

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

FORMAT OF APPLICATION
FOR
ANTI-CIRCUMVENTION INVESTIGATION

**APPLICATION UNDER SECTION 9A OF THE CUSTOMS TARIFF ACT 1975
READ WITH RULE 26 OF THE CUSTOMS TARIFF (IDENTIFICATION,
ASSESSMENT AND COLLECTION OF ANTI-DUMPING DUTY ON DUMPED
ARTICLES AND FOR DETERMINATION OF INJURY) RULES, 1995 FOR
ANTI-CIRCUMVENTION INVESTIGATION**

To

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

We, M/s [redacted] the domestic industry under Rule 2(b) of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for determination of injury) Rules, 1995, hereby request, in accordance with section 9A of the Customs Tariff Act 1975 read with Rule 26 of the said Rules that the Designated Authority initiate an investigation to determine the existence and effect of circumvention of anti-dumping duties imposed vide Notification No [redacted] dt. [redacted] in respect of the (description of goods and country) the subject of this application on the following grounds:

A. Where an article subject to anti dumping duty is imported into India from any country including the country of origin or country of export notified for the purposes of levy of anti dumping duty, in an unassembled, unfinished or incomplete form and is assembled, finished or completed in India or in such country, such assembly, finishing or completion shall be considered to circumvent the anti dumping duty in force, if (a) the operation started or increased after, or just prior to, the anti dumping investigations and the parts and components are imported from the country of origin or country of export notified for purposes of levy of anti-dumping duty; and (b) the value consequent to assembly, finishing or completion operation is less than thirty-five percent of the cost of assembled, finished or complete article.

OR

B. Where an article subject to anti dumping duty is imported into India from country of origin or country of export notified for the levy of anti-dumping duty after being subjected to any process involving alteration of the description, name or composition of an article, such alteration shall be considered to circumvent the anti dumping duty in force if the alteration of the description or name or composition of the article subject to anti dumping duty results in the article being

altered in form or appearance even in minor forms regardless of the variation of tariff classification, if any.

OR

C. Where an article subject to anti dumping duty is imported into India through exporters or producers or country not subject to anti dumping duty, such exports shall be considered to circumvent the anti dumping duty in force if the exporters or producers notified for the levy of anti-dumping duty change their trade practice, pattern of trade or channels of sales of the article in order to have their products exported to India through exporters or producers or country not subject to anti dumping duty.

(Pls. specify the grounds)

We declare that the information contained in this application provides sufficient grounds for initiation of anti-circumvention investigation and is complete and correct to the best of our knowledge and belief. Relevant evidence in support of claims made is submitted herewith. A Non-confidential version of the application is also enclosed.

Signature:

Name:

Position:

Company:

Date:

APPLICATION FORMAT

FOR ANTI CIRCUMVENTION INVESTIGATION

1. Name and Postal Address of the applicant filing circumvention petition
2. Describe your status as domestic industry alongwith the producer-wise break-up of the domestic production.
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 Anti-Dumping Duties that are being circumvented, including:
 - a. the products under consideration, and their Tariff Classification
 - b. the Countries or Companies/Exporters specified
 - c. Date of Publication of the notification.
7. Details of as to how the alleged circumvention is taking place, including
 - a. the product forming the object of circumvention, and their Tariff Classification
 - b. the Countries and enterprises involved
8. Detailed statement setting out grounds for circumvention
9. Detailed statement setting out change in pattern of trade. Whether this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of duty.
10. Evidence to the effect that imports of the article circumventing the anti-dumping duty are dumped imports, including the following
 - a. Normal value with appropriate adjustments
 - b. Export price with appropriate adjustments
 - c. Dumping margin comparing normal value and export price so determined

11. Evidence of remedial effects of anti-dumping duties being undermined with reference to quantities or prices of the product.

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

13. Proposed Period of Investigation (POI)

We declare that the information contained in this application provides reasonable grounds for initiation of investigation to determine circumvention 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 herewith. A Non-confidential version of the application is also enclosed.

Signature:

Name:

Position:

Company:

Date:

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1. The application must also be provided in a Non-Confidential Version for making it available to interested parties. Application for anti-circumvention investigation 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 the imposition of anti-circumvention measures.
 4. This application, together with the supporting evidence and information, should be lodged with

Designated Authority, Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce & Industry, Udyog Bhawan, New Delhi-110011