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F. No. 7/30/2021-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

Dated: 13th October, 2021

Case No. AD-MTR-11/2021

INITIATION NOTIFICATION

Subject: Initiation of Mid-Term Review limited to change of name of producer/exporter from Korea RP in the anti-dumping investigation concerning imports of “Aluminium and Zinc coated flat products” originating in or exported from China PR, Vietnam and Korea RP.

A Mid-Term Review application has been filed by M/s KG Dongbu Steel Co., Ltd., Korea RP (hereinafter also referred to as “Applicant”) for change in name of the producer from Korea RP in the Final Findings issued by Designated Authority vide Notification No. 6/4/2019-DGTR dated February 21, 2020 recommending definitive anti- dumping duty on the imports of Aluminium and Zinc coated flat products (hereinafter also referred to as the subject goods), originating in or exported from China PR, Vietnam and Korea RP. The Applicant is a Producer/ Exporter of the product under consideration and the company is incorporated in the Republic of Korea. The Applicant has claimed that they were formerly known as Dongbu Steel Co., Ltd, producer/exporter from Korea RP that participated in the original investigation.

A. Background

1. In accordance with Customs Tariff Act, 1975, as amended in 1995 and thereafter (hereinafter also 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 also referred to as the “Rules”), the Designated Authority (hereinafter also referred to as the Authority) had issued its final findings vide Notification No. 6/4/2019-DGTR dated February 21, 2020 recommending definitive anti- dumping duty on the imports of “Aluminium and Zinc coated flat products” originating in or exported from China PR, Vietnam and Korea RP.
2. The Central Government, vide Customs Notification No. 16/2020-Customs (ADD) dated June 23, 2020, had imposed definitive anti-dumping duty on the imports of the subject goods originating in or exported from the subject countries.
3. In the instant case, the provisional duty was imposed vide Customs Notification No. 40/2019-Customs (ADD) dated 15 October 2019 and the final duty was imposed vide Customs Notification No. 16/2020-Customs (ADD) dated 23 June 2020.

4. Dongbu Steel Co. Ltd. participated in the said investigation and was granted separate rate of Anti-dumping duty. Thereafter, on 22.06.2020 KG Dongbu Steel Co. Ltd. had filed an Application for Change of Name of the producer in the aforementioned Customs Notifications from Dongbu Steel Co. Ltd. to KG Dongbu Steel Co. Ltd., following investment by KG Steel in Dongbu Steel Co. Ltd., and allotment of equity shares resulting in change of its shareholding structure .
5. The Authority, on the basis of a duly substantiated application filed by the Applicant in accordance with Section 9A of the Act read with Rule 23 of the Anti-Dumping Rules, initiated the mid-term review limited to change of name vide Case No. AD-MTR-11/2020 dated 15th September 2020.
6. During the course of the oral hearing conducted in the said mid-term review, the domestic industry, inter alia, raised the technical objection that a mid-term review can be initiated by this Authority only after the lapse of “at least one year” from the imposition of definitive anti-dumping duty by the Central Government pursuant to the Trade Notice No. 1/2010 dated 17 May 2010.
7. In view of the aforesaid, the Applicant requested the Authority to terminate the mid-term review limited to change of name which was initiated on 15th September 2020. Accordingly, the said investigation was terminated by the Authority, vide Termination Order dated 06 September 2021.

B. Product under consideration

8. The product under consideration (PUC) in the said investigation was “Aluminium and Zinc coated flat products” originating in or exported from China PR, Vietnam and Korea RP. The product under consideration in the application is the same as the previous investigations i.e. final findings issued vide Notification No. 6/4/2019-DGTR dated February 21, 2020, which defined PUC as follows-

“Flat rolled product of steel, plated or coated with alloy of Aluminium and Zinc. This alloy of Aluminium and Zinc may contain one or more additional elements which in individual or in combination shall not exceed 3% by weight.

