



# *Simplification of existing formats and relaxation in compliance burden in Trade Remedy Investigations*

INSIGHTS

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Dear Reader

The Directorate General of Trade Remedies (**DGTR**) on July 29, 2021 issued multiple Trade Notices amending the existing questionnaire formats applicable to various interested parties (i.e., domestic producers and associations, exporters, importers, and users) participating in Trade Remedy investigations conducted by the DGTR:

1. Trade Notice No. [05/2021](#) revises the questionnaire format/application proforma applicable to domestic producers seeking the initiation of an anti-dumping investigation;
2. Trade Notice No's. [06/2021](#), [07/2021](#) and [08/2021](#) revise the questionnaire formats applicable to foreign producers/exporters, related/unrelated importers and users;
3. Trade Notice No. [09/2021](#) has been issued whereby a detailed procedure for filing of application by an association on behalf of fragmented domestic producers in anti-dumping and anti-subsidy investigations has been provided.

The above revisions have been promulgated pursuant to the consultations organized by the DGTR with various stakeholders, discussing the streamlining and simplification of rules, processes and procedures relating to Trade Remedy Investigations.

The Trade Notices are a welcome attempt to simplify the process of filling the questionnaire formats and reduce the burden of procedural compliance placed on the cooperating parties. At the same time, the DGTR, through these Trade Notices, also justifiably appears to try and increase transparency in the reporting of certain information. A few key changes demonstrating the above intent are listed below:

## **Application Proforma**

- Domestic Industry
  - Certain information such as details on shutdown or force majeure factors must be provided to enable the DGTR to assess if the injury was caused by such other factors and details of the impact of duty on the costs of end product manufactured by users etc.
  - A new format has been issued to link the company records (trial balance) with reported information.

## **Questionnaire Formats**

- Producers/exporters
  - If a cooperating producer from a non-market economy is not seeking market economy treatment, the requirement to file questionnaire responses by its related producer (not exporting to India) has been done away with.
- Importers/Users
  - The requirement necessitating specific appendices to be certified by an independent practising accountant has been discontinued.
  - The requirement to file certain other information, including the percentage of shareholding of the shareholders, details of the location where accounting records are stored (which was initially required to be provided) has been removed.

## **Application by Association on behalf of fragmented domestic producers**

- In general, while the Association filing the application is required to file certain information, the domestic producers on whose behalf application is made have been provided certain relaxations (which otherwise were not available prior to the issuance of the Trade Notice).
  - Annexure I, i.e., limited information pertaining to performance parameters, has to be filed by the domestic producers on whose behalf the application is filed.
  - Formats VI-1 to VI-5 (costs related information), which have been prescribed in the general application proforma (for instance, for anti-dumping investigations), does not have to be filed by the domestic producers at the time of filing the application by the Association.
  - Only after the DGTR selects a sample set of producers, such producers have to file costs related information.

- Lastly, discretion has been conferred on the DGTR to reject the above relaxation for fragmented industry depending on the facts and circumstances of each case.

For further details, please see the link made available [here](#).

We trust you will find this an interesting read. For any queries or comments on this update, please feel free to contact us at [insights@elp-in.com](mailto:insights@elp-in.com).

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