

F. No. 8/3/2021-DGTR
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara building,
5, Parliament Street, New Delhi -110001

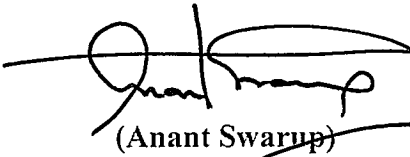
Dated: 29th July, 2021

Trade Notice No.: 08/2021

Subject: Streamlining of the Anti-Dumping Investigations Process - Anti-Dumping Questionnaire Format for User Industry.

Attention of Trade and Industry is invited to the submissions received from various stakeholders requesting for simplification of Anti-Dumping Questionnaire Format for User Industry. This simplification of questionnaire is deemed necessary for greater participation by the user industry in anti-dumping investigations.

2. In view of above, simplified, and revised version of Anti-Dumping Questionnaire Format for User Industry is attached herewith. All the interested parties are required to provide the information as per the attached format for the investigations initiated after the date of issuance of this Trade Notice.
3. This trade notice will supersede all previous instructions or Trade Notices, if any, issued by the Directorate with regard to the information to be provided by the user industry in any anti-dumping investigation.


(Anant Swarup)
Designated Authority



सत्यमेव जयते

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE**

***A**NTI-DUMPING*

*QUESTIONNAIRE FOR
USER INDUSTRY*

DIRECTORATE GENERAL OF TRADE REMEDIES

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Directorate General of Trade Remedies (DGTR)

4th Floor, Jeevan Tara Building,

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India

FORM OF QUESTIONNAIRE

LEGAL PROVISION

The Sections 9A, 9B and 9C of the Customs Tariff Act, 1975, as amended from time to time, and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter also referred to as "AD Rules"), as amended from time to time, framed thereunder form the legal basis for anti-dumping investigations and for the levy of anti-dumping duties. These laws are based on the Agreement on Anti-Dumping which is in pursuance of Article VI of GATT, 1994.

GENERAL

1. The questionnaire is to enable the Designated Authority to obtain the information from the user/downstream industry for the present investigation in accordance with Rule 6(4) and 6(5) of the AD Rules.
2. This questionnaire is to be filled in by a user in India. If an importer is also a user of the subject goods, then such importer has to fill the user questionnaire only, not the importer questionnaire. It is in the interest of the user (s) to reply to the questionnaire accurately and adequately and to attach supporting documents, wherever required.
3. The questionnaire is not of a "fill in type" and provides for submission of answers to the questions. The information provided should be strictly as per the questionnaire and preferably in the same order as in the questionnaire and the declaration provided herein must be affixed. Wherever, the statistical and accounting data is required, the relevant formats have been prescribed in the Appendices herewith.
4. All documents and source material submitted in response to this questionnaire must be in English.
5. All units of measurement and currencies used in Appendices and other information should be clearly identified.
6. In a case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Designated Authority may record its finding on the basis of the facts available to it and make such recommendations to the Central Government as it deems fit under such circumstances as provided in Rule 6(8) of the AD Rules.

INSTRUCTIONS FOR FILLING FORMATS

7. The duly filled formats are to be filed along with the response.
8. An interested party supplying information must ensure that all the information supplied is clearly marked either "Confidential" or "Non-confidential" at the top of each page. Information supplied without any mark shall be treated as non- confidential and the Designated Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Confidential information must be accompanied by non-confidential summary to the extent conducive to summarization. However, if the Designated Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in a generalized or summary form, it may disregard such information (in accordance with Rule 7 of the AD Rules).
9. A copy of all non-confidential submissions shall be placed in a public file, open for inspection by an interested party, on request, participating in the investigation in accordance with Rule 6(7) of the AD Rules.
10. An interested party supplying the information must ensure that the information supplied should clearly bear /marked name of the company at the top of each page.
11. The certificate at Appendix "A" must be attached with the response. You are also required to fill Appendix "B" in case any person/firm/company is being authorized to represent your interests in the investigation. Further, the legal representative is required to submit a declaration as given in Appendix-C.
12. Please provide two hard copies of Confidential and Non-confidential versions of the responses/submissions along with the soft copy made during the course of anti-dumping investigation. Also provide all write-ups / explanations etc., preferably in MS Word file and all formats/appendix in MS Excel format.
13. The Designated Authority may carry out verification to examine the records of your company and to verify the information provided in this questionnaire

COMPANY NAME:	CONFIDENTIAL / NON-CONFIDENTIAL VERSION (DELETE WHICHEVER IS NOT APPLICABLE)
<ul style="list-style-type: none"> • Name of the Investigation: • Subject Country(ies) of the investigation: • Product under Consideration (PUC): • Period of Investigation (POI): • Product(s) manufactured using the PUC: 	

