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F. No.6/4/2019-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: 21 February 2020

NOTIFICATION

FINAL FINDINGS

Subject: Anti-dumping Investigation concerning imports of Aluminium and Zinc coated flat products” originating in or exported from China PR, Vietnam and Korea RP – Final Findings.

A. BACKGROUND OF THE CASE

Having regard to the Customs Tariff Act, 1975, as amended from time to time (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”) thereof:

1. M/s JSW Steel Coated Products Limited (hereinafter also referred to as “**the Applicant**” or “**the Domestic Industry**” or “**the DI**”) had filed an application before the Designated Authority (hereinafter also referred to as “**the Authority**”) in accordance with the Customs Tariff Act, 1975 as amended from time to time (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**”) for imposition of Anti-dumping duty on imports of “Aluminium and Zinc coated flat products” (hereinafter also referred to as “**subject goods**”) originating in or exported from China PR, Vietnam and Korea RP(hereinafter also referred to as the “**subject countries**”).

2. The Authority, on the basis of sufficient evidence submitted by the Applicant, issued a public notice vide Notification No. 6/4/2019 -DGTR dated 2ndApril, 2019, published in the Gazette of India Extraordinary, initiating the subject investigation in accordance with Rule 5 of the Rules to determine existence, degree and effect of the alleged dumping of the subject goods, originating in or exported from the subject countries, and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the alleged injury to the domestic industry.

3. On the basis of preliminary investigation carried out, the Authority issued its Preliminary Findings, vide Notification No 6/4/2019-DGTR, dated 15th July, 2019, recommending imposition of provisional Anti-dumping duty on the imports of the subject goods falling under heading 7210, 7212, 7225 and 7226 of Chapter 72 of the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from China PR, Vietnam and Korea RP. The provisional anti-dumping duty has been notified by Ministry of finance vide notification number 40/2019-Customs (ADD) dated 15thOctober 2019 for a period of six months from the date of its notification.

B. PROCEDURE

4. The procedure described herein below has been followed by the Authority with regard to the subject investigation:

a) The Authority notified the Embassies of the subject countries in India about the receipt of the anti-dumping application before proceeding to initiate the investigation in accordance with Sub-Rule (5) of Rule 5 supra.

b) The Authority issued a public notice dated 2ndApril 2019 published in the Gazette of India Extraordinary, initiating anti-dumping investigation concerning imports of the subject good from subject countries.

c) The Authority sent a copy of the initiation notification to the Embassies of the subject Countries in India, known producers/exporters from the subject countries, known importers/users and the domestic industry as well as other domestic producers as per the addresses made available by the Applicant and requested them to make their views known in writing within the prescribed time limit.

d) The Authority provided a copy of the non-confidential version of the application to the known producers/exporters and to the embassies of the subject countries in India in accordance with Rule 6(3) of the Rules supra.

e) The Embassies of the subject countries in India were also requested to advise the exporters/producers from their countries to respond to the questionnaire within the prescribed time limit. A copy of the letter and questionnaire sent to the producers/exporters was also sent to them along with the names and addresses of the known producers/exporters from the subject countries.

f) The Authority sent questionnaires to the following known producers/exporters in the subject countries in accordance with Rule 6(4) of the Rules:

China PR

1. Baosteel Iron and Steel Co Ltd
2. Benxi (Bengang) Steel Plates Co., Ltd.
3. Angang Steel Company Limited

4. BX Steel POSCO Cold Rolled Sheet Co., Ltd.
5. JiangyinZongcheng Steel Co., Ltd.
6. Shanghai Meishan Iron and Steel Co Ltd
7. Union Steel China Co., Ltd
8. YiehPhui (China) Technomaterial Co., Ltd.

Vietnam

1. Nam Kim Steel
2. HoaSen Group
3. Maruichi Sun Steel Joint Stock Company

Korea RP

1. Dongkuk Steel Mill Co.
2. POSCO Coated &Color Steel Co., Ltd.
3. Dongbu Steel Co., Ltd Seoul Square Bldg.,

g) In response, the following exporters/producers from the subject countries filed exporter's questionnaire response in the prescribed format:

1. M/s. Zhejiang Huada New Materials Co., Ltd., China PR. (Zhejiang)
2. M/s. Shanghai Shijing International Trading Co., Ltd., China PR. (Shanghai Shijing)
3. M/s. POSCO Asia Company Ltd., China PR
4. M/s. Tay Nam Steel Manufacturing & Trading Co. Ltd, Vietnam (Tay Nam)
5. M/s. Vina One Steel Manufacturing corporation, Vietnam (Vina One)
6. M/s. HoaSen Group JSC. (HSG), Vietnam (HSG)
7. M/s. HoaSenNghe an one Member LLC (HSNA), Vietnam (HSNA)
8. M/s. Ton Dong A Corporation, Vietnam (Ton Dong)
9. M/s. Marubeni-Itochu Steel Pte. Ltd, Vietnam
10. M/s. POSCO, Korea RP
11. M/s. POSCO Coated and Color, Korea RP (POSCO C&C)
12. M/s. Dongbu Steel & Incheon, Korea RP (Dongbu)
13. M/s. Dongkuk Steel Mill Co., Ltd., Korea RP (Dongkuk)
14. M/s. GS Global Corp, Korea RP
15. M/s. Samsung C&T Corporation, Korea RP
16. M/s. POSCO International Corporation (Formerly known as POSCO Daewoo Corporation), Korea RP
17. M/s. Hyosung TNC Corporation, Korea RP
18. M/s Nam Kim Steel (Vietnam) (Nam Kim)
19. M/s STINKO Co. Ltd., Korea RP

h) The Authority sent Importer's Questionnaire to the following known importers/users of subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules:

1. AbhayIspat India Pvt. Limited
2. AJS ImpexPvt. Limited
3. Amar Impex
4. Ariston Agency Pvt. Limited
5. Colorshine Coated Pvt. Limited
6. Dongkuk Steel India Pvt. Limited
7. Ganges International Pvt. Ltd.
8. Gopani Iron &Power India Pvt. Limited
9. Jai Hind Traders
10. J. K. Steel Corporation
11. Jenil Steel Pvt. Limited
12. JTL Infra Limited
13. La Tim Sourcing India Pvt. Limited
14. Manaksia Steels Limited
15. Prabhat Global Colour coated Pvt. Limited
16. Schneider Electric Infrastructure Limited
17. Standard Retail Pvt. Limited

i) In response, the following importers/users have responded and have filed importer's questionnaire response/legal submissions.

1. M/s Jaihind Traders (Importer)
2. M/s Acme Cleantech Solution Private limited (Importer)
3. M/s POSCO IPPC (Importer)
4. M/s POSCO ICPC (Importer)
5. M/s POSCO IDPC (Importer)
6. M/s POSCO IAPC (Importer)
7. M/s SNS Corporation (User)
8. M/s Purshotam Profiles Pvt Ltd (User)
9. M/s Vijayshree Steel Industries (User)
10. M/s Amplus KN One Power Pvt Ltd. (User)
11. M/s Ultra Engineers(User)
12. M/s Latim Sourcing (India) Pvt. Ltd. (User)
13. M/s Colorshine Coated Private Limited (User)
14. M/s Renew Power Limited (User)
15. M/s Alstom Transport India Ltd (User)
16. Solar Power Developer Association. (User)
17. M/s Mahindra and Mahindra Ltd (Importer)
18. M/s Standard Retail Pvt Ltd (Importer)
19. M/s Mareso Pte Ltd, Singapore (Exporter)

20. M/s Avaada Energy Pvt. Ltd.(Importer)
21. M/s Turakhia International Pvt. Ltd.(Importer)
22. M/s MaresoPte. Ltd. (Singapore)
23. M/s GCL system integration tech. Pvt.Ltd..(Importer)
24. M/s POSCO India Holdings (importer)
25. M/s Schneider Electric Infrastructure Ltd.(Importer)
26. M/s Hero Solar Energy Pvt Ltd. (User and Importer)
27. M/s Adani Green Energy Ltd. (user)
28. M/s Tricolite Electrical Industries Ltd. (user)
29. M/s ISUZU Motor India Pvt. Ltd (user)
30. M/s AbhayIspat (India) Pvt. Ltd .(Importer)
31. M/s Neel Metal Products Ltd. (user)
32. M/s Solar Power Developers Association.(user)
33. M/s Amplus Energy Solution Pvt Ltd (user)
34. M/s Sterling Wilson Solar Power Pvt Ltd (user)
35. M/s JBM Auto Ltd.(user)
36. M/s Mahindra Intertrade Ltd (user)
37. M/s Forming India Pvt. Ltd (user)
38. M/s Manaksia Steel Ltd (importer)
39. National Solar Energy Federation of India (user)
40. M/s Polmor Steel Pvt Ltd. (user)
41. M/s HOA PHAT Steel Sheet Co. Ltd, Vietnam (exporter)
42. M/s KTK Transport Equipment (India)Pvt Ltd
43. M/s. Isuzu Motors India Private Limited
44. Trade Remedies Authority of Vietnam, Ministry of Industry and Trade, Vietnam
45. M/s. Solar Power Developers Association.
46. M&B Engineering Ltd, Ahmedabad.
47. Embassy of Republic of Korea, New Delhi.
48. Ministry of Foreign Affairs, Korea RP.

j) The Authority made available non-confidential version of the evidence presented / submissions made by various interested parties in the form of a public file kept open for inspection by the interested parties. Submissions made by all interested parties have been taken into account in this Final Findings.

k) Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) to provide the transaction-wise details of imports of subject goods for the past three years, and the period of investigation, which was received by the Authority. The Authority has relied upon the DGCI&S data for computation of the volume of imports and its analysis after due examination of the transactions.

l) The Non-Injurious Price (NIP) has been determined based on the cost of production and cost to make & sell the subject goods in India based on the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the Rules so as to ascertain whether Anti-Dumping duty lower than the dumping margin would be sufficient to remove injury to the Domestic Industry.

m) Physical inspection through on-spot verification of the information provided by the Applicant domestic industry, to the extent deemed necessary, was carried out by the Authority. Only such verified information with necessary rectification, wherever applicable, has been relied upon for the purpose of Final Findings.

n) The Period of Investigation (POI) for the purpose of the present anti-dumping investigation is from 1st October, 2017 to 30th September, 2018 (12 Months). The injury investigation period has however, been considered as the period from April 2015 - March 2016, April 2016 - March 2017, April 2017 - March 2018 and the POI.

o) The Authority notified the Preliminary Findings on 15th July, 2019 to all interested parties. As recorded in the Preliminary Findings, the Authority invited comments on the same and the views of the interested parties on the preliminary determination has been considered and addressed to the extent possible for the purpose of Final Findings.

p) In accordance with Rule 6(6) of the Rules, the Authority also provided opportunity to all interested parties to present their views orally in a hearing held on 30th July 2019. Subsequently, another public hearing was held on 4th December 2019 in view of the change of the Designated Authority, which was attended by various parties. All the parties who had attended the oral hearing were provided an opportunity to file written submissions, followed by rejoinders, if any.

q) The submissions made by the interested parties during the course of this investigation, to the extent supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority, in this final findings.

r) 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 considered such interested parties as non-cooperative and recorded in the final findings on the basis of the facts available.

s) Information provided by interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered 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 and the same were kept in the public file maintained by the Authority as per the Rules.

t) In accordance with Rule 16 of Rules Supra, the essential facts of the investigation were disclosed to the known interested parties vide disclosure statement dated 31st January 2020 and comments received thereon, considered relevant by the Authority, have been addressed in this final findings. The Authority notes that most of the post-disclosure submissions made by the interested parties are mere reiteration of their earlier submissions. However, the post-disclosure submissions to the extent considered relevant are being examined in these Final Findings.

u) Physical inspection through on-spot verification of the information provided by the Applicant domestic industry and responding producers and exporters from subject countries to the extent deemed necessary, was carried out by the Authority. Only such verified information with necessary rectification, wherever applicable, has been relied upon for the purpose of Final Findings.

v) *** in this Final Findings represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.

w) The exchange rate adopted by the Authority for the subject investigation is US\$1 = ₹67.43.

C. PRODUCT UNDER CONSIDERATION (PUC) AND LIKE ARTICLE

5. At the stage of initiation, the product under consideration was defined as:

“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.

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 temper-mill or non-skin-passed whether or not surface treated with or without additional non-metallic coating. PUC may be supplied in various trade names including but not limited to Alu-Zinc, Al-Zn, Zinc Aluminum, Aluminum Zinc, Zinalume, Galvalume etc. 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 color coated steel products

PUC falls under tariff items 72106100, 72125090, 72259900 and 72269990 of the Customs Tariff Act, 1975. The PUC is also being imported under other Customs Tariff Items 72101290, 72103090, 72104900, 72106900, 72107000, 72109090, 72121090,

72122090, 72123090, 72124000, 72169910, 72255010, 72259100, 72259200, 72269930 etc. The customs classification is indicative only and is in no way binding on the scope of the present investigation.”

6. In its Preliminary Findings, the Authority provisionally held that Flat rolled product of steel, plated or coated with alloy of Aluminium and Zinc being imported from subject countries and manufactured by domestic industry are like articles and accordingly provisional duties were recommended on all 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. However, several arguments have been placed by various interested parties on the scope of the product under consideration which are repetitive in nature. Therefore, for the purpose of final determination the Authority has examined the scope of PUC taking into account all material facts before the Authority, as follows:

C.1. Submissions made by the Domestic Industry

7. The following are submissions made by domestic industry with regard to product under consideration and like article:

a) The product under consideration in the present investigation is 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. The Product under consideration offers protection from corrosion. The product under consideration may be in coil form or not in coil form whether or not plain, corrugated or in profiled form. The product under consideration may be skin-passed / processed on temper-mill or non-skin-passed whether or not surface treated with or without additional non-metallic coating. Product under consideration may be supplied in various trade names including but not limited to Alu-Zinc, Al-Zn, Zinc Aluminium, Aluminium Zinc, Zinalume, Galvalume etc.

b) Aluminium and Zinc coated flat products fall under tariff item 72106100, 72125090, 72259900 and 72269990 of the Customs Tariff Act, 1975. However, imports have also been noticed in certain other ITC HS Codes viz. 72101290, 72103090, 72104900, 72106900, 72107000, 72109090, 72121090, 72122090, 72123090, 72124000, 72169910, 72255010, 72259100, 72259200, 72269930 of the Customs Tariff Act, 1975.

c) The Applicant reiterated that the product offered by the domestic industry was a like article to the subject goods imported into India including PosMAC, GIX imported from Korea RP.

d) With respect to the exclusion of PosMAC, the Applicant submitted that PosMAC had both Aluminium and Zinc and therefore was clearly within the scope of PUC. It was also submitted that Galvalume was commercially, technically and commercially substitutable with PosMAC and was being used by the same customers for the same end use

application i.e. to offer resistance to corrosion of base steel. In fact, PosMAC was being offered at lower prices despite being costlier.

e) The Applicant further submitted that international standards were irrelevant for determining whether Galvalume is a like article or not for PosMAC.

f) With respect to the contention of the Respondents that Applicant is only able to supply .8 mm to 1.2mm product which is a smaller range than what PosMAC offers, the Applicant submitted that it was capable of manufacturing the PUC up-to 3 mm thickness. It referred to the transaction wise import data to support its contention.

g) With respect to the contention that PosMAC has two different characteristics namely self-healing system and alkaline resistance, Applicant submitted that customers had been using Aluminium and Zinc coated product and PosMAC interchangeably for the basic property of corrosion resistance. It further submitted that spray (with Aluminium and Zinc) could be used as precautionary measure to increase corrosion resistance of both the products.

h) The Applicant reiterated the fact that Galvalume too had an excellent corrosion resistance and a life expectancy of around 35 years before requiring major maintenance.

i) With respect to the warranty offered for PosMAC, the Applicant submitted that it was a promotional tactic to capture the market share of Aluminium and Zinc Coated product. It submitted that despite its claim of better performance, PosMAC did not provide warranty for use under alkaline environment. The Applicant raised several concerns with the warranty offered, primary among them the right of POSCO to modify terms of agreement and the governing law being the laws of Korea and Seoul Central District Courts jurisdiction over any dispute. The Applicant referred to several situations where the warranty was not valid.

j) The Applicant submitted that though DI had the capability to produce PUC having coating mass below AZ 70, it did not do so in order to comply with IS 15961:2012 of the BIS that had become mandatorily applicable through S. No. 47 of the Steel and Steel Products (Quality Control) Order dated August 13, 2018.

k) With respect to the contention that Alu-Zinc alloy coated coils above the tensile strength of 540 should be excluded, the Applicant submitted that DI had the capability to supply the same. Hence, it should be considered as a PUC.

l) With respect to the contention of the Respondents that the definition of PUC is contrary to rule 2(d) as it is broad and covers a whole range of products with differing characteristics and widespread applications, the Applicant made reference to the PUC determined by the Authority and stated that the perception that 2-5% content of aluminium does not bring the product within the product scope is wrong.

m) Further, with respect to Dongkuk Steel Mill's contention that GIX is not a like product, the Applicant submitted that as GIX has both Aluminium and Zinc it clearly falls within the scope of PUC.

n) SPDA and various interested parties have raised an issue that the end use of PosMAC and Galvalume is different due to difference in the properties of the two products. SPDA has specifically submitted that PosMAC is being used for making columns and bracers whereas Galvalume is used for making rafters and purlins. In this regard, Applicant submitted that they are manufacturing and supplying Alu-Zinc Coated Steel being used in purlins, rafters, bracers and columns. In fact, solar industry purchases Galvalume for use in solar mounting structures including purlins, rafters, columns, bracers etc. which clearly demonstrates that JSW's Galvalume (Galvos brand) is being used for making solar mounting structures including purlins, rafters, columns, bracers, angles, etc. In this regard, Applicant provided sufficient evidence to the Authority vide its letters dated 21st October 2019 and 16th December 2019 clearly demonstrating that two of the biggest solar project developers in India purchased JSW's Galvalume for making solar mounting structures including purlins, rafters, columns, bracers, angles, etc.

o) The Applicant also submitted that the Respondent SPDA has failed to substantiate its argument, that Applicant does not produce some of the products forming part of the PUC, with evidence.

p) With respect to the request by some interested parties to undertake PCN-wise analysis, the Applicant submitted that PCN methodology is required only in cases where there are multiple grades and forms of the PUC/like article and there is a substantial cost and price difference between these grades and forms. However, these conditions are not applicable in the present investigation due to the following reasons:

i. The domestic industry sells the PUC primarily in two forms – CF and COF. The share of both these products in the Applicant's sales constitutes approximately 97% and the price difference between these two forms is around Rs. 2,200/-, which is not more than 5%.

ii. The coating grades of the PUC sold by the domestic industry are primarily AZ150 and AZ70. The share of both these grades in the Applicant's domestic sales constitutes approximately 83% and the price difference between these two coating grades is not more than 5%.

iii. The domestic industry sells PUC with a thickness ranging from 0.19 mm to 2.20 mm. The price difference between products constituting more than 85% of the sales within these thicknesses is not more than 5%.

iv. Applicant has identified PosMAC and products other than PosMAC imported from Korea RP. Applicant has not observed any price variation in both the products coming from Korea RP into India.

q) The Product under consideration offers resistance to corrosion. PUC is used in many applications and sectors including infrastructure projects, solar power projects, roofing, walling decking, cladding and framing, white goods and appliances, furniture and substrate for color coated steel.

r) There are no differences in quality, output and performance of the subject goods imported into India from the subject countries and the goods manufactured by the Applicant. The subject goods produced by the domestic producers and those imported from the subject countries are comparable in all relevant parameters such as physical characteristics, manufacturing process, technology, functions, uses etc. The domestically manufactured product and the imported product are being used interchangeably by Indian consumers.

s) To the best of the knowledge of Applicant, there are no known major differences in the production process employed by the Applicant and the exporters from the subject countries.

t) The quality of a product is not the criteria for exclusion from the scope of PUC. The quality of the subject goods being produced by the Applicant is at par with the imported subject goods.

u) Domestic producers of the subject goods in India are capable of meeting entire demand of PUC in India.

v) Applicant is capable of producing subject goods below 70 gsm. However, Applicant rarely produces the subject goods having coating mass below 70 gsm due to Bureau of Indian Standards guidelines in effect which are implemented pursuant to the Steel Quality Control order.

w) In para 4 of the initiation notification dated 2nd April 2019, the Authority has clarified the exclusions from the scope of PUC. POSCO's product PosMAC has both Aluminium and Zinc and is therefore clearly covered within the scope of the product under consideration. The perception that miniscule content of aluminium does not bring it within the product scope is wrong for the following reasons:

i. Any Zinc, Aluminium and Magnesium product cannot be manufactured with the same corrosion resistance properties without aluminium.

ii. PosMAC is different from zinc coated product as its aluminium content offers better corrosion resistance than zinc coated product and therefore, cannot be regarded as comparable to zinc coated product.

iii. Aluminium and Zinc coated product (Galvalume) manufactured by Indian industry is commercially, technically and characteristically substitutable with PosMAC. PosMAC can be used and is being used by the same customers, for the same end use applications by offering a price that undercuts the domestic

price of Aluminium and Zinc coated product offered by the Indian industry. In fact, PosMAC is being offered at low prices despite use of higher zinc content with magnesium, which are much costlier than aluminium.

