

## **Official Form**

**Exporters**

**Investigation for price discrimination**



The International Trade Practices Unit of the Ministry of Economy (hereinafter "the Ministry"), is the administrative authority in charge of carrying out the investigation procedures regarding disloyal international trade practices, as well as the special procedures derived from them. These procedures are regulated by the General Agreement on Tariffs and Trade 1994 (GATT 1994), the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "Antidumping Agreement"), the Foreign Trade Law (LCE) and the Foreign Trade Law Regulations (RLCE).

In accordance with Article 28 of the LCE it is considered an unfair international trade practice to import goods under conditions of price discrimination in the exporting country, whether the goods are of origin or origin, which cause injury to a domestic industry of identical or similar goods in the terms of Article 39 of the LCE.

Articles 1 of the Antidumping Agreement and 29 of the LCE provide that the determination of the existence of price discrimination, injury, causal relationship, as well as the establishment of countervailing duties, shall be made through an investigation in accordance with the administrative procedure provided for in the Antidumping Agreement, the LCE and its regulations.

This form applies to foreign producers and/or exporters of the product under investigation who wish to participate in an investigation into unfair international trade practices in the form of price discrimination.

The procedure in matters of unfair international trade practices is subject to the requirements and deadlines determined in the applicable legal framework. Therefore, if it is in the interest of the foreign producer and/or exporter to participate in an antidumping investigation, it must do so during the first period of offering of evidence, since thereafter, the appearance of new interested parties will not be admitted, in accordance with Articles 53 of the LCE and 164 second paragraph of the RLCE.

All information provided to the Ministry may be subject to verification in accordance with Article 83 of the LCE and Article 6.7 of the Antidumping Agreement.

This form and any additional information sent to the Ministry should be submitted, in this case and in subsequent cases, from Monday to Friday, from 9:00 a.m. to 2:00 p.m., to the Head of the International Trade Practices Unit (UPCI) at the following address:

Ministry of Economy  
International Trade Practices Unit  
Insurgentes Sur 1940, ground floor (window area)  
Col. Florida  
C.P. 01030  
Mexico City  
(55) 52 29 61 00 Ext. 33100 y 33104

**A. General aspects**

1. The information you submit must comply with the following requirements:

- A. In accordance with article 271 of the Federal Code of Civil Procedures (CFPC), documents submitted in a language other than Spanish must be accompanied by their respective and accurate translation into Spanish, otherwise they will not be considered in the procedure.
- B. In case of requesting that certain information be considered and granted confidential character, it must comply with the following, in accordance with Articles 6.5 of the Antidumping Agreement 80 of the LCE and 148, 149, 150, 152, 153 and 158 of the RLCE. The foregoing, on the understanding that if any of the following requirements are not met, the information may be disregarded:
  - a. File a request for confidential treatment to be granted to clearly identifiable information.
  - b. Provide detailed and sufficient justification as to why your information is confidential.
  - c. Present a public summary of your information in sufficient detail to enable the person consulting it to have a reasonable understanding of it or, if appropriate, to state the reasons why it is not possible to summarize it.
  - d. Express your consent that your information marked as confidential may be reviewed by the legal representatives of other interested parties who request it and who comply with the requirements of the LCE and the RLCE to do so. For this purpose, the consent form for the consultation of confidential information is attached, which should be sent to the Ministry, duly requisitioned.
- C. Based on the above, the information should be submitted in two versions: PUBLIC and CONFIDENTIAL and, if applicable, RESERVED COMMERCIAL, as the case may be, in such a way that the versions are identical, except that in the confidential or, if applicable, reserved commercial version, the confidential or reserved commercial data must be indicated in square brackets, and in the public version, delete said data by means of a blank space between square brackets, so that CONFIDENTIAL information is not visible in the PUBLIC version.

Example:

Confidential version	Public version
Production cost	Production cost
[ 50 ] dollars per ton	[ ] dollars per ton

- D. Print the captions: "PUBLIC INFORMATION", "CONFIDENTIAL INFORMATION" or "RESERVED TRADE INFORMATION", according to the version in question, in the middle of each page of the corresponding text, without obstructing the text.
- E. The answer to this form, lists and annexes must be presented in original and three copies, in letter-size sheets without perforation, with a space of 3 centimetres between the left edge of the sheet and the beginning of the text, as well as in magnetic or digitized media (for each version). In addition, you must submit a copy for acknowledgement of receipt. All the information presented both in printed and electronic form must be identical, in addition to being identified in the same way in both presentations.
- F. The information and documents of a public nature, presented to the administrative authority, must be sent to the other interested parties, in accordance with the provisions of Article 56 of the LCE and Article 140 of

the RLCE. In the event that the interested parties do not comply with the transfer, the Secretariat may disregard the information that has not been transferred and decide on the basis of the facts known.

2. Respond in as much detail as possible. **All questions, without exception, must be answered.** Use the captions "N/A" and "N/D" for "Not Applicable" or "Not Available", respectively, indicating the reasons for your answer. Report any additional comments you deem necessary. Also, the columns in the annexes can be marked as "N/A", as long as you explain in each case the reasons for using this legend.
3. Use the formats indicated for each information requested. Specify the relevant units of measurement and, if applicable, the conversion factors used, to this end, you must provide the information and methodology supporting these factors. You must also include the calculation formulas in the databases and files that you present.
4. The documents and evidence attached must be listed, describe their content and specify the source from which they were obtained (title, author, page, date of the document or consultation, Internet page or other, as appropriate), in addition to attaching a copy of the same. Likewise, you must keep the working papers that support your information, in order to allow, at a later stage, the verification of this information in your reports, accounting records and audited financial statements. The source of each piece of evidence presented is of the utmost importance for this administrative authority to evaluate and verify its accuracy and relevance.

<b>Annex</b> Include number, letter, paragraph and/or what it may be.	<b>Description</b> of the information contained in the annex and the fact that it pretends to prove.	<b>Source</b> Specify the title, author, page, date of the document or of its consultation, web page.	<b>Classification</b> Specify if it is public, confidential, reserved trade information.

**B. Information on the exporter**

1. You must provide the following information from the foreign producer and/or exporter:
  - A. Name<sup>1</sup> or business name.
    - B. Address.
    - C. Telephone.
    - D. Activity or line of business.
    - E. Chambers or associations to which it is affiliated.
  2. It must present a certified copy of the constitutive act of the national producer and of the last modifications, with which the legal existence of the same is accredited.
  3. If the form is answered by a chamber or association grouping foreign producers and/or exporters of the product under investigation, it should indicate the number of members and include the following data for each of them:
    - A. Business name.
      - B. Main activity.
      - C. Address (including Street, number, location and zip code).
      - D. Telephone.

<sup>1</sup> Consult the privacy notice.

- E. The chambers or associations must prove the representative character of the foreign producers and/or exporters they represent.

**Note.** The chambers or associations must present information for the total of their associates that exported to the United Mexican States the product under investigation during the period of investigation.

4. In accordance with article 5 of the Federal Law of Contentious-Administrative Procedure (LFPCA), of supplemental application, in no administrative procedure will business management be admitted, so the legal representative must accredit his personality in accordance with articles 51 of the LCE, 5 and 21 of the LFPCA. For this purpose, the following must be presented:
- A. Name<sup>\*</sup> of the proxy or of the person who will henceforth act in his or her name and representation before this administrative authority, who must accredit his or her personality by means of a public deed or power of attorney signed before two witnesses and the signatures ratified before a notary public or before this same authority, in accordance with the provisions of article 5 of the LFPCA.
  - B. Certified copy of the public deed accrediting the name and faculties of the principal of the company.
  - C. In the event that the exporting company's country of origin is a signatory to the Convention abolishing the requirement of legalization of foreign public documents, the documents referred to in paragraphs A and B of this point, as well as in point 2 of this section, must contain the corresponding apostille, in accordance with said Convention, published on August 14, 1995, in the Federal Official Gazette. Otherwise, such documents must be submitted duly legalized to the competent Mexican consular authorities in accordance with Article 546 of the CFPC.
  - D. In accordance with article 51 of the LCE, the legal representatives of the interested parties that appear in the investigation procedures on unfair practices of international trade, will require professional title and professional card in the terms of the Mexican legislation, with the exception of those that belong to the board of directors of the same or its equivalent.
  - E. Copy of an official identification.
5. In order to carry out the notifications required in the course of the procedure, you must designate:
- A. A conventional address in Mexico.
  - B. An electronic mail.
  - C. Telephone.
6. You will need to explain the corporate structure of your company. This information should include:
- A. Name of the parent company.
  - B. Name of subsidiaries.
  - C. Name of any other related company<sup>2</sup> in some other way with your company (e.g. marketers, suppliers, etc.).
  - D. Provide, in a separate document, flow charts indicating the relationship between the various companies in the corporation.
  - E. Indicate which of these companies exported the product under investigation to the United Mexican States during the period analysed.

