

F. No. 8/3/2021-DGTR
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara building,
5, Parliament Street, New Delhi -110001

Dated: 29th July, 2021

Trade Notice No.: 07/2021

Subject: Simplification of importer's questionnaire to be filed by unrelated importers in Anti-Dumping investigation- reg.

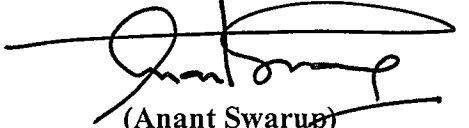
Attention of all members of Trade and Industry is invited to the existing importer's questionnaire to be filed by unrelated importer(s) in Anti-Dumping investigation.

2. There have been representations from various stakeholders with regard to difficulties being faced by them in complying with existing requirements. To ascertain the difficulties faced by them, stakeholder consultations were also held.

3. Accordingly, in response to their demands as also to fulfil the objective of reduction of compliance burden for citizens and business, the existing importer's questionnaire has been simplified. Requirement of non-essential and repetitive information has been dispensed with.

4. The new importer's questionnaire along with revised appendices to be filed by unrelated importer(s) is enclosed herewith.

5. Henceforth, importers not related to foreign producer(s)/ exporter(s) shall use the new/revised formats specified above. The instructions contained in this trade notice supersedes all previous instructions or Trade Notices, issued by the Directorate on this subject.


(Anant Swarup)
Designated Authority



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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

ANTI-DUMPING

QUESTIONNAIRE FOR

UN-RELATED IMPORTER IN INDIA

DIRECTORATE GENERAL OF TRADE REMEDIES

Website: <https://www.dgtr.gov.in>

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Directorate General of Trade Remedies (DGTR)

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India

FORM OF QUESTIONNAIRE

LEGAL PROVISION

The Sections 9A, 9B and 9C of the Customs Tariff Act, 1975, as amended from time to time, and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of injury) Rules, 1995 ("AD Rules"), as amended from time to time, framed thereunder form the legal basis for anti-dumping investigations and for the levy of anti-dumping duties. These laws are based on the Agreement on Anti-Dumping which is in pursuance of Article VI of GATT, 1994.

GENERAL

1. The questionnaire is to enable the Designated Authority to obtain the information from the interested parties deemed necessary for the present investigation in accordance with Rule 6(4) and 6(5) of the AD Rules.
2. This questionnaire is to be filled in by an importer in India, not related to producer/exporter of product under consideration in subject countries. If the unrelated importer is also a user of the subject goods, then such unrelated importer has to fill the user questionnaire. It is in the interest of the importer(s) to reply to the questionnaire accurately and adequately and to attach supporting documents, wherever required.
4. The questionnaire is not of a "fill in type" and provides for submission of answers to the questions. The information provided should be strictly as per the questionnaire and preferably in the same order as in the questionnaire and the declaration provided herein must be affixed. Wherever, the statistical and accounting data is required, the relevant formats have been prescribed.
5. All documents and source material submitted in response to this questionnaire must be in English.
6. All units of measurement and currencies used in Appendices and other information should be clearly identified.
7. 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 finding on the basis of the facts available to it and make such recommendations to the Central Government as it deems fit under such circumstances as provided in Rule 6(8) of the AD Rules.

INSTRUCTIONS FOR FILLING FORMATS

8. The duly filled formats are to be filed along with the response.
9. An interested party supplying information must ensure that all the information supplied is clearly marked either "Confidential" or "Non-confidential" at the top of each page. Information supplied without any mark shall be treated as non-confidential and the Designated Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Confidential information must be accompanied by non-confidential summary to the extent conducive to summarization. However, if the Designated Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in a generalized or summary form, it may disregard such information (in accordance with Rule 7 of the AD Rules).
10. A copy of all non-confidential submissions shall be placed in a public file, open for inspection by an interested party, on request, participating in the investigation in accordance with Rule 6(7) of the AD Rules.
11. An interested party supplying the information must ensure that the information supplied should clearly bear /marked name of the company at the top of each page.
12. The certificate at Appendix "A" must be attached with the response. You are also required to fill Appendix "B" in case any person/firm/company is being authorized to represent your interests in the investigation. Further, the legal representative is required to submit a declaration as given in Appendix-C.
13. Please provide two hard copies of Confidential and Non-confidential versions of the responses/submissions along with the soft copy made during the course of antidumping investigation. Also provide all write-ups / explanations etc., preferably in MS Word file and all formats/appendix in MS Excel format.
14. The Designated Authority may carry out verification to examine the records of your company and to verify the information provided in this questionnaire

