

No. 4/4/2018-DGAD
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping & Allied Duties
4th Floor, Jeevan Tara building,
5, Parliament Street, New Delhi -110001

Dated: 28th February, 2018

Trade Notice: 04/2018

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 Anti-Dumping Questionnaire Format for User Industry. This questionnaire was felt necessary for submission of complete and comprehensive information by the user industry to enable more active participation in anti-dumping investigations.

2. In view of above, an 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. The above procedure 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 investigations.


28.2.18
(Sunil Kumar)

Additional Secretary and Designated Authority

Enclosed: Anti-Dumping Questionnaire Format for User Industry

To
All concerned

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

ANTI-DUMPING
QUESTIONNAIRE
FOR
USERS IN INDIA

DIRECTORATE GENERAL
OF
ANTI DUMPING & ALLIED DUTIES
Website: www.dgtr.gov.in
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Address:

Directorate General of Anti-dumping & Allied Duties (DGAD)
4th Floor, Jeevan Tara Building,
5, Parliament Street,
Patel Chowk,
New Delhi-110001
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, 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 interested parties deemed necessary for the present investigation in accordance with Rule 6(4) and 6(5) of the Customs Tariff Rules, 1995.
2. This questionnaire is to be filled in by a user in India, not related to producer/exporter of product under consideration in subject countries. If the unrelated importer is also a user of the subject goods, then such unrelated importer has to fill the user 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 Designated Authority initiates investigation after examination of accuracy and adequacy of the evidence filed by the Domestic Industry in the form of a written application and establishing the case of dumping, injury and the causal link between such dumped imports and alleged injury. Thereafter, a detailed investigation is undertaken before finalizing preliminary and/or final findings. The investigation process includes eliciting information on various parameters from interested parties through questionnaire, and verified if deemed necessary, to the extent possible.
4. 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 format have been prescribed in the Appendices for presentation of data.
5. All documents and source material submitted in response to this questionnaire must be accompanied by an English translation.
6. All units of measurement and currencies used in Appendices and other information should be clearly identified.
7. 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 Customs Tariff Rules, 1995.

INSTRUCTIONS FOR FILLING FORMATS

8. The duly filled formats are to be filed along with the response. The entities related to you are also required to participate by giving relevant information as mentioned in subsequent paragraphs, if related entities are involved in the re-sale of product under consideration.
9. The questionnaire has been designed to enable the Designated Authority to obtain the information deemed necessary from the users for the present investigation. It is in the interest of the users to reply to the questionnaire as accurately and completely as possible and to attach supporting documents' wherever feasible. **In case you are importer as well as the user of the product under investigation, then you are required to fill the user questionnaire.**
10. 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 Customs Tariff Rules, 1995).
11. A copy of all non-confidential submissions shall be placed in a file, open for inspection by an interested party, on request, participating in the investigation in accordance with Rule 6(7) of the Customs Tariff Rules, 1995 .
12. 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.
13. 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.
14. 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.
15. The Designated Authority may carry out on-the-spot verification to examine the records of your company and to verify the information provided in this questionnaire

COMPANY NAME:	CONFIDENTIAL VERSION / NON CONFIDENTIAL VERSION DELETE WHICHEVER IS NOT APPLICABLE
<ul style="list-style-type: none">• Investigation :• Country(ies) concerned• Product under investigation:• Period of Investigation (POI):• Deadline for response to the questionnaire:	

INFORMATION TO BE PROVIDED BY USERS IN INDIA

SECTION A: GENERAL

1. Please supply details of your company:
 - (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 empowered 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 company and when it was established.

4. List the names of the principal shareholders during the POI of your company and indicate the percentage share-holding and the activities of these shareholders.

5. Outline your company's world-wide corporate structure and 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 investigation in India 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 and all reports, notes, footnotes and auditor's opinion to these documents for the last two financial years for your company as well as for those companies related to you that are involved in the marketing or sales/usage of the product under investigation.

3. If internal financial statements, management reports, etc. are prepared and maintained for the product under investigation, provide copies for the two most recent financial years.
4. Please indicate the address where the accounting records concerning the activities of the company are located. If they are maintained in different locations please indicate which records are kept at which location.
5. Please provide details of the turnover and profit/loss of the total company as a whole and the products using/incorporating the product under consideration for the POI and previous financial year.

