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**F. No. 6/16/2023-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**

Date: 7th February, 2025

FINAL FINDINGS

Case No. – AD(OI) – 15/2023

Subject: Anti-dumping duty investigation concerning imports of “Fasteners” originating in or exported from China PR-reg.

A. BACKGROUND OF THE CASE

1. “Apt Tools and Machinery Indian Pvt. Ltd.” (hereinafter referred to as “ATM”) and “Northern India Screw Manufacturers and Traders Association” (hereinafter referred to as the “Association”), (collectively referred to as “Applicant industry”) filed representations before the Designated authority (hereinafter referred to as the “Authority”) stating that the Indian domestic producers of fasteners (hereinafter referred to as the “subject goods” or the “product under consideration”) are being injured due to the significant volume of imports of the subject goods from China PR (hereinafter referred to as the “subject country”) at dumped prices.
2. The Authority took cognizance of the information provided by ATM and the Association as per Rule 5(4) of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 stated as under:

“(4) Notwithstanding anything contained in sub-rule (1), the designated authority may initiate an investigation suo-motu, if it is satisfied from the information received from the (Principal Commissioner of Customs or Commissioner of Customs, as the case may be), appointed under the Customs Act, 1952 (52 of 1952) or any other source that sufficient evidence exists as to the existence of the circumstances referred to in sub-clause (b) of sub-rule (3).”(emphasis added)

3. The Authority analysed the trend in imports of the product in the country, both in terms of volume and price from the information contained in the representations and ascertained whether there is sufficient *prima facie* evidence that the product under consideration is being exported from China at a price below estimates of normal value, whether the same is causing injury to the Indian industry and whether an antidumping investigation is required to be conducted to ascertain existence, degree and effect of alleged dumping. The Authority called information with regard to imports of the product under consideration from the customs authorities. The Authority also considered the degree of dumping, the trend in volume of imports, the import price from China and information with regard to possible impact on the Indian industry on the basis of information contained in the representations. The Authority found that there was sufficient *prima-facie* evidence regarding dumping, injury and casual link between such dumped imports and the alleged injury, to justify the

initiation of an investigation.

4. Having satisfied itself with regard to existence of sufficient *prima-facie* evidence regarding dumping, injury and casual link between such dumped imports and the alleged injury to justify the initiation of an investigation, the Authority *suo-motu* initiated the anti-dumping duty investigation concerning imports of "Fasteners" from China PR vide Notification No. 6/16/2023-DGTR dated 22nd September 2023, published in the Gazette of India, Extraordinary, to determine the existence, degree and effect of the alleged dumping of the subject goods, originating in or exported from the subject country, and to recommend the amount of antidumping duty, which, if levied, would be adequate to remove the alleged injury to the domestic industry.

B. PROCEDURE

5. The procedure described below has been followed with regards to the investigation:
 - i) The Authority notified the embassy of the subject country in India about the receipt of the representation to initiate the anti-dumping investigation in accordance with Rule 5(5) of the Rules.
 - ii) The Authority, on the basis of sufficient prima facie evidence submitted by the ATM and the Association, initiated the anti-dumping investigation vide notification no.6/16/2023-DGTR dated 22nd September 2023 and published a public notice in the Gazette of India Extraordinary regarding the same.
 - iii) The Authority forwarded a copy of the public notice along with the questionnaires to the embassy of the subject county in India, FICCI, CII, ASSOCHAM, EXCISE LAW TIMES and ICC for wider publication and sensitization of the interested stakeholders to participate in the investigation and gave them the opportunity to make their views known in writing in accordance with Rule 6(2) of the anti-dumping rules. They were advised to reply within thirty days from the date of receipt of notice. The said letters also granted an opportunity to the interested parties to present their comments on the scope of the PUC and propose product control numbers (PCNs), if required, within a period of 15 days from the date of the communication. Based on the requests, the Authority also extended the above timeline.
 - iv) The Authority provided a copy of the non-confidential version of the application to the responding stakeholders and the embassy of the subject country in accordance with Rule 6(3) of the anti-dumping Rules. A copy of the application was also provided to the other interested parties, as requested.
 - v) In addition to the above, post the initiation of the subject investigation, letters were also specifically sent to ATM and the Association by the authority to file the costing data and NIP claim in compliance with the requirements of Trade Notice 05/2021 and supporting documents validating the Cost of production claim for further verification purpose.
 - vi) The Authority sent the Exporter's Questionnaire to the following known producers/exporters to elicit relevant information in accordance with Rule 6(4) of the Rules:
 - i. Dingzhou Best Hardware Co Ltd
 - ii. Hangzhou Runxiang Nail Industry Co. Ltd.
 - iii. Red Dragon Industries Ltd