INFORMATION TO BE PROVIDED BY USERS IN INDIA

SECTION A: GENERAL

1. Please supply details of your company/firm:
 - (i) Name:
 - (ii) Address:
 - (iii) Telephone:
 - (iv) Fax:
 - (v) E-mail:
 - (vi) Website:
 - (vii) Indicate the names of the persons to contact and designation
2. In case you have authorized a legal representative to assist you in this proceeding please give:
 - (i) Name of legal representative:
 - (ii) Address:
 - (iii) Telephone:
 - (iv) Fax:
 - (v) Email:
3. State the legal form of your organization and when it was established.
4. List the names of the principal shareholders during the POI of your company.
5. Outline your company's affiliations, including parent companies, subsidiaries and all other related companies whether or not involved with the product under investigation along with the names and addresses, telephone, fax numbers and Email address. Specify the activities of each related company. In addition, please specifically identify all related companies which

are involved in product under consideration.

6. Please give details of all your units linked to the product under consideration and indicate clearly the role/operations performed by these units.
7. Provide a list of all products sold by your company and state the relevance of the product under consideration in the finished product (relative value in finished products).

SECTION B: FINANCIAL INFORMATION

1. State your corporate financial year.
2. Attach a copy of the audited accounts including balance sheet, profit and loss accounts including notes to accounts and footnotes for the last two financial years for your company.

SECTION C: COST INFORMATION

1. Please provide the detailed production process for each product manufactured using the product under consideration and provide production flow chart.
2. Please provide details of the purchases/sales made by your company of product under consideration in Annexure-1.
3. Please provide the information relating to cost of raw material and other conversion costs for each of your products that incorporate the product under consideration in Annexure-2.
4. Please mention and elaborate any causes other than the imports of the product in question from the country concerned which may have contributed to the alleged injury suffered by the Indian producers.

SECTION D: PRODUCT COMPARISON AND MARKET INFORMATION

1. Whether product manufactured by the Domestic Industry is like article of imported product under consideration (PUC)? If not, then specify the differences (e.g. technical or physical characteristics, types, grades, prices, uses, etc.).
2. What is your estimated share in the domestic sales of the end-product manufactured out of PUC?
3. Name your main customers for the end-product manufactured out of PUC.
4. Name your main suppliers for the PUC in India and outside India.
5. Are there products that could be substituted for the PUC? If yes, then name such products and explain how these products can substitute PUC?
6. What is the possibility for your company to switch to other sources of supply for the PUC?
7. Do the producers/exporters of the subject country(ies) have any comparative advantage in vis-à-vis Indian producers?
8. What would be the likely impact of imposition of duties on imports of PUC on its end-users? Quantify such impact.

SECTION E: IMPORTS AND RESALE OF PUC

12. Please fill the following Annexures (as applicable)

- (i) Annexure-3: Details of imports of PUC and purchase from domestic suppliers
- (ii) Annexure-4: Details of Resale of subject goods.
- (iii) Annexure-5: Availability and Utilization of PUC.
- (iv) Annexure-6: Profitability Statement.

**CERTIFICATE BY THE CHIEF EXECUTIVE OF THE
COMPANY/DIRECTORS/PARTNERS OR THE PROPRIETOR OF THE FIRM.**

(On Letterhead of the Company)

On behalf of the [name of the user entity], it is hereby certified that I have read the attached submission of [name of the user entity] dated pursuant to initiation of the Anti-Dumping Investigations against the Product originating in or exported from 2. It is certified that the information contained in this submission is true, complete and correct to the best of my knowledge and belief. The same is based on the records of the company consistently made by the company. We have neither knowingly and/ or wilfully concealed or misrepresented any material information nor made any material false statements to the Designated Authority. I am fully aware that in the event of any data/ information/ claim found to be contrary to the facts, the Designated Authority would have full discretion to reject our entire submission.

3. I/We also understand that we may be responsible, individually and severally, for the consequences of any deliberate or wilful and/or fraudulent concealment, mis-declaration or misrepresentation by me/us in any manner whatsoever.

Name: _____

Signature

Designation: _____

Seal

Date: _____

Note: If this Certificate is signed by an Authorized Representative other than the Officers referred above, a copy of the authorization from the Competent Officer or the Chief Executive of the Company/ Directors/Partners or the Proprietor of the Firm or the Board of Directors be also attached.

APPENDIX -B

AUTHORISATION LETTER

We hereby appoint the following person/firm/company in India to represent us in the anti-dumping investigation being conducted by the Designated Authority.

(Name, address, telephone, fax numbers and E-mail address of the person/firm who may represent you)

M/s (name) is authorized, inter-alia, for the following:

1. To receive communications from the Designated Authority.
2. To make submissions on our behalf.
3. To appear for and on our behalf (Please strike off whichever activity is not to be authorized)

Date _____

(Signature)

(Name/Title) Note:

- (1) This page should be completed and appended at the beginning of your submission.
- (2) The certificate should be signed by Chief Executive of the Company /Director/Partner or the Proprietor of the firm/duly Authorized Representative of the company/firm filing response to this questionnaire.

