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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 08<sup>th</sup> September, 2020

**INITIATION NOTIFICATION**

**Case No. (AD-OI – 22/2020)**

**Subject: Initiation of Anti-Dumping Investigation concerning imports of “Certain Flat Rolled Products of Aluminium” originating in or exported from China PR.**

1. M/s. Hindalco Industries Limited (hereinafter also referred to as “Applicant”) have 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 and for Determination of injury) Rules, 1995 as amended from time to time (hereinafter also referred to as the “Rules”) for Original Investigation of Anti-dumping Duty concerning imports of “Certain Flat Rolled Products of Aluminium” (hereinafter also referred to as “subject goods” or specifically as “product under consideration” or “PUC”, originating in or exported from China PR. (hereinafter also referred to as the “subject country”).
2. The Applicant has alleged material injury and threat of material injury to the Domestic Industry due to dumped imports from the subject countries and have requested for imposition of anti-dumping duty on the imports of the subject goods, originating in or exported from the subject country.

**A. Product under consideration**

3. The product under consideration is ‘Certain Flat Rolled Products of Aluminium’. Certain Flat Rolled Products of Aluminium is made in the form of Aluminium Rolled Coils, or Aluminium Rolled Sheets of various dimensions. FRP is made from primary or secondary aluminium which may undergo several processes such as melting & alloying, slab casting

(slabs/con cast), hot rolling, cold rolling, and other finishing processes and used for variety of applications depending upon the gauge, temper, alloy, width, finish etc.

4. The applicant has proposed a PCN structure since the various categories of products under the PUC scope varies in terms of costs, prices, end-use, characteristics etc. The PCNs proposed by the Applicant are as under. The interested parties however, can provide their comments/suggestions for the finalization of PCNs for the purpose of this investigation within 15 days from the date of initiation of this investigation.

PCN	Thickness Range (mm)	Width Range (mm)	Temper	Alloy Series	Length Range (mm)	Primary Application
ACP Stock / ACP Mill Finish (ACP)	0.12 to 0.98	760 to 1550	H12, H14, H16, H18, H22, H24, H28	1xxx, 3xxx, 5xxx,	-	Aluminium composite panels, for façade, Partitions, Signage etc.
Colour Coated	0.12 to 1.63	760 to 1550	H12, H14, H16, H18, H22, H24, H28, H4X	1xxx, 3xxx, 5xxx,	1000 to 7000 (for Sheet)	Aluminium composite panel, for façade, insulation, roofing/cladding
Fin Stock	0.04 to 1.5	10 to 1220	O, H12, H14, H16, H18, H19, H22, H24, H26, H28, & F	1xxx, 3xxx, 8xxx		HVAC applications for automotive/transport, industrial heat exchanger and air conditioning
Clad	0.045 to 4.0	10 to 1200	O, H12, H14, H16, H18, H19, H22, H24, H26, H28, & F	3xxx, 4xxx, 5xxx, 7xxx	500 to 4500 (for Sheet)	HVAC applications for automotive/transport
Circles	0.6 to 7.25	102 to 1350 (Diameter)	O, H12, H14, H16, H18, H24, T6	1xxx, 3xxx, 4xxx, 5xxx, 6xxx, 8xxx		Pressure Cooker & Cookwares
Foil Stock	More than 0.08 to 0.60	540 to 1940	H14, H16, H18, H24 & F	1xxx, 3xxx, 8xxx,		Packaging

Hard Alloys	0.20 to 5	20 to 1900	O, H12, H14, H16, H18, H19, H22, H24, H26, H28, H32, H34, H36, H38, T4, T5, T6	2xxx, 5xxx, 6xxx, 7xxx	500 to 6000	Industrial, Construction and Défense Applications
Lithographic Aluminium	0.20 to 0.35	600 to 1460	H18	1xxx		Printing plates
Plates	5 to 300	140 to 1900	T6, F, O, H111	1xxx, 2xxx, 3xxx, 5xxx, 6xxx, 7xxx, 8xxx	500 to 6000	Défense and Industrial Applications
Closure Stock	0.13 to 0.52	38 to 1940	O, H14, H16, H18, H34, H36, H39	1xxx, 3xxx, 5xxx, 8xxx	425 to 1300	PP Caps and Packaging
Applications including General Engineering and Industrial Applications (which may be called GEQ)	0.07 to 5	10 to 1950	O, H12, H14, H15, H16, H18, H19, H22, H24, H26, H28, F, H2X, H3X, H4X, T4, T6	1xxx, 3xxx, 5xxx, 6xxx, 8xxx	600 to 6000	Industrial, Automotive, Construction, Durables, Insulations etc.

5. These products/categories are based on the commercial understanding of industry which are categorised on end-use application and technical characteristics.
6. The PUC is generally imported into India under HS Codes 7606 and 7607 of Schedule I of the Customs Tariff Act, 1975. The tariff code classification is merely indicative and in no way binding on the scope of the PUC in the present application.

