

No. 4/5/2017-DGAD
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building, 5th Parliament Street, New Delhi - 110001

Dated: 12th December, 2017


Trade Notice No. 02/2017

1. Attention of the Trade and Industry is invited to Section 9A of the Customs Tariff Act, 1975 as amended in 1995 and to Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 framed thereunder as amended.
2. Vide Trade Notice No. 1/2008 dated 10th March, 2008 and Trade Notice No. 2/2011 dated 6th June, 2011, Directorate General of Anti-Dumping & Allied Duties (DGAD) had prescribed procedure and timelines for initiating a Sunset Review investigations (SSR) under the aforesaid Rules. However, it has been observed that while sometime these timelines are not adhered to by the Domestic industry or else on account of petition being deficient requiring additional data/clarification, the decision on initiation of the requested SSR is delayed. The delay in initiation adversely impacts timely completion of SSR and thereby invariably requiring extension of existing Anti-Dumping Duties on the product under consideration for complete one year beyond five years as permitted under Rules.
3. Keeping in view the above situations and to ensure timely examination of SSR, the Authority hereby prescribes the following procedure for initiating a SSR:-
 - (i) The Domestic Industry must file the petition seeking extension to continue the Anti-Dumping measures in the questionnaire available on DGTR's website i.e. www.dgtr.gov.in, at least 270 days prior to the date of expiry of Anti-Dumping measures.
 - (ii) The petition can also be filed 240 days prior to the date of expiry of Anti-Dumping measures with justification of delay and with payment of a late fee as prescribed by the Authority.
 - (iii) Petitions filed with less than 240 days remaining for Anti-Dumping Duty to expire shall not be entertained.
 - (iv) DGAD after receipt of petition filed as per (i) and (ii) above would in fifteen (15) working days point out deficiencies in the petition to the petitioner.
 - (v) The Domestic Industry must rectify the deficiencies pointed out by DGAD as mentioned in (iv) above within five (5) working days from the date of receipt of letter.
 - (vi) The Authority may also provide a personal hearing to the petitioner at stipulated date and time before considering to initiate the requested SSR investigation.
 - (vii) Order of initiation or rejection will be issued within 45 days from the date of receipt of the petition by and large in all cases except in cases of unavoidable circumstances arising out of administrative exigencies or policy/technical scrutiny.
 - (viii) Final Findings will invariably be issued after following due procedure at least 45 days prior to the expiry of existing Anti-Dumping Duty.

4. (i) The Petitioner may file the petition for SSR as per the prescribed normal application format and provide the following information regarding likelihood and recurrence under appropriate sections of Dumping and Injury respectively.
- Total and surplus capacities of product under consideration in the subject countries during the proposed PoI and 3 years prior to the proposed PoI.
 - Quantities and prices of exports by producers/exporters in the subject countries to countries other than India. In case individual data for producers/exporters especially for whom individual assessment has been done is not available, aggregated information for the subject country may be provided.
 - Export orientation of producers/exporters in subject countries. In case data for producers/exporters for which individual assessment has been done is not available aggregated information for the subject country may be given.
 - Justification as to why Indian market would be chosen as a destination for exports notwithstanding (a) to (c) above after withdrawal of Anti-Dumping Duties. The attractiveness of Indian market be justified.
- (ii) The petitioner for the purpose of SSR should consider and adopt period of investigation (PoI) of at least one year including preferably the last completed financial quarter or else the quarter prior to that. The PoI should essentially be an aggregation of financial year quarters only for sake of convenience in analysis.
- (iii) The Authority may also seek post POI data subsequent to initiation if warranted.
5. The above timelines will not apply to Anti-Dumping measures expiring before 31st December, 2017.
6. However as regards Anti-Dumping measures which are expiring till 31st December, 2018, the following timelines will apply.

S. No.	Expiry date of duties	Last date to file SSR Petition
1.	Till 31 st March, 2018	31 st December, 2017
2.	1 st April, 2018 - 30 th September, 2018	31 st January, 2018
3.	1 st October, 2018 - 31 st December, 2018	31 st March, 2018

7. The application fee, as notified by Designated Authority, will be levied.
8. The above procedure will supersede all previous instructions or Trade Notices issued by the Directorate with regard to SSR investigations.


 12.12.17
 (Sunil Kumar)

Additional Secretary & Designated Authority

To All concerned

List of cases in which duty is expiring before 31-12-2018 along with the last date to file petition to initiate SSR				
S.No.	Product/	Country (ies) involved	Expiry date of duties	Last date by which petition should be filed
1	Meta Phenylene Diamine (MPDA)	China PR	21-03-2018	31-12-2017
2	Steel Wheels	China PR	25-03-2018	31-12-2017
3	Soda Ash	Russia and Turkey	17-04-2018	31-01-2018
4	Peroxosulphates (Persulphates)	China PR & Japan	15-05-2018	31-01-2018
5	Zinc Oxide – I	China PR	05-09-2018	31-01-2018
6	Sodium Perchlorate	China PR	05-09-2018	31-01-2018
7	Ductile Iron Pipe	China PR	09-10-2018	31-03-2018
8	Cefadroxil Monohydrate	European Union	09-10-2018	31-03-2018
9	Methylene Chloride	EU, USA and Korea RP	20-10-2018	31-03-2018
10	Paracetamol	China PR & Chinese Taipei	27-10-2018	31-03-2018
11	Vitamin-A Palmitate – I	China PR & Switzerland	12-11-2018	31-03-2018
12	Phosphoric Acid –Technical Grade & Food Grade(Guangxi Quinzhou)	China PR	30-12-2018	31-03-2018