

NO. 4/9/2004-DGAD
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

DIRECTORATE GENERAL OF ANTI DUMPING & ALLIED DUTIES

Dated the 12th May, 2004

TRADE NOTICE No. 2/2004

1. Attention of the Trade and Industry is invited to Section 9 A of the Customs Tariff Act, 1975 as amended in 1995 and to Rule 5 and Rule 7 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 framed there under. Attention is also invited to the Application Proforma for making application for anti-dumping investigation by the domestic industry.
2. Trade & Industry is advised that the following requirements should also be kept in view while making the application for anti-dumping investigation:
 - (i) The source of data must be indicated by the applicant(s) while furnishing the information.
 - (ii) A soft-copy using MS-Word/MS-Excel software of the petition is also required to be submitted.
 - (iii) Application should invariably contain information and data relating to the proposed period of investigation (POI) and previous three financial years. There should be no gap but there can be overlap between the POI and the previous financial years. The data for previous three years would be utilized for trend analysis for determination of injury.
 - (iv) Information furnished in the application to demonstrate dumping, injury and causal link between such dumped imports and alleged injury should invariably be supported by evidence as required under Rule 5(2) of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995.
 - (v) Detailed information alongwith evidence of injury should cover all relevant economic factors indicated in Para (iv) of the Annexure II to the above mentioned Rules as reproduced below:-

“(iv) The examination of the impact of the dumped imports on the domestic industry concerned, shall include an evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including natural and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices; the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.”

Accordingly, the data relevant to productivity, return on investment, the magnitude of the margin of dumping, negative effects on cash flow, inventories, wages, growth, ability to raise capital investments should also be specifically furnished under item no. 18 of Proforma IV A to the application to substantiate the injury with regard to all the parameters mentioned in the Annexure II.

- (vi) Any information furnished on a confidential basis should be supported by a statement of reasons to demonstrate the good cause as to why the particular information need to be kept confidential. All information/documents/submissions given on a confidential basis must be accompanied by a meaningful non-confidential summary thereof. These summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.

(Dr. M.S. RAO)
DIRECTOR
FOR DESIGNATED AUTHORITY
TELE: 23016461

To
All concerned
(As per list)