grant Programs

Unless otherwise noted, for each of the grant programs listed below, the petitioner alleges that it: (1) provides a financial contribution in the form of a direct transfer of funds, pursuant to section 771(5)(D)(i) of the Act; (2) is *de facto* specific under section 771(5A)(D)(iii)(I) of the Act because the actual recipients of the subsidy, whether on an enterprise or industry basis, are limited in number; and (3) confers the benefit equal to the amount of the grant under section 771(5)(E) of the Act and 19 CFR 351.504(a).

1. Industrial Energy Technology Program

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 34-35 and Exhibits X-1, X-6, X-9, X-14, X-25, and X-39); and pages 24-25 of the Taiwan CVD Supplement. The petitioner alleges that the MOEA's Bureau of Energy (BOE) offers subsidies to Taiwanese companies seeking to develop innovative energy technologies and to encourage specialization and integration in the energy sector. According to the exhibits provided by the petitioner, companies may apply for benefits under this program as long as they are registered in Taiwan and the company holds net positive value and has non-dishonored bank accounts. The petitioner states that according to the WTO, the TA reported only 139 users of this program from 2018 through 2022. The petitioner argues that since the manufacture of epoxy resins is highly energy intensive and that since Taiwanese epoxy resin producers have reported energy saving projects and technology in their annual reports, it is reasonable to assume that Taiwanese epoxy resin producers may have benefitted from this program.

2. Industrial Upgrade and Innovation Platform Program

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 37-38 and Exhibits X-1, X-9, X-14, and X-28); and pages 27-28 and Exhibits CC through DD of the Taiwan CVD Supplement. The petitioner alleges that the TA provides grants to encourage R&D. The petitioner states that companies can receive subsidies up to 40 percent of the cost for certain R&D projects proposed by the company and approved by the MOEA, and up to 50 percent for theme lead projects, which are based on theme programs adopted by the TA. The petitioner claims that this program is part of the TA's efforts to promote investment and production in Taiwan. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program.

Specificity: The petitioner also alleges that this program is *de jure* specific under section 771(5A)(D)(i) of the Act, because it is limited to projects in certain key industrial technologies.

³⁷ *Id.* at 23-24.

Recommendation: We recommend initiating on this program based on the allegation that it is *de facto* specific under section 771(5A)(D)(iii)(I) of the Act because the number of recipients of the subsidy is limited in number.

3. Conventional Industry Technology Development³⁸

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 38-40 and Exhibits X-1, X-9, X-30, and X-35); and pages 28-29 of the Taiwan CVD Supplement. The petitioner alleges the TA provides subsidies through the conventional industry technology development program according to the Act for Industrial Innovation and MOEA's Regulations on the Funding and Assistance for Industry Innovation Activities. The petitioner claims that under this program the MOEA's Industry Development Bureau provides grants of up to 50 percent of the budget for projects related to R&D and improving existing skills and products. According to the petitioner, for companies to be eligible under this program, they must be incorporated in Taiwan and never listed as a refusal account by any bank. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program. The petitioner also notes that Commerce previously found this program to be countervailable.³⁹

4. Self-Evaluation Service

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 42-44 and Exhibit X-1); and page 32 of the Taiwan CVD Supplement. The petitioner alleges that this program has been in effect since June 8, 2010 and is implemented by the China Productivity Center (CPrC), a non-profit foundation. The petitioner states that this program seeks to boost self-evaluation among enterprises, especially the system developed based on the standards of the National Quality Award. According to the petitioner, the TA aims to improve companies' understandings of their competitive advantages and weaknesses, as well as areas for improvement through this program. The petitioner claims that the TA reimburses the CPrC for a portion of the costs of its evaluation services that it provides to companies under this program. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program. The petitioner also notes that Commerce previously found this program to be countervailable.⁴⁰

D. Provision of Goods for Less Than Adequate Remuneration (LTAR)

For the LTAR program listed below, the petitioner alleges that: (1) a financial contribution is conferred *via* the TA's provision of goods or services, pursuant to section 771(5)(D)(iii) of the Act; (2) it is *de facto* specific under section 771(5A)(D)(iii)(I) of the Act because recipients are limited in number; and (3) it confers the benefit because goods or services are provided for LTAR under section 771(5)(E)(iv) of the Act.

³⁸ The petitioner alleged this program under the title "Promotion for Industry Innovation." We have used the title for the program as it appeared in *NOES from Taiwan*.

³⁹ See *NOES from Taiwan* IDM at 17-18.

⁴⁰ *Id.* at 18-19.

1. Provision of Electricity for LTAR

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 44-50 and Exhibits X-1, X-5, X-9, X-11 through X-22, X-40, and X-41); and pages 32-33 of the Country CVD Supplement. The petitioner alleges that the TA's MOEA BOE is responsible for implementing legislation related to energy, and that the TA-owned Taiwan Power Co. (TPC) has the exclusive right for electricity transmission and distribution in Taiwan. The petitioner alleges that the TA intervened in the electricity market through the MOEA's Electricity Tariff Examination Council which is responsible for reviewing and adjusting tariffs implemented by TPC. The petitioner argues that the TA has intervened to control electricity prices to promote industrial goals, which has led to large losses for TPC in 2022, 2023, and forecasted for 2024. According to the petitioner, TPC models itself off of the Republic of Korea's state-owned Korea Electric Power Corporation (KEPCO), and notes that Commerce has previously found the provision of electricity for LTAR by KEPCO to be countervailable.⁴¹ Therefore, the petitioner alleges that electricity prices in Taiwan are not set by market forces and are instead set by the TA. Further, the petitioner asserts that epoxy resin production is highly energy intensive, and notes that manufacturing and petrochemical sectors are among Taiwan's main energy consumers. Thus, the petitioner provided information to support their allegation that the TA provides electricity at LTAR to benefit the chemical sector, which includes the epoxy resin industry.

PROGRAMS ON WHICH COMMERCE IS NOT INITIATING AN INVESTIGATION

Recommendation: For the programs below, we recommend not initiating on the allegation based on the description and support provided by the petitioner. We identify the basis why initiation is not appropriate at this time under each program.

1. Technology Introduction

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 19-20 and Exhibits X-1, X-9, X-14, and X-45); and pages 11-12 of the Taiwan CVD Supplement. The petitioner alleges that, under Article 4 of the Income Tax Act, the TA provides tax exemptions related to royalty payments to foreign companies. Under Article 4 of the Income Tax Act in Exhibit X-45, foreign companies are exempt from income tax on income from royalty payments paid by a Taiwanese company for imported technologies or products using patents, trademarks, or other rights of the foreign company, or technical services provided in Taiwan by the foreign company. The petitioner states that the TA's MOEA's Industrial Development Bureau must approve a firm's eligibility for this program. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program.

⁴¹ See, e.g., *Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea: Final Results and Rescission, in Part, of Countervailing Duty Administrative Review; 2021*, 88 FR 61509 (September 7, 2023), and accompanying IDM at 12-16.

Recommendation: We recommend not initiating on the allegation based on the description and support provided by the petitioner. The petitioner alleged that Taiwanese epoxy resin producers may have benefitted from this program. However, under 19 CFR 351.509(a)(1), a benefit exists for income tax programs to the extent that the tax paid by a firm as a result of the program is less than the firm would have paid in absence of the program. Because this tax exemption is explicitly for foreign firms, it does not relieve the Taiwanese company of any tax obligations normally incurred. Further, the petitioner did not provide information indicating that Taiwanese epoxy resin producers are foreign firms or work with foreign firms which would have benefitted under this program.⁴² Therefore, there is no evidence on the record that Taiwanese epoxy resin producers could have benefitted under this program.

2. Greenhouse Gas Emission Credits

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 20-23 and Exhibits X-1, X-14, X-29, and X-54); and pages 12-14 and Exhibit X-S15 of the Taiwan CVD Supplement. The petitioner alleges that under the Climate Change Response Act (CCRA) of 2023, the TA sets its framework to transition to net-zero by 2050, which includes providing the TA's Environmental Protection Authority (EPA) the power to impose carbon fees on greenhouse gas (GHG) emissions. The petitioner states that these fees could be based on the direct or indirect source of the emissions, including fees on the usage of electricity based on the GHG emissions generated from the owner of emission source. The petitioner also states that importers of certain goods must also report emissions and purchase emission credits for the difference between the EPA's audited emission amount and the amount reported. The petitioner alleges that entities subject to carbon fees may apply for a preferential carbon fee rate from the EPA if they switch to low carbon energy sources, use renewable energy, adopt negative emissions technology, or take other measures to reduce emissions. Additionally, the petitioner alleges that entities may also seek reduction credits from the EPA, which reduce the amount of emissions subject to fees, by registering a project design document with the EPA and implementing that project to reduce emissions. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program.

Recommendation: We recommend not initiating on the allegation based on the description and support provided by the petitioner. The petitioner argues that this program is *de jure* specific under section 771(5A)(D)(i) of the Act because it is limited to entities subject to carbon fees and that take measures to reduce GHG emissions. However, under section 771(5A)(D)(i) of the Act, a program is *de jure* specific because the recipients are limited by law to certain enterprises or industries. The petitioner failed to demonstrate that this program is limited to certain enterprises or industries by being limited to companies subject to carbon fees or that carbon fees are limited to certain enterprises or industries.

3. Global R&D Innovation Partner Program

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 36-37 and Exhibits X-1, X-9, X-14, and X-27); and pages 25-26 and Exhibits X-S3 and X-S8 of the Taiwan CVD Supplement. The petitioner alleges that

⁴² See Taiwan CVD Supplement at 25.

through this program, the TA encourages foreign companies to engage in R&D with Taiwanese companies by subsidizing up to 50 percent of the R&D budget for a project. According to information from the MOEA in Exhibit X-27, eligible participants in this program are foreign companies conducting R&D in Taiwan, and joint R&D projects between Taiwanese companies and foreign companies. The petitioner provided information indicating that two Taiwanese epoxy resin producers are multinational corporations.

Recommendation: We recommend not initiating on the allegation based on the description and support provided by the petitioner. The petitioner alleged that Nan Ya Plastics Corporation and Chang Chun Plastics Co., Ltd. are multinational companies with facilities located outside of Taiwan. However, according to information from the MOEA provided by the petitioner in Exhibit X-27, participation in this program is limited to foreign companies conducting R&D in Taiwan and R&D projects conducted jointly between foreign and Taiwanese companies. The petitioner failed to provide information indicating that Taiwanese epoxy resin producers are foreign companies or have R&D partnerships with foreign companies in Taiwan and, thus, could have benefited under this program.⁴³

4. Fee Assistance with Verification of Greenhouse Gas Emission Inventory

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 40-41 and Exhibits X-1, X-5, X-13, X-14, X-29, and X-40); and pages 29-31 of the Taiwan CVD Supplement. The petitioner alleges that the TA provides grants to encourage companies in the energy sector to understand and verify their GHG emissions under this program since March 26, 2010. The petitioner states that this program provides companies with funds to cover the cost of verifying its emissions as well as for implementing steps to reduce GHG emissions. The petitioner states that Taiwanese epoxy resin producers may have benefitted from this program, since a Taiwanese producer reported energy saving plans in its financial statements. The petitioner also notes that Commerce previously found this program to be countervailable.⁴⁴

Recommendation: We recommend not initiating on the allegation based on the description and support provided by the petitioner. The petitioner alleged that Taiwanese epoxy resin producers may have benefitted from this program. However, in *NOES from Taiwan*, Commerce found that the eligibility for participation in this program is limited to “{c}ompanies in the energy industries, which include the (1) petroleum refining industry, (2) natural gas industry, (3) power generation industry, and (4) cogeneration power plants.”⁴⁵ The petitioner did not provide evidence that epoxy resin producers would be eligible under one of the four aforementioned categories.

5. Grant Assistance with Verification of Greenhouse Gas Emission Inventory

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 41-42 and Exhibits X-1, X-5, X-13, X-29, and X-40); and pages 31-

⁴³ *Id.*

⁴⁴ See *NOES from Taiwan* IDM at 25-26.

⁴⁵ *Id.* at 26.

