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Government of India Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building,
5, Parliament Street, New Delhi – 110001

Dated: September 16, 2021

INITIATION NOTIFICATION
(Case No. AD (SSR) 22 /2021)

**Subject: Initiation of sunset review investigation concerning imports of
“Aluminum Foil 5.5 Micron to 80 Micron” from China PR.**

1. M/s Hindalco Industries Ltd., M/s. Raviraj Foils Ltd., and M/s. Jindal India Ltd. (hereinafter also referred to as the “Applicants”) has filed an application before the Designated Authority (hereinafter also referred to as the “Authority”) on behalf of domestic industry, in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter also referred to as the “Act”) and Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter also referred to as the “Rules”) for initiation of sunset review investigation concerning imports of “Aluminum Foil 5.5 Micron to 80 Micron” (hereinafter referred to as ‘product under consideration’ or ‘PUC’ or ‘subject goods’) originating in or exported from China PR (hereinafter referred to as ‘subject country’).
2. The Applicants have alleged that dumping from the subject country has continued even after the imposition of anti-dumping duty and that there is likelihood of continuation / recurrence of dumping and injury in case of cessation of duties. The Applicants have requested for extension of duties on imports of subject goods, originating in or exported from the subject country.

Background

3. The original anti-dumping investigation was initiated by the Authority vide Notification No 14/06/2015-DGAD dated 15th December 2015. After a detailed investigation, the Designated Authority recommended imposition of Anti-dumping duty on imports of the subject goods from China PR, vide Notification No. 14/06/2015-DGAD, dated 10th March. The recommendation of the Authority was implemented by the Ministry of Finance vide Custom Notification No. 23/2017-Customs (ADD) dated 16th May, 2017. The current anti-dumping duty are in force till 15th May 2022.

Product under Consideration (PUC)

4. The product under consideration in the present investigation is “Aluminium Foil whether or not printed or backed with paper, paper board, plastics or similar packing materials of a thickness ranging from 5.5 micron to 80 micron” excluding the following:
 - i. Aluminium foil of thickness ranging from 5.5 micron to 80 micro-originating in China.
 - ii. Alu Alu Laminate: Alu Alu Laminate of 40 - 50 mic in AA8079 & AA8021, is a multilayered opaque laminate where Aluminium foil and is backed with plastic film on both side with adhesives; for use in packing capsules/tablets.
 - iii. Ultra-Light Gauge Converted: Ultra-Light Gauge Converted is an aluminium foil having thickness of 5.5 mic to 7 mic which is backed with kraft paper & scrim, or glass cloth, whether plain or printed for use in insulation, spices packing, thermal fluid lines covering and tea bags application.
 - iv. Aluminium Foil Composite: Aluminium foil laminated with or backed with Kraft paper and glass scrim or glass cloth with or without poly ethylene, whether printed or not printed. Aluminium foil laminated with or backed with Kraft paper however is within the scope of the product under consideration and proposed measures.
 - v. Aluminum foil for capacitors width below 500 mm: Aluminum foil for capacitors is an Aluminum foil of 5-micron gauge with width below 500 mm 99.35% purity, for use in electrical equipment such as radios, televisions, telephones, computers, microwave ovens, electrical welders, magnetos, electronic testing equipment, copy machines, air conditioners, automobiles, fluorescent lights, mercury vapour street

lamps, power transmission equipment, electric motors, control units, and similar articles.

