

To be published in Part-I Section-1 of the Gazette of India- Extraordinary

F. No. 7/10/2023-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: 9.11.2023

Amendment Notification

Subject: Change in the name of producer/exporter M/s Dongkuk Steel Mill Co. Ltd. Korea in the final findings notification no. 6/7/2021-DGTR dated 27.07.2022 of anti-dumping investigation concerning imports of 'Electrogalvanized Steel' originating in or exported from Korea RP, Japan and Singapore.

F. No. 7/10/2023-DGTR: - Having regard to the Customs Tariff Act, 1975, as amended from time to time (hereinafter referred to as "the Act") 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 (hereinafter referred to as "the Rules") thereof;

A. BACKGROUND

1. The Directorate General of Trade Remedies (hereinafter referred to as the 'Authority') had conducted an anti-dumping investigation concerning imports of 'Electrogalvanized Steel' (hereinafter referred to as the 'subject goods' or 'Product under Consideration' or 'PUC') originating in or exported from Korea RP, Japan and Singapore (hereinafter referred to as the 'subject countries') and recommended imposition of the definitive anti-dumping duty vide its final findings notification No.6/7/2021-DGTR dated 27.07.2022. The said recommendation was accepted by the Central Government and definitive anti-dumping duty was accordingly imposed vide Notification No.29/2022-Customs (ADD) dated 19.10.2022.
2. In the said anti-dumping investigation, one of the cooperating producers of the subject goods from Korea namely 'Dongkuk Steel Mill Co. Ltd.' participated and filed their exporters' questionnaire response. The Authority recommended 'NIL' duty for the producer/exporter 'Dongkuk Steel Mill Co. Ltd., Korea RP'.

3. During the original investigation, 'Dongkuk Steel Mill Co. Ltd., Korea RP' was engaged in the manufacturing and sale of the PUC. However, after the issuance of final findings there was a change in circumstances involving a spin-off and now the 'Dongkuk Steel Mill Co. Ltd., Korea RP' has split its hot-rolled steel and cold-rolled steel business segments. Resultantly, the 'Dongkuk Coated Metal Co. Ltd., Korea RP' was created to handle the cold-rolled business segment, including the PUC in the said investigation, and the hot-rolled business is now being managed by the 'Dongkuk Steel Mill Co. Ltd., Korea RP'.
4. Accordingly, 'Dongkuk Coated Metal Co. Ltd., Korea RP', the newly incorporated entity filed an application before the designated authority for the change of name in the duty table in final findings notification no. 6/7/2021-DGTR dated 27.07.2022 of anti-dumping investigation concerning imports of 'Electrogalvanized Steel' originating in or exported from Korea RP, Japan and Singapore.

B. PROCEDURE

5. An amendment request was received from 'Dongkuk Coated Metal Co. Ltd., Korea RP' (hereinafter referred to as the 'applicant') in accordance with Trade Notice No.12/2018 dated 17.09.2018. The applicant has requested a change of name from 'Dongkuk Steel Mill Co. Ltd., Korea RP' to 'Dongkuk Coated Metal Co. Ltd.' in the final findings and consequently, the duty table as notified by customs notification.

Existing Name in the Duty Table	Dongkuk Steel Mill Co. Ltd.
Proposed New Name in the Duty Table	Dongkuk Coated Metal Co. Ltd.

6. Considering the nature of the request and in terms of Trade Notice No.12/2018 dated 17.09.2018, the Authority examined the said request and circulated the non-confidential version of the application to the domestic industry and all the other concerned interested parties as identified in the original anti-dumping investigation concerning imports of 'Electrogalvanized Steel' originating in or exported from Korea RP, Japan, and Singapore and sought their comments, so that the request could be considered appropriately and the need to undertake a Mid-Term Review ('MTR'), if warranted, could be properly evaluated.
7. No submissions/evidences against the claims of the applicant were filed either by the domestic industry or any other interested party within the stipulated timelines.
8. An oral hearing was conducted by the Authority on 03.11.2023 and the submissions made by the participants are recorded below and have been duly considered by the Authority.

C. SUBMISSIONS

Submissions by the Applicant

9. In terms of Trade Notice No.12/2018, the applicant informed the Authority that the name change is pursuant to the fact that 'Dongkuk Steel Mill Co. Ltd., Korea RP' (hereinafter referred to as the 'divided entity') has undergone a spin-off whereby the two business segments operated by the 'divided entity', being the hot-rolled business segment and the cold-rolled business segment, which includes the production of the 'subject goods' in the original investigation, have been separated "*to strengthen business competitiveness, to pursue expertise and advancement for sustainable growth by concentrating the business capabilities on specialised business areas, and to increase the corporate governance transparency and business stability.*" The change in the name is effective from 01.06.2023.

10. Following the spin-off, the 'divided entity' is now dissected into three different entities, as follows:



(I) **Dongkuk Holdings Co. Ltd. (Dongkuk Holdings)**- Pursuant to the spin-off, the 'divided entity' (Dongkuk Steel Mill Co. Ltd.) has now changed its name to Dongkuk Holdings. This is the surviving entity which now solely focuses on subsidiary stake management and investment business, etc. This 'divided entity' does not have any production facilities.