32 of the Taiwan CVD Supplement. The petitioner alleges that the TA provides grants under Article 33 of the CCRA for companies taking actions to reduce their emissions and efforts to conduct R&D for technologies to reduce emissions. The petitioner claims that because the TA provides subsidies to companies to reduce GHG emissions and the epoxy resin industry is energy intensive, this program is *de jure* specific under section 771(5A)(D)(i) of the Act. The petitioner provided information indicating that Taiwanese epoxy resin producers may have benefitted from this program.

Recommendation: We recommend not initiating on the allegation based on the description and support provided from the petitioner. Under section 771(5A)(D)(i) of the Act, a program is *de jure* specific because the recipients are limited by law to certain enterprises. However, the petitioner provided no evidence that the CCRA or other TA legislation limits the eligibility to receive grants under this program to certain industries or enterprises.

6. Provision of Gas for LTAR

Information to support the petitioner's allegation regarding this program can be found in the Petition at Volume X (pages 50-53 and Exhibits X-1, X-9, X-13, X-14, X-22 through X-24, and X-40); and pages 33-35 and Exhibits X-S4 and X-S9 of the Taiwan CVD Supplement. The petitioner alleges that the TA provides natural gas for LTAR through the TA-owned CPC Corporation (CPC) that controls almost the entire market in Taiwan for natural gas. The petitioner states that CPC has had financial losses, which demonstrates that it is selling to energy intensive industries, including the epoxy resin industry, at below market rates. Further, the petitioner claims that the TA have price controls in place for natural gas under the Natural Gas Enterprise Act. The petitioner argues that since natural gas is a main energy source in Taiwan, it is reasonable to assume that Taiwanese epoxy resin producers purchased gas for LTAR from CPC. Further, the petitioner also notes that Commerce has previously found natural gas for LTAR programs in other countries to be countervailable.⁴⁶

Recommendation: We recommend not initiating on the allegation based on the description and support provided by the petitioner. The petitioner alleged that Taiwanese epoxy resin producers received a benefit in the form of goods provided for LTAR under 19 CFR 351.511(a), for which a benefit may exist in a case where goods and services are provided. However, the petitioner did not provide evidence that natural gas was provided to or purchased by Taiwanese epoxy resin producers.

RECOMMENDATION:

We examined the accuracy and adequacy of the evidence provided in the Petition, as discussed in this checklist and attachments, and recommend determining that the evidence is sufficient to support the initiation of a CVD investigation with regard to Taiwan. We also recommend determining that the Petition was filed by, or on behalf of, the domestic industry.

⁴⁶ See, e.g., *Phosphate Fertilizers from the Russian Federation: Final Affirmative Countervailing Duty Determination*, 86 FR 9479 (February 16, 2021), and accompanying IDM at 8.

ATTACHMENTS:

- I. Scope of the Investigation
- II. Analysis of Industry Support
- III. Analysis of Allegations and Evidence of Material Injury and Causation

Attachment I

Scope of the Investigation

The merchandise subject to this investigation are fully or partially uncured epoxy resins, also known as epoxide resins, polyepoxides, oxirane resins, ethoxyline resins, diglycidyl ether of bisphenol, (chloromethyl)oxirane, or aromatic diglycidyl, which are polymers or prepolymers containing epoxy groups (*i.e.*, three-membered ring structures comprised of two carbon atoms and one oxygen atom). Epoxy resins range in physical form from low viscosity liquids to solids. All epoxy resins are covered by the scope of this investigation irrespective of physical form, viscosity, grade, purity, molecular weight, or molecular structure, and packaging.

Epoxy resins may contain modifiers or additives, such as hardeners, curatives, colorants, pigments, diluents, solvents, thickeners, fillers, plasticizers, softeners, flame retardants, toughening agents, catalysts, Bisphenol F, and ultraviolet light inhibitors, so long as the modifier or additive has not chemically reacted so as to cure the epoxy resin or convert it into a different product no longer containing epoxy groups. Such epoxy resins with modifiers or additives are included in the scope where the epoxy resin component comprises no less than 30 percent of the total weight of the product. The scope also includes blends of epoxy resins with different types of epoxy resins, with or without the inclusion of modifiers and additives, so long as the combined epoxy resin component comprises at least 30 percent of the total weight of the blend.

Epoxy resins that enter as part of a system or kit with separately packaged co-reactants, such as hardeners or curing agents, are within the scope. The scope does not include any separately packaged co-reactants that would not fall within the scope if entered on their own.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing modifiers or additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The scope also includes epoxy resin that is commingled or blended with epoxy resin from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope are phenoxy resins, which are polymers with a weight greater than 11,000 Daltons, a Melt Flow Index (MFI) at 200°C (392°F) no less than 4 grams and no greater than 70 grams per 10 min, Glass-Transition Temperatures (Tg) no less than 80°C (176°F) and no greater than 100°C (212°F), and which contain no epoxy groups other than at the terminal ends of the molecule.

Excluded from the scope are certain paint and coating products, which are blends, mixtures, or other formulations of epoxy resin, curing agent, and pigment, in any form, packaged in one or more containers, wherein (1) the pigment represents a minimum of 10 percent of the total weight of the product, (2) the epoxy resin represents a maximum of 80 percent of the total weight of the product, and (3) the curing agent represents 5 to 40 percent of the total weight of the product.

Excluded from the scope are preimpregnated fabrics or fibers, often referred to as “pre-pregs,” which are composite materials consisting of fabrics or fibers (typically carbon or glass) impregnated with epoxy resin.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 3907.30.0000. Subject merchandise may also be entered under subheadings 3907.29.0000, 3824.99.9397, 3214.10.0020, 2910.90.9100, 2910.90.9000, 2910.90.2000, and 1518.00.4000. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Attachment II

Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, Taiwan, and Thailand

I. Background

Sections 702(c)(4)(A) and 732(c)(4)(A) of the Tariff Act of 1930, as amended (the Act) state that the administering authority shall determine that a petition has been filed by or on behalf of the industry if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the “industry” as the producers, as a whole, of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the Act directs the U.S. Department of Commerce (Commerce) to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation,” *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions.² While Commerce is not bound by the criteria³ used by the ITC to determine the domestic like product in answering

¹ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp. Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F.2d 240 (Fed. Cir. 1989)).

² See Petitioner’s Letter, “Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Epoxy Resins from China, India, South Korea, Taiwan and Thailand,” dated April 3, 2024 (Petitions). In response to Commerce’s requests for additional information regarding the Petitions, the petitioner filed its letters, “Petitioner’s Response to Volume I Supplemental Questionnaire,” dated April 12, 2024 (First General Issues Supplement) and “Petitioner’s Response to Second General Issues Supplemental Questionnaire,” dated April 18, 2024 (Second General Issues Supplement).

³ See *Fujitsu Ltd. v. United States*, 36 F. Supp. 2d 394, 397-98 (CIT 1999) (*Fujitsu*); see also *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (CIT 1990), *aff’d*, 938 F.2d 1278 (Fed. Cir. 1991); and *Antidumping and Countervailing Duty Handbook*, Fourteenth Edition, ITC Publication 4540 (June 2015), at II-34.

this question, we have reviewed these factors as presented by the petitioner⁴ in the Petitions.⁵ With respect to the domestic like product, the petitioner does not offer a definition of domestic like product distinct from the scope of the investigations.⁶ For a detailed analysis and discussion, see the “Analysis of Domestic Like Product” section below.

II. Analysis of Domestic Like Product

For support of its like product analysis, the petitioner addresses the six criteria used by the ITC to determine the domestic like product and contends that certain epoxy resins (epoxy resins), including epoxy resins with modifiers or additives where the epoxy resin component comprises no less than 30 percent of the total weight of the product, constitute a single domestic like product, coextensive with the proposed scope.⁷ The petitioner makes the following arguments addressing these criteria with regard to epoxy resins, as defined in the scope:

1) *Physical Characteristics and Uses*

The petitioner states that all epoxy resins covered by these investigations share the following physical characteristics: (1) they are prepolymers or polymers containing epoxy groups; (2) they are uncured; (3) they are thermosetting resins that do not develop useful properties until they are reacted with a suitable curative; (4) they have high reactivity, being receptive to a wide range of modifiers and bonding well with different materials; (5) they have very strong adhesive qualities; (6) they have great durability; and (7) after curing, they have strong resistance to chemicals and moisture.⁸ The petitioner contends that epoxy resins have similar uses, such as adhesives, coatings, or construction materials when a strong bond is required.⁹ The petitioner explains that all epoxy resins can be used in either liquid, semi-solid, or solid states and applied in pure forms or in a blend.¹⁰

With regard to other types of resins, the petitioner states that other types of resins: do not contain epoxy groups; are not as reactive and cannot bond to several different types of materials as epoxy resins; their adhesive qualities are not as strong as epoxy resins; their mechanical properties are inferior because they do not form chemical bonds when curing, making them re-moldable and recyclable, and therefore, they are flexible and have lower durability; and after curing, most of them are less resistant to chemicals and moisture.¹¹ The petitioner notes that other types of resins consequently have different uses, and are used in applications where strong

⁴ The petitioner is the U.S. Epoxy Resins Producers *Ad Hoc* Coalition (the petitioner). The coalition consists of Olin Corporation (Olin) and Westlake Corporation (Westlake). See Petitions at Volume I (page 6).

⁵ See Petitions at Volume I (pages 18-21 and Exhibits I-18 through I-23); see also First General Issues Supplement at 12-15 and Exhibit I-S6; and Second General Issues Supplement at 8.

⁶ See Attachment I – Scope of the Investigation, to this Checklist; see also Petitions at Volume I (pages 8-21 and Exhibits I-7 through I-13, I-18 through I-23, and I-33 through I-34); see also First General Issues Supplement at 3-10, 12-15 and Exhibits I-S4 and I-S6; and Second General Issues Supplement at 2-4, 8, and Exhibit I-SS1.

⁷ See Petitions at Volume I (pages 17-21 and Exhibits I-18 through I-23); see also First General Issues Supplement at 12-15 and Exhibit I-S6; and Second General Issues Supplement at 8.

⁸ See Petitions at Volume I (pages 18-19); see also First General Issues Supplement at 12-13.

⁹ See Petitions at Volume I (pages 19).

¹⁰ *Id.*

¹¹ See First General Issues Supplement at 12-13.

mechanical properties and adhesive qualities are not required, such as casting, packaging, less resistant coatings, *etc.*¹²

2) *Interchangeability*

The petitioner states that because epoxy resins all generally have the same type of purposes and uses – namely, as adhesives, coatings, or similar uses – they are broadly interchangeable.¹³ The petitioner states that depending on the specific application, a user might prefer an epoxy resin with a specific weight or viscosity, or a product with improved high-temperature resistance, electrical insulation performance, ultraviolet resistance, or faster curing process, but these preferences do not create a clear distinction for products within the scope.¹⁴

The petitioner notes that because other types of resins lack the strength, resistance to chemicals and moisture, and insulation properties, they cannot be used in many of the same applications as epoxy resins, and therefore, cannot be used interchangeably.¹⁵

3) *Channels of Distribution*

The petitioner states that epoxy resins may be sold directly to end users or to distributors.¹⁶ The petitioner notes that epoxy resins may be sold directly to customers who use the product as purchased in the desired application and to customers that create a formulation containing epoxy resins, which will later be used internally or resold.¹⁷ The petitioner states that distributors who purchase epoxy resin repackage the epoxy resin for sale to purchasers who require smaller volumes of epoxy resins.¹⁸

The petitioner notes that other types of resins can be sold to end users, distributors, or formulators, but states that because of differences in functionality, the types of end users are different.¹⁹

4) *Customer and Producer Perceptions*

The petitioner contends that both customers and producers generally recognize that all epoxy resins belong to the same industry.²⁰ For support, the petitioner refers to its members' websites, all of which group all types of epoxy resins, systems containing epoxy resins, products to be applied with epoxy resins (*e.g.*, curing agents and tougheners), and modifiers under the same product category.²¹ To support its claim that [], the petitioner states that []

¹² *Id.*

¹³ *See* Petitions at Volume I (page 19).

¹⁴ *Id.* at 19.

¹⁵ *See* First General Issues Supplement at 13.

¹⁶ *See* Petitions at Volume I (page 19).

¹⁷ *Id.*

¹⁸ *Id.* at 19-20.

¹⁹ *See* First General Issues Supplement at 13.

²⁰ *See* Petitions at Volume I (page 20).

