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**File No. 6/1/2023-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building,
5 Parliament Street, New Delhi**

Dated: 31st March, 2023

INITIATION NOTIFICATION
Case No. AD (OI) -1/2023

Subject: Initiation of anti-dumping investigation concerning imports of “Easy open ends of tin plate, including electrolytic tin plate (ETP), measuring 401 Diameter (99MM) and 300 Diameter (73MM) in dimension” originating in or exported from China PR.

1. F. No. 6/1/2023-DGTR: M/s-Easy Openends India Private Limited (an MSME unit) (hereinafter also referred to as the "applicant" or the "petitioner") has filed an application before the Designated Authority (hereinafter also referred to as the "Authority") on behalf of the domestic industry, in accordance with the Customs Tariff Act, 1975, as amended from time to time (hereinafter also referred to as the "Act") and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping duty on Dumped Articles for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter also referred to as the "Rules" or the "AD Rules") for initiation of an anti-dumping investigation concerning imports of “Easy open ends of tin plate, including electrolytic tin plate (ETP), measuring 401 Diameter (99MM) and 300 Diameter (73MM) in dimension” (hereinafter referred to as the "subject goods" or the "product under consideration"), originating in or exported from China PR (hereinafter referred to as the "subject country").
2. The applicant has alleged that material injury is being caused to the domestic industry due to dumped imports of the subject goods originating in or exported from the subject country and has requested for the imposition of anti-dumping duty on the import of the subject goods originating in or exported from the subject country.

A. PRODUCT UNDER CONSIDERATION (PUC)

3. The product under consideration (PUC) in the application is “Easy open ends of tin plate, including electrolytic tin plate (ETP), measuring 401 Diameter (99MM) and 300 Diameter (73MM) in dimension”.

4. The subject goods are essentially easy to open lids or open ends of cans/containers which are used in packaging of consumable and other items such as fresh and preserved foods and beverages etc. The subject goods cover easy open ends that are manufactured using tin plate including electrolytic tin plate (ETP) and are full aperture or fully openable in nature and are normally lacquered and carry opening instructions printed on top side of the easy open ends/lid. The traditional lids to be used/stamped to the cans/containers in packaging requires an external tool or force to open the lid, whereas, easy open ends can be seamlessly opened by pulling the ring stamped on to the outer side of the easy open end itself.
5. Also, the subject goods cover only easy open ends that measures 401 Diameter (99MM) and 300 Diameter (73MM) in dimension wherein 401 Diameter stands for 4 inches and 1/16th of an inch and 300 Diameter stands for 3 inches. These dimensions are in line with the universal dimensions followed by can/container and lid producers at large to ensure proper seaming of lids with the cans/containers. The product is generally traded by quoting the diameter of the product and instances of mentioning dimensions also in millimeter (MM) terms are very often.
6. For clarity, the following are not covered in the scope of the PUC;
 - a) Easy open ends that are manufactured of materials other than tin plate, such as aluminum, tin free sheet etc.
 - b) Easy open ends having dimensions other than 401 Diameter (99MM) and 300 Diameter (73MM) of any make/input material.
 - c) Easy open ends of partial or short aperture of any make and dimension.
7. The product under consideration falls under miscellaneous articles of base metal under Chapter 83 of the Customs Tariff Act, 1975 and further under customs sub-heading no. 8309 90 20 which is not a dedicated classification for the PUC. However, the applicant has claimed that there is a possibility of import of the product under consideration under any other heading / tariff item. The HS classification for the product under consideration is only indicative and in no way binding upon the product scope.

B. LIKE ARTICLE

8. The applicant has claimed that there is no known difference in the subject goods produced by the domestic industry and the subject goods imported from the subject country. Both the goods are comparable in terms of physical & chemical characteristics, functions & uses, pricing, distribution & marketing, and tariff classification of the goods. The Authority notes that the two products are technically and commercially substitutable. The consumers have used and are using the two products interchangeably. Therefore, for the purpose of the present investigation, the subject goods produced by the domestic industry are being treated as 'like article' to the subject goods imported from the subject country.