- iv. Tianjin Giant Star Hardware Products Co Ltd
- v. Zhejiang Yuanli Metal Product Group
- vi. Acco Brands Asia Pte Ltd
- vii. Avery Dennison Hong Kong Limited
- viii. Changzhou Kya Fasteners Co Ltd
- ix. GP Engine Parts Co Limited
- x. Guangdong Meite Mechanical Co. Ltd.
- xi. Rise Time Industrial Ltd
- xii. Saame Tools Shanghai Import and Export Co Ltd
- xiii. Shenzhen Green O Technology Co. Ltd
- xiv. Tianjin Hweschun Fasteners Manufacturing Ring Co Ltd
- xv. Uncle Bills Asia Pacific Pty Ltd
- xvi. Unicorn (Tianjin) Fasteners Co. Ltd
- xvii. Zhejiang Best Nail Industrial Co

vii) In response, the following producers/exporters from the subject countries have responded by filing questionnaire responses:

- i. Cooper and Turner (Ningbo) International Trading Co., Ltd
- ii. Zhejiang Cooper Turner Beck Green Energy Co., Ltd
- iii. Finework (Hunan) New Energy Technology Co., Ltd
- iv. Haiyan BoNuo Hardware Industry Co., Ltd
- v. T&Y Hardware Industry Co., Ltd
- vi. Hebei Xilide Metal Manufacture Co., Ltd
- vii. Ningbo Sardis Hardware Manufacturing Co., Ltd
- viii. Ningbo Weifeng Fastener Co., Ltd
- ix. Chengfeng (Tianjin) Technology Development Co., Ltd.
- x. Tianjin Gubaite Hardware Products Co., Ltd.
- xi. Tianjin Lide Hengtong Technology Co., Ltd.
- xii. Tianjin Paibo Metal Products Co., Ltd.
- xiii. Tianjin Yufeng Screw Making Co., Ltd.
- xiv. Zhejiang Suichang Suigang Metal Products Co., Ltd
- xv. Zhejiang Yuanli Metal Product Group Co., Ltd.
- xvi. Tianjin Zhangang Hardware Co. Ltd.
- xvii. Shenghongrui (Tianjin) Import & Export Trading Co, Ltd

viii) In response to the initiation notification, the following producers/exporters from China PR along with Indian manufacturers/importers of the subject goods have registered themselves as interested parties in the investigation.

Sr. No.	Name of the Party	Nature of Party
1.	Apt Tools and Machinery India Pvt. Ltd.	Domestic producer
2.	People's Republic of China	Embassy
3.	Northern India Screw Manufacturers and Traders Association	Association
4.	Association of Furniture Manufacturers of India (AFMI)	Association
5.	Ningbo Dazhi Machine Technology Co. Ltd.,	Producer/Exporter