- vi. Etched or formed Aluminium Foils: Etched or formed Aluminium Foils is Aluminium Foil meant to be used in the manufacture of Electrolytic Capacitor.
 - vii. Aluminium composite panel: Aluminium composite panel is a non-aluminium core (often PE) bonded between two thin layers of aluminium, for use in facade cladding and signage.
 - viii. Clad with compatible non clad Aluminium Foil: Clad with compatible non clad Aluminium Foil is a corrosion-resistant Aluminium sheet formed from Aluminium surface layers metallurgically bonded to high-strength Aluminium alloy core material for use in engine cooling and air conditioner systems in automotive industry; such as radiator, condenser, evaporator, intercooler, oil cooler and heater.
 - ix. Aluminium Foil for beer bottle: Aluminium Foil of 10.5 micron with rough surface and perforated whether printed or not; to be used in beer bottle.
 - x. Aluminium- Manganese- Silicon based and/ or clad Aluminium- Manganese- Silicon based alloys, whether clad or unclad: with post brazing yield strength greater than 35 MPA, falling under tariff heading 7607 for use in heat exchangers including radiators, charge air coolers, condensers, oil coolers, heater cores, evaporators, heat ventilation and air conditioning (HVAC) systems and parts thereof.
5. The subject goods are used extensively for protection, storage, and preparation of foods and beverages, pharmaceutical packaging, cigarette industry for wrapping cigarettes, tabaco pacing (Gutkha), beer bottles etc.
 6. The product under consideration is classified under subheading 7607 of the Customs Tariff Act 760711, 76071110 76071190, 760719, 76071910, 760719 91, 760719 92, 760719 93, 760719 94, 760719 95, 760719 99, 760720, 76072010 and 76072010. The customs classification is indicative only and is not binding on the scope of the product under consideration. The scope of the product under consideration in the present sunset review investigation is the same as in the original investigation.
 7. The Applicants have proposed for the adoption of Product Control Numbers (PCNs) for the fair comparison between different types of products. The Applicants have proposed the PCNs based on the two broad categories as bare foil and converted foil. Bare foil is plain foil and converted foil is backed with paper, kraft, polyethylene etc.

SN	Description	PCN	
		Micron Range	Bare/Converted
1.	Alu Alu Stock	45-60	Bare
2.	House Foil	8-22	
3.	Light Gauge (LG)	7-<20	
4.	Medium Gauge (MG)	20-60	
5.	Semi Rigid Container (SRC)*	30-80	
6.	Ultra Light Gauge	5.5-<7	
7.	Battery Foil	9-20	Converted
8.	Cigarette Foil	<=7	
9.	House Foil Converted	8-22	
10.	LG Converted	7-<20	
11.	MG Converted	20-60	
12.	SRC Converted	30-80	
13.	Battery Foil Converted	9-20	

8. The PCNs as suggested by the Applicants are given. The interested parties however, can provide their comments/suggestions for the finalization of PCNs for the purpose of this investigation within 15 days from the date of initiation of this investigation.

Like Article

9. The Applicants have claimed that the goods produced by the domestic industry are identical to the subject goods exported from the subject country to India. Subject goods produced by the domestic industry are comparable to the imported goods from subject country in terms of technical specifications, manufacturing process & technology, functions & uses, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable and should be treated as 'like article' under the Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the domestic industry are being treated as 'Like Article' to the subject goods being imported from the subject country.

Domestic Industry and Standing

10. The application has been filed by M/s Hindalco Industries Ltd., M/s. Raviraj Foils Ltd., and M/s. Jindal India Ltd. The application has been supported by M/s. Green Berry Foils India Ltd. The Applicants have claimed that they have neither imported the subject goods from

the subject country nor are related to any exporter or producer of subject goods in the subject countries or any importer of the PUC in India.

11. As per evidence available on record, the applicant producers account for a major proportion in the domestic production of the like article in India. In view of the above and after due examination, the Authority notes that the Page 4 of 7 Applicants constitutes eligible domestic industry in terms of Rule 2 (b), and the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules supra.

Basis of alleged dumping

Normal Value for China PR

12. The Applicants have cited and relied upon Article 15(a) (i) of China's Accession Protocol. The Applicants have claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in the industry producing the subject goods with regard to the manufacture, production and sale of the product under consideration. It has been stated by the applicants that in case the responding Chinese Producers are not able to demonstrate that their costs and price information are market driven, the normal value should be calculated in terms of provisions of para 7 and 8 of Annexure I to the Rules.
13. The applicants have submitted that efforts were made to determine normal value on the basis of price or constructed value in a market economy third country. However, the applicants could not get reliable information regarding the same in absence of any publicly available information. The Authority keeping in view the provisions under para 7 of Annex-1 of AD Rule notes that imports from EU to India during the Period of Investigation are highest amongst non-dumped imports and therefore these prima facie establishes the price payable in India and have been adopted as indicative NV for the purpose of initiation.
14. For the purpose of initiation, the Authority has considered the methodology for determination of normal value suggested by the applicants.

