

Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building,
Parliament Street, New Delhi – 110001

Dated: 24th July, 2020

Trade Notice No. 04/2020

Subject: Guidelines and Procedure for filing applications for Sunset Review of Countervailing Duty Measures

1. Attention of the Trade and Industry is invited to Section 9 of the Customs Tariff Act, 1975 as amended in 1995 and to Rule 24 of the Customs Tariff (Identification, Assessment and Collection of Countervailing Duty on Subsidised Articles and for Determination of Injury) Rules, 1995 framed thereunder as amended.
2. In the above connection, it is informed that henceforth the Directorate General of Trade Remedies (DGTR) will follow the procedure as given under for initiating a Sunset Review (SSR):-
 - (i) The Domestic Industry must file the petition seeking extension to continue the Anti-Subsidy measures at least 270 days prior to the date of expiry of Anti-Subsidy measures.
 - (ii) The petition/application may, however, be accepted up to 180 days prior to the date of expiry of the measure, provided the Designated Authority is satisfied with the genuineness of difficulty faced by the domestic industry in meeting the deadline of 270 days mentioned in sub-para 2 (i).
 - (iii) The Designated Authority may further relax the timeline prescribed in sub-para 2 (ii), up to 120 days prior to the expiry of the measure, in rare cases on account of exceptional circumstances.
 - (iv) DGTR after receipt of petition filed as per (i), (ii) and (iii) 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 DGTR 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 be issued after following due procedure invariably at least 45 days prior to the expiry of existing Anti-Subsidy Duty.

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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 Subsidy 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-Subsidy Duties. The attractiveness of Indian market be justified.

(ii) The petitioner for the purpose of SSR should consider and adopt period of investigation (Pol) of at least one year including preferably the last completed financial quarter or else the quarter prior to that. The Pol 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.



(B B Swain)

Special Secretary and Director General

To all concerned

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