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**F. No. 06/35/2023-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, Parliament Street, New Delhi-110001**

Date: 20.03.2025

**FINAL FINDINGS
CASE NO. AD(OI)- 31/2023**

Subject: Anti-dumping investigation concerning imports of “Aluminium Foil upto 80 micron” originating in or exported from China PR.

F. No. 06/35/2023-DGTR: Having regard to the Customs Tariff Act 1975 as amended from time to time (hereinafter referred 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 thereof, as amended from time to time (hereinafter referred as the ‘AD Rules’ or the ‘Anti-dumping Rules’ or the ‘Rules’).

A. BACKGROUND OF THE CASE

1. M/s Hindalco Industries Ltd., M/s Shyam Sel & Power Ltd, M/s Shree Venkateshwara Electrocast Pvt. Ltd., M/s Ravi Raj Foils Ltd., M/s GLS Foils Product Pvt. Ltd., and M/s LSKB Aluminium Foils Pvt. Ltd. (hereinafter referred to as the "applicants" or the "petitioners") filed an application, in the form and manner prescribed before the Designated Authority (hereinafter also referred to as the "Authority") in accordance with the Customs Tariff Act, 1975 and the Anti-Dumping Rules, for initiation of an anti- dumping investigation and imposition of anti-dumping duty on imports of “aluminium foil upto 80 micron, excluding aluminium foil below 5.5 micron for non-capacitor application” (hereinafter also referred to as the “aluminium foil” or “subject goods” or the “product under consideration”) originating in or exported from China PR (hereinafter also referred to as the "subject country").
2. The Authority had earlier conducted an original anti-dumping investigation concerning imports of "aluminium foil ranging from 5.5 micron to 80 micron" originating in or exported from China PR which was initiated vide Notification no. 14/06/2015-DGAD dated 15th December, 2015. The Authority recommended imposition of definitive duty vide Notification no. 14/06/2015-DGAD, dated 10th March, 2017. The Ministry of Finance (MoF) thereafter imposed duties vide Customs Notification No. 23/2017- Customs (ADD), dated 16th May, 2017.
3. The Authority later conducted the first sunset review investigation which was initiated vide

Notification no. 7/27/2021-DGTR dated 16th September, 2021. The Authority notified the final findings recommending continuation of duty vide Notification no. 7/27/2021-DGTR dated 14th March, 2022. The Ministry of Finance, however, did not accept the recommendation. Accordingly, the duties ceased to exist after 15th May, 2022.

4. Based on an application filed by the domestic industry, the Authority recommended imposition of anti-dumping duty vide final finding no. 06/21/2020-DGTR dated 18th June, 2021, on imports of "aluminium foil below 80 microns" from Thailand, Malaysia, Indonesia, and China PR (excluding aluminium foil 5.5-80 microns from China PR). This recommendation was accepted by Ministry of Finance vide Customs Notification no. 51/2021-Customs (ADD) dated 16th September, 2021. This duty continues to exist till date and upto 15th September, 2026. The present applicants have also submitted an application requesting re-evaluation of dumping and injury margins. Accordingly, the Authority has initiated a mid-term review of anti-dumping duty imposed on the imports of "Aluminium foil below 80 microns" from Thailand, vide notification no. 7/3/2024- DGTR dated 29th March 2024. This investigation is underway.
5. The applicants approached the Authority, after expiry of duty on "Aluminium foil ranging from 5.5 micron to 80 micron" from China PR, submitting that post expiry of duties, the subject imports have again started to enter the Indian market at dumped prices in huge volumes and resultantly causing material injury to the domestic industry. The Authority, on the basis of sufficient prima facie evidence submitted by the applicants, issued a public notice vide Notification no. 06/35/2023- DGTR dated 21st March, 2024, initiating the subject investigation in accordance with Rule 5 to determine the existence, degree, and effect of the alleged dumping and to recommend the amount of anti-dumping duty which if levied, would be adequate to remove the alleged injury to the domestic industry.

