

**F. No. 07/13/2023-DGTR**  
**Government of India**  
**Ministry of Commerce & Industry**  
**Department of Commerce**  
**Directorate General of Trade Remedies**

**Dated:** 30<sup>th</sup> September 2023

**INITIATION NOTIFICATION**  
**Case No. AD (SSR) (07/2023)**

**Subject: Initiation of sunset review investigation concerning imports of “Aluminium Alloy Road Wheel” originating in or exported from China PR.**

**F. No. 07/13/2023-DGTR** – Kosei Minda Aluminium Company Private Limited, Maxion Wheels Aluminium India Private Limited, Minda Kosei Aluminium Wheel Private Limited and M/s Steel Strips Wheels Limited (hereinafter referred to as the ‘applicants’) have filed an application before the Designated Authority (hereinafter referred to as the ‘Authority’), on behalf of domestic industry, in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred 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’), seeking initiation of second sunset review investigation for continued imposition of anti-dumping duty levied on imports of “aluminium alloy road wheel” (hereinafter referred to as the ‘subject goods’), originating in or exported from China PR, Korea RP and Thailand.

2. In terms of Section 9A(5) of the Act, the anti-dumping duties imposed shall, unless revoked earlier, cease to have an effect on the expiry of five years from the date of such imposition and the Authority is required to review the need for the continued imposition of the anti-dumping duty and to assess whether the expiry of the duty is likely to lead to continuation or recurrence of dumping and injury.

**A. Background**

3. The original investigation concerning imports of the subject goods from China PR, Korea RP and Thailand was initiated by the Authority vide Notification No.14/7/2012-DGAD dated 10.12.2012. Post investigation, the Authority issued the Final Findings via Notification No. 14/7/2012-DGAD dated 09.06.2014, recommending the imposition of definitive anti-dumping duty.

4. On the basis of the said recommendation, a definitive anti-dumping duty was imposed by the Central Government vide Customs Notification No.21/2015- Customs (ADD) dated

22.05.2015 on the imports of the subject goods, originating in or exported from China PR, Korea RP and Thailand.

5. Prior to the expiry of the anti-dumping duty in force, the Authority initiated a sunset review investigation vide Notification No. 7/31/2018-DGTR dated 10.08.2018 and recommended continuation of the anti-dumping duty vide Final Findings dated 29.03.2019 and the same was subsequently imposed by the Central Government and the duty was continued via Notification No.17/2019 dated 09.04.2019.

6. Thereafter, the Authority initiated a mid-term review of the anti-dumping duty via Notification No.7/12/2021-DGTR dated 01.09.2021 and pursuantly recommended the enhancement of anti-dumping duty levied upon certain exporters vide Final Findings dated 30.08.2022. The recommendations were accepted by the Central Government vide Customs Notification No.30/2022- Customs (ADD) dated 28.11.2022. The aforesaid duties are presently in force till 08.04.2024.

### **B. Subject Country**

7. The applicants have filed an application seeking for continued imposition of anti-dumping duties against imports of the subject goods from China PR, Korea RP and Thailand. However, there was insufficient *prima facie* evidence in the application regarding likelihood of recurrence or continuation of dumping and injury to the domestic industry in the event of cessation or revocation of duties in force in relation to goods being imported from Korea RP and Thailand.

8. Therefore, the subject country for the present investigation is China PR. (hereinafter referred to as the "subject country").

### **C. Product under Consideration**

9. The product under consideration is the same as in the original investigation i.e., "aluminium alloy road wheel". The product defined under the original investigation was as follows-

*"Cast Aluminium Alloy Wheels or Aluminium Alloy Road Wheels ("ARW") used in Motor Vehicles whether or not attached with accessories, of a size in diameter ranging from 12 inches to 24 inches."*

10. The present investigation being a sunset review investigation, the scope of the product under consideration remains the same as defined in the previously conducted investigations.

11. The product under consideration is classified under Chapter 87 of the Customs Tariff Act, 1975, under customs sub-heading No. 8708.70 under the description "Road wheels and parts and accessories thereof". As claimed by the domestic industry, the subject goods are also imported under different customs classifications such as 87087000, 87082900, 87089900, 87149290, 87149990,

87089400 etc. However, the customs classification is indicative only and is in no way binding on the scope of the present investigation.

12. The parties to the present investigation may provide their comments on the PUC and propose PCNs, if any, within 15 days of circulation of the non-confidential version of the documents filed before the Authority as indicated in paragraph 34 of this initiation notification.

