

F. No. 6/8/2022-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4 Floor, Jeevan Tara Building
5, Parliament Street, New Delhi-110001

Dated: 16th June 2023

Case No. AD(OI) - 08/2022

SCOPE OF THE PRODUCT UNDER CONSIDERATION AND PRODUCT CONTROL NUMBERS

Subject: Scope of the product under consideration and final PCN methodology in the anti-dumping investigation concerning imports of “alloy steel chisel/ tool and hydraulic rock breaker in fully assembled condition” originating in or exported from China PR and Korea RP.

Reference of all interested parties is invited to the above cited subject. The Authority had, on 30th September 2022, initiated the said anti-dumping investigation vide Notification F. No. 6/8/2022-DGTR,¹ wherein the product under consideration (hereinafter referred to as ‘PUC’) was defined as under:²

The product under consideration for the present investigation is "alloy steel chisel/ tool and hydraulic rock breaker in fully assembled condition" (hereinafter referred to as the "subject goods" or the "product under consideration"). In common usage, the product under consideration is known as hydraulic breaker, hydraulic rock breaker, chisel/tool. The PUC is usually imported under the following description but not limited to the following:

"Alloy Steel Chisel: imported as Rock Chisel Teeth, Tooth Rock Chisel, Breaker Tool, Hydraulic Hammer (Tools), Hydraulic Rock Breaker Wedge Point for Working Tool, Chisel Blunt, Blunt, Chisel etc. Hydraulic Rock Breaker: Hydraulic Rock Breaker (with and without Chisel), Rock Breaker with & without Bulk, Hydraulic Rock breaker Assembly Kit, Rock breaker spare body assembly, Hydraulic Rock Breaker Fine, Hydraulic Rock Breaker, Rock Breaker, Box Type Hydraulic Rock Breaker etc."

2. It is clarified that the words ‘in fully assembled condition’ in the first sentence of the definition of the product under consideration qualifies the words “chisel/tool” and “hydraulic rock breaker” separately and individually by the rule of *ejusdem generis*. Hence, the product under consideration for the present investigation includes alloy steel chisel in fully assembled condition as well as hydraulic rock breaker in fully assembled condition. Further, from a harmonious and conjoint reading of the first sentence of the definition of the PUC, along with the non-exhaustive list of

¹ Notice of Initiation, F. No. 6/8/2022-DGTR dated 30th September 2022, https://www.dgtr.gov.in/sites/default/files/Initiation%20Notification_Rock%20Breaker%20-%20ENGLISH%20%281%29.pdf

² *Id.*, paragraph 3.

import item descriptions mentioned therein, it is hereby clarified that ‘assemblies’ and ‘sub-assemblies’ of hydraulic rock breakers also fall under the scope of the PUC.

3. However, apart from alloy steel chisel in fully assembled condition and hydraulic rock breaker in fully assembled condition, it is hereby clarified that only the following ‘assemblies’ and ‘sub-assemblies’ of hydraulic rock breakers (hereinafter referred to as ‘components’) are included within the scope of the PUC:

Component	Pictorial Representation of Component
a. Front head	
b. Back head	
c. Piston for hydraulic cylinder or rock breaker	
d. Cylinder body or hydraulic unit (Hydraulic body consists of front head, back head, cylinder and piston)	
e. Bracket for rock breaker or hammer	
f. Frame	
g. Cylinder for hydraulic rock breaker	

4. In light of the clarifications mentioned hereinabove, and the comments received by the interested parties the Authority adopts the following PCN methodology:

Criteria	Range	PCN
Product Category	Hydraulic Rock Breaker with Chisel	HRC
	Chisel/Tool/Blunt/Moil	CHI
	Hydraulic Rock Breaker without Chisel	HRB
Diameter of Tool/Chisel (This applies to Chisel as well as to Hydraulic Rock Breakers without Chisel)	≤75mm	D1
	> 75mm ≤100 mm	D2
	> 100mm ≤150 mm	D3
	>150mm	D4

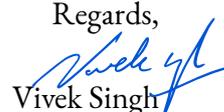
Examples:

- a) *An import transaction or domestic sales transaction of a rock breaker of 750 kgs (only weight of rock breaker) sold along with a chisel of 85mm diameter, shall be reported as: **HRC-D2**.*
- b) *An import transaction or domestic sales transaction of a rock breaker of 2200 kgs (only weight of rock breaker) sold along with a chisel of 165mm diameter, shall be reported as: **HRC-D4**.*
- c) *An import transaction or domestic sales transaction of a rock breaker of 1100 kgs (only weight of rock breaker) sold without chisel, but can accommodate chisel in the range of > 100mm ≤150 mm diameter, shall be reported as: **HRB-D3**.*
- d) *An import transaction or domestic sales transaction of only a chisel having a diameter in the range of > 100mm ≤150 mm diameter, shall be reported as: **CHI-D3**.*

5. It is informed to all the interested parties that the abovementioned methodology is the final PCN methodology. No further modification/comments/arguments would be entertained by the Authority regarding the PCNs.

6. In view of the above, all interested parties are requested to file Questionnaire responses in accordance with the above PCN methodology by **16th July 2023**. **No extension of time will be granted by the Authority to file the questionnaire responses.**

Regards,


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