

F. No. 8/3/2021-DGTR
Government of India
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

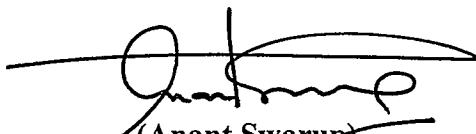
Trade Notice No.: 09/2021

**Subject: Simplification of procedure for filing of application for Anti-dumping (AD)/
Countervailing duty (CVD) investigation by fragmented industries**

Attention of members of Trade & Industry is invited to the fact that Directorate General of Trade Remedies (“DGTR”) from time to time keeps on receiving requests for imposition of trade remedy measures from domestic producers forming part of fragmented industries. It has been noticed that genuine difficulties are many a times encountered by such domestic producers in complying with the existing procedures and consequently they remain deprived of the relief from trade remedy measures.

2. In order to overcome difficulties faced by fragmented industries in India in complying with the existing procedures and norms, a simplification exercise needs to be attempted for ease of doing business. It has therefore been decided that the following guidelines be applied in seeking information from such domestic producers during the course of Anti-dumping (AD)/Countervailing duty (CVD) investigations.
3. Where the industry is fragmented and consists of excessively large number of domestic producers, the application for AD/CVD investigation can be filed by an Association on behalf of domestic industry. Such domestic producers must have at least 50% share in total eligible domestic production of like article as per Rule 5(3)(a) of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (“AD Rules”) and Rule 6(3)(a) of Customs Tariff (Identification, Assessment and Collection of Countervailing Duty on Subsidized Articles and for Determination of Injury) Rules, 1995 (“CVD Rules”);
4. If an application has been filed by an association on behalf of domestic producers, the association should meet the requirements prescribed under Annexure II. The association shall provide all relevant information to demonstrate that the association has acted on behalf of domestic producers and the members of the association have expressly supported the request for imposition AD duty within the meaning of Rule 5(3) read with Rule 2(b) of AD Rules or imposition of CVD duty within the meaning of Rule 6(3) read with Rule 2(b) of CVD Rules as the case may be.

5. Application filed by or on behalf of fragmented domestic industry for AD/CVD investigation shall contain a list of all domestic producers on whose behalf the application is being filed and who constitute domestic industry.
6. All the domestic producers constituting domestic industry in such cases shall not be required to file Formats VI-1 to VI-5, to begin with. Instead, all such domestic producers will be required to file basic injury information only as per Annexure 1 enclosed with this Trade Notice.
7. The Authority, for the purpose of determining injury margin may limit detailed examination of applicant domestic producers to a limited number of domestic producers. In this regard, following provisions shall apply:
 - a. The Authority shall select a sample set of producers based on statistically valid sampling techniques.
 - b. The sampled domestic producers shall provide complete information in Formats VI-1 to VI-5 as prescribed vide Trade Notice No. 05/2021 dated 29th July, 2021.
 - c. There will be no other change in requirements and procedure governing the AD/CVD investigation.
8. The above relaxation in procedure shall be applied wherein the number of domestic producers in fragmented industry is excessively large. The Authority reserves the right to deny this relaxation even for fragmented industry depending on facts and circumstances of a particular case.


(Anant Swarup)
Designated Authority

Name of the Company:					
Particulars	Unit	3 rd previous year	2 nd previous year	1 st previous year	POI
Turnover of the Company as a whole					
Performance Parameters of Domestic Industry (PUC)					
Particulars	Unit	3 rd previous year	2 nd previous year	1 st previous year	POI
Installed Capacity					
Production Quantity-PUC					
Production Quantity-NPUC					
Capacity Utilization Percentage					
Sales Quantity:					
(a) Domestic sales					
(b) Export Sales					
(c) Captive Consumption					
Sales Value:					
(a) Domestic sales					
(b) Export Sales					
(c) Captive Consumption					
Sales Realisation per Unit:					
(a) Domestic sales					
(b) Export Sales					
(c) Captive Consumption					
No. of Employees					
Productivity per day					
Inventory					
Cost of Sales per Unit - Domestic Sales					
Cost of Sales per Unit -Exports					
PBIT per Unit - Domestic Sales					
Total Profit before Interest and Tax - Domestic Sales					
PBT per Unit - Domestic Sales					
Total Profit before Tax - Domestic Sales					
Cash Profit per unit-Domestic Sales					
Cash Profit Total-Domestic Sales					
Average Capital Employed					
PBIT as % of Avg. Capital Employed					

* If the same plant can be used for production of NPUC also, the total production including NPUC needs to be indicated.

** If POI is a financial year, Audited Financial Report of POI to be provided. Else, Audited Financial Report of immediate previous Financial Year to be provided.

Annexure II

Requirements to be fulfilled in case application has been filed by an association/ federations/ council on behalf of domestic producers:

1. The names of the specific members (producers/manufacturers) who will provide the costing/financial data for the analysis of economic parameters.
2. The member producers filing the data will have to qualify all prescribed eligibility criteria.
3. The following information will be examined to establish the claim of Association/federation/council:
 - (i) Is the Association a registered body? If so a copy of the Registration Certificate;
 - (ii) A copy of the Bylaws & Memorandum of Association (MOA);
 - (iii) A list of the members;
 - (iv) Details of the Executive body / Managing structure of the Association;
 - (v) A copy of the minutes of the meeting in which it was resolved by the Association to file an anti-dumping application on behalf of some of / all its members;
 - (vi) A list of the members, who either supported, opposed or remained neutral with regard to the application; and
 - (vii) Any other information which may be relevant in this regard.