

PURCHASERS' QUESTIONNAIRE

CERTAIN DENIM FROM BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES

Return completed questionnaire to:

joshua.levy@usitc.gov

Or to the following address if submitting hard copy:

UNITED STATES INTERNATIONAL TRADE COMMISSION

Office of Operations, Room 715
500 E Street, SW, Washington, DC 20436

So as to be received by the Commission by no later than July 18, 2007

The information called for in this questionnaire is for use by the United States International Trade Commission in connection with its investigation No. AGOA-07-01, *Commercial Availability of Fabric and Yarns in AGOA Countries: Certain Denim*, under amendments to section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721), included in Public Law 109-432. This questionnaire is not mandatory. The commercial and financial data furnished in response to this questionnaire 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 described in the certification paragraph below, and as may be required by law.

Name of firm _____

Address _____

City _____ **Country** _____

World Wide Web address _____

Has your firm purchased certain denim (as defined on page 4 of this questionnaire) from any source at any time since **January 1, 2004**?

NO
 YES

(Sign the certification below and promptly return only this page of the questionnaire to the Commission)
(Complete all parts of the questionnaire, and return the entire questionnaire to the Commission so as to be received by the date indicated above)

CERTIFICATION

I certify that the information herein supplied in response to this questionnaire is complete and correct to the best of my knowledge and belief and understand that the information submitted is subject to verification by the Commission. I acknowledge that the information submitted in this questionnaire response and throughout this investigation may be included by the Commission in the report it sends to the U.S. Trade Representative and the President, and may be used by the Commission, its employees, and contract personnel who are acting in the capacity of Commission employees, for developing or maintaining the records of this investigation or related proceedings for which this information is submitted, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. App. 3. I understand that all contract personnel will sign non-disclosure agreements.

I understand that the Commission will not publish or release confidential business information submitted in response to this questionnaire in the public version of its report in a manner that would reveal the individual operations of the firm supplying the information.

Name of Authorized Official

Title of Authorized Official

Date

Signature

Phone: ()

Fax ()

E-mail address

PART I.—GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS

GENERAL INFORMATION

Background.—On December 20, 2006, the president signed into law amendments to section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) (AGOA), included in Public Law 109-432, that require the Commission to make certain determinations relating to the commercial availability of regional fabric or yarn for use in lesser developed beneficiary sub-Saharan African countries. Section 112(c)(2)(C) of AGOA states that denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States shall be deemed to be available in commercial quantities and specifies the quantity available for the 1-year period beginning October 1, 2006. Accordingly, pursuant to section 112(c)(2)(B)(ii) of AGOA, the Commission must determine before September 30, 2007, whether such denim articles produced in beneficiary sub-Saharan African countries will be available in commercial quantities in the succeeding 1 year period and, if so, the quantity that will be so available in that succeeding 1-year period.

Due date of questionnaire.—Return the completed questionnaire to the United States International Trade Commission by no later than July 18, 2007.

Confidentiality.—The commercial and financial data furnished in response to this questionnaire that reveal the individual operations of your firm will be treated as confidential business information by the Commission to the extent that such data are not otherwise available to the public; such data will not be published in a manner that will reveal the individual operations of your firm and will not be disclosed except as may be required by law. Section 332(g) of the Tariff Act of 1930 provides that the Commission may not release information that qualifies as confidential business information (under Commission Rule 201.6 (19 CFR § 201.6)) unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information. The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the U.S. Trade Representative (USTR) and the President. Information submitted in this questionnaire response and throughout this investigation may be used by the Commission, its employees, and contract personnel who are acting in the capacity of Commission employees, for developing or maintaining the records of this investigation or related proceedings for which this information is submitted, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Following transmittal of its report to the USTR and the President, the Commission intends to prepare a public version of its report. Any confidential business information received by the Commission in this investigation and used in preparing the confidential version of the report will not be published in the public version in a manner that would reveal the operations of the firm supplying the information. Data your firm submits in response to the Commission's inquiry may be aggregated with data submitted by other firms, but such aggregated data will not be published in a manner that would reveal the individual operations of your firm.

PART I.--GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

INSTRUCTIONS

Verification.— The information submitted in the enclosed questionnaire is subject to verification and follow-up by the Commission staff. To facilitate possible verification of data, please keep all supporting documents used in the preparation of the questionnaire response.

