



**GENERAL INFORMATION, INSTRUCTIONS, AND
DEFINITIONS FOR COMMISSION GROWER, MILLER,
PROCESSOR, IMPORTER, AND PURCHASER
QUESTIONNAIRES**

**Sugar from the European Union;
Sugar from Belgium, France, and Germany**

**Investigations Nos. 104-TAA-7 (Second Review) and
AA1921-198–200 (Second Review)**

***Further information.--If you have any questions concerning the enclosed
questionnaire(s) or other matters related to these reviews, you may contact
the following members of the Commission's staff (Fax 202-205-3205):***

***Jai Motwane, investigator (202-205-3176; E-mail: jai.motwane@usitc.gov)
regarding general questions and trade and related information;***

***Justin Jee, auditor (202-205-3186; E-mail: justin.jee@usitc.gov)
regarding financial information; and***

***Catherine DeFilippo, economist (202-205-3253; E-mail: catherine.defilippo@usitc.gov)
regarding pricing, market, and related information.***

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS

GENERAL INFORMATION

Background.--On July 31, 1978, the Department of the Treasury issued a countervailing duty order on imports of sugar from the European Union (43 FR 33237). On June 13, 1979, the Department of the Treasury issued antidumping findings on imports of sugar from Belgium, France, and Germany (44 FR 33878). Subsequent to concurrent five-year "sunset" reviews conducted by the Department of Commerce and the Commission, the Department of Commerce published notice of continuation of the countervailing duty order and antidumping findings on October 28, 1999 (64 FR 58033).

On September 1, 2004, the Commission instituted second five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the countervailing duty order and/or the antidumping findings would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (69 FR 53466). If the Commission makes an affirmative determination with respect to the countervailing duty order or any of the antidumping findings, that order or finding will remain in place. If the Commission makes a negative determination with respect to the order or any of the findings, the Department of Commerce will revoke that order or finding.

Additional questionnaires will be supplied promptly upon request, or photocopies of the enclosed questionnaire(s) may be used. Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this review via the Commission's TDD terminal (202-205-1810).

Due date of questionnaire(s).--Return the completed questionnaire(s) to the United States International Trade Commission by no later than May 9, 2005. Although the enclosed postpaid envelope may be used to return the completed questionnaire, use of an overnight mail service may be necessary to ensure that your response actually reaches the Commission by May 9. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of Jai Motwane. **Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of the reviews.**

Service of questionnaire response(s).--In the event that your firm is a party to these reviews, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceedings that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

GENERAL INFORMATION--Continued

Confidentiality.--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public, and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--**The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).**

Release of information.--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the reviews, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with these reviews or other import-injury investigations or reviews conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

INSTRUCTIONS

Answer all questions.--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is "none," write "none." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--designated as such by the letter "E"--and explain the basis of your estimates.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with these reviews (i.e., a grower, processor, importer, purchaser, and/or foreign producer questionnaire), you need not respond to duplicated questions in the questionnaires.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

INSTRUCTIONS--Continued

Consolidate all U.S. establishments.--Report the requested data for your establishment(s) located in the United States. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

DEFINITIONS

Sugar.--Raw and refined sugar, with the exception of specialty sugars (e.g., cones, hats, pearls, loaves).

The countervailing duty order on sugar from the European Union includes blends of sugar and dextrose, a corn-derived sweetener, containing at least 65 percent sugar. U.S. importers should report imports of such blends from the European Union in their questionnaire response. The merchandise subject to the countervailing duty order on sugar from the European Union is currently classifiable under subheadings 1701.11.05, 1701.11.10, 1701.11.20, 1701.11.50, 1701.12.05, 1701.12.10, 1701.12.50, 1701.91.05, 1701.91.10, 1701.91.30, 1701.99.05, 1701.99.10, 1701.99.50, 1702.90.05, 1702.90.10, 1702.90.20, 2106.90.42, 2106.90.44, and 2106.90.46 of the Harmonized Tariff Schedule of the United States (HTS).