iv. The primary intended end-use application for all such products like PosMAC&Galvalume is to offer resistance to corrosion to base steel and hence are easily substitutable.

x) Aluminium and Zinc coated product (Galvalume) being produced by the Indian Industry is a like article to the PosMAC as the same can commercially, technically and characteristically substitute PosMAC. It is further submitted that International standards are irrelevant for determining whether Galvalume is a like article or not for PosMAC.

y) Indian industry has supplied Aluminium and Zinc coated products ranging from 0.19 mm to 2.2 mm thickness to its customer base. No order has been received by the Applicant for material having thickness higher than 2.2mm. However, the facility is capable of manufacturing the PUC up to 3mm thickness. In case of any special requirement by the customer, necessary product development can be initiated. Also, it is evident from the transaction wise import data that there is a miniscule quantity of PosMAC imports having a thickness higher than 3mm.

z) The customers have been using Aluminum & Zinc coated product and PosMAC interchangeably for its basic property corrosion resistance. Adequate evidence has been provided for the interchangeability of these products across various end-uses. Moreover, spray (with Aluminium& Zinc) can be used for precautionary measure to enhance corrosion resistance in case of both PosMAC and Aluminum & Zinc.

aa) It is pertinent to note that the product Galvalume also has excellent corrosion resistance at cut-edge. The product also has excellent life expectancy of at least 35 years before requiring major maintenance.

bb) The domestic industry has capability of supplying Aluminium Zinc coated products with a tensile strength of 540 and above and on the basis of customers requirement, the domestic industry supplies the same.

cc) It is to be noted that PosMAC has Zn-Al-Mg coating on HR as well as CR substrates. Secondly, HR cannot simply be used in manufacturing PosMAC. HR base has to undergo shot-blasting, pickling process and requires a pass through the skin-pass mill before the Zn-Al-Mg coating can be applied. Aluminium-Zinc coated product being manufactured by Indian industry should be regarded as like product with HR based PosMAC as these products are technically, commercially and characteristically

substitutable with each other. Irrespective of the substrate on which coating is applied, the imported PosMAC has characteristics closely resembling those of the PUC and is displacing the demand for PUC directly. The domestic industry has supplied the

Galvanized material with HR base and if the customers require so, the domestic industry has the capability to supply even the Galvalume material with HR base.

dd) Applicant has provided sufficient evidence to the effect that the customers are using domestically produced aluminium and zinc coated products and the imported Zn-Al-Mg coated products interchangeably for the same end-use application and the quality of the subject goods being manufactured by the Indian industry and the imported subject goods are at par.

ee) Domestic producers of the subject goods are capable of catering to the total demand of the subject goods in India. However, significant volume of dumped imports coming from subject countries have aggressively captured the market share in India. The Domestic industry has amply demonstrated its capability as well as evidence of supply the PUC to solar industry in terms of both quality as well as commercials.

ff) The quality of the subject goods produced by Applicant is at par with the imported product. In fact, the customers use imported goods and the goods being produced by the Applicant interchangeably for the same end use application.

gg) Aluminium silicon coated sheet without any zinc is not part of the product under consideration as the PUC only covers “flat rolled product of steel, plated or coated with alloy of aluminium and zinc”.

hh) The Applicant has not proposed any PCN wise analysis in its application as PCN wise examination is not required in the facts of the present case.

ii) S. No. 47 of the Steel and Steel Products (Quality Control) Order, 2018 dated 13th August 2018 makes IS 15961:2012 of the Bureau of Indian Standard mandatorily applicable for “Hot dip Aluminium-Zinc Alloy Metallic Coated Steel Strip and Sheet”. While the Domestic Industry has the capability to produce the PUC having coating mass below AZ 70, it does not do so in order to comply with IS 15961:2012. As per Table 2 of IS 15961:2012, the coating class as well as minimum coating mass is provided as below:

Sl. No.	Coating Class	Minimum Coating Mass g/m ²		
		Total both surfaces		One surface
		Triple Spot	Single Spot	Single Spot
i)	AZ200	200	180	80
ii)	AZ150	150	135	60
iii)	AZ100	100	90	40
iv)	AZ70	70	63	28

The note below the table 2 states "Coating weight other than the above shall be a matter of mutual agreement between the customer and the suppliers. “Clause 9.1” of IS 15961:2012 reads as under:

“The minimum coating weight shall be as per Table 2 when tested as per 9.2 to 9.7.”

Clause 9.1 of IS 15961:2012 read with Table 2 leads to the following conclusions:

- IS 15961:2012 permits Al-Zn coating as per Table-2.
- Any other intermittent coating between AZ-70 and AZ-200 is allowed subject to prior agreement between the purchaser and the supplier. IS 15961:2012 does not authorise any coating below AZ-70.

jj) The warranty offered for PosMAC is nothing but a promotional tactic to substitute Aluminium & Zinc coated product and take its market share. There are various concerns with the warranty offered for PosMAC as detailed below:

- i. POSCO has the right to modify the terms of agreement.
- ii. Governing Law: Warranty in accordance with laws of Korea and Seoul Central District Court to have jurisdiction over any dispute, making the warranty difficult to invoke.
- iii. Warranty not valid in case of corrosion caused by alkaline products such as ash, cement, dust or animal excrement (despite PosMAC’s contention of better performance under alkaline environment).
- iv. The warranty is not valid for end-use application as contended by PosMAC i.e. for Solar structure fabrication & support structure including structure in contact with soil / concrete.
- v. The visual aspect of cut-edges and dis-colouration due to run-off from cut-edges is not covered under warranty (despite PosMAC’s contention of better performance in case of cut-edges).
- vi. The warranty is not valid in case of posts which are directly rammed into the ground and where PosMAC comes in contact with soil (despite user’s contention that PosMAC offers better performance than Aluminium & Zinc in case of posts of solar equipment).
- vii. The warranty is not valid in case the customer does not carry out annual inspection and maintenance and such inspection and maintenance is duly reported to POSCO.

C.1.1. Post-Disclosure Submissions made by Domestic Industry

8. The domestic industry has requested the Authority to confirm the product under consideration as proposed in the disclosure statement.

C.2. Submissions made by other interested parties

9. The following submissions have been made by other interested parties comprising of exporters, importers, users and other interested parties with regard to product under consideration and like article:

a) The PUC defined in the Application is inconsistent with the parameters under Rule 2(d) which requires and contemplates the product category to be very clear and precise. However, the application has been filed seeking imposition of anti-dumping duty on an extremely broad and wide category of products.

b) The Respondents while making reference to the Preliminary Findings stated that the Authority had ignored the request for PCN methodology without providing a valid reason as the DI and some other producers had not claimed PCN.

c) DI flouts Steel and Steel Products (Quality Control) Order issued by Ministry of Steel that clearly mentions that no producer under BIS can sell their secondary or defective material otherwise than as scrap. The exporter attached documents of auctions to substantiate their allegations. It further stated that the Applicant sells/auctions the secondary/defective material and merges the figures with the other Prime Material to show the selling price lower than what it should actually depict, if the same were segregated. Had there been PCN wise analysis of Prima and secondary/defective material, the Prime PUC would have shown higher price than the Secondary PUC. Other users had imported reasonable quantities of secondary Alu-Zinc coils during POI.

d) Mandatory applicability of Steel and Steel (Quality Control) Order to PUC has been imposed w.e.f. 18th December 2018 which is post POI.

e) PosMAC does not qualify as an Aluminium-Zinc alloy coated flat product, which is the PUC in this investigation. Rather it is a Zinc-Magnesium alloy coated product. It submitted that the only reason it took part in the investigation was that one of the exceptions of PUC, namely "Flat rolled steel products coated with Zinc without addition of Aluminium, did not specify the tolerance level for presence of Aluminium. Further POSCO name was not there as an exporter.

f) With respect to the only counter given by the Applicant that the Applicant had named POSCO C&C as a known exporter, it is submitted that POSCO and POSCO C&C are two different legal entities producing PosMAC and Galvalume respectively which is why later was named in the petition. The commercial invoice of these companies also categorically describes the product as PosMAC and Galvalume.

g) The Applicant has repeatedly placed reliance on IS 15961:2012 issued by BIS applicability of which has been made mandatory pursuant to Steel and Steel Products (Quality Control) Order, 2018. Hence, it cannot be allowed to claim a different standard for defining the Aluminium – Zinc coated flat product. It was submitted that giving a

different definition in the instant investigation would give rise to an anomalous situation where two different authorities would have provided for different definitions.

h) The Authority in the Preliminary Findings held that PosMAC has been held to be a “like article” on the ground that it is being used interchangeably by the users in India. To this it is reiterated that interchangeability should only be assessed considering majority of user’s opinion. A minority section of users cannot be the basis for ignoring facts available on record. It was further stated that neither is the evidence of interchangeability available on record nor was the opinion voiced at Oral Hearings.

i) With respect to Applicant’s concern over the warranty offered by PosMAC, it was submitted that contractual terms were not relevant to the investigation. It submitted that product warranty is always subject to limitations as any product is produced for specified usage, environment and weather conditions.

j) Dongkuk’s GIX is similar to POSCO’s PosMAC and is zinc/magnesium product.

k) DI had claimed that the product manufacture by DI, i.e. galvalume, can be substituted with the superior product such as PosMAC or some similar product and that it was in possession of various orders from user industry who have shifted from these superior products to galvalume. It also claimed that the purchase order issued by the solar generation company to the manufacturer/importer mentioned galvalume/PosMAC interchangeably. The Respondents submitted that neither had the DI substantiated the claims made by it during proceedings of the public hearing with documentary evidences, nor had they mentioned the same in their Written Submissions dated 07.08.2019. The DI had failed to provide any documentary evidence of any offer/purchase order from the user industry. This clearly showed the malafide intent of DI wherein DI had made sure that the claims made by DI are not open for rebuttal. With respect to claim made by the DI regarding purchase order issued by solar generation company, the Respondents submitted that both the materials can be interchangeably used but only for specific portion of solar mounting structures (i.e. Rafter and Purlin). The DI had tried to mislead the Authority by quoting the half-truth that galvalume and PosMAC are substitutable products. To substantiate their claim, the Respondents attached the report of Research and Development Laboratories of the Portland Cement Association with the Rejoinder. It was submitted that “Interchangeability” should only be assessed considering majority of users’ opinion. This is more so since neither is such evidence of interchangeability available on record nor was such an opinion voiced at the Oral Hearing. To the contrary, the interested parties attending the Oral Hearing unanimously put forth the arguments against interchangeability

l) The Respondents submitted that PosMAC 3.0/similar products do not correspond to the subject goods notified by the Authority i.e. aluminium and zinc coated flat products and hence should be excluded from the scope of PUC. The product of the DI is Aluminium and Zinc coated flats whereas PosMAC is Zinc and Magnesium coated flat product having minimum quantity of aluminium.

m) The contention of the Applicant that PUC having coating below 70 gsm is rarely produced by the domestic industry because of implementation of BIS guidelines the respondent stated that the compliance with the BIS guideline was made mandatory w.e.f. from 18th December 2018 by the Steel and Steel Products (Quality Control) Order, 2018 dated 13th August, 2018 while the injury period is from April 2015 to September, 2018.

n) PUC is partially aligned with available BIS Standards IS 15961:2012. There is no available standard which covers the requirement of Aluminium & Zinc alloy steel containing one or more additional element which in individual or in combination shall not exceed 3% by weight. PosMAC steel is not covered under IS 15961:2012 and it should be outside the purview of present investigation as PosMAC is only zinc coated product and the presence of 2.5% Aluminium cannot alter that character.

o) The DA is supposed to assess if the products are alike, identical or even substitutable. Here, the products- “PosMAC” and “Galvalume” are completely distinct and different making the imposition of anti-dumping duty on “PosMAC” unjustified.

p) POSCO (brand name PosMAC), Nisshin (brand name ZAM), NSSMC (brand name Super Dyma) and A-Mittal (brand name Magnelis) and Mg 1~2% coated steel [JFE (brand name Ecogal), Tata Steel (Magizinc), TKS (Ecoprotect) and VAS (Corrender)] are not manufactured by the Applicant and thus, should be excluded.

q) SPDA is a user of “PosMAC” whereas the Applicant is a producer of “Galvalume”. It is relevant to point out that:

i. The chemical composition of the coating layer of “PosMAC” and “Galvalume” is totally different.

ii. The international standards classification of both products is different.

iii. “PosMAC” is not produced in India and internationally only 4 companies can produce Mg 3% coated steel: POSCO (brand name PosMAC), Nisshin (brand name ZAM), NSSMC (brand name Super Dyma) and A-Mittal (brand name Magnelis).

iv. Product life of PosMAC is 25 years and for “Galvalume” it is 10 years. This makes the product “PosMAC” suitable for solar projects based on a return on investment model of 25 years.

r) The scope of PUC is very wide and without any rationale for the same. The PUC, as defined in the Initiation Notification, covers all kind of flat rolled products of steel, plated or coated with alloy of Aluminium and Zinc regardless of each components’ proportion.

s) PosMAC (POSCO Magnesium Aluminium Alloy Coated Steel) essentially coated with 94.5% Zinc and an alloy of 3% Mg and 2.5% Al is included in the PUC merely because there exists a miniscule proportion of Aluminium in what is primarily a Zinc coated product.

t) PosMAC is a Zinc and Magnesium coated product ('ZM coated product') with a very negligible quantity of Aluminium added to it, which quantity does not render PosMAC an Aluminium and Zinc coated product.

u) The very definition of the PUC is based on it being an alloy of Aluminium and Zinc where the quantities of both Aluminium and Zinc must be significant, if not equal.

v) It is significant to mention that the domestic producers have volunteered the exclusion of Zinc coated products from the scope of PUC. However, while excluding the Zinc coated products there has been no threshold limit provided for the Aluminium content in such product.

w) PosMAC does not fall within the scope of PUC as the quantity of Aluminium present in PosMAC is negligible, being only 2.5% making it only a Zinc and Magnesium coated product. If PosMAC is treated as PUC for purposes of this Investigation, such inclusion will adversely impact the market conditions and weaken the competitiveness of Indian customers.

x) Aluminium and Zinc coated steel and Zinc & Magnesium coated steel are classified in separate specifications in International Standards like ASTM and European Standards (EN).

y) The demand of Domestic Market has increased substantially due to the demand in solar energy sector. The DI is not in a position to cater the entire demand of the Domestic Market.

z) Colorshine imports mainly PUC with mass coated rated at AZ-40, which is not produced/manufactured by Indian producers including the Applicant, JSW Steel Coated Products Limited and other Indian producers namely Tata Steel BSL Limited.

aa) HS Code 72106900 includes Aluminium and Silicon coated material which are not manufactured by Domestic Industry.

bb) Zinc and Magnesium Coated is classified as 'EN10346(ZM)' with the sum of Aluminium and Magnesium from 1.5 to 8% and balance Zinc (equivalent to 'ASTM 1046/1046M'), while Aluminium Zinc coated is classified as 'EN10346(AZ)' with 55% Aluminium alloyed with 1.5% Si (equivalent) to ASTM 792/792M).

cc) At present the domestic industry is not capable of catering to the demand of the solar industry in terms of required quality of PUC (Galvalume) as well as cost.

dd) Furthermore, the projected growth of the solar industry (and consequent increase in demand for MMS, of which PUC is the primary raw material) is exponential.

ee) Any drastic increase in cost of inputs/raw materials shall have a significant impact on the cost of execution of these projects, and finally result in an increase in tariff which shall be passed on to the citizens of India.

ff) Min AZ 20 as required is not available with local suppliers. The imported product is skin passed which gives better quality in FG and has much fewer deficiencies in quality than the domestic product.

gg) PosMAC thickness range (especially in thickness 1.2~4mm) makes this product both cost and time effective.

- i. For instance, solar structure fabricators need 2mm~4mm thick steel material for lessening the number of Columns and for saving times of fabrication.
- ii. Galvalume, which is only produced from 0.8mm to 1.2 mm, is not considered as a proper source of making supporters of wide solar panel as well as heavy wind load

hh) PosMAC as a ZM coated steel has two distinctive anti-corrosive properties compared to Galvalume's (AZ Coated). One is 'Self-healing system', and the other is 'Alkaline resistance':

- i. 'Self-healing system' prevents corrosion from 'red-rust' at edge. And the 'edge' occurs every moment when the coil or sheet material is cut, stamped and even scratched.

- ii. Galvalume and AZ coated has no Self-healing system, while ZM coated steel like PosMAC has it due to Zinc and Magnesium elements. Miniscule quantity of Aluminium is required only for technical reasons while the product is Zinc Coated.

- iii. Galvalume/AZ coated steel is not considered as a substitute of PosMAC/ZM coated steel by fabricators because using Galvalume causes profit loss since the edge must be cut off as much as it can ensure the quality of converted products.

- iv. Solar power generators are reluctant to use it as the solar project requires 25 year warranted durability. They do want to warrant the safety and the longer life of solar energy structure without frequent repair/replacement.

- v. When it comes to 'Alkaline resistance', Galvalume users' website indicates that Galvalume should not be used in alkaline environment like concrete ground or farm where materials are exposed to agricultural chemicals and excrement as the cycle of coating weight loss in that environment is short. To the contrary, PosMAC and even Zinc coated steel can resist corrosion much longer in the same environment.

- vi. Pre-painted or colour coated Aluminium Zinc alloy coated steel sheets (Pre-coated SGL sheets) i.e. Pre-painted Galvalume coils with various thickness and width is not covered by the investigation and the same should be confirmed.

C.2.1. Post-Disclosure Submissions by other Interested Parties

10. The post-disclosure submissions made by other interested parties are as follows:

a) Products being imported into India are in different grades, categories and ranges, which impacts the pricing. A PCN-wise analysis for the PUC was essential in this investigation.

b) DI obviously does not require a PCN wise analysis as it does not make different grades. However, all producers, particularly from Korea, have submitted their data basis the PCNs followed by them internally. It is evident from the data available with this Authority that there is significant variation in prices between the various grades being exported into India.

c) Merely because the petitioner “has not proposed any PCN wise analysis” cannot be the basis for determining whether or not this Authority should request for the data to be submitted PCN wise.

d) There have been investigations in the past such as (1) Elastomeric Yarn (2) Flax Yarn and (3) Aluminium Foil, where the Authority decided to notify PCNs at the specific request of the producer/exporters, even though the same was not requested by the petitioner companies.

e) Not following the PCN methodology, would result in a huge distortion of price in both Normal Value and Export Price for the exporters.

f) A PCN wise analysis becomes even more essential for POSCO since this Authority is treating POSCO and its related producer, POSCO C&C as a group. It is evident from the records that POSCO’s product PosMAC is a Zinc Magnesium product while POSCO C&C’s product Alzasta is Galvalume. It would, therefore, be a fallacy to treat both these different products as a single grade and arrive at a weighted average for these two companies in the POSCO group.

g) “GGL-Structural-150” products constitute almost 99% of exports to India. However, in the domestic (Korea) market, sales composition of “GGL-Structural-150” was just 0.04%. (= 23MT / 60,286MT). Therefore, it is imperative to do a PCN wise analysis.

h) Dongkuk is the producer of Zinc and Magnesium coated GIX which is coated with 94% Zinc and an alloy of 4% Al and 2% Mg and is termed as a ZM product. Dongkuk has made detailed submissions on how its product, GIX is not “like article” to the PUC in this Investigation.

i) POSCO is a producer of Zinc and Magnesium coated PosMAC (POSCO Magnesium Aluminium Alloy Coated Steel) having 94.5% Zinc and an alloy of 3% Mg and 2.5% Al. During the POI, all sales of PosMAC have been made by POSCO to two unrelated traders in Korea, namely Samsung C&T Corporation, and GS Global. POSCO has not made any exports to India either directly or through its related entities.

j) No such “records” and/or “evidence” have been made publicly available to the interested parties in this Investigation pertaining to the product being a like product.