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<sup>2</sup>In accordance with Article 61 of the RLCE, it should be considered that there is a link: i) If one of them holds management or responsibility positions in a company of the other; ii) If they are legally recognized as business associates; iii) If they have an employer-worker relationship; iv) If a person directly or indirectly owns, controls or possesses five percent or more of the shares, corporate parts, contributions or titles in circulation and with the right to vote in both; (v) If one of them directly or indirectly controls the other; (vi) If both persons are directly or indirectly controlled by a third person; (vii) If together they directly or indirectly control a third person; or (viii) If they are from the same family.

- F. Indicate which of these companies produced the product under investigation during the period analysed.
7. If the nature of your organization's operations or relationships for exports of the product under investigation changed in the period analysed, provide details about the timing, nature, and significance of such changes; for example, opening of plants, relocations, expansions, acquisitions, consolidations, closings, or extended shutdowns due to accidents or equipment failures; changes in sourcing patterns; other.
8. Provide the following information about the customers to whom you sell the product under investigation:
- A. Business name.
  - B. Address (including street, number, location, state zip code).
  - C. Telephone and electronic email.
9. Indicate if you are connected<sup>3</sup> with their suppliers or with one of the Mexican importers mentioned in the request from the domestic producers or any other. Also, please indicate whether you are related to the domestic producers in the United Mexican States.
10. Indicate if your company has any agreement with a Mexican importer. If yes:
- A. Submit a copy of this agreement.
  - B. Indicate whether this agreement has any effect on the price paid by the importer.

**1. Exporting company indicators**

11. Provide information on your company's installed capacity for the production of the product under investigation. Use the format in Annex A.1. In addition, indicate whether you are planning to expand your installed capacity and, if so, provide projected levels and utilization, as well as supporting information.
12. Provide information on your company's economic indicators in relation to the product under investigation. Your response should contain information on the 36 months of the period under review for the following topics. Use the format in Annex A.2.
- A. Production.
  - B. Inventories.
  - C. Sales to the domestic market in value and volume.
  - D. Exports to the United Mexican States in value and volume.
  - E. Exports to other countries in value and volume (specify to which other countries you export the goods under investigation).
  - F. Total exports in value and volume.
13. Provide the value of total corporate sales (both in the currency of the country of origin and in U.S. dollars, specifying the exchange rate used) during the period of investigation, following the format of Diagram 1. Indicate the sources of your information. The totals of the values must coincide with the totals of Annexes 1, 2A and 3A.
14. For the product codes under investigation, provide the cumulative value and volume per month of total sales to the domestic market, to the Mexican market and to each of the remaining export markets, made during the period of investigation. Use the format in Annex 1. Specify the sources of information used in each case. This information will be checked against your sales records by month and by commodity during the verification procedure.

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<sup>3</sup>Please note the previous footnote.

15. The company should provide the total sales of the company producing the product under investigation, in value and volume, during the period under investigation, broken down by product code and by market. Use the format in Annex 5.

## **2. Distribution system**

16. Describe in detail the distribution channels, both in the domestic market and in your export markets, including the Mexican market. Include a flow chart.

17. Indicate if you sell to related customers in the domestic market or in your export markets, indicate if prices and/or terms of sale are different from those applicable to unrelated customers.

18. If your exports arrive to the United Mexican States through another country, describe the distribution channels in that country. Include a flow chart.

19. Similarly, it should explain, for each market (domestic and export), the invoicing process along the distribution channel used.

## **3. Product codes**

20. List the product codes of the exports made by your company during the period analysed and that entered the United Mexican States.

21. Please indicate whether the product codes mentioned in the answer to the previous question comply with the specifications of the description of the product under investigation. If not, please describe in detail the differences between the domestic goods and the goods your company exports. Attach evidence to support your claims (e.g. laboratory test results, certificates of analysis, specification sheets, customer lists, etc.).

### **C. Price discrimination aspects**

22. All information provided by you for 'export price' and 'normal value' purposes should relate to the period under investigation.

#### **1. Export price**

23. List individually all export operations of the product under investigation to the United Mexican States. In case the product under investigation is classified in several product types, which are not physically identical to each other, classify your sales by product type, according to the product codes used in your accounting record system. Use the format in Annex 2.A. Provide purchase orders, sales invoices, payment vouchers and other documentation necessary to support the reported transactions<sup>4</sup>.

24. Likewise, in the case that the investigated merchandise exported to the United Mexican States, comes from traders or other related companies, they must report in Annex 2.A the product codes, values, volumes and prices at which the investigated product is sold, from the producer to the importer or final client. They must relate each of these sales throughout the distribution chain. To support the figures reported, submit purchase orders, sales invoices between the different parties involved, proof of payment, etc..<sup>5</sup> Provide the methodology and evidence required to link the operations in the database.

25. Based on article 51 of the RLCE, the export price to the United Mexican States for each type of product considered in its response must be net of discounts, rebates and reimbursements. Indicate the source of information, date and exchange rate to United States dollars of each of the reported transactions. Use the format in Annex 2.A1 and provide separately the detailed methodology of the calculation (identification of the product under investigation, classification, etc.), the sources consulted, the evidence supporting the information included in this point and the calculations made.

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<sup>4</sup> It may submit a duly justified representative sample, if the number of transactions for the period under investigation so warrants.

<sup>5</sup> It may submit a duly justified representative sample, if the number of transactions for the period under investigation so warrants

26. Based on articles 2.3 of the Antidumping Agreement, 35 of the LCE and 50 of the RLCE, when export sales are made between related parties, the export price may be reconstructed on the basis of the price at which the imported goods are first resold to an independent buyer in the United Mexican States, unless it is demonstrated that the prices of the sales between related parties reflect market conditions. In this case, all expenses incurred between export and resale must be deducted, including payments for taxes and duties in the importing country, as well as import and distribution profit margins.

In the event that the exporting company is related to the importing company, it must submit the information requested in Appendix 1; such information is indispensable for the Ministry to calculate the constructed export price, and therefore, in the absence of such information, the Ministry will decide on the basis of the information available in accordance with Article 6.8 of the Antidumping Agreement and Articles 54 and 64 of the LCE.

## **2. Normal value**

### **a. Price references in the domestic market of the country of origin**

28. According to articles 2.1 of the Antidumping Agreement and 31 of the LCE, normal value is determined as the comparable price of an identical or similar merchandise to that exported to the United Mexican States, destined to the domestic market of the country of origin. Consequently, it lists individually the sales of the identical or similar merchandise to each one of the types of product specified in the Export Price section, destined for consumption in the domestic market of the country of origin during the period of investigation. Report the information in accordance with the invoice dates, which serve as a basis for the determination of normal value. A. The values reported in Diagram 1 must coincide with the sum of the totals in the tables in Annexes 1 and 5, as well as with the sum of the totals of the transactions reported in Annex A. Provide the purchase orders, sales invoices, payment vouchers and other documentation necessary to support the transactions reported<sup>6</sup>.

29. If you provide lists of sales made in the domestic market of the country of origin corresponding to product codes similar to those reported in the section on Export Price, you must justify the selection of these codes, in accordance with the provisions of Article 2.6 of the Antidumping Agreement and Article 37 of the RLCE, and provide the classification that allows the association of these codes.

30. Specify if the prices are to the wholesale, retail, distributors, intermediaries, etc. Identify the terms and conditions of sale of the prices.

31. According to Article 51 of the RLCE, domestic sales prices in the country of origin must be net of discounts, rebates and refunds. Indicate the source of information, date and exchange rate to United States dollars for each of the prices used. Use the format in Annex 3. B and provide separately the detailed methodology, the sources consulted, the evidence supporting the information included in this point and the calculations made.

32. Justify that the domestic price references in the country of origin constitute a reasonable basis for the determination of the normal value.

### **b. Export prices from the country of origin to a third country or reconstructed value in the country of origin**

33. When there are no sales of identical or similar merchandise in the country of origin or when such sales do not allow for a valid comparison, in accordance with articles 2.2 of the Antidumping Agreement and 31 of the LCE, normal value may be calculated from references to the export price to an appropriate third country, other than the United Mexican States, provided that this price is representative, or the constructed value in the country of origin, defined as the sum of the cost of production, general expenses and a reasonable profit, which must correspond to normal commercial operations in the country of origin. The foregoing, in accordance with the provisions of the following points.

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<sup>6</sup> It may submit a duly justified representative sample, if the number of transactions for the period under investigation so warrants.



