



MINISTRY OF COMMERCE
UDYOG BHAWAN
NEW DELHI

ANTI-DUMPING

APPPLICATION PROFORMA

DIRECTORATE GENERAL
OF
ANTI-DUMPING & ALLIED DUTIES

INTRODUCTION

This Directorate has considered the need to streamline antidumping documentation so as to make it more concise and comprehensive. This publication contains the revised format and guidelines for applications seeking anti-dumping action.

The petitioners are expected to furnish a fully documented petition with the information as per the revised format and the footnotes in each part thereof. The information so submitted should be drawn from reliable source. Wherever required the petitioner should annex the copies of requisite documents to substantiate facts and figures presented.

The officers of the Directorate will be available for any assistance required in the completion of a fully documented petition to present prima facie evidence of dumping, injury and causal link thereof as required by the Rules governing the process of Anti dumping investigations.

GENERAL

1. The applicant is advised to familiarize themselves with Sections 9A, 9B, and 9C of the Custom Tariff Act, 1975 and the Customs Tariff(Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of injury) Rules, 1995 before filing a petition. The applicant may also refer to the Brochure issued by this Directorate on the subject.
2. The Designated Authority would initiate investigations to determine the existence, degree and effect of any alleged dumping upon receipt of a properly documented petition by or on behalf of the domestic industry in accordance with Rule 5(1).
3. Rules 5(5) requires the Designated Authority to examine the accuracy and adequacy of the evidence provided in the application and satisfy itself that there is sufficient evidence regarding dumping, injury where applicable and a causal link between dumped imports and the alleged injury to justify the initiation of an investigation.
4. No petition will therefore be taken on record of this Directorate until it is fully documented and until all informations elicited therein are furnished by the petitioner. In case of any problem faced in filling the application the concerned Case Officer of the Directorate may be contacted for assistance and help. The petitioner must ensure that the application filed by them is complete in all respects and is fully documented, so that it may be taken on record by the Authority and necessary action initiated.
5. The petition should specifically cover, inter alia, the following:
 - i) information on the imported product;
 - ii) information the domestic industry and the domestic market;
 - iii) evidence of dumping;
 - iv) evidence of injury; and
 - v) evidence of causal link
6. Confidential information: Rule 7 permits an interested party to furnish information on confidential basis. Any information which is by nature confidential (for instance, information the disclosure of which would be of significant competitive advantage to a competitor or because its disclosure would have a significantly adverse effect upon a

person supplying the information or upon a person from whom that person acquired the information), shall be treated as such. Evidences relating to Normal Value, export price, costing profitability, specific adjustments in pricing are examples of such information which is usually accepted by Designated Authority as confidential. If confidentiality is claimed on any other aspect, which generally is not the above criteria, the applicant should give a brief statement of reasons as to why that particular information needs to be kept confidential. In case such information is furnished on confidential basis without recording any reasons for claiming it to be confidential, the Designated Authority may disregard such information. It is of utmost importance that each page and supplementary information furnished on confidential basis is clearly marked "confidential" on the face of it, failing which the request for confidentiality may not be entertained.

All documents/ arguments/ submissions or correspondence made on a confidential basis should necessarily be accompanied by a non-confidential summary, failing which such communication is liable to be ignored without making any other further reference to the supplier of such information, in view of the time limits laid down under the law.

7. The petition is required to be submitted in two copies along with one non-confidential version thereof. The Designated Authority may, however require additional copies before initiation of investigation at any time during the course of the investigations.
8. The Designated Authority may provide any information submitted by the applicant (or any other party) on non-confidential basis to other interested parties in accordance with Rule 6.
9. The petition should contain information as detailed in the enclosed proforma. The proforma enclosed is not a fill in proforma and, therefore, should be treated as a questionnaire. Any information not requested in the proforma which may be of importance, may also be furnished.
10. Applicants are advised to consider a time period for providing the information. The time period chosen for furnishing information should preferably be 12 months or more. It is desirable that this period be most recent and correspond to the accounting year of the domestic industry. All information, unless otherwise specified, should relate to this period.
11. The Designated Authority may request any additional and/ or supplementary information any time before or after initiation of investigation.
12. All information unless otherwise specified should relate to the relevant product.

