

DIRECTORATE GENERAL OF ANTIDUMPING AND
ALLIED DUTIES
MINISTRY OF COMMERCE AND INDUSTRY
GOVERNMENT OF INDIA

FORMAT OF APPLICATION FOR
MID. TERM. REVIEW
OF
ANTI-DUMPING DUTY

APPLICATION UNDER SECTION 9A OF THE CUSTOMS TARIFF ACT 1975 READ WITH RULE 23 OF THE CUSTOMS TARIFF (IDENTIFICATION, ASSESSMENT AND COLLECTION OF ANTI-DUMPING DUTY ON DUMPED ARTICLES AND FOR DETERMINATION OF INJURY) RULES, 1995 FOR REVIEW OF ANTI-DUMPING DUTIES IN FORCE

To
The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce
New Delhi

We, M/s _____ Exporter/Importer/Domestic producer/Others (Pls. specify), an interested party under Rule 2(c) of the said Rules, hereby request, in accordance with section 9A of the Customs Tariff Act 1975 read with Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for determination of injury) Rules, 1995 that the Designated Authority initiate a review of anti-dumping duties imposed vide Notification No..... dt.in respect of the (description of goods and country) the subject of this application on the following grounds:

A. One or more of the circumstances relevant to the imposition of duty have changed requiring modification of duty;

OR

B. Withdrawal of the anti-dumping duties against (description of goods and country) currently subject to duties is warranted because the grounds those need to be present for the continued imposition of duties no longer exist-

(Pls. specify the grounds: see Footnote)

We declare that the information contained in this application provides reasonable grounds for review of the anti-dumping duty and is complete and correct to the best of our knowledge and belief. Relevant evidence in support of claims made is submitted heerwith. A Non-confidential version of the application is also enclosed.

Signature:
Name:
Position:
Company:
Date:

Footnote

Some of the factors that may be considered as changed circumstances for a review are as follows:

1. Change in Non-Injurious Price of the domestic industry
2. Change in Normal Value of the exporter(s)
3. Export Price of the exporter(s)
4. Landed value(s)
5. Domestic production pattern
6. Change in legal status of the domestic producer(s) or exporter(s)
7. Other relevant factors that may be relevant (Please elaborate)
8. Change in the condition of the domestic industry/producers

APPLICATION FORMAT

FOR MID-TERM REVIEW OF ANTI-DUMPING DUTY.

1. Name and Postal Address of the Applicant seeking the review:

2. Describe your status as an interested party¹:

(Foreign manufacturer/Exporter; Importer of the goods; or part of the Domestic Industry; or acting on behalf of the Government of an exporting country).

3. Legal Status of the applicant (Form of legal entity)

4. Details of the contact person(s);

Name,
Position,
Telephone number,
Fax number,
E-mail Address

5. Name and similar details of other parties supporting this application.

6. Details of the current Anti-Dumping Duties the subject of this application, including:

- the products under consideration, and their Tariff Classification
- the Countries or Companies/Exporters specified
- Date of Publication of the notification.

7. Detailed statement setting out reasons for seeking review of the Anti-Dumping Duties.

- identify the changed circumstances (s);
- show the extent by which each circumstance has changed; and
- provide information that establishes the changed circumstances.

If the application relies upon any other circumstance the particulars must be fully set out.

¹ Please Refer to Rule 2(C) of the Rules

7.The supporting evidence must establish reasonable grounds asserting that either circumstance have changed or the grounds that need to be present for the continued imposition of duties no longer exist².

8. Names, addresses, telephone numbers and facsimile numbers of other interested parties known to the applicant.

We declare that the information contained in this application provides reasonable grounds for review of the anti-dumping duty and is complete and correct to the best of our knowledge and belief. Relevant evidence in support of claims made is submitted heerwith. A Non-confidential version of the application is also enclosed.

Signature:

Name:

Position:

Company:

Date:

1. The application must also be provided in a Non-Confidential Version for making it available to interested parties. Application for Mid-Term Review must be lodged in two sets each of confidential and non-confidential versions. The confidential copy must be marked "CONFIDENTIAL" on each page.

2. In terms of Rule 6(7), of the Rules the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summary, a statement of reason thereof is required to be provided. In 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 Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

3.Applicants must ensure that they clearly show, in the non-confidential version of their application, the reasons for seeking review of the duties.

4.This application, together with the supporting evidence and information, should be lodged with

² Please refer to the 'Guidelines for Preparing an Application for Review of Anti-Dumping Duties' at Annex-

Annexure-1

**GUIDELINES FOR PREPARING AN APPLICATION FOR REVIEW OF
ANTI-DUMPING DUTIES**

Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for determination of injury) Rules, 1995 reads as under:

“The Designated Authority shall, from time to time, review the need for the continued imposition of the anti-Dumping Duty and shall, if it is satisfied on the basis of information received by it that there is no justification for the continued imposition of such duty recommend to the central government for its withdrawal.”

In accordance with these rules:

Any interested party as defined under Rule 2(C) of the said rules may seek mid-term review of Anti-Dumping Duties currently in force. An Application for Mid-Term Review of Anti-Dumping Duties shall not be filed earlier than 12 months from the date of the order of imposition of Anti-Dumping Duties by the Central Government.

The review application may seek a review for modification or withdrawal of the Anti-Dumping duty based on any of the relevant changed circumstances. The circumstances that may lead to a review of the duty in force may include such factors such as change in Normal Value, Export price, Landed value, Non-Injurious Price of the domestic industry, domestic production patterns, change in legal status of the domestic producer(s) or exporter(s), Change in the condition of the domestic industry/producers or any other relevant circumstances that may have bearing on the dumping, injury or causal link.

An Application for Mid-Term Review must be made to the Designated Authority in writing. Where the Application seeks a review for modification of the said duty on the grounds that one or more of the circumstances have changed, the Application must include a statement of the opinion of the applicant concerning the degree by which the circumstance(s) have changed and the information that establishes the degree, supported by relevant evidence.

Likewise, if a Mid-Term Review Application requests for revocation of the said duty on the grounds that continued imposition of the duty is nor warranted in view of the changed circumstances, the applicant must show reasons why the duty should be revoked.

The review investigation may not be limited to the matters raised in the application. For example, while an application may seek review of particular exporters mentioned in the Notification imposing Anti-dumping duties, the Designated Authority may broaden the review to include additional exporters. In addition, the Designated Authority may have regard to any other matter considered relevant to the review.