Further, the product under consideration may be in coil form or not in coil form whether or not plain, corrugated or in profiled form. PUC may be skin-passed / processed on tempermill or non-skin-passed whether or not surface treated with or without additional nonmetallic coating. PUC may be supplied in various trade names including but not limited to Alu-Zinc, Al-Zn, Zinc Aluminium, Aluminium Zinc, Zincalume, Galvalume etc. It is also noted that PUC offers resistance to corrosion and is used in many applications and sectors including but not limited to infrastructure projects, solar power projects, roofing, walling decking, cladding and framing, white goods and appliances, furniture and substrate for colour coated steel. PUC does not include the following products: -

- i. Flat rolled steel products coated with Zinc without addition of Aluminium;*
- ii. Flat rolled steel products coated with Aluminium without addition of Zinc;*
- iii. Pre-painted or colour coated Aluminum Zinc alloy coated steel sheets (Pre-coated SGL sheets).”*

9. The product under consideration for this mid-term review remains unchanged.

C. Country Involved

10. The country involved in the present review investigation is Korea RP (also referred to as subject country).

D. Grounds for Review

11. KG Dongbu Steel Co., Ltd. has filed a Mid-Term Review application stating that the company issued 39.98% equity shares in favour of KG Steel, a member of the KG Group, which now holds 39.98% shares of the Applicant as the major shareholder of the Applicant. Consequent to this allotment, the name of the company was changed to KG Dongbu Steel Co. Ltd. It has been claimed that the original company name has changed on 02 April 2020 from KG Dongbu Steel Co. Ltd. to Dongbu Steel Co. Ltd. They have further claimed that in view of the above changes, all their exports will be in the name of KG Dongbu Steel Co. Ltd., and accordingly, the separate rate of Anti-dumping duty applicable on Dongbu Steel Co. Ltd. must be made applicable to KG Dongbu Steel Co. Ltd.

E. Initiation

12. The Customs Tariff Act, and the Anti-dumping Rules made thereunder, requires the Authority to review from time to time the need for continuance of anti-dumping duties.

13. Having regard to the information provided by the applicant indicating changed circumstances necessitating a mid-term review, limited to change of name of producer/exporter from Korea RP, the Designated Authority considers it appropriate to initiate a Mid Term Review of the Final Findings recommended vide Notification No. 6/4/2019-DGTR dated February 21, 2020 and the definitive anti-dumping duty imposed vide Customs Notification No. 16/2020-Customs (ADD) dated June 23, 2020, in terms of the provisions of Section 9A (5) of Customs Tariff (Amendment) Act 1995 read with Rule 23 of the anti-dumping Rules *supra*.

14. The present review is limited to the aspect of name change claimed by KG Dongbu Steel Co. Ltd. with regard to the Final Findings Notification No. 6/4/2019-DGTR dated February 21, 2020 and Customs Notification No. 16/2020-Customs (ADD) dated June 23, 2020.

F. Period of Investigation

15. Since the present review investigation is restricted to only change of name, the Authority considers that the period of investigation is not relevant.

G. Procedure

16. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

H. Submission of Information

17. In view of the special circumstances arising out of this COVID-19 pandemic, all communication should be sent to the Designated Authority via email at the email addresses, dd12-dgtr@gov.in and ad12-dgtr@gov.in with a copy to adg13-dgtr@gov.in and adv12-dgtr@gov.in.
18. The known producers/exporters in the subject country, their Government through their Embassy in India, the 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 prescribed form and manner within the time limit set out below.
20. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to other interested parties
21. Interested parties are further advised to keep a regular watch on the official website of the Designated Authority <http://www.dgtr.gov.in/> for any updated information with respect to this investigation.

I. Time Limit

22. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses to dd12-dgtr@gov.in, and ad12-dgtr@gov.in with a copy to adg13-dgtr@gov.in, and adv12-dgtr@gov.in within from the date of receipt of the notice as per Rule 6(4) of the Anti- Dumping Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting country. 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.
23. 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 within the above time limit.

J. Submission of information on confidential basis

24. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules and the Trade Notices issued in this regard. Failure to adhere to the above may lead to rejection of the response/submissions.
25. 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:
 - a. one set marked as Confidential (with title, number of pages, index, etc.), and
 - b. the other set marked as Non-Confidential (with title, number of pages, index, etc.).
26. 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.
27. 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 are 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.
28. 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 summarized 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 summarization is not possible must be provided to the satisfaction of the Authority.
29. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied the request for confidentiality is not warranted or if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
30. 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.


31. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorization of the party providing such information.

K. Inspection of Public File

32. In terms of Rule 6(7) or the Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. The modality of maintaining the public file in electronic mode is being worked out.

L. Non-cooperation

33. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.


(Anant Swarup)
Designated Authority