6.	Welead Industrial Ltd.	
7.	Cixi Huicheng Metal Products Co. Ltd.	
8.	Ningbo Jinding Fastening Piece Co. Ltd.	
9.	Jiangsu Yongyi Fastener Co. Ltd.	
10.	Ningbo Haixin Hardware Co. Ltd.	
11.	Zhapu Technology (Jiangsu) Co., Ltd	
12.	Haining Hisener Trade Co. Ltd.	
13.	Hisener Industrial Co. Ltd.	
14.	Zhejiang Haixun Precision Technology Co. Ltd.	
15.	Chengfeng (Tianjin) Technology Development Co., Ltd	
16.	Zhejiang Suichang Suigang Metal Products Co., Ltd.,	
17.	Zhejiang Yuanli Metal Product Group Co., Ltd.	
18.	T&Y Hardware Industry Co., Ltd	
19.	Haiyan BoNou Hardware Industry Co., Ltd.	
20.	Zhejiang Cooper Turner Beck Green Energy Co., Ltd	
21.	Cooper and Turner (Ningbo) International Trading Co., Ltd.	
22.	Finework (Hunan) New Energy Technology Co., Ltd.	
23.	Chengfeng (Tianjin) Technology Development Co., Ltd.	
24.	Tianjin Gubaite Hardware Products Co., Ltd	
25.	Tianjin Lide Hengtong Technology Co., Ltd.	
26.	Tianjin Paibo Metal Products Co., Ltd.	
27.	Tianjin Yufeng Screw Making Co., Ltd.	
28.	Ningbo Weifeng Fastener Co., Ltd	
29.	Ningbo Sardis Hardware Manufacturing Co., Ltd	
30.	Jiaxing Deyee Technology Co., Ltd.	
31.	Tianjin Giant Star Hardware Products Co., Ltd.	
32.	Hebei Xilide Metal Manufacture Co., Ltd	
33.	Zhejiang Ansheng Automobile Parts Co., Ltd.,	
34.	Sancheti Global Inc.	Importers

35.	Bhoomi Associates	
36.	M/s Ningbo Dongxin High Strenth Co. Ltd.	Producer/Exporter
37.	Jiaxing Sanxing Trading Co., Ltd	
38.	Sanma Fastener (Zhejiang) co., Ltd	
39.	Haiyan Xinyu High Strength Standard Components Factory	
40.	Kaymo Fastener Company	Manufacturer
41.	Tianjin Zhangang Hardware Co., Ltd	Producer/Exporter
42.	Shenghongrui (Tianjin) Import and Export Trading Co., Ltd	Exporter
43.	Hebei Goodfix Industrial Co., Ltd., (“Fixdex”)	Producer
44.	Aman Enterprise	Importer
45.	Rajendra Kumar & Company	
46.	Durabuild Roofing Solution	
47.	All India Fasteners Traders Association	Association
48.	Shandong UNITY Xing gang Nails	Producer/Exporter
49.	Rise Time Industrial ltd.	Manufacturer
50.	Black Burn & Co. Pvt. Ltd.	Importers
51.	Raghav Enterprises	
52.	RK Steel Industries	
53.	JR Precision Fasteners	
54.	Samarth Fasteners	
55.	Sansega Metals Pvt. Ltd.	
56.	Surajan Steel Industries	
57.	Fischer Building Materials India Private Limited	
58.	Simco Fasteners	

- ix) Wherever an interested party has refused access to or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has recorded its observation on the basis of the facts available.
- x) A disclosure statement containing the essential facts of the investigation which have formed the basis of the final findings was issued to the interested parties on 22nd January, 2025 and the interested parties were allowed time up to 29th January, 2025 to comment on the same. The submissions made by the interested parties, and the comments to disclosure

statement received from the interested parties have been considered, to the extent found relevant, non-repetitive and supported with evidence in this final findings notification.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

6. The product under consideration at the time of initiation was defined as 'fasteners' for the subject investigation.
7. The scope of the proposed product under consideration includes, but is not limited to: screws, bolts, nuts, coil nails, concrete nails, C-rings, spring & roll clips, industrial staple pins, steel strapping seals, plastic strip nails, cable clip nails, bulk nails, steel nails & staple pins, bedding consumables, steel nails, clip nails, brad nails, staples & staple pins, etc.
8. The product under consideration is classified under Chapters 73, 82, and 83 of the Customs Tariff Act under subheadings 73170013, 73170019, 73181110-73181190, 73181200, 73181300, 73181400, 73181500, 73181600, 73181900, 82074090 and 83059010. The customs classification is indicative only, and not binding on the scope of the product under consideration since the proposed PUC may be imported under other HS Codes.