13. The Designated Authority requires detailed information on the extent of injury upon initiation. The information generally required to be furnished is indicated in PartIV of these guidelines.

14. The application should be addressed to :
Designated Authority
Directorate General of Anti-dumping and allied Duties
Ministry of Commerce
Udyog Bhavan, New Delhi 110011

15. Please complete the certificate as at Formal "F" for submission along with the petition.

IMPORTED PRODUCT INFORMATION

Please provide complete information on the product which is alleged to be dumped in India. The following information is relevant in this section of the complaint:

1. Complete description of alleged dumped goods, including information on its size, quality, category and uses of such goods along with any applicable technical specifications or standards (national or international) and the ITC (HS) classification, customs classification, customs duty, import policy(including Advance Licensing provisions).
2. Country(ies) of origin of the alleged dumped goods.
3. Since when such goods from the named country(ies) is (are) being imported in the Indian market and when did dumping start.
4. Whether such goods are shipped to India through third countries.
5. Volume, value and avg. Cif value of such goods imported from other countries, not alleged to be dumping the goods, for the past two years and the current year to date and the source of information thereof.
6. Volume, value and avg.cif value of such goods imported from other countries, not alleged to dumping the goods, for the past two years and the current year to date and the source of information thereof.
7. Name(s) and address (es) of known exporters and manufacturers of the alleged dumped goods.
8. Name(s) and address (es) of known importers of the alleged dumped goods in India.
9. Name(s) and address (es) of the users of the alleged dumped goods in India.
10. Name(s) and address (es) of Association of the users of the alleged dumped goods in India.

Note: Data on the volume and value of imported goods can be determined from some published sources, such as the Directorate General of Commercial Intelligence & Statistics (DGCI&S) publications, Customs Daily Lists and/or information otherwise available. Source of information must be specified while furnishing information.

INDIAN INDUSTRY PROFILE

Please provide complete information about the Indian industry producing the subject goods. The following information is relevant for this section of the complaint:

1. (a) Name(s) , address(es) of the Regd. Office, contact person, telephone numbers, and fax numbers of Indian producers of the subject goods who are lodging the complaint.
2. Name(s), address (es), contact person, telephone numbers, and fax numbers of Delhi Office, if any, of the Indian producers of the subject goods who are lodging the complaint.
3. Name(s) and address (es) of all Indian producers including the complainant alongwith their production (volume and value) of subject goods during the last two years, and the current year.
4. Whether viable substitutes exist for the product. If so, please provide complete information about the substitutes and their degree of substitution.
5. Subject goods (including size, type, range, models) that petitioner(s) produces. Details of articles that petitioner(s) is/are capable of producing. Details of goods the petitioner(s) may purchase to complement the product line.
6. (a) Do any of the petitioner(s) import the subject goods. If yes, please provide details of countrywise volume and value of imports during the last two years and in the current year to date.
(b) Are any of the petitioners related to the exporters or importers of the alleged dumped article. If so, the nature of such relationship.
7. What are the differences in the petitioner(s) product and the alleged dumped product, if any? To the extent feasible, differences in the imported product and petitioners' product may be quantified.
8. Please indicate any difference in the production process employed by the petitioner(s) and the exporters. It would be appropriate to quantify the impact of such differences, if, any, on prices.
9. Volume and value of total Indian production with a separate breakdown of petitioner(s) and of other Indian producers not party to this complaint for the last two financial years and current year to date.

EVIDENCE OF DUMPING

Please provide complete information to demonstrate dumping of the subject goods. The following information is relevant for this section of the complaint:

1. Estimates of Normal Value

The following information with respect to the Normal Value of the alleged dumped product in the subject country(ies) may be provided :

- (a) Comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory. Price lists of the exporters, commercial invoices raised in the local market in the subject country(ies), reputed trade journals, etc may form a reasonable source of evidence to establish Normal Value in the exporting country(ies). Please calculate the exporter's price in the domestic market at ex-factory level. Please provide information on the adjustments in the selling prices required to be made on account of trade/commercial discounts, taxes, merchandise differences, taxation, etc associated with the selling prices considered for determination of Normal Value.
- (b) In case there are no sales of the like articles in the ordinary course of trade in ;the domestic market of the exporting country or territory, or 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, please provide.
 - (i) comparable representative price of the like article when exported from the exporting country or territory to an appropriate third country, or
 - (ii) the cost of production of the subject goods in the country of origin alongwith reasonable addition for administrative, selling and general cost and for profits.
- (c) Normal Value at ex-factory level. Here, please detail all adjustments claimed for arriving at ex-factory level.