²¹ *Id.* at 20 and Exhibits I-18 and I-19.

].²²

With regard to other types of resins, the petitioner states that customers and producers understand that epoxy resins differ from other types of resins.²³ For support, the petitioner notes that [].²⁴

5) *Common Manufacturing Facilities, Processes, and Employees*

The petitioner states that all epoxy resins are generally produced in the same manufacturing facilities using the same production processes and employees.²⁵ The petitioner explains that Olin's production of epoxy resins takes place at its manufacturing facility in Freeport, Texas and Westlake has similar production facilities in Deer Park, Texas, Lakeland, Florida, and Argo, Illinois.²⁶

The petitioner notes that other epoxy resins and other types of resins are not manufactured in the same facilities.²⁷ The petitioner states that epoxy resins and other types of resins do not share the same production process because they are manufactured using different chemical compounds.²⁸ Further, the petitioner states that epoxy resins and other types of resins are normally not produced the same employees.²⁹

6) *Price*

The petitioner asserts that epoxy resins are generally made from the same type of material, produced in the same facilities, and are marketed together.³⁰ The petitioner states that epoxy resins are generally used for the same purposes and are often purchased together; as a result, the prices are influenced by the same factors and generally move together.³¹ The petitioner states that under normal market circumstances, other types of resins are normally priced lower than epoxy resins.³²

Commerce's Position: We analyzed the criteria presented by the petitioner with respect to the ITC's domestic like product factors. Based on our analysis of the information submitted in the Petitions, we have determined that the domestic like product consists of epoxy resins, as defined

²² *Id.* at 20 and Exhibits I-20 and I-21.

²³ *See* First General Issues Supplement at 13.

²⁴ *Id.* at 13-14 and Exhibit I-S6.

²⁵ *See* Petitions at Volume I (page 20).

²⁶ *Id.* at 20-21 and Exhibits I-22 and I-23.

²⁷ *See* First General Issues Supplement at 14

²⁸ *Id.*

²⁹ *Id.*

³⁰ *See* Petitions at Volume I (page 21).

³¹ *Id.*

³² *See* First General Issues Supplement at 14.

in the scope of the Petitions.³³ Information in the Petitions indicates that epoxy resins share the same general physical characteristics and end uses and are made using the same production processes, manufacturing facilities, and employees.³⁴ Information in the Petitions also indicates that epoxy resins are sold through the same or similar channels of distribution, that epoxy resins are generally interchangeable, and that customers and producers perceive epoxy resins as belonging to the same industry and as a single product category.³⁵ Moreover, information in the Petitions indicates that the prices for all types of epoxy resins are interrelated and follow similar trends.³⁶

Furthermore, unless Commerce finds the petitioner's definition of the domestic like product to be inaccurate, we will adopt the domestic like product definition set forth in the Petitions.³⁷ This is consistent with Commerce's broad discretion to define and clarify the scope of an antidumping or countervailing duty investigation in a manner that reflects the intent of the Petitions.³⁸ Consequently, Commerce's discretion permits interpreting the Petitions in such a way as to best effectuate not only the intent of the Petitions, but the overall purpose of the antidumping and countervailing duty laws as well.³⁹

III. Industry Support Calculation

In determining whether the petitioner has standing (*i.e.*, those domestic workers and producers supporting the Petitions account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions), in accordance with sections 702(c)(4)(A) and 732(c)(4)(A) of the Act, we conducted the following analysis.

The petitioner contends that, whether epoxy resins are sold in a pure form or in a blend, mixture, or formulation, the products are recognized, sold, and marketed as "epoxy resins."⁴⁰ The petitioner further argues that any modifiers, co-reactants, or additives are ingredients that do not change the fact that the underlying blend is an uncured epoxy resin.⁴¹ Moreover, the petitioner contends that [

³³ See Attachment I – Scope of the Investigation, to this checklist; *see also* Petitions at Volume I (pages 8-21 and Exhibits I-7 through I-13, I-18 through I-23, and I-33 through I-34); First General Issues Supplement at 3-10, 12-15, and Exhibits I-S4 and I-S6; and Second General Issues Supplement at 2-4, 8, and Exhibit I-SS1.

³⁴ See Petitions at Volume I (pages 18-21 and Exhibits I-22 and I-23); *see also* First General Issues Supplement at 12 and 14.

³⁵ See Petitions at Volume I (pages 20-21 and Exhibits I-18 through I-21); *see also* First General Issues Supplement at 13-14 and Exhibit I-S6.

³⁶ See Petitions at Volume I (page 21); *see also* First General Issues Supplement at 14.

³⁷ See Petitions at Volume I (pages 17-21 and Exhibits I-18 through I-23); *see also* First General Issues Supplement at 12-15 and Exhibits I-S4B, and I-S6.

³⁸ See, e.g., *Fujitsu*, 36 F. Supp. 2d at 397 (citing *Kern-Liebers USA, Inc. v. United States*, 19 C.I.T. 393, 396, 881 F. Supp. 618, 621 (1995) (citation omitted)); and *Initiation of Antidumping Duty Investigations: Spring Table Grapes from Chile and Mexico*, 66 FR 26831 (May 15, 2001).

³⁹ See *Notice of Final Determination of Sales at Less Than Fair Value: Freshwater Crawfish Tail Meat from the People's Republic of China*, 62 FR 41347, 41358 (August 1, 1997).

⁴⁰ See First General Issues Supplement at 11 and 15.

⁴¹ *Id.*

Accordingly, to establish the universe of producers, the petitioner identified its members, Olin and Westlake, as U.S. producers of epoxy resins.⁴³ The petitioner also provided []⁴²

] ⁴⁴

To establish industry support, the petitioner provided the 2023 production of the domestic like product for its member companies. The petitioner notes that, while [

] ⁴⁵ The petitioner states that, if one assumes that [], then these data indicate that together, Olin and Westlake account for [] percent of domestic production.⁴⁶

We revised the petitioner’s industry support calculation using the available information on the record, including the petitioner’s 2023 production of the domestic like product. Specifically, for the numerator of the calculation, we relied on the petitioner’s 2023 production of the domestic like product.⁴⁷ For purposes of calculating the denominator, we conservatively assumed that [

] ⁴⁸ We then [] the petitioner’s 2023 production of the domestic like product.⁴⁹

⁴² See Second General Issues Supplement at 5-7 and Exhibits I-SS2 and I-SS3.

⁴³ See Petitions at Volume I (pages 6-7); see also First General Issues Supplement at 10-11 and Exhibit I-S2; and Second General Issues Supplement at 4 and Exhibit I-SS2.

⁴⁴ See Second General Issues Supplement at 5-7 and Exhibits I-SS3 and I-SS4. In the declaration from [

] states that [

]. See First General Issues Supplement at Exhibit I-S2; see also Second General Issues Supplement at Exhibit I-SS2. In addition, [] states that []. See First General Issues Supplement at Exhibit I-S2; see also Second General Issues Supplement at Exhibit I-SS2.

⁴⁵ See Second General Issues Supplement at 6 and Exhibit I-SS3.

⁴⁶ *Id.* at 6-7 and Exhibit I-SS3.

⁴⁷ See Petitions at Volume I (page 7 and Exhibit I-5); see also First General Issues Supplement at 10 and Exhibit I-S5; and Table 1, Calculation of Industry Support, *infra*.

⁴⁸ See Second General Issues Supplement at 6 and Exhibit I-SS3.

⁴⁹ *Id.*; see also Table 1, Calculation of Industry Support, *infra*. Based on the [], we conservatively assumed that [

] in 2023. See Table 1, Calculation of Industry Support, *infra*.

Based on the information in the Petitions, as adjusted by Commerce, the petitioner member companies account for [] percent of total production of the domestic like product in 2023.⁵⁰

Table 1
Calculation of Industry Support

U.S. Producers of Epoxy Resins	2023 Production of Epoxy Resins (1,000 pounds)
Olin Corporation (petitioner)	[]
Westlake Corporation (petitioner)	[]
[]	[]
[]	[]
Total 2023 Production by the Petitioner	[]
Total 2023 Production by the U.S. Epoxy Resins Industry	[]
Total Industry Support	[]%

IV. Challenges to Industry Support

None

V. Findings

Commerce relied on information provided by the petitioner, as described above, to establish total 2023 production volume of the domestic like product. Using these data, as demonstrated above, we find that the domestic producers and workers who support the Petitions account for at least 25 percent of total production of the domestic like product. Commerce further finds that domestic producers and workers who support the Petitions account for more than 50 percent of the total production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions. Therefore, we find that there is adequate industry support within the meaning of sections 702(c)(4)(A) and 732(c)(4)(A) of the Act.

Commerce conducted a search of the Internet and has been unable to locate information that contradicts the petitioner's assertions. We find that the petitioner has provided data that are

⁵⁰ See Table 1, Calculation of Industry Support. As noted above, this calculation conservatively assumes []%.

reasonably available. For these reasons, we find that there is adequate industry support for initiating these investigations. Accordingly, Commerce finds that the Petitions have met the requirements of sections 702(c)(4)(A) and 732(c)(4)(A) of the Act.

Attachment III

Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, Taiwan, and Thailand

I. Introduction

When making a determination regarding the initiation of antidumping and countervailing duty investigations, the U.S. Department of Commerce (Commerce) examines, on the basis of sources readily available to Commerce, the accuracy and adequacy of the evidence contained in the petitions, and determines whether the petitions allege the elements necessary for the imposition of antidumping and countervailing duties and contain information reasonably available to the petitioner that supports the allegations.¹ This attachment analyzes the sufficiency of the allegations and supporting evidence regarding material injury and causation.

II. Definition of Domestic Industry

The domestic industry is described with reference to producers of the domestic like product, as provided for in section 771(4)(A) of the Act. The Petitions² define the domestic industry as all U.S. producers of certain epoxy resins (epoxy resins).³ The petitioner⁴ identifies the producers of the domestic like product as the producers constituting the domestic industry in the United States.⁵ For a discussion of the domestic like product, *see* Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Epoxy Resins from the People's Republic of China, India, the Republic of Korea, Taiwan, and Thailand.

III. Evidence of Injury and Threat of Injury

To determine injury, the Act requires an evaluation of the volume, price effects, and impact of imports on the domestic industry and permits consideration of other economic factors. Specifically, in examining the impact of imports, section 771(7)(C)(iii) of the Act states that:

In examining the impact {of imports on domestic producers} ..., the {U.S. International Trade Commission (ITC)} shall evaluate all relevant economic

¹ *See* sections 702(c)(1)(A)(i) and 732(c)(1)(A)(i) of the Tariff Act of 1930, as amended (the Act).

² *See* Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Epoxy Resins from China, India, South Korea, Taiwan and Thailand," dated April 3, 2024 (Petitions). The petitioner filed its letters, "Petitioner's Response to Volume I Supplemental Questionnaire," dated April 12, 2024 (First General Issues Supplement), and "Petitioner's Response to Second General Issues Supplemental Questionnaire," dated April 18, 2024 (Second General Issues Supplement) in response to Commerce's requests for additional information regarding the Petitions.

³ *See* Petitions at Volume I (pages 21-22).

⁴ The petitioner is the U.S. Epoxy Resins *Ad Hoc* Coalition (the petitioner or coalition). The Coalition consists of Olin Corporation (Olin) and Westlake Corporation (Westlake). *See* Petitions at Volume I (page 6).

⁵ *See* Petitions at Volume I (pages 6-7); *see also* First General Issues Supplement at 3 and Exhibits 2, 3, and I-S2; and Second General Issues Supplement at 8 and Exhibit I-SS6.

factors which have a bearing on the state of the industry in the United States, including, but not limited to—

- (I) actual and potential decline in output, sales, market share, gross profits, operating profits, net profits, ability to service debt, productivity, return on investments, return on assets, and utilization of capacity,
- (II) factors affecting domestic prices,
- (III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment,
- (IV) actual and potential negative effects on the existing development and production efforts of the domestic industry ..., and
- (V) in {an antidumping proceeding} ..., the magnitude of the margin of dumping.

