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F. No. 7/3/2024-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: 29.03.2024

NOTIFICATION

Case No. AD (MTR)-01/2024.

Subject: Initiation of a Mid-Term Review of anti-dumping duty imposed on the imports of “Aluminium foil below 80 microns” originating in or exported from Thailand.

1. M/s Hindalco Industries Ltd., M/s Shyam Sel & Power Ltd., M/s Shree Venkateshwara Electrocast Pvt. Ltd., M/s Raviraj Foils Ltd., M/s GLS Foils Product Pvt. Ltd., and M/s LSKB Aluminium Foils Pvt. Ltd. (hereinafter also referred to as the "applicants") have filed an application before the Designated Authority (hereinafter also referred to as the "Authority") as domestic industry of the like article in India, in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter also referred to as the "Act") and 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 initiation of a mid-term review investigation concerning imports of "Aluminium foil below 80 micron" (hereinafter also referred as the "product under consideration" or the "PUC" or the "subject goods"), originating in or exported from Thailand (hereinafter also referred to as the "subject country").
2. The applicants have submitted that there is a need to re-evaluate and enhance the anti-dumping duty levied against imports of the subject goods exported from Thailand.

A. BACKGROUND OF THE CASE

3. The Designated Authority recommended anti-dumping duty on imports of “aluminium foil below 80 microns” from Thailand, Malaysia, Indonesia and China vide final findings file no. 6/21/2020-DGTR, dated the 18th June, 2021, which was levied vide notification no. 51/2021-Customs (ADD) dated 16th September, 2021. The applicants have requested for enhancement of the anti-dumping duties levied vide notification no. 51/2021- Customs (ADD) dated 16th September, 2021 in respect of the exporters/producers from Thailand.

B. PRODUCT UNDER CONSIDERATION

4. The present investigation being a mid-term review, the scope of the product under consideration is the same as that in the previous investigation. The product under consideration is in the previous investigation as under:

"18. Aluminium Foil whether or not printed or backed with paper, paper board, plastics or similar packing materials of a thickness of 80 micron and below (with permissible tolerances)" excluding the following:

- i. Aluminium foil of thickness ranging from 5.5 micron to 80 micron originating in China.*
 - ii. Alu-Alu Laminate*
 - iii. Ultra-Light Gauge Converted*
 - iv. Aluminium Foil Composite*
 - v. Aluminium foil for capacitors width below 500 mm*
 - vi. Etched or formed Aluminium Foils*
 - vii. Aluminium composite panel*
 - viii. Clad with compatible non clad Aluminium Foil*
 - ix. Aluminium Foil for beer bottle*
 - x. Aluminium- Manganese- Silicon based and/or clad Aluminium-Manganese-Silicon based alloys, whether clad or unclad*
 - xi. Adhesive tapes*
 - xii. Colour coated aluminium foil*
5. The product under consideration is classified under subheading 7607 of the Customs Tariff Act. Imports of the subject goods are entering into India under the following codes 76071190, 76072090, 76072010, 76071110, 76071999, 76071991, 76071995, 76071910, 76071994, 76071993 and 76071992. The customs classification is indicative and is not binding on the scope of the product under consideration.
6. The Authority had used PCNs in the previously conducted investigation. The applicants have followed the same PCNs in the application filed. However, comments are invited from the interested parties on appropriateness of the PCNs proposed:

SN	Type of Foil	Micron Range	Bare / Converted
1	Alu Alu Stock	45-60	Bare Foil
2	House Foil	9- 18	Bare Foil
3	Light Gauge (LG)	7 - 18	Bare Foil
4	Medium Gauge (MG)	20-60	Bare Foil
5	Semi Rigid Container (SRC)	33 - 80	Bare Foil
6	Ultra-Light Gauge Bare	5.5 - <7	Bare Foil
7	Ultra-Light Gauge Bare	Below 5.5	Bare Foil

8	Cigarette Foil	Below 7 microns	Bare Foil
9	SRC Converted	33 - 80	Converted
10	Medium Gauge (MG) Converted	20-60	Converted
11	Home foil converted	9-18	Converted
12	Light Gauge (LG) Converted	7 - 18	Converted

7. 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 application filed before the Authority.

C. LIKE ARTICLE

8. The applicants have stated that there are no significant differences in the article produced by the applicants and those exported from Thailand. The article produced by the applicants and that imported from Thailand 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 applicants are technically and commercially substitutable. The applicants have claimed that consumers of the PUC are using the subject goods and the article manufactured by the applicants interchangeably. Thus, for the purposes of initiation of the present investigation, the subject goods produced by the applicants are being treated as like article to the product being imported from Thailand.

