

**No. 6/9/2019-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)**

Dated 28th June, 2019

**Initiation Notification
(OI Case No. 7/2019)**

Subject: Initiation of anti-dumping investigation concerning imports of Coated/Plated Tin Mill Flat Rolled Steel Products originating in or exported from the European Union, Japan, USA and Korea RP.

F.No.6/9/2019-DGTR: M/s JSW Vallabh Tinplate Private Limited and M/s The Tinplate Company of India Limited (hereinafter also referred to as the 'Petitioners' or 'Applicants') have filed an application before the Designated Authority (hereinafter referred to as the 'Authority') in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter 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') for imposition of Anti-Dumping Duty on imports of Coated/Plated Tin Mill Flat Rolled Steel Products (hereinafter referred to as the 'subject goods' or 'PUC') from the European Union, Japan, USA and Korea RP.

Product under consideration

2. The product under consideration ("PUC") in the present investigation is tin mill flat rolled steel products that are coated or plated with tin or chromium / chromium oxides, either on one side or both sides, whether lacquered and/or printed or not. Tin mill flat rolled steel products include Tinplate as well as Tin-free steel, which is also known as Electrolytic Tin Plate (ETP), Tin Free Steel (TFS), Electrolytic Chromium Coated Steel (ECCS). The product under consideration may be supplied in coil form or sheets / scrolls. The sheets / scrolls may be supplied in various shapes including, but not limited to, square, rectangle, circle or any other shape, with or without blanking.
3. The product under consideration is generally used for versatile packaging solutions including, but not limited to food packaging, i.e. edible oil, processed food, fruits, vegetables, beverages, etc. as well as used for non-food packaging, i.e. paints, chemicals, non-edible oil, geometry/compass box, shoe polish, aerosol sprays, batteries, etc.
4. The product under consideration is classified under tariff item 72101110, 72101190, 72101210, 72101290, 72105000, 72109010, 72121010, 72121090, 72125020, 72121010, 72125090 and 72259900 of the Customs Tariff Act, 1975. However, imports of the PUC have also been observed in certain other ITC HS codes viz. 72109090, 72107000, 72103090, 72255010, 72124000 of the Customs Tariff Act, 1975.

5. The customs classification is indicative only and in no way binding upon the scope of the product under consideration.

Like Article

6. Rule 2(d) with regard to like article provides as under: -

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

7. The Petitioners have submitted that the subject goods produced by them and the subject goods imported from the subject countries are like articles. There is no known difference between the subject goods exported from the subject countries and those produced by the Petitioners. Coated/Plated Tin Mill Flat Rolled Steel Products produced by the Petitioners and imported from the subject countries are comparable in terms of essential product characteristics such as physical and chemical characteristics, manufacturing process and technology, functions and uses, product specifications, pricing, distribution and marketing and tariff classification. Consumers can use and are using the two interchangeably. The 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 subject goods produced by the Petitioners are being treated as 'Like Article' to the subject goods being imported from the subject countries.

Domestic industry and Standing

8. The application has been filed by M/s JSW Vallabh Tinplate Private Limited and M/s The Tinplate Company of India Limited, as domestic industry of the PUC. According to the Petitioners, they are the major producer of the PUC in India, account for 100% of total Indian production during the POI. The Petitioners have certified that there are no imports of the PUC by the petitioners or any of their related parties from the subject countries and they are not related either to any exporter or producer of the PUC in the subject countries or any importer of the PUC in India.
9. Apart from the petitioners, there are two other known producers of the PUC in India, namely, M/s. Steel Authority of India Limited (SAIL) and M/s. GPT Limited. Even though Steel Authority of India Limited (SAIL) and GPT Limited are producers of PUC in India, they did not produce the PUC during the proposed POI
10. The Authority, therefore, determines that the petitioners hold a "major proportion" of the total domestic production and constitute an eligible domestic industry in terms of Rule 2 (b) and also satisfy the criteria of standing in terms of Rule 5 (3) of the Rules.