C.3. Examination by the Authority

11. The submissions made by the domestic industry and other interested parties during the course of the investigation including post-disclosure submissions with regard to the PUC and like article related issues have been examined as under:

a) With regard to exclusion of PosMAC from the scope of product under consideration, it is noted that the users of Galvalumesubstitutably use PosMAC for their end use applications. It is also ascertained from the records made available by interested parties that users of Aluminium and Zinc coated flat steel products use PosMAC produced and sold by exporters from subject countries, and alsoGalvalume produced and sold by the domestic industry interchangeably. Though the chemical composition of subject goods produced and sold by domestic industry is different from PosMAC imported from subject countries, they are being used interchangeably by the users in India. It is thus noted on examination of records and the evidence provided by the domestic industry that Aluminium and Zinc coated product being produced by the domestic Industry is a like article to PosMAC and it can commercially and technically substitute PosMAC.

b) With regard to the exclusion of GIX from the scope of PUC, it is noted that the issue is similar to the issue pertaining to PosMAC. It is noted on examination of records and the evidence provided by the domestic industry that Aluminium and Zinc coated product being produced by the domestic industry is a like article to GIX and it can commercially and technically substitute GIX.

c) With regard to submissions of SPDA that the end use of PosMAC and Galvalume is different due to difference in the properties of the two products and PosMAC is being used for making columns and bracers whereas Galvalume is used for making rafters

and purlins, the domestic industry has provided sufficient evidence to demonstrate that JSW’s Galvalume is being used for making solar mounting structures including purlins, rafters, columns, bracers, angles, etc. The Authority has examined this issue in detail and it is noted from the records submitted before the Authority that the domestic industry is manufacturing and supplying Aluminium and Zinc coated steel products for use in solar modules for the same application where PosMAC is being used. Accordingly, it is clear that the end use of PosMAC and Galvalume products is same, and both products are being interchangeably used for the same end use applications.

d) With regard to the submission of some of the interested parties that the subject goods imported for use in Solar Modules should be excluded from the scope of PUC, it is noted that the Domestic Industry supplies the subject goods for use in Solar Modules as well.

e) On the issue of domestic industry not producing and selling PUC having coating mass below 70 GSM, it is noted that domestic industry is rarely producing these specific

products because of implementation of BIS Guidelines in pursuance to the Steel Quality Control Order.

f) With regard to submissions made by some of the interested parties about Flat rolled steel products coated with Aluminium without addition of Zinc within the scope of PUC, it is noted that the same is excluded from the scope of PUC.

g) With regard to submissions made by the interested parties that Pre-painted or colour coated Aluminium Zinc alloy coated steel sheets (Pre-coated SGL sheets) i.e. Pre-painted Galvalume coils with various thickness and width is not covered by the investigation and the same should be confirmed, it is noted that Pre-painted or colour coated Aluminium Zinc alloy coated steel sheets (Pre-coated SGL sheets) is excluded from the scope of PUC.

h) With regard to submissions made by some of the interested parties that HS codes of the product under consideration are too broad, it is noted that the customs classification mentioned for the PUC is indicative only and is in no way binding on the scope of the present investigation. The scope of the PUC for this investigation is clearly mentioned under appropriate heading.

i) With regard to submissions made by some of the interested parties that Authority has not conducted PCN based analysis for determination of dumping margin, the Authority notes that PCN methodology is required only in cases where there are multiple grades and forms of the PUC/like article and there is a substantial cost and price difference between these grades and forms. The Authority further notes that DI has not proposed any PCN wise analysis in its application. During the course of the investigation, it was noted that there was no significant difference in prices of domestic like product sold by domestic industry. Similarly, after analyzing the exporters data, Authority could not find significant difference in the costs and prices of the product under consideration sold by them in their domestic market and exports to India. Further, one of the cooperating producers and exporter has stated that there is no need for devising PCN in the present investigation as there is no significant difference in cost and sale price of different grade/PCN. Accordingly, after examining the contentions of various interested parties, it has been found appropriate not to carry out PCN wise analysis in the present investigation.

j) With regard to the contention that PosMAC is not covered under IS 15961:2012 and it should be excluded from the scope of PUC, the Authority notes that the PUC in the present investigation has not been defined on the basis of any BIS Standard. The Authority further notes that there is no requirement under the Rules that scope of PUC should be determined on the basis of BIS standard.

k) With regard to the contention made by some of the interested parties that the PUC is too broad and vague, it is noted that the PUC has been appropriately defined keeping in view the imports from subject countries, and production and sales of the domestic

industry. The Authority has thoroughly examined the contentions by all interested parties before arriving at the scope of PUC.

C.4. Scope of PUC and Like Article

12. On the basis of submissions made by various interested parties and the information on record, the Authority holds that the product under consideration is:

“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 temper-mill or non-skin-passed whether or not surface treated with or without additional non-metallic coating. PUC may be supplied in various trade names including but not limited to Alu-Zinc, Al-Zn, Zinc Aluminium, Aluminium Zinc, Zinalume, 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).*

13. PUC falls under tariff items 72106100, 72125090, 72259900 and 72269990 of the Customs Tariff Act, 1975. PUC is also being imported under other Customs Tariff Items 72101290, 72103090, 72104900, 72106900, 72107000, 72109090, 72121090, 72122090, 72123090, 72124000, 72169910, 72255010, 72259100, 72259200, 72269930 etc. The customs classification is indicative only and is in no way binding on the scope of the present investigation.

14. With regard to like article, Rule 2(d) of the Rules provides as under: - "like article " means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the article under investigation. After considering the information on record, the Authority is of the view that the subject goods produced by the domestic industry are comparable to the product under consideration in terms of chemical characteristics, functions & uses, product specifications, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. Thus, the Authority is of the view that subject goods produced by the Applicant domestic industry are like article to the product under consideration which is imported from subject countries in accordance with the Rules. The Authority has noted that the domestic industry is producing the like article and supplying the same for use in solar modules as well.

D. SCOPE OF DOMESTIC INDUSTRY & STANDING

15. It is noted that the subject application has been filed by M/s JSW Steel Coated Products Limited. Apart from the Applicant, there are three other producers of the PUC in India, namely, M/s. Tata BlueScope Steel Private Limited, M/s. Tata Steel BSL Limited and M/s. Asian Colour Coated Ispat Limited. It had been claimed that M/s. Asian Colour Coated Ispat Limited has not been producing the PUC from 2017 onwards.

D.1. Submissions made by the Domestic Industry

16. The submissions made by the domestic industry during the course of the investigation with regard to scope of domestic industry & standing are as follows:

a) Application was filed by M/s. JSW Steel Coated Products Ltd., who is a producer of the subject goods in India. There are three more known domestic producers of the product under consideration, namely, Tata Steel BSL Limited, Tata Bluescope Steel Private Limited and Asian Colour Coated Ispat Limited.

b) Applicant has not imported the product under consideration and is not related to any importer in India or exporter from subject countries.

c) With respect to the contention that one out of four manufacturers without support from any other manufacturer cannot constitute DI, the Applicant submitted that it had more than 60% of the total domestic production of the subject goods. Hence, it is deemed to have satisfied both the 25% as well as 50% tests provided in Rule 5(3)(a) and 5(3)(b) of the Rules. It was further submitted that Respondents had failed to provide any evidence to demonstrate that Applicant did not hold a major proportion of total domestic production of subject goods.

d) The Applicant referred to the cases where the Authority had treated a single Applicant without any supporter as domestic industry to substantiate its contention. These cases were:

i. *“Coated Paper” originating in or exported from China PR, European Union and USA*

ii. *4, 4 DiaminoStillbene 2, 2 Disulphonic Acid (DASDA) originating in or exported from China PR.*

D.1.1. Post-Disclosure Submissions made by Domestic Industry

17. The domestic industry has requested the Authority to confirm that they satisfy the standing requirement and constitute the domestic industry in terms of Rule 2(b) and Rule 5(3) of the Rules.

D.2. Submissions of various interested parties

18. The submissions made by various other interested parties with regard to the scope of domestic industry & standing are as under:

a) The present application has been filed by a single entity and is not supported by other manufacturers of “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 is individual or in combination shall not exceed 3% by weight”. The Applicant admits that the following entities produce the same PUC:

i. Tata Steel BSL Limited;

ii. Tata BlueScope Steel Private Limited;

iii. Asian Colour Coated Ispat Limited

b) None of the above manufacturers have supported the Applicant’s application. It is submitted that one out of four manufacturers can’t constitute “domestic industry” under Rule 2(b) of the Rules.

c) The first element of Rule 2(b) i.e. “the manufacture of the like article” is absent as the Applicant does not even produce some of the PUC in particular “PosMAC ”and the products produced by the Applicant are not even viable substitutes of “PosMAC”.

d) The Applicant has shown a frivolous basis for the assessment of the production by the other manufacturers as only 1 out of 4 manufacturers have filed the application although the production by other manufacturers is significant. It is respectfully submitted that in absence of authentic figures regarding the production of other manufacturers, the Applicant cannot be treated as the “domestic industry” under Rule 2 (b) of the Rules.

e) Vague basis has been given for assessment of the production by the other manufacturers and stated as under:

“Based upon the information provided by the respective producers. The Authority may verify the same from the respective sources.”

D.2.1. Post-Disclosure Submissions made by other Interested Parties

19. No comments have been made by the interested parties in this regard.

D.3. Examination by the Authority

20. Rule 2(b) of the Rules provides as follows:

“domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related

to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term 'domestic industry' may be construed as referring to the rest of the producers”

21. The Authority notes that the application has been filed by M/s. JSW Steel Coated Products Ltd, who is a major producer of the subject goods in India. There are three more known domestic producers of the product under consideration in India, namely, Tata Bluescope Steel Private Limited, Tata Steel BSL Limited and Asian Colour Coated Ispat Limited.

22. The Authority notes that Applicant has neither imported the subject goods, nor it is related to an importer or exporter of the subject goods. The evidence on record shows that the Applicant commands a major proportion (more than 60%) of the total production of the subject goods in India. Therefore, the Authority holds that for the purpose of this investigation the Applicant satisfies the standing requirement and constitutes the domestic industry in terms of Rule 2(b) and Rule 5(3) of the Rules.

E. ISSUES RELATING TO CONFIDENTIALITY

E.1. Submissions by domestic industry

23. The following submissions have been made by the domestic industry with regard to confidentiality issues:

a) With respect to the contention of the Respondents that Applicant have claimed excess confidentiality with respect to some aspects, the Applicant submitted that as per Rule 7 of the Rules and Trade Notice No. 10/2018 dated September 7, 2018 disclosure of actual data is not required and only trends needed to be disclosed with respect to some parameters. The Applicant further submitted that it has provided the aforesaid data in indexed form in the non-confidential version of the application.

b) Producers, exporters and related importers in Dongkuk group have claimed excessive confidentiality on various information that is neither business sensitive nor capable of causing any adverse effect on them. Dongkuk Steel Mill Co. Ltd., Korea RP has claimed confidentiality on the following:

i. Channel of marketing for export sales and sale in home market, distribution channels for export to India have been kept confidential because of which, parties through which exports to India takes place cannot be identified.

ii. Sales negotiation process for export sales to India, expenses claimed, details of distribution channels for sales in home market, sales negotiation process for sales in home country cannot be kept confidential.

iii. Manufacturing process, post invoicing/sales discount or year-end rebates given to domestic customers cannot be kept confidential.

iv. Appendices 6, 7, 8 and 9 have been completely treated as confidential in the non-confidential version by Dongkuk Steel Mill Co. Ltd. In the absence of these appendices and exhibits, Applicant is not in a position to ascertain what these appendices and exhibits contain, why they are being treated as confidential, why their summarization is not possible.

c) Hyosung TNC Corporation Korea has claimed confidentiality on the following:

i. List of products sold, details of company's world-wide corporate structure and affiliations, including parent companies should be provided and cannot be kept confidential.

ii. Distribution channels for export to India have been kept confidential because of which, parties through which exports to India takes place cannot be identified. This information cannot be kept confidential.

d) Dongkuk Steel India Private Limited has claimed confidentiality on the following:

i. List of shareholders, list of products sold by entity should be provided. This information cannot be kept confidential.

ii. Distribution channels and related party information cannot be kept confidential as distribution channel is mandatorily to be disclosed.

iii. Sales negotiation process

e) In view of the above, producers, exporters and related importers in Dongkuk group should be treated as non-cooperative because they have failed to disclose the essential information in the non-confidential version and have also violated Trade Notice No. 10/2018 dated 7th September 2018.

f) Producer and exporter in Dongbu group have claimed excessive confidentiality on various information that is neither business sensitive nor capable of causing any adverse effect on them. Dongbu Steel and Incheon Korea has claimed confidentiality on the following:

i. List of principal shareholders, list of all products sold by Dongbu Steel and Incheon should be provided. This information cannot be kept as confidential.

ii. Company's world-wide corporate structure and affiliations, including parent companies and all related companies should be provided.

iii. Details of distribution channels for sale in home market.

iv. Post invoicing/sales discount or year-end rebates given to domestic customers.

v. Manufacturing process and production flow chart.

vi. Appendices 6, 7, 8 and 9 have been treated as confidential in the non-confidential version by Dongbu Steel and Incheon. In the absence of these appendices and exhibits, we are not in a position to ascertain what these appendices and exhibits contain, why they are being treated as confidential, why their summarization is not possible.

g) In view of the above, producers and exporters in Dongbu group should be treated as non-cooperative because they have failed to disclose the essential information in the non-confidential version and have also violated Trade Notice: 10/2018 dated 7th September 2018.

h) GS Global Corp has claimed excessive confidentiality on various information that is neither business sensitive nor capable of causing any adverse effect on them. Applicant has examined the confidentiality related issues for GS Global Corp and the same are stated below:

i. List of principal shareholders should be provided.

ii. List of all products sold by GS Global Corp should be provided.

iii. List of related entities has been provided by GS Global Corp but their telephone, fax number and email address has not been provided. Activities of each entity and details of whether they are involved in export of PUC to India should also be provided.

iv. Financial and cost accounting system of the company

v. Distribution channels for export to India have been kept confidential because of which, parties through which exports to India takes place cannot be identified.

vi. Sales negotiation process for export sales to India.

vii. Details of distribution channels for sale in home market.

viii. Sales negotiation process for sale in home country.

ix. Name of related party in India.

i) In view of the above, GS Global Corp should be treated as non-cooperative because it has failed to disclose the essential information in the non-confidential version and has also violated Trade Notice No. 10/2018 dated 7th September 2018.

j) Producers, exporters and related importers in POSCO group have claimed excessive confidentiality on various information that is neither business sensitive nor capable of causing any adverse effect on them. POSCO has claimed confidentiality on the following:

i. List of related entities has been provided by POSCO but their addresses, telephone, fax number and email address has not been provided. Activities of each entity and details of whether they are involved in export of PUC to India should also be provided.

ii. POSCO has submitted that it produces and sells zinc, aluminium and magnesium coated steel products called as “POSMAC” which is different from the product under investigation. In support of his claim, POSCO has provided in Exhibit- B-1 its product brochure showing the comparison between POSMAC and typical aluminium zinc coated steel. However, this product brochure has not been provided in the non-confidential version. In the absence of product brochure, Applicant will not be able to file any comment on this issue.

iii. Distribution channels for export to India have been kept confidential because of which, parties through which exports to India takes place cannot be identified.

iv. Sales negotiation process for export sales to India, details of distribution channels for sales in home market and sales negotiation process for sale in home country.

v. Names of raw materials used in production process, Appendices 1, 3A, 4A, 4B, 6, 7, 8, 9, 10, 11 and Exhibit B-1, D-1, G-1, G-2, E-1, F-1, F-2 have not been provided at all by POSCO in the non- confidential version. In the absence of these appendices and exhibits, Applicant is not in a position to ascertain what these appendices and exhibits contain, why they are being treated as confidential and why their summarization is not possible.

k) In view of the above, producers, exporters and related importers in POSCO group should be treated as non-cooperative because they have failed to disclose the essential information in the non-confidential version and have also violated Trade Notice: 10/2018 dated 7th September 2018.

E.2. Submissions by other interested parties comprising producers, exporters and importers

24. The following submissions have been made by other interested parties with regard to confidentiality issues:

a) The disclosure of entire evidence to an affected party is an essential attribute of the principles of natural justice.

b) With respect to the non-confidential version of the petition, it was submitted that the interested parties could not fully exercise their right to defence as significant data provided in the petition was not properly indexed in the non-confidential version of the

petition. Further, no justification table required under the Trade Notice indicating reasons for confidentiality has been provided as part of the petition. Hence, the non-confidential version of the petition failed to meet the standard laid down in rule 7 of the Rules and Trade Notice No. 1/2013 dated December 09, 2013.

c) DI had claimed excessive confidentiality and filed incomplete petition. The DI had failed to submit any costing information and the Applicant had failed to show justification for its claims. It was requested to direct DI to provide the information along with the non-confidential summary as a number of arguments referring to injury were based on these documents.

d) The DI has claimed confidentiality with respect to the following aspects:

- i. Production figures of the Applicant as well as other major producers of PUC.
- ii. Dumping Margin or Ex-Factory export price.
- iii. Domestic Sales of the Applicant and other producers for relevant years
- iv. Captive consumption for relevant years.
- v. Market Share of the Applicant and other producers for relevant years.
- vi. Domestic Selling Price of the Applicant.
- vii. Domestic Selling Price of the producers from China RP, Vietnam and Korea RP.
- viii. Cost to make and sell of the PUC for the Applicant for relevant years.
- ix. Capacity Utilization of the Applicant for relevant years.
- x. Profit/Loss of the Applicant for relevant years. In the absence of a proper non-confidential version, the rights of the responding interested parties are severely prejudiced.

e) In the absence of the full disclosure with regard to the aforesaid, it is impossible to defend interests.

f) The Applicant has failed to show “good cause” for claiming confidentiality as per Rule 7 of the Rules and Article 6.5 of the WTO Anti-Dumping Agreement.

E.3. Post-Disclosure Submissions made by Domestic Industry and other interested parties.

25. No post-disclosure submissions have been made by any of the parties in this regard.

E.4. Examination by the Authority

26. With regard to confidentiality of information, Rule 7 of the Rules provides as follows:

“Confidential information: (1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule(2) of rule 12, sub-rule(4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated Authority on a confidential basis by any party in the course of investigation, shall, upon the designated Authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.

(2) The designated Authority may require the parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated Authority a statement of reasons why summarization is not possible.

(3) Notwithstanding anything contained in sub-rule (2), if the designated Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in a generalized or summary form, it may disregard such information.”

27. Non-confidential version of the information provided by various interested parties were made available to all interested parties through the public file containing non- confidential version of response submitted by various interested parties for inspection.

28. Submissions made by the domestic industry and other opposing interested parties with regard to confidentiality to the extent considered relevant have been examined by the Authority. With regard to claims of excessive confidentiality by the exporters, it is noted that deficiency letters were issued to responding producers and exporters asking for required information in the form and manner as mentioned in the exporter’s questionnaire with due regard to issues relating to confidentiality. These exporters were asked to submit some of the non-confidential information (of the confidential information filed) in the form and manner as provided in trade notice no 10/2018. It is noted that following the issuance of deficiency letters, the interested parties submitted their replies which were again put in the public file for information to all interested parties. The Authority has accepted claims of confidentiality with regard to the responses filed by the interested parties. The Authority also notes that all interested parties have claimed their business-related sensitive information as confidential.

F. NORMAL VALUE, EXPORT PRICE & DETERMINATION OF DUMPING MARGIN

F.1. Submissions by the Domestic Industry

29. The following submissions have been made by the domestic industry:

a) There are significant market distortions prevailing in the steel industry in China PR due to significant state influence, etc. Therefore, the domestic industry requests the Authority not to accept the costs and prices prevailing in China PR for determining the normal value unless producers/ exporters in China PR are able to demonstrate that their costs and prices are not distorted. The domestic industry submits that European Commission (“EC”) in its recently published report has examined the market distortions that exist in specific sectors in China PR wherein the EC has found that there exist countrywide market distortions related to land, energy, capital, raw materials and labour in China PR.

b) If the related importer resells the subject goods in India either in the same form or after minor modifications and incurs a loss, then the Authority should make suitable adjustments to the net export price as well as the landed value of imports. This has been the consistent practice of the Authority as can be seen in the anti-dumping investigation concerning glass fibre from China PR. If appropriate adjustments are not done by the Authority while determining the dumping margin and injury margin, then this kind of practice of importing at a higher price and reselling at a lower price will become an exit route for the foreign exporters and lead to duty evasion or circumvention of the duty by exporters.

c) In reference to the contention by POSCO and POSCO C&C that an unreasonably high preliminary duty had been imposed on them, the Applicant submitted that the DA has suitably made the adjustments for loss incurred by the related importer to calculate the dumping margin and injury margin for them. While making reference to Section 9A of the Customs Tariff Act, 1975 and Para 5 of Annexure 1 of the Rules, the DI submitted that for related parties export price is to be constructed based on the price at which the imported article is first resold to an independent buyer (after due allowance for costs including duties and taxes, incurred between importation and resale and for profits) for the purpose of dumping margin determination. They further submitted that exporters from Korea RP are exporting the subject goods at higher prices to their related parties in India and the related importers are selling the subject goods to unrelated customers at prices lower than import prices to escape notice in case of anti-dumping investigation.

d) The DI submitted that the DA had rightly rejected the submission of M/s. Dongbu Steel Co. Ltd. with respect to individual dumping margin in the Preliminary Findings since the connected traders in chain had not responded and the same is consistent with the Authority’s past practice. The Applicant made reference to the case of Anti-dumping investigation concerning imports of “Low Ash Metallurgical Coke” originating in or exported from Australia and China PR which had observed that since the essential information for the complete value chain up-to the Indian customer, the adjustments claimed by the unrelated trader while exporting to Indian customers, the terms and conditions of such sales etc. are not available for examination, the Authority is not in a position to determine the individual dumping margin. The Applicant also made reference to investigations where the DA has not granted the individual dumping margin in absence of information provided by complete value chain. These are

i. *“Uncoated Copier Paper” originating in or exported from Indonesia, Thailand and Singapore*

ii. *“Solar Cells whether or not assembled partially or fully in modules or Panels or on glass or some other suitable substrates”, originating in or exported from Malaysia, China PR, Chinese Taipei and USA; and*

iii. *“Flexible SlabstockPolyol” originating in or exported from Australia, EU and Singapore*

e) The DI has submitted that Authority should verify the fact that in absence of questionnaire responses of Shakun Trading and Prime Resource, Dongbu has reported 85% of its exports to India or not. Domestic industry submitted that para 12.20 of the manual itself is contradictory. In the beginning of Para 12.20, Authority makes it mandatory for the responding producer to file a complete response including all of its exporters, traders, importers etc. who are involved in exports of PUC directly or indirectly to India to get an individual rate of dumping margin. Thereafter, subsequently, in point (iv) of para 12.20, it is stated that if unrelated exporters constituting more than 30% share of total volume of exports to India do not cooperate, responding producer may be considered non-cooperative. As can be seen, both the statements are contradicting each other.

