

Important check-points for Indian exporters facing Anti-dumping investigations by other Authorities

1. Initiation of investigation
 - (i) Whether the IA informed the Indian Government before initiation of investigation as per Article 5.5 of ADA?
 - (ii) Whether the Period of Investigation selected was close to the date of initiation?
2. Standing of domestic industry as per Article 5.4 of ADA
 - (i) Whether the application for Anti-dumping investigation contains details of domestic producers in the importing country with information about their production?
 - (ii) Whether the producers making the application have the requisite standing of domestic industry to submit the application?
3. Sampling under Article 6.10 of ADA
 - (i) Where the IA proposed to do sampling of exporters, whether the sampling will cover largest percentage of the volume of the exports from India which can be reasonably investigated?
 - (ii) Whether the IA made the selection of exporters in consultation with and with the consent of the exporters?
4. Product Control Number (PCN)

Whether the IA consulted the exporters while informing the PCNs?

5. Whether extension, if requested by the exporter for submitting questionnaire response was allowed?
6. Use of Facts available under Article 6.8 of ADA
 - (i) Where the IA makes determination on the basis of facts available, whether the provisions of Annex II of ADA were observed?
 - (ii) Whether the rejection of data by the IA due to incomplete response was justified?
7. Normal Value determination
 - (i) Whether the IA considered the home market sales transactions? Whether the IA excluded certain transactions being not in ordinary course of trade by reason of price?
 - (ii) Whether the exporter's data on cost of production was accepted by the IA? If not, whether the grounds for non-acceptance of data were justifiable?
 - (iii) While determining the normal value on the basis of cost of production plus SGA and profit, whether the IA informed the various elements of cost of production, SGA and profit and whether these were correct and reasonable?
8. Fair comparison under Article 2.4 of ADA

Whether the IA made proper adjustments for normal value and export price calculations?

9. Calculation of dumping margin

- (i) Whether the IA informed the comparison methodology for calculation of dumping margin?
- (ii) Whether the IA used zeroing in dumping margin calculations?

10. Determination of Like Article

Whether the domestic industry in country of import producing a like article?

11. Determination of Injury to the domestic industry

- (i) Whether the findings on injury were made based on positive evidence?
- (ii) Whether the IA made determination of injury by examining data of domestic producers who could be considered as part of 'domestic industry' as per Article 4.1 of ADA?
- (iii) When making determination of volume effect under Article 3.2, whether the IA made correct assessment of demand of the product in the country of import?
- (iv) For injury determination how, the data was analysed by the IA when the domestic industry is multi-product company?
- (v) Whether all the factors of injury as per Article 3.4 were examined?

12. Causal link analysis as per Article 3.5 of ADA

If certain other factors were also causing injury to the domestic industry, whether IA examined the other factors causing injury to domestic industry?

13. Disclosure of essential facts under Article 6.9 of ADA

- (i) Whether the IA disclosed all essential facts before the final determination?
- (ii) Whether IA provided sufficient time for responding to disclosures?

14. Provisional measures under Article 7

- (i) Before imposing provisional measures, did the IA make a preliminary affirmative determination regarding dumping, injury and causal link?
- (ii) Whether the provisional measure was introduced before 60 days from the date of initiation of investigation?

15. Procedural issues

- (i) Whether oral hearing requested was allowed?
- (ii) Whether the IA allowed inspection of public file containing all non-confidential submissions and provide opportunity to take copies?