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**F.No. 6/30/2019-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**

Dated 02.12.2019

INITIATION NOTIFICATION

Case No. (OI) 22/2019

Subject: Initiation of anti-dumping investigation concerning imports of “New pneumatic radial tyres of rubber for buses and lorries, with or without tubes and/or flaps” originating or exported from Thailand.

F. No. 6/30/2019-DGTR: Whereas Automotive Tyre Manufacturers Association (hereinafter also referred to as the applicant) has 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) alleging dumping of new pneumatic radial tyres for buses and lorries (hereinafter referred to as product under consideration (PUC) or subject goods), originating in or exported from Thailand (hereinafter also referred to as the subject country) and requested for imposition of anti-dumping duties on the imports of the subject goods, originating in or exported from the subject country.

Product under consideration

2. The product under consideration for the purpose of present investigation is “New pneumatic radial tyres of rubber for buses and lorries, with or without tubes and/or flaps” classifiable under 4011 20 10.

Like Article

3. The Applicant has claimed that the subject goods produced by the domestic producers and the subject goods imported from the subject country are having comparable characteristics in terms of parameters such as physical & technical characteristics,

manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods and the two are technically and commercially substitutable and hence should be treated as 'like article' under the Rules. Based on prima facie examination it is noted that the subject goods produced by the constituent domestic producers in India is treated as 'Like Article' to the subject goods being imported from the subject country.

Domestic Industry & Standing

4. The Application has been filed by Automotive Tyre Manufacturers Association (ATMA) on behalf of Apollo Tyres Ltd., Ceat Ltd., J. K. Tyre Industries Ltd. and MRF Ltd. As per the evidence available on record, the production of the constituent domestic producers accounts for a major proportion in the domestic production of the like article. The constituent domestic producers have also certified that they have not imported the subject goods from the subject country nor are they related to any exporter or importer of the subject goods. Accordingly, the constituent domestic producers are treated as domestic industry within the meaning of Rule 2(b) and Rule 5(3) of the Anti-Dumping Rules.

Country Involved

5. The country involved in the present investigation is Thailand.

Normal Value

6. The normal value of subject goods in the subject country has been constructed on the basis of cost of production of domestic industry in India, duly adjusted, and after additions for selling, general & administrative expenses and reasonable profits.

Export Price

7. The Applicant has computed the export price from subject country as per DGCI&S published data. Adjustments have been made for ocean freight, marine insurance, commission, handling charges, bank charges, and port expenses.

Dumping Margin

8. The normal value and the export price have been compared at ex-factory level, which prima facie show significant dumping margin in respect of the subject goods from the subject country, thereby, indicating prima facie that the subject goods are being dumped into the Indian market by the exporters from the subject country.

Period of Investigation

9. The period of investigation (hereinafter referred to as “POI”) in the present investigation is April, 2018-June, 2019 (15 months). The injury investigation period shall cover the periods 2015-16, 2016-17, 2017-18 and the POI.

Injury & Causal Link

10. 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 as also in relation to production and consumption in India, price undercutting, and price suppression effect on the domestic industry. The examination of the evidence furnished by the applicant prima facie establishes the presence of aforementioned parameters of injury and its causal link with alleged dumping.

Initiation of Anti-Dumping Investigation

11. The Authority prima facie finds that there is sufficient evidence of dumping of the subject goods, originating in or exported from the subject country; and injury to the domestic industry and causal link between the alleged dumping and injury exists to justify initiation of an anti-dumping investigation. The Authority therefore initiates an investigation to determine the existence, degree and effect of alleged dumping, and consequent injury to the domestic industry in terms of Rule 5 of Anti-Dumping Rules, 1995, and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove injury to the domestic industry.

Submission of Information

12. The known exporters in the subject country, its Government through the Embassy in India, the importers and users in India known to be concerned and the domestic industry are being informed separately to enable them to file all relevant information in the form and manner prescribed within time limit set out below.

13. The information/submission may be submitted to:

**The Designated Authority
Directorate General of Trade Remedies
Department of Commerce
Ministry of Commerce & Industry**

**4th Floor, Jeevan Tara Building,
5 Parliament Street, New Delhi – 110001**

14. 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.

Time Limit

15. All the interested parties are hereby advised to intimate their interest in the instant matter and file their questionnaire responses and offer their comments to the domestic industry's application regarding the need to impose or otherwise of anti-dumping measures within 37 days from the date of issue of letter by the authority intimating initiation of the investigation. 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 Anti-Dumping Rules.

Submission of information on Non-confidential basis

16. In case confidentiality is claimed on any part of the questionnaire's response/submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.

17. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies of the confidential version and two (2) copies of the non-confidential version must be submitted by all the interested parties.

18. For information claimed as confidential; 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 and/or why summarization of such information is not possible.

19. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /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, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

20. 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 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.

21. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied about 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

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

Non-cooperation

23. In case any interested party refuses access to or 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.

(Bhupinder S. Bhalla)
Additional Secretary & Designated Authority