#### **D. Like Article**

13. The applicants have submitted that there are no significant differences in the subject goods produced by the applicant and exported from the subject country and both are like articles. The product produced by the applicants and imported from the subject country are comparable in terms of essential product characteristics such as physical and chemical characteristics, manufacturing process & technology, functions & usage, product specifications, pricing, distribution & marketing and tariff classification of the goods. Consumers can use and have been using the two interchangeably. The two are technically and commercially substitutable, and hence, should be treated as 'like article' under the Rules. The present application is for review to determine the need for continued imposition of the original duty, and since the product under consideration for the present investigation and the original investigation are one and the same, it is *prima facie* considered that the subject goods produced by the domestic industry are "like article" to the subject goods imported from the subject country.

#### **E. Domestic Industry & Standing**

14. The application for the sunset review investigation has been filed by Kosei Minda Aluminium Company Private Limited, Maxion Wheels Aluminium India Private Limited, Minda Kosei Aluminium Wheel Private Limited and Steel Strips Wheels Limited (the applicants) who are the significant producers of the product under consideration. The Authority notes that the applicants hold majority share in total domestic production and have certified that they have not imported the subject goods during the period of investigation.

15. Maxion Wheels Aluminium India Limited is related to a producer in China, namely, Dongfeng Maxion Wheels Co Ltd. The applicants have submitted that the related entity in China has not exported to India. The applicants other than those mentioned above are not related to any exporters or importers of subject goods in India.

16. In view of the above, the applicants constitute 'domestic industry' within the meaning of Rule 2(b) and the application satisfies the criteria of standing in terms of Rule 5(3).

## **F. Period of Investigation**

17. The period of investigation (POI) for the present sunset review investigation is April 2022 to March 2023 (12 months). Further, the injury investigation period for the investigation is 2019-20, 2020-21, 2021-22 and the period of investigation.

## **G. Procedure**

18. The sunset review investigation will cover all aspects of the final findings published vide Final Findings No. 7/31/2018-DGTR Dated 29.03.2019, recommending the continuation of anti-dumping duty on the imports of subject goods originating in or exported from the subject country.

19. The provisions of Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, and 20 of the Rules shall be *mutatis mutandis* applicable in this review.

## **H. Likelihood of Continuation or Recurrence of Dumping**

### **Normal Value for China PR**

20. The consistent practice of the Authority has been to treat China PR as a non-market economy, unless the producers from China PR demonstrate that market economy conditions prevail in the industry with regard to the production and sales of the subject goods in accordance with Para 7 of Annexure-I to the Anti-Dumping Rules, 1995.

21. Therefore, for the purpose of initiation of the present sunset review investigation, the normal value has been constructed based on the estimates of the cost of production of the applicants duly adjusted with selling, general and administrative expenses, along with a reasonable profit margin.

### **Export Price**

22. The export price of the subject goods from the subject country has been estimated by considering transaction-wise import data. Price adjustments have been made on account of port expenses, inland freight, ocean freight, marine insurance, bank commission & credit cost to arrive at the net export price.

### **Dumping Margin**

23. The normal value and the export price have been compared at the ex-factory level, which *prima facie* establishes that the dumping margin is above the *de minimis* level with respect to the subject goods imported from China PR. However, since the present investigation is a sunset review, the Authority is required to examine whether cessation of existing duties is likely to lead to continuation or recurrence of dumping and injury.

## **I. Likelihood *vis-a-vis* Injury and Causal Link**

24. The quantity of imports of the subject goods from the subject country has declined. However, the present investigation being an SSR investigation, the Authority is required to examine whether the cessation or revocation of the duty in force would lead to a likelihood of continuation or recurrence of dumping and injury.

25. The applicants have claimed that while the domestic industry has not suffered continued injury as on date, but the producers in the subject country hold excessive capacities which are likely to be used to export the subject goods to India in case of expiry of the anti-dumping duty. The applicants have further submitted that the producers in subject country have also lost the access to export markets due to the imposition of trade remedial measures on imports of subject goods in Argentina, the Eurasian Economic Union and the European Union. Hence the cessation & non-continuation of anti-dumping duty will likely result in injury to the domestic industry.

26. Furthermore, the applicants have claimed the likelihood of injury based on factors such as the positive dumping and injury margins for China, the history of dumping, capacities available in the subject country and capacity expansion, the lack of domestic demand in the subject country, and the likely impact of recurrence of dumping on the domestic industry in the event of cessation of duties. There is *prima facie* evidence regarding the likelihood of dumping and injury to the domestic industry in the event of cessation of anti-dumping duty in respect of China PR.