f) The Domestic industry submitted that the manual was issued at a time when the Authority used to recommend combination form of duty for both producer and exporter taken together. Let us take an example. Producer A exports to India through 3 different traders B, C and D. C does not participate in the investigation and other parties duly cooperate. In the erstwhile scenario, if Indian Authority would treat these parties as cooperative then individual duty rate will be determined for a combination of Producer A with exporters B and D. Any exports made by Producer A through exporter C would be subject to high residual duty. However, the Authority has changed its practice now and recommends only producer specific duty. Now, in the new practice if the Indian Authority treats these parties as cooperative then individual duty rate will be determined only for Producer A. Even if Producer A exports through exporter C, benefit of this individual rate of duty would be available. Domestic industry submits that the practice stipulated in the manual cannot be applied to the present changed scenario when the Authority has changed the manner of granting duty in the duty table.

g) Dongbu has submitted that post issuance of Preliminary Findings M/s. Shakun Trading has filed its questionnaire response. Domestic industry submitted that the Authority should reject the questionnaire response filed by M/s. Shakun Trading on the very ground that it has been filed at a very belated stage of the investigation as Authority had already provided ample time to all the interested parties to file questionnaire response before the Authority. It was further submitted that Dongbu has itself accepted in its written submissions that even the questionnaire response filed now by M/s. Shakun Trading is deficient and incomplete. Domestic industry submitted that Para 12.20 of the

manual clearly states that “in case the information from the unrelated entities is not complete, the response is liable to be rejected”. It is clearly mentioned that if the complete response is not filed by the unrelated traders of the producer then Authority will reject the response of the producer. If the Authority accepts the deficient questionnaire response after Preliminary Findings and considers the information provided by M/s. Shakun Trading, then the Authority will set a very bad precedent. Authority in paras 26 (viii) and 26 (ix) of Final Findings in Anti-dumping investigation concerning imports of 1,1,1,2-Tetrafluoroethane or R-134a of all types originating in or exported from China PR and Japan had rejected the questionnaire response on the very ground that the questionnaire response has been filed post Preliminary Findings. The Authority in the Final Findings of second sunset review investigation of the anti-dumping duty imposed on imports of “Paracetamol” originating in or exported from China PR observed as follows:

“20. The Authority notes that M/s HebeiJiheng (Group) Pharmaceutical Co. Ltd filed response at a much belated stage and did not accord any reasonable and satisfactory explanation for submitting such belated response. It is noted that the right to participate in an investigation cannot be unlimited.”

h) In view of the above, Authority should reject the response filed by M/s. Shakun Trading and shall not grant an individual rate of duty to Dongbu Steel.

i) During the POI, Dongkuk primarily made direct exports to its related importer (Dongkuk Steel India Private Limited) in India. Some exports have also been made through unrelated Korean exporters namely Hyosung TNC Corporation and SK Networks. SK Networks has not filed the EQR. In the absence of questionnaire response from SK Networks, complete export chain to India is not available and accordingly the response filed by entire group should be rejected.

j) Dongkuk has also purchased the PUC from other suppliers (may be POSCO). It should be verified whether PUC purchased by Dongkuk from other producers has been exported to India or not. If Dongkuk has exported the product manufactured by some other producer to India and such producer has not participated in the investigation, complete response filed by entire group should be rejected.

k) It can be seen from the response filed by Dongkuk Steel India Private Limited (related importer) that it was incurring losses (after adjusting other income and changes in inventory) during the year 2017-18. The losses incurred by Dongkuk Steel India Private Limited for 2017-18 can be seen as under:

Particulars	Amount (Rs. lacs)
Profit before tax	925
Other Income	293
Change in inventory	-3,646
Profit/Loss	-3,014

l) They requested the Authority to examine the impact of losses suffered by the related importers in detail and make appropriate adjustment while determining the ex- factory export price and landed value for Dongkuk Steel Mill Co.

m) In response to Ques E.11, for computation of export price to India, POSCO has claimed deductions on account of (a) ocean freight, (b) inland transportation, (c) loading fee, (d) packaging cost and (e) credit expense. However, in response to Ques F.10, for computation of Normal Value, POSCO has claimed deductions on account of (a) inland transportation, (b) warehousing expense, (c) handling fees, (d) credit expense and (e) packaging cost and (f) warranty expense.

i. The DI has submitted that while determining the Normal Value, additional deduction towards warranty expense has been claimed. They have also submitted that POSCO has made detailed submissions explaining as to why POSMAC (Zinc, Aluminum and Magnesium coated steel) exported by them to India is different from Aluminum -Zinc coated steel supplied by the Applicant. One of the most important difference highlighted by them is that they are providing 25 years of warranty on POSMAC exported to India. It is therefore abundantly clear that POSCO has stated incorrect facts either in their submissions or in the questionnaire response. If they are actually providing 25 years warranty on exports to India then, they should have shown warranty expense as a deduction for exports to India. If they are not providing 25 years warranty, then they should not have made such a submission while highlighting the differences between POSMAC exported by them to India and Aluminum -Zinc coated steel supplied by the Applicant.

ii. Further POSCO has also claimed additional deduction on account of warehousing expense from the Normal Value. Whereas no such deduction has been claimed from the export price.

iii. POSCO has not claimed any deduction from the export price for bank charges. Therefore, they requested the Authority to make appropriate adjustments towards warranty expense, warehousing expense and bank charges from the export price of POSCO to India. Similar adjustments should also be made from the export price of related producer M/s. POSCO Coated &Color Steel Co.Ltd.

n) The DI stated that they understand that POSCO has made sales to its related party in the domestic market. However, no information has been provided in Appendix 4C (Resale by related customers to independent customers).

o) It can be seen from the response filed by POSCO India Holdings Private Limited (related importer) that it was incurring losses (after adjusting other income and changes in inventory) during the year 2017-18. The losses incurred by POSCO India Holdings Private Limited for 2017-18 can be seen as under:

Particulars	Amount (Rs. lakh)
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Profit before tax	7,961
Other Income	409
Change in inventory	-8,063
Profit/Loss	-511

p) In addition, it can also be seen from the response filed by M/s. POSCO IAPC that it had incurred losses during 2016-17 as well. The Authority should examine the impact of losses suffered by the related importers in detail and make appropriate adjustment while determining the ex- factory export price and landed value for POSCO and POSCO Coated &Color Steel Co.Ltd.

q) Zhejiang Huada New Materials Co. Ltd has not claimed any deduction from the export price for bank charges. Therefore, the Authority should make appropriate adjustments towards bank charges from the export price of Zhejiang Huada New Materials Co. Ltd. to India.

r) Zhejiang Huada New Materials Co. Ltd has made sales to its related party in the domestic market. However, no information has been provided in Appendix 4C (Resale by related customers to independent customers).

s) It has been submitted that the Authority should check whether exporter/ trader M/s Marubeni-Itochu Steel Pte Ltd. has earned reasonable profits and has recovered all its cost for exports to India or not. If exporter/trader has not earned reasonable profits, then we request the Authority to make appropriate adjustment while determining the ex- factory export price and landed value.

t) It has been submitted that the Authority should check whether exporter/trader M/s Vina One Steel Manufacturing has earned reasonable profits and has recovered all its cost for exports to India or not. If exporter/trader have not earned reasonable profits, then we request the Authority to make appropriate adjustment while determining the ex- factory export price and landed value.

u) As per the response filed by Stinko Co. Ltd, it has exported the PUC directly to Indian customers and through unrelated trading companies based in 3rd countries. DI requested the Authority to check whether trader through which Stinko Co. Ltd has exported the PUC to India have participated or not. If the traders have not participated, then Authority should treat Stinko Co. Ltd. and related producer through which Stinko Co. Ltd has purchased the PUC as non-cooperative.

v) It should be noted that Dongkuk Steel India Private Limited is a related party of GS Global Corp. This fact can be verified from the annual report for the year 2017 (Refer Page 61, Point 12). Accordingly, Producer and Exporter (Dongkuk Steel Mill Co. and GS Global Corp) both are related. Therefore, the Authority should verify this fact and

whether the same has been disclosed by GS Global Corp or not. If this fact has not been disclosed, then GS Global Corp should be treated as non-cooperative.

w) The Authority should verify whether GS Global has earned reasonable profit and recovered all its cost or not.

x) Shanghai Shijing International Trading Co. Ltd has made sales in the domestic market. However, no information has been provided in Part-III, Section F (Domestic Sales).

y) The DI requested the Authority to check whether exporter/trader M/s Shanghai Shijing International Trading Co. Ltd. has earned reasonable profits and has recovered all its cost for exports to India or not. If exporter/trader has not earned reasonable profits, then we request the Authority to make appropriate adjustment while determining the ex-factory export price and landed value.

F.1.1.Post Disclosure Submissions made by the Domestic Industry

30. The following post disclosure submissions have been made by the domestic industry:

a) On a comparison of the dumping and injury margin as determined in the disclosure statement with the preliminary findings issued by the Authority, it can be noted that the dumping and injury margin have reduced. It is requested that the Authority re-examine the calculated margins, as the reduction appears to be unwarranted.

b) The Authority has not followed the procedure envisaged in the Manual of Operating Practices (OP Manual) to construct the NEP and the landed value for the non-cooperative portion of the export chain. It is given that the general rule upon the non-cooperation of exporters and unrelated traders is to reject the entire response. However, the Authority has extended the carved-out exception to the exporters, without providing any reasoning for the same.

c) The Authority has not constructed the export price or landed value for any of the non-cooperating portion of the export chain as provided in the OP Manual. It has calculated the export price and landed value merely on the basis of the incomplete response received by it. By not following the said procedure, and merely relying on the incomplete information submitted by the exporters, the calculated dumping margin and injury margin is substantially reduced.

d) The Authority has provided no reasoning for the acceptance of Dongbu's response, despite it being substantially incomplete. It is submitted that Dongbu's response must be rejected since the connected traders in chain have not responded and the same is consistent with the Authority's past practice as well.

e) It is submitted that Nam Kim's response must be rejected in totality, and no individual duty should be determined for them since they have not provided certified documents.

f) It is observed that Dongbu has claimed adjustments on account of inland transportation, credit cost, payment discount and warranty expense, which have been allowed by the Authority. It is unclear why warranty expense adjustment has been allowed by the Authority, contrary to its consistent practice.

F.2.Submissions by various interested parties other than domestic industry

31. The following submissions have been made by the other interested parties:

a) The Applicant has failed to provide sources relied on for determination of dumping margin. The notable instances are as follows:

i. The Applicant has failed to provide any justification for treating Vietnam or China PR as “non-market economies.”

ii. The Applicant states that it does not possess information about domestic selling prices in Korea RP.

b) The Application should be rejected because the Applicant has made blanket assumptions and has relied on unsourced data in order to determine dumping.

c) The products being imported into India are in different grades, categories and ranges, which eventually impact the pricing. The variation between these categories is significant and cannot be ignored. The EQRs and IQRs submitted are all prepared on the basis of PCN methodology being maintained by the producers and exporters. The Authority has, however, ignored the producers request for doing a PCN wise comparison in the Preliminary Findings and has instead used a single PCN.

d) The Authority refused to grant individual dumping margin to Dongbu on the ground that substantial volume of export made by M/s Stinko are not accounted for. The Authority excluded M/s Stinko from the investigation and held that consequent to the exclusion of Stinko, the export volume accounted for in the response filed by Dongbu and its other traders is not substantial. Dongbu has only exported through unrelated exporters and all these unrelated exporters (with the only exception of Prime Resource) account for almost [99%] of Dongbu’s exports to India. It is further submitted that Stinko’s exports to India through its unrelated exporter, Shakun Trading accounts for less than [15%] of Dongbu’s exports to India.

e) The unaccounted export of the PUC by Dongbu is miniscule through the non-participating trader. For the purpose of computation of export price, more than [85%] of Dongbu’s supply chain and pricing is available with this Authority. Further, lack of participation of the unrelated trader of Stinko cannot be held to be “significant” to the extent of rejecting the responses filed by Dongbu and all its traders through whom Dongbu has traded directly.

f) It has further been submitted that Dongbu had made all reasonable efforts to ensure the participation of such an unrelated and distant exporter but had failed. It further stated

that it could reasonably have been expected to ensure the participation of its direct unrelated exporters, and not unrelated trader of its unrelated trader whom it had no control over. Dongbu stated that it would be unfair to Dongbu and its exporters, who have fully cooperated in the investigation, to be excluded from this investigation on this ground. It submitted that it would both set a bad precedent for future investigation and is contrary to the principle of international trade.

g) Dongbu further submitted that the Authority had rejected response filed by producers due to non-cooperation by its trader, however, this has always been with respect to a direct unrelated trader. Such an obligation had never been imposed on an unrelated trader. Dongbu cited the case of “Uncoated Copier Paper Originating in or exported from Indonesia, Thailand and Singapore” to substantiate its argument that the obligation to compel participation of unrelated traders can only be with respect to unrelated traders upon whom producer is expected to be able to exert pressure and not over an unrelated trader’s unrelated trader with whom Dongbu had never dealt with directly.

h) It was further submitted that the participation of unrelated trader Stinko cannot be held to be significant as the unaccounted export PUC by Dongbu is miniscule through the non-participating trader.

i) The only issue raised by Applicant against Dongbu was the non-filing of the response by ‘connected traders in chain’. To this it was reiterated that they did not have any ‘connected traders. All exports had been made through unrelated traders who had fully participated in the Investigation with the exception of Prime Resource, Korea RP.

j) It would be grossly unfair if Dongbu and all its exporters, who have fully cooperated in this Investigation, were to be excluded from this Investigation merely because an unrelated trader of a participating unrelated trader fails to participate in the Investigation. They submitted that such findings would not only set a bad precedent for future investigations but will also be contrary to well established principles of international trade.

k) In the representation to the Authority, M/s Dongbu Steel has drawn the attention of the Authority towards the practice of the Authority wherein it says that in case the share of exports to India of unrelated exporters not participating in the investigation constitutes more than 30% of the total volume of exports to India by the respective producer, then the responding producer may be considered un cooperative and entire response is liable to be rejected. They have added that in this case, as more than 70% value chain from the producer to Indian customers has been compiled with, and more than 85% of the Dongbu supply chain and pricing is available with the Authority, their response should not be rejected.

l) It has also been represented that M/s Dongbu exports only the premium quality of steel of Galvalume into India, and the average price of their products from all their channels is US\$ ***/MT, and with this price, they cannot be dumping the subject goods to India.

m) The Authority had imposed an unreasonably high preliminary duty on POSCO on an incorrect analysis of export price. The method followed by the Authority was that it adjusted the purported "loss" incurred by their related importers against their export price and the landed value. Further, the Authority had adjusted the purported "loss" of the related importers to quantities that have been exported directly to unrelated importers where there could not be any impact of the "loss" purportedly suffered by the related importers.

n) Further, it was submitted that, assuming that the loss could have been adjusted against their export price, the Authority erred in comparing the purchase price of the related importers for total exports (including PUC and Non-PUC) and their sales price (for only PUC).

o) It was requested that the Authority should not deduct the marginal loss of Vina One Steel Manufacturing Corporation while calculating its ex-factory export price since the marginal loss was on account of the selling & distribution expenses, which had already been deducted in Appendix 3A. The Authority was requested to calculate its dumping and injury margin considering its actual domestic sale and exports to India sales data including the adjustments.

p) With reference to the contention of the Applicant requests to the Authority to find out whether Tay Nam and Vina One have made the sales to its related customers at arm's length or not, the Respondents submitted that only Tay Nam has sold the subject goods to both related and unrelated customers, and the transaction with related parties were made at arm's length.

q) It was submitted that the dumping and injury margin have currently been assessed on the basis of irrelevant data. The Respondents further submitted that the Applicant failed to substantiate with evidence its allegation of the price of related importers being less than the import price and insufficient to cover their import costs and other charges borne by them.

r) The Applicant has contended that POSCO India Holding Pvt. Ltd incurred losses after adjusting other income and changes in inventory. This contention is not only baseless and incorrect. The Applicant has incorrectly deducted "other income" and "changes in inventory" from profit before tax". In this regard it was submitted that the changes in inventory are already reflected in the cost of goods sold (COGS) in POSCO India Holding Pvt Ltd.'s audited income statement.

s) If the Applicant's contention is accepted and inventory changes are deducted from profit before tax it would result in "double deduction" from the profit. Further, if the other income is deducted from profit before tax, such deduction would be inconsistent to calculate the profit/loss because the "other expense" is again already recognized as "expense" to calculate net profit. Therefore, to be consistent, the "other income" should be considered as "income".

t) It has been submitted by some of exporters that there is no need for devising PCN in the present investigation as there is no significant difference in cost and sale price of different grade/PCN.

u) Tong Dong A submitted that while calculating the landed value of exports of participating producer and its unrelated trader namely, M/s Marubeni Itochu Steel Pte Ltd., Singapore, DGTR has wrongly adopted the export price of Tong Dong A to India directly and to Marubeni Itochu instead of CIF value of direct exports and exports by Marubeni Itochu.

v) M/s Tay Nam has requested the Authority to not deduct the loss of Vina One Steel Manufacturing Corporation while calculating its ex-factory export price since the loss was on account of the selling & distribution expenses, which are already deducted in Appendix 3A. So, deducting the loss would mean deducting a portion of the selling & distribution expenses again from the exports price and will give incorrect results. They have also requested the Authority to adjust VAT refund of the VAT paid on purchase of the above-mentioned subject goods for export sales.

F.2.1. Post-Disclosure Submissions by Other Interested Parties

32. Other interested parties have made the following post-disclosure submissions:

a) Unreasonably high dumping and injury margins have been determined for Dongbu Steel Co. Ltd.

b) The Authority has adjusted the purported “loss” incurred by its related importer against export price. It is submitted that such an adjustment is wholly unfounded and contrary to the established past practice of the Authority.

c) All sales have been made by POSCO to independent trading entities and there has not been a single direct sale between POSCO and its related importer. These independent exporters have in turn sold the products to POSCO Asia, Hong Kong and the importer is POSCO India Holdings, both being related entities of POSCO. However, these are independent sales made by the unrelated exporters and at arm’s length prices.

d) It is also to be noted that even as a global practice, including in the European Union and the United States, export price is always assessed at the stage of the first sale to an independent buyer.

e) The DI has contended that POSCO India Holding Pvt Ltd incurred losses after adjusting “other income” and “changes in inventory”. This contention is baseless and incorrect. It is submitted that the changes in inventory are already reflected in the cost of goods sold in POSCO India Holding Pvt Ltd.’s audited income statement. If the DI’s contention is accepted and inventory changes are deducted from profit before tax it would result in "double deduction" from the profit. Further, if the “other income” is deducted

from profit before tax, such deduction would be inconsistent to calculate the profit/loss because the "other expense" is again already recognized as "expense" to calculate net profit. To be consistent, the "other income" should be considered as "income".

f) The NSR of the Applicant is higher than the NIP despite the significant dumping margin, injury margin and increase in loss.

g) Vietnam is a market economy but has been treated as a non-market economy.

h) There appear to be calculation errors in the calculation of dumping margin and export price.

i) M/s Vina One Steel Manufacturing Corporation purchased the subject goods from its related company namely M/s Tay Nam Manufacturing & Trading Co., Ltd for exports and domestic sales. While there is VAT on purchase, there is no VAT on export sales, which is a normal practice around the globe. M/s Vina One Steel Manufacturing Corporation got VAT refund of the VAT paid on purchase of the subject goods for export sales. In such case, the reasoning that VAT has not been included in the determination of Normal value and Net export price, thus, the comparison of normal value and export price has been made at the same level of trade is not appropriate.

j) OP Manual provides that any kind of export incentive or duty drawback needs to be adjusted while calculating the net export price. The refund of the VAT paid on purchase of the subject goods is available only on exports sales. Therefore, this is a kind of export incentive. Therefore, it needs to be adjusted while calculating the net export price.

k) In para 4(g)(xvi) of the Disclosure, name of Samsung C&T Corporation has been wrongly mentioned as M/s POSCO Samsung C&T Corporation and the same may be corrected.

F.3. Examination by the Authority

33. The submissions made by the domestic industry and other interested parties during the course of the investigation including post-disclosure submissions pertaining to Normal Value, Export price and Dumping margin have been addressed in this section.

34. The Authority has determined normal value/constructed normal value, export price and dumping margin in respect of producers/exporters from the subject countries based on the response filed by them during the course of investigation.

35. With regard to submissions made by some of the interested parties that Authority has not conducted PCN based analysis for determination of dumping margin, the Authority notes that PCN methodology is required only in cases where there are multiple grades and forms of the PUC/like article and there is a substantial cost and price difference between these grades and forms. The Authority further notes that DI has not proposed any PCN wise analysis in its application and provided the reasons for the same in its submissions. The Authority has examined the reasons cited by the DI in para 9 of this Final Findings for not proposing PCN

wise dumping margin analysis in the present case and the Authority has found the same to be valid. Accordingly, after examining the contentions of various interested parties, it has been found appropriate not to carry out PCN wise analysis for determination of dumping margin for the cooperating producers and exporters in the present investigation.

