

**F. No. 6/16/2023-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**

22<sup>nd</sup> September 2023

**Case No. AD-OI (15/2023)**

**Subject: *Suo-motu* initiation of an anti-dumping investigation on imports of Fasteners originating in or exported from China PR.**

**F. No. 6/16/2023-DGTR** Representations have been received from “Apt Tools and Machinery Indian Pvt. Ltd.” (hereinafter referred to as “ATM”) and “Northern India Screw Manufacturers and Traders Association” (hereinafter referred to as the “Association”), before the Designated Authority (hereinafter referred to as the “Authority”) stating that the Indian producers of *fasteners* (hereinafter referred to as the “subject goods” or the “product under consideration”) are being injured due to the significant volume of imports of the subject goods from China PR (hereinafter referred to as the “subject country”) at dumped prices. ATM and the Association have requested the Authority to take cognizance of the matter, and have requested the Authority to initiate an anti-dumping investigation against the imports of the subject goods from the subject country and to recommend the imposition of an anti-dumping duty. ATM claims to have the support of 29 domestic producers, whereas the Association claims to be representing about 150 domestic producers.

2. The Authority hereby takes cognizance of the information provided by the Indian producers of fasteners in accordance with Rule 5(4) of 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 as the “Rules” or “AD Rules”) and the Customs Tariff Act, 1975 (hereinafter referred to as the “Act”).

**A. Product under consideration**

3. The product under consideration for the present investigation is “*fasteners*”.

4. The scope of the proposed product under consideration includes, but is not limited to: screws, bolts, nuts, coil nails, concrete nails, C-rings, spring & roll clips, industrial staple pins, steel strapping seals, plastic strip nails, cable clip nails, bulk nails, steel nails & staple pins, bedding consumables, steel nails, clip nails, brad nails, staples & staple pins, etc.

5. The product under consideration is classified under Chapters 73, 82, and 83 of the Customs Tariff Act under subheadings 73170013, 73170019, 73181110-73181190, 73181200, 73181300, 73181400, 73181500, 73181600, 73181900, 82074090 and 83059010. The customs classification is indicative only, and not binding on the scope of the product under consideration since the proposed PUC may be imported under other HS Codes.

6. The parties to the present investigation may provide their comments on the PUC and propose PCNs, if any, within 15 days of the circulation of the non-confidential version of the documents filed before the Authority as indicated in paragraph 22 of this initiation notification.

**B. Like article**

7. The Indian producers of the PUC claim that there are no significant differences in the article produced by the domestic manufacturers and exported from the subject country. The articles produced by the Indian industry 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 articles manufactured by the Indian industry are technically and commercially substitutable. The Indian industry has claimed that consumers of the subject goods are using the subject goods and the article manufactured by the Indian producers interchangeably. Thus, for the purposes of initiation of the present investigation, the article produced by the Indian industry has been *prima facie* considered as like article to the product being imported from China PR.

**C. Subject Country**

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

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

9. The period of investigation (hereinafter referred to as the "POI") for the present investigation is 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 (12 months). Further, the injury investigation period has been considered as 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020, 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021, 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 22, and the period of investigation.

**E. Basis of Alleged Dumping**

**Normal Value**

10. 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.

11. Therefore, for the purpose of initiation of the present 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**

12. The export price for the subject goods has been computed based on the CIF import prices of the subject goods from the published import data submitted along with the representations made by the domestic producers, with due adjustments for ocean freight, marine insurance, commission, inland freight, port expenses, and bank charges to arrive at the net export price.

#### **Dumping Margin**

13. 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 and is significant with respect to 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.

#### **F. Injury & Causal Link**

14. The Indian producers have made representations before the Authority that *prima facie* evidence exists with respect to the injury suffered by the domestic industry because of the dumped imports. The volume of the subject imports from the subject country has increased significantly in absolute as well as relative terms. The price undercutting from the subject country as a whole is positive and significant. ATM has also suffered injury on account of low-capacity utilisation, declining sales volume, losses, the decline in market shares, etc.

#### **G. Initiation of the Investigation**

15. The representation filed by ATM and the Association has been considered as 'information' in terms of Rule 5(4) of the AD Rules. The Authority is satisfied as to the accuracy and adequacy of the information provided in these representations. On the basis of the duly substantiated representations submitted by the Indian producers of the subject goods, and having reached satisfaction based on the *prima facie* evidence submitted therein, concerning the dumping of the subject goods originating in or exported from the subject country, the consequential injury to the domestic industry as a result of the alleged dumping of the subject goods 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, *suo moto* 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.

#### **H. Procedure**

16. The principles as stipulated under Rule 6 of the AD Rules, 1995 shall be followed in the present investigation.

#### **I. Submission of Information**

17. 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.

18. 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 AD Rules, 1995, and the applicable trade notices issued by the Authority.

19. 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 AD Rules, 1995, and the applicable trade notices issued by the Authority within the time limits mentioned in this initiation notification.

20. 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.

21. 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.

#### **J. Time Limit**

22. 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 [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) 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 AD 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 AD Rules, 1995.

23. 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.

24. 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.

**K. Submission of Information on Confidential Basis**

25. 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.

26. Such 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 other interested parties to inspect such submissions.

27. The non-confidential version of the information filed by the interested parties should essentially 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.

28. 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, 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.

29. The interested parties can offer their comments on the issues of confidentiality claimed by the domestic industry within 7 days of the circulation of the non-confidential version of the documents filed before the Authority as indicated in paragraph 22 of this initiation notification.

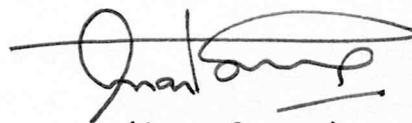
30. Any submission made without a meaningful non-confidential version thereof or without a sufficient and adequate cause statement in terms of Rule 7 of the AD Rules, 1995, and appropriate

trade notices issued by the Authority, on the confidentiality claim shall not be taken on record by the Authority.

31. 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.

**L. Non-Cooperation**

32. 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.

A handwritten signature in black ink, appearing to read 'Anant Swarup', with a horizontal line drawn through it.

**(Anant Swarup)**

**Designated Authority**