Submissions made on behalf of the opposing interested parties.

9. The opposing interested parties have submitted that the Authority has failed to provide a clear definition of the term "Fasteners" in the Product Under Consideration (PUC), instead used the ambiguous term "etc." which leaves the scope of the PUC undefined. Fasteners are manufactured using three primary metals—Carbon Steel, Stainless Steel, and Brass—but it remains unclear if the PUC includes fasteners made from all or any of these materials. Additionally, the Bureau of Indian Standards (BIS) has developed over 470 standards to distinguish various types of fasteners, further highlighting the need for precise definitions. To enable a fair and accurate comparison, the scope of the PUC must be clearly and specifically defined.
10. It has further been added that the application for the anti-dumping investigation focuses specifically on "Concrete Nails," but the Authority has expanded the scope of the PUC to include all "Fasteners," a broad category encompassing multiple items. They have asked the Authority to clarify its rationale for including such an extensive range of products in the PUC when the original application is limited to Concrete Nails.
11. Further, it has been stated that the Authority should restrict the scope of the PUC to only those types of Fasteners, which are manufactured and sold by the Indian industry in commercial quantities during the POI in line with the consistent practice of the Authority. Another significant issue is the absence of a prescribed Product Control Number (PCN) methodology, which is essential for ensuring fair, apple-to-apple comparisons of products. The PUC comprises diverse products made from different materials, with significant variations in size, specifications, and coatings, all of which greatly influence costs and prices.

Submissions made by the domestic industry.

12. No submissions have been made by the domestic industry with regard to the scope of the product under consideration and the like article apart from the initial representation.

Examination by the Authority

13. As defined in the initiation notification, the product under consideration for the present investigation is 'fasteners'.
14. The scope of the proposed product under consideration includes, but is not limited to: screws, bolts, nuts, coil nails, concrete nails, C-rings, spring & roll clips, industrial staple pins, steel strapping seals, plastic strip nails, cable clip nails, bulk nails, steel nails & staple pins, bedding consumables, steel nails, clip nails, brad nails, staples & staple pins, etc.
15. The product under consideration is classified under Chapters 73, 82, and 83 of the Customs Tariff Act under subheadings 73170013, 73170019, 73181110-73181190, 73181200, 73181300, 73181400, 73181500, 73181600, 73181900, 82074090 and 83059010. The customs classification is indicative only, and not binding on the scope of the product under consideration since the proposed PUC may be imported under other HS Codes.
16. It is pertinent to note that following the submissions made by other interested parties regarding PUC and like article, no submissions/rebuttals/clarifications were provided by the applicants. It may be added that the ATM claimed to be supported by 29 manufacturers whereas the Association claimed to be comprising of 150 manufacturers of the subject goods. However, despite multiple opportunities provided, the requisite data could not be made available to the Authority either by ATM or the Association or any other domestic producer. In view of this lack of data/information the Authority has not been able to ascertain the scope of PUC, the domestic like products and the need for specific exclusions from the definition of the 'Fasteners'.

D. SCOPE OF THE DOMESTIC INDUSTRY AND STANDING

Submissions made on behalf of the opposing interested parties.