COMPANY NAME:	CONFIDENTIAL VERSION/ NON-CONFIDENTIAL VERSION
<ul style="list-style-type: none">• Investigation: • Country(ies) concerned: • Product Under investigation: • Period of Investigation (POI):	

INFORMATION TO BE PROVIDED BY UNRELATED IMPORTERS IN INDIA

SECTION A: GENERAL

1. Please supply details of your company/firm:

- (i) Name:
- (ii) Address:
- (iii) Telephone:
- (iv) Fax:
- (v) E-mail:
- (vi) Website:
- (vii) Names of the person(s) to contact and designations.

2. In case you have authorized a legal representative to assist you in this proceeding please give:

- (i) Name of legal representative:
- (ii) Address:
- (iii) Telephone:
- (iv) Fax:
- (v) Email:

3. Describe the legal form of your organization and when it was established.

4. List the names of the principal shareholders during the POI of your company. State whether any of them are related to any other company engaged in production and sale of the product under investigation.

5. Please give details of all your units linked to the product under consideration and indicate clearly the role/operations performed by these units.

7. Outline your company's affiliations, including parent companies, subsidiaries, and all other related companies whether or not involved with the product under investigation along with the names and addresses, telephone, fax numbers and Email address. Specify the activities of each related company. In addition, please specifically identify all related companies which are involved in product under consideration.

SECTION B: FINANCIAL INFORMATION

1. State your corporate financial year.
2. State whether your accounting practices are in accordance with the Generally Accepted Accounting Principles ("GAAP") of India. If not so, list the accounting practices, which are not in accordance with the GAAP.
3. Attach an English version of the audited accounts including balance sheet, profit and loss accounts and all reports, notes, footnotes and auditor's opinion to these documents for the last two most recent financial years for your company.

SECTION C: IMPORTS AND RESALE OF PUC

1. Explain your company's channels of distribution to customers in India starting from the factory gate until the first resale to customers. Describe the physical flows (products) and the financial flows (e.g. invoices and payments) involved. Include a detailed flow chart indicating terms of sale and pricing to each category of customer (e.g., traders, distributors, wholesalers, industrial users, end users, etc.) including related companies. If the product under investigation is changed in any way between purchase and resale, please provide the details.
2. Fill the following Appendix (as applicable)
 - a. Appendix-1: Details of imports of PUC from subject countries from unrelated parties
 - b. Appendix-2: Details of purchase from domestic suppliers
 - c. Appendix-3: Summary Statement of imports
 - d. Appendix-4: Details of Resale of subject goods.
 - e. Appendix-5: Profitability Statement

SECTION D: PRODUCT COMPARISON AND MARKET INFORMATION

1. Provide full description including specifications of the product involved in the investigation imported in India and sold in the home market. If you consider that your product, though falling within the product description as defined by Authority, differs from the product under consideration in any way or has specific characteristics or uses which single it out from the product under investigation, please provide detailed information justifying your position.

2. Please mention and elaborate any causes other than the imports of the product under investigation from the country concerned which may have contributed to the alleged injury suffered by the Indian producers.
3. Please indicate whether your company would be in favour of the imposition of antidumping measures or against.
4. Are there products that could be easily substituted for the PUC? If yes, then name such products and explain how these products can substitute PUC?
5. Do the producers/exporters of the country concerned have any comparative advantage in comparison with Indian producers?
6. Any other issue, which you may like to bring to the notice of the Authority relating to the investigation.