Export Price

15. The export price for subject goods for the subject country has been computed based on Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction-wise import data. Price adjustments have been made for ocean freight, marine insurance, port expenses, bank charges, handling charges and commission.

Dumping Margin

16. Considering the normal value and export price determined as above, dumping margin determined is above de-minimis level. There is prima facie evidence that normal value of the subject goods in the subject country is higher than the net export price, thereby indicating that the subject goods originating in or exported from the subject country have continued to be exported at dumped prices, in spite of antidumping duty in force.

Likelihood of continuation/recurrence of dumping and injury

17. There is prima facie evidence of likelihood of continuation/recurrence of dumping and injury to the domestic industry in the event of cessation of duty, considering the volume and price of imports of subject goods from subject country, positive dumping margin, significant unutilized capacities in subject country, existence of trade remedial measures imposed by other countries against the subject country, potential trade diversion, and price attractiveness of Indian market. It is prima facie noted that there is likelihood of continuation/recurrence of dumping and injury to the domestic industry in the event of cessation of the anti-dumping duty

Initiation of Sunset Review Investigation

18. On the basis of the duly substantiated application by or on behalf of the domestic industry, and having satisfied itself, on the basis of the prima facie evidence submitted by the applicants, substantiating likelihood of continuation or recurrence of dumping and injury to the domestic industry, in accordance with Section 9 A (5) of the Act, read with Rule 23(1B) of the Rules, the Authority, hereby, initiates a sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the subject country and to examine whether the expiry of existing anti-dumping duty is likely to lead to continuation or recurrence of dumping and consequent injury to the Domestic Industry.

Subject Country

19. The subject country for the present investigation is China PR.

Period of Investigation (POI)

20. The Applicants have proposed the period from 1st April 2020 to 31st March 2021 (12 Months) as the period of investigation (POI). The injury period of investigation will, however, cover the periods 2017-18, 2018-19, 2019-20 and the POI.

Procedure

21. The sunset review investigation will undertake likelihood analysis of dumping and Injury.
22. The sunset review investigation will cover all aspects of the Final Findings published vide 14/06/2015-DGAD, dated 10th March, 2017 recommending imposition of Anti-Dumping Duty on imports of subject goods from China PR. The Authority will also undertake likelihood analysis of dumping and injury as required.
23. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

Submission of Information

24. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at email address adg11-dgtr@gov.in, dir11-dgtr@gov.in, dir13-dgtr@gov.in, dd16-dgtr@gov.in. It should be ensured that the narrative part of the submission is in searchable PDF/ MS Word format and data files are in MS Excel format.
25. The known producers/exporters in the subject country, Government of the subject country 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.
26. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below.
27. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.
28. 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.

Time Limit

29. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses adg11-dgtr@gov.in, dir11-dgtr@gov.in , dir13-dgtr@gov.in ,dd16-dgtr@gov.in within thirty days from the date of receipt of the notice as per Rule 6(4) of the Anti-Dumping Rules. 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.
30. 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.

Submission of information on confidential basis

31. 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.
32. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file Confidential and Non-Confidential versions separately.
33. 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.
34. 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.

35. 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.
36. 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.
37. 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.
38. 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.

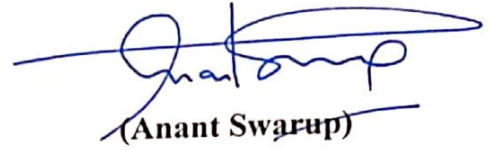
Inspection of Public File

39. A list of interested parties will be uploaded on DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions to all interested parties since the public file will not be accessible physically due to ongoing global pandemic.

Non-cooperation

40. In 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 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.

A handwritten signature in blue ink, appearing to read 'Anant Swarup', with a long horizontal stroke extending to the right.

(Anant Swarup)
Designated Authority