34. If you use this methodology, please justify that the price references from the country of origin to a third country are a reasonable basis for determining the normal value.
35. List individually the export sales to an appropriate third country of the identical or similar merchandise of each of the product types specified in the Export Price section. Indicate the source, date and exchange rate to United States dollars of each of the sales. Use the format in Annex 3. A and provide purchase orders, sales invoices, payment vouchers and other documentation necessary to support the information provided<sup>7</sup>.
36. If you provide lists of export sales to third markets, corresponding to product codes similar to those reported in the section on Export Price, you must justify the selection of these codes, in accordance with the provisions of Article 2.6 of the Antidumping Agreement and Article 37 of the RLCE and provide the classification that allows the association of these codes.
37. Based on the provisions of Article 51 of the RLCE, the references to the export price from the country of origin to an appropriate third country must be net of discounts, rebates and refunds. Indicate the source of information, the date and the exchange rate to United States dollars for each one of the prices used. Use the format in Annex 3. B and provide separately the detailed methodology, the sources consulted, the evidence supporting the information included in this point and the calculations made.
38. As for the constructed value, it is defined as the sum of the production costs, overheads ( sales and administrative expenses, financial expenses, etc.) and a reasonable amount of profit.
39. If using this methodology, please provide the constructed value for each of the product types, identical or similar to those specified in the Export Price section. Calculate the constructed value in accordance with Articles 2.2.1.1 and 2.2.2 of the Antidumping Agreement, 44, 45 and 46 of the RLCE. Use the format in Annex 4. A and provide separately the detailed methodology, the sources consulted and the documentation supporting the determination of each of the elements of constructed value.
40. If you provide the constructed value for product codes similar to those reported in the Export Price section, you must justify the selection of these codes, in accordance with the provisions of Articles 2.6 of the Antidumping Agreement, 37 of the RLCE, and provide the classification that allows the association of these codes.
41. Report the reconstructed value in the original units of measure and currency, as well as in the relevant units of the metric system and in US dollars.
42. Perform the calculations in points 43 to 46 of this form. Use the relevant columns in Annex A to report your results.
43. Calculate the costs of production in accordance with Article 2.2.1.1 of the Antidumping Agreement. The allocation of indirect costs must be calculated according to Article 46, fraction III of the RLCE.
44. Identify inputs purchased from related parties. Determine if the prices you paid for them reflect market prices, as provided by Article 44, paragraphs 2 and 3 of the RLCE. If this is not the case, use any other economic investigation method to obtain the market prices of such supplies.
45. In accordance with Article 2.2.2 of the ADA and Article 46, sections IV, V, VI, VII, VIII, IX and X of the RLCE, use the actual data specific to the product under investigation. If these are not available, use information relating to the same product category, or at the corporate level, preferably using the cost of sales as a pro rata basis.
46. Additionally, calculate a profit amount for each product code exported to the United Mexican States. In accordance with articles 2.2.2 of the Antidumping Agreement and 46 fraction XI of the RLCE If not applicable, use any other reasonable method of allocation, justifying its use.

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<sup>7</sup> It may submit a duly justified representative sample, if the number of transactions for the period under investigation so warrants.

47. Explain in detail the calculation methodology used to obtain the profit, indicating the figures and sources of information used.
48. Indicate the factor used for conversion from the original volume unit to the relevant unit of the metric system. According to articles 2.4.1 of the Antidumping Agreement and 58 of the RLCE, identify the exchange rate to United States dollars effectively applied.

**c. Normal business operations**

49. In order to determine that sales in the domestic market or export sales to a third country of the merchandise identical or similar to those reported under the heading of Export Price during the period of investigation were not made at prices below the unit costs (fixed and variable) of production, plus administrative, selling and general expenses in the terms of Article 2.2.1 of the Antidumping Agreement, provide the information described below.
50. For each identical or similar product code reported in the Export Price section, present the average cost of production and overheads with the highest level of specificity available, that is, if you have daily data report these, if not, provide weekly data and so on. This information should correspond to the period of investigation. To do so, use the format in Annex 4.A.1.
51. In accordance with Article 46 of the RLCE, production costs are integrated with the following concepts: costs of direct materials and components, direct labour costs and indirect manufacturing expenses. General expenses include selling and administrative expenses, financial expenses, research and development expenses and other applicable expenses.
52. Report the total production volumes of each product code identical or similar to those reported in the section on Export Price, at a level of disaggregation that coincides with that used in your response to the previous point.
53. Make the calculations in points 54 to 57 of this form. Use the relevant columns in the format in Annex 4A.1, to report your results.
54. Calculate the production costs in accordance with article 2.2.1.1 of the Antidumping Agreement and the allocation of indirect costs, in accordance with article 46, section III of the RLCE.
55. Identify inputs purchased from related parties. Determine if the prices you paid for them reflect market prices, as provided by Article 44, paragraphs 2 and 3 of the RLCE. If this is not the case, use any other economic investigation method to obtain the market prices of such inputs.
56. In accordance with Article 2.2.2 of the Antidumping Agreement and 46 fractions IV, V, VI, VII, VIII, IX and X of the RLCE, use the actual data specific to the product under investigation to determine the overhead. If these are not available, use the information related to the same category of products, or at the corporate level, using as a pro rata basis preferably the cost of sales. If none of the methods described above is applicable to the calculation of overheads, use any other reasonable allocation method, justifying its use.
57. Determine the total unit production cost in the country of origin, by product code, in the original units of measure and currency, as well as in the relevant units of the metric system and in US dollars. If necessary, report the quantities in number of pieces.
58. Indicate the factor used for conversion from the original volume unit to the relevant unit of the metric system. Likewise, identify the exchange rate to United States dollars effectively applied, according to article 58 of the RLCE.
59. Explain in detail the calculation methodology used to obtain each of the concepts that make up both the cost of production and general expenses, indicating the figures and sources of information used.

### **3. Adjustments to the export price and normal value**

60. For the purpose of comparing the export price and the normal value at the same level, normally ex-works, differences between both prices should be neutralized, in accordance with articles 2.4 of the Antidumping Agreement, 36 of the LCE and 52, 53, 54, 55, 56, 57 and 58 of the RLCE. Among others, adjustments for terms and conditions of sale, differences in quantities, physical differences, differences in tax charges and levels of trade shall be considered.

61. Adjustments for differences in terms and conditions of sale are applicable to both the export price and the normal value. Adjustments for differences in quantities, physical differences and differences in tax charges are applicable exclusively to the normal value. Any adjustment claimed must be supported by evidence justifying its consideration.

62. Adjustments to the export price and normal value should be applied on a transaction-by-transaction basis and/or to price references. Use the format in Annex 2.A1 for adjustments to the export price to the United Mexican States, as well as Annex 3. B for normal value. Separately, describe in detail the method used to calculate each adjustment, specifying the units of measure and conversion factors used. Indicate and provide the sources of information from which the adjustments were obtained, documentary evidence, and dates of the adjustments. Present several examples of the calculations corresponding to each adjustment.

63. When the adjustment amounts are obtained by some apportionment method, present separately the detailed explanation of the method used. Provide all applicable accounting sources.

64. For each of the adjustments indicated in your information, you must provide an explanation of the concept and justification of the adjustment, the figures on the basis of which they were determined, the sources of information, the methods of calculation and the accounting accounts in which the concepts relating to each adjustment are recorded. All figures reported should be consistent with the figures recorded in its accounts, either directly or through a conciliation.

### **4. Calculation of normal value based on a surrogate country <sup>8</sup>**

65. If the surrogate country methodology was used at the initiation of the investigation, consider the following:

- A. In accordance with the provisions of articles 33 of the LCE and 48 of the RLCE, the applicant submitted arguments and evidence to prove that in the production and sale of the like product manufactured by the companies of the sector or industries in the exporting country, cost and price structures prevail that are not determined according to market principles, and therefore the calculation of the normal value shall be made based on a substitute country, according to the same guidelines referred to in items 28 and 33 of this form.
- B. If you claim otherwise, you must provide arguments and documentary evidence to show that the cost and price structures prevail in the production and sale of the like product manufactured by the companies in the sector or industries in the exporting country, which are determined according to market principles, and you must submit normal value information in accordance with the domestic prices referred to in Section C (Price Discrimination), point 2 (Normal Value) of this Form.

### **5. Margin of price discrimination**

66. In accordance with Article 38 of the RLCE, the margin of price discrimination corresponds to the difference between the normal value (adjusted) and the export price (adjusted), relative to the latter and expressed in percentage terms, that is:

$$MD = [(VNa - PEa) / PEa] \times 100$$

where:

MD= margin of price discrimination

VNa= adjusted normal value

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<sup>8</sup>In the case of presenting a market study, you must present the consultant's data. In any case, it must be justified that the source from which the information was obtained is reliable. If you applied interviews or surveys to collect the prices, describe how you carried out that process. Provide relevant documentary support.