**CERTIFICATE BY THE CHIEF EXECUTIVE OF THE
COMPANY/DIRECTORS/PARTNERS OR THE PROPRIETOR OF THE FIRM.**

(On Letterhead of the Company)

1. On behalf of the [name of the importer entity], it is hereby certified that I have read the attached submission of [name of the importer entity] dated_____ pursuant to initiation of the Anti-Dumping Investigations against the Product_____ originating in or exported from _____.
2. It is certified that the information contained in this submission is true, complete and correct to the best of my knowledge and belief. The same is based on the records of the company consistently made by the company. We have neither knowingly and/ or willfully concealed or misrepresented any material information nor made any material false statements to the Designated Authority. I am fully aware that in the event of any data/ information/ claim found to be contrary to the facts, the Designated Authority would have full discretion to reject our entire submission.
3. I/We also understand that we may be responsible, individually and severally, for the consequences of any deliberate or willful and/or fraudulent concealment, mis-declaration or misrepresentation by me/us in any manner whatsoever.

Name: _____

Signature

Designation: _____

Seal

Date: _____

Note: If this Certificate is signed by an Authorized Representative other than the Officers referred above, a copy of the authorization from the Competent Officer or the Chief Executive of the Company/ Directors/Partners or the Proprietor of the Firm or the Board of Directors be also attached.

AUTHORISATION LETTER

We hereby appoint the following person/firm/company in India to represent us in the anti- dumping investigation being conducted by the Designated Authority.

(Name, address, telephone, fax numbers and E-mail address of the person/firm who may represent you)

M/s _____ (name) is authorized, inter-alia, for the following:

1. To receive communications from the Designated Authority.
2. To make submissions on our behalf.
3. To appear for and on our behalf

(Please strike off whichever activity is not to be authorized)

Date _____

(Signature)

(Name/Title)

Note:

(1) This page should be completed and appended at the beginning of your submission.

(2) The certificate should be signed by Chief Executive of the Company/Director/Partner or the Proprietor of the firm/duly Authorized Representative of the company/firm filing response to this questionnaire.

DECLARATION BY LEGAL REPRESENTATIVE

(On Letterhead)

I/We _____ counsel/s or legal representative/s to [name of the importer], certify that I/We have read the attached submission of [name of the importer] dated _____ pursuant to Initiation of the Anti-Dumping Investigation against the Product _____ originating in or exported from _____

In my/our capacity as a legal representative/s, I/We have explained the basic provisions of the Indian anti-dumping laws to the party including the consequences of any deliberate or willful and/or fraudulent concealment, mis-declaration or misrepresentation by the said party in any manner whatsoever.

In my/our capacity as an adviser, counsel, preparer or reviewer of this submission, I/We further certify that the information contained in this submission is true, complete and correct to the best of my/our knowledge and belief and that it is based on the records of the company generally/ consistently made by the company and that I/We have not knowingly and/or willfully made any material false statements to the Designated Authority and am/are not party to any concealment, mis-declaration or misrepresentation by my/our clients.

Name: _____

Signature

Designation: _____

Name and Membership No. of the professional body

Seal

(e.g. ICAI, ICMAI, Bar Council), if any: _____

Date: _____

Information relating to purchases from domestic suppliers during Period of Investigation

Sr. No.	Description of Product	Supplier's Name	Whether related	Invoice No.	Invoice Date	Quantity	Invoice Value	Delivery Terms	Rebate/ Discount/ Commission	Other Duty and Taxes

Country-wise details of import (from subject as well as non-subject countries)

Sr. No.	Country	2nd Previous Year		1st Previous Year		POI		Remarks
		Qty	Value	Qty	Value	Qty	Value	
1	2	3	4	5	6	7	8	9
	TOTAL							

* As per Initiation Note

Note: Indicate the value in contracted currency and give average rate of exchange

Profitability Statement

S. No.	Particulars*	Total Company as a whole (for POI)	Share applicable to product under Investigation (Resale of imported PUC from subject countries) China	Share applicable to product under Investigation (Resale of imported PUC from non-subject countries)	Share applicable to product under Investigation (Resale of product originating in India sourced from domestic producer/trader)	Share not applicable to product under Investigation	Basis of Allocation/ Apportionment
	Purchase Quantity						
	Sales Quantity						
	Cost of Purchase						
	Stock Adjustment						
	Administration expenses						
	Selling & Distribution cost						
	Depreciation						
	Financial Expenses						
	Other Expenses						
	Total Expenses						
	Sales Revenue						
	Other Revenue						
	Total Revenue						
	Profit/Loss						

*The nomenclature in the above format may be amended based on the audited financial statements.