(II) **Dongkuk Steel Mill Co. Ltd. (Dongkuk SM)**- Since the name of the 'divided entity' has changed to Dongkuk Holding Co. Ltd., the entity name- 'Dongkuk Steel Mill Co. Ltd' was made available and approved for the spin-off entity responsible for the hot-rolled business (non-PUC). The Dongkuk SM does not have any production facilities for the production of the PUC.

(III) **Dongkuk Coated Metals Co. Ltd. (Dongkuk CM)**- This entity is the applicant herein which has now taken over the divided entity' cold-rolled steel business, including the entire business division concerning the PUC. This division was verified during the original investigation.

11. The applicant contends that pursuant to the spin-off, the entire business segment of the 'divided entity' concerning the PUC, that was investigated in the original investigation was transferred to Dongkuk CM. This includes the Busan factory, which is the only facility producing the PUC, as was verified in the original investigation. The applicant further contends that the other spin-off

entities i.e., Dongkuk Holdings and Dongkuk SM, do not produce the PUC and there are no installed capacities for the same. Further, the process adopted by the ‘divided entity’ for manufacturing the PUC verified in the initial investigation continues to be the same for Dongkuk CM/ the applicant herein.

12. There are **no changes in the location** of the new entities following the spin-off. The address of Dongkuk Holdings, Dongkuk SM & Dongkuk CM continues to be *Suhadong, Ferrum Tower, 19, Euljiro 5 gil, Jung gu, Seoul, Korea*, the same as the ‘divided entity’ before the spin-off. Moreover, the Dongkuk CM/the applicant herein has two subsidiaries/factories out of which only the Busan factory has the production facility to produce the PUC, thereby making it the sole producer of the PUC.
13. There are also **no changes to the ownership** with the spin-off, as the shares in the new entities have been allocated in proportion to the share-holders’ ownership ration of the ‘divided entity’ as of the designated base date 31.05.2023. The major shareholders as reported at the time of the original investigation, remain the same and have been allotted shares in the spin-off entities proportional to their ownership before the spin-off.
14. There is also **no change in overall management** as the spin-off of the ‘divided entity’ has only led to the constitution of new boards of directors for the newly incorporated entities with the same managerial personnel appointed for these entities.
15. To substantiate the above-stated contentions, the applicant filed the duly complied application along with the following required documents in terms of Trade Notice 12/2018:
 - a) Business Certificate of former Dongkuk Steel Mill Co. Ltd. (the ‘divided entity’).
 - b) Business Certificates of all the newly constituted business entities.
 - c) List of Cost Centres before and after the spin-off.
 - d) Copy of Annual Report 2022.
 - e) List of Directors and Officers of all the business entities.
 - f) List of all the shareholders, before and after the spin-off.
16. No response or any objection was filed by the domestic industry or any other interested party.

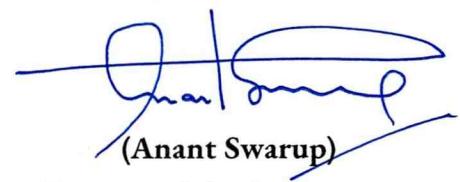
D. Examination and Recommendation by the Authority

17. The submissions made by the applicant have been examined. From the perusal of the documents filed by the applicant, it is noted that there is no change in factors such as production facility, manufacturing process, end-use, customer base, or management of the company after the completion of the original investigation. The application has been filed as per Trade Notice

No.12/2018 dated 17.09.2018 with all the relevant documents. Further, the applicant has also complied with the timeline stipulated in paragraph 7 of the said trade notice.

18. The Authority has also conducted the oral hearing and provided reasonable opportunity to all the interested parties.
19. After evaluating the submissions, the Authority notes that soon after the final findings and imposition of duties, the original entity i.e., Dongkuk Steel Mill Co. Ltd ('divided entity') has gone into a complete spin-off thereby creating three different entities, out of which only one (Dongkuk Coated Metal Co. Ltd./the applicant) manufactures the PUC.
20. In a nutshell, the company named 'Dongkuk Steel Mill Co. Ltd' ('divided entity') on which 'NIL' anti-dumping duty was originally imposed for exporting the PUC i.e., Electrogalvanized Steel (cold rolled steel) has now gone into a total revamp. After the spin-off, the Dongkuk SM now deals with non-PUC i.e., the hot-rolled steel business segment and the manufacturing of the PUC has now been transferred to the 'Dongkuk Coated Metal Co. Ltd.' (the applicant herein).
21. Since there is no substantial restructuring apart from creating new entities and transferring the business entity responsible for manufacturing PUC to the applicant herein/Dongkuk Coated Metal Co., the Authority notes that the request for name change is covered within the scope of conditions prescribed in Trade Notice No.12/2018.
22. The Authority therefore recommends the following change in the duty table in paragraph 149 of Final Findings No. 6/7/2021-DGTR dated 27.07.2022:

At Sr. No. 2, in column 6, the name of the producer viz 'Dongkuk Steel Mill Co. Ltd.' is to be substituted by 'Dongkuk Coated Metal Co. Ltd.'
23. Accordingly, the Authority recommends that necessary amendment may also be carried out in Notification No.29/2022-Customs (ADD) dated 19.10.2022.
24. An appeal arising out of this recommendation shall lie before the Customs, Excise, and Service Tax Appellate Tribunal in accordance with the Act.



(Anant Swarup)
Designated Authority