

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

**F. No. 6/10/2023-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 – 110001**

**Dated: 20<sup>th</sup> September, 2023**

**INITIATION NOTIFICATION  
(Case No. AD(OI)- 10/2023)**

**Subject: Initiation of anti-dumping investigation concerning imports of “Vacuum Insulated Flask or other Vessels of Stainless Steel” originating in or exported from China PR.**

1. F. No. 6/10/2023-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 for Determination of Injury) Rules, 1995 as amended from time to time (hereinafter referred to as the “Rules” or the “Anti-dumping Rules”), M/s Placero International Private Limited (hereinafter referred to as “applicant” or “domestic industry”) has filed an application before the Designated Authority (hereinafter also referred to as the “Authority”) for the imposition of anti-dumping duty on imports of “vacuum insulated flask or other vessels of stainless steel” (hereinafter referred to as “vacuum flask” or the “product under consideration” or “PUC” or the “subject goods”), originating in or exported from China PR (hereinafter referred to as the “subject country”).
2. The applicant has claimed that the Chinese producers are resorting to dumping the product in the country, which is causing material injury to the domestic industry and is posing a threat of further injury. The applicant has requested the imposition of an anti-dumping duty on the imports of the subject goods originating in or exported from China PR.

**A. Product Under Consideration (PUC)**

3. The product under consideration in the present investigation is “vacuum insulated flask or other vessels of stainless steel”. The scope of the PUC includes flasks, cups, bottles, kettle, carafe, and dispensers. The other Vessels of Stainless like casseroles and other vacuum food containers like lunch boxes/tiffins, ice buckets and boxes, etc. fall outside the scope of the PUC.
4. Vacuum Flasks are used to maintain the temperature of liquids for a considerable amount of time. The body of the flask is made up of two walls with a vacuum between them which acts as an insulator or non-conductor of heat thereby helping maintain the temperature of the liquid. Vacuum flasks are used to keep liquids hot or cold for long periods of time.

5. The product under consideration falls under Chapter 96 under customs sub-headings 96170011 and 96170012 of the Customs Tariff Act, 1975. The customs classification is only indicative and is not binding on the scope of the product under consideration.
6. The domestic industry has proposed the following PCNs:
  - a. grade of outer steel wall – 200/300/400 series
  - b. grade of inner steel wall – 200/300/400 series
7. The interested parties are advised to furnish their comments/ suggestions on the proposed PCN methodology within 30 days from the date of initiation of this investigation.

**B. Like Article**

8. The applicant has stated that there is no known difference between the product produced by the domestic industry and the one exported from the subject country. The article produced by the applicant and imported from the subject country are comparable in terms of physical and chemical characteristics, manufacturing process and technology, functions and uses, product specifications, pricing, distribution and marketing, and tariff classification of the subject goods. The subject goods and the article manufactured by the applicant are technically and commercially substitutable. The applicant has claimed that consumers of the subject goods are using the subject goods and the article manufactured by the applicant interchangeably. Thus, for the purposes of the present investigation, the article produced by the applicant has been considered as a “like article” to the product being imported from the subject country.

**C. Subject Country**

9. The applicant has proposed China PR as the subject country for the purpose of this investigation.

**D. Period of Investigation (POI)**

10. The period of investigation for the purpose of the present investigation is from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023. The injury investigation period will cover the periods 2019-20, 2020-21, 2021-2022, and the period of investigation.

**E. Domestic Industry and Standing**

11. The application has been filed by M/s Placero International Private Limited (Pexpo). The applicant has certified that it has neither imported the subject goods from the subject country nor is it related to any exporter or producer from the subject country or importers in India.
12. The applicant has submitted details of the known domestic producers that the applicant is aware of. However, being an MSME it has been claimed that very limited information is available to them. The Authority considers that at this stage the production by the applicant constitutes “a major proportion” of total Indian production. Thus, the applicant constitutes an eligible

domestic industry within the meaning of Rule 2(b) and the application satisfies the requirements of Rule 5(3) of the Anti-Dumping Rules.