It may be mentioned that the most preferred methodology for Normal Value determination is the Normal Value based on the prices prevailing in the domestic market of the exporting country.

2. Estimates of Export Price.

Provide the following information, country-wise, with respect to the Export Price of the product for last two financial years and the current year to date.

- * average Export Price to India and the basis of prices (e.g. FOB, CIF, FOR, etc):
- * costs per unit after ex-factory and before exports to India that the exporters should have incurred towards items such as inland freight, insurance, taxes, etc. (information on each of these items is to be given separately and should be supported with sufficient evidence);
- * the benefits which accrue to the exporters in the subject country(ies) on exports made to India which are not available to the exporter in case of sales in the home market.
- * Net export price after adjustments towards freight, insurance, inland freight, storage etc.

3. Estimates of Dumping Margin:

Provide details of estimates dumping margin in case of each country alleged to be dumping the subject goods in India. The information may be provided in the following format.

	In local currency of exporters	Exchange Rate Vis-à-vis US \$	In US \$
Normal Value			
Export Price			
Dumping Margin			

EVIDENCE OF INJURY

Please provide complete information on how imports of the alleged dumped goods cause or threaten material injury to the domestic industry or materially retards its establishment. The following information is relevant for this section of the complaint :

1. Changes in market share held by Indian producers;
2. Increased imports from the subject country(ies);
3. Significant decline in the production of the petitioner(s);
4. Significant decline in the utilization of capacity of domestic industry (under utilization of capacity);
5. Significant decline in the sales volume of the petitioner(s);
6. Selling price (evidence of price erosion, price undercutting, price suppression or price depression);
7. Evidence of lost contracts or declining sales;
8. Employment (employment levels, lay-off of employees due to increased alleged dumped imports);
9. Profitability (history of profit levels for the petitioner(s) and industry);

Please give the above information as per proforma IV A and IV B.

Injury Information on Domestic Industry

Provide information for the domestic industry as a whole for the period of investigation and the preceding two financial years in the format given below:

S. No.	Particulars	Year 1		Year II		Period of Investigation	
		Qty.	Value	Qty.	Value	Qty.	Value
1.	Imports * From the subject country(ies) *Other country(ies)						
2.	Installed capacity						
3.	Production						
4.	Capacity utilization						
5.	Captive consumption						
6.	Indigenous sale						
7.	Export sale						
8.	Opening stock						
9.	Closing stock						
10.	Cost of sales						
11.	Profit / Loss						
12.	Investments						
13.	Networth						
14.	Capital investment for expansion						
15.	Employment (Manpower strength)						
16.	Demand (1+5+6)						
17.	Market Share*						
18.	Any other factor						

Notes:

1. Please indicate unit of measurement wherever applicable.
2. Indicate basis of estimating demand, if it is other than what is specified in the format above.
3. Furnish the Balance sheet and financial statements for these years for the company(ies) as a whole and for the unit(s) and the specific product in question when the company(ies) is a multi-unit and multi-product one.

*(Indigenous sale by the domestic industry as a percentage of Demand)

Country-Wise Landed Value

Provide details regarding export price, custom duty etc. and work out the landed value of imports per unit of the alleged dumped product for each of the subject country(ies).

Name of the exporting country

S. No.	Particulars	Year I		Year II		Period of Investigation	
		Qty.	Value	Qty.	Value	Qty.	Value
1.	Avg. FOB price (US \$)						
2.	Charges after FOB and before CIF 1. Freight 2. Insurance 3. Other charges						
3.	Avg. CIF price (US \$) (1+2)						
4.	Avg. Exchange Rate						
5.	Avg. CIF Price (Rs.) (3*4)						
6.	Landing charges						
7.	Avg. Assessable value (5+6)						
8.	Custom clearance & Handling Charges						
9.	Custom Duty i Basic ii Auxiliary iii Countervailing Duty						
10.	Landed Value of Imported Product (7+8+9)						
11.	Avg. Selling Price of Indigenous product (i) Including excise duty (ii) Excluding excise duty						

Notes:

1. Separate proforma for each of the exporting country is to be furnished.
2. Break-up of custom duty is to be indicated separately.
3. Supporting data/details are to be attached.
4. In the absence of FOB price, the statement may be prepared from other stage.

