

F. No. 8/3/2021-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
Jeevan Tara Building, 5, Parliament Street, New Delhi - 110001

Dated: 12.04.2021

Trade Notice 03/2021

Revised Timelines for Sunset Review Investigation for Anti-dumping Duty

1. Attention of the Trade and Industry is invited to Section 9A of the Customs Tariff Act, 1975 as amended from time to time and to Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and Determination of Injury) Rules, 1995 framed thereunder, as amended.
2. Vide Trade Notice No. 02/2020 dated 20th April 2020, the Directorate General of Trade Remedies (DGTR) had relaxed the timelines for filing Sunset Review Applications as prescribed in the Trade Notice No. 02/2017, dated 12th December 2017.
3. Attention of the Trade and Industry is invited to Notification No. 10/2021 -Customs (N.T.) dated 1st February, 2021, wherein the following proviso has been inserted in sub rule (2) of Rule 23 of aforementioned Rules:
“Provided that notwithstanding anything contained in rule 17, such review shall be completed at least three months prior to expiry of the anti-dumping duty under review.”;
4. Keeping in view the aforesaid amendment, DGTR endeavors to issue the final findings in respect of review investigations at least three months prior to the expiry of existing Anti-Dumping Duty. To achieve this, the Authority is constrained to withdraw the relaxations made under Trade Notice no. 02/2020 dated 20th April 2020. Accordingly, the following procedure for filing of applications for considering initiation of a Sunset Review Investigation is prescribed:
 - i. The Domestic Industry must normally 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. Applications filed with less than 270 days remaining for Anti-Dumping Duty to expire may be considered in case of bonafide hardships only duly substantiated with evidence by the applicant.
 - iii. Extension of imposed Anti-Dumping Duties pending the completion of Sunset Review Investigation would be sought on a case basis in accordance with section 9A(5) of Customs Tariff Act.
5. (i) The Petitioner must 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.

- a) Total and surplus capacities of product under consideration in the subject countries during the proposed POI and 3 years prior to the proposed POI.
- b) 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.
- c) 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.
- d) 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.

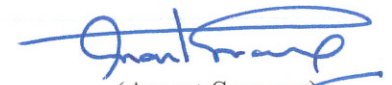
(ii) The petitioner for the purpose of SSR should consider and adopt period of investigation (POI) of twelve months. However, for reasons to be recorded in writing, POI of minimum of six months or maximum eighteen months may also be adopted. The POI should preferably include the last completed financial 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 wherever warranted.

6. This Trade Notice does not apply to the following two cases which would be adversely by this Trade Notice even though they are eligible to file the application for review as per the Trade Notice no. 02/2020 dated 20th April. The following timeline will apply in these cases:

S. No.	Product	Countries	Expiry date of duties	Last date by which petition should be filed
1	Narrow Woven Fabric	China PR	05.10.2021	30.04.2021
2	Low Ash Metallurgical Coke	Australia, China PR	24.11.2021	30.04.2021

7. The above procedure will supersede all previous instructions or Trade Notices issued by the Directorate with regard to SSR investigations.


(Anant Swarup)

Joint Secretary and Designated Authority

To:
All concerned