The petitioner alleges that the domestic industry has experienced the following types of injury by reason of U.S. imports from the People's Republic of China (China), India, the Republic of Korea (Korea), Taiwan, and Thailand:

- Significant volume of subject imports (*see* Petitions at Volume I at 32-33 and Exhibit I-4)
- Reduced market share (*see* Petitions at Volume I at 33, 37-38, and Exhibits I-4, I-5, and I-28; *see also* Second General Issues Supplement at page 8 and Exhibit I-SS6);
- Underselling and price depression and/or suppression (*see* Petitions at Volume I at 34-36 and Exhibits I-22 and I-29);
- Lost sales and revenues (*see* Petitions at Volume I at 36-37 and Exhibit I-30); and
- Adverse impact on U.S. shipments, production, capacity utilization and financial performance (*see* Petitions at Volume I at 37-38 and Exhibit I-5; *see also* First General Issues Supplement at 17 and Exhibit I-S8; Second General Issues Supplement at 8 and Exhibit I-SS6).

The petitioner also alleges that the domestic industry could be threatened with the following types of further injury by reason of U.S. imports from China, India, Korea, Taiwan, and Thailand:

- Significant and increasing volume of subject imports (*see* Petitions at Volume I at 40);
- Substantial and excess capacity of subject producers (*see* Petitions at Volume I at 40-42 and Exhibits I-6, I-7, and I-31);
- Potential for product-shifting (*see* Petitions at Volume I at 42-43);
- Excess inventories of subject producers (*see* Petitions at Volume I at 43);
- Countervailable subsidies provided by the governments of China, India, Korea, and Taiwan (*see* Petitions at Volume I at 43-44);
- Continued underselling and price depression and/or suppression (*see* Petitions at Volume I at 44 and Exhibit I-30);

- Vulnerability of the domestic industry to future injury by reason of subject imports (*see* Petitions at Volume I at 45 and Exhibit I-5; *see also* First General Issues Supplement at 17 and Exhibit I-S8; and Second General Issues Supplement at 8 and Exhibit I-SS6) and continued adverse impact on the domestic industry's development and production efforts (*see* Petitions at Volume I at 45; *see also* First General Issues Supplement at 17 and Exhibit I-S8).

IV. Cumulation

Section 771(7)(G)(i) of the Act requires the ITC to cumulate imports from all countries for which petitions were filed on the same day if such imports compete with each other and with the domestic like product in the U.S. market. On April 3, 2024, the petitioner filed the Petitions concerning China, India, Korea, Taiwan, and Thailand. The petitioner argues that a reasonable overlap of competition exists with subject imports and with the domestic like product in the United States, and, as a result, the criteria for cumulation have been satisfied.⁶

In determining whether cumulation is appropriate, the ITC uses a framework of four factors.⁷ Each factor, along with the sections of the Petitions in which it is addressed, is listed below.

- The degree of fungibility between imports from the five subject countries and between the imports and the domestic like product.

The petitioner submits that epoxy resins from all subject countries and the domestic like product are fungible and share the same physical characteristics and specifications.⁸ The petitioner states that physical characteristics of epoxy resins in the U.S. market are the same whether petitioning companies or imported by the subject countries.⁹

- The presence of sales or offers for sale of the imports and the domestic like product in the same geographic markets.

The petitioner notes that domestically produced epoxy resins and imported epoxy resins from all subject countries serve the same geographic areas in the U.S. market.¹⁰ For support, the petitioner provided import statistics demonstrating that subject merchandise from each of the five subject countries entered at overlapping ports of entry in the United States from 2021 through 2023.¹¹ The petitioner states that these data show that subject imports entered through all the U.S. geographic regions typically used in the ITC's U.S. Importers'

⁶ *See* Petitions at Volume I (pages 26-29 and Exhibits I-5, I-14, I-16, and I-26).

⁷ *See Certain Cast-Iron Pipe Fittings from Brazil, the Republic of Korea, and Taiwan*, Inv. Nos. 731-TA-278-280 (Final), USITC Pub. 1845 (May 1986); *see also Fundicao Tupy, S.A. v. United States*, 678 F. Supp. 898, 902 (CIT 1988), *aff'd Fundicao Tupy, S.A. v. United States*, 859 F.2d 915 (Fed. Cir. 1988).

⁸ *See* Petitions at Volume I (page 28).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at Exhibit I-26.

Questionnaire.¹² The petitioner further states that []¹³.

- Whether the imports and the domestic like product are handled in common or similar channels of distribution.

The petitioner states that subject imports and the domestic like product are present in the same channels of distribution.¹⁴ The petitioner notes that subject imports and the domestic like product are sold directly to end users and distributors.¹⁵

- Whether the imports are present in the U.S. market simultaneously.

The petitioner notes that it sold substantial volumes of epoxy resins in the U.S. market throughout the period of 2021 through 2023, and that epoxy resins from each of the subject countries were simultaneously present for large portion of the same period.¹⁶ For support, the petitioner provided import data for 2021 through 2023, demonstrating that imports from each of the subject countries were present in the U.S. market during that period.¹⁷

V. Negligibility

Section 771(24)(A)(i) of the Act states that “imports from a country of merchandise corresponding to a domestic like product identified by the Commission are ‘negligible’ if such imports account for less than 3 percent of the volume of all such merchandise imported into the United States in the most recent 12-month period for which the data are available”

The petitioner contends that imports from Korea, Taiwan, and Thailand are not negligible and individually exceed the negligibility threshold.¹⁸ For support, the petitioner provided import data for the most recent 12-month period for which data are available (*i.e.*, February 2023 to January 2024), which demonstrate that imports from Korea, Taiwan, and Thailand account for 48.59, 15.10, and 5.20 percent, respectively, of the volume of total imports over this period by respective volume.¹⁹ Thus, the data provided by the petitioner demonstrate that imports of epoxy resins from Korea, Taiwan, and Thailand individually exceed the three percent negligibility threshold provided under section 771(24)(A)(i) of the Act.²⁰

With respect to China, the petitioner notes that while the import data that it provided indicate that imports from China only accounted for 1.42 percent of total imports, the petitioner is aware that a significant portion of the imported epoxy resins entering from Canada into the U.S. market are

¹² *Id.* at 28 and Exhibit I-26.

¹³ *Id.* at 28 and Exhibit I-16.

¹⁴ *Id.* at 28.

¹⁵ *Id.*

¹⁶ *Id.* at 29 and Exhibit I-5.

¹⁷ *Id.* at 29 and Exhibit I-14.

¹⁸ *Id.* at 22 and Exhibit I-24.

¹⁹ *Id.*

²⁰ *Id.*

produced in China.²¹ The petitioner states that it seems likely these imports are being brought into the United States through Canada to avoid the section 301 duties the U.S. government has imposed on imports from China.²² To support this claim, the petitioner provided import data from 2021 to 2023 of epoxy resins imports from China to Canada, demonstrating that imports from China to Canada increased 104 percent from 2021 to 2023.²³ The petitioner notes that Canada ranks among the largest sources of U.S. imports of epoxy resins during the 2021-2023 period, even though [

] ²⁴ Further, the petitioner notes that [

] ²⁵ The petitioner contends that given that China is a major producer of epoxy resins, and that [

], it is clear that [

] ²⁶ The petitioner states that if 35.1 percent of imports from Canada, at a minimum, were considered Chinese in origin, China would surpass the three percent negligibility threshold.²⁷ The petitioner states that given these facts, imports of epoxy resins volumes from China are not negligible.²⁸

The petitioner further states that imports from China are slightly below the three percent negligibility threshold, but that they are likely to imminently exceed three percent of total U.S. imports of epoxy resin.²⁹ The petitioner notes that section 771(24)(A)(iv) of the Act instructs that, even if subject imports from any single country are found to be negligible for purposes of present material injury, they shall not be treated as negligible for purposes of a threat analysis, should the ITC determine that there is potential that subject imports from the country concerned will imminently account for more than three percent of all subject merchandise imported into the United States.³⁰ The petitioner states that although China did not represent three percent of total U.S. imports in the negligibility period, these imports met the threshold in 2021.³¹ The petitioner contends that this proves that China has the capacity and market knowledge to increase its exports to the United States.³² Furthermore, the petitioner notes that [

] and that [

], leading to a significant increase in U.S. imports from China.³³ The petitioner states that major producers in Korea and Taiwan own and control producers in China,

²¹ *Id.* at 23.

²² *Id.*

²³ *Id.* at 23 and Exhibit I-14.

²⁴ *Id.* at 23-24 and Exhibit I-7.

²⁵ *Id.* at 23-24 and Exhibit I-25.

²⁶ *Id.* at 24.

²⁷ *Id.* at 24-25.

²⁸ *Id.* at 24.

²⁹ *Id.* at Exhibit I-31; *see also* First General Issues Supplement at 15-17 and Exhibit I-S7.

³⁰ *See* Petitions at Volume I (page 15); *see also* First General Issues Supplement at 15.

³¹ *See* First General Issues Supplement at 16 and Exhibit I-S7.

³² *Id.*

³³ *Id.* at 16.

which means that producers can coordinate in targeting the U.S. market with unfair trade in response to the petitions filed against Korea and Taiwan.³⁴ Moreover, the petitioner states that China has enormous excess capacity and that this will intensify in the near future.³⁵ For support, the petitioner provided an industry report from [] that shows China's production capacity and domestic demand in 2022 were [] metric tons and [] metric tons, respectively.³⁶ The petitioner contends that in order to run their facilities to operate at high levels of capacity utilization, producers in China must export [] volumes of epoxy resins.³⁷ Further, the petitioner states that despite the excess capacity, Chinese producers continue to build new plants, and China's epoxy resins capacity is expected to reach [] metric tons in 2028, up [] metric tons from 2023.³⁸ The petitioner states that this increased capacity will encourage increased exports of epoxy resins, including exports to the United States.³⁹

The petitioner additionally states that imports from India are slightly below the three percent negligibility threshold, but that they are likely to imminently exceed three percent of total U.S. imports of epoxy resins.⁴⁰ For support of its argument, the petitioner notes that imports from India over the three-month period in the second half of 2023 exceeded the negligibility threshold.⁴¹ The petitioner provides evidence that [

] and that [

].⁴² Moreover, the petitioner states that Aditya Birla Group owns and controls both the producer in India and the sole producer in Thailand, which means that these producers can coordinate in targeting the U.S. market with unfair trade.⁴³

We note that the petitioner's negligibility arguments that imports from China will likely be found to already exceed the negligibility threshold are consistent with the SAA, which provides that imports should not be found to be negligible where "imports are extremely close to the relevant quantitative thresholds and there is a reasonable indication that data obtained in ... {the ITC's} investigation will establish that imports exceed the quantitative thresholds."⁴⁴ In addition, we note that the petitioner's arguments that imports from China and India will likely imminently exceed the negligibility threshold are consistent with the statutory criteria for "negligibility in threat analysis" under section 771(24)(A)(iv) of the Act, which provides that imports shall not be treated as negligible if there is a potential that subject imports from a country will imminently exceed the statutory requirements for negligibility.

³⁴ *Id.*

³⁵ *Id.*

³⁶ See Petitions at Volume I (Exhibit I-31); see also First General Issues Supplement at 16.

³⁷ See First General Issues Supplement at 16-17.

³⁸ See Petitions at Volume I (Exhibit I-31); see also First General Issues Supplement at 17.

³⁹ See First General Issues Supplement at 17.

⁴⁰ See Petitions at Volume I (page 25-26 and Exhibit I-24).

⁴¹ *Id.* at 26 and Exhibit I-24.

⁴² *Id.* at 26.

⁴³ *Id.*

⁴⁴ See Petitions at Volume I (pages 15-17 and Exhibits I-8 through I-10); see also First General Issues Supplement at 18-19; and Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103-316, Vol. 1 (1994) (SAA), at 857.