Answer all questions.— Do not leave any question or section blank. If the answer to any question is “none,” write “none,” or is “not applicable,” write “NA.” If information is not readily available from your records in exactly the form requested, please provide estimates. Answers to questions and any necessary comments or explanations should be supplied in the space provided.

Submission.—Return the completed questionnaires in electronic format either by (i) e-mailing them to joshua.levy@usitc.gov or (ii) sending them saved to a CD or USB drive in regular postal service. Hard copy submissions (fax and mail delivery) will also be accepted, but electronic submissions are preferred

DEFINITIONS.

Certain denim.-- The denim fabric subject to this investigation is classified in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States (HTSUS) (2007) (Rev. 1). The subject denim is made of a woven fabric containing 85 percent or more by weight of cotton, and is known as a bottom weight fabric weighing more than 200 grams per square meter. It is constructed of a 3-thread or 4-thread twill, including broken twill¹, weave. The fabric is woven of yarns of different colors and is warp faced, meaning the warp yarns or those yarns that run vertically in the construction of a fabric, make up the appearance of the outside of the fabric. The warp yarns are all the same color and the filling yarns (those yarns that run horizontally in a woven fabric) may be unbleached, bleached, dyed gray, or dyed a lighter shade of color than the warp yarns. Thus the color of the warp yarns predominate the color of the fabric. Hence, blue denim is blue because the warp yarns are dyed blue. Twill woven fabric is characterized by the appearance of a diagonal line running from the bottom left to the top right of the fabric or vice versa.

Certain Denim Apparel.-- Apparel made of certain denim fabric, as defined above.

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

¹A 3-thread or 4-thread, warp-faced, twill weave is constructed by two warp yarns (for a 3-thread twill) and three warp yarns (for a 4-thread twill) passing over one filling yarn and progressing by one to the right or the left, thus creating the diagonal line prevalent in denim fabric. A broken twill is a type of twill fabric characterized by a zig-zag effect, such as herringbone, where the diagonal line does not run the entire length of the fabric.

PART I.--GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

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 involved in the production, importation, and/or purchase of certain denim (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

AGOA beneficiary countries.—Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Ethiopia, Ghana, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, and Zambia.

Lesser developed AGOA beneficiary countries (LDB AGOA countries).—Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Ethiopia, Ghana, Kenya, Lesotho, Madagascar, Malawi, Mali, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Swaziland, Tanzania, Uganda, and Zambia.

Importer.--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing certain denim (as defined above) 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 values at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (i.e., all charges except inland freight).

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

Purchases.--Purchases from all sources, including direct imports from foreign producers.

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 receiving point.

PART I.--GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

The questions in this questionnaire have been reviewed with market participants to ensure that issues of concern are adequately addressed and that data requests are sufficient, meaningful, and as limited as possible. Public reporting burden for this questionnaire is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the questionnaire. Send comments regarding the accuracy of this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Louise Gillen, Office of Operations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436.

I-1a. Please report below the actual number of hours required and the cost to your firm of preparing the reply to this questionnaire and completing the form.
_____hours _____dollars

I-1b. We are interested in any comments you may have for improving this questionnaire in general or the clarity of specific questions. Please attach such comments to your response or send them to the above address.

I-2. Provide the name and address of establishment(s) covered by this questionnaire.

I-3. Is your firm owned, in whole or in part, by any other firm?

No Yes--List the following information

<u>Firm name</u>	<u>Address</u>	<u>Extent of ownership</u>
_____	_____	_____
_____	_____	_____

I-4. Does your firm have any related firms, either domestic or foreign, that are engaged in the production of certain denim?

No Yes--List the following information

<u>Firm name</u>	<u>Address</u>	<u>Affiliation</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART II.--MARKET CHARACTERISTICS AND PURCHASING PRACTICES

Further information on this part of the questionnaire can be obtained from **Joshua Levy** (00 1 202-205-3236, joshua.levy@usitc.gov).

II-1. Who should be contacted regarding the requested market characteristics and purchasing practices information?

Company contact: _____
 Name and title

() _____
 Phone number E-mail address

II-2. Report, as indicated below (in linear yards or linear meters), your firm's purchases (either directly or through a sales agent or broker) of certain denim. Report based on delivery date, not order date. To the extent possible, provide documentation relating to projected data (e.g., copies of contract terms for future shipments). Please e-mail any such available documentation to joshua.levy@usitc.gov or fax the documentation to Joshua Levy at **00 1 202 205-2340**.