EVIDENCE OF CAUSAL LINK

Please provide information on the factors which establish that the injury to the domestic industry is due to dumping from the subject country(ies). Factors other than dumping which are also at the same time causing injury to the domestic industry must be segregated. Provide information on the following :

The following information is relevant for this section of the complaint:

1. Volume and value of imports from country(ies) other than the subject country(ies)_ and an explanation on why imports from these country(ies) are not causing injury to domestic industry.
2. Demand of the product for the past three years including the current year. In case the demand has undergone substantial change, an explanation on why changes in the demand has not caused injury to the domestic industry.
3. Provide explanation on whether trade restrictive practices of an competition between the foreign and domestic producers, developments in technology, the export performance or the productivity of the domestic industry or any other known factors have not caused injury to the domestic industry.

COSTING INFORMATION

Please provide information on the following separately superscribing COSTING INFORMATION alongwith the documented anti-dumping petition.

1. Production Process : Stagewise process of manufacturing and various routes of manufacture. Process flow chart indicating cycle time taken at each process.
2. Raw materials and packing materials consumption and reconciliation statement as per Format 'A'.
3. Raw Materials consumption norms and comparison with actuals as per Format "B".
4. A statement showing cost of production as per Format "CI" and "CII". A statement classifying expenses shown in Format "CI" into Fixed, Variable and Semi-variable. The semi-variable expenses may further be classified into Fixed and Variable. The basis of classification may be clearly mentioned.
5. Utilities consumption statement as per Format "D" for the investigation period and previous three years.
6. Calculations of working capital as follows :
 - a) Working Capital as per Balance Sheet
 - b) Working Capital as per Bank Limits,
 - c) Working Capital as per Production Cycle Time.
7. Interest on Term Loans : Statement of term loan outstanding at the beginning of the year, at the end of the year, interest paid/payable on term loans and average rate of interest on term loans.
8. Overdue and/or compounding interest : Statement showing details of overdue and/or compounding interest provided in the annual audited accounts relevant to the period of investigation.
9. Depreciation : Statement showing gross and net block for the investigation period and previous year.
10. Return/profit : Statement showing desirable return on capital/equity alongwith justification in support thereof.
11. Details of misc. income earned during the year.
12. Sales Realisation : A statement showing details of gross sales realisation, discounts/commission, excise duty, other taxes and net sales realisation, as per Format "E" for the past three years and monthwise for the investigation period. The figures should reconcile with balance sheet of the corresponding years.

13. Details of WIP at the beginning and end of the investigation period, clearly indicating break up of material cost and overheads charged in the valuation.
14. Brief write up on the following :
 - (a) Purchase policy including long terms contracts for major materials.
 - (b) Sales policy indicating marketing/distribution channels, commission/discount policy, credit terms etc., sales policy to bulk consumers.
 - (c) Stores accounting and inventory/stock/WIP valuation.
 - (d) Quality control procedure and tests being conducted.
15. A statement showing Production, Sales Quantities, Capacity Utilisation, Stock, Net Average Sales Realisation, Cost of Production, Profit/Loss for the past three years and monthwise for the period of investigation.
16. Details of job work done or got done during the investigation period.
17. Audited and printed annual accounts for the investigation period and past three years, and trial balance for the investigation period.

NOTE:

- 1) All the information, unless otherwise stated, should relate to the investigation period.
- 2) Information may be compiled, to the extent possible, from the annual audited accounts and supplementary records being maintained by the Company.
- 3) All the information is subject to verification, and therefore, all supporting papers, including working sheets may be preserved for verification by the Designated Authority.
- 4) The information, to the extent possible, should be supplied in the formats prescribed.
- 5) The hard copy of COSTING INFORMATION should invariably be accompanied with a soft copy (on floppy disc/compact disc).