17. It has been contended that the *Northern India Screw Manufacturers and Traders Association* has submitted a two-page letter that is undated, unsigned, and lacks the necessary data required to substantiate the initiation of an anti-dumping investigation. Despite more than two months having passed since filing the petition, the Association has failed to provide relevant information as mandated under Trade Notice 09/2021. Furthermore, the Association has not submitted a list of its members who support, oppose, or remain neutral regarding the application, which is critical for determining its standing. As a result, the Authority is urged to reassess the eligibility of the Association as an applicant in this investigation.
18. The Association has also failed to meet the required timelines for submitting information as per Trade Notice 09/2021 and has not provided a list of members indicating their stance on the application, making it difficult to assess the Association's standing.
19. Key information, such as names of domestic producers, production capacities, sales data, and the basis for injury claims, has not been disclosed in the petition. The petitioners have not adhered to the requirements of Trade Notice No. 05/2021, including Proforma IVA, which necessitates detailed data submission.
20. The eligibility of the domestic industry is a key requirement under Rule 5(3), which stipulates that applicants must meet thresholds of 25% and 50% of production capacity to qualify as a "domestic industry." However, the petitioners have not submitted sufficient non-confidential information to demonstrate their eligibility. Without clarity on which domestic producers meet the criteria, it is not

possible to determine the domestic industry, and thereafter evaluate dumping and injury. The Authority is required to finalise the eligibility of domestic producers before proceeding further with the investigation to ensure compliance with the prescribed rules.

Submissions made on behalf of the domestic industry.

21. ATM and the Association have, in their representations, submitted that the Indian industry consists of small and micro units, mostly falling in the unorganised sector, scattered across various parts of the country. Hence, data regarding the production of the entire Indian Industry is not readily available and has not been furnished in the representations. However, in the representation filed by ATM Pvt. Ltd. it has been claimed that ATM Pvt. Ltd. along with the supporting companies forms 30% of the total Indian production of concrete nails.
22. It was further stated in the representations that ATM has a support of 29 domestic producers, whereas the Association is represented by about 150 domestic producers. Also, there were no representations filed by any other domestic producer expressly opposing the application filed by the applicants.
23. The Association, in its representation, had claimed that its members constitute “domestic industry” as defined under Rule 2(b) of the AD Rules and satisfy the requirements of Rule 5(3) of the AD Rules read with Trade Notice No. 09/2021 dated 29th July 2021.

Examination by the Authority

24. The standing of the domestic industry in anti-dumping investigations is addressed under Rule 2(b) and Rule 5(3) of the Customs Tariff (Identification, Assessment, and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. Below are the relevant provisions:

Rule 2(b): Definition of Domestic Industry

25. This rule defines the domestic industry as follows:

“Domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article, except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term ‘domestic industry’ may be construed as referring to the rest of the producers.”

26. Thus,
 - The domestic industry must include **producers of the like article** in India.
 - Producers related to exporters/importers or who are themselves importers may be excluded.
 - The collective output of the applicants should constitute a **major proportion** of the total domestic production.

Rule 5(4): Examination of the Standing

27. Notwithstanding anything contained in sub-rule (1) the designated authority may initiate an investigation *suo-motu* if it is satisfied from the information received from the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, appointed under the Customs Act, 1962 (52 of 1962) or from any other source that sufficient evidence exists as to the

existence of the circumstances referred to in clause (b) of sub-rule (3).