Quantity (in linear yards or linear meters (please indicated which and provide average width below) ¹)						
Item	Actual experience				Projections	
	October 1, 2004 – September 30, 2005	October 1, 2005 – September 30, 2006	October 1, 2005- March 31, 2006	October 1, 2006- March 31, 2007	April 1- September 30, 2007	October 1 2007 – September 30, 2008
Quantity purchased of certain denim produced in <u>beneficiary AGOA countries</u>						
Quantity purchased of certain denim produced in <u>Asian countries</u> ²						
Quantity purchased of certain denim produced in <u>all other countries</u> ³						
Total quantity purchased						

¹ Reported in: linear yards linear meters Average width _____

² Please identify these countries _____

³ Please identify these countries _____

PART II.--MARKET CHARACTERISTICS AND PURCHASING PRACTICES--Continued

II-3 In terms of *quantity*, please report the shares of your *total purchases during October 1 2006-March 31 2007* of certain denim accounted for by firms located in:

	<u>Percent</u>
South Africa	_____
Mauritius	_____
Lesotho	_____
Other AGOA countries	_____
India	_____
Pakistan	_____
China	_____
Hong Kong	_____
Taiwan	_____
All other	_____
	100

II-4. If the relative shares of your firm's total purchases of certain denim from different sources (both from beneficiary AGOA suppliers and other foreign suppliers) have changed in the last three years, please list the country, state whether the relative share from that country has increased or decreased, and state the reason.

Country	Increase/decrease	Reason

II-5. How many suppliers do you generally contact before making a purchase?

PART II.--MARKET CHARACTERISTICS AND PURCHASING PRACTICES--Continued

II-6. Have you changed suppliers since **January 1, 2004**?

No Yes- Please list the suppliers, indicate whether each firm was added or dropped as a supplier, and give the reasons for the change.

II-7. Does your firm have a certain denim supplier with whom you do business on a regular basis?

No

Yes – What share of your firm's total purchases of certain does this supplier typically account for? _____

Where is this supplier located? Is this supplier a related entity?

II-8. Are you aware of any new certain denim suppliers from AGOA beneficiary countries that have entered the market in the last 3 years?

No Yes – Please identify the firms and the location of their certain denim production operations.

Name	Location

PART II.--MARKET CHARACTERISTICS AND PURCHASING PRACTICES--Continued

II-9. Do your customers (for example, U.S. apparel importers) typically require prequalification of their denim before placing an order?

No Yes- Briefly describe the factors that your customers consider when qualifying a new supplier (e.g., quality of product, reliability of supplier).

II-10. Please list, in order of their importance, the three major factors generally considered by your firm in deciding from whom to purchase certain denim for any one order (examples include current availability, delivery lead times, extension of credit, prearranged contracts, price, quality exceeding specifications or industry standards, range of supplier's product line, requirement of your customer, traditional supplier, etc.).

(i) _____

(ii) _____

(iii) _____

Other factors or comments: (_____)

II-11. What characteristics does your firm consider when assessing the quality of certain denim being offered for sale?

PART III.--PRODUCT COMPARISONS

Further information on this part of the questionnaire can be obtained from **Joshua Levy** (00 1 202-205-3236, joshua.levy@usitc.gov). **Supply all information requested on a calendar-year basis, unless otherwise instructed.**

III-1. Do you ever specifically order certain denim from one country in particular over other possible sources of supply?

- No Yes- Please identify all relevant countries (including AGOA and non-AGOA countries) from which you or your customers prefer to order, and indicate why certain denim from these countries is preferred over denim from other countries (please note the specific product in your response).

III-2. Are there significant differences in the quality of certain denim produced by AGOA beneficiary country suppliers vs. suppliers in other countries?

- No Yes- Please identify the supplier, the country of origin, the type/style of certain denim, and the quality differences.

III-3. (a) Please report the average lead time required and cost of delivery for orders of certain denim from firms located in:

Country	Average lead time	Average delivery cost
Mauritius		
South Africa		
Lesotho		
China		
India		
Other		
Other		

III-3. (b) Please describe any differences in delivery reliability between AGOA suppliers and non-AGOA suppliers.

PART III--PRODUCT COMPARISONS--Continued

III-4. Do AGOA beneficiary country producers have the capacity to supply your firm's needs for certain denim?