B. PROCEDURE

6. The procedure described below has been followed with regards to this investigation:
 - i. The Authority notified the embassy of the subject country in India about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with Rule 5(5) of the Anti-Dumping Rules.
 - ii. The Authority, on the basis of sufficient prima facie evidence submitted by the applicants, vide notification no.06/35/2023-DGTR dated 21st March, 2024 published a public notice in the Gazette of India, Extraordinary, initiating an anti-dumping investigation concerning imports of the subject goods from the subject country.
 - iii. The Authority forwarded a copy of the public notice along with the questionnaires to the embassy of the subject country in India, all known exporters, importers, and users (whose details were made available by the applicants) and gave them the opportunity to make their views known in writing in accordance with Rule 6(2) of the anti-dumping rules.
 - iv. The Authority provided a copy of the non-confidential version of the application to the known exporters and the embassy of the subject country in accordance with Rule 6(3) of the anti-dumping Rules. A copy of the application was also provided to the

other interested parties, as requested.

- v. The Authority sent questionnaire to elicit relevant information to the following known producers/exporters in the subject country in accordance with Rule 6(4) of the AD rules:

SN	Producer/ Exporter
1.	Dingsheng Aluminium Industries Hong Kong Trading
2.	Dong Guan Kai Yuan Plastication Technology Co. Ltd.
3.	Fengcheng Huaqiang Machinery Co. Ltd.
4.	Henan Mingtai Technology Development Co. Ltd.
5.	Guangzhou Mywow Decor Co. Ltd.
6.	Luoyang Longding Aluminium Industries Co. Ltd.
7.	M Kunshan Aluminium Co. Ltd.
8.	Shandong Mingda Packing Product Co. Ltd.
9.	Jiangyin Bondtape Technology Corporation
10.	Hugematic Industries Co. Ltd.
11.	Jiangsu Dingsheng New Materials Joint-Stock Co. Ltd.
12.	Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd.
13.	Ms Zhengzhou Mingtai Industry Co. Ltd.
14.	Peixian Fengyuan Import and Export Rade Co. Ltd.
15.	Qingdao Donghai Aluminium Co. Ltd.
16.	Shandong Deli Aluminium Technology Co. Ltd.
17.	TJPFTZ L.X. International Trading Co. Ltd.
18.	Victory Food Specialities FZE
19.	Wuxi Myriad Corporation
20.	Hebei North China Aluminium Co. Ltd.
21.	Xiamen Kolysen Packaging Integration Co Ltd
22.	Yunnan Haoxin Aluminum Foil Co. Ltd
23.	Zhangzhou Banruo Import Export Co. Ltd.
24.	Zhengzhou Mingtai Industry Co. Ltd.
25.	Dingsheng Aluminium Industrial Co. Ltd.
26.	Xiamen Xiashun Aluminium Foil Co. Ltd.
27.	Jiangsu Alcha Aluminium Co. Ltd.
28.	Arconic (Kunshan) Aluminium Products Co., Ltd

- vi. Following producers/exporters from the subject country have filed the exporter's questionnaire response or made any submissions:

SN	Responding Producer/ Exporter
1.	ATEC New Material Industry Co. Limited
2.	Daching Enterprises Ltd.
3.	Dingsheng Aluminium Industries (Hong Kong) Trading Co. Ltd.
4.	Hangzhou Dingsheng Import and Export Co. Ltd.

5.	Hangzhou Five Star Aluminium Co. Ltd.
6.	Henan Mingsheng New Material Technology Co. Ltd.
7.	Henan Mingtai Technology Development Co. Ltd.
8.	Inner Mongolia Lian Sheng New Energy Material Co., Ltd.
9.	Jiangsu Dingsheng New Materials Joint Stock Co. Ltd.
10.	Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd.
11.	Jiangsu Zhongji Lamination Materials Co. (HK) Ltd.
12.	Jiangsu Zhongji Lamination Materials Co. Ltd.
13.	Kunshan Aluminium Co. Ltd.
14.	Longding Global (Singapore) PTE Ltd.
15.	Luoyang Longding Aluminium Industrial Co. Ltd.
16.	Luoyang Wanji Aluminium Processing Co. Ltd.
17.	Peixian Fengyuan Import and Export Trade Co. Ltd.
18.	Shangdong Deli Aluminium Technology Co. Ltd.
19.	Shanghai Sunho Aluminium Foil Co. Ltd.
20.	Sunho New Materials Technology Co. Ltd.
21.	Tetra Pak Beijing Company Limited
22.	Tetra Pak Global Supply SA
23.	Tetra Pak Jurong Pte Ltd.
24.	Xiamen Xiashun Aluminium Foil Co. Ltd.

