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Government of India, Department of Commerce,
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
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5 Parliament Street, New Delhi – 110001

Dated: 30.09.2024

INITIATION NOTIFICATION

Case No. OI- 39/2024

Subject: Initiation of anti-dumping investigation concerning imports of “Certain Cranes” originating in or exported from China PR.

1. Action Construction Equipment Ltd. (ACE) (hereinafter referred to as the “Applicant”), has filed an application before the Designated Authority (hereinafter referred to as the “Authority”) under the provisions of 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 referred to as the ‘Rules’), seeking initiation of an anti-dumping investigation by alleging dumping of “Certain Cranes” (hereinafter also referred to as the “product under consideration” or the “subject goods”), originating in or exported from China PR (hereinafter referred to as the “subject country”).
2. The Authority hereby takes cognizance of the information provided by the applicant as per sub-rule 4 of rule 5 of 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”).
 - A. **Product Under Consideration (PUC)**
3. The product under consideration in the present investigation is “Certain Cranes”, (hereinafter also referred to as the “product under consideration” or the “subject goods”). The product under consideration is Cranes of the following types:

- a. Crawler Cranes having lifting capacity from 40 MT to 260 MT, whether in fully assembled, semi-assembled or disassembled form.
 - b. Truck Cranes with lifting capacity of 25 MT and above, whether in fully assembled, semi-assembled or disassembled form.
4. The subject goods are used for loading / unloading, shifting of material, erection etc. at project sites like infrastructure projects, roads & bridges, refinery, cement plants and any other industrial projects.
 5. The product under consideration is classified under chapter heading 8426. The subject goods are also imported in HS Codes 84264100, 84264900, 84314990, 84314390, 84314920, 84314390 during injury period. The customs classification may kindly be treated as indicative, and not binding on the scope of the product under consideration.
 6. The applicant has proposed the following PCN methodology:

Sl. No	Type	Value	PCN Code
1	Category / Type of Machine Crawler Crane	Crawler Crane	CC
		Truck Crane	TC
2	Load Capacity in MT (Illustrations given)	25 MT	025
		40 MT	040
		45 MT	045
		50 MT	050
		55 MT	055
		60 MT	060
		70 MT	070
		80 MT	080
		85 MT	085
		90 MT	090
		100 MT etc.	100

7. The interested parties are directed to make comments on the scope of the PUC, PCNs, if any within 30 days of this initiation notification.

B. Like Article

8. The applicant has claimed that the subject goods which are being dumped into India are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, functions, applications or end-uses of the dumped imports

and the domestically produced subject goods. Hence, the goods produced by the domestic industry are 'Like Article' to dumped goods from China PR. There is no difference in the dumped goods and the product under consideration manufactured by the petitioners. The two are technically and commercially substitutable. Thus, for the purposes of initiation of the present investigation, the article produced by the Indian producers has been *prima facie* considered as like article to the product being imported from China PR.

C. Subject Country

9. The subject goods are allegedly being dumped from China PR.

D. Period of Investigation (POI)

10. The Authority considers POI for the present application as April 2023 – March 2024 (a period of 12 months) and the injury investigation period as FY 2020-21, FY 2021-22, FY 2022-23 and the POI.

E. Domestic Industry and Standing

11. The present application has been filed by Action Construction Equipment Ltd. (ACE). As per the information filed in the application, the applicant is the sole producer of the subject goods in India during the POI. The applicant has also submitted that Tractor India Ltd. was engaged in the manufacturing of the subject goods. However, it has stopped production of the subject goods on account of aggressive dumping from China PR. The applicant has declared that it is neither related to any producer/exporter of the product under consideration in China PR; nor it is related to any importer in India. Further, the applicant has not imported the product under consideration from the subject country. Thus, the applicant should be considered as eligible to constitute domestic industry in terms of Rules.
12. In view of the above, for the purpose of the initiation, Authority notes that the applicant accounts for major proportion of the product under consideration in India, the applicant satisfies the standing and constitutes domestic industry within the meaning of the Rules 2(b) and 5(3).