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. State the total quantity and value of all sales of finished products using or incorporating the product under investigation made by your company to all the customers in Annexure-2. All the worksheets used for completing the tables below should be kept available for inspection in order to facilitate the reconciliation of these figures with your financial and management accounts.
4. Describe the details, if any post-invoicing/sale discounts or year-end rebates etc received by your company.
5. Please provide the cost of raw material for each of your products that incorporate the product under investigation in Annexure-3.
6. Please provide the information in Annexure-4 for each of your products that use or incorporate the product under investigation.
7. 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. Please comment on the comparability of the product under investigation imported from the country concerned with that produced in India, identifying any differences (e.g. technical or physical characteristics, prices, uses, etc). Where possible this comparison should be provided in the form of the following table.

Type imported and/ or used by your company	Type manufactured by Indian producers	Characteristics of the imported product and differences with Indian product	Quantity Imported (specify unit)	Average FOB Price of the imported product	Average Landed Price of the imported product
1	2	3	4	5	6

2. Name major labs along with their complete addresses, where the differences in technical characteristics of the imported products with those of domestic products can be evaluated or checked.
3. Please indicate whether your company would be in favour of the imposition of antidumping measures or against.
4. What is your estimated share of Indian market of the products using/incorporating the product under investigation? If you sell the products using/incorporating the product under investigation outside India, please indicate the countries and your estimated market share.
5. Name your five main customers for the products using/incorporating the product under investigation in India and outside India.
6. Name your five main suppliers for the product under investigation in India and outside India.
7. Are there products that could be easily substituted for the product under investigation? Please explain.
8. What is the possibility for your company to switch to other sources of supply for the product under investigation?
9. Do the producers/exporters of the country concerned have any comparative advantage in comparison with Indian producers? Please substantiate your comments by giving some examples.
10. Please comment on what would happen on the market if anti-dumping duties are imposed on the imports under consideration, in particular: what would be the effects on interested parties, what are the factors likely to accelerate or delay the adjustment to the new situation [OR: Please comment on what would happen on the market if anti-dumping duties are repealed/maintained on the imports under consideration].
11. Any other issue, which you like to bring to the notice of the Authority relating to the investigation.

SECTION E: IMPORTS AND RESALE OF PUC

12. Please fill the following Annexures (as applicable)

- (i) Annexure-5A: Details of imports of PUC from subject countries from related parties

- (ii) Annexure-5B: Details of imports of PUC from subject countries from unrelated parties
- (iii) Annexure -6: Details of purchase from domestic suppliers
- (iv) Annexure -7: Summary Statement of imports
- (v) Annexure -8: Details of Resale of subject goods.
- (vi) Annexure -9: Utilization of product under consideration.
- (vii) Annexure -10: 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, misdeclaration or misrepresentation by me/us in any manner whatsoever.

Name: _____

Signature

Designation: _____

Seal

Date: _____

Note: If this Certificate is signed by an Authorised 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 authorised, 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 authorised)

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 Authorised 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, ICMAI, Bar Council), if any: _____

Seal

Date: _____

Annexure-1- Summary of product under consideration

Particulars	Unit	Previous Financial Year			Period of Investigation		
		Quantity	Value	Rate	Quantity	Value	Rate
Purchase details(from unrelated parties):							
Originating in India							
Originating in Subject countries (separately for each country)							
Originating in other countries							
Purchase details(from related parties):							
Originating in India							
Originating in Subject countries (separately for each country)							
Originating in other countries							
Total Purchases							
Opening Stock of Product Under Consideration							
Production of product under consideration, if any							
Sales of product under consideration, if any							
Captive Consumption, if any							
Closing Stock of Product Under Consideration							

Annexure-2- Sales Statistics

Particulars	Unit	Previous Financial Year			POI		
		Quantity	Rate	Value	Quantity	Rate	Value
Total Turnover of Sales							
Domestic Sales							
---Related party							
---Unrelated Party							
Exports Sales							
---Related party							
---Unrelated Party							

Turnover of the Product using/incorporating the product under investigation originating in India							
Domestic Sales							
---Related party							
---Unrelated Party							
Exports Sales							
---Related party							
---Unrelated Party							

Turnover of the Product using/incorporating the product under investigation originating in subject countries							
Domestic Sales							
---Related party							
---Unrelated Party							
Exports Sales							
---Related party							
---Unrelated Party							