- vii. Questionnaires were also sent to the following known importers/users of the subject goods in India seeking necessary information in accordance with Rule 6(4) of the AD Rules:

SN.	Importer/ User	SN.	Importer/ User
1.	Ace Overseas	2.	Merino Industries Ltd.
3.	Aar Dee Industries	4.	Modern Laminators Pvt. Ltd.
5.	Ajanta Pack Mart Pvt Ltd	6.	Mohan Mutha Polytech Pvt. Ltd.
7.	ACG Pharmapack Pvt. Ltd.	8.	Montage Enterprises Pvt. Ltd.
9.	Aero Incorporation	10.	Montex Glass Fibre Ind Pvt. Ltd.
11.	Air India Ltd.	12.	Nagreeka Indcon Products Pvt. Ltd.
13.	DB International	14.	Nobel Chocolatz
15.	Alstone Industries Pvt. Ltd.	16.	Oswal Extrusion Ltd.
17.	Alufoil Products Pvt. Ltd.	18.	Parikh Packaging Pvt. Ltd.
19.	Alutech Packaging Pvt. Ltd.	20.	Polybond Insulation Pvt. Ltd.
21.	Ansapack Pvt. Ltd.	22.	Pragya Flexi Film Industries
23.	Asawa Insulation Pvt. Ltd.	24.	Printmann Offset Pvt. Ltd.
25.	Ashoka Tessiles	26.	Purity Flex Pack Ltd.
27.	Audax Protective Fabrics Pvt. Ltd.	28.	R S Foils Pvt. Ltd.
29.	Av Enterprises	30.	Radhika Exports Corporation
31.	Balaji Packaging Company	32.	Raheja Polymers & Chemicals
33.	Bilcare Ltd.	34.	Ram Kishore Nagarmal Marketing

			Pvt.Ltd.
35.	Essel Thermoware Pvt. Ltd.	36.	Raviraj Foils Ltd.
37.	Essel Propack Ltd.	38.	Rockdude Impex Pvt. Ltd.
39.	Futuristic Marketing Solutions	40.	Royal International
41.	G L S Films Industries Pvt. Ltd.	42.	S L Packaging Pvt. Ltd.
43.	Gajra Glass Fibre Pvt. Ltd.	44.	Sanwariya Packaging Pvt. Ltd.
45.	Geep Industries India Pvt. Ltd.	46.	SAPL Steel LLP
47.	GK Enterprises Pvt. Ltd.	48.	Satnam Print N PAC
49.	Greenberry Foils India Ltd.	50.	Sharbin International
51.	Gujarat Polyfilms Pvt. Ltd.	52.	Shell N Tube Pvt. Ltd.
53.	Heena Roto Prints	54.	Shree Mahavir Sales Corporation
55.	Hind Foils LLP	56.	Shree Rama Multitech Ltd.
57.	Hind Global	58.	Siddhee Products Pvt. Ltd.
59.	Homemade Bakers India Ltd.	60.	Silver Foils Pvt. Ltd.
61.	Huhtamaki Ppl Ltd.	62.	Sipla Solutions
63.	Inox India Pvt. Ltd.	64.	SMV Impex
65.	International Traders	66.	SNS Overseas Pvt. Ltd.
67.	Jash Packaging Co.	68.	Sorich Foils Ltd.
69.	Flora Industries	70.	Sparsh Packagings Pvt. Ltd.
71.	International Traders	72.	Svam Toyal Packaging Industries Pvt.Ltd.
73.	Jindal India Ltd.	74.	Sri Venkateshwara Coil Mill Pvt. Ltd.
75.	Jupiter Laminators Pvt. Ltd.	76.	Sterlite Technologies Ltd.
77.	Kap Cones Pvt. Ltd.	78.	Super Packagings
79.	Kinjal Impex	80.	Suvjay Industries India LLP
81.	ITC Ltd.	82.	Synthiko Foils Ltd.
83.	Kanodia Technoplast Ltd.	84.	Tania Polyfilms Pvt. Ltd.
85.	KH Exports India Pvt. Ltd.	86.	TCPL Packaging Ltd.
87.	Kflex India Pvt. Ltd.	88.	ZAF Overseas LLP
89.	Kinjal Impex	90.	The Supreme Industries Ltd.
91.	Kuloday Udyog	92.	Thermal Engitech Pvt. Ltd.
93.	Mahavir Paper Trading Co.	94.	Thermoplast Pvt. Ltd.
95.	Lily Pins Pvt. Ltd	96.	Viva Composite Panel Pvt. Ltd.
97.	Mahesh Metalloys Pvt. Ltd.	98.	Trafomec India Pvt. Ltd.
99.	Malindi Retail Pvt. Ltd.	100.	Trendz International
101.	Marudhar Industries Ltd.	102.	True Value International
103.	Maruti Paper India Company	104.	Uflex Ltd.
105.	Masters India Pvt. Ltd.	106.	Unitech Enterprise Pvt. Ltd.
107.	Mazda Agencies	108.	United Breweries Ltd.
109.	Medicap Healthcare Ltd.	110.	U.P. Twiga Fiberglass Ltd.
111.	Shrinath Rotopack Pvt. Ltd.	112.	Vishal Containers Ltd.