F. Basis of alleged dumping

Normal Value and Export price for China PR

13. The applicant has claimed that China PR should be treated as a non-market economy and the normal value should be determined in terms of Rule-7 of Annexure I of the Rules. The applicant has stated that the Chinese producers should be directed to demonstrate that market economy conditions prevail in the industry producing the subject goods in terms

Para 8(3) of Annexure-I of the Rules. The applicant has claimed that for China PR, normal value should be determined in accordance with para 7 of Annexure I of the Rules.

14. Since the information is not available at this stage with regard to (a) the price in a market economy third country; (b) constructed value in a market economy third country; (c) the price from such a third country to other country, including India, normal value has been determined based on the cost of production of the domestic industry of the subject goods. The Authority will further examine the evidence provided by the interested parties and the applicant for the determination of the normal value during the investigation.
15. For determination of the export price, the Authority has considered transaction wise data procured from DGCI&S and made adjustments for port expenses, bank charges, inland freight, commission etc. to determine the ex-factory export price based on best available information on CIF import price.

a. Dumping Margin

16. The normal value and export price have been compared at ex-factory level, which *prima facie* shows that dumping margin is not only above the de-minimis level but also significant. There is sufficient *prima facie* evidence that the subject goods from the subject country are being dumped into the Indian market by the exporters from the subject country.

G. Evidence of Injury and Causal link

17. The applicant has filed representation 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. The applicant has also suffered injury on account of low-capacity utilisation, decline in sales volume comparative to the previous year, losses, the decline in market share, etc.

H. Initiation of anti-dumping investigation

18. On the basis of the duly substantiated application by the domestic industry, and having satisfied itself, on the basis of *prima facie* evidence submitted by the applicant substantiating the dumping and consequent injury to the domestic industry, the Authority hereby initiates an anti-dumping investigation into the alleged dumping and consequent material injury to the domestic industry in accordance with Section 9A of the Act read with Rule 5 of the Rules, to determine the existence, degree, and effect of alleged dumping and to recommend the amount of dumping duty, which if levied would be adequate to remove the injury to the domestic industry.

I. Submission of Information

19. All communication should be sent to the Designated Authority via email at the email addresses adg16-dgtr@gov.in and adv13-dgtr@gov.in with copy to dir16-dgtr@gov.in and jd15-dgtr@gov.in. It should be ensured that the narrative part of the submission is in searchable PDF/MS Word format and data files are in MS Excel format.
20. The known exporters in the subject country, the government of the subject country through their embassy in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.
21. 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 on the email addresses mentioned in Para 19 above.
22. 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.
23. Interested parties are further advised to keep a regular watch on the official website of the DGTR, i.e., <https://www.dgtr.gov.in/> for any updated information with respect to this investigation.

J. Time Limit

24. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses adg16-dgtr@gov.in, adv13-dgtr@gov.in, dir16-dgtr@gov.in and jd15-dgtr@gov.in within thirty (30) days from the date of receipt of the notice as per Rule 6(4) of the Rules. It may, however, be noted that in terms of the explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting countries. 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 Rules.
25. 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/submissions within the above time limit.

K. Submission of information on confidential basis

26. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 8(2) of the Rules and the trade notices issued in this regard. Failure to adhere to the above may lead to rejection of the response / submissions.
27. The parties making any submission (including appendices/annexures attached thereto), before the Authority including questionnaire response, are required to file confidential and non-confidential versions separately.
28. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions.
29. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, 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.
30. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and 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, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority. The other interested parties can offer their comments on the confidentiality claimed within 7 days of receiving the non-confidential version of the document.
31. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied 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.
32. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.

33. 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.

L. **Sharing of responses/ submissions amongst interested parties.**

34. A list of registered interested parties will be uploaded on 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.

M. **Non-cooperation**

35. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.



(Darpan Jain)

Designated Authority