

No. 4/17/2018 -DGTR
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5th Parliament Street, New Delhi - 110001

Dated: 17th September, 2018


Trade Notice No. 12 /2018

Subject: Streamlining request for change in name of producer(s) / exporters in Anti-Dumping and Countervailing Duty investigations

The Authority, while recommending any ADD or CVD measure, recommends the levy of measure in the Duty Table of the Final Finding. The Ministry of Finance based on this recommendation, notifies the measure in a duty table mentioning the names of producer(s) / exporter(s) of the product under consideration.

2. At times requests are filed by interested parties particularly Producer(s) / Exporter(s) for change in name in the Duty Table of Final Finding and for corresponding change in the relevant Custom Notification.
3. The request of change in name may be on account of various reasons viz merger / de-merger /acquisition, change in ownership structures / shareholding pattern, change in requirement of law of a member country etc.
4. The Authority has, so far, considered such requests under limited Mid-Term Review (MTR) carried out under Rule 23 of Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. The Mid-term Review is a time consuming process.
5. In order to reduce avoidable delay, it has been decided to simplify the procedure in respect of name change requests which may fall under the category of change of name as a matter of 'record' only. Undertaking MTR in such cases may not be appropriate and desirable. Therefore, to streamline the procedure of carrying out change of name of producer(s) /exporter(s), the Authority prescribes the following procedure:
 - i. The Applicant Producer /Exporter may file request in the enclosed proforma (Both Confidential version (CV) and Non-confidential version (NCV)).
 - ii. The Authority would expeditiously evaluate the request and circulate through e-mail the 'NCV' version of application to all the interested parties identified in the original investigation for their comments within 7 working days from receipt of application.
 - iii. The Interested parties may file their comments within 10 days of receiving the above stated NCV version of application.
 - iv. The responses received within the stipulated time will be placed in a public file, for examination by all interested parties.
 - v. Thereafter, the Authority may hold an oral hearing within a period of 30 days from receipt of application.

- vi. Post hearing submissions/rejoinders may be invited if the interested parties so desire. This would be completed in a period of another 10 days after the Oral hearing.
 - vii. The Authority would issue its Finding in the form of Amendment within 60 days from receipt of application.
 - viii. The Amendment would be duly notified and a copy of the Notification would be sent to Department of Revenue for notification of change in relevant Custom Notification.
 - ix. However, in cases which necessitate reassessment of parameters of dumping, injury and other aspects owing to change in ownership structure, the request for change of name(s) shall be decided by conducting limited Mid Term Review.
6. All interested parties are required to file request for the aforesaid subject in the enclosed proforma.
7. It will be incumbent on all Producer(s) / Exporter(s), who have been granted individual dumping margin in AD / CVD investigation, to mandatorily report to the Authority any change in name within a period of 90 days of the same becoming effective. Failure to comply with these instructions shall render them liable to be treated as 'non-cooperative' Producer(s) / Exporter(s) during subsequent investigations by this Authority.
8. All applications for change in name will be addressed to DGTR and submitted to the following:
- Ms. Devanshi Agarwal
Assistant Director
4th Floor, Jeevan Tara Building,
Directorate General of Trade Remedies,
Department of Commerce,
New Delhi - 110001
9. This Trade notice will supersede all previous instructions or Trade Notices, if any, issued by the Directorate with regard to the aforesaid subject.


(Sunil Kumar)
17.9.18

Additional Secretary & Designated Authority

Encl.: Proforma for Name Change

To
All concerned

PROFORMA FOR CHANGE OF NAME

S.No.	ISSUE	REPLY
1	Existing Name in the Duty Table	
2	Proposed New Name in the Duty Table	
3	Reasons for change in name from the existing to the new name?	
4	If change in name is pursuant to any Act or Law, please attach a copy of such law or Act with English translation	
5	New Address, if changed name also involves change in address.	
6	Evidence regarding the basis of change and statutory documents / legal evidence regarding change in name, with date from which the change is effective (amended certificate of incorporation / Board resolution etc.). The evidence regarding change in name if in national language other than English, then a translated copy in English be provided.	
7	Copies of latest Annual Reports with comments of Auditors / Director's reports may also be attached.	
8	Likely advantages to the entity due to changed name or changed scenario may be explained.	
9	Whether the changed scenario entails change in Management? If yes, the details of new management may be provided.	
10	Whether there is any other entity in the group, which has been allowed separate duty rate for the same PUC? If yes, details thereof.	
11	Whether the change in name is on account of merger/de-merger/acquisition/hiving off/change in ownership structure	
12	If change in name is pursuant to change in ownership structure, the details of changes in the shareholding pattern of major shareholders holding at least 2% equity holding/ownership share in the entity be provided.	