- viii. Following importers/user have filed the importer’s questionnaire response or made submissions:

SN	Responding Importer/user
1.	Amcor Flexibles India Private Limited
2.	Asawa Insulations Pvt Ltd
3.	Caprihans India Ltd.
4.	Dalfo Flexicap Pvt. Ltd.
5.	Eminent Trade and Export Pvt. Ltd.
6.	Indian Flexible Packaging & Folding Carton Manufacturers Association
7.	Jewel Packaging P Ltd.
8.	Jil Pack
9.	Montage Enterprises Private Limited
10.	Nagreeka Indcon Products (P) Ltd.
11.	Paharpur Cooling Towers Limited
12.	Paharpur 3P Pvt. Ltd.
13.	Paramount Universal Pvt. Ltd.
14.	Ram Kishore Nagarmal Marketing Pvt. Ltd.
15.	Rockdude Impex Pvt. Ltd.
16.	Silver Foils Pvt. Ltd.
17.	Suvjay Industries India LLP
18.	Tetra Pak India Pvt. Ltd.
19.	UFLEX Limited
20.	ACG Pharmapack Pvt. Ltd.

- ix. The period of investigation for the purpose of the present investigation is 1st October, 2022 to 30th September, 2023 (12 months) (hereinafter referred to as the “period of investigation” or “POI”). The injury analysis period includes the period of investigation and the preceding years, 2019-20, 2020-21, 1st April 2021- 30th September 22 (annualized).
- x. The Authority, vide para 7 of the initiation notification dated 21st March, 2024, granted an opportunity to the interested parties to present their comments on the scope of the product under consideration and product control number (PCN) within 15 days of initiation which ended on 5th April., 2024. All the submissions made by the interested parties with regard to the scope of the product under consideration or for the construction of PCN, within the stipulated time period, were considered. Accordingly, the Authority vide notification dated 6th June, 2024, proceeded to clarify the scope of the PUC and PCNs, as proposed in the initiation notification.
- xi. The Authority issued an economic interest questionnaire (EIQ) to all interested parties and the concerned ministry. Response to EIQ has been submitted by the domestic industry and the following other interested parties.

SN	Responding Exporter/Importer
1.	ATEC New Material Industry Co. Limited, Hong Kong

2.	Dalfo Flexipack Pvt. Ltd.
3.	Dingsheng Aluminium Industries (Hongkong) Trading Co. Limited
4.	Eminent Trade & Export Pvt. Ltd.
5.	Hangzhou Dingsheng Import & Export Co. Ltd.
6.	Hangzhou Five Star Aluminium Co. Ltd.
7.	Inner Mongolia Lian Sheng New Energy Material Co., Ltd.
8.	Jiangsu Dingsheng New Materials Joint-Stock Co. Ltd.
9.	Jiangsu Zhongji Lamination Materials Co. (HK) Limited
10.	Jiangsu Zhongji Lamination Materials Co. Ltd.
11.	Longding Global (Singapore) Pte Ltd.
12.	Luoyang Longding Aluminium Industries Co. Ltd.
13.	Nagreeka Indcon Products (P) Ltd.
14.	Paramount Universal Pvt. Ltd.
15.	Rockdude Impex Private Limited
16.	Shandong Deli Aluminium Technology Co. Ltd.
17.	Shanghai Sunho Aluminium Foil Co. Ltd.
18.	Silver Foils Private Limited
19.	Sunho New Materials Technology Co. Ltd.
20.	Suvjay Industries India LLP
21.	Tetra Pak Beijing Company Limited
22.	Tetra Pak Global Supply SA
23.	Tetra Pak India Pvt. Ltd.
24.	Tetra Pak Jurong Pte Ltd.

- xii. The information provided by the interested parties on a confidential basis was examined with regard to the sufficiency of such claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted, and such information has been considered confidential and not disclosed to the 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.
- xiii. The Authority sought further information from the producers to the extent deemed necessary. The desk verification of the data provided by the domestic industry was conducted to the extent considered necessary for the purpose of the present investigation. The Authority also conducted onsite verification of two of the domestic producers on 9th and 10th January, 2025.
- xiv. The Authority made available the non-confidential version of the submissions made by the various interested parties. A list of all the interested parties was uploaded on the DGTR website along with the request to all of them to email the non-confidential version of their submissions to all the other interested parties along with the investigation team.
- xv. In accordance with Rule 6(6) of the Rules, the Authority provided an opportunity to the interested parties to present their views orally in a public hearing held on 6th

- December 2024. The parties presented their views in the oral hearing and were requested to file written submissions of the views expressed orally by 13th December 2024, followed by rejoinder submissions by 20th December 2024.
- xvi. The Authority, vide Notification no. 06/35/2023 – DGTR, issued Preliminary Findings on 28th August 2024. As recorded in the Preliminary Findings, the Authority invited comments on the same at the time of the oral hearing.
 - xvii. Subsequent to the issuance of Preliminary Findings, the Authority issued two corrigendum notifications dated 1st January 2025 and 11th February 2025, thereby including “Aluminium Foil for Capacitors below 5 micron and upwards of 5 micron and upto 5.5 micron” in the scope of the product under consideration.
 - xviii. The submissions made by the interested parties, arguments raised, and the information provided by the various interested parties during the course of the investigation, to the extent the same were supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority in this document.
 - xix. 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 has considered such parties as non-cooperative and has conducted the examination on the basis of facts available.
 - xx. The Authority has relied upon DG Systems data for the required analysis after due examination of the transactions.
 - xxi. The Non-Injurious Price (NIP) has been determined based on the cost of production and cost to make and sell the subject goods in India based on information furnished by the domestic producers 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.
 - xxii. The Authority has considered all the arguments raised and information provided by all interested parties, to the extent the same are supported with evidence and considered relevant to the present investigation.
 - xxiii. 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 has recorded its observation on the basis of the facts available.
 - xxiv. A disclosure statement containing the essential facts in this investigation which have formed the basis of the final findings was issued to the interested parties on 12th March 2025 and the interested parties were allowed time up to 5PM, 17th March 2025 to comment on the same. The comments on disclosure statements received from the interested parties have been considered, to the extent found relevant, in this final finding notification.
 - xxv. *** in these final findings represents information furnished by an interested party on confidential basis, and so considered by the Authority under the Rules.
 - xxvi. Exchange rate considered for the POI for conversion of USD to Indian Rupees is 1 USD= Rs. 83.21.

C. **PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE**

7. The product under consideration (hereinafter also referred to as the “PUC”) as defined at the stage of initiation was as follows:

2. The product under consideration in the present application is "aluminium foil" (hereinafter also referred to as "subject goods" or "product under consideration" or "PUC"), excluding the following:

- i. *Aluminium foil below 5.5 microns from China PR for non-capacitor applications. Aluminium foil for capacitors applications' below 5.5 microns is within the scope of the product under consideration. This was specifically excluded in the anti-dumping duty investigation conducted on "aluminium foil 80 microns and below originating in or exported from China PR, Malaysia, Thailand and Indonesia."*
- ii. *Ultra-Light Gauge Converted foil meant for use in insulation, spices packing' thermal fluid lines covering and tea bags application - Ultra Light Gauge Converted foil is an aluminium foil having thickness of 5.5 micron to 7 micron and is backed with kraft paper & scrim, or glass cloth, whether plain or printed for use in insulation, spices packing, thermal fluid lines covering and tea bags application.*
- iii. *Etched or formed aluminium foils meant for electrolytic capacitor - Etched or formed aluminium foils is aluminium foil meant to be used in the manufacture of electrolytic capacitor.*
- iv. *Aluminium composite panel meant for facade cladding and signage applications - Aluminium composite panel is a non-aluminium core (often PE) bonded between two thin layers of aluminium, for use in facade cladding and signage.*
- v. *Clad with compatible non clad aluminium foil - Clad with compatible non clad aluminium foil is a corrosion-resistant aluminium sheet formed from aluminium surface layers metallurgically bonded to high-strength aluminium alloy core material for use in engine cooling and air conditioner systems in automotive industry; such as radiator, condenser, evaporator, intercooler, oil cooler and heater.*
- vi. *Aluminium foil for beer bottle - aluminium foil of 10.5 micron with rough surface and perforated whether printed or not; to be used in beer bottle.*
- vii. *Aluminium- manganese- silicon based and/ or clad aluminium- manganese silicon-based alloys, whether clad or unclad- with post brazing yield strength greater than 35 MPA, falling under tariff heading 7607 for use in heat exchangers including radiators, charge air coolers, condensers, oil coolers, heater cores, evaporators, heat ventilation and air conditioning (HVAC) systems and parts thereof.*
- viii. *Adhesive tapes*
- ix. *Colour coated aluminium foil*

8. Aluminium foil is used extensively for protection, storage, and preparation of foods and beverages. It is used as a packaging material, for conservation and preservation of edible and food products.

9. The product under consideration is classified under subheading 7607 of the Customs Tariff

Act. Imports of the subject goods are entering into India under the following codes 76071190, 76072090, 76072010, 76071110, 76071999, 76071991, 76071995, 76071910, 76071994, 76071993 and 76071992. The customs classification is indicative and is not binding on the scope of the product under consideration.

10. The applicants proposed the following product control numbers (PCNs), in the application filed:

SN	Type of Foil	Micron Range	Bare/Converted
1	Alu Alu Stock	45-60	Bare Foil
2	House Foil	8 - 22	Bare Foil
3	Light Gauge (LG)	7 - < 20	Bare Foil
4	Medium Gauge (MG)	20-60	Bare Foil
5	Semi Rigid Container (SRC)	30 - 80	Bare Foil
6	Ultra-Light Gauge Bare	5.5 - <7	Bare Foil
7	Battery Foil	9 - 20	Bare Foil
8	Capacitor	4.5 - 20	Bare Foil
9	Any other Bare Foil (Not falling within 1-8)		Bare Foil
10	Cigarette Foil	< = 7	Converted
11	House Foil Converted	8 - 22	Converted
12	SRC Converted	30 - 80	Converted
13	Medium Gauge (MG) Converted	20-60	Converted
14	Light Gauge (LG) Converted	7 - < 20	Converted
15	Battery Foil Converted	9 - 20	Converted
16	Alu Alu Converted/ laminated	45-60	Converted
17	Any other converted Foil (Not falling within 10-16)		Converted

11. The parties were requested to offer their comments on the PUC and propose PCNs, if any, within 15 days of circulation of the non-confidential version of the application filed before the Authority.
12. The comments on the scope of PUC and PCN methodology were received from various interested parties after the initiation notification was issued. A meeting was also held on 8th May 2024 to discuss the PUC and PCNs with the interested parties.

C.1 Views of the other interested parties

13. The following submissions have been made by the other interested parties with regard to the

scope of the product under consideration and like article:

- i. The PUC has been defined without any reference to the thickness of the product. There is overlapping of scope of the PUC in this investigation with previous investigation.
- ii. The PUC scope is only upto 80 microns, as PCNs proposed have thickness ranging up to 80 microns, and Tariff heading 7607 only includes Aluminium foil less than 200 microns. Further, foil above 80 microns already attracts duty after investigation on FRP, and should be excluded.
- iii. Present investigation is simply a re-investigation of the previous sunset review investigation, therefore, foil below 5.5 and above 80 microns is not within the scope of the PUC. The same should be expressly noted in the definition of the PUC by the Authority.
- iv. Further, ADD is already imposed on aluminium foil below 