VI. Causation of Material Injury and Threat of Material Injury

The petitioner contends that the material injury and the threat of material injury to the domestic industry discussed in section III above were caused by the impact of the allegedly dumped and subsidized imports from China, India, Korea, Taiwan, and Thailand. In support of its argument, the petitioner provided information on the historical trend of the volume and value of the allegedly dumped imports of epoxy resins for the period of 2021 through 2023.⁴⁵ In the Petitions, the petitioner demonstrates the effect of these import volumes, and their respective values, on domestic prices and market share, and the consequent impact on the domestic industry, specifically on the domestic industry's shipments, production, capacity utilization, and financial performance.⁴⁶ The petitioner argues that this evidence reflects the injurious effects on the U.S. industry's performance and domestic selling prices caused by imports of epoxy resins at prices substantially lower than prices offered from the petitioner.⁴⁷

In making a determination regarding causation of material injury, the ITC is directed to evaluate the volume of subject imports (section 771(7)(B)(i)(I) of the Act), the effect of those imports on the prices of domestically-produced products (section 771(7)(B)(i)(II) of the Act), and their impact on the domestic operations of U.S. producers (section 771(7)(B)(i)(III) of the Act). The petitioner bases its allegations of causation of current injury upon the significant volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; and adverse impact on U.S. shipments, production, capacity utilization, and financial performance.⁴⁸

With regard to the threat of material injury, the petitioner bases its allegations upon significant and increasing volume of subject imports; substantial and excess capacity of subject producers; potential for product-shifting; excess inventories of subject producers; countervailable subsidies provided by the governments of China, India, Korea, and Taiwan; continued underselling and price depression and/or suppression; and continued adverse impact on the domestic industry's development and production efforts.⁴⁹

The allegations of causation of material injury and the threat of material injury are based upon the factors indicating current injury, as well as the factors indicating threat of material injury as noted above. The factors related to causation presented in the injury section of the Petitions are the types of factors that the ITC is directed to consider for the purpose of evaluating causation under sections 771(7)(C) and 771(7)(F) of the Act.

⁴⁵ See Petitions at Volume I (pages 22-26, 32-33, and Exhibits I-14, I-24, and I-31); see also First General Issues Supplement at 15-17 and Exhibit I-S7.

⁴⁶ See Petitions at Volume I (pages 32-36 and Exhibits I-4, I-5, I-22, and I-29); see also First General Issues Supplement at 17 and Exhibit I-S8.

⁴⁷ See Petitions Volume I (pages 32-38 and Exhibits I-4, I-5, I-22, and I-29); see also First General Issues Supplement at 17 and Exhibit I-S8; Second General Issues Supplement at page 8 and Exhibit I-SS6.

⁴⁸ See section III, *supra*.

⁴⁹ *Id.*

VII. Conclusion

To assess the accuracy and adequacy of the evidence relating to the allegations regarding material injury, threat of material injury, negligibility, and causation, we examined the information presented in the Petitions and compared it with information that was reasonably available (*e.g.*, import data on the ITC website). We did not locate any information that contradicts the petitioner's assertions.

We analyzed the petitioner's evidence regarding material injury, threat of material injury, negligibility, and causation, and have found that the information in the Petitions and the supplements thereto demonstrates a sufficient showing of injury, or threat of injury, to the U.S. industry producing epoxy resins. Therefore, we find the overall evidence of injury included in the Petitions to be adequate to initiate the investigations of epoxy resins from China, India, Korea, Taiwan, and Thailand. Ultimately, the ITC will make the final determination with respect to material injury, or threat thereof, negligibility, and causation.

SECTION III

QUESTIONNAIRE FOR PRODUCERS/EXPORTERS OF CERTAIN EPOXY RESINS FROM TAIWAN

This questionnaire requests information about programs alleged to be provided to producers/exporters in Taiwan of certain epoxy resins (epoxy resins or subject merchandise). Section 775 of the Act also requires Commerce to investigate any other programs discovered during the course of this investigation that potentially confer countervailable subsidies on the manufacture, production, or exportation of subject merchandise.

For general instructions, please review *Section I* of this questionnaire.

Commerce has standardized the appendices to *Section II* and *Section III* of this questionnaire; one or more of the appendices may not be applicable to the circumstances of this investigation. You should only respond to the questions in a specific appendix if it is identified under a specific question below.

The Taiwan Authorities (TA) may contend that certain programs listed below are not countervailable. For these programs, you must still fully respond to the questions below, unless specifically instructed otherwise.

OTHER COMPANIES SUBJECT TO INVESTIGATION

In addition to providing a response to this questionnaire regarding your own company, we require responses from certain affiliated companies or companies involved in your sales or production of subject merchandise, as explained below in sections A through D. A failure on the part of any such companies to provide a response to this questionnaire may adversely affect your own results in this investigation. For the remainder of this questionnaire, the terms respondent(s), company respondent(s), “you,” or “your company,” refer not just to your company, but to all companies required to complete this questionnaire. Please provide separate answers under each question and separate spreadsheets for each of these companies.

Identification of the companies that you must include in your response is necessary early in this investigation. Therefore, within 14 days of the date of this questionnaire, please submit to Commerce a list of the companies that you intend to include as part of your questionnaire response under the criteria in sections A through D below. Also within 14 days of the date of this questionnaire, please respond to questions C.1 and C.2 under the “Affiliated Companies” section below.

Unless specified differently, your answers to the requests below should cover your company’s situation during the POI. Usage of the present tense in this section refers to the POI.

We also instruct you to provide a list of those companies for which you are responding to the TA as soon as possible so that the TA can include these companies in its response to this questionnaire.

The companies that must submit a complete response are the following:

A. Producers Supplying Exporters

If your company exported subject merchandise produced by other companies in Taiwan during the POI, then you must submit complete questionnaire responses for all producers that supply your company.

B. Export Trading Companies

If your company sells the subject merchandise to an export trading company which then exports the subject merchandise to the United States, then you must submit complete questionnaire responses for all such trading companies.

C. Affiliated Companies

Affiliation is defined in section 771(33)(A)-(G) of the Act. Affiliation can be indicated by a number of factors, including: (1) personal family groupings, (2) corporate groupings, (3) shared board members or executive officers, (4) employer and employee relationships among owners, board members, or executive officers of multiple parties, (5) one party's ownership or control of stock with voting privileges in another, (6) franchise and joint venture agreements, (7) close supplier relationships, and (8) other indicia of control by one party over another, directly, or indirectly through third parties. "Control" exists where one party is legally or operationally in a position to exercise restraint or direction over another party.

Please provide the following information about your company's affiliated companies:

1. The identity of all companies with which your company is affiliated within the meaning of section 771(33) of the Act, including the full name and mailing address of each company.
2. Describe in detail the nature of the relationship between your company and those companies listed in response to the prior question. Specify for example, whether the companies share a board of directors, or whether members of each company's board sit on the board(s) of the other company(ies), and how the voting rights are distributed among board members; specify if, and how, officers of one company are directly involved in overseeing the operations of another company. Specify whether an affiliated company supplies inputs into your company's production process.

You must provide complete responses for certain "cross-owned" affiliated companies.

Cross-ownership exists between two companies where one company can use or direct the individual assets of another company in essentially the same ways it can use its own assets. Normally, such a relationship exists between two companies where one company holds, directly or indirectly, a majority voting interest in the other. In addition, if two companies are both cross-

owned by a third party, the two companies themselves would be considered cross-owned (for example, cross-ownership exists between two companies owned by the same parent).

You must provide a complete questionnaire response for those affiliates where “cross-ownership” exists, and one of the following situations exists:

- the cross-owned company produces the subject merchandise; or
- the cross-owned company is a holding company or a parent company (with its own operations) of your company;¹ or
- the cross-owned company supplies an input product to you for production of the downstream product produced by the respondent; or
- the cross-owned company has received a subsidy and transferred it to your company.

D. Former Owners / Changes in Ownership²

Commerce allocates the benefits received from certain types of subsidies over time (*e.g.*, equity infusions, non-recurring grants, debt forgiveness, import duty or value-added tax exemptions or reductions on capital equipment, *etc.*). *See* 19 CFR 351.524 and subsection C of the “General Questions” section below for a complete explanation.

Thus, in addition to investigating alleged subsidies that your company may have received during the POI, Commerce is also investigating alleged allocable, non-recurring subsidies that your company may have received during the AUL period. Because of this, if your company obtained all or substantially all the assets of another company during the AUL period, and that company still exists as an ongoing entity, or its assets continue to operate as part of your company, we require a complete questionnaire response for such company. If your company wishes to challenge Commerce’s baseline presumption that non-recurring subsidies continue to benefit the recipient over the allocation period, please coordinate with the TA to answer the questions in the ***Change-in-Ownership Appendix***. If your company does not wish to challenge Commerce’s baseline presumption that non-recurring subsidies continue to benefit the recipient over the allocation period, please so state and you do not need to provide a response to the ***Change-in-Ownership Appendix***.

¹ Your response must cover all cross-owned parent companies and holding companies, not only companies that directly held a controlling stake in your company during or prior to the POI. For example, if your company was a direct subsidiary of one cross-owned company, and that company was a direct subsidiary of another cross-owned company, then you must respond on behalf of both the cross-owned parent and the cross-owned “grandparent” companies. By direct subsidiary, we are referring to a company that is directly owned by another company. An indirect subsidiary, by contrast, has an intermediate owner between itself and the ultimate owner.

² All cross-owned affiliates meeting the conditions under sub section C during the POI and AUL and are required to submit a complete questionnaire response should also provide a response to this section with regard to any former owners and changes in ownership.

Finally, if your company has been privatized, changed ownership, merged with another company, or devolved another company/ies from your company's corporate structure in whole or in part, during the AUL period and your company wishes to challenge Commerce's baseline presumption that non-recurring subsidies continue to benefit the recipient over the allocation period, please coordinate with the TA to answer the questions in the ***Change-in-Ownership Appendix***. If your company does not wish to challenge Commerce's baseline presumption that non-recurring subsidies continue to benefit the recipient over the allocation period, please so state and you do not need to provide a response to this appendix.

GENERAL QUESTIONS

- A. Please provide the following information for your company, as well as for each cross-owned affiliate, as defined above, that is involved in the manufacture, production or exportation of subject merchandise. Please also provide the information for all trading companies (whether or not affiliated), through which your company sold subject merchandise to the United States during the POI, in accordance with 19 CFR 351.525(c).
1. The addresses of the company's headquarters, plant, and export facilities.
 2. A description of the company. Please include in your response:
 - a. the date the company was formed;
 - b. a history of the company's ownership;
 - c. whether your company is (a) foreign-invested enterprise ("FIE"), (b) "productive" FIE, (c) state-owned enterprise ("SOE"), (d) domestically-owned enterprise, or (e) other;
 - d. the products the company produces and/or sells;
 - e. names of your owners, board members, and upper management, along with a description of their positions with other companies and within the TA; and
 - f. explain whether the TA or a local authority (*e.g.*, provincial, municipal, county) has designated your company and/or industry as "pillar," "encouraged," "key," "honorable," or any other designation. If so, explain the purpose of these designations, the criteria for receiving any such designations, and the benefits or obligations that arise from and such designations.
 3. Using diagrams and/or flow charts, describe the process by which your company produces the subject merchandise. If different steps of the production process occur in different production units, divisions, or affiliated companies, please identify those production units, divisions, or affiliated companies.

4. Does your company (including cross-owned affiliates) export subject merchandise produced by other companies in Taiwan? If so, please identify the name and address of each such supplier of subject merchandise.
 5. Please provide your company's complete audited financial statements for the last three fiscal years. (Please provide the financial statements in English, if available. If they are not available in English, provide translations of the income statement, the balance sheet, the cash flow statement, the statement of change in equity, all notes thereto, and the auditor's opinion.) These should be the official financial statements filed with the TA. If there is no such filing requirement, the financial statements should be those presented to banks or independent third parties. The financial statements should include the complete set of statements, e.g., income statement, balance sheet, cash flow statement, statement of change in equity, all notes thereto, and the auditor's opinion. If you do not prepare audited financial statements, please provide whatever unaudited financial statements that are prepared for your board of directors, your shareholders, and for the TA.
 6. Please provide complete, translated tax returns filed during the POI (preferably a copy of the tax return stamped by the TA). Include all schedules and attachments included with your return. In addition, please provide any amendments to your return.
 7. Please provide your most up-to-date business registration documents filed with the TA. If your business registration documents do not indicate the names of your company's owners during the POI, please provide additional documentation that does. If the documents identify corporate owners which own more than 10 percent of your company, please identify the owners of your company's corporate owners.
 8. Provide the HTSUS subheadings or Taiwan's tariff schedule numbers under which you export the subject merchandise.
- B. Please provide the following information for your company **for the POI**. Do not include the volume and value of merchandise produced outside Taiwan or returned merchandise. Separately report the value of services sold by your company, if any. **In addition, separately report the value of sales by each cross-owned company, as well as the value of sales between your company and the cross-owned company.**

For years prior to the POI, please report sales information for the years of approval and receipt of non-recurring subsidies you report. *See, e.g., the Grant and Allocation Appendix.* Please report sales information for all responding cross-owned companies during these years, not only sales information for the recipient of the subsidy.