PEa= adjusted export price

67. In accordance with articles 2.4 of the Antidumping Agreement and 39 of the RLCE, in cases where the product under investigation comprises goods that are not physically equal to each other, the margin of price discrimination should be estimated for each of the product types that make up the product under investigation.

68. In addition, a weighted average of all individual estimates considered should be calculated. This weight shall be calculated according to the relative share of each product type in the total volume exported. Use the format in Annex 4B..

69. If you have used two or more references to determine the normal value and/or export price of the same type of product, report in Appendix 4B exclusively the adjusted average value obtained from such references, in U.S. dollars and in the relevant unit of measurement. If applicable, include a detailed description of the weighting method used to calculate such average value.

**D. Additional elements**

70. Describe extensively how the industry of the product under investigation is shaped in your country of origin and indicate:

- A. The name of the producers and their share in the total production.
- B. Trends in production.
- C. The domestic prices in the country of origin of the merchandise.
- D. The installed capacity and utilization.
- E. The size of the market.
- F. The trend in consumption or domestic demand.

71. Provide information on the economic indicators of the industry producing the product under investigation. The information should be product specific and cover the 36 months of the period analysed for the following indicators. Use the format in Annex A.3. Additionally, indicate if there are projected expansions to the installed capacity of the industry and, if so, provide the information that supports it.

- A. Production.
- B. Imports in value and volume.
- C. Exports to the United Mexican States in value and volume.
- D. Exports to other countries in value and volume (indicate which countries).
- E. Total exports in value and volume.

72. Describe the characteristics of the international market for the merchandise under analysis and the changes that have taken place during the period under analysis. Your response should include, at least, information and statistics on the following:

- A. Main producing countries.
- B. Main consumer countries.
- C. Main exporting countries.
- D. Main importing countries.
- E. Trade flows.
- F. Economic cycles to which the international market is subject.
- G. Changes in the production process.

H. If you have information on the behaviour of international prices during the period analysed, you should provide it, as well as an explanation of the factors that affect the determination of such prices and their behaviour.

73. In accordance with Article 65 of the RLCE, it must provide economic studies, monographs, technical literature and international statistics on the behaviour of the international market for the merchandise under analysis, or any other documentation that makes it possible to identify the specific competitive conditions of the industry that manufactures the product under investigation, as well as the cycles and specific competitive conditions of the industry concerned. Also, indicate the sources of information and provide copies thereof.

**E. Other information**

74. Provide any other information you consider necessary for the Ministry to consider in its analysis.

**I declare under oath that the information contained in this form is complete and correct.**

**Name:**

**Signature:**

**Date:**

**CONSENT TO CONSULTATION OF INFORMATION CLASSIFIED AS  
CONFIDENTIAL**

**PROCEDURE:** Antidumping investigation

**PRODUCT:**


**ORIGIN:**

**FILE:**

Mexico City, on \_\_\_ of \_\_\_\_\_ de 202\_

\_\_\_\_\_, legal representative of the company \_\_\_\_\_, in terms of the provisions of article 158 fraction IV of the Regulations of the Foreign Trade Law (RLCE), I hereby give my consent so that the accredited legal representatives of the interested parties can consult the information that my represented party presents with a confidential character in the procedure mentioned to the item, as long as they comply with the requirements established in articles 159 and 160 of the RLCE, and have previous authorization from the Ministry of Economy. The foregoing, based on articles 6.5 of the Agreement on the Application of Article VI of the General Agreement on Tariffs and Trade 1994, 80 of the Foreign Trade Law and 158 section IV of the RLCE.

\_\_\_\_\_  
Signature



## **OFFICIAL FORMAT**

# **AUTHORIZATION OF THE ACCREDITED LEGAL REPRESENTATIVE FOR ACCESS TO CONFIDENTIAL INFORMATION**



### **A.General aspects**

1. This form must be completed and signed by the legal representative who intends to have access to the confidential information in the terms of Article 80 of the Foreign Trade Law (LCE) and 159 of the Regulation of the Foreign Trade Law (RLCE).
2. Only applications for access to confidential information submitted in the format issued by the Ministry of the Economy (hereinafter the "Ministry") will be processed without modification.
3. The International Trade Practices Unit may at any time verify the authenticity and truthfulness of documents and statements made by the person or persons requesting access to confidential information.
4. Submit this format with an original autograph signature and three copies, including their annexes, on letter-size sheets without perforation, with a space of 3 centimetres between the left edge of the sheet and the beginning of the text. In addition, you must submit a copy for the acknowledgement of receipt.
5. This form and all additional information sent to the Ministry must be submitted, in this and subsequent cases, from Monday to Friday, from 9:00 a.m. to 2:00 p.m., to the Head of the International Trade Practices Unit, at the address located at Insurgentes Sur 1940, ground floor (window area), Col. Florida, C.P. 01030, Mexico City.
6. In case of improper use of the information entrusted to it, the Secretariat will consider it for future authorizations to access confidential information.

### **B.Application**

7. Accurately indicate the confidential information you are requesting to review, as well as the reasons for it<sup>9</sup>, as well as the investigation procedure and the administrative file number from which you are requesting access to the confidential information.
8. Accurately indicate the confidential information you are requesting to review, as well as the reasons for it.

### **C.Documents**

9. In compliance with the provisions of articles 51 of the LCE, 159 and 160 of the RLCE and 5 of the Federal Law of Administrative Litigation Procedure (LFPCA), of supplementary application, the person or persons interested in requesting access to confidential information must comply with the following:
  - A. Proof of the personality with which he acts by means of a public deed or power of attorney signed before two witnesses and ratified by signatures before a notary public or before this same authority, representation which must be accredited to him no later than the date of submission of the application, in accordance with the provisions of Article 5 of the LFPCA.
  - B. Present a certified copy of the public deed that proves the name and powers of the principal or power of attorney.
  - C. In accordance with Article 51 of the LCE, the legal representatives of the interested parties that appear in the investigation procedures on unfair international trade practices, will require a professional title and a cédula in the terms of the Mexican legislation, with the exception of those that belong to the board of directors of the same or its equivalent.
  - D. Based on article 159 section V of the RLCE, prove that you are a resident of Mexico. For this purpose, you must present an original certificate of residence issued by a competent authority.

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<sup>9</sup>Consult the Privacy Notice.



- E. Original of the guarantee referred to in article 160 section IV of the RLCE, consisting of a security in the amount of \$4,200,000.00 (four million two hundred thousand pesos 00/100 M.N.).
10. The document containing the bond must contain the following legend:

This security is issued to **(write down the name of the persons who are going to consult the confidential file, which can be a maximum of three, and the name or denomination of the natural or legal person they represent)** to guarantee in the terms of articles 80 and 93 fraction VI of the Foreign Trade Law and 160 fraction IV of its Regulations, the damage that could be caused by the disclosure of confidential information or the use of it for personal benefit related to **(include identification of the unfair international trade practice proceeding in question and the administrative record to which the confidential information to which access is requested belongs)**, in which its principal participates, as well as the sanctions to be imposed on it for any wrongdoing.

This security shall be valid for the duration of the proceedings and for the duration of any legal proceedings or proceedings instituted and until a final decision is taken by the competent authority.

In the event that this security is required, the Bonding Company shall expressly submit to the enforcement procedure established by the Insurance and Bonding Institutions Act in force.

#### **D. Manifestations**

11. In compliance with the provisions of article 159 section X of the RLCE, I declare under protest the following:
- A. I am aware of the responsibilities and sanctions that could be incurred in case of violating the confidentiality of the information entrusted, in accordance with the provisions of Articles 93 section VI of the LCE; 147, 149, 159, 160 and 161 of the RLCE; 210 and 211 of the Federal Criminal Code; and 61 of the Law Regulating Article 5 of the Constitution, regarding the Exercise of Professions in the Federal District.
  - B. I have not been convicted by an enforceable sentence for a crime of malice.
  - C. I possess a good personal and professional reputation.
  - D. I have not been a partner, held a management position or acted as an attorney or salaried representative of the company I intend to represent, nor of any of the interested parties or interveners in the proceedings in progress, in the last year.

#### **E. Confidentiality commitment**

12. Therefore, and in accordance with article 159 section VI of the RLCE, the accredited legal representative must commit to the following:
- A. To use confidential information only for the defence of the interests of the party concerned by this application, and not for its own benefit or that of others.
  - B. To keep in a special place the notes or summary concerning the confidential information to which I will have access, as well as to use the relevant protection instruments to ensure the confidential information to be entrusted.
  - C. Return the original versions of the notes or summaries formulated in the review of the confidential information, within ten working days following the publication in the Federal Official Gazette of the final resolution of the investigation in which I act.
  - D. Submit to the Ministry any information required to ensure compliance with the LCE, the RLCE and this commitment. As well as, to facilitate at all times the realization of visits in the place or places where the confidential information is located.

