

To be published in Part-I Section I of the Gazette of India Extraordinary

No.14/06/2015-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi -110001

Dated the 15th December, 2015

INITIATION NOTIFICATION

Subject: Anti-dumping investigation concerning imports of ‘Aluminium Foil’, originating in or exported from China PR.

No.14/06/2015-DGAD: M/s Hindalco Industries Ltd., M/s Raviraj Foils Ltd. and M/s Jindal India Ltd. (hereinafter referred to as the applicant/ domestic industry) have filed an application before the Designated Authority (hereinafter also referred to as the Authority) 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 anti-dumping investigation and imposition of anti dumping duty concerning imports of Aluminium Foil (hereinafter also referred to as the subject goods), originating in or exported from China PR (hereinafter also referred to as the subject countries).

2. And whereas, the Authority *prima facie* finds that sufficient evidence of dumping of the subject goods, originating in or exported from the subject countries, ‘injury’ to the domestic industry and causal link between the alleged dumping and ‘injury’ exist to justify initiation of an anti-dumping investigation; the Authority hereby initiates an investigation into the alleged dumping, and consequent injury to the domestic industry in terms of Rule 5 of the Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which if levied, would be adequate to remove the ‘injury’ to the domestic industry.

Domestic Industry & Standing

3. The Application has been filed by M/s Hindalco Industries Ltd., M/s Raviraj Foils Ltd. and M/s Jindal India Ltd. as the domestic industry.

4. As per the evidence available on record, the production of the applicant companies constitutes “a major proportion” of the domestic production. The Authority, therefore, determines that the applicant companies constitute eligible domestic industry within the meaning of Rule 2 (b) of the Anti Dumping Rules and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rules supra.

Product under consideration

5. The product under consideration in the investigation is “Aluminium Foil whether or not printed or backed with paper, paper board, plastics or similar packing materials of a thickness ranging from 5.5 micron to 80 micron excluding Alu Alu Laminate and Ultra Light Gauge Converted and Capacitor”.

6. Aluminium ingots are rolled into sheets called Aluminium flat rolled product (FRP). Aluminium Flat Rolled product (FRP) are rolled further into foils. The essential difference between the two is in thickness. The FRP have thickness greater than 80 microns . the rolled FRP(aluminium foil) may be sold as it is, or, it may be printed or laminated (also called backed) with paper, board, plastic or other packaging materials. Aluminium foils may be printed either by the producers or by converters or by end consumers.

7. Aluminium Foil is used extensively for the protection, storage, and preparation of foods and beverages. Major applications of aluminium foil are in the pharmaceuticals industry for packing medicines; food industry for packing processed foods, cigarette industry for wrapping cigarettes & other applications.

8. The subject goods is subsumed within Chapter 76 of the Custom Tariff Act, 1975 under subheading No. 7607. However, the Customs classification is indicative only and is in no way binding on the scope of the present investigation.

Like Article

9. The applicant has claimed that there is no known difference between the subject goods exported from subject countries and that produced by the domestic industry. As submitted by the applicants, the product under consideration produced by the domestic

industry and imported from subject countries are comparable in terms of essential product characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. Consumers can use and are using the two interchangeably. The applicants have further claimed that 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 Authority treats the subject goods produced by the applicants in India as 'Like Article' to the subject goods being imported from the subject countries/territories.

Countries involved

10. The present investigation is in respect of alleged dumping of the product under consideration from China PR (referred to as the "subject country").

Normal Value

11. Applicants have claimed that China PR should be treated as a nonmarket economy and determined normal value in accordance with Para 7 and 8 of Annexure I of the Rules. The applicants have claimed normal value for China PR on the basis of cost of production in India, duly adjusted. In terms of Para 8 in Annexure 1 to the Rules it is presumed that the producers of the subject goods in China PR are operating under non market economy conditions. In view of the above non-market economy presumption and subject to rebuttal of the same by the responding exporters from China PR, normal value of the subject goods in China PR has been estimated in terms of Para 7 of Annexure 1 to the Rules.

Export Price

12. The export price has been claimed by the applicants as the weighted average import price from subject country based on the transaction-wise import data obtained from the DGCI&S. Price adjustments have been made on account of ocean freight, marine insurance, commission, inland freight expenses and port expenses to arrive at the net export price.

Dumping Margin

13. The normal value has been compared with the export price at ex-factory level. There is sufficient *prima facie* evidence that the normal value of the subject goods in the subject country are higher than the ex-factory export price, indicating, that the subject goods are

being dumped into the Indian market by the exporters from the subject country. The dumping margins are estimated to be above de minimis.

Injury and Causal Link

14. Information furnished by the applicants has been considered for assessment of injury to the domestic industry. The applicants have 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, price undercutting, price underselling and consequent significant adverse impact in terms of decline in production, sales, market share, inventories. There is sufficient *prima facie* evidence of the 'material injury' being suffered by the domestic industry caused by dumped imports from subject country to justify initiation of an antidumping investigation.

15. The applicants have claimed that imports have spurted from China PR. Petitioner has therefore claimed that the imports are threatening material injury to the domestic industry. Applicants have submitted that there is significant increase in imports, decline in import price, significant surplus capacity and high export orientation of the producers in subject country as grounds for claiming threat of material injury to the domestic industry from subject imports.

Period of Investigation (POI)

16. The period of investigation for the present investigation is from 1st April, 2014 to 30th June 2015 (15 months). The injury investigation period will however cover the periods Apr'11-Mar'12, Apr'12-Mar'13, Apr'13-Mar'14 and the period of investigation.

Submission of information

17. The known exporters in the subject country, the Government of the subject countries through their embassy in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

The Designated Authority,
Directorate General of Anti-Dumping & Allied Duties,
Ministry of Commerce & Industry, Department of Commerce
4th Floor, Jeevan Tara Building, 5 Parliament Street,
New Delhi -110001.

18. 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

19. Any information relating to the present investigation and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of publication of this Notification. 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.

20. 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 and offer their comments to the domestic industry's application regarding the need to continue or otherwise the Antidumping measures within 40 days from the date of initiation of this investigation.

Submission of Information on Non-Confidential basis

21. 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.

22. 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 five (05) copies of the non confidential version must be submitted by all the interested parties.

23. 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.

24. 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.

25. 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.

26. 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 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

27. In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

Non-cooperation

28. 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.K. Bhalla)

Designated Authority