36. After examining the contentions of various interested parties, the Authority has taken the entire PUC as one product into account for determining the normal value and export price.

37. With regard to submissions of interested parties with regards to issues raised in the determination of normal value and export price of the responding producers and exporters, the same has been examined in the context of determining individual dumping margins of cooperating producers and exporters.

38. With regard to the submissions made by Tay Nam/Vina One regarding non-adjustment of loss on account of selling and distribution, the Authority notes that detailed examination has been made of the same and has been appropriately considered by the Authority. With regard to adjustment of VAT in the computation of dumping margin, it is noted that VAT has not been included in the determination of Normal value and Net export price, thus, the comparison of normal value and export price has been made at the same level of trade.

39. With respect to submissions of POSCO about various adjustments for the purpose of determining dumping margin, it is submitted that no deduction of warehousing expense and warranty expense in domestic sales made by the POSCO, Korea RP in its home market has been allowed for the purpose of determining normal value. It is also noted that no such deductions have been claimed by POSCO Coated &Color Steel Co. Ltd., in its domestic sales. With regard to bank charges, it is noted that POSCO Coated &Color Steel Co. Ltd., has claimed bank charges and the same has been adjusted to arrive at ex-factory export price.

40. With regard to sales of subject goods to related party by M/s POSCO, it is noted that POSCO has made domestic sales to related party as reported in Appendix-4B as a part of EQR but since these goods have not been resold, Appendix-4C has not been filed by the POSCO Korea RP.

41. With regard to submissions that no bank charges have been deducted from the export price in case of exports from China PR, it is noted that as per revised Appendix 3A, bank charges have been deducted from their export price to arrive at Net export price.

42. With respect to submissions that M/s Zhejiang Huada New Materials Co. Ltd has made sales to its related party in the domestic market, and no information has been provided in Appendix 4C (Resale by related customers to independent customers), it is noted that during the POI Zhejiang Huada New Materials Co. Ltd., China PR has sold the subject goods to its related party namely Hangzhou Puyin Metal Materials Co., Ltd., China in domestic market. However, subject goods procured by Hangzhou Puyin Metal Materials Co., Ltd. from M/s Zhejiang Huada New Materials Co. Ltd, China PR, has not been resold in home market.

43. With respect to submissions whether M/s Marubeni-Itochu Steel Pte Ltd., an exporter/trader has earned reasonable profits and has recovered all its cost for exports to India, it is noted that the PUC sold to India by Marubeni-Itochu Steel Pte Ltd., has earned reasonable profit, on account of PUC exported to India.

44. With respect to submissions whether exporter/trader M/s Vina One Steel Manufacturing has earned reasonable profits and has recovered all its cost for exports to India or not, it is noted that the exporter/trader has earned reasonable profits, on account of PUC exported to India.

45. With respect to submissions whether GS Global, Korea RP and Shanghai Shijing International Trading Co. Ltd, China PR has earned reasonable profit and recovered all its cost, it is noted that GS Global and Shanghai Shijing International Trading Co. Ltd has earned reasonable profit on account of PUC exported to India.

46. With regard to the submissions made by the domestic industry that the dumping margin and injury margin for certain parties and for 'all others' category for Vietnam has significantly reduced in the disclosure statement, it is noted that the Authority has determined the dumping margin and injury margin in the final findings for all the parties based on duly verified data/information and in accordance with Section 9A of the Act, read with the Rules. The Authority has made appropriate corrections in the 'all others' category for Vietnam and Korea RP.

47. POSCO has submitted that POSCO's product PosMAC is a Zinc Magnesium product while POSCO C&C's product Alzasta is Galvalume and the Authority has treated both these different products as a single grade and arrived at a weighted average for these two companies in the POSCO group. In this regard, it is noted that the Authority has not treated POSCO's product PosMAC and POSCO C&C's product Alzasta as a single product while determining the dumping margin. The Authority has calculated separate dumping margins for POSCO and POSCO C&C based on their individual data and thereafter a weighted average dumping margin has been calculated for both of them taken together.

48. The Authority has treated Vietnam as a Market Economy country, as opposed to the claims made by some of the interested parties that Vietnam has been treated as a non-market economy country. In fact, the Authority vide letter dated 3rd May 2019 communicated that the producers/exporters from Vietnam need not provide information in the supplementary questionnaire, as required from non-market economy country producers/exporters. The Authority had also put out a clarification in this regard by making it public on its website.

49. POSCO has submitted that POSCO Korea sells the subject goods to unrelated trading entities and thereafter, these unrelated trading entities export to the related entities of POSCO in India. These sales are independent sales made by unrelated entities and therefore adjustments for losses should not be done in the export price of POSCO. In this regard, the Authority notes that looking at the situation holistically, the starting point of the export chain is POSCO Korea, and the ultimate beneficiary/importer in India is POSCO's related company. Merely because unrelated trading entities have been introduced in between, it

cannot be said that import and export transactions are between unrelated parties. If this argument were to be accepted, this would allow the foreign exporters to enter into such compensatory arrangements and ultimately distort the export price and dumping margin.

F.4. Determination of Normal value

50. Under section 9A (1) (c), normal value in relation to an article means:

- i. The comparable price, in the ordinary course of trade, for the like article, when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6), or*
- ii. When there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either:*
 - a. comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or*
 - b. the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6);*

51. The Authority sent questionnaires to the known producers/exporters from the subject countries, advising them to provide information in the form and manner prescribed by the Authority. The following producers/exporters have co-operated in this investigation by filing the prescribed questionnaire responses:

1. M/s. Zhejiang Huada New Materials Co., Ltd., China PR, (Zhejiang)
2. M/s. Shanghai Shijing International Trading Co., Ltd., China PR,(Shanghai Shijing)
3. M/s. POSCO Asia Company Ltd., China PR.
4. M/s. Tay Nam Steel Manufacturing and Trading Co. Ltd, Vietnam (Tay Nam).
5. M/s. Vina One Steel Manufacturing corporation, Vietnam (Vina One)
6. M/s. HoaSen Group JSC. (HSG), Vietnam
7. M/s. HoaSenNghe an one Member LLC (HSNA), Vietnam
8. M/s. Ton Dong A Corporation, Vietnam (Tom Dong)
9. M/s. Marubeni-Itochu Steel Pte. Ltd, Vietnam
10. M/s. POSCO, Korea RP
11. M/s. POSCO Coated and Color, Korea RP, (POSCO C&C)

12. M/s. Dongbu Steel & Incheon, Korea RP (Dongbu)
13. M/s. Dongkuk Steel Mill Co., Ltd., Korea RP (Dongkuk)
14. M/s. GS Global Corp, Korea RP
15. M/s. Samsung C&T Corporation, Korea RP
16. M/s. POSCO International Corporation Ltd. (Formerly known as POSCO Daewoo Corporation), Korea RP
17. M/s. Hyosung TNC Corporation, Korea RP
18. M/s. STINKO Co. Ltd., Korea RP (Stinko)

F.4.1. Normal Value for producers/exporters of subject goods in China PR

52. Article 15 of China's Accession Protocol in WTO provides as follows: "Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") and the SCM Agreement shall apply in proceedings involving imports of Chinese origin into a WTO Member consistent with the following:

(a) In determining price comparability under Article VI of the GATT 1994 and the Anti-Dumping Agreement, the importing WTO Member shall use either Chinese prices or costs for the industry under investigation or a methodology that is not based on a strict comparison with domestic prices or costs in China based on the following rules:

(i) If the producers under investigation can clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product, the importing WTO Member shall use Chinese prices or costs for the industry under investigation in determining price comparability;

(ii) The importing WTO Member may use a methodology that is not based on a strict comparison with domestic prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.

(b) In proceedings under Parts II, III and V of the SCM Agreement, when addressing subsidies described in Articles 14(a), 14(b), 14(c) and 14(d), relevant provisions of the SCM Agreement shall apply; however, if there are special difficulties in that application, the importing WTO Member may then use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. In applying such methodologies, where practicable, the importing WTO Member should adjust such prevailing terms and conditions before considering the use of terms and conditions prevailing outside China.

(c) The importing WTO Member shall notify methodologies used in accordance with subparagraph (a) to the Committee on Anti-Dumping Practices and shall notify

methodologies used in accordance with subparagraph (b) to the Committee on Subsidies and Countervailing Measures.

(d) Once China has established, under the national law of the importing WTO Member, that it is a market economy, the provisions of subparagraph (a) shall be terminated provided that the importing Member's national law contains market economy criteria as of the date of accession. In any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession. In addition, should China establish, pursuant to the national law of the importing WTO Member, that market economy conditions prevail in a particular industry or sector, the non-market economy provisions of subparagraph (a) shall no longer apply to that industry or sector.”

53. It is noted that on 11.12.2016, the provisions of Article 15 (a) (ii) have though expired, the provision under Article 2.2.1.1 of WTO read with obligation under 15 (a) (i) of the Accession protocol require criterion stipulated in para 8 of the Annexure 1 of the India's Rules to be satisfied through the information/data to be provided in the supplementary questionnaire on claiming the MET status. It is noted that since none of the responding producers, exporters from China PR have submitted additional questionnaire response, the normal value computation is required to be done as per provisions of para 7 of Annexure 1 of the Rules.

Determination of Normal Value and Export Price for cooperating producers and exporters in China PR

Zhejiang Huada New Materials Co., Ltd. (“Huada”)

54. Zhejiang Huada New Materials Co., Ltd. (“Huada”) was established on July 25, 2003. Huada is a limited liability company, incorporated in accordance with the Company Law of the People's Republic of China.

Determination of Normal Value

55. The Authority notes that none of the producers/ exporters from China PR have filed the supplementary questionnaire response wherein they were sought to rebut the presumptions as mentioned in para 8 of Annexure 1 of the Rules. Under these circumstances, the Authority has to proceed in accordance with Para 7 of Annexure I to the Rules in this regard.

56. In view of the above, the normal value for the PUC imported from China PR into India is determined based on facts available with the Authority. Cost of production as optimized for the domestic industry after reasonable additions for selling, general & administrative expenses and reasonable profit margin has been considered. Accordingly, the normal value has been constructed for all producers and exporters in China PR for the PUC during the POI as given in the dumping margin table.

Export Price for Zhejiang Huada New Materials Co., Ltd. (“Huada”), China PR

57. With regard to export price of subject goods from responding exporter to India, it is noted that M/s Zhejiang Huada New Materials Co., Ltd., China PR has exported the subject goods to India and has given the information in the Appendix 3A of the exporters' questionnaire response. The exporter has also clarified that Appendix-3B and Appendix-3C are not applicable in their case because there are no sales to related Indian customers and Huada did not export subject goods to India through a trading company. The Authority has accepted the adjustments as claimed by the subject exporter.

58. It is noted that during the POI, M/s Zhejiang Huada New Materials Co., Ltd., China PR exported *** MT of subject goods to India valued at US\$ *** directly. The exporter has claimed adjustments on account of ocean freight, insurance, inland freight, port and other related expenses and Non-Refundable VAT which have been allowed. The net export price after these adjustments is given in the dumping margin table.

Other Producers and exporters from China PR

Dumping Margin for all non-cooperating exporters from China PR

59. The normal value and export prices for other non-cooperating exporters from China PR has been determined as per best facts available taking into account the data of the co-operating exporter from China PR and the same is mentioned in the dumping margin table.

F.4.2. Determination of Normal Value and Export Price for cooperating producers and exporters in Vietnam

Determination of Normal Value for producers and exporters in Vietnam

M/s Ton Dong A Corporation (TDA), Vietnam

60. It is noted that M/s Dong A Company Limited (hereafter also referred to as 'the company', 'Ton Dong A' or 'TDA') was incorporated under the Law of Enterprise of the Socialist Republic of Vietnam as Dong A Company Limited. The company was renamed Ton Dong A Company Limited in 2005 and was renamed Ton Dong A Corporation in 2009.

Normal Value

61. It is noted from the response filed that they have given information pertaining to their domestic sales in the format 4A, 4B and 4C of the exporter's questionnaire. It is also noted from the response that during the POI, M/s TDA has sold *** MT of the subject goods having invoice value *** VND in the domestic market to related and unrelated customers. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. In order to determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority has considered all the transactions in the domestic market for the determination of the normal value. Where the profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value. Based on

the ordinary course of trade test, profitable sales have been taken into account for determination of normal value, since the profitable sales were less than 80%.

62. M/s TDA has claimed adjustments on account of insurance, inland transportation and credit cost, which have been allowed. Accordingly, normal value for M/s Ton Dong A Corporation, Vietnam, has been determined and is given in the dumping margin table.

Export Price

63. It is noted that M/s Ton Dong A Corporation, Vietnam, has exported *** MT of PUC directly, *** MT through M/s Marubeni-Itochu Steel Pte Ltd., Singapore and *** MT through Macsteel International Far East Limited. M/s Ton Dong A Corporation, Vietnam, has filed the questionnaire response. Separate Questionnaire response has been filed by its unrelated trading company, namely M/s Marubeni-Itochu Steel Pte Ltd., Singapore. It is further noted M/s Macsteel International Far East Limited, has not filed its EQR with the Authority.

64. Since, the volume of exports by producer and its unrelated cooperating traders who have filed response before the Authority are considered substantial and are more than 70%, the information submitted by producer and cooperating traders have been taken into account for arriving at the export price.

65. Adjustments have been allowed on account of ocean freight, insurance, inland freight, port and other related expenses. The net export price after these adjustments is given in the dumping margin table.

M/s HoaSen Group (HSG), and M/s HoaSenNgne An One Member Limited Liabilities Company (HSNA), Vietnam

66. M/s HoaSen Group (HSG), Vietnam, has filed the questionnaire response along with its related company, namely, M/s HoaSenNgneAn One Member Limited Liabilities Company (HSNA), Vietnam. HoaSen Group (“HSG”) is a Joint Stock Company listed on Ho Chi Minh City Stock Exchange. 100% of HSNA is owned by HoaSen Group Joint Stock Company (“HSG”). Both HSG and its related company HSNA are producers of subject goods. However, only HSG has exported the subject goods to India during the POI.

Normal value

67. It is noted from the response that M/s HoaSen Group (HSG), Vietnam has sold *** MT of the subject goods having invoice value *** VND in the domestic market both to the related and unrelated customers in Vietnam during the POI. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. In order to determine the normal value, the Authority conducted the ordinary course of trade test only for the domestic sales made to unrelated parties, since the prices to related parties is significantly lower than the prices to related parties to determine profit making domestic sales transactions with reference to cost of production of subject goods. If profit making transactions are more than 80%, the Authority has considered all the transactions in the domestic market for the

determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value. Based on the ordinary course of trade test, profitable sales have been taken for determination of normal value, since the profitable sales were less than 80%.

68. M/s HoaSen Group (HSG), Vietnam, has claimed adjustments on account of insurance, inland transportation, credit cost and other expenses, which have been allowed. Accordingly, normal value for HSG, Vietnam, has been determined and is given in the dumping margin table.

Export Price for M/s HoaSen Group (HSG), Vietnam and M/s HoaSenNgneAn One Member Limited Liabilities Company (HSNA) Vietnam

69. It is noted that M/s HoaSen Group (HSG), Vietnam, has exported *** MT of PUC directly *** MT through four different traders namely M/s Thyssenkrupp Materials Trading Asia Pte. Ltd., Singapore, M/s Deep Sea Ventures Limited, M/s Future Materials Industry (HK) Co., Limited, Hong Kong, and M/s Gipoint Development Ltd. M/s HoaSen Group (HSG), Vietnam, has filed the questionnaire response.

70. It is further noted that these four trader's M/s Thyssenkrupp Materials Trading Asia Pte. Ltd., Singapore, M/s Deep Sea Ventures Limited, M/s Future Materials Industry (HK) Co., Limited, Hong Kong, and M/s Gipoint Development Ltd., have not filed their EQR with the Authority.

71. Since, the volume of exports by producer/exporter is more than 70 %, the information submitted by producer/exporter has been taken into account for arriving at the export price.

72. Adjustments have been allowed on account of ocean freight, insurance, inland freight, port and other related expenses. The net export price as determined is given in the dumping margin table.

Tay Nam Steel Manufacturing & Trading Co., Ltd (Tay Nam) and Vina One Steel Manufacturing Corporation (Vina One), Vietnam.

73. Tay Nam Steel Manufacturing & Trading Co., Ltd (hereinafter referred to as "Tay Nam or Company") was established on 15th March 2016 as a private limited company. It is engaged in the manufacture and exports of the PUC. Vina One Steel Manufacturing Corporation (Vina One), Vietnam is a related company as both the companies have common shareholders. Vina One Steel Manufacturing Corporation is engaged in the sales of the product under consideration.

Normal value

74. It is noted that M/s Tay Nam Steel sold the product concerned directly as well as through Vina One to customers in the home market. It is noted that M/s Tay Nam and Vina One,

Vietnam has sold *** MT of the subject goods having invoice value *** VND in the domestic market both to the related and unrelated customers in Vietnam during the POI. Based on their response, a deficiency letter was issued to responding producer with regards to some of the information filed by them. They submitted replies to the deficiencies raised with respect to their response. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. In order to determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. If profit making transactions are more than 80%, the Authority has considered all the transactions in the domestic market for the determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value. Based on the ordinary course of trade test, all sales have been taken for determination of normal value, since the profitable sales were more than 80%.

75. M/s Tay Nam Steel, Vietnam, has claimed adjustments on account of credit cost, which have been allowed. Accordingly, normal value for Tay Nam Steel, Vietnam, has been determined and is given in the dumping margin table.

Export price

76. The company exported the product concerned directly as well as through Vina One to customers in India. During the POI, both the companies have directly sold *** MT with a net invoice value of VND *** to unrelated Indian customers. Adjustments have been allowed on account of ocean freight, insurance, port and other related expenses, credit costs and bank charges. The net export price as determined is given in the dumping margin table.

Nam Kim Steel Joint Stock Company, Vietnam

77. Nam Kim Steel is a joint stock company. It is noted that Nam Kim Steel sells a major volume of product under consideration to independent customers in the local market. All domestic sale transactions of PUC made by Nam Kim Steel are sold directly to its local customers.

Normal value

78. It is noted from their response that M/s Nam Kim Steel has sold *** MT at a net invoice value of *** VND in the domestic market during the POI. It is also noted from the response that their major sales were made to unrelated customers in their home market and only a minor share of domestic sales were made to related company for internal consumption. Based on their response, a deficiency letter was issued to responding producer with regards to some of the information filed by them. In particular, the producer was asked to provide certificate from practicing accountant of Vietnam in respect of information submitted in Appendices wherever required as per prescribed procedure. However, the same was not provided. Though verification was conducted with respect to information filed by M/s Nam Kim Steel and a verification report was also issued to the party, still the certificate from practicing accountant was not provided to the authority in spite of reminders. In view of above, it has been decided

not to consider the normal value claimed by M/s Nam Kim Steel. Therefore, normal value of M/s Nam Kim Steel has been considered based on best facts available.

Export price

79. It is noted from the response that the company sold the product concerned directly to customers in India. During the POI, it is noted that the company sold *** MT to unrelated Indian customers. Adjustments have been allowed on account of ocean freight, inland freight, insurance, credit costs, packing costs and port and other related expenses. The net export price as determined is given in the dumping margin table.

F.4.3. Other Producers and exporters from Vietnam

Dumping Margin for all non-cooperating exporters from Vietnam

80. The normal value and export price for other non-cooperating exporters from Vietnam has been determined as per best facts available taking into account the data examined for the cooperating exporters from that particular country and the same is mentioned in the dumping margin table.

Determination of Normal Value and Export Price for cooperating producers and exporters in Korea RP

POSCO, Korea RP

81. POSCO is a listed company (joint-stock Corporation) in Korea. It is noted from the response that M/s POSCO has mostly sold the subject goods directly to its customers in their domestic market and also through M/s. POSCO International Corporation Ltd. (Formerly known as POSCO Daewoo Corporation), Korea RP.

Normal Value

82. It is noted from the response that M/s POSCO, Korea RP, during the POI, has sold *** MT of the subject goods having invoice value *** KRW in the domestic market. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. Based on their response, a deficiency letter was issued to responding producer with regard to some of the information filed by them. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority has considered all the transactions in the domestic market for the determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value. In this case, based on the ordinary course of trade test, all domestic sales have been taken for determination of normal value, since the profitable sales were more than 80%.

83. M/s POSCO, Korea RP, has claimed adjustments on account of freight expenses, warehousing expenses, handling fee, credit cost, packing cost and warranty expenses. After examining the response, warranty and warehousing expenses have not been adjusted for arriving at normal value. Other adjustments have been taken into account. Accordingly, normal value for M/s POSCO, Korea RP, has been determined and is mentioned in the dumping margin table.

Export Price for POSCO, Korea RP

84. M/s POSCO, Korea RP, has exported *** MT and ***MT of PUC through M/s GS Global Corporation, Korea RP and M/s Samsung C & T Corporation, Korea RP respectively. These unrelated traders have further exported the PUC to India through a related trader namely M/s POSCO Asia, Hong Kong. All of the above producer/exporters/traders have filed separate EQRs.

85. It is also noted that related traders/exporters have further sold the subject goods to related processors/importers of POSCO, Korea RP, namely POSCO IAPC, India, POSCO IDPC, India, POSCO ICPC India and POSCO IPPC, India. All these related parties have also filed importers/end-user questionnaire responses.