28. While the subject investigation was initiated under Rule 5(4) of the Rules, the Authority notes that despite repeated requests and reminders from this Authority, including multiple meetings, both in-person and virtual, and email communications (dated February 15, 2024, February 20, 2024, February 22, 2024, and August 14, 2024), the Association, despite its assurances in the said meetings, has failed to provide the requisite data to substantiate the claims made at the time of initiation. Specifically:
- a) The Association claimed to represent approximately 150 domestic producers of Fasteners. However, no documentary or other supporting evidence has been provided to validate this claim.
 - b) There has been no submission of requisite costing data or injury claims from any members of the Association, other than the data submitted by ATM.
29. The submission of complete and accurate data is crucial for the Authority to conduct a fair and objective investigation. Without the necessary information, the Authority's ability to assess the injury caused to the domestic industry by the alleged dumping has been severely hampered.
30. Notwithstanding the above, the Authority provided the Association with a final opportunity to submit the complete costing and injury data in the prescribed formats for a sufficient number of its member producers by January 16, 2025.
31. In addition, the Authority also convened a meeting with representatives of the domestic industry, including the Association, to discuss this matter on 17th January 2025 and the same was duly intimated to the Association and ATM. However, neither any data was furnished nor the opportunity of the meeting was availed by any of the domestic producers.
32. However, ATM in their reply submitted that they have provided all available inputs and records from their side and highlighted the challenges of obtaining comprehensive data due to the unorganized nature of the sector, comprising tiny, cottage, small, and micro-level manufacturers. Despite efforts to organize these manufacturers, the producer admits that gathering the required documentation was too tedious and ultimately unachievable. Consequently, they conclude that progress on the matter is unlikely.
33. The matter has been examined and it is noted that no domestic producer barring ATM and Association has registered itself as an interested party in the investigation. Further, despite multiple opportunities, the domestic producers have also not complied with the requirements of trade notice 09/2021 dated 29th July 2021 regarding filing of the application by fragmented industry. Thus, the Authority has not been able to ascertain the major proportion of the total domestic production. In view of the above, it is not possible to determine the domestic industry in the subject case.

E. NORMAL VALUE, EXPORT PRICE & DUMPING MARGIN

34. The Authority notes the following:

Under section 9A(1)(c), the normal value in relation to an article means:

i) The comparable price, in the ordinary course of trade, for the like article, when meant for consumption in the exporting country or territory as determined in accordance with the rules

made under sub-section (5), or

ii) when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either:

(a) comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (5); or

the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling, and general costs, and for profits, as determined in accordance with the rules made under sub-section (5);

(b) Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transshipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.

35. It is noted that paragraph 7 of Annexure-I to the AD Rules stipulates three methods of constructing the normal value for Non-Market Economies: (a) on the basis of price or constructed value in a market economy third country; (b) export price from a third country to other countries, including India; and (c) on any other reasonable basis. The Authority notes that under the provisions of paragraph 7 of Annexure-I to the AD Rules, the normal value must first be determined on the basis of the price or constructed value in a surrogate country, or the price of the exports from such country to other countries, including India. Following the initiation of the investigation, neither ATM nor the Association nor any other interested party proposed a surrogate country for consideration. Furthermore, it has been observed that there is no dedicated Harmonized System (HS) Code for the PUC. Consequently, in light of the insufficient available information, the Authority has to construct the normal value using the third method outlined in the relevant provisions, specifically relying on any other reasonable basis, including the price actually paid or payable in India.
36. Hence, as per the practice of the Authority, constructed normal value has to be determined based on the data of the domestic industry. However, the Authority notes that the domestic industry has not filed requisite and sufficient data/information to enable the Authority to construct the normal value.
37. It is noted that the applicants have not made available the details of domestic producers eligible for domestic industry, and absent this information, the Authority has not been able to determine the domestic industry in the subject investigation. Therefore, requisite information has not been made available to the Authority to construct normal value, and dumping margin of the subject goods from the subject country. As a result, the Authority has not considered or examined the comments of the interested parties on the issues of normal value, export price, and dumping margin.

F. INJURY AND CAUSAL LINK

Submissions made on behalf of the opposing interested parties.

38. The representation of Apt Tools and Machinery Indian Pvt. Ltd., (ATM) that they have suffered injury on account of low-capacity utilization, declining sales volume, losses, the decline in market share, etc. is not accurate as they are a profitable company and unable to meet existing demand. The representation is more based on seeking protection to increase sales.

Submissions made on behalf of the domestic industry.

39. ATM has submitted that the key parameters such as capacity, productivity, productivity per employee, power consumption, raw material consumption, administrative and selling overheads, and the cost of production over successive years have remained consistent without any indication of abnormal costs. Despite this stability, profitability has been declining due to the inability to increase the selling prices of the product under consideration over time. To mitigate this impact, the company has engaged in trading activities in addition to manufacturing the product under consideration. This strategy aims to offset the declining revenue from manufacturing by increasing trading turnover to compensate for the inability to raise selling prices.