D. DOMESTIC INDUSTRY & STANDING

9. The application has been filed by M/s Hindalco Industries Ltd., M/s Shyam Sel and Power Ltd., M/s Shree Venkateshwara Electrocast Pvt. Ltd., M/s Raviraj Foils Ltd., M/s GLS Foils Product Pvt. Ltd., and M/s LSKB Aluminium Foils Pvt. Ltd., as domestic producers of the like article in India. The application has been supported by the following producers i.e. ESS DEE Aluminium Ltd., Sparsh Industries Pvt. Ltd, SRF Altech Ltd., and Trefoil Packaging Pvt Ltd.
10. Sparsh Industries Pvt. Ltd. is a new producer of the subject goods, ESS DEE Aluminium Ltd., SRF Altech Ltd., and Trefoil Packaging Pvt Ltd., are establishing new production capacities and are yet to commence production.
11. LSKB Aluminium Foils Pvt. Ltd., Hindalco Industries Ltd., Raviraj Foils Ltd., Shyam Sel and Power Ltd., and Shree Venkateshwara Electrocast Pvt. Ltd. have not imported the subject goods from the subject country. However, GLS Foils Product Pvt. Ltd., has imported the subject goods from China. The applicants are also not related to any the importer or the exporter of the subject goods.
12. The domestic producers constitute a major proportion of the total domestic production, and therefore, constitute domestic industry under Rule 2(b) of the Anti-Dumping Rules.

E. SUBJECT COUNTRY

13. The scope of the present mid-term review is confined to the subject goods originating in or exported from Thailand.

F. PERIOD OF INVESTIGATION (POI)

14. The applicants have proposed October 2022-September 2023 (12 months) as the period of investigation (hereinafter also referred to as 'POI'). The injury information has been provided for the POI and three preceding years, i.e., April 2019-March 2020, April 2020-March 2021, April 2021-September 2022 (Annualised), and the POI.

G. GROUND FOR REVIEW

15. The applicants have claimed that there is a need for re-evaluation of dumping margin and injury margin for exporters/producers from Thailand, due to the following:
- a. There is a significant shift in the product profile exported by the exporters between the previous investigation and the present period.
 - b. That there is an increase in costs on account of raw materials which is not proportionately reflected in the increase in the export price.
 - c. There is an increase in dumping margin due to change in normal value, as well as without proportionate change in the export price.
 - d. The applicant also submitted that there is an increase in injury margin due to change in NIP, and landed value.
16. The applicants have therefore, claimed that there is a need for enhancement of anti-dumping duties levied.

H. INITIATION OF THE INVESTIGATION

17. On the basis of the duly substantiated application by the domestic producers of like article in India, and having satisfied itself, on the basis of *prima facie* evidence substantiating the need for a mid-term review of anti-dumping duty earlier imposed on the subject goods originating in or exported from Thailand, and in accordance with Section 9A of the Act read with Rule 23(1A) of the Rules, the Authority, hereby, initiates a mid-term review to examine the need for redetermining the quantum of the anti-dumping duty earlier extended on the subject goods from Thailand.

I. PROCEDURE

18. The review would be limited to the dumping margin and injury margin determined and quantum of duties levied vide final findings file no. 6/21/2020-DGTR dated 18th June, 2021 and notification no. 51/2021 -Customs (ADD) dated 16th September, 2021.
19. The provisions of Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

J. SUBMISSION OF INFORMATION

20. All communication should be sent to the Designated Authority via email at email addresses jd12-dgtr@gov.in and ad12-dgtr@gov.in with a copy to adv11-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.
21. The known producers/exporters in the subject country, the government of the subject country through its 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 para 23 of this 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.
22. Any other interested party may also make 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.
23. Any other interested party may also make 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 time limit mentioned in this initiation notification.
24. Any party making any confidential submission before the Authority is required to make a nonconfidential 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 Designated Authority <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 jd12-dgtr@gov.in and ad12-dgtr@gov.in with a copy to adv11-dgtr@gov.in within 30 days from the date on which the non-confidential version of the application 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 ADD 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. The time limits specified herein shall be for filing questionnaire responses and any other information that an interested party wishes to provide with regard to present investigation. The Authority may reject any submissions that are filed after the prescribed time limits.

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 as stipulated in this notification.
28. 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.

L. SUBMISSION OF INFORMATION ON CONFIDENTIAL BASIS

29. 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 nonconfidential 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.
30. 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.
31. 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.
32. 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 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.

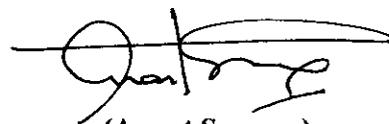
33. The interested parties can offer their comments on the issues of confidentiality claimed by any interested party within 7 days from the date of circulation of the non-confidential version of the documents filed before the Authority.
34. The Authority may accept or reject the request for confidentiality 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.
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. INSPECTION OF PUBLIC FILE

36. 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/response/information to all other interested parties. Failure to circulate non-confidential version of submissions/response/information might lead to consideration of an interested party as non-cooperative.

N. NON-COOPERATION

37. 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 subsequently time period provided through separate communication, 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**