**Name:**

**Signature:**

**Date:**

### Privacy Notice

The Ministry of Economy (SE), through its various Administrative Units, is responsible for the use, processing and protection of the personal data collected through the procedures or services you carry out by physical or electronic means, in full compliance with the provisions of the General Law on the Protection of Personal Data in Possession of Compulsory Subjects (LGDPPSO) and other applicable regulations.

#### What personal data is collected and for what purpose?

The personal data collected will be used for the following purposes:

- Verify and confirm your identity, as well as the authenticity of the information you provide to us, in order to have a record that allows us to accurately identify the person requesting the procedure or service.
- Accreditation of the requirements necessary to provide the procedures or services offered by the SE.
- Carry out all the movements in relation to the procedure or service you request from the time you join to the time you leave.
- Integrate files and databases necessary for the granting and operation of the services to be contracted, as well as the obligations arising therefrom.
- Maintain a historical database for statistical purposes.

In accordance with the procedure or service requested, the following personal data will be used, but not limited to:

- Personal identification data: full name, denomination or company name, address, telephone (landline and mobile), e-mail, autograph signature, Federal Taxpayers' Registry (RFC) code; Single Population Registry Code (CURP), Single Registry of Accredited Persons (RUPA), electronic signature certificate, marital status, marriage regime, age, date of birth, nationality.
- Professional and employment information.
- Financial and asset information.

In addition, the personal data collected may be used in complementary activities necessary to carry out the purposes indicated; the processing of personal data will be that which is necessary, appropriate and relevant in relation to the purposes set out in this Privacy Notice, as well as the different purposes which are compatible or complementary related to the procedures or services provided.

If you do not wish your personal data to be used for these additional purposes, you must express your wish to the contrary at the time of registration. This will not be a reason or condition to decide on the procedure or service being requested.

Please note that no sensitive personal data will be requested.

#### Basis for the processing of personal data.

The Ministry of Economy will treat the personal data collected through the system on the basis of Articles 16, 18, 21, 22, 25, 26 and 65 of the General Law on the Protection of Personal Data in Possession of Compulsory Subjects.

#### Transfer of personal data.

Your personal data will not be transferred, disseminated or distributed, except as provided for in Article 22 of the General Law on the Protection of Personal Data in the Possession of Compulsory Subjects or in the event that there is express consent from you in writing or by a similar means of authentication. Only the owner of the data, his/her legal representatives and the public servants empowered to do so will have access to this information.

#### Where can I exercise my ARCO rights?

You may exercise your rights of access, rectification, cancellation or opposition (ARCO Rights), to the processing of your personal data, by means of a free letter addressed to the Transparency Unit of the Ministry of Economy with address at Avenida Paseo de la Reforma number 296, 20th floor, Colonia Juárez, Postal Code 06600, Delegation Cuauhtémoc, Mexico City, Phone 57299100, extension 11362, email: [unidaddetransparenciase@economia.gob.mx](mailto:unidaddetransparenciase@economia.gob.mx)

#### Where can I consult the Ministry of Economy's Integral Privacy Notice for personal data?

To learn more about the terms and conditions under which your personal data will be treated, and how you should exercise your ARCO rights, you can consult the Integral Privacy Notice at: <http://www.gob.mx/se/acciones-y-programas/del-aviso-de-privacidad-integral-de-la-secretaria-deeconomia?state=published>.

ANNEX A.1

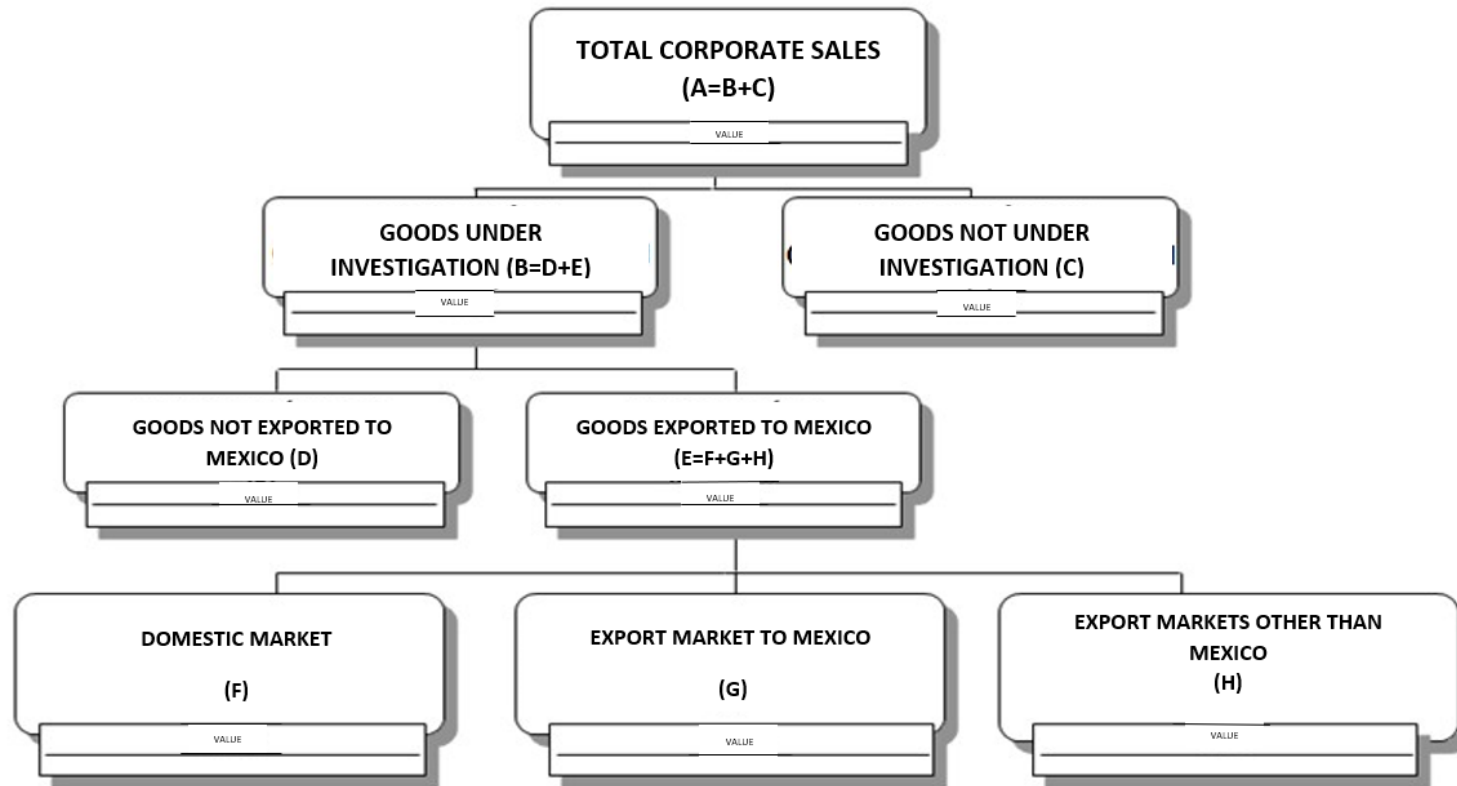
INSTALLED CAPACITY FOR THE PROCESSING OF THE GOODS UNDER INVESTIGATION

EXPORTER:								
INVESTIGATED MERCHANDISE:								
TARIFF CODE:								
			PRODUCTION		INSTALLED CAPACITY		INSTALLED CAPACITY UTILISATION	
PERIOD			INDUSTRY	COMPANY	INDUSTRY	COMPANY	INDUSTRY	COMPANY
		YEAR	A	B	C	D	E=A/C	F=B/D
PERIOD UNDER REVIEW								
	PERIOD UNDER INVESTIGATION							





**DIAGRAM 1**



Note: In each case you should only report the total value of the corresponding sales.