**F. Basis of alleged dumping**

**a. Normal Value**

13. The applicant has cited and relied upon Article 15(a) (i) of China's Accession Protocol. The applicant has claimed that the producers in China PR must be asked to demonstrate that market economy conditions prevail in the industry producing the subject goods in terms of Para 8(3) of Annexure I of the Rules with regard to the manufacture, production and sale of the product under consideration. It has been stated by the applicant that in case the responding Chinese producers are not able to demonstrate that their costs and price information are market-driven, the normal value should be calculated in terms of provisions of para 7 and 8 of Annexure I to the Rules.
14. The applicant has submitted 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 applicant has constructed the normal value based on the best estimates of the cost of production in India as per the best information available with reasonable addition for selling, general & administrative expenses, and profits.

**b. Export Price**

15. The applicant has adopted the CIF price based on imports reported as per DGCI&S published data. The Authority has for the purpose of initiation, considered the information provided by the applicant.
16. The export price for the subject country has been adjusted for ocean freight, marine insurance, commission, port expenses, inland freight, and bank charges.

**c. Dumping Margin**

17. The normal value and export price have been compared at the ex-factory level, which *prima facie* shows that the dumping margin is not only above the *de-minimis* level but also significant. There is sufficient *prima facie* evidence that the subject goods from the subject country are being dumped into the Indian market by the exporters from the subject country.

**G. Evidence of Injury and Causal link**

18. Information furnished by the applicant has been considered for assessment of injury to the applicant 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. The imports from the subject country have increased significantly in the POI in absolute terms and have been significant in relative terms. Since 2021-22, Chinese imports started to enter the Indian market even below cost and are significantly undercutting domestic industry's prices in the POI. Due

to an increase in input costs and a disproportionately lower increase in import prices, which is even below cost, the domestic industry went from a state of earning profit to facing significant losses in the POI. Chinese imports are *de-facto* commanding a predominant share in the market while the Indian industry is in the minority. Moreover, the applicant has additionally claimed that besides the subject imports causing material injury, the imports also threaten further material injury to the domestic industry. There is sufficient *prima facie* evidence of material injury and the threat of further material injury to the domestic industry by dumped imports of the subject goods from the subject country.

#### **H. Initiation of anti-dumping investigation**

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

#### **I. Procedure**

20. The principles as given in Rule 6 of the Rules will be followed for the present investigation.

#### **J. Submission of Information**

21. All communication should be sent to the Designated Authority via email at the email addresses [jd16-dgtr@gov.in](mailto:jd16-dgtr@gov.in) and [dd15-dgtr@gov.in](mailto:dd15-dgtr@gov.in). with a copy to [adg16-dgtr@gov.in](mailto:adg16-dgtr@gov.in) and [adv13-dgtr@gov.in](mailto:adv13-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.

22. The known exporters in the subject country, the Government of the subject country through their embassy in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.

23. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below on the email addresses mentioned in Para 21 above.

24. 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.

25. Interested parties are further advised to keep a regular watch on the official website of the DGTR, i.e., <https://www.dgtr.gov.in/> for any updated information with respect to this investigation.

**K. Time Limit**

26. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses [dd15-dgtr@gov.in](mailto:dd15-dgtr@gov.in), [jd16-dgtr@gov.in](mailto:jd16-dgtr@gov.in) and [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in), and [adg16-dgtr@gov.in](mailto:adg16-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 country. 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 Rules.
27. 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.

**L. Submission of information on a confidential basis**

28. Any party making any confidential submission or providing information on a confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules and the Trade Notices issued in this regard. Failure to adhere to the above may lead to rejection of the response/submissions.
29. 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.
30. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions.
31. 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 is claimed to be confidential by nature or 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.

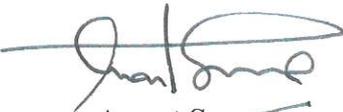
32. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and summarized depending upon the information on which confidentiality is claimed. The non-confidential summary 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 a summary, and a statement of reasons why 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 7 days of receiving the non-confidential version of the document.
33. 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.
34. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim shall not be taken on record by the Authority.
35. 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.

**M. Sharing of responses/submissions amongst interested parties**

36. A list of interested parties will be uploaded on the DGTR website along with a 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.

**N. Non-cooperation**

37. 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.



Anant Swarup

**Designated Authority**