APPENDIX-C

DECLARATION BY LEGAL REPRESENTATIVE

(On Letterhead)

I/We counsel/s or legal representative/s to [name of the user/producer/ company], certify that I/We have read the attached submission of [name of the user/producer/ company] dated pursuant to Initiation of the Anti-Dumping Investigations against the Product originating in or exported from

In my/our capacity as a legal representative/s, I/We have explained the basic provisions of the Indian anti-dumping laws to the party including the consequences of any deliberate or wilful and/or fraudulent concealment, misdeclaration or misrepresentation by the said party in any manner whatsoever.

In my/our capacity' as an adviser, counsel, preparer or reviewer of this submission, I/We further certify that the information contained in this submission is true, complete and correct to the best of my/our knowledge and belief and that it is based on the records of the company generally/consistently made by the company and that I/We have not knowingly and/or wilfully made any material false statements to the Designated Authority and am/are not party to any concealment, misdeclaration or misrepresentation by my/our clients.

Name:

Signature

Designation: _____

Name and Membership No. of the professional body
(e.g. ICAI, ICMIAI, Bar Council), if any:

Seal

Date: _____

Summary of product under consideration

	Particulars	Unit	Period of Investigation		
			Quantity	Value	Rate
A1	Purchase details (from unrelated parties):				
A11	Originating in India				
A12	Originating in Subject countries (separately for each country)				
A13	Originating in other countries (separately for each country)				
A2	Purchase details (from related parties):				
A21	Originating in India				
A22	Originating in Subject countries (separately for each country)				
A23	Originating in other countries (separately for each country)				
A	Total Purchases				
B	Opening Stock of PUC				
C	Production of PUC, if any				
D	Sales of PUC, if any				
E	Closing Stock of PUC				
	Consumption of PUC in the end-product (A+B+C-D-E)				

Total Cost Breakup of end-products using PUC (Separate for each product)

Total Cost and profit of the end-product manufactured using the PUC	UOM	POI	
Product Name:			
Production Quantity			
Sales Quantity			
Captive Consumption			
	UOM	Amount	Per unit cost
*Cost of PUC Consumed in end-product			
Cost of Other Raw Materials Consumed (other than PUC)			
Conversion Cost (including credit for other income)			
Total Cost			
Sales of the end-product			
Profit/Loss			

***Cost of PUC Consumed for Users and/or Cost of PUC Sold in case of importer-trader**

Transaction-wise details of Purchases of PUC during the POI

S.No.	Name of the Supplier	Country of origin (for subject countries and India)	Related (R)/ Unrelated (UR)	PCN (if any)	Invoice Number	Invoice Date	Bill of Entry No. (if imported)	Qty	Name of Currency	Invoice Value (foreign currency)	Exchange Rate	Invoice Value (Rupees)	Delivery Terms	Rebate/ Discount/ Commission	Ocean Freight	Ocean Insurance	CIF Value	CIF Value (Rs)	Custom Duty	Other duty and taxes	Basis of Pricing
UOM →																					
Total Purchases																					

Information relating to resale of imported subject goods in India during period of investigation

Sr. No.	Description of Product	PCN (if Any)	Name of the supplier	Country of origin	Supplier Invoice no.	Customer Name	Invoice No.	Invoice Date	Quantity	Invoice Value	Delivery Terms	Rebate / Discount /	Other duty and taxes

Availability and Utilisation of product under consideration

Particulars	2nd Previous Financial Year			1st Previous Financial Year			POI		
	Qty	Rate	Value	Qty	Rate	Value	Qty	Rate	Value
1	2	3	4	5	6	7	8	9	10
<u>Availability of PUC:</u>									
Opening Stock									
Add: Import									
Add: Domestic Purchase									
Less: Closing Stock									
<u>Utilisation of PUC:</u>									
(1) Product Sold									
(a) Domestic									
(b) Exported									
(2) Product used for captive consumption									
(a) Use for End product sold domestically									
(b) Use for End product exported									
(c) Losses / wastages etc.									

(Profitability Statement)

Sl.No.	Particulars*	Total company as a whole (for POI)	Share applicable to product under investigation (Resale of PUC imported from related parties)	Share applicable to product under investigation (Resale of PUC imported from unrelated parties)	Share applicable to product using/incorporating the product under investigation	Share applicable to other products	Basis of allocation/ apportionment
	Purchase Quantity						
	Sales Quantity						
	Cost of Raw material Consumed						
	Conversion Cost (including credit for other						
	Total expenses						
	Sales revenue						
	Profit/Loss						