

No. 4/5/2018-DGAD  
Ministry of Commerce & Industry  
Department of Commerce  
Directorate General of Anti-Dumping & Allied Duties  
4th Floor, Jeevan Tara building, 5, Parliament Street, New Delhi -110001

Dated: 10<sup>th</sup> May 2018

**Trade Notice: 9/2018**

**Subject: Streamlining of the Anti Dumping Investigations Process – Clarification regarding related parties in case of questionnaire for Anti-Dumping investigations for Producer/Exporter/Related Importer.**

Attention of Trade and Industry is invited to Trade Notice No. 05/2018 by which the authority had prescribed questionnaire format for producers/exporters exporting to India and their related importers in India. In this regard, representations have been received from various stakeholders requesting for a clarification as to the meaning of the term 'related' as noted in the questionnaire format.

2. It is felt that there is a need to clearly define as to when producers/exporters/importers would be considered as 'related'. It is considered appropriate that the definition as indicated in Rule 2(2) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007 as included in the new shipper review questionnaire prescribed *vide* Trade Notice No. 08/2018 and as given below may be taken into consideration:

Rule 2(2): Persons shall be deemed to be "related" only if-

- (i) they are officers or directors of one another's businesses;
- (ii) they are legally recognised partners in business;
- (iii) they are employer and employee;
- (iv) any person directly or indirectly owns, controls or holds five per cent or more of the outstanding voting stock or shares of both of them;
- (v) one of them directly or indirectly controls the other;
- (vi) both of them are directly or indirectly controlled by a third person;
- (vii) together they directly or indirectly control a third person; or
- (viii) they are members of the same family.

*Explanation I. - The term "person" also includes legal persons.*

*Explanation II. - Persons who are associated in the business of one another in that one is the sole agent or sole distributor or sole concessionaire, howsoever described, of the other shall be deemed to be related for the purpose of these rules, if they fall within the criteria of this sub-rule.*

3. This clarification shall apply to Anti-Dumping Questionnaire Format for Producer/Exporter/Related Importer as notified *vide* Trade Notice No. 05/2018 dated 28<sup>th</sup> February 2018 from the date of issuance of this Trade Notice.

  
10.5.18  
(Sunil Kumar)

Additional Secretary and Designated Authority

To  
All concerned