The antidumping findings on sugar from Belgium, France, and Germany exclude homeopathic sugar pellets meeting the following criteria: (1) composed of 85 percent sucrose and 15 percent lactose; (2) having a polished, matte appearance, and more uniformly porous than domestic sugar cubes; and (3) produced in two sizes of 2 mm and 3.8 mm in diameter. U.S. importers of sugar should exclude imports of any such homeopathic pellets from Belgium, France, or Germany from their questionnaire response. The merchandise subject to the antidumping findings on sugar from the Belgium, France, and Germany is currently classifiable under subheadings 1701.11.05, 1701.11.10, 1701.11.20, 1701.11.50, 1701.12.05, 1701.12.10, 1701.12.50, 1701.91.05, 1701.91.10, 1701.91.30, 1701.99.05, 1701.99.10, 1701.99.50, 1702.90.05, 1702.90.10, 1702.90.20, 2106.90.42, 2106.90.44, and 2106.90.46 of the HTS.

European Union (EU).--All 25 current member-states of the EU, including Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

Pre-expansion EU (EU-15).--The 15 member-states of the EU prior to its expansion to 25 members on May 1, 2004. The EU-15 includes Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

DEFINITIONS--Continued

New member-states of the EU (EU-NMS)--The 10 new member-states of the European Union, as of May 1, 2004. The NMS include Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.

Crop Year--The U.S. Department of Agriculture's crop year for reporting purposes is October 1 to September 30.

Firm--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

Related firm--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

Establishment--Each facility of a firm in the United States involved in the production, importation, and/or purchase of sugar (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

United States--For purposes of this review, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

Importer--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing sugar (as defined above) into the United States from a foreign manufacturer or through its selling agent.

Imports--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities--Quantities reported should be net of returns.

Import values--Values reported should be landed, duty-paid but not including antidumping and/or countervailing duties, at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and normal import duties (i.e., including all charges except inland freight in the United States and antidumping and/or countervailing duties).

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

DEFINITIONS--Continued

Purchaser.--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing sugar (as defined above) from another firm that produces, imports, or otherwise distributes sugar. A retail firm that is the importer of record may be considered a purchaser.

Purchases.--Purchases from all sources, NOT including direct imports from foreign producers (which should be reported in an importer questionnaire).

Purchase quantities.--Quantities reported should be net of returns.

Purchase values.--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

Shipments.--Shipments of sugar produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of sugar produced by your firm under a toll agreement.

Shipment quantities.--Quantities reported should be net of returns.

Shipment values.--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. point of shipment. The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

Types of shipments:

U.S. shipments.--Commercial shipments, internal consumption, and transfers to related firms within the United States.

Commercial shipments.--Shipments, other than internal consumption and transfers to related firms, within the United States.

Internal consumption.--Sugar consumed internally by your firm.

Transfers to related firms.--Shipments made to related domestic firms.

Export shipments.--Shipments to destinations outside the United States, including shipments to related firms.

Inventories.--Finished goods inventory, not raw materials or work-in-progress.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

DEFINITIONS--Continued

The following definitions apply only to the MILLER and PROCESSOR QUESTIONNAIRES.

Average production capacity.--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

Toll agreement.--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, etc.

Production.--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

PRWs.--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), record keeping, and other services closely associated with the above production operations.

Average number employed.--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12.

Hours worked.--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

Wages paid.--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

Fiscal year.--The 12-month period between settlement of your firm's financial accounts.

Continued Dumping and Subsidy Offset Act (Byrd Amendment) funds received.--Funds disbursed by the Bureau of Customs and Border Protection under the Continued Dumping and Subsidy Offset Act of 2000 (the "Byrd Amendment"). The Byrd Amendment provides for the annual distribution of the duties collected pursuant to antidumping and countervailing duty

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

DEFINITIONS--Continued

orders. The distribution is available to “affected domestic producers for qualifying expenditures.”

Purchases other than direct imports.--Purchases from U.S. producers, U.S. importers, and other U.S. sources.