Examination by the Authority

40. The principles for determination of injury mentioned in the Annexure-II of the Rules states the following:

“The designated authority while determining the injury or threat of material injury to domestic industry or material retardation of the establishment of such an industry, hereinafter referred to as "injury" and causal link between dumped imports and such injury, shall inter alia, take following principles under consideration”.

41. Further, with regards to causal link as per rules (V) of the Annexure 2, it has been stated that,

(v) It must be demonstrated that the dumped imports are, through the effects of dumping, as set forth in paragraphs (ii) and (iv) above, causing injury to the domestic industry. The demonstration of a causal relationship between the dumped imports and the injury to the domestic industry shall be based on an examination of relevant evidence before the designated authority. The designated authority shall also examine any known factors other than the dumped imports which at the same time are injuring the domestic industry, and the injury caused by these other factors must not be attributed to the dumped imports. Factors which may be relevant in this respect include, inter alia, the volume and prices of imports not sold at dumping prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and the productivity of the domestic industry

42. As per the forgoing, the injury determination needs to be made for the domestic industry identified in the investigation. The injury assessment places reliance on verified data from the domestic industry, including production, capacity, sales, profitability, and market share trends. Due to lack of information, it has not been possible to determine the domestic industry as per the Rules. Consequently, it is not possible for the Authority to examine the injury to the domestic industry, and causal link between dumping and injury.
43. The Authority notes that the purpose of imposition of anti-dumping duty, in general, is to eliminate injury caused to the domestic industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures does not aim to restrict imports from the subject country in any way. Trade remedial investigations are intended to restore equal competitive opportunities in the domestic market by ensuring a level playing field for domestic producers by the imposition of appropriate duties against trade distorting imports. However, in the facts of the

present case, due to gross lack of relevant data/information from the domestic producers, an assessment of domestic industry status of applicants and its standing to file the complete application evidencing dumping, injury and causal link has not been possible.

G. Post disclosure comments

G.1 Post disclosure submissions made on behalf of the opposing interested parties.

44. The following comments have been filed on the disclosure statement by the other interested parties:

- a) Incapacity of domestic producer(s) to cater huge domestic consumption/ demand of PUC in India. Maximum three (3) domestic producers are manufacturing the PUC in India. Domestic producer(s) manufacture only few types of fasteners, whereas other types of fasteners are imported from China PR as per the requirements of customers. ATM (applicant/ domestic producer) does not manufacture products as per desired quality, which compels Indian users of PUC to rely on Imported Quality products. Domestic producers generally cater to the demand of PUC within their territory zone or nearby place.
- b) The other interested parties have argued that the applicant industry has not complied with Trade Notice No. 09/2021 and has failed to cooperate with the investigation. Despite multiple reminders and opportunities provided by the Authority, the applicant industry has not submitted relevant information regarding the scope of the Product Under Consideration (PUC), standing of the domestic industry, normal value, dumping, injury, and causal link. This lack of cooperation has hindered the investigation, making it impossible for the Authority to determine the necessary parameters for imposing anti-dumping duties.
- c) The other interested parties have raised the concern regarding inability to ascertain the scope of the PUC. While the applicant, Apt Tools and Machinery (ATM), claimed to have represented 29 manufacturers, and the Association claimed to have represented 150 manufacturers, no supporting data was submitted to validate these claims. Additionally, the applicant's initial request for anti-dumping duty was only for concrete nails, yet the investigation has included a broader range of fasteners. Given the absence of submissions or clarifications from the applicant regarding PUC and like articles, the Authority has been unable to define the scope of the investigation.
- d) The respondents also argue that the applicant industry does not represent a major proportion of the domestic production. It has further been added that other than ATM and the Association, no other domestic producers have registered as interested parties. Furthermore, domestic producers have failed to comply with the requirements of Trade Notice 09/2021, which mandates fragmented industries to submit applications collectively. As a result, the Authority has been unable to determine the domestic industry's standing and whether the applicant meets the eligibility criteria for filing the petition.
- e) It has been submitted that due to the non-cooperation of the domestic industry, the Authority has not been able to establish normal value, export price, or dumping margin as the applicants have not submitted adequate data to construct these values, rendering any assessment of alleged dumping or injury impossible.
- f) The respondents emphasize that anti-dumping measures aim to restore fair competition

