

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

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

Whether the IA consulted the exporters while informing the PCNs?

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

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