If the actual values recorded in your accounting records are booked on a basis other than f.o.b., please describe any adjustments that were made to derive the f.o.b. values. In addition, if your sales are inclusive of VAT or other indirect taxes, please ensure that such taxes are removed from your sales figures.

1. Total Sales

The quantity and f.o.b. value of total sales (both subject and non-subject merchandise) to all markets (domestic and foreign). Please report the sales value on an f.o.b. (port) basis with respect to export sales and/or on an f.o.b. (factory) basis for domestic sales. Provide a worksheet reconciling the total reported sales value to your financial statements.

2. Sales of Subject Merchandise

The quantity and f.o.b. value of the subject merchandise sold to all markets (domestic and foreign). Please report the sales value on an f.o.b. (port) basis with respect to export sales and/or on an f.o.b. (factory) basis for domestic sales.

3. Total Exports

The total quantity and f.o.b. (port) value of export sales (both subject and non-subject merchandise) to all markets.

4. Total Exports to the United States

The total quantity and f.o.b. (port) value of export sales (both subject and non-subject merchandise) to the United States.

5. Exports of Subject Merchandise

The total quantity and f.o.b. (port) value of the subject merchandise exported to all markets (including the United States).

6. Exports to the United States of Subject Merchandise

The total quantity and f.o.b. (port) value of the subject merchandise exported to the United States.

Regarding 1 – 6 above: Please explain how the sales of subject merchandise are recorded in your company's financial records. Are your company's sales consolidated with those of other companies in the financial report of a parent, holding company, or group of companies? If so, please explain how, and provide copies of the consolidated financial statements.

- C. As established in 19 CFR 351.524(d)(2), the allocation period for non-recurring¹ subsidies is defined by the Average Useful Life (“AUL”) of renewable physical assets for the industry concerned, as listed in the U.S. Internal Revenue Service’s Depreciation Range System (“IRS tables”). The AUL listed in the IRS tables that applies to this investigation is 9.5 years. Regardless of the AUL, however, we are only investigating alleged subsidies provided on or after January 1, 2002, the date on which Taiwan became a member of the World Trade Organization.

Parties may rebut the presumption to use the IRS tables by demonstrating either that the company-specific AUL or Taiwan-wide AUL for the industry in Taiwan differs by one year or more from the AUL in the IRS tables for the industry under review. Unless the parties establish that the IRS tables do not reasonably reflect the AUL of a firm’s assets, however, Commerce will rely on the IRS tables to define the appropriate AUL.

If your company chooses to rebut the presumption to use the IRS tables, please respond to the Average Useful Life Appendix. **If you do not want to rebut the use of the AUL in the IRS tables, you do not need to answer the questions in the Average Useful Life Appendix.**

PROGRAM-SPECIFIC QUESTIONS

For each program, if your company (including cross-owned affiliates required to respond, as well as all trading companies) did not apply for, use, or benefit from that program during the POI, you must clearly state so. Otherwise, please answer the questions listed. To determine the information which must be reported under each program, please see the instructions for each program in this section of the questionnaire and in the referenced appendices.

If any TA assistance, as enumerated below, was received by companies which have since been merged with or purchased by your company, you are responsible for answering the questions with respect to such assistance to the merged or purchased company.

For detailed descriptions of the programs listed below, *see* Attachment C of Section II (the Initiation Checklist), and consult with the TA.

A. TAX PROGRAMS

Tax Incentives for Research and Development (R&D) Credits

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and

¹ For definitions of **recurring** and **non-recurring** benefits, *See* the Grant and Allocation Appendix; *see also* 19 CFR 351.524(c).

2. **Income Tax Program Appendix.**

Tariff Exemption for Imported Equipment

1. Respond to all questions in the **Standard Questions Appendix**. Because benefits provided under this program may be treated as non-recurring, provide the information requested in the **Grant and Allocation Appendix** for the AUL period.
2. Indicate each of the items of equipment and machinery for which your company received import duty exemptions during the POI. In addition, indicate the duties and other import fees that would have been charged on these items absent the import duty exemption. Provide documentation to support your answer, including copies of all relevant sections of the tariff schedule, amendments thereto, and policies affecting the relevant rates, for all equipment and machinery imported by your company during the POI. Submit the information requested in the VAT and Import Tariff Exemptions Template as an attachment to your response and in electronic format using Microsoft Excel.

Shareholder's Investment Tax Credit for Participation in Infrastructure Projects

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Income Tax Program Appendix**.

Shareholder's Investment Tax Credit for Investment in Newly Emerging, Important, and Strategic Industries

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Income Tax Program Appendix**.

Building and Land Value Tax Deduction for Supplying to Major Infrastructure Projects

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Income Tax Program Appendix**.

Major Infrastructure Projects – Land Lease Program

1. Respond to all questions in the **Standard Questions Appendix**.

2. State whether your firm has a facility or an office in any of the areas covered by the provinces, municipalities, zones, etc. identified in the program. If so, provide the complete name and address of each such facility or office.
3. Did your company purchase land-use rights from any governmental authority (including zones) for land located in the province, municipality, zone, etc. identified in the program during the period covering the AUL period? For each instance in which your firm acquired such land-use rights, provide the following information:
 - a. Date of acquisition;
 - b. Identity of seller;
 - c. Location of land (be sure to specify whether the acquired land is located in a special economic and/or development zone);
 - d. Area of land (be sure to specify the unit of measure);
 - e. Price paid for land-use rights (specify whether payment was in a lump sum or in installments);
 - f. Terms of payment;
 - g. Duration of lease;
 - h. Translated copy of the land-use contract;
 - i. Provide the land-use certificates and land-use agreements issued to you by your local land-use bureau.
4. How did your company obtain the land-use rights identified in response to question 3? Include in your response a discussion of whether your company owns its land-use rights or rents its land.
5. Identify the criteria your company had to meet to obtain the land or land-use rights you identify in response to question 3. Include a copy of your application as well as a copy of any approval if different from the land-use agreement.
6. Indicate whether your acquisition of the land or land-use rights identified in response to question 3 was contingent upon your company's status (e.g., state-owned enterprise, located in a particular geographical area, etc.) or activity (e.g., production of a particular product, export sales, purchases from domestic suppliers, etc.).
7. If the price paid for the land or land-use rights identified in response to question 4 was negotiated, provide copies of all correspondence, including emails, memoranda of intent, etc. exchanged with land officials pursuant to these negotiations.
8. Explain whether you ever received a discount on the price they were paying for land either through exemption or reduction in rent either permanently or for some duration of time. If so, describe the circumstances.

Capitalization of Earnings

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Income Tax Program Appendix**.

Smart Machinery and 5G Equipment Investment

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Income Tax Program Appendix**.

B. LENDING PROGRAMS

Eximbank Medium and Long-Term Export Credit

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

Eximbank Medium and Long-Term Import Credit

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

Eximbank Overseas Investment Credit

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

Eximbank Short-Term Export Credit

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

Eximbank General Export Credit

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

Eximbank Export Guarantee

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

Eximbank Import Guarantee

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

Eximbank Export Credit Insurance

Respond to all questions in the **Standard Questions Appendix**.

In addition, please provide the following information:

1. If you hold multiple export insurance policies simultaneously with the Export-Import Bank of the Republic of China (Eximbank), please provide the following:
 - a. A chart listing all policies in effect during the POI, regardless of whether any payout was made to your company from the Eximbank. Your chart should indicate the merchandise covered (subject or non-subject), customer, customer location, invoice/transaction number, value, the rate paid to the Eximbank, policy number, type of policy if more than one (e.g., standard, premium), payout received from the Eximbank, and effective dates of the policy. If certain policies were issued pursuant to your shipment of welded line pipe, please indicate that in your chart as well.
 - b. Explain whether a customer with multiple locations is covered by a single policy, or whether multiple policies are needed for such customers.
 - c. Provide a copy and English translation of the policy covering your largest

customer in the United States, if applicable. If your sales to the United States were not covered by any Eximbank policies, provide a copy and English translation of the policy covering your largest customer to another market. Please also provide the application you submitted for the sample policy you provide.

2. If you held only a single policy with the Eximbank during the POI, provide a copy and English translation of the policy, along with the application you submitted in order to obtain that policy.
3. Please indicate how many times your company contracted with the Eximbank for short-term export insurance during the POI, regardless of whether any payout was made. Is each purchase of insurance part of a separate contract, or is there one controlling contract for all insurance purchased by your company? Were insurance contracts tied to specific export transactions, or were they part of an umbrella policy? Please provide translated copies of insurance contracts that cover the subject merchandise. If they are tied to specific export transactions or shipments, please provide complete details for every exportation of subject merchandise, including the amount insured, the rate paid, and the value of the shipment. In addition, provide a list of payouts received by your company during the POI and the preceding three years.
4. For all claims paid on shipments to the United States during the POI, please indicate the nature of the transactions that resulted in claims by providing the following information in the chart below. Please provide an electronic copy in Excel spreadsheet format, in addition to the hard copy (you may add rows as needed):

Products Covered	Invoice Number(s)	Insured Amount/ Currency	Insurance Premium Paid (TWD)	Insurance Payout Received (TWD)	Amount Repaid to the Eximbank (if any) (TWD)	Insurance Coverage Period	Importer

5. What are the procedures and terms for returning funds to the Eximbank? Please identify any defaulting customers who paid your company, and provide documentation of their payments. In addition, indicate if any of those subrogated insurance payments was related to U.S. exports of subject merchandise. In turn, please provide documentation of your company's remittance of insured funds to the Eximbank.

Low-Interest Loans for Upgrade of Machinery and Equipment

1. Respond to all questions in the **Standard Questions Appendix** and the **Loan Benchmark and Loan Guarantee Appendix**.
2. Complete the **Loan Template** and include it as an attachment to your response in

electronic format using Microsoft Excel. Your response should provide details regarding all assistance that your company received under this program during the POI.

C. GRANT PROGRAMS

Industrial Energy Technology Program

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Grant and Allocation Appendix**.

Industrial Upgrade and Innovation Platform Program

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Grant and Allocation Appendix**.

Conventional Industry Technology Development

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Grant and Allocation Appendix**.

Self-Evaluation Service

Respond to all questions in the following appendices:

1. **Standard Questions Appendix**, and
2. **Grant and Allocation Appendix**.

D. PROVISION OF GOODS FOR LESS THAN ADEQUATE REMUNERATION (LTAR)

Provision of Electricity for LTAR

1. Provide the information requested in the **Standard Questions Appendix**.
2. Identify your company's suppliers of electricity during the POI.
3. Using the attached **Electricity Template**, report the rates your company paid for electricity, by month, during the POI. Submit this information in electronic format using Microsoft Excel, and include a printout of the electronic file in your response. If your company did not pay for electricity during the POI according to the rate categories in the

chart (i.e., off-peak, mid-peak, and on-peak), then identify the appropriate rate categories in the chart you submit. If your company received adjustments to your bill, please identify those separately, as well as any other discount your company may have received.

4. Provide copies of your company's electricity bills for the months of February and April 2023, with translation.
5. Are the electricity rates paid by your company established in a rate schedule applicable to industrial users? If so, which industrial user category is applicable to your company?
6. If your company does not pay rates established in a rate schedule, how are the electricity rates set?

J. OTHER SUBSIDIES

Did the TA (or entities owned directly, in whole or in part, by the TA or any provincial or local authority) provide, directly or indirectly, any other forms of assistance to your company between December 11, 2001, and the end of the POI? If so, please describe such assistance in detail, including the amounts, date of receipt, purpose and terms, and answer all questions in the appropriate appendices.