C. PCN System

9. All interested parties to the investigation may provide their proposal for construction of PCNs, if any, within 20 days from the issue of this notification.

D. SUBJECT COUNTRY

10. The subject country is China PR for the present investigation.

E. PERIOD OF INVESTIGATION (POI)

11. The applicant has considered 1st October 2021 to 30th September 2022 (12 months) as the proposed POI. However, the Authority proposes to consider the POI as 1st January 2022 to 31st December 2022 (12 months). The injury investigation period will cover April 2019-March 2020, April 2020-March 2021, April 2021-March 2022 and the POI.

F. DOMESTIC INDUSTRY AND STANDING

12. The application has been filed by M/s Easy Openends India Private Limited (an MSME unit). The applicant has claimed that it is the sole producer of the product under consideration in India, constituting 100% of the Indian production. The applicant has claimed that they are not related to any importer of the subject goods in India or any of the producers/ exporters of the subject goods in the subject country within the meaning of Rule 2(b) of the Anti-dumping Rules.
13. As per the information provided, the applicant has not imported the subject goods from China PR during the POI and injury period. However, the applicant provided details of one instance of import of the PUC in the post POI period for which the order was placed during the POI along with the reasons for such import. It is noted that the volume of imports by the applicant from China PR even during the post POI period is not significant to disqualify it from being treated as eligible domestic industry.
14. On the basis of information provided, the Authority is *prima facie* satisfied that the application has been made by or on behalf of the domestic industry in terms of the provisions contained in Rule 2 (b) and Rule 5 (3) of the Rules.

G. BASIS OF ALLEGED DUMPING

Normal value for China PR

15. The applicant has claimed that in terms of Article 15(a)(i) of China's Accession Protocol and Para 7 of the Annexure-I to the AD Rules, the normal value of producers of China PR may be determined based on the cost or domestic selling price prevailing in China PR only if the responding producers from China PR demonstrate that their cost and price information are based on market driven principles and allow for fair comparison in terms of paras 1 to 6 of Annexure-I to the AD Rules, failing which, normal value for the producers from the subject country be determined based on paras 7 and 8 of Annexure-I to the AD Rules.
16. The applicant has also claimed that the data relating to cost or price in a market economy third country or recourse to other alternative methods is not available at this stage. The normal value has been, therefore, constructed based on the best estimates of the cost of production in India of the subject goods as per the best information available after duly adjusting the selling, general and administrative expenses with reasonable profit margin.

Export Price

17. The applicant has taken the CIF price of imports into India reported as per secondary source data and claimed adjustments on account of ocean freight, marine insurance, inland freight, documentation charges, handling and clearing charges and credit cost to determine the ex-factory export price.

Dumping Margin

18. The normal value and the export price have been compared on per piece basis at the ex-factory level, which *prima facie* shows that the dumping margin is above the *de-minimis* level and is significant in respect of the product under consideration from the subject country. Thus, there is sufficient *prima facie* evidence that the product under consideration from the subject country is being dumped in the domestic market of India by the exporters from the subject country.

H. INJURY AND CAUSAL LINK

19. Information furnished by the applicant has been considered for assessment of injury to the domestic industry. The applicant has provided *prima facie* evidence with respect to the injury suffered by the domestic industry because of the alleged dumped imports in the form of increased volume of dumped imports in absolute as well as in relative terms in comparison to the production and consumption in India. The applicant has claimed that imports are undercutting the prices of the domestic industry and subject imports

prevented the domestic industry from increasing the prices so as to recover full cost and to earn reasonable profits. The domestic industry suffered financial losses as reflected in negative PBT, negative PBIT, negative PBDIT and cash losses including negative ROI during the POI. Growth was negative in majority of the injury parameters during the POI. Also, volume parameters such as production, sales and capacity utilization showed decline during the POI.

20. There is sufficient *prima facie* evidence of injury being caused to the domestic industry by dumped imports of the subject goods from China PR.