ANNEX1(\*)

NAME OF THE EXPORTING COMPANY:

TABLE 1: TOTAL SALES TO THE UNITED MEXICAN STATES

Code	Month 1		Month 2		Month 3		Month 4		Month 5		Month 6		Total for period		
	CODPROD	VAL1	QTY1	VAL2	QTY2	VAL3	QTY3	VAL4	QTY4	VAL5	QTY5	VAL6	QTY6	VAL	QTY
I.Monthly total															

Code	Month 7		Month 8		Month 9		Month 10		Month 11		Month 12		Total for period		
	CODPROD	VAL7	QTY7	VAL8	QTY8	VAL9	QTY9	VAL10	QTY10	VAL11	QTY11	VAL12	QTY12	VAL	QTY
II.Monthly total															

\*

Report sales of all product codes that correspond to the product under investigation



ANNEX1(\*)

NAME OF THE EXPORTING COMPANY:

TABLE 2: TOTAL SALES TO THE DOMESTIC MARKET

Code	Month 1		Month 2		Month 3		Month 4		Month 5		Month 6		Total for period		
	CODPROD	VAL1	QTY1	VAL2	QTY2	VAL3	QTY3	VAL4	QTY4	VAL5	QTY5	VAL6	QTY6	VAL	QTY
I.Monthly total															

Code	Month 7		Month 8		Month 9		Month 10		Month 11		Month 12		Total for period		
	CODPROD	VAL7	QTY7	VAL8	QTY8	VAL9	QTY9	VAL10	QTY10	VAL11	QTY11	VAL12	QTY12	VAL	QTY
II.Monthly total															

\* Report sales of all product codes that correspond to the product under investigation.

**ANNEX 1\***

**NAME OF THE EXPORTING COMPANY:**

**TABLE 3: TOTAL SALES IN EACH EXPORT MARKET OTHER THAN THE UNITED MEXICAN STATES**

Export market \*\*:

Code	Month 1		Month 2		Month 3		Month 4		Month 5		Month 6		Total for period		
	CODPROD	VAL1	QTY1	VAL2	QTY2	VAL3	QTY3	VAL4	QTY4	VAL5	QTY5	VAL6	QTY6	VAL	QTY
<b>I.Monthly total</b>															

Code	Month 7		Month 8		Month 9		Month 10		Month 11		Month 12		Total for period		
	CODPROD	VAL7	QTY7	VAL8	QTY8	VAL9	QTY9	VAL10	QTY10	VAL11	QTY11	VAL12	QTY12	VAL	QTY
<b>II.Monthly total</b>															

\* Report sales for all product codes that correspond to the product under investigation.

\*\* Use a table for each export market.

ANNEX 2.A

EXPORT PRICE TO THE UNITED MEXICAN STATES.

(1) FRACCM	(2) CODPROM	(3) NOMM	(4) NUMFACM
Customs fraction	Product code	Commercial name of the product	Sales invoice number

(5) FECHFACM	(6) FECHEMBM	(7) TERVENM	(8) FECHPAGM
Sales invoice date Day/Month/Year	Shipping date Day/Month/Year	Terms of sale: FOB plant, CIF border, CIF customer's warehouse, etc.	Date you received payment of the invoice Day/Month/Year

(9) DESTM	(10) NOMCLIEM	(11) RELCLIEM	(12) VALORM
Destination	Name of the client	"1" Unrelated client "2" Related client	Value of the invoice (in the currency agreed upon at the time of sale)

(13) CANTM	(14) TCM	(15) CONVM	(16) PUNITM
Quantity (in the unit of measurement in which the sale was made)	Exchange rate to United States dollars (from date of invoice or forward)	Factor for conversion to the unit of measurement of the tariff item	Unit price in US dollars per relevant unit of measure

**ANNEX 2.A1**  
**ADJUSTMENTS TO THE PRICE OF EXPORTS TO THE UNITED MEXICAN STATES**

(17) REMYBONM	(18) EMBALM	(19) CREDITOM	(20) GARYTECM
Refunds and After-Sales Bonuses (in the currency in which the payment was made)	Packaging costs (in the currency in which the payment was made)	$= PUNITM - \frac{PUNITM}{\left[1 + i \times \frac{(FECHPAGM - FECHFACM)}{360}\right]}$ <p>i is the effective annual rate of short-term debt your company's</p>	Expenses for warranties, technical assistance and after-sales services (in the currency in which payment was made)

(21) COMM	(22) MANEJOM	(23) FLETEEXM	(24) SEGEXM
Commission or salary expenses paid to vendors (in the currency in which the payment was made)	Product handling charges (in the currency in which payment was made)	Foreign freight charges (to Mexico) (in currency of payment)	Foreign insurance expenses (to Mexico) (in currency of payment)

(25) FLETEINM	(26) SEGINM	(27) OTRGM *	(28) TOTAJM
Inland freight charges (in the currency in which payment was made)	Internal insurance expenses (in the currency in which the payment was made)	Other expenses (specify each by column) (in currency of payment)	Total adjustments (in the currency in which the payment was made)

(29) TOTAJDM	(30) PRECNETM	(31) TCM
Total adjustments in US dollars per relevant unit of measure	Net price in US dollars per relevant unit of measure (16) - (29)	Exchange rate to United States dollars (from date of invoice or forward)

\* Use a name with up to eight characters (ending in "M") for each additional setting you want to include

**ANNEX 3.A**  
**NORMAL VALUE**  
**DOMESTIC PRICES IN THE COUNTRY OF ORIGIN OR EXPORT PRICES TO THIRD COUNTRIES**

(1) FRACCD	(2) CODPROD	(3) NOMD	(4) NUMFACD
Customs fraction	Product code	Commercial name of the product	Sales invoice number

(5) FECHFACD	(6) FECHEMBD	(7) TERMVEND	(8) FECHPAGD
Sales invoice date Day/Month/Year	Shipping date Day/Month/Year	Terms of sale: FOB plant, CIF border, CIF customer's warehouse, etc.	Date you received payment of the invoice Day/Month/Year

(9) DESTD	(10) NOMCLIED	(11) RELCLIED	(12) VALORD
Destination	Name of the client	"1" Unrelated client "2" Related client	Value of the invoice (in the currency agreed upon at the time of sale)

(13) CANTD	(14) TCD	(15) CONVD	(16) PUNITD
Quantity (in the unit of measurement in which the sale was made)	Exchange rate to United States dollars (from date of invoice or forward)	Factor for conversion to the unit of measurement of the tariff item	Unit price in US dollars per relevant unit of measure

**ANNEX 3.B**  
**NORMAL VALUE**

**ADJUSTMENTS TO THE DOMESTIC PRICES IN THE COUNTRY OF ORIGIN OR EXPORT PRICES TO THIRD MARKETS**

(17) REMYBOND	(18) EMBALD	(19) GARYTECD	(20) COMD
Refunds and After-Sales Bonuses (in the currency in which the payment was made)	Packaging costs (in the currency in which the payment was made)	Expenses for warranties, technical assistance and after-sales services (in the currency in which payment was made)	Commission or salary expenses paid to vendors (in the currency in which the payment was made)

(21) CREDITOD	(22) MANEJOD	(23) FLETEIND	(24) SEGIND
$= PUNTM - \frac{PUNTM}{1 + i \times \frac{(FECHPAGM - FECHFACM)}{360}}$ <p>i is the effective annual rate of short-term debt your company's</p>	Product handling charges (in the currency in which payment was made)	Inland freight charges (in the currency in which payment was made)	Internal insurance expenses (in the currency in which the payment was made)

(25) DIFCANTD	(26) DIFIMPD	(27) DIFFISD	(28) OTRAJD *
Adjustments for differences in amounts (in the currency in which the payment was made)	Adjustments for differences in tax charges (in currency in which the payment was made) **	Adjustments for physical differences*** (in the currency in which the payment was made)	Other expenses (specify each by column) (in currency of payment)

(29) TOTALD	(30) TOTALJUSD	(31) PRECNEDD
Total adjustments (in the currency in which the payment was made)	Total adjustments (in US dollars per relevant unit of measure)	Net price in US dollars per relevant unit of measure (16) - (30)

\* Use a name with up to eight characters (ending in "D") for each additional setting you want to include.

\*\* Only applies to indirect taxes or import taxes.

\*\*\* Only applies to differences in variable production costs.

**ANNEX 4.A**

**NAME OF THE EXPORTING COMPANY:**

**NORMAL VALUE**

**RECONSTRUCTED VALUE IN THE COUNTRY OF ORIGIN (INCLUDE CALCULATION FORMULAS)**

(1) Product code	(2) Commercial description of the product type	(2 a) Production volume  (Column 4 of Annex 4.A.1)	(3) Materials and components (direct)	(4) Labour (direct)	(5) Indirect manufacturing costs	(6) Cost of production  (3)+(4)+(5)	(7) General expenses	(8) Ex-factory costs.  (6) + (7)  Total ex-factory production cost  (Column 13 of Annex 4.A.1)	(9) Profit before taxes	(10) Rebuilt value  (United States dollars per relevant unit of measure)

**NOTE**

**NOTE:** If the elements of the constructed value are expressed in a currency unit other than United States dollars, you must specify the costs in the original currency unit and provide the corresponding exchange rate.