Yes No Please identify specific styles or types of certain denim that you need to source from non-AGOA beneficiary countries.

III-5. During 2006/07 were there any instances when you or your customers have required styles or types of certain denim that you have only been able to source from non-AGOA suppliers?

No Yes- Please identify specific styles or types of certain denim that you need to source from non-AGOA beneficiary countries.

III-6. Are there significant differences in the research and development or engineering capabilities of AGOA beneficiary country producers of certain denim and producers from other countries such as China, India, Pakistan, etc.

III-7. Are there significant differences in the prices of certain denim produced in AGOA beneficiary countries and certain denim produced in countries such as China, India, Pakistan, etc.

PART III--PRODUCT COMPARISONS--Continued

III-8. For the factors listed below, please rate how certain denim produced in AGOA beneficiary countries compares with certain denim produced by the top-three non-AGOA beneficiary country sources (for example, China, Pakistan, India). Please type the name of the comparison country at the top of the respective columns and type an "X" for each factor in each product comparison indicating whether certain denim from AGOA beneficiary countries is superior, comparable, or inferior compared with certain denim from the other source.

Factor	Denim from <u>AGOA</u> beneficiary countries compared to denim from			Denim from <u>AGOA</u> beneficiary countries compared to denim from			Denim from <u>AGOA</u> beneficiary countries compared to denim from		
	Superior	Comparable	Inferior	Superior	Comparable	Inferior	Superior	Comparable	Inferior
Availability.....	-	-	-	-	-	-	-	-	-
Delivery terms.....	-	-	-	-	-	-	-	-	-
Delivery time.....	-	-	-	-	-	-	-	-	-
Discounts offered.....	-	-	-	-	-	-	-	-	-
Extension of credit.....	-	-	-	-	-	-	-	-	-
Lower price.....	-	-	-	-	-	-	-	-	-
Minimum quantity requirements.....	-	-	-	-	-	-	-	-	-
Product consistency.....	-	-	-	-	-	-	-	-	-
Quality meets industry standards.....	-	-	-	-	-	-	-	-	-
Quality exceeds industry standards.....	-	-	-	-	-	-	-	-	-
Product range.....	-	-	-	-	-	-	-	-	-
Reliability of supply.....	-	-	-	-	-	-	-	-	-
Technical support/service.....	-	-	-	-	-	-	-	-	-
Lower transportation costs.....	-	-	-	-	-	-	-	-	-
Other (specify):									
_____	-	-	-	-	-	-	-	-	-
_____	-	-	-	-	-	-	-	-	-
_____	-	-	-	-	-	-	-	-	-

Note: Lower price from the AGOA country is "superior" if the price is less than the price of the comparison country.

PART III--PRODUCT COMPARISONS--Continued

PURCHASE DATA

Please provide quarterly quantity and value data for your firm's purchases of the following certain denim products during **January 2006 to March 2007**. Please report for your firm's purchases of certain denim from AGOA beneficiary countries, and from your firm's two largest third country sources.

Product	Weight (oz. / yd²)	Warp yarn	Fill yarn	No. of picks	Indigo shade	Fabric finish	Type of twill
No. 1	13-14.50	6.00/1 OE	6.00/1 OE	38	Medium	Preshrunk	3x1
No. 2	11-12.00	8.50/1 OE-slub	7.00/1 OE-slub	40	Medium/dark	Preshrunk	2x1
No. 3	13-14.50	7.25/1 RS	5.75/1 OE	40	Medium	Preshrunk	3x1
No 4 99/1 cotton/Spandex	12.00	7.75/1 OE	10.0/ OE + 12.01 Spandex core-RS	48	Medium/dark	Preshrunk	3x1

Please note that total dollar values should be delivered values. Total dollar values should reflect the FINAL NET amount paid by your firm (i.e., should be net of all deductions for discounts or rebates).

If your firm's purchases are quoted in terms of currencies other than U.S. dollars, provide the exchange rates used to convert purchase values reported in III-11-III-13 to U.S. dollars.