rather than restrict imports. However, in this case, the applicant industry has failed to provide essential data to justify the imposition of duties. Since no clear evidence of injury, causal link, or dumping has been established, the respondents request the immediate termination of the investigation. They have cited Rule 6(8), which allows the Authority to conclude an investigation based on available facts if an interested party fails to provide necessary information

G.2: Post Disclosure submissions made by the applicant(s)

45. No submissions have been by the ATM or association(s) post disclosure statement.

Examination by the Authority

46. After examining the comments made by various interested parties, and the facts gathered during the investigation, the Authority finds that the investigation could not be proceeded effectively due to lack of information from the applicant industry. The failure to provide relevant data and information, including the scope of the Product Under Consideration (PUC), domestic industry standing, normal value, export price, dumping margin, and injury assessment, has substantially hindered the investigation process. Consequently, the Authority has been unable to establish the necessary facts required to determine product under consideration, constitution of domestic industry, dumping margin, injury to domestic industry, and causal link.
47. It is also noted that despite multiple opportunities provided by the Authority, the applicant industry, represented by Apt Tools and Machinery (ATM) and the Association, did not comply with the procedural requirements laid out in Trade Notice No. 09/2021. Further, the required data for investigation was not provided by the domestic industry except ATM which is said to be one of the entities out of several other Indian Producers. The lack of cooperation from other domestic producers has resulted in an incomplete representation of the domestic industry and has hindered investigation.

H. Conclusions

48. The anti-dumping investigation concerning imports of 'Fasteners' originating in or exported from China PR was initiated *suo motu* by the Authority vide its Initiation Notification dated 22.09.2023. Upon initiation, the Authority provided opportunity, in accordance with Rule 6, to all Indian producers of the product under consideration to cooperate with the Authority and provide relevant information. However, none of the domestic producers have come forward in providing relevant information concerning product under investigation, like article, constitution of domestic industry, dumping margin, and injury to domestic industry.
49. Rule 14(b) of Customs Tariff (Identification Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules 1995, (hereinafter also referred as the "Rules" or "AD Rules") provides as follows:
- "14. Termination of investigation. - The designated authority shall, by issue of a public notice, terminate an investigation immediately if -*
-
- (b) it is satisfied in the course of an investigation, that there is not sufficient evidence of dumping or, where applicable, injury to justify the continuation of the investigation"*
50. Rule 6 (8) of AD Rules provides as follows:

“6. Principles governing investigations. -:-

(8) *In a 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 designated authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as it deems fit under such circumstances.*”

51. Post initiation of the subject investigation, the domestic industry has not provided necessary information to the Authority. Therefore, the Authority notes that there is no sufficient evidence of dumping and injury to justify the continuation of the investigation in accordance with Rule 14 (b) of AD Rules. The Authority also notes that when interested party does not provide necessary information, the Authority is required to proceed on the basis of facts available in accordance with Rule 6(8) of AD Rules. Thus, due to lack of required data, the Authority is unable to make any determination regarding evidence of dumping and injury to the domestic industry.
52. Therefore, the Authority is constrained to terminate the present investigation in terms of Rule 14(b) read with Rule 6 (8) of the AD Rules.

I. **Further Procedure**

53. An appeal against this notification shall lie before the Customs, Excise and Services Tax Appellate Tribunal in accordance with the Customs Tariff Act, 1975.



(Darpan Jain)
Designated Authority