**ANNEX 4. A.1**

**Name of the exporting company:**

**NORMAL VALUE**

**ORDINARY COURSE OF TRADE: TOTAL COSTS OF PRODUCTION (COST OF PRODUCTION PLUS OVERHEADS)**

**NOTE:** This information should be presented both in the unit value in the original currency and unit of measure, and in the unit value in US dollars per relevant unit of measure (where applicable, please indicate both the conversion factor and the exchange rate used)

(1) CODPROD	(2) NOMD	(3) COSTPRO	(4) VOLPRODU
Product code	Description of the product code	Production cost (5)+(6)+(7)	Total quantity produced (in the unit of measurement in which the production took place)

(5) MATYCOM	(6) MOBRA	(7) GASINFA	(8) GAGEN
Materials and components (direct)	Labor (direct)	Indirect manufacturing costs	General expenses (9)+(10)+(11)+(12)

(9) VENTADM	(10) FINAN	(11) INVEST	(12) OTR
Sales and Administration	Financial	Research and Development	Other

(13) COSEXFA
Total cost of production ex-factory (3) + (8)



**ANNEX 4.B**

NAME OF THE EXPORTING COMPANY:

**ESTIMATE OF THE MARGIN OF PRICE DISCRIMINATION (INCLUDE CALCULATION FORMULAS)**

(1) Customs fraction	(2) Commercial description of the product	(3) Adjusted normal value	(4) Export Price Adjusted	(5) Margin of price discrimination $[(3)-(4)/ (4)] \times 100$	Exported volume

**Note:** In accordance with Article 39 of the RLCE, you must estimate the margin of price discrimination for each of the types of goods considered in your request.

ANNEX 5

NAME OF THE EXPORTING COMPANY:

TOTAL SALES\*

GOODS UNDER INVESTIGATION AND GOODS NOT UNDER INVESTIGATION

		DOMESTIC MARKET		EXPORT MARKET TO MEXICO		OTHER EXPORT MARKETS		TOTAL SALES	
Product code	Complete description of the product code	Value (a)	Volume (b)	Value (C)	Volume (d)	Value (e)	Volume (f)	Value (g)=a+c+e	Volume (h)=b+d+f
	Subtotal goods under investigation (A)								
	Subtotal goods not under investigation (B)								
	Total sales (A) + (B)								

\* This information should be reported both in original values and in United States dollars. The volume must be reported in the unit.

## APPENDIX 1

1. The information requested in the subsequent points of this section must be answered by the related importer. This information is indispensable for the Ministry to be able to make the calculation corresponding to the reconstructed export price, so in case it is not available, it will be resolved based on the information available in accordance with articles 6.8 of the Antidumping Agreement, 54 and 64 of the LCE.
2. Based on articles 2.3 of the Antidumping Agreement, 35 of the LCE and 50 of the RLCE, when export sales are made between related parties, the export price may be reconstructed on the basis of the price at which the imported goods are first resold to an independent buyer in the United Mexican States, unless it is demonstrated that the prices of the sales between related parties reflect market conditions (Use Diagram 2 as a guide).
3. The reconstruction of the export price consists of deducting from the sales price to the first unrelated customer, the expenses incurred by the related importer to enter and resell the product under investigation in the Mexican territory. Finally, the price at the border level is adjusted by conditions and terms of sale with the expenses incidental to the sales incurred by the exporter to obtain an ex-factory price from the exporter.
4. Therefore, in the case of the reconstruction of the export price it must be presented:
  - a. The value and volume of individual sales to the first unrelated customer during the period of investigation<sup>10</sup>. Report such information by product code. The product codes of these transactions should be associated with the product codes used for purchases from your related supplier during the period of investigation (use column 23 of Annex 2.B for such association). Separately, provide the meaning of each digit that makes up the product codes of your accounting system and of the related exporter.
  - b. For goods whose sales unit is pieces or for which sales operations to the United Mexican States can be identified by piece number or serial number, the company must report the value and volume of individual sales to the first unrelated customer. Report such information by product code. The product codes of such transactions should be associated with the product codes used in purchases from the related supplier during the period of investigation (Use column 23 of Annex 2.B). In addition, the company should provide separately the meaning of each digit that makes up the product code of its accounting system and of the related exporter.
  - c. The expenses of the entry of the merchandise (freight and insurance from the border or from customs to the importer's warehouse, customs expenses, etc.), assigned to each sale must correspond to those incurred in their respective purchase by the related importer during the period of investigation (see columns 34 to 37 of Annex 2.B.1) Use any reasonable accounting method to calculate the deduction for each sale. Explain and justify the method selected.
  - d. In determining the amounts to be deducted from the general expenses, consider the administration, sales and financial expenses attributable to the product subject of the investigation of the related importer, for the period under investigation. Please explain in detail the calculation methodology used. If the period of inventory turnover is greater than 6 months or if the sale of the goods is in the case of subparagraph (b), the information on general expenses must be reported for the period of time that exists between the purchase (import) of the related customer and its respective sale to the first unrelated customer.
  - e. When the general costs are not attributable to the product under investigation, the deduction should be equivalent to the general cost observed on average for all merchandise of the related importing

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<sup>10</sup>If the related importer's inventory turnover is greater than 6 months, it must report the value and volume of sales to the first unrelated customer considering the gap that exists between the related customer's purchase (import) and its respective sale to the unrelated customer.

company during the period of investigation or for the period of time lag between the purchase and sale of the merchandise, as the case may be. Preferably use an allocation by sales value.

- f. For the determination of the amount to be deducted relative to the profit, provide any economic or accounting investigation method that is reasonable and that allows the identification of the profit that corresponds to your company for the importation and resale during the period of investigation. If the period of inventory turnover is greater than 6 months or if the sale of the merchandise is in the case of subparagraph (b), the profit information must be reported for the period of time that exists between the purchase (importation) from the related customer and its respective sale to the first unrelated customer.
- g. Sales in the United Mexican States to the first unrelated customer and information on deductions of expenses related to the sale must be converted to dollars using the exchange rate on the day of sale (column 8 of Annex 2.B); for the conversion of deductions of expenses related to the purchase, the exchange rate on the day of purchase must be used (column 29 of Annex 2.B.1).
- h. For each of the deductions used in the reconstruction of the export price, the company must provide a detailed explanation of the concept and justification of the figures on the basis of which they were determined; as well as the sources of information, the methods of calculation and the reports, documents or accounting accounts in which the concepts relating to each component are recorded. All figures reported must coincide with the figures recorded in its accounts, either directly or through a reconciliation.
- i. For each calculation in the databases, the company must include the formula used.

**ANNEX 2.B**  
**RECONSTRUCTION OF EXPORT PRICE**  
**(SALES TO FIRST UNRELATED CUSTOMER)**  
**(INFORMATION TO BE PROVIDED BY RELATED IMPORTER)**

(1) CODCNR	(2) NUMFACNR	(3) FEFCNR	(4) FEPAGCNR
Product code used in sales to the first unrelated customer	First unrelated customer sales invoice number	Date of sales invoice to first unrelated customer Day/Month/Year	Date of payment of sales invoice to first unrelated customer Day/Month/Year

(5) VALCNR	(6) VOLCNR	(7) PRECNR	(8) TCMCNR
Value of the sale to the first unrelated customer (in Mexican pesos)	Sales volume to first unrelated customer (in the unit of measurement used in the sale)	Sales price to first unrelated customer (Mexican pesos per unit of measure)	Exchange rate to United States dollars (date of unrelated customer sales invoice or forward)

(9) RYBONCNR	(10) EMBALCNR	(11) GARYTCNR	(12) COMISCNR
Refunds and bonuses to the first unrelated customer (in Mexican pesos) **	Packaging expenses for the sale to the first unrelated customer (in Mexican pesos) **	Expenses for warranties, technical assistance and after-sales services in sales to the first unrelated customer (in Mexican pesos) **	Commission or salary expenses paid to vendors on sales to the first unrelated customer (in Mexican pesos) **

**ANNEX 2.B (CONTINUED)**  
**RECONSTRUCTION OF EXPORT PRICE**  
**(SALES TO FIRST UNRELATED CUSTOMER)**  
**(INFORMATION TO BE PROVIDED BY RELATED IMPORTER)**

<b>(13)</b> <b>MANEJCNR</b>	<b>(14)</b> <b>FLETECNR</b>	<b>(15)</b> <b>SEGURCNR</b>	<b>(16)</b> <b>OTRAJCNR*</b>
Handling charges on sales to the first unrelated customer (in Mexican pesos) **	Freight charges on sales to the first unrelated customer (in Mexican pesos) **	Insurance expenses on sales to the first unrelated customer (in Mexican pesos) **	Other adjustments in sales to the first unrelated customer. Specify one per column (in Mexican pesos) **