SECTION III

Standard Questions Appendix

- A. Specify the eligibility criteria your company had to meet in order to receive benefits under this program. State whether eligibility was or is currently contingent on one or more of the following criteria: 1) whether or not your company exports or has increased its exports, 2) the use of domestic rather than imported inputs, 3) the industry to which your company belongs, or 4) the region in which your company is located.
- B. Describe in detail the application and approval process that your company undertook to receive benefits through the program.
- C. Specify the criteria your company met to receive the particular amount of assistance provided. Did the application or approval specify the merchandise for which this assistance was to be provided? If so, provide details of which merchandise was specified in the application and/or approval documents.
- D. What records does your company keep regarding each of the benefits received under this program? Provide your company's executed application forms and other application documents with respect to this program. Provide copies of the documentation sent to your company upon approval of the benefit, including but not limited to: approval letter, contract, claim form, etc.
- E. Specify how many years your company has received benefits under this program. What was the first year that your company applied for and received benefits? For programs under investigation that were not enacted pursuant to a legal instrument, indicate for how many years your company has participated in the program. For example, for programs involving the provision of inputs for less than adequate remuneration not enacted pursuant to a legal instrument, please indicate how many years your company has purchased the relevant inputs from the TA, TA-controlled entities such as TA-owned enterprises, or other enterprises alleged to be "authorities" under section 771(5)(B) of the Act.
- F. Indicate where benefits under this program can be found in your accounting system (*i.e.*, specify the ledgers or journals) and financial statements. If you have to file anything with the TA to continue receiving benefits under this program, provide a complete translated set of your most recent submissions made during, or before, the POI.
- G. Has the program been terminated? If so, please explain. When is the last date that your company could *apply for or claim* benefits under the program? When is the last date that your company could *receive* benefits under the program?

SECTION III

Average Useful Life Appendix

Respondents should be aware that, pursuant to section 351.524 of its regulations, Commerce allocates the benefits received from certain types of subsidies over time. Although the POI is a recent period, we are investigating alleged subsidies received over a time period corresponding to the industry's average useful life of assets (AUL). According to section 351.524(d)(2)(i) of Commerce's regulations, Commerce will presume that the industry's AUL corresponds to the average useful life of renewable physical assets for the industry concerned as listed in the U.S. Internal Revenue Service's Depreciation Range System (IRS tables). In the case of this investigation, the AUL is **9.5** years. Thus, in order to appropriately measure any allocated subsidies, consistent with its practice, Commerce will use a 10-year AUL in this investigation. Therefore, with respect to subject merchandise, we would ordinarily investigate alleged subsidies received during the POI and the preceding **9** years. However, in the case of Taiwan, we are investigating allocable subsidies received between January 1, 2002 and the end of the POI.

According to 19 CFR 351.524(d)(2), parties to the investigation may choose to argue that the IRS tables do not reasonably reflect the company-specific AUL or the Taiwan-wide AUL for the industry in question. To do so, parties must demonstrate that the company-specific AUL applicable to the respondent companies or Taiwan-wide AUL applicable to the industry producing subject merchandise in Taiwan differs by one year or more from the AUL in the IRS tables. If any of the parties under investigation chooses to pursue an AUL other than that identified in the IRS tables, you will be required to provide information for the corresponding number of years.

In table format, enter the beginning and ending gross book values of depreciable productive assets for each of the past ten years. (Do not include non-depreciable assets, such as land or construction in progress. Please seek to exclude the gross book value of any fully depreciated productive assets which are no longer in service.)

- A. Enter, as separate items in the table, each year's regular depreciation expense and any special charges to depreciation expense or revaluations and write-downs of productive assets.
- B. Explain how the numbers in the table reconcile to your financial statements.
- C. Explain your company's accounting policies concerning depreciation of productive assets. State whether straight-line or accelerated depreciation is used, and what conventions are applied.
- D. Explain whether your company maintains salvage value for productive assets; how salvage value is treated for depreciation purposes; and, if applicable, beginning and ending salvage value balances for each year in the table.

- E. If your company is claiming that the IRS tables do not reasonably reflect your company-specific AUL, please:
- 1 Provide a worksheet which shows the calculation of your company's AUL. To calculate the AUL using the raw data listed above:
 - a. Sum the average annual balances of productive assets for all years (A).
 - b. Sum the depreciation expenses for each year (D).
 - c. Divide the sum of the productive assets amounts (A) by the sum of depreciation expenses (D) to arrive at the AUL. $AUL = A/D$.
 - 2 Demonstrate that this rate differs significantly from the rate established in the IRS tables (*i.e.*, by at least one year).
- F. If your company is claiming that the IRS tables do not reasonably reflect the Taiwan-wide AUL for this industry, please:
1. Contact the TA to ensure that they will submit the Taiwan-wide rate.
 2. Demonstrate that this rate differs significantly from the rate established in the IRS tables (*i.e.*, by at least one year).

SECTION III

Grant and Allocation Appendix

Questions A and B relate to whether the subsidy is “recurring” or “non-recurring.” For a further explanation of recurring and non-recurring, *see* 19 CFR 351.524(c).

- A. Does your company receive the subsidy on an ongoing basis under this program?
- B. Have you filed a separate application each time you have received benefits? Please explain. Has each disbursement been contingent upon separate TA approval? Please explain.
- C. Are subsidies under this program provided for or tied to the capital structure or capital assets of your company? (For a definition of capital structure and capital assets, *see* the preamble of the CVD regulations (63 FR at 65393).)

If the subsidy is non-recurring, you should report the following information for each subsidy received during the AUL, but not for anything received prior to January 1, 2002. If the subsidy is recurring, then you need only provide this information with respect to subsidies received during the POI. The information should be provided in *chart form*:

- C. the amount of all subsidies authorized and the amount received (state whether the subsidy was received in a lump sum or in multiple disbursements);
- D. date of the approval of the subsidy and the date(s) it was received;
- E. total or export f.o.b. sales (depending on whether the program is a domestic or export subsidy) in the year in which the subsidy was approved; and
- F. total or export f.o.b. sales (depending on whether the program is a domestic or export subsidy) in the year in which the subsidy was received.

SECTION III

Income Tax Programs Appendix

If your company used this program to take deductions from taxable income, credit toward taxes payable, exemptions from taxes owed, accelerated depreciation or other tax benefits on the tax return ***filed during the POI*** (the tax period covered by this tax return does not have to correspond with the period of investigation), please answer the following questions:

- A. Explain whether the assistance is a deduction from taxable income, an exemption from taxes, a credit toward taxes payable, accelerated depreciation, a deferral of taxes owed, or other tax benefit.
- B. Indicate the amount of the tax savings derived from the use of this program. Provide a detailed calculation of the assistance and all source materials. Show the amount of tax (or the amount of loss incurred) that would have been due absent this benefit. **Indicate where in the tax return this assistance is shown.** For tax deferrals, please indicate the amount of tax owed and the length of the deferral period.
- C. If your company was in a tax loss position for the tax year to which the return applies, please explain the effect of this assistance on your company's tax position.
- D. Will you carry forward any loss to future years? Does the loss represent accrued losses from earlier years? Please explain.
- E. Indicate where in your company's financial statements tax information is represented. Are accrued tax losses carried as assets in the financial statements? Please explain.
- F. If you carried forward a loss from prior years and used that loss to offset taxes due on the tax return filed during the POI, demonstrate that loss was not generated by use of any countervailable tax program.

SECTION III***Loan Benchmark and Loan Guarantee Appendix***

The following information should be given for loans provided under the program in question. For ***short-term loans*** (one year or less) or guarantees or insurance on short-term loans, information must be provided for all loans on which principal was outstanding or on which interest was paid, accrued, and/or waived during the POI. Please indicate if any short-term loan program was a line of credit. For ***long-term loans*** (greater than one year) or guarantees on long-term loans, information must be provided for all loans with principal or interest outstanding during the POR or for any such loans forgiven or assumed. We have attached a worksheet template to this questionnaire to be used for reporting several of the items requested below. *See Loan Template.* Please use that template in providing that data.

Loan Information

- A. loan control number;
- B. source of loan;
- C. program under which loan is provided;
- D. original amount of loan and currency of loan;
- E. any required collateral;
- F. date of loan agreement;
- G. date of loan receipt;
- H. length of loan;
- I. interest rate of loan (specify if fixed or variable; if variable, provide source of base rate and the spread above base rate);
- J. principal, and/or, interest amounts paid during the POI;
- K. a description of the repayment schedule (principal and interest) and any special features associated with the loan such as grace periods, forgiveness of payments, opportunities for re-discounting, rollovers or debt retirement, repayment contingent upon subsequent events; also, if the repayment schedule has not been met, please provide the actual repayment schedule;
- L. if the program provides short-term loans or long-term loans with an initial indefinite repayment schedule, please provide the actual repayment schedule (principal and interest);

- M. amount of any fees, commissions, compensating balances, taxes or penalties paid in addition to interest, which affect the cost of the loan (indicate whether paid or provided); specify what type of charges were included in this column;
- N. any adjustments made in the loan balance or interest payment to take account of inflation;
- O. if principal or interest on any loan provided under this program was forgiven or assumed, during the POI or over a prior period corresponding to the company's AUL, please provide the dates and amounts of each forgiveness or assumption.

Long-Term Benchmark

For long-term loans, please provide the information requested in A through O above for any other long-term commercial debt with principal or interest outstanding during the POI that was obtained contemporaneously with and that is comparable to the loan(s) in question. This information may be used for purposes of a benchmark interest rate. Please note that the benchmark loans should be denominated in the same currency as the corresponding loan above. When providing this information, please use the ***Loan Template***.

Short-Term Benchmark

For short-term loans, please provide the information requested in A through O above for any commercial short-term debt with principal outstanding or on which interest was paid during the POI and that is comparable to the loan(s) in question. Please provide your company-specific interest rate for these short-term commercial loans by weighing the rates by the principal amount of each loan. Please provide the calculation worksheets showing how your company derived the weighted-average rate.

If you had short-term interest loans granted prior to the POI where interest was paid during the POR, you must provide the above information for the year during which the loans were received. When providing this information, please use the ***Loan Template***.

Loan Guarantees

Please provide the information requested in A through O above for loans guaranteed or insured under this program. If the guaranteed loan is a long-term loan, please provide the benchmark information requested under the "Long-Term Benchmark" section and the following:

- P. source of the loan guarantee and the program under which it is provided;
- Q. terms of guarantee including any fee paid;
- R. The effect that the guarantee had on the terms (e.g., interest rate, length, collateral) of the loan. For example, if there were similar commercial loans in the same year without guarantees, please provide the terms of those loans;

- S. your ability to obtain a comparable commercial loan (*e.g.*, a loan for export) without a guarantee;
- T. In the case of TA ownership, provide any evidence that it is normal commercial practice for shareholders in Taiwan to provide similar loan guarantees.

SECTION III

Equity Appendix

Please provide the following information:

- A. The amount of the TA's investment, *i.e.*, the amount of equity infused.
- B. The date of the investment.
- C. Number of shares received by the TA and a description of the shares, *e.g.*, common stock, preferred stock.

Please provide the financial information requested in D, below. Additionally, depending on the extent of TA ownership of your company at the time of the equity infusion, please respond to the questions in E or F, below.

- D. Please provide complete, translated audited financial statements for the year of the TA equity investment and for three years prior to the investment. These should be the financial statements filed with your official TA entity, *e.g.*, the Ministry of Finance. If there is no such filing requirement, the financial statements should be those provided to banks or other independent third parties.

The financial statements should include the complete set of statements, *e.g.*, income statement, balance sheet, statement of change in equity footnotes, and must be accompanied by the auditors' opinion.