PART III--PRODUCT COMPARISONS--Continued

III-9. Please report the quarterly quantity and net¹ value data for your firm's purchases of **products 1-4 from AGOA beneficiary countries.**

Quantity in linear yards or linear meters (please indicate which and provide average width below) ¹ Value in U.S. dollars ²				
Period of shipment	Product 1		Product 2	
	Quantity	Value	Quantity	Value
2006				
January-March				
April-June				
July-September				
October-December				
2007				
January-March				

¹ Reported in: linear yards linear meters Average width _____

² Value of gross purchases on a delivered basis, less all discounts, allowances, rebates, prepaid freight, and the value of returned goods.

Note.--If your product does not exactly meet the product specifications but is competitive with the specified product, provide a description of your product:

Product 1: _____

Product 2: _____

Quantity in linear yards or linear meters (please indicate which and provide average width below) ¹ Value in U.S. dollars ²				
Period of shipment	Product 3		Product 4	
	Quantity	Value	Quantity	Value
2006				
January-March				
April-June				
July-September				
October-December				
2007				
January-March				

¹ Reported in: linear yards linear meters Average width _____

² Value of gross purchases on a delivered basis, less all discounts, allowances, rebates, prepaid freight, and the value of returned goods.

Note.--If your product does not exactly meet the product specifications but is competitive with the specified product, provide a description of your product:

Product 3: _____

Product 4: _____

PART III--PRODUCT COMPARISONS--Continued

III-10. Please report the quarterly quantity and net¹ value data for your firm's purchases of **products 1-4 from your largest other country supplier**. (Please specify country: _____)

Quantity in linear yards or linear meters (please indicate which and provide average width below) ¹ Value in U.S. dollars ²				
Period of shipment	Product 1		Product 2	
	Quantity	Value	Quantity	Value
2006				
January-March				
April-June				
July-September				
October-December				
2007				
January-March				

¹ Reported in: linear yards linear meters Average width _____

² Value of gross purchases on a delivered basis, less all discounts, allowances, rebates, prepaid freight, and the value of returned goods.

Note.--If your product does not exactly meet the product specifications but is competitive with the specified product, provide a description of your product:

Product 1: _____

Product 2: _____

Quantity in linear yards or linear meters (please indicate which and provide average width below) ¹ Value in U.S. dollars ²				
Period of shipment	Product 3		Product 4	
	Quantity	Value	Quantity	Value
2006				
January-March				
April-June				
July-September				
October-December				
2007				
January-March				

¹ Reported in: linear yards linear meters Average width _____

² Value of gross purchases on a delivered basis, less all discounts, allowances, rebates, prepaid freight, and the value of returned goods.

Note.--If your product does not exactly meet the product specifications but is competitive with the specified product, provide a description of your product:

Product 3: _____

Product 4: _____

PART III--PRODUCT COMPARISONS--Continued

III-11. Please report the quarterly quantity and net¹ value data for your firm's purchases of **products 1-4 from your second-largest other country supplier.** (Please specify country: _____)

Quantity in linear yards or linear meters (please indicate which and provide average width below)¹ Value in U.S. dollars²				
Period of shipment	Product 1		Product 2	
	Quantity	Value	Quantity	Value
2006				
January-March				
April-June				
July-September				
October-December				
2007				
January-March				

¹ Reported in: linear yards linear meters Average width _____

² Value of gross purchases on a delivered basis, less all discounts, allowances, rebates, prepaid freight, and the value of returned goods.

Note.--If your product does not exactly meet the product specifications but is competitive with the specified product, provide a description of your product:

Product 1: _____

Product 2: _____

Quantity in linear yards or linear meters (please indicate which and provide average width below)¹, Value in U.S. dollars²				
Period of shipment	Product 3		Product 4	
	Quantity	Value	Quantity	Value
2006				
January-March				
April-June				
July-September				
October-December				
2007				
January-March				

¹ Reported in: linear yards linear meters Average width _____

² Value of gross purchases on a delivered basis, less all discounts, allowances, rebates, prepaid freight, and the value of returned goods.

Note.--If your product does not exactly meet the product specifications but is competitive with the specified product, provide a description of your product:

Product 3: _____

Product 4: _____

PART III.--PRODUCT COMPARISONS

III-12. Please provide the names and addresses of your firm's ten largest AGOA suppliers of certain denim purchased during 2004-06. Please also provide the name and e-mail address of a contact person and the share of the quantity of your firm's total purchases of certain denim that each of these suppliers accounted for in 2006.

No.	Supplier's Name	Street address (not P.O. box)	Contact Person	E-mail address	Share of 2006 purchases (%)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					