**STATEMENT OF RAW MATERIALS AND PACKING
MATERIALS CONSUMPTION AND RECONCILIATION**

Particulars	Opening Stock			Purchases			Closing Stock			Consumption		
	Qty.	Rate	Value	Qty.	Rate	Value	Qty.	Rate	Value	Qty.	Rate	Value
Raw Materials (Item wise)												
Packing Materials (Item wise)												
Total												

Note: This statement should be for the investigation period.

STATEMENT OF RAW MATERIAL CONSUMPTION

Particulars	Unit	Consumption per unit of production	Actual Consumption per unit of production			Average Rate for Investigation period
			Year 1	Year 2	Year 3	
Raw Materials (Item Wise)						
Total Cost per unit of production Considering Rates for the investigation period						

STATEMENT OF COST OF PRODUCTION

Name of the Company		
Installed capacity		
Production in Installed		
Capacity Utilisation (%)		
Production in Investigation Period		
Capacity Utilisation in Investigation Period		
Sales (quantity)		
Particulars	Previous Accounting Year	Investigation Period
	Qty. Rate Value Cost per unit	Qty. Rate Value Cost per unit
Manufacturing expenses		
Raw materials (specify the major raw materials)		
Utilities		
Depreciation		
Others (please specify the Nature of expenditure)		
Administrative Expenses		
- Variable		
- Fixed		
Selling & Distribution Expenses		
- Variable		
- Fixed		
Financial Expenses		
- Variable		
- Fixed		
Less: Misc. Income (from Product concerned)		
Total Cost to make and Sell		
Selling price		
Profit / Loss		

Note: Please specify the unit, wherever applicable.

The information in this proforma is **to be certified by practising Cost Accountant.**

ALLOCATION AND APPORTIONMENT OF EXPENDITURE

Please provide the basis alongwith the amount allocated to the subject product and to other products out of the total expenses of the company, as per following format

Sl.	Particulars Expenses	Total applicable to product under investigation	Share Applicable to product under investigation	Share not allocation / Apportionment	Basis of
1	2	3	4	5	6
	Raw Material (itemwise)				
	Consumable stores and spares/other inputs				
	Utilities (power, fuel, steam, etc.)				
	Direct labour				
	Manufacturing Overheads (Specify under major heads)				
	Research & Development				
	Administrative Overheads				
	Selling & Distribution cost				
	Depreciation				
	Financial expenses				
	Other misc. expenses				
	Total expenditure				
	Sales				
	Other income				
	Total income				
	Profits / Loss				

Note :

1. The information in this proforma is to be certified by practising Cost Accountant
2. All items of income and expenditure shall be reconciled with Annual Accounts.

STATEMENT OF CONSUMPTION OF UTILITIES

Particulars	Consumption Norms (per unit of Production)				Actual Consumption (per unit of production)			Investigation Period	
	Y1	Y2	Y3	POI	Year1	Year2	Year3	Unit	Rate
a) Power									
b) Water									
c) Other (please specify)									
Total Cost Considering investigation period rates									

Note : The details should be in terms of items of utilities purchased and paid by the company.
The rates should be the average cost for the investigation period.

STATEMENT OF SALES RELATIONS

Year Sold	Quantity Sales (Rs.)	Gross Commission	Discounts / Duty	Excise Realisation	Net Sales Realisation per unit (Rs.)	Net Sales
Year 1						
Year 2						
Year 3						
POI						

Investigation Period (monthwise) and total for the investigation period

Note : Please indicate applicable units

CERTIFICATE

I hereby certify that the information contained in this submission is true, Complete and correct to the best of my knowledge and belief, on the basis of the records available and generally maintained by the company, and no material has been concealed or misrepresented.

(Signature)

Date _____

(Name / Designation)

- Note:
- (1) This page should be completed and appended at the beginning of your petition.
 - (2) The certificate should be signed by Chief Executive of the Co./Directors/Partners or the proprietor of the firm.

For further details, please contact:

Directorate General of Anti-Dumping & Allied Duties

Ministry of Commerce

Udyog Bhawan, New Delhi -110 011

Tel : 3013294, Fax : 3014418