<b>(17)</b> <b>GGENAVNR</b>	<b>(18)</b> <b>GFINNR</b>	<b>(19)</b> <b>UTICNR</b>	<b>(20)</b> <b>TOTDECNR</b>
General selling and administrative expenses (in Mexican pesos) **	Financial expenses (in Mexican pesos) **	Profit margin for import and distribution of the product under investigation (in Mexican pesos) **	Total deductions (Mexican pesos per unit of measure) 20=(9+...+19)

<b>(21)</b> <b>PRECNET</b>	<b>(22)</b> <b>PRECNET</b>	<b>(23)</b> <b>RELACIÓN</b>	<b>(24)</b> <b>PRECORRE</b>
Price to the first unrelated customer in the importer's warehouse (Mexican pesos per unit of measure) 21=(7-20)	Price to the first unrelated customer in the warehouse of the importer (in United States dollars) 22=(21/8)***	Associate each of the codes used by the importer in its sale to the customer not related to the code used in the purchase from its related supplier, during the period of investigation. That is, you should associate the product code indicated in the CODCNR (1) with the product code used by the related supplier.  <i>(Only the codes of product used by the related supplier)</i>	For each product code, get the weighted average price (using those of the related vendor) (in United States dollars)  (For weighting, use sales volumes to the first unrelated customer)

\*Use a name with up to eight characters (ending in "CNR") for each additional setting you want to include.

\*\* If this expense was incurred in U.S. dollars, use the exchange rate indicated in column 8 to express it in Mexican pesos.

\*\*\* Use the information on the exchange rate indicated in column 8, to convert the value in United States dollars.

**ANNEX 2.B.1  
RECONSTRUCTION OF EXPORT PRICE  
(Purchases from related supplier)**

**(Information to be provided by related importer)**

**NOTE:** The related importer must report its purchases and the amounts of deductions below, according to the product codes of the related exporter or supplier.

(25) CODIMP	(26) NUMFAIMP	(27) NUMPIMPO	(28) FEPIMPO
Product code used by the supplier related	Sales invoice number of the related supplier	Import <i>pedimento</i> number	Date of import <i>pedimento</i> Day/Month/Year

(29) TCIMP	(30) FEFIMP	(31) FEPAGIMP	(32) VALIMP
Exchange rate to United States dollars (from the date of the <i>pedimento</i> )	Date of sales invoice from related supplier Day/Month/Year	Date of payment of sales invoice to related supplier Day/Month/Year	Value of purchase from related supplier (in the currency in which the payment was made)

(33) VOLIMP	(34) FLETIMP	(35) SEGIMP	(36) GADUAIMP
Volume of purchase from the related supplier (in the unit of measurement in which the purchase was made)	Freight charges from the border or customs to the related importer's warehouse (in Mexican pesos) **	Insurance costs from the border or customs to the related importer's warehouse (in Mexican pesos) **	Customs expenses (in Mexican pesos) **

(37) OTROSIMP□	(38) TOTAJIMP	(39) TOTAJIMP	(40) PRECOIMP
Other expenses incurred for the admission of the goods. Specify one per column. (In Mexican pesos) **	Total Deductions (Mexican pesos per unit of measure) (38=34+...+37)	Total Deductions (in United States dollars) *** (39=38/29)	Price to the first unrelated customer in the importer's warehouse less entry costs (in United States dollars)  (40=24-39)

\*Use a name with up to eight characters (ending in "IMP") for each additional adjustment you wish to include.

\*\* If this expense was incurred in U.S. dollars, use the exchange rate indicated in column 29 to express it in Mexican pesos.

\*\*\* Use the information on the exchange rate indicated in column 29, to convert the value in United States dollars.

**ANNEX 2.B.1 (CONTINUED)**  
**RECONSTRUCTION OF EXPORT PRICE**  
**(Purchases from related supplier)**

**(Information to be provided by the related importer)**

<b>(41)</b> <b>ADVALIMP</b>	<b>(42)</b> <b>DTAIMP</b>	<b>(43)</b> <b>TOIMPIMP</b>	<b>(44)</b> <b>PRCOADUA</b>
<i>Ad-valorem</i> (Indicate the corresponding percentage or specific amount, as the case may be)	Duty per customs application - DTA (indicate the percentage)	Total tax rate: <i>Ad-valorem</i> + + DTA (in %)	Customs price of the goods 44 = *-

\*-At this point the customs value of the goods should be calculated by applying the following formula:

$$\left( 44 = \frac{40}{1 + \left(\frac{43}{100}\right)} \right)$$

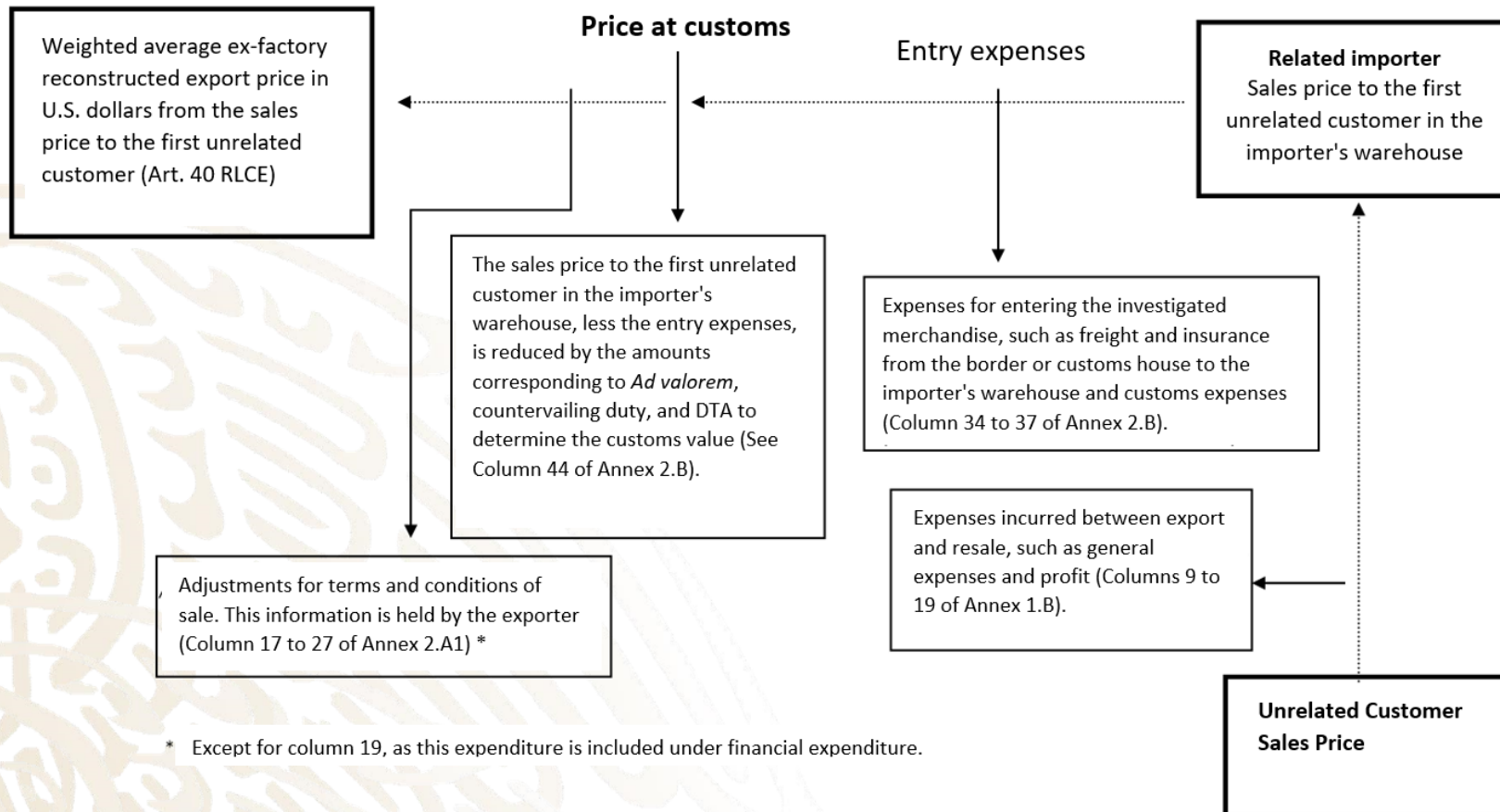
from the price indicated in column 40.

If the ad valorem tax corresponds to a specific amount per unit of measure, only that amount would be subtracted



## DIAGRAM 2

### Reconstructed Export Price Calculation



\* Except for column 19, as this expenditure is included under financial expenditure.

**Official Form for Exporting Companies Price Discrimination Investigation**

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