Countries Involved

11. The present investigation is in respect of alleged dumping of the PUC from the European Union, Japan, USA and Korea RP.

Normal Value

12. The Petitioners have constructed the normal value based on the price of hot-rolled coils, which is the primary raw material for making the PUC, in the subject countries and power prices prevailing in the European Union, USA and Korea RP. Accordingly, the Petitioners have calculated the normal value based on the following:

- i. Raw materials: Prices of hot-rolled coils prevailing in the subject countries during the POI along with consumption norms of the most efficient Petitioner have been adopted. Other raw material costs are based on the cost of the most efficient Petitioner;
- ii. Utilities cost: Power prices prevailing in the European Union, USA and Korea RP along with consumption norms of the most efficient Petitioner have been adopted. Power cost for Japan is based on the cost of the most efficient Petitioner. Other utilities cost is based on the cost of the most efficient Petitioner;
- iii. Other conversion cost: Other conversion cost is based on the cost of the most efficient Petitioner; and
- iv. Profit Margin: Reasonable profit margin has been considered to work out the normal value.

For the purpose of initiation, the constructed normal value is being adopted.

Export Price

13. The Petitioners have computed the export prices for the subject countries on the basis of data published by DGCI&S, Kolkata. Price adjustments have been claimed on account of ocean freight, inland freight, ocean insurance, commission and bank charges. There is sufficient prima facie evidence with regard to the net export prices claimed by the Petitioners.

14. The normal values and the export prices for the subject countries have been compared at ex-factory level, which prima facie show significant dumping margins in respect of the subject goods from the subject countries. There is prima facie evidence that the normal values of the subject goods in the subject countries are higher than the ex-factory export prices, indicating that the subject goods are being dumped into the Indian market by the exporters from the subject countries.

Injury & Causal Link

15. Information furnished by the Petitioners has been considered for assessment of injury to the domestic industry. The Petitioners 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 in India, price undercutting, price underselling, profitability, cash profits and return on capital employed. There is sufficient prima facie evidence of injury being suffered by the domestic industry caused by dumped imports from the subject countries to justify initiation of an anti-dumping investigation.

Initiation of Anti-Dumping Investigation

16. And whereas, the Authority prima facie finds that evidence of dumping of the subject goods, originating in or exported from the subject countries; 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 accordingly 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 anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

Period of Investigation

17. The period of investigation (hereinafter referred to as “POI”) for the present investigation is from 1st January 2018 to 31st December 2018 (12 months). The injury investigation period will, however, cover the periods April 2015-March 2016, April 2016-March 2017, April 2017-March 2018 and the POI.

Submission of information

18. The known exporters in the subject countries and their governments through their embassies in India, 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.
19. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below. The information/submission may be submitted to:

The Designated Authority
Directorate General of Trade Remedies
Ministry of Commerce & Industry
Department of Commerce
Government of India
4th Floor, Jeevan Tara Building, 5, Parliament Street
New Delhi-110001

20. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.

Time-Limit

21. Any information relating to the present investigation 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 the publication of this initiation 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 Rules.
22. 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 within forty days (40 days) from the date

of the publication of this initiation notification. The information must be submitted in hard copies as well as in soft copies.

Submission of information on confidential basis

23. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:
 - i. One set marked as Confidential (with title, number of pages, index, etc.), and
 - ii. Other set marked as Non-Confidential (with title, number of pages, index, etc.).
24. 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. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in four (4) sets of each.
25. 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 is 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.
26. 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 summarised 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 summarisation is not possible must be provided to the satisfaction of the Authority.
27. 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 authorise its disclosure in generalised or summary form, it may disregard such information.
28. 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.
29. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

Inspection of Public File

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

Non-cooperation

31. 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.

(Sunil Kumar)
Additional Secretary & Designated Authority