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F. No. 7/25/2020-DGTR

Government of India

Ministry of Commerce & Industry

Department of Commerce

Directorate General of Trade Remedies

4th Floor, Jeevan Tara Building, Parliament Street, New Delhi

Dated: 6th September, 2021

Case No. AD-MTR-11/2020

Subject: Termination 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

Having regard to the Customs Tariff Act 1975 as amended from time to time (hereinafter referred as the Act) and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 thereof, as amended from time to time (hereinafter referred as the Anti- Dumping Rules); KG Dongbu Steel Co. Ltd. (hereinafter referred to as “Applicant”) filed a Mid-Term Review application stating that with the acquisition of the major shareholding of the Company by KG Steel, there has been a change in the name of the Company from Dongbu Steel Co. Ltd. to KG Dongbu Steel Co. Ltd.

2. The Authority, on the basis of a duly substantiated application filed by the applicants 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 notification no F. No. 7/25/2020-DGTR dated 15th September, 2020, published in the Gazette of India, to determine the veracity of the Applicant’s claim with respect to its name change.

B. Procedure

3. The procedure described below has been followed with regard to the investigation:

- a. The Authority, issued a public notice dated 15th September 2020 published in the Gazette of India Extraordinary, initiating midterm review limited to change of name of producer/exporter from Korea RP, investigation concerning imports of the subject goods from subject countries.
- b. The Authority forwarded a copy of initiation notification dated 15th September 2020 to the embassy of the subject countries, known producers in subject countries, and known domestic producers of subject goods in India (whose details were made available by the Applicant) and gave them opportunity to make their views known in writing within thirty days from the date of receipt of the notice as per Rule 6(4) of the Anti-Dumping Rules.
- c. There was no period of investigation set for the purpose of the present investigation as the scope of the investigation was restricted to the aspect of change of name of the applicant.
- d. The Authority provided a copy of the non-confidential version of application to the known exporters and the Embassy of subject countries in accordance with Rule 6(3) of the AD Rules. A copy of the Application was also provided to other interested parties, wherever requested.
- e. The Authority has examined the information furnished by the Applicant with regard to the changed circumstance for accuracy and adequacy of the information so provided.
- f. In accordance with Rule 6(6) of the Anti-dumping Rules, the Authority also provided opportunity to all interested parties to present their views orally in the public hearing held on 25th February 2021. Only the domestic industry participated to object to the initiation of the instant mid-term review application. No other interested party filed its submissions. The parties which presented their views in the public hearing were requested to file written submissions of the views expressed orally followed by rejoinders. The arguments made in the written submissions and rejoinders thereon received from the interested parties to the extent considered relevant for the present investigation have been considered in this notification.
- g. Information provided by interested parties on 'confidential basis' was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority has

accepted the confidentiality claims wherever warranted and such information has been considered as confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.

- h. Wherever an interested party has refused access to or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has examined the issue on the basis of the ‘facts available’.

C. Request Received from the Applicant

4. The applicant through their letter dated 31st August, 2021 have requested that their application be treated as withdrawn. Their request states as under –

“During the course of the oral hearing conducted in the matter, the domestic industry has, 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 issued by the Ministry of Commerce and Industry (hereinafter referred to as the “Trade Notice”).”

5. 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. According to the domestic industry, on the date of initiation of the instant mid-term review limited to change of name, i.e. 15 September 2020, one year had not lapsed from the date of imposition of even the provisional duty. Hence, the instant application for mid-term review is not maintainable.
6. The Applicant has submitted that the Authority derives its power to initiate mid-term reviews from Rule 23 (1A) of the Rules, which power is unrestricted and unlimited and does not, in any manner, restrict or impede the powers of the Authority to initiate mid-term review proceedings. The requirement for a period of “at least one year” to have lapsed as provided in the Trade Notice, is for internal guidance purposes and does not supersede the specific provision of the Rules.

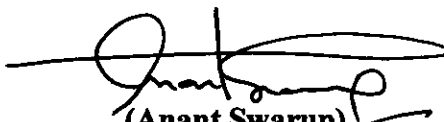
7. It has also been added that the application seeking mid-term review limited to the aspect of the name change has remained pending for a long time, and only substantive objection raised by the domestic industry pertains to this technical issue and no other interested party has raised any objection.
8. In the circumstances, with a view to avoid further delay in the matter, the Applicant has requested the Authority for permission to withdraw the mid-term review application pending consideration before this Authority with liberty to file a fresh application. The Applicant has further stated that this will address the technical objection raised by the domestic industry, and this Authority will be able to consider the application on its merits.”

D. Examination by the Authority

9. The request made by the Applicant, vide its letter dated 31st August 2021 has been examined. In the present investigation M/s KG Dongbu Steel Co. Ltd, Korea RP is the applicant, on whose instance the mid-term review was initiated. The Authority notes that the Applicant desires to withdraw its application so as to file a fresh application and overcome the technical objection that has been raised by the domestic industry.

E. Conclusion

10. In view of the aforesaid request made by the Applicant, M/s KG Dongbu Steel Co. Ltd., the Authority hereby terminates the mid-term review limited to change of name of producer/exporter from Korea RP initiated on 15 September 2020 vide notification No.7/25/2020- DGTR in the anti-dumping investigation concerning imports of Aluminium and Zinc coated flat products originating in or exported from China PR, Korea RP and Vietnam. The Applicant shall be at liberty to file a fresh application for consideration of the Authority.


(Anant Swarup)
Designated Authority