86. It is noted from the response filed by above mentioned POSCO subsidiaries in India that together, they have incurred a loss during the sale of the subject goods imported from their parent company i.e. POSCO through different trading channels as mentioned above. As their sales price of subject goods are lower than their purchase price which includes import prices and SGA of the subsidiaries, suitable adjustment has been made from their landed price and net export price. Further adjustments have been allowed on account of ocean freight, inland freight, insurance, credit costs, packing costs and port and other related expenses. The net export price as determined is given in the dumping margin table.

“POSCO Coated & Color Steel Co., Ltd.” (POSCO C&C), Korea RP

87. It is noted that M/s POSCO C & C, Korea RP is a part of POSCO group.

Normal Value for POSCO C & C, Korea RP

88. It is noted that during the POI, POSCO C&C has sold *** MT of the subject goods having invoice value *** KRW in the domestic market. These goods have been sold to both related *** MT and unrelated *** MT customers. Based on their response, a deficiency letter was issued to responding producer with regards to some of the information filed by them. They submitted response to the deficiency letter. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority has considered all the transactions in the domestic market for the determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales are taken into

consideration for the determination of normal value. In this case, based on the ordinary course of trade test, all domestic sales have been taken for determination of normal value, since the profitable sales were more than 80%.

89. M/s POSCO C & C, Korea RP, has claimed adjustments on account of inland freight, credit cost and claim expenses. Accordingly, weighted average normal value for M/s POSCO C&C, Korea RP, has been determined and is mentioned in the dumping margin table.

Export Price for POSCO C & C, Korea RP

90. M/s POSCO C&C, Korea RP, has exported *** MT and *** MT of PUC through M/s Posco Asia Co., Hong Kong (related company) and M/s Posco International, Korea RP, (related company). M/s POSCO C&C, Korea RP, has filed the questionnaire response and separate questionnaires have been filed by its related trading companies, namely, M/s POSCO International Corporation (formerly POSCO Daewoo Corporation), Korea RP and M/s POSCO Asia Co., Hong Kong. It is further noted that POSCO International Corporation, Korea RP and M/s POSCO Asia Co., Hong Kong have sold major share of subject goods to the related Indian Companies namely IAPC, IPPC, ICPC and IDPC.

91. It is noted from the response filed by above mentioned POSCO subsidiaries in India that together, they have incurred a loss during the sale of the subject goods imported from their parent company i.e. POSCO C&C through different trading channels as mentioned above. As their selling price of subject goods is lower than their purchase price which includes import prices and SGA of the subsidiaries, suitable adjustments have been made from their landed price and net export price. Further, adjustments have been allowed on account of ocean freight, inland freight, insurance, credit costs, packing costs and port and other related expenses. The net export price as determined is given in the dumping margin table.

92. Adjustments have been allowed on account of ocean freight, inland freight, credit costs and port and other related expenses. The net export price as determined is given in the dumping margin table.

M/s Dongkuk Steel Mill Co., Ltd., Korea RP

Normal Value for M/s Dongkuk Steel Mill Co., Ltd., Korea RP

93. It is noted from the response that M/s Dongkuk Steel Mill Co., Ltd., Korea RP, during the POI, has sold *** MT of the subject goods having invoice value *** KRW to unrelated customers in the domestic market. Based on their response, a deficiency letter was issued to responding producer with regard to some of the information filed by them. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority has considered all the transactions in the domestic market for the determination of the normal value. Where profitable transactions are less than 80%, only profitable domestic sales are

taken into consideration for the determination of normal value. Based on the ordinary course of trade test, only profitable domestic sales have been taken for determination of normal value, since the profitable sales were less than 80%.

94. M/s Dongkuk Steel Mill Co., Ltd., Korea RP, has claimed adjustments on account of discount (Early Payment Discount), inland transportation, credit cost, packing expenses and claim expense, which have been considered. Accordingly, weighted average normal value for M/s Dongkuk Steel Mill Co., Ltd., Korea RP, has been determined, and the same is mentioned in dumping margin table.

Export Price for M/s Dongkuk Steel Mill Co., Ltd., Korea RP

95. M/s Dongkuk Steel Mill Co., Ltd., Korea RP, has exported directly *** MT of PUC to its subsidiary in India i.e. M/s Dongkuk Steel India Private Limited who in turn has sold the subject goods to unrelated consumers in India, *** MT through M/s Hyosung TNC, Korea RP who in turn has also sold the subject goods to M/s Dongkuk Steel India Private Limited, India and *** MT through SK Networks, Korea RP. M/s Dongkuk Steel Mill Co., Ltd., Korea RP, has filed the questionnaire response and a separate questionnaire has been filed by its unrelated trading companies, namely, M/s Hyosung TNC, Korea RP and M/s Dongkuk Steel India Private Limited. It is further noted M/s SK Networks, Korea RP has not filed its EQR with the Authority.

96. Since, the volume of exports by producer and its unrelated cooperating traders are substantial, the export volumes reported by producer and cooperative traders have been considered for arriving at the export price.

97. It is noted from the response filed by M/s Dongkuk Steel India Private Limited, India that they have incurred a loss during the sale of the subject goods imported from their parent company i.e. M/s Dongkuk Steel Mill Co., Ltd through different trading channels as mentioned above. As their sales price of subject goods are lower than their purchase price which includes import prices and SGA of the subsidiaries, suitable adjustment has been made from their landed price and net export price. Further, adjustments have been allowed on account of ocean freight, inland freight, insurance, credit costs, packing costs and port and other related expenses. The net export price as determined is given in the dumping margin table.

98. Adjustments have been allowed on account of ocean freight, inland freight, and insurance, credit costs, packing costs and port and other related expenses. The net export price as determined is given in the dumping margin table.

M/s Dongbu Steel Co., Ltd., and M/s Dongbu Incheon Steel Co., Ltd. Korea RP

Normal value

99. It is noted from the response that the company's legal name is Dongbu Steel Co., Ltd (hereinafter "Dongbu Steel"). Dongbu Steel is a listed company in the Republic of Korea and is incorporated under the Commercial Code of the Republic of Korea. It is noted that Dongbu Steel separated its Incheon works from its other undertakings and placed that asset in a new company named Dongbu Incheon Steel Co., Ltd (hereinafter "Dongbu Incheon"). At all material times and presently, Dongbu Incheon has been wholly owned by Dongbu Steel.

100. It has been added that Dongbu Incheon sold very small quantity of the subject goods to domestic market only. Dongbu Incheon did not export the products under consideration to India and any other third countries' markets.

101. It has been submitted that Dongbu Steel and Dongbu Incheon should be treated as a single economic entity for the purposes of normal value calculation

102. It is noted that M/s Dongbu Steel Co., Ltd., Korea RP, during the POI, has sold *** MT of the subject goods having invoice value *** KRW. As per Appendix-4B, the M/s Dongbu Steel Co., Ltd., Korea RP, has sold *** MT to M/s Dongbu Incheon Steel Co., Ltd, and *** MT to M/s Dae-Woong SNT Co. Based on the response filed and as verified, it is noted that the domestic sales by Dongbu Steel are in sufficient quantity. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority has considered all the transactions in the domestic market for the determination of the normal value. Where profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value. Based on the ordinary course of trade test, only profitable domestic sales have been taken for determination of normal value, since the profitable sales were less than 80%.

103. M/s Dongbu Steel Co., Ltd., Korea RP, has claimed adjustments on account of inland transportation, credit cost, payment discount and warranty expense, which have been allowed. Accordingly, normal value for M/s Dongbu Steel Co., Ltd., Korea RP, has been determined and is given in the dumping margin table.

Export Price

104. It is noted from the response that M/s Dongbu Steel Co., Ltd., Korea RP, has exported directly *** MT of PUC, *** MT through M/s GS Global Corporation, Korea RP, *** MT through M/s Hyosung TNC, Korea RP, *** MT through M/s Shanghai Shijing International Trading Co. Ltd., China PR, *** MT through M/s Prime Resource, Korea RP and *** MT through M/s Stinko, Korea RP. It is also noted that M/s Stinko has exported *** MT subject goods to India directly and *** MT through connected trader namely M/s Shakun.

105. It may be recalled that in the Preliminary Findings, no separate dumping margin was assigned to M/s Dongbu as it was noted that substantial volume of subject goods produced by M/s Dongbu and exported by various exporters/traders to India was not accounted for in responses filed by the cooperating producers and exporters. In particular, it was noted that

Dongbu had exported the subject goods through a number of unrelated traders to India. Out of these unrelated traders, the biggest trader was Stinko. Stinko had exported directly to India as well as through a connected trader Shakun Trading. Stinko had filed Exporters Questionnaire response but Shakun Trading did not file any response till the stage of Preliminary Findings. As the connected trader of Stinko through whom substantial exports were made to India did not participate in the investigation, it was decided provisionally not to accept the Questionnaire Response filed by Stinko. In this scenario, the exports made by the participating parties before the Authority, fell below 70% threshold and accordingly the complete response filed by Dongbu was provisionally rejected and no individual rate of duty was assigned to Dongbu.

106. It was also noted in the Preliminary Findings that a deficiency letter was being issued to M/s Dongbu to furnish the data of non-cooperating exporters connected with M/s Stinko. In response to the deficiency letter issued, a delayed response was received from M/s Shakun Trading Co. LLC (Shakun) with regard to exports made by them which were sourced from M/s Stinko. However, after examining the response from Shakun, it was noted that the response was grossly deficient. In particular, it was noted that required Appendix 1, 5, and other documents as prescribed were not furnished by them to the Authority. In view of the above, the same has not been accepted by the Authority.

107. The response and representation of M/s Dongbu has been examined. It is noted that at the time of Preliminary Findings, the Authority had provisionally determined that since one of the major traders i.e. M/s Stinko who had a major share in exports of subject goods to India had not accounted for a substantial part of volume chain for exports to India, separate dumping margin of M/s Dongbu was not determined. Post Preliminary Findings, after detailed examination of the submissions made by various interested parties, it is noted that the complete response of Dongbu should not be rejected on the ground that the connected trader of Stinko has not participated in the investigation. In this regard, it is noted that though complete information of exports made by Stinko to India for the subject goods procured from Dongbu has not been made available to the Authority as information from its connected traders had been found grossly deficient, its share of direct exports to India has been submitted in the form and manner prescribed. Thus, it is noted that taking into account only direct exports of subject goods to India, a substantial share of Stinko's supply chain and pricing is available with the Authority, and therefore, Dongbu's data should not be completely rejected for the purpose of working out separate margin. Therefore, it has been decided that Dongbu's response should be taken into consideration, and in view of the above, it has been decided to work out an individual rate of dumping and injury margin for Dongbu. For working out these margins, the Authority has considered the actual export price for chain comprising Stinko direct exports to India which has duly participated in the investigation and submitted response in the form and manner prescribed, and export price based on the best available information for the said connected trader of Stinko who had not filed the information in the form and manner prescribed.

108. Further adjustments claimed on account of ocean freight, marine insurance, inland freight, handling, brokerage fee, survey charges, bank charges and credit cost have been

allowed. Accordingly, ex-factory Export Price for M/s Dongbu Steel Co., Ltd., Korea RP, has been determined and is given in the dumping margin table.

Dumping margin for other producers and exporters, Korea RP

109. The normal value and export price for other non-cooperating exporters from Korea RP has been determined as per best facts available taking into account the data of the co-operating exporters from that country and the same is mentioned in the dumping margin table.

Dumping margin for related producers and Exporters

110. It is noted that in the subject investigation many cooperating producers and exporters are related to each other and form a group of related companies. It has been a consistent practice of the Authority to consider related exporting producers and exporters as one single entity for the determination of a dumping margin and thus to establish one single dumping margin for them. This is in particular because calculating individual dumping margins might encourage circumvention of antidumping measures, thus rendering them ineffective, by enabling related exporting producers to channel their exports to India through the company with the lowest individual dumping margin.

111. In accordance with the above, related producers and exporters have been regarded as one single entity and attributed one single dumping margin which was calculated on the basis of the weighted average of the dumping margins of the cooperating related producers and exporters.

F.4.4. Dumping Margin Table

112. Considering the normal value and export price for subject goods, the dumping margins for the subject goods from subject countries have been determined as follows:

Country of origin and/or Export	Name of Producer	Normal Value/ CNV (USD)	Net Export Price (USD)	DM (USD)	DM	DM% Range
Korea RP	POSCO	***	***	***	***	0-20
Korea RP	POSCO Coated & Color Steel Co., Ltd.	***	***	***	***	0-20
Korea RP	POSCO Group	***	***	***	***	0-20
Korea RP	Dongkuk Steel Mill Co., Ltd.	***	***	***	***	20-40
Korea RP	Dongbu Steel Co., Ltd.	***	***	***	***	20-40

Country of origin and/or Export	Name of Producer	Normal Value/ CNV (USD)	Net Export Price (USD)	DM (USD)	DM	DM% Range
Korea RP	Any other producer and exporter	***	***	***	***	20-40
Vietnam	Tay Nam Steel Manufacturing & Trading Co., Ltd.	***	***	***	***	0-20
Vietnam	Ton Dong A Corporation	***	***	***	***	0-20
Vietnam	Hoa Sen Group	***	***	***	***	0-20
Vietnam	Nam Kim Steel Joint Stock Company	***	***	***	***	20-40
Vietnam	Any other producer and exporter	***	***	***	***	20-40
China PR	Zhejiang Huada New Materials Co., Ltd.	***	***	***	***	20-40
China PR	Any other producer and exporter	***	***	***	***	40-60

G. INJURY ASSESSMENT AND CAUSAL LINK

G.1. Submission made by the Domestic Industry

113. The submissions made by domestic industry are as follows:

a) Cumulative assessment of the effect of imports is appropriate since the exports from the subject countries directly compete through comparable sales channel under similar commercial conditions with the subject goods offered by the domestic industry in the Indian market. It is requested to assess injury to the domestic industry cumulatively from the subject countries. Applicant submits that the dumped imports are identical to the goods sold in the domestic market. The dumped imports are entering the Indian market simultaneously from several countries.

b) If the related importer resells the subject goods in India either in the same form or after minor modifications and incurs a loss, then the Authority should make suitable adjustments to the net export price as well as the landed value of imports. This has been the consistent practice of the Authority as can be seen in the anti-dumping investigation concerning glass fibre from China PR. If appropriate adjustments are not done by the Authority while determining the dumping margin and injury margin, then this kind of practice of importing at a higher price and reselling at a lower price will become an exit

route for the foreign exporters and lead to duty evasion or circumvention of the duty by exporters.

c) Significant price undercutting exists for each of the subject countries.

d) The dumped imports from subject countries are coming into India at prices significantly below the Non-injurious price/fair price of the domestic industry. The low-priced dumped imports coming into India are not allowing the domestic industry to fetch a fair price for the subject goods and this is causing material injury to the domestic industry. With respect to the contention that DI is unable to fulfil the demand of Indian Industry, the Applicant submitted that DI was capable of catering the total demand of the subject goods, however, significant volume of import had captured the market share in India.

e) With respect to the Respondent's argument that imposition of ADD on the subject goods would have a negative impact on the promotion of solar power in India, the Applicant submitted that such considerations are not relevant for Authority's determination of the need for ADD for the protection of DI. Neither the Customs Tariff Act, 1975 nor the Rules framed therein permit the Authority to take public policy objectives into consideration while recommending ADD.

f) With respect to the contention of the Respondents that Applicant had not brought any substantive evidence in terms of Rule 5(3) of the Rules, the Applicant submitted that they had supplied all the relevant information to DA and the same has been duly noted in the Initiation notification and Preliminary Findings by the DA.

g) With respect to the argument of the Respondents that the Applicant had not suffered any injury and that there has been a substantial increase in the Applicant's performance in some of the economic parameters from the base year to the POI, the Applicant submitted that the comparison of its POI must not be evaluated solely against its performance in the base year. The Applicant stated two reasons for the same. Firstly, that end-to-end comparison is not appropriate in an injury analysis, rather the performance in the intervening years must also be evaluated. The Applicant cited the decision in Argentina – Footwear (EC) (WT/DS121) to support its contention. Secondly, Applicant's performance in 2015-16 should not be considered as its performance was abnormally poor due to recession in steel industry globally.

h) With respect to injury on account of imports from Vietnam, the Applicant submitted that these imports are having a price effect on like articles in India. Even though the landed value has increased, the prices of these subject imports are undercutting and underselling the domestic selling price of Applicant.

i) The Applicant submitted that they do not command a significant market share as claimed by the Respondents. Their market share has decreased from previous year and amounts to 33% in the POI as opposed to the claim of 60-65% made by Respondents.

The Applicant submitted that even for other domestic producers identified by Applicant, the market share has declined continuously and significantly.

j) The Applicant denied the claim that injury to the domestic industry has been caused due to factors other than dumped imports. The Applicant submitted that increase in domestic sales of other domestic producers has not caused injury to the Applicant, as contended by the Respondents. Rather, even other domestic producers have suffered injury due to dumped imports.

k) With respect to the contention that there has been an increase in domestic industry's fixed costs etc. due to capacity addition, the Respondent submitted that increase in cost is only in aggregate terms. As the production has increased, the per unit costs has declined. Further, any increase in costs would have been addressed by considering costs as per the best utilization standard.

l) With respect to the contention that there is an increase in cost during POI on account of higher allocation of cost to the PUC due to significant decline in the production quantity of non-PUC during the POI, the Applicant submitted that the allocation of cost has been appropriately made.

m) Further the Applicant submitted that increase in costs due to increase in capacity in 2016-17 and 2017-18 did not cause injury in these two years as the volume of subject import remained low. However, in the POI, even though DI's cost increased due to capacity addition, the DI faced injury due to dumped imports.

n) With respect to the contention of the Respondents that cumulative assessment should not be done, the Applicant submitted that the present case fulfilled all the requirements for cumulative assessment and the reasons cited by Respondents for not cumulating the imports from China PR and Vietnam lack legal basis.

o) With respect to the contention that Applicant's NSR is higher than the NIP, the DI submitted that the NSR and NIP determined by the Authority is provisional in nature and is likely to go undergo revision in Authority's final determination.

p) The DI further submitted that merely because NSR is higher than NIP, it is not a ground per se for terminating an anti-dumping investigation or proving that the domestic industry is not suffering injury. The Applicant placed reliance on the case of All India Glass Manufacturers Association v Union of India [2016 (342) ELT 563 (Tri. Del)] where CESTAT rejected a challenge to the Authority's Findings on the ground that there was no price injury to the domestic industry as the NSR was higher than the NIP. The Applicant also placed reliance on the case of Solar Industries Ltd. &Ors. v Union of India [2018 (362) ELT 730 (Tri. Del)] which followed the same proposition.

q) Further, the Applicant submitted that even in the cases where NSR has been higher than the NIP, it cannot be a reason for determining that there is no injury to the domestic industry. The Applicant relied on the following cases:

- i. *'phosphorous pentoxide' originating in or exported from China PR*
- ii. *'ceramic roller' originating in or exported from China PR; and*
- iii. *'plastic processing machines or injection moulding machines' originating in or exported from Chinese Taipei, Philippines, Malaysia and Vietnam*

r) The DI while making reference to the Findings of the Authority in Preliminary Findings stated that the DI had suffered Material Injury and the causal link existed between the dumped imports and the injury.

s) With respect to the Respondent's contention that the levy of ADD will create monopoly, the Respondent submitted that the Applicant does not want to create a monopoly. There are two other producers of like articles in India. Further, imposition of ADD would lead to maintenance of adequate supply from domestic sources rather than being dependant on imports.

t) The imports from subject countries were coming at prices above the cost of sales of the Domestic Industry till 2016-17. From 2017-18 onwards, the imports from subject countries have started coming into India at prices substantially lower than the cost of sales of the Domestic Industry. As a result, the dumped imports are not allowing the domestic industry to fetch a selling price which could re-cover its full cost.

u) The products imported from the subject countries enter the Indian market through comparable channels of distribution and directly compete with the domestically produced goods.

v) The products supplied from the subject countries and domestically produced goods are being marketed in India under similar commercial conditions.

w) The domestic producers and exporters in the subject countries are selling the product to the same category of consumers in India.

x) It is pertinent to mention that the domestic producers in India are capable of meeting entire demand of PUC in India.

y) The dumped imports from subject countries have aggressively captured the market share in India. The Applicant has not been able to increase the sales of product concerned commensurate with the increase in demand because of the significant volume of dumped imports coming from subject countries. It is evident from the fact that while the demand of the product concerned increased by *** MT from 2015-16 to POI, the domestic sales of the Applicant increased merely *** MT whereas the import quantity of the PUC from the subject countries increased by whopping *** MT during the same period. Almost the entire increase in demand has been captured by the imports from subject countries.

z) While the market share of Applicant has fallen from 45-50% during 2015-16 to 30-35% during POI, the market share of imports from subject countries has increased from 5-10% to 35-40% during the same period.

aa) Cash profits of the Applicant have reduced significantly from cash profit of 100 indexed units in 2015-16, profits have turned into massive losses of (244) indexed units during the POI. If such rampant dumping continues, domestic industry may not be able to meet its liabilities in future.

bb) The domestic industry submits that the only cause of injury suffered by them is the dumped/subsidized imports coming from subject countries in significant volumes. There are no trade restrictive practices, technology issues, export performance issues, productivity issues or any other factor which can be attributed to the injury being suffered by domestic industry.

cc) With regard to developments in technology, Domestic Industry has been investing in world class technologies comparable to that of producers in other countries. Therefore, developments in technology are not at all the reason for injury to the domestic industry.

dd) As far as productivity and competition between foreign and domestic producers is concerned, it is submitted that injury suffered by the domestic industry is because of the dumped/subsidized imports coming from subject countries in significant volumes. If the imports take place at the fair normal prices, the Domestic Industry is totally in a position to face the competition from imports.

ee) The export performance of the Domestic Industry in no way has affected its financial and economic situation. Also, Applicant have ignored the information related to exports while examining the injury parameters and entire injury analysis is based only on domestic performance of Applicant.

ff) The Applicant submits that the dumped/subsidized imports coming from subject countries in significant volumes is the only cause of injury being suffered by them and there exists a causal link as between the injury suffered by the domestic industry and increasing low priced dumped imports coming into India as evident from the following:

i. Imports of the subject goods have increased in absolute terms over the entire period of investigation. Imports of PUC from subject countries have increased in absolute terms from *** MT in 2015-16 to *** MT in POI.

ii. Imports of the subject goods have increased relative to production and also relative to consumption in India. Imports were in range of 0-5% of production of the Domestic Industry in 2015-16 which increased to 25-30% during POI. Further, imports sharply increased from the range of 5-10% in 2015-16 to 35-40% in POI in relation to consumption.

iii. Market share of the Domestic Industry has decreased from 2015-16 to POI even though demand for the subject goods has been rising in India during the same period. This is due to the reason that imports have aggressively captured the increase in demand.

iv. While the market share of Applicant has fallen from 45-50% during 2015-16 to 30-35% during POI, the market share of imports from subject countries has increased from 5-10% to 35-40% during the same period.

v. There is significant price undercutting/underselling due to low priced dumped imports coming in India. There is significant price suppression due to low priced dumped imports coming in India.

vi. The Domestic Industry's profitability has been drastically affected. From total profit of 100 indexed units in 2015-16, profits have turned into massive losses of (5112) indexed units during the POI.