I. INITIATION OF ANTI-DUMPING INVESTIGATION

21. On the basis of the duly substantiated written application by the applicant, and having satisfied itself, on the basis of the *prima facie* evidence submitted, about dumping of the subject goods originating in or exported from the subject country, injury to the domestic industry and causal link between such alleged dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the AD Rules, the Authority, hereby, initiates an investigation to determine the existence, degree and effect of any alleged dumping in respect of the subject goods originating in or exported from the subject country and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

J. PROCEDURE

22. The principles as stipulated under Rule 6 of the AD Rules shall be followed in the present investigation.

K. SUBMISSION OF INFORMATION

23. All communication should be sent to the Designated Authority via email at the email addresses adg16-dgtr@gov.in, adv13-dgtr@gov.in, jd12-dgtr@gov.in and jd16-dgtr@gov.in. It should be ensured that the narrative part of the submission is in searchable PDF/MS Word format and data files are in MS Excel format.
24. The known producers/exporters in the subject country, the Government of the subject country through their Embassy in India, the importers and users in India who are known to be associated with the subject goods are being informed separately to enable them to file all the relevant information within the time limits mentioned in section pertaining to time limits in this notification. All such information must be filed in the form and manner as prescribed by this initiation notification, the AD Rules and the applicable trade notices issued by the Authority.
25. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed by this initiation notification, the AD Rules and the

applicable trade notices issued by the Authority within the time-limit mentioned in this initiation notification.

26. Any party making any confidential submission before the Authority is required to make a non- confidential version of the same available to the other interested parties.
27. Interested parties are further advised to keep a regular watch on the official website of the Designated Authority <http://www.dgtr.gov.in/> for any updated information with respect to this investigation.

L. TIME LIMIT

28. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses adg16-dgtr@gov.in, adv13-dgtr@gov.in, jd12-dgtr@gov.in and [jd16- dgtr@gov.in](mailto:jd16-dgtr@gov.in) within thirty (30) days from the date of receipt of the notice as per Rule 6(4) of the Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting countries. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.
29. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses within the above time limit.
30. Where an interested party seeks additional time for filing of submissions, it must demonstrate sufficient cause for such extension in terms of Rule 6(4) of the AD Rules and such request must come within the time stipulated in this notification.

M. SUBMISSION OF INFORMATION ON A CONFIDENTIAL BASIS

31. Where any party to the present investigation makes confidential submissions or provides information on a confidential basis before the Authority, it is required to simultaneously submit a non-confidential version of such information in terms of Rule 7(2) of the AD Rules and in accordance with the relevant trade notices issued by the Authority in this regard. Failure to adhere to the above may lead to rejection of the response / submissions.
32. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file confidential and non-confidential versions separately.

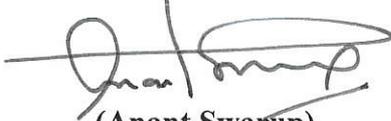
33. The submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission which has been made to the Authority without such markings shall be treated as "non-confidential" information by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions.
34. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.
35. The non-confidential version of the information filed by the interested parties is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and summarized depending upon the information on which confidentiality is claimed.
36. The non- confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on a confidential basis. However, in exceptional circumstances, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons containing a sufficient and adequate explanation in terms of Rule 7 of the AD Rules and appropriate trade notices issued by the Authority, as to why such summarization is not possible must be provided to the satisfaction of the Authority. The other interested parties can offer their comments on the confidentiality claimed within seven (7) days of the receipt of the non-confidential version of the documents.
37. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied the request for confidentiality is not warranted or if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
38. Any submission made without a meaningful non-confidential version thereof or without a good cause statement in terms of Rule 7 of the AD Rules and appropriate trade notices on the confidentiality claim shall not be taken on record by the Authority.
39. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorization of the party providing such information.

N. SHARING OF RESPONSES/SUBMISSIONS AMONGST INTERESTED PARTIES.

40. A list of registered interested parties will be uploaded on the DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions to all other interested parties since the public file will not be accessible physically due to the ongoing global pandemic.

O. NON-COOPERATION

41. In case any interested party refuses access to, or otherwise does not provide necessary information within a reasonable period or within the time stipulated by the Authority in this initiation notification, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit


(Anant Swarup)
Designated Authority