27. However, there was insufficient *prima facie* evidence in the application regarding likelihood of recurrence or continuation of dumping and injury to the domestic industry in the event of cessation or revocation of duties in force in relation to goods being imported from Korea RP and Thailand.

## **J. Initiation of Sunset Review Investigation**

28. On the basis of the duly substantiated application by the domestic industry, and having satisfied itself, on the basis of *prima facie* evidence submitted by the applicants substantiating the likelihood of dumping and consequent injury to the domestic industry in respect of China PR, and in accordance with Section 9A(5) of the Act, read with Rule 23(1B) of the Rules, the Authority hereby initiates present sunset review investigation to review to examine whether the expiry of existing anti-dumping duties against China PR is likely to lead to continuation or recurrence of dumping and consequent injury to the domestic industry.

## **K. Submission of Information**

29. All communication should be sent to the Designated Authority via email at email addresses [dd11-dgtr@gov.in](mailto:dd11-dgtr@gov.in) and [ddl6-dgtr@gov.in](mailto:ddl6-dgtr@gov.in) with a copy to [adg14-dgtr@gov.in](mailto:adg14-dgtr@gov.in) and [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in).

It must be ensured that the narrative part of the submission is in searchable PDF/MS-Word format and data files are in MS-Excel format.

30. The known producers/exporters in the subject country, the government of the subject country through its embassy in India, and 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 this initiation notification. All such information must be filed in the form and manner as prescribed by this initiation notification, the Rules, and the applicable trade notices issued by the Authority.

31. Any other interested party may also make a submission relevant to the present investigation in the form and manner as prescribed by this initiation notification, the Rules, and the applicable trade notices issued by the Authority within the time limits mentioned in this initiation notification.

32. 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.

33. Interested parties are further directed to regularly visit the official website of the Directorate General of Trade Remedies (<https://www.dgtr.gov.in/>) to stay updated and apprised with the information as well as further processes related to the investigation.

#### **L. Time Limit**

34. Any information relating to the present investigation should be sent to the Designated Authority via email at email address [dd11-dgtr@gov.in](mailto:dd11-dgtr@gov.in) and [dd16-dgtr@gov.in](mailto:dd16-dgtr@gov.in) with a copy to [adg14-dgtr@gov.in](mailto:adg14-dgtr@gov.in) and [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in) within 30 days from the date on which the non-confidential version of the documents filed by the domestic industry would be circulated by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting country as per Rule 6(4) of the Rules. If no information is received within the stipulated time limit or the information received is incomplete, the Authority may record its findings based on the facts available on record and in accordance with the Rules.

35. 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 as stipulated in this notification.

36. 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, 1995 and such request must come within the time stipulated in this notification.

### **M. Submission of Information on Confidential Basis**

37. Where any party to the present investigation makes confidential submissions or provides information on a confidential basis before the Authority, such party is required to simultaneously submit a non-confidential version of such information in terms of Rule 7(2) of the Rules and in accordance with the relevant trade notices issued by the Authority in this regard.

38. Such submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission that 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 other interested parties to inspect such submissions.

39. 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 the information which is 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.

40. The non-confidential version of the information filed by the interested parties should be a replica of the confidential version with the confidential information preferably indexed or blanked out (where indexation is not possible) and such information must be appropriately and adequately summarized depending upon the information on which confidentiality is claimed.

41. 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 Rules, 1995, 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.

42. The interested parties can offer their comments on the issues of confidentiality claimed by the domestic industry within 7 days from the date of circulation of the non-confidential version of the documents as indicated in paragraph 34 of this initiation notification.

43. Any submission made without a meaningful non-confidential version thereof or a sufficient and adequate cause statement in terms of Rule 7 of the Rules, and appropriate trade notices issued by the Authority, on the confidentiality claim shall not be taken on record by the Authority.

44. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality

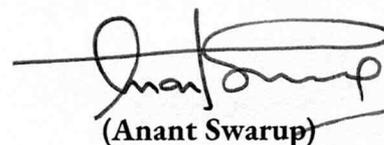
is not warranted or if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.

45. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

46. 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.

#### **N. Non-Cooperation**

47. In case any interested party refuses access to and 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 based on the facts available and make such recommendations to the Central Government as it deems fit.



(Anant Swarup)

**Designated Authority**