**B. Like Article**

7. The Applicant has claimed that the subject goods, which are being dumped into India, are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, quality, functions or end-uses of the dumped imports and the domestically produced subject goods. The two are technically and commercially substitutable and hence should be treated as 'like article' under the Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the Applicant in India are being treated as 'Like Article' to the subject goods being imported from the subject country.

### **C. Domestic Industry**

8. The Application has been filed by M/s. Hindalco Industries Limited. The Applicant has claimed that they has neither imported the subject goods from the subject countries nor are related to any exporter or producer of subject goods in the subject countries or any importer of the PUC in India. On the basis of information on record, it is noted that the Applicant constitute eligible domestic industry in terms of Rule 2 (b), and the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules.

### **D. Basis of Alleged Dumping**

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

9. The Applicant has submitted that China should be considered as a non-market economy country for the purpose of this investigation as has been done in many recent cases by various countries, including India. It is submitted that other documentary evidence or reliable information with regard to domestic prices of the subject goods in the subject country are not available in the public domain. Therefore, the Domestic Industry has proposed constructed normal value in respect of the subject country on the basis of cost of production in India. The Normal Value has therefore been constructed by adopting cost of production in India as normated with due adjustment for SGA expenses and a reasonable profit at the rate of 5% on cost of production in accordance with Para 6(8) of the Rules.
10. Owing to significant difference in price, cost end-use, characteristics etc. of different PCNs of subject goods, normal value for each PCN has been determined separately.

#### **Export price**

11. The export price for the subject countries has been computed based on Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction-wise import data. Price adjustments have been made on account of ocean freight, marine insurance, commission, handling charges, port expenses, bank charges, and VAT.

#### **Dumping Margin**

12. The normal value and the export price have been compared at ex-factory level, which prima facie shows significant dumping margin above the de minimis in respect of the subject goods from the subject country. There is sufficient prima facie evidence that the subject goods are being dumped into the Indian market by the exporters from the subject country.

#### **Injury and Causal Link**

13. Information furnished by the Applicant has been considered for assessment of injury to the domestic industry. The Applicant has furnished evidence regarding the injury having taken

place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption in India, price suppression and depression on the domestic industry. The Applicant has claimed that its performance has been adversely impacted in respect of inventories, profits, ROI and cash flow, as a result of increase in imports of subject goods at a price below non-injurious price for the domestic industry. There is sufficient prima facie evidence of injury being caused to the domestic industry by dumped imports of subject goods from the subject country.

14. The applicant has also claimed that imports are causing threat of material injury, considering significant increase in imports in the POI as compared to base year, significant surplus capacities in subject country, high export orientation of producers in subject country, and ability to scale up production in short span. All these factors go on to show that imports are causing threat of material injury to the domestic industry.

#### **Initiation of Anti-Dumping Investigation**

15. On the basis of the duly substantiated written application by or on behalf of the domestic industry, and having satisfied itself, on the basis of the prima facie evidence submitted by the domestic industry, about dumping of the product under consideration 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 Rules, the Authority, hereby, initiates investigation to determine the existence, degree and effect of alleged dumping in respect of the product under consideration originating and 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.

#### **Subject Country**

16. The subject country in the present investigation is China PR.

#### **Period of Investigation**

17. The applicant had proposed period of investigation (POI) as April 2019-December 2019 (9 months). The injury investigation period has been considered as the periods 2016–2017, 2017-2018, 2018-19 and POI. But in view of explanation to amended Rule 22 (3), the period of investigation (POI) is being proposed as April 2019- March 2020 (12 months) and the injury period will cover the periods April 2016- March 2017, April 2017- March 2018, April 2018- March 2019 and the POI.

#### **Procedure**

18. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

### **Submission of Information**

19. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at the email addresses [adg11-dgtr@gov.in](mailto:adg11-dgtr@gov.in), and [dd15-dgtr@gov.in](mailto:dd15-dgtr@gov.in).
20. The known producers/exporters in the subject country, their Government 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.
21. 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.
22. Any party making any confidential submission before the Authority is requested to make a non-confidential version of the same available to the other interested parties.

### **Time Limit**

23. Any information relating to the present investigation should be sent in writing so as to reach the Authority via email at the email addresses mentioned above within thirty 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 sub 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.
24. 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.

### **Submission of information on confidential basis**

25. Any party making any confidential submission or providing information on 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.
26. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof: one set marked as Confidential (with title, number of pages, index, etc.), and the other set marked as Non-Confidential (with title, number of pages, index, etc.).

27. 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.
28. 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.
29. 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 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 why summarization is not possible must be provided to the satisfaction of the Authority.
30. 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.
31. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
32. 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

#### **Inspection of Public File**

33. In terms of Rule 6(7) of the Anti-Dumping Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

#### **Non-cooperation**

34. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, 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.

A handwritten signature in black ink, consisting of a vertical line on the left, a diagonal line crossing it from the top right, and a wavy horizontal line at the bottom.

(Bidyut Behari Swain)

Special Secretary & Designated Authority