G.1.1. Post Disclosure Submissions made by the Domestic Industry

114. The post-disclosure submissions made by domestic industry are as follows:

a) The Authority is requested to consider 22% return on historical cost or replacement cost of the assets while determining NIP, to provide a reasonable rate of return to the domestic industry to mitigate the injury from dumped imports of the subject goods from subject countries.

b) The Authority is requested to kindly take the capacity utilisation for POI into consideration for NIP calculation. At the least, it is requested that the authority restrict the optimum capacity utilisation at 100%.

c) It is submitted that administration expenses, finance cost and selling and distribution expenses are allocated to the PUC based on sales turnover as per DGTR's standard practice. Petitioner is being forced to sell PUC at sub-optimum prices due to dumped imports coming from subject countries and therefore, turnover of the subject goods is already suppressed and lesser share of administration expenses, finance cost and selling and distribution expenses have been allocated to the PUC. Normation of these expenses based on optimum capacity utilisation is reducing these expenses and penalising the domestic industry. Therefore, it is requested that the Authority considers actual expense incurred during the POI for NIP calculation.

d) Actual raw material consumption should be considered for NIP calculation.

G.2. Submission by various other interested parties

115. The following submissions have been made by the exporters, importers, users and other interested parties with regard to injury and causal link:

a) India is undertaking the largest renewable capacity expansion program to increase its share in the clean energy in the world. Based on the vision, a National Solar Mission was launched in 2010 with a target to deploy 20,000 MW of grid connected solar power by 2022. Various states also enacted policies/guidelines to promote electricity generation through solar power. Imposition of anti-dumping duty will cause serious loss to solar power developers and it will be detrimental to the growth of solar power in the state and will be contrary to the Government of India policy and also hamper the development of solar power in India.

b) The Applicant is unable to fulfil the demands of the Indian Industry as most of the indigenous domestic producers of Al-Zn/Galvalume had their own captive Pre-Painting Lines and hardly any Al-Zn coated coils were available for pre-painted producers like Colorshine.

c) Indian producers were unable to supply the subject goods to meet the demand of Indian industry. Further, the demand of the subject goods was increasing in India as it is required to produce color coated coils/sheets on which anti-dumping duty is already imposed vide Final Findings 14/28/2016-DGAD dated 30th August 2017.

d) The Applicant was unable to provide the material to other Indian producers/end users of the subject goods on time. Further, the product supplied by Applicant was inferior in quality due to a number of reasons.

e) Imports have increased due to the growth of the demand in the Indian market due to development of downstream industry and not due to dumping. This has not put any sort of volume pressure on DI. Most of the production, the respondents claimed, was used captively for the production of color coated sheets by the Applicants as reflected by the sharp increase from base year to POI. Imports were being done only to fill the demand-supply gap in India and not to cause injury to the domestic industry.

f) It was also submitted that in spite of increase in imports, sale of DI and other Indian producers also increased significantly during the POI.

g) Cost of sales of DI, selling price of the DI and landed price from the subject countries had increased from the base year to the POI. The respondents referred to the information in the Preliminary Findings for the same.

h) With respect to price undercutting the parties submitted that it does not form the basis of determination and must not be seen in isolation. It should be seen in light of the overall performance of the Domestic Industry that whether such price undercutting is resulting in material injury to the domestic industry.

i) DI had not suffered any injury as overall economic performance of the DI had improved. The Respondent further submitted that trends during the year 2016-17 and 2017-18 were showing abnormal trends therefore POI shall be compared with the base year 2015-16.

j) Capacity utilization of the Applicant had increased during the injury period. The production of PUC had increased whereas that of non-PUC had decreased significantly which had affected the overall performance of the Applicants and had resulted into losses.

k) Authority had failed to consider the fact that performance of other products plays an important role in the performance of the company while examining injury to the domestic industry.

l) Captive consumption had increased significantly from the base year to POI and during the POI. This was the reason for shortage of supply and increase in imports.

m) There were inconsistencies between the data filed in the petition and the Preliminary Findings. As per the petition, the profitability was negative during POI whereas the same had converted into profits in the Preliminary Findings. The Respondent questioned this change of losses into profits in light of the fact that there were no changes in the scope of domestic industry and requested that if there were any change in the data filed by the DI, the same to be provided to them.

n) Return on capital employed increased significantly during the base year to during the POI.

o) Number of employees increased significantly during the base year to during the POI. There was an increase in wages during the same. Productivity was showing positive trend as well during the POI.

p) It was submitted that any injury to the DI is due to factors other than imports from subject countries. The Applicant need to examine its entire supply chain for reasons of injury. Further, decline in production and sales of non-PUC had also affected the performance of the domestic industry.

q) Levy of Anti-dumping will establish monopoly of Applicant and will be against public interest. Further, the Applicant will be able to easily able to manipulate the price of the product in DI and also have high potential to bring up the price unreasonably in order to earn monopoly profits.

r) Applicant produces both PUC and non-PUC on the same production complex. It further submitted that the production of PUC by 65% in the POI was diminished to combined growth of 15% due to decline in production of non-PUC. The production of non-PUC was much higher than PUC and hence an 8% decline of non-PUC brought down the combined growth to 15%. The PUC constitutes only around 25% of the total combined production with the non-PUC. Hence, it is submitted that, capacity utilization

trend which had grown by only 2% was due to the decline in production of non-PUC. On the other hand, the domestic sales of PUC had grown by 70% showing better capacity utilization.

s) With respect to the Authority's holding in the Preliminary Findings that Productivity has remained constant throughout injury Investigation Period and POI, the Respondent disagreed with the Authority's method of examining productivity by considering information for the company considering all operations. The Respondent drew attention to the fact that the decline in productivity was due to decline in both export sales of the subject goods of the Applicant and production of non-PUC goods from the base year to the POI. The production of subject goods had increased significantly during the same and hence there was no causal link between decline in productivity and import of subject goods from subject countries.

t) With respect to price suppression the Respondents stated that in case domestic industry's realization is more than non-injurious price then the question of price suppression does not arise at all. They cited the case of X-ray Baggage Inspection Multi Energy System (XBIS) from the European Union (F No. 14/12/2002-DGAD dated 14 October 2003) to support their claim. They claimed that the NSR of the DI was significantly higher than the NIP in the present case. The Respondent's cited a number of cases where the Authority had not recommended imposition of anti-dumping duties wherein NSR was found to be higher than NIP despite significant dumping margin, injury margin and increase in loss.

u) Cumulative assessment of the imports of the subject goods from Vietnam was not appropriate in line with clause (b) of para (iii) of Annexure II of the Rules as the landed value of imports from China declined from 2016-17 to POI whereas the landed value of the subject goods from Vietnam increased significantly during the same.

v) Segregation of the DGCIS&S imports data done by the Applicant was wrong and misleading as Applicant had even considered secondary coils, defective et. as regular products. The price of secondary product was at least 10-15% lower than the price of the regular product. Hence, inclusion of secondary/defective product is not appropriate since inclusion would distort the injury analysis as these are comparable transactions.

w) The Respondent requested to calculate the NIP after adjusting abnormal and artificial increase in the cost on account of the following facts:

- i. Increase in cost on account of increase in capacity during POI
- ii. Higher allocation of common cost to the product concerned on account of significant decline in the production of non-PUC
- iii. Abnormal increase in interest in wages and cost during POI

x) It was submitted that per capita utilisation of steel in 2018 in India was significantly less than that in South Korea, China, USA and EU. In such circumstances, the respondent submitted that the imposition of AD will adversely impact the interest of the user industry as well as the 'Make in India' initiative.

y) The Respondents further submitted that the Applicant have incorrectly adjusted other income and changes in inventory. The changes in inventory were already reflected in cost of goods sold. Hence, another deduction from profit before tax would result in double deduction. Whereas deduction of other income from profit before tax would be inconsistent to calculate profit/loss because 'other expense' is already recognized as 'expense' to calculate net profit. Hence, the Applicant's allegation that "POSCO's related importer got a loss based on POSCO India Holding's financial statement" is incorrect and irrational.

z) The electricity distribution companies (DISCOMS) being the ultimate purchasers of solar power have indicated that they will purchase solar power only at low prices. However, due to the impending anti-dumping duties, stakeholders will not be able to offer low tariffs to DISCOMS. Consequently, any imposition of anti-dumping duty will affect the developers and the end-consumers. As an alternative to anti-dumping duty, government may consider providing low interest loans to the Applicant. This will prove helpful to the domestic industry by making them globally competitive as such supports are being provided by different countries to make their domestic industry globally competitive.

aa) The project developers and DISCOMS have entered into numerous power purchase agreements where power tariffs have been arrived at by reverse auction process. Import of subject goods for such projects are under shipment or yet to commence and imposition of anti-dumping duty will impact this process. Ability of developers to deliver the project at estimated cost and to offer electricity at the agreed tariff will be affected by imposition of anti-dumping duty. Imposition of anti-dumping duty will also affect the rural population using the solar power at the current tariffs, thus causing an adverse effect to rural electrification.

bb) The application fails to establish any injury which an essential condition for imposition of anti-dumping duty is. The Applicant has clubbed distinct products with different uses into a single category but has failed to provide separate injury data on each product category making it impossible to do an injury analysis.

cc) Additionally, the domestic sales of the Applicant and other manufacturers have increased in years during injury period and during the POI. Imports have also increased and the indexed profit figures in addition to the capital employed disclosed in the application show that even today the profit remains higher than the base year i.e. 2015-16.

dd) Since the sales and profit are consistently growing for Applicant and other manufacturers, it can be said that the industry is not affected by the dumped imports.

Moreover, other entities constituting the domestic industry have not supported the application making it clear that the domestic industry is not suffering injury.

ee) There is no causal link between the injury and the import of PUC. Consistently growing sales for the Applicant and other manufacturers' show that the dumping is not affecting the Applicant's products and hence the injury cannot be attributed to the import of the aforementioned products. There is an absence of disclosures about installed capacity, investment and other material business decision which are important factors to assess the injury.

G.2.1. Post Disclosure Submissions made by other Interested Parties

116. The post-disclosure comments made by other interested parties are as follows:

a) There is inconsistency in the data filed in the Petition and the recorded Preliminary findings. Profitability was negative in the Petition but is positive in the preliminary findings.

b) Information has also drastically changed in the disclosure statement with regard to cost of sales, selling price, profit and loss, cash profit, capital employed, ROCE, Employment, productivity, and inventory.

c) After the imposition of duty, the imports of the product will become unviable and the availability of the subject goods in India is already a problem. Many of the stand-alone processors whose raw material is Alu-Zinc Coated Steel coils are unable to procure the material from various manufacturers in India due to an acute shortage. Such standalone processors are running their factories at 25-30% capacity and incurring losses due to non-availability.

d) Domestic industry will increase prices of PUC and this will lead to an increase in the inflationary trend of the PUC.

G.3. Examination of the Authority

117. The Authority has taken note of the submissions made by the domestic industry and other interested parties during the course of the investigation including post-disclosure submissions and has examined various parameters in accordance with the Rules after duly considering the submissions made by various interested parties.

118. With respect to the contention of interested parties that DI's NSR is higher than the NIP, the Authority notes that after due verification and examination of the data/information provided by the domestic industry, the NIP determined for the domestic industry is higher than DI's NSR.

119. The contention that the Disclosure Statement issued by the Authority is based on incorrect appreciation of facts and law is devoid of any merit. The Authority notes that the essential facts that emerged during the course of this investigation were analysed with the

applicable law and corroborated with verifiable evidence to the extent deemed necessary and disclosed to the interested parties. The submissions made by the interested parties during the course of this investigation, to the extent considered relevant, have been examined and addressed in this final findings.

120. With regard to the inconsistencies in the domestic industry's data in the Petition and the Disclosure Statement, it is noted that the Authority has considered the domestic industry's data based on the final verified figures in the final findings.

Cumulative Assessment

121. Para (iii) of Annexure II of the Rules provides that in case where imports of a product from more than one country are being simultaneously subjected to anti-dumping investigation, the Authority will cumulatively assess the effect of such imports, in case it determines that:

- a) Margin of dumping established in relation to the imports from each country is more than two percent expressed as percentage of export price and the volume of imports from each country is three percent (or more) of the import of like article or where the import of individual countries is less than three percent, the imports collectively account for more than seven percent of the import of like article; and
- b) Cumulative assessment of the effect of imports is appropriate in the light of the conditions of competition between the imported article and the like domestic articles.

122. The Authority notes that:

- a) The subject goods are being dumped into India from subject countries. The margin of dumping from each of the subject countries is more than the de minimis limits prescribed under the Rules.
- b) The volume of imports from each of the subject countries is individually more than 3% of total volume of imports.
- c) Cumulative assessment of the effects of imports is appropriate as the exports from the subject countries not only directly compete inter se but also with the like articles offered by the domestic industry in the Indian market.

123. In view of the above, the Authority considers that it is appropriate to assess injury to the domestic industry cumulatively from imports of the subject goods from the subject countries.

124. Rule 11 of the Rules read with Annexure II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, "*.... taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles....*". While examining the volume of dumped imports, the Authority shall consider whether there has been a significant increase in the dumped imports,

either in absolute terms or relative to production or consumption in India. In considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. For the examination of the impact of the dumped imports on the domestic industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Rules.

125. The submissions made by the domestic industry and other interested parties during the course of investigation with regard to injury and causal link, which have been considered relevant by the Authority are examined and addressed as under:

G.3.1. Volume Effect of Dumped Imports on the Domestic Industry

(a) Assessment of Demand/Apparent Consumption

126. The Authority has taken into consideration, for the purpose of the present investigation, demand or apparent consumption of the product in India as the sum of domestic sales of the Indian Producers and imports from all sources. The demand so assessed is given in the table below.

Particular	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Domestic sales of Domestic industry	MT	***	***	***	***
Trend	Indexed	100	119	141	169
Domestic Sales of other producers	MT	***	***	***	***
Trend	Indexed	100	104	142	142
Import from Subject Countries	MT	18,220	34,721	1,45,805	2,09,676
Trend	Indexed	100	191	800	1,151
Import from Other Countries	MT	1,728	1,448	4,278	8,517
Trend	Indexed	100	84	248	493
Demand (MT) (Excluding Captive Consumption)	MT	***	***	***	***
Trend	Indexed	100	117	193	235
Captive consumption of Applicant	MT	***	***	***	***
Trend	Indexed	100	106	147	156

Particular	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Demand (MT) (Including captive consumption of Applicant)	MT	***	***	***	***
Trend	Indexed	100	111	167	190

127. It is noted from the above table that the demand of the product concerned increased significantly (135 indexed points) from 2015-16 to POI. With the increase in demand, the domestic sales of the domestic industry increased only by 69 indexed points whereas the import quantity of the PUC from the subject countries increased significantly by 1051 indexed points during the same period. It is thus noted that almost entire increase in demand has been captured by the imports of subject goods from subject countries.

(b) Import Volumes from subject countries

128. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports from subject countries, either in absolute terms or relative to production or consumption in India. For the purpose of injury analysis, the Authority has relied on the import data procured from DGCI&S. The volume of imports of the subject good from the subject countries have been analysed as under:

Particulars	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
China PR	MT	2,075	375	51,575	43,370
Trend	Indexed	100	18	2,486	2,090
Korea RP	MT	16,146	34,346	56,443	79,304
Trend	Indexed	100	213	350	491
Vietnam	MT	0	0	37,787	87,003
Trend	Indexed	-	-	100	230
Total Imports from subject countries	MT	18,220	34,721	1,45,805	2,09,676
Trend	Indexed	100	191	800	1,151
Imports from other countries	MT	1,728	1,448	4,278	8,517
Trend	Indexed	100	84	248	493
Total Imports	MT	19,948	36,169	1,50,083	2,18,193
Trend	Indexed	100	181	752	1,094

129. It is noted that dumped imports of the subject goods from the subject countries have increased in absolute terms during the POI from 18,220 MT in 2015-16 to 2,09,676 MT in POI.

(c) Subject Country Imports in relative terms

Particulars	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Dumped imports from subject Countries in relation to Domestic Industry's total production	%	***	***	***	***
Range	%	0-5	5-10	15-20	25-30
Dumped imports from subject Countries in relation to Demand in India	%	***	***	***	***
Range	%	5-10	10-15	30-35	35-40

130. It is noted that the dumped imports have increased significantly in relation to production and demand in the POI as compared to the base year and previous years. Imports of PUC from subject countries have increased in relation to Domestic Industry's production from 0-5 % in 2015-16 to 25-30 % in POI whereas imports of PUC from subject countries have increased in relation to consumption in India from 5-10 % in 2015-16 to 35-40 % in POI.

(d) Market Share in Demand

131. It is noted that the market share of the subject imports in demand increased significantly in the POI as compared to base year. The market share of the domestic industry has declined significantly from 45-50% during 2015-16 to 30-35% during POI, whereas, the market share of imports from subject countries has increased from 5-10% to 35-40% during the same period. The market share of the domestic industry has been aggressively captured by the imports from subject countries.

Particulars	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Domestic sales of Domestic Industry	MT	***	***	***	***
Trend	Indexed	100	119	141	169
Domestic Sales of other producers	MT	***	***	***	***
Trend	Indexed	100	104	142	142
Import from Subject Countries	MT	18,220	34,721	1,45,805	2,09,676
Trend	Indexed	100	191	800	1,151
Import from Other Countries	MT	1,728	1,448	4,278	8,517
Trend	Indexed	100	84	248	493
Demand (MT) (Excluding Captive Consumption)	MT	***	***	***	***
Trend	Indexed	100	117	193	235

Particulars	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Captive consumption of Applicant	MT	***	***	***	***
Trend	Indexed	100	106	147	156
Demand (MT) (Including captive consumption of Applicant)	MT	***	***	***	***
Trend	Indexed	100	111	167	190
Share of Applicant	%	46	47	34	33
Range	%	45-50	45-50	30-35	30-35
Share of other Producers	%	45	40	33	27
Range	%	45-50	35-40	30-35	25-30
Share of Subject countries	%	8	13	32	38
Range	%	5-10	10-15	30-35	35-40
Share of Other countries	%	1	1	1	2
Range	%	0-5	0-5	0-5	0-5

G.3.2. Price effect of imports

Price Effect of Dumped Imports on the Domestic Industry

132. With regard to the effect of the dumped imports on prices, the Designated Authority is required to consider whether there has been a significant price undercutting by the dumped imports as compared with the price of the like products in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. The impact of dumped imports on the prices of the domestic industry has been examined with reference to the price undercutting, price underselling, price suppression and price depression, if any. For the purpose of this analysis, the cost of production, net sales realization (NSR) and the non-injurious price (NIP) of the domestic industry have been compared with landed price of imports of the subject goods from the subject countries.

(e) Price Undercutting

133. In order to determine whether the imports are undercutting the prices of the domestic industry in the market, the Authority has compared landed price of imports with net sales realization of the domestic industry. While computing the net selling price of the domestic industry all taxes, rebates, discounts and commissions have been deducted and sales realization at ex works level has been determined for comparison with the landed value of the dumped imports.