During the relevant time, please describe:

- 1. Any accounting principle used by your company which deviated from GAAP in Taiwan.
 - 2. Any accounting principle in Taiwan which may not be in accordance with internationally accepted principles.
 - 3. Major and/or unusual gains and/or losses.
 - 4. Adjustments made by your company because of a change in or application of an accounting principle.
 - 5. Any item which was not reported as part of the calculation of net income, but was reflected on the income statement below the net income or on the balance sheet as part of the equity section.
- E. Please provide the following information:

1. A listing of all equity investments made by private (non-TA) entities contemporaneous with the TA's investment or debt-to-equity conversion. Please provide the dates, the numbers of shares, the amount paid per share for each purchase, and a description of the rights and preferences of the equity interests received by such private (non-TA) entities and how these differ from the rights and preferences of the equity interests received or held by the TA.
 2. A description of the circumstances and of any agreements related to these private equity purchases including the role played by the authorities or entities controlled or owned by the TA in the negotiation and/or fulfilling of said agreements. Agreements, notes, or other information related to these purchases should be provided.
 3. Internal company documents, *e.g.*, Board of Directors' minutes or internal projections of sales/earnings, related to company operations prior to the government's and/or the private purchases of equity. Specify if these documents were made available to both the government and the private investor(s).
 4. A listing of attempts made by your company to obtain private equity investment and/or agreements involving private equity investments which were not consummated. Describe the circumstances of these attempts and/or agreements, and the reasons they were not achieved.
- F. If your company was 100 percent TA-owned, please provide the following information:
1. All documentation relevant to your decision as to the source of funds to finance your operations, *e.g.*, debt vs. equity financing and private vs. government sources.
 2. Internal company documents, *e.g.*, Board of Directors' minutes or internal projections of sales/earnings, related to company operations prior to the TA's purchases of equity or debt to equity conversions.
 3. A listing of all attempts made by your company to obtain private equity investment and/or agreements involving private equity investment which were not consummated. Describe the circumstances of these attempts and/or agreements, and the reasons they were not achieved.
 4. How did your company determine the amount of equity to be issued and the per share price to be paid?
 5. Please calculate the following ratios for your company for each year in which an equity investment was received and for the preceding three years: current ratio, quick ratio, gross profit, operating profits, net profits, return on equity, debt-to-equity, debt-to-assets, interest/debt coverage, and cash flow to debt.

SECTION III

Change-in-Ownership Appendix

If there were any changes in ownership during the Average Useful Life (AUL), answer the applicable questions below for each change in ownership. Note that some of these questions may not be applicable to every change in ownership. In addition, some of the questions may require input from both the TA as well as the respondent company. Therefore, the TA and the respondent company should coordinate their responses to these questions. However, be sure to clearly identify in the response to each of the change-in-ownership questions the party (e.g., the TA, the company) providing the response to that question.

General Questions

1. If the seller of the assets or shares is a public or TA agency or entity, what is the name and purpose of the agency? To whom does the agency report? Explain in detail the nature of this relationship.
2. Describe any involvement in the sale of the assets or shares by any TA entity, TA officials, or agencies or institutions that are owned/controlled by the TA.
 - A. Discuss, for example, any participation in any meetings related to the transaction; any actual or promised funds, loans or debt forgiveness, guarantees, or waivers of rights or laws, credits to the bid price or anything else of value, provided (or required) in connection with the transaction(s).
 - B. Provide specific dates and amounts for each such promised funding, loans or debt forgiveness, guarantees, or waivers of rights or laws, credits to the bid price or anything else of value that was provided in connection with the transaction(s).
3. Explain the purpose and expectations of the asset or share sale (e.g., to raise financing, to unload an unprofitable business segment).
 - A. Was the sale part of a larger change-in-ownership plan organized by the TA or a corporate parent? Provide a detailed explanation of any such plan.
 - B. If the plan was implemented, reviewed or ratified by any TA entity, provide copies of all laws or decisions ratifying or approving the implementation of the plan.
4. Were any steps (e.g., assumption/write-off of debt, renegotiation of liabilities or restructuring) taken prior to or concurrent with the sale of the assets or shares? If so, explain in detail.
5. How was the company valued for purposes of the sale? Provide any appraisal or valuation studies (not just the executive summary but the entire study) performed prior to the sale.

In determining the value of the company, were financial statements prepared? If so, provide the financial statement and any accompanying notes.

6. Provide financial statements for the company whose assets or shares were sold for the two years prior to the sale, the year of the sale, and for two years after the sale. (Be sure to specify the extent to which the operations of the business in question are consolidated within larger corporate financial reporting. Specify the level of consolidation reflected in the financial statements provided.) If the change in ownership was announced more than two years prior to the sale, provide financial statements also for two years prior to the announcement and all subsequent years leading up to the sale.
7. At the time of the sale, were any of the parties to the transaction aware of the possibility that production of the company could be subject to countervailing duties in the United States? If so, did this play any role in the transactions, *e.g.*, consideration paid, structure of the company, or terms of the contract for sale? If so, explain and provide documentation.
8. Did the company explicitly pay back any previously received TA assistance prior to the change in ownership of the company? Did the company repay subsidies given under specific programs, or did the company repay a general amount? Provide the details of any repayments along with supporting documentation of the repayment.

Sales Process

If the part of all of the assets or shares of the company were sold through a bidding process, answer the questions in section 9, "Bid Process," below. If part or all of the company was sold through a stock offering, answer the questions in section 10, "Sale of Shares," below. If part or all of the company's assets were sold, answer the questions in section 11, "Sale of Assets," below.

9. Bid Process

- A. Describe in detail the structure of the bid process. Discuss why you adopted this particular bid structure.
- B. Selection of the winning bid.
 - (1) Explain in detail the bid selection criteria and how the winning bid was selected. Were these factors ranked in terms of importance? If so, provide the ranking.
 - (2) Were any factors other than purchase price (*e.g.*, maintenance of employment and production levels, guarantees by the buyer to keep the company in operation, or the company's impact on the economy) considered when selecting the winning bid?
 - (3) Provide a copy of the bid contract and supporting documentation under which the company was sold.

- C. Aside from the purchase price, were there any conditions of sale placed on the buyer, such as investment commitments or employment and production guarantees?
- (1) If so, describe these conditions of sale in detail. What was the reason for requiring these conditions of sale?
 - (2) How were the bidding parties' commitments to these conditions of sale valued or quantified when evaluating the bids?
 - (3) Was the winner of the bidding process free to close the company and liquidate the assets after the company was sold?
- D. Has the buyer met all of the terms and conditions of the bid contract? If not, explain why. What options are available to ensure that the buyer has complied with all of the terms of the purchase agreement?

10. Sale of Shares

- A. Indicate the percentage and the total number of shares (all classes of stock) sold and the price per share as well as the number and percentage of any shares that remained with the seller.
- (1) Identify separately each TA-owned (either directly or indirectly) entity that purchased any of the shares sold, along with the number and percentage of shares purchased by each of those entities. Explain why shares were sold to these TA-owned entities.
- B. Was this a sale of the company's existing shares or of newly issued shares?
- C. How were potential investors in the stock offering selected? Were there any limitations on when certain investors could sell their shares in the company? If so, did all shareholders face the same selling restrictions?
- D. Did the purchase of particular shares (*e.g.*, "golden shares") bestow special rights or privileges on any private or TA-affiliated investor?³ If so, detail all special rights and privileges attendant to such shares.
- F. Provide any sales contract governing the sale of shares.

³ A golden share is often characterized as a share which has voting rights capable of exercising a veto over specified or significant changes to the constitution or articles of association of a company.

- (2) Do the terms of the sale of shares require anything other than cash from the buyer, such as investment commitments, debt assumption, worker training commitments, employment guarantees, *etc.*? If so, describe the conditions required and reasons for the conditions.
- (2) Have all buyers met all of terms and conditions of the stock sale? If not, explain why. What options are available to ensure that buyers have complied with all of the terms of the purchase agreement?

11. Sale of Assets

- A. Provide a copy of the sales contract and supporting documentation under which the assets of the company were sold.
- B. Do the terms of the sales contract require anything other than cash from the buyer, such as investment commitments, debt assumption, worker training commitments, employment guarantees, *etc.*? If so, describe the conditions required and reasons for the conditions. Support this explanation with specific citations to relevant portions of the sales contract.
- C. Did any liabilities transfer with the assets sold? If so, quantify amount of liabilities and explain why they were transferred. Support this explanation with specific citations to relevant portions of any sales contract.
- D. Has the buyer met all of the terms and conditions of the sales contract? If not, explain why. What options are available to ensure that the buyer has complied with all of the terms of the purchase agreement?
- E. Were any previously provided subsidies tied, in any way, to the particular assets sold?

Post-Sales Effect on Company

12. Explain whether and how any of the proceeds of the sale of assets or shares were reinvested in the company. For example, were the proceeds used to cover the general financing requirements of the company, or were the proceeds used for expansion of a particular facility or product line?
13. Describe the impact of the sale of shares or assets on the legal and corporate structure of the business producing subject merchandise. Also, describe the legal status of the business before and after the sale. Also, describe in detail the nature of the sale, *e.g.*, whether the sale was an acquisition of the firm by another firm or an equal merging of two companies. Provide all formal documents that describe the sale of the company.
14. Detail any instances in which the sale of the shares or assets resulted in any fundamental change in the general business operations of the company.

- A. Compare and contrast the main business and product segments of the company's operations after the sale with those before the sale. Detail any ways in which the operations are fundamentally different. Were parts (*e.g.*, production lines, subsidiaries, sales divisions) of the company shut down or ceded to other parts of the buyer's operations? Explain the extent to which these changes are consistent with the original goals and expectations of the sale (citing, as appropriate, to provisions in the sales contract or any pre-sale documents).
 - B. Identify the legal and trade names of the company and its main product lines before and after the sale. Explain the reasons for any changes.
 - C. Indicate whether any of the company's suppliers changed as a result of the sale.
 - D. Identify what impact, if any, the sale had on the company's customer base. Also, describe how the sale affected the company's U.S. sales operations.
 - E. Support this narrative with specific citations to the company's financial statements or other source documentation on the record.
15. Detail any instances in which the sale of the shares or assets resulted in any fundamental change in the production facilities of the company.
- A. Identify any production facilities that were acquired or disposed of as a result of the sale. Provide all documentation pertaining to the acquisition or disposal of any assets (*e.g.*, contracts, sales agreements).
 - B. Identify any and all changes in the product lines and production capacity at any of the company's facilities producing the subject merchandise that may have occurred as a result of the sale.
16. Detail any instances in which the sale of shares or assets resulted in any fundamental change in the financial structure of the company.
- A. Indicate what portion of the assets of the company was transferred as a result of this sale. In cases where the assets sold were those of a parent or affiliated company, explain how the sale impacted the business producing subject merchandise.
 - B. Provide a detailed explanation of any instances where the purchaser of the shares or assets did not become legally responsible for the existing and potential liabilities of the company. Support this explanation with specific citations to any relevant portions of the sales contract.
17. Detail any instances in which the sale of shares or assets resulted in any fundamental change in the level and composition of the personnel of the company.

- A. Identify the total number by category (*e.g.*, management, production workers, sales personnel) of any employees whose jobs were created or terminated as a result of the sale. Tie these numbers to any employment figures reported in the company's financial statements.
 - B. Explain how, under the terms of the sale, any existing employment agreements or union contracts were treated. Support this explanation with specific citations to any relevant portions of the sales contract and the union contracts.
 - C. Detail the extent to which the composition and the responsibilities of the Board of Directors of the company changed as a result of the sale.
18. If the transaction was a partial change in ownership (only some portion of the shares or assets of the company were sold), explain to what extent the sale affected control and direction of the company's finances and productive operations.

SECTION III

Loan Template

**The loan template and samples are available
in the Microsoft Excel version.**

**SECTION III
Input Purchases Template**

**The input purchases template and samples are available
in the Microsoft Excel version.**

SECTION III
Electricity Template

**The electricity template and samples are available
in the Microsoft Excel version.**

SECTION III

VAT and Import Tariff Exemptions Template

The VAT & Import Tariff Exemptions template and samples are available in the Microsoft Excel version.

SECTION III

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 _____ (state the method of service used,

e.g., via ACCESS, by secure electronic transmission, by first class mail, by email, or by hand

delivery) 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)

SECTION III

CERTIFICATION REGULATION AND TEMPLATES FOR COMPANY, GOVERNMENT AND LEGAL COUNSEL OR REPRESENTATIVE –

§ 351.303 Filing, document identification, format, translation, service, and certification of documents.

* * * * *

(g) Certifications. Each submission containing factual information must include the following certification from the person identified in paragraph (g)(1) of this section and, in addition, if the person has legal counsel or another representative, the certification in paragraph (g)(2) of this section. The certifying party must maintain the original signed certification for a period of five years from the date of filing the submission to which the certification pertains. The original signed certification must be available for inspection by U.S. Department of Commerce officials. Copies of the certifications must be included in the submission filed at Commerce.

(1) For the person(s) officially responsible for presentation of the factual information:

(i) 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.”

(ii) GOVERNMENT CERTIFICATION **

I, **(PRINTED NAME AND TITLE)**, currently employed by the government of **(COUNTRY)**, 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 the government of **(COUNTRY)** 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. 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.”

(2) For the legal counsel or other representative:

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.”