Turnover of the Product using/incorporating the product under investigation originating in other countries							
Domestic Sales							
---Related party							
---Unrelated Party							
Exports Sales							
---Related party							
---Unrelated Party							

Annexure-3- Raw Material Cost for Products using PUC (Separate for each product)

Particulars	Unit	Previous Financial Year			POI		
		Total Quantity	Total Amount	Per unit cost	Total Quantity	Total Amount	Per unit cost
Product Name:							
Production Quantity:							
Raw Material Cost for the product in question							
Other Raw Materials							
Total Cost of Raw Material							

Annexure-4-Total Cost Breakup of products using PUC (Separate for each different product)

	Unit	Previous Financial Year	POI		
Product Name:					
Production Quantity					
Sales Quantity					
Captive Consumption					
Total Cost of the Product using/incorporating the product under investigation					
	Unit	Total Amount	Per unit cost	Total Amount	Per unit cost
Total Raw Materials (Annexure-3)					
Labour Cost					
Overheads					
Other Costs					
Other income,if any					
Total Cost					
Sales Realisations					
Profit/Loss					

Information relating to imports in India during period of investigation from related party - Annexure- 5A

Sr. No.	Country	Description of Product	PCN (if Any)	Supplier's Name	Invoice No.	Invoice Date	Bill of Entry No.	Bill of Entry Date	Quantity	Invoice Value USD	Delivery Terms	Rebate / Discount / Commission	Ocean Freight	Ocean Insurance	CIF Value	Exchange Rate	CIF Value (Rs)	Custom Duty	Other duty and taxes	Basis of Pricing
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Note: Copy of invoice and bill of entry of sample imports to be attached.

Information relating to imports in India during period of investigation from unrelated party - Annexure- 5B

Sr. No.	Country	Description of Product	PCN (if Any)	Supplier's Name	Invoice No.	Invoice Date	Bill of Entry No.	Bill of Entry Date	Quantity	Invoice Value USD	Delivery Terms	Rebate / Discount / Commission	Ocean Freight	Ocean Insurance	CIF Value	Exchange Rate	CIF Value (Rs)	Custom Duty	Other duty and taxes
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Note:

Copy of invoice and bill of entry of sample imports to be attached.

Information relating to purchases from domestic supplier during period of investigation - Annexure-6

Sr. No.	Description of Product	PCN (if Any)	Supplier's Name	Invoice No.	Invoice Date	Quantity	Invoice Value	Delivery Terms	Rebate / Discount / Commission	Other duty and taxes
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Note:

Copy of invoice of sample transaction to be attached.

Country - Wise details of import (from subject as well as non subject countries) - Annexure-7

Sr. No.	Country	2nd Previous Financial Year*			1st Previous Financial Year*			POI			Remarks
		Qty	Rate	Value	Qty	Rate	Value	Qty	Rate	Value	
1	2	3	4	5	6	7	8	9	10	11	12
	TOTAL										

* As per Initiation Note

Note: Indicate the value in contracted currency and give average rate of exchange

Information relating to resale of subejct goods in India during period of investigation - Annexure-8

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

Copy of invoice of sample transaction to be attached.

ANNEXURE - 9
Utilization of product under consideration

Particulars	Unit	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	11
I. Utilisation of product under consideration Opening Stock Add: Import Add: Domestic product Less: Closing Stock										
Utilition (I)										
II. Break - up of utilisasation (I) 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.										
Total										

Annexure-10 (Profitability Statement)

Period of Investigation

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 not applicable to product under investigation	Basis of allocation/apportionment
	Purchase Quantity						
	Sales Quantity						
	Cost of Purchase						
	Administration expenses						
	Selling & Distribution Cost						
	Depreciation						
	Financial Expenses						
	Other expenses						
	Total expenses						
	Sales revenue						
	Other revenue						
	Total revenue						
	Profit/Loss						

* You may amend the nomenclature in the above format based on your audited financial statements

CERTIFICATE

I/We have verified the above data with reference to the books of account, cost accounting records and / or other relevant records of the company and have found the same to be in accordance with the Accounting Standards/ Cost Accounting Standards as applicable as on date. Based on the information and explanations given to me/us, and on the basis of Generally Accepted Cost Accounting Principles & Practices followed by the industry, I/ We certify that the above cost data reflects true and fair view of the cost of respective activity/plant/product concerned.

Date:

Place:

Seal and Signature of Practising Accountant

Membership No.