Price Undercutting	Unit	China PR	Vietnam	Korea RP
Landed Value	Rs. /MT	50,918	54,828	57,121
Domestic Selling Price	Rs. /MT	***	***	***
Price Undercutting	Rs. /MT	***	***	***
Price Undercutting	% of LV	***	***	***
Price Undercutting	Range	0-10	0-10	(0-10)

134. The Authority notes that with the exception of Korea RP, the landed prices of the subject goods were below the selling price of the domestic industry showing significant price undercutting being caused by the dumped imports from other subject countries i.e. China PR and Vietnam. The Authority further notes that the price undercutting is negative from Korea RP due to the fact that exporters from Korea RP export the subject goods to India at a high price and their related party resells the subject goods at a loss. Therefore, the import price recorded in DGCI&S import data is not showcasing the actual prevailing price of Korean exporters in the Indian market.

(f) Price Suppression and Depression

135. In order to determine whether the dumped imports are suppressing or depressing the domestic prices and whether the effect of such imports is to suppress prices to a significant degree or prevent price increases which otherwise would have occurred to a significant degree, the Authority considered the changes in the costs and prices over the injury period.

Particulars	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Cost of Sales	Rs/MT	***	***	***	***
Trend	Indexed	100	105	123	135
Selling price	Rs/MT	***	***	***	***
Trend	Indexed	100	106	123	129
Landed Value	Rs./MT	43,053	47,963	48,444	54,886
Trend	Indexed	100	111	113	127

136. The selling price of the subject goods in the domestic market have not declined during the injury period. Thus, the domestic industry has not suffered a price depression.

137. From the above table, it is also noted that the imports of subject goods from subject countries were coming at prices above the cost of sales of the domestic industry till 2016-17. From 2017-18 onwards, the imports from subject countries have started coming into India at prices substantially lower than the cost of sales of the domestic industry. This has forced domestic industry not to increase its prices in line with increase in cost of sales and has led to a situation where in the domestic industry has been forced to sell almost at the same level as cost of sales during POI ultimately causing adverse impact on the domestic industry.

(g) Price Underselling

138. The Authority has also examined price underselling suffered by the domestic industry on account of dumped imports from the subject countries, as follows:

Price Underselling	Unit	China PR	Vietnam	Korea RP
Landed Value	Rs. /MT	50,918	54,828	57,121
NIP	Rs. /MT	***	***	***
Injury Margin	Rs. /MT	***	***	***
Injury Margin	% of LV	***	***	***
Range	%	10-20	0-10	(0-10)

139. The non-injurious price (NIP) of the domestic industry has been determined and compared with the landed value of the subject goods (as per DGCI&S) to arrive at the extent of price underselling. The NIP of the product under consideration has been determined by adopting the verified information/data relating to the cost of production for the period of investigation on the basis of principles mentioned in Annexure III of the Rules. The analysis shows that during the period of investigation, the landed value of subject imports was below the non-injurious price of the domestic industry, as can be seen from the table above, demonstrating positive price underselling effect. From the aforesaid table, it is noted that price underselling from the subject countries during the POI is positive except for Korea RP. The Authority notes that the price underselling is negative from Korea RP due to the fact that exporters from Korea RP export the subject goods to India at a high price and their related party then resells the subject goods at a loss. Therefore, the import price recorded in DGCI&S import data is not showcasing the actual prevailing price of Korean Exporters in the Indian market.

G.3.3. Economic Parameters of the Domestic Industry

140. Annexure II to the Rules requires that the determination of injury shall involve an objective examination of the consequent impact of dumped imports on domestic producers of such products. With regard to consequent impact of dumped imports on domestic producers of such products, the Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.

141. The Authority has examined the injury parameters objectively taking into account various facts and arguments made by the interested parties in their submissions. The various injury parameters relating to the domestic industry are discussed herein below:

(i) Production, Capacity, Sales and Capacity Utilization

142. Capacity, production, sales and capacity utilization of the domestic industry over the injury period is given in the following table: -

Particulars	UOM	2015-16	2016-17	2017-18	POI (Oct 17-Sep 18)
Capacity Total	MT	***	***	***	***
Trend	Indexed	100	101	104	113
Production (PUC)	MT	***	***	***	***
Trend	Indexed	100	115	155	165
Production (NPUC)	MT	***	***	***	***
Trend	Indexed	100	116	95	92
Total Production (PUC & NPUC)	MT	***	***	***	***
Trend	Indexed	100	116	114	115
Capacity Utilization	%	***	***	***	***
Trend	Indexed	100	114	110	102
Domestic sales of Domestic Industry	MT	***	***	***	***
Trend	Indexed	100	119	141	169

143. The Authority notes that the product under consideration is jointly produced with non-PUC product and since the production facilities are common, capacity utilization has been examined by considering combined production of PUC and non-PUC.

144. It is noted from the above table that the capacity utilization of the domestic industry was improving till 2016-17 when dumped imports from subject countries were not coming in very significant quantities. However, the capacity utilization of the domestic industry has started deteriorating from 2017-18 onwards when dumped imports from subject countries started coming into India in significant quantities. It is noted that the capacity utilisation of the domestic industry has declined during POI and this decline synchronises with the significant increase in the dumped imports of subject goods from subject countries. It is also noted that the Domestic Industry has not been able to increase the sales of product concerned commensurate with the increase in demand because of the significant volume of dumped imports coming from subject countries.

(ii) Market share

145. The effects of the dumped imports on the domestic sales and the market share of the domestic industry have been examined as below:

Particular	Unit	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Domestic sales of Domestic Industry	MT	***	***	***	***
Trend	Indexed	100	119	141	169
Market share of domestic industry	%	***	***	***	***
Range	%	45-50	45-50	30-35	30-35
Share of other Producers	%	***	***	***	***
Range	%	45-50	35-40	30-35	25-30
Share of Subject countries	%	8	13	32	38
Range	%	5-10	10-15	30-35	35-40
Share of Other countries	%	1%	1%	1%	2%
Range	%	0-5	0-5	0-5	0-5

146. It is noted that the market share of the domestic industry has declined significantly from 45-50% during 2015-16 to 30-35% during POI, whereas, the market share of imports from subject countries has increased from 5-10% to 35-40% during the same period.

(iii) Profitability return on investment and cash profits

147. The profitability, returns on investment (ROI) and cash profits of the domestic industry over the injury period has been analysed as follows:

Particulars	UOM	2015-16	2016-17	2017-18	POI (Oct 17- Sep 18)
Profit before Interest and Tax	Rs/MT	***	***	***	***
Trend	Indexed	100	489	258	(338)
Profit before Interest and Tax	Rs. Lacs	***	***	***	***
Trend	Indexed	100	582	363	(572)
Cash Profit (Loss)	Rs/MT	***	***	***	***
Trend	Indexed	100	1,039	476	(962)
Cash Profit (Loss)	Rs. Lacs	***	***	***	***
Trend	Indexed	100	1,238	669	(1630)
Capital Employed	Rs. Lacs	***	***	***	***
Trend	Indexed	100	113	106	130
Return on Capital Employed	%	***	***	***	***
Trend	Indexed	100	518	342	(440)
Average stock	MT	***	***	***	***
Trend	Indexed	100	111	235	256

148. From the above table, it is noted that the profitability of domestic industry has been adversely affected due to intensified dumping by exporters from subject countries. It is further noted that profitability of domestic industry has significantly declined during the POI.

149. Similarly, cash profits of the domestic industry have reduced significantly.

150. It is also noted that ROCE during injury period has significantly declined after 2016-17 and has become negative during the POI.

(iv) Employment, productivity and wages

151. Employment, productivity and wages of Domestic Industry over the injury period is given in the table below.

Particulars	UOM	2015-16	2016-17	2017-18	POI (Oct 17-Sep 18)
Employment - DI	Nos	***	***	***	***
Trend	Indexed	100	101	101	108
Wages	Rs. Lacs	***	***	***	***
Trend	Indexed	100	108	143	148
Productivity per employee	MT/Nos	***	***	***	***
Trend	Indexed	100	113	153	153
Productivity per day	Mt/Day	***	***	***	***
Trend	Indexed	100	105	143	152

152. Since the domestic industry does not have dedicated employment for the product under consideration, situation of the domestic industry with regard to employment and wages was examined by considering information for the company for all operations. It is noted that the Productivity per day and productivity per employee of the domestic industry remained almost constant with little change throughout the injury investigation period and during the POI.

(v) Inventories

153. Inventory position with the domestic industry over the injury period is given in the table below:

Particulars	UOM	2015-16	2016-17	2017-18	POI (Oct 17-Sep 18)
Average stock	MT	***	***	***	***
Trend	Indexed	100	111	235	256

154. It is noted from the above table that the average stock during POI has increased as compared to the base year as well as the previous year. It is further noted that the market share of the Domestic Industry has come down and the increased demand has been significantly

captured by dumped imports. As a result, the domestic industry is having significant accumulated inventories.

(vi) Growth

155. The Authority notes that growth of the domestic industry with regard to capacity utilization, profits, return on investment has been negative during 2017-18 and the period of investigation as can be seen from the table below. The domestic sales have shown positive growth.

Particulars (Year on Year)	2015- 16	2016-17	2017-18	POI (Oct 17- Sep 18)
Production		15%	35%	6%
Capacity Utilization		12%	-4%	-6%
Domestic Sales		19%	18%	20%
PBIT (Rs/MT)		389%	-47%	-231%
PBIT (Rs. Lakhs)		482%	-38%	-257%
Return on investment		5%	-2%	-10%

(vii) Magnitude of dumping margin

156. Magnitude of dumping is an indicator of the extent to which the dumped imports can cause injury to the domestic industry. The data shows that the dumping margin determined for the subject countries are above de minimis and significant. The Authority has determined that the dumping margin of the cooperating exporters is significant during the POI.

(viii) Ability to Raise Capital Investments

157. The Authority notes that given the rising demand of the product in the country, the domestic industry has made significant investments in plant and machinery. However, despite these investments, the performance of the domestic industry has deteriorated considerably and dumping of the product under consideration may adversely impact the ability of the domestic industry to raise capital investment.

(ix) Factors affecting domestic prices

158. Considering the import prices from subject countries, change in the cost structure, competition in the domestic market, factors other than dumped imports that might be affecting the prices of the domestic industry in the domestic market, it can be seen that the landed value of imported material from subject countries is significantly below the selling price of the domestic industry, causing significant price undercutting in the Indian market. The domestic industry contended that benchmark for the domestic prices are the import prices from subject

countries. It is also noted that the demand for the subject goods was showing significant increase during the injury period including the POI and therefore it could not have been a factor affecting domestic prices. Thus, it can be concluded that the principal factor affecting the domestic prices is the dumped imports of subject goods from subject countries.

G.3.4. Injury Margin

159. The Authority has determined Non-Injurious Price (NIP) for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The NIP of the product under consideration has been determined by adopting the verified information/data relating to the cost of production for the period of investigation. The NIP of the domestic industry has been worked out and it has been compared with the landed price (LP) from each of the subject countries for calculating injury margin (IM). In line with the determination of dumping margins, the injury margin has also been determined for the related companies together taking them as one entity.

160. As mentioned in the dumping margin analysis in this Findings, it is noted from the response filed by some of the producers and exporters from Korea RP that their wholly owned Indian subsidiaries in India have incurred a loss during the sale of the subject goods imported from their parent companies through different trading channels. As their sales price of subject goods are lower than their purchase price which included import prices and SGA of the Indian subsidiaries, suitable adjustment has been made from their landed price.

Country of origin and/or Export	Name of Producer	NIP (USD Per MT)	Landed Value (USD per MT)	IM(USD)	IM (%)	IM range
Korea RP	POSCO	***	***	***	***	0-20
Korea RP	POSCO Coated & Color Steel Co., Ltd.	***	***	***	***	0-20
Korea RP	POSCO Group	***	***	***	***	0-20
Korea RP	Dongkuk Steel Mill Co., Ltd.	***	***	***	***	0-20
Korea RP	Dongbu Steel Co., Ltd.	***	***	***	***	0-20
Korea RP	Any other producer and exporter	***	***	***	***	0-20

Country of origin and/or Export	Name of Producer	NIP (USD Per MT)	Landed Value (USD per MT)	IM(USD)	IM (%)	IM range
Vietnam	Tay Nam Steel Manufacturing & Trading Co., Ltd.	***	***	***	***	0-20
Vietnam	Ton Dong A Corporation	***	***	***	***	0-20
Vietnam	HoaSen Group	***	***	***	***	0-20
Vietnam	Nam Kim Steel Joint Stock Company	***	***	***	***	0-20
Vietnam	Any other producer and exporter	***	***	***	***	20-40
China PR	Zhejiang Huada New Materials Co., Ltd.	***	***	***	***	0-20
China PR	Any other producer and exporter	***	***	***	***	0-20

G.3. 5.Non-Attribution Analysis

161. As per the Rules, the Authority, inter alia, is required to examine any known factors other than the dumped imports which at the same time are injuring the domestic industry, so that the injury caused by these other factors may not be attributed to the dumped imports. Factors which may be relevant in this respect include, inter alia, the volume and prices of imports not sold at dumped prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and the productivity of the domestic industry. It has been examined below whether factors other than dumped imports could have contributed to the injury to the domestic industry.

(i) Volume and price of imports from third countries

162. The imports from countries other than the subject countries are not significant in volume terms so as to cause or threaten to cause injury to the Domestic Industry. Imports from other

countries accounted for less than 5% in total imports and 1% of total demand/consumption in India. Thus, it cannot be said that imports from other countries are causing injury.

(ii) Export Performance

163. It is noted that the injury information examined by the Authority is for domestic operations and therefore possible changes in exports volume have not caused injury to the Domestic Industry.

(iii) Development of Technology

164. None of the interested parties have furnished any evidence to demonstrate significant changes in the technology that could have caused injury to the domestic industry. It is further noted that technology for production of the product concerned has not undergone any change. Thus, development in technology is not a factor causing injury to the domestic injury.

(iv) Performance of other products of the company

165. The Authority notes that the performance of other products being produced and sold by the Domestic Industry does not appear to be a possible cause of injury to the domestic industry.

(v) Trade Restrictive Practices and Competition between the Foreign and Domestic producers

166. The import of the subject goods is not restricted in any manner and the same are freely importable in the country. No evidence has been submitted by any interested party to suggest that the conditions of competition between the foreign and the domestic producers have undergone any change.

(vi) Productivity of the Domestic Industry

167. It is noted that the productivity of the domestic industry in terms of production per employee as well as production per day has marginally increased over the period.

(vii) Contraction in Demand and Changes in pattern of consumption

168. It is noted that the demand of the subject goods has increased consistently over the entire injury period. Thus, it can be concluded that the injury to the Domestic industry was not due to contraction in demand.

G.3.6. Conclusion by the Authority on injury and causal link.

169. It is thus noted that listed known other factors do not show that the domestic industry could have suffered injury due to these other factors. The Authority examined whether the

dumping of the product has caused injury to the domestic industry. The following parameters show that injury to the domestic industry has been caused by dumped imports:

170. Imports of the subject goods from the subject countries have increased in absolute terms over the entire period of investigation. Imports of the subject goods have increased relative to production and consumption in India.

171. The domestic industry has not been able to increase its production and sales commensurate with the increase in demand.

172. Market share of the Domestic Industry has decreased from 2015-16 to POI even though demand for the subject goods has been rising in India during the same period. This is due to the reason that imports have aggressively captured the increase in demand.

173. The imports of subject goods from subject countries are significantly undercutting the prices of the domestic industry in the market. Resultantly, the domestic industry has been forced to reduce its prices significantly. The price suppression suffered by the domestic industry is primarily because of dumping of the product under consideration in the Country.

174. The domestic industry has been forced to reduce its prices even below cost of production causing financial losses. The price suppression caused by the dumped imports from subject countries has thus resulted in significant deterioration in profits of the domestic industry.

175. Performance of the domestic industry with regard to profits, cash flow and return on investments deteriorated as a result of price suppression. Thus, dumping of the product has led to deterioration in performance of the domestic industry in terms of profits, cash flow and return on investments.

176. It is therefore concluded that the domestic industry suffered material injury due to dumped imports.

H. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

177. The Authority recognizes that the imposition of anti-dumping duties might affect the price levels of the product in India. However, fair competition in the Indian market will not be reduced by the anti-dumping measures. On the contrary, imposition of anti-dumping measures would remove the unfair advantages gained by dumping practices, prevent the decline of the domestic industry and help maintain availability of wider choice to the consumers of subject goods.

178. The Authority notes that the imposition of the anti-dumping measures would not restrict imports from the subject countries in any way, and therefore, would not affect the availability of the product to the end user. The end user could still maintain two or even more sources of supply. The purpose of anti-dumping duties, in general, is to eliminate injury caused to the

domestic industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures would not affect the availability of the subject goods to the consumers.

I. CONCLUSION

179. Having regard to the contentions raised, information provided, and submissions made by the interested parties and facts available before the Authority as recorded in this final findings and on the basis of the above analysis, the Authority concludes that:

- a) The product under consideration has been exported to India from subject countries below its associated normal value, thus resulting in dumping.
- b) The domestic industry has suffered material injury due to dumping of the product under consideration from the subject countries.
- c) The material injury has been caused by the dumped imports from the subject countries.

J. RECOMMENDATION

180. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the exporters, importers and other interested parties to provide positive information on the aspect of dumping, injury and causal links. Having initiated and conducted the investigation into dumping, injury and causal links in terms of the provisions laid down under the Rules and having established positive dumping margin as well as material injury to the domestic industry caused by such dumped imports, the Authority is of the view that imposition of definitive anti-dumping duty is required to offset dumping and injury. The Authority, therefore, considers it necessary and recommends imposition of anti-dumping duty on imports of subject goods from the subject countries in the form and manner described hereunder from the date of issue of the notification of imposition of provisional duty by the Central Government vide Notification No.40/2019-Customs (ADD) dated 15th October 2019.

181. Having regard to the lesser duty rule prescribed by law, the Authority recommends imposition of anti-dumping duty equal to the lesser of margin of dumping and the margin of injury, so as to remove the injury to the domestic industry. Accordingly, anti-dumping duty equal to the amount mentioned in Col 7 of the table below is recommended to be imposed from the date of imposition of provisional duties, on all imports of subject goods originating in or exported from subject countries.

S. No	Heading/ Sub- Heading	Description of Goods	Country of Origin	Country of Export	Producer	Duty Amount	Currency	Unit
1	2	3	4	5	6	7	8	9
1.	7210, 7212, 7225 and 7226*	Flat rolled product of steel plated	Korea RP	Any country including Korea RP	Dongkuk Steel Mill Co., Ltd.	14.30	US\$	MT

S. No	Heading/ Sub- Heading	Description of Goods	Country of Origin	Country of Export	Producer	Duty Amount	Currency	Unit
		or coated with alloy of Aluminum and Zinc**						
2.	Do	Do	Korea RP	Any country including Korea RP	POSCO	56.96	US\$	MT
3.	Do	Do	Korea RP	Any country including Korea RP	POSCO Coated & Color Steel Co., Ltd.	56.96	US\$	MT
4.	Do	Do	Korea RP	Any country including Korea RP	Dongbu Steel Co., Ltd.	13.07	US\$	MT
5.	Do	Do	Korea RP	Any country including Korea RP	Any other producer other than serial no. 1, 2, 3, and 4	84.47	US\$	MT
6.	Do	Do	Any country other than Korea RP, Vietnam, China PR	Korea RP	Any	84.47	US\$	MT
7.	Do	Do	Vietnam	Any other country including Vietnam	Ton Dong A Corporation	23.63	US\$	MT
8.	Do	Do	Vietnam	Any other country including Vietnam	Hoa Sen Group	46.87	US\$	MT
9	Do	Do	Vietnam	Any other country including Vietnam	Tay Nam Steel Manufacturing & Trading Co., Ltd	48.96	US\$	MT
10.	Do	Do	Vietnam	Any other country including Vietnam	Nam Kim Steel Joint Company	81.30	US\$	MT
11	Do	Do	Vietnam	Any country including Vietnam	Any other producer other than serial no. 7, 8, 9, 10	173.10	US\$	MT
12	Do	Do	Any country excluding Korea RP, Vietnam, China PR	Vietnam	Any	173.10	US\$	MT
13	Do	Do	China PR	Any country including China PR	Zhejiang Huada New Materials Co., Ltd.	56.48	US\$	MT
14	Do	Do	China PR	Any country including	Any other producer other	128.93	US\$	MT

S. No	Heading/ Sub- Heading	Description of Goods	Country of Origin	Country of Export	Producer	Duty Amount	Currency	Unit
				China PR	than Zhejiang Huada New Materials Co., Ltd.			
15	Do	Do	Any country excluding China PR, Korea PR, Vietnam	China PR	Any	128.93	US\$	MT

**Custom classification is only indicative, and the determination of the duty shall be made as per the description of PUC. The PUC mentioned above should be subject to above ADD even when it is imported under any other HS code*

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

Product under consideration as mentioned in column no 3 of the above table does not include the following products: -

- *Flat rolled steel products coated with Zinc without addition of Aluminum;*
- *Flat rolled steel products coated with Aluminum without addition of Zinc;*
- *Pre-painted or color coated Aluminum Zinc alloy coated steel sheets (Pre-coated SGL sheets).*

K. FURTHER PROCEDURE

182. Subject to the above, the Preliminary Findings notified on 15th July 2019 is hereby confirmed.

183. An appeal against the orders of the Central Government that may arise out of this recommendation shall lie before the Customs, Excise and Service tax Appellate Tribunal in accordance with the relevant provisions of the Act.

(Bhupinder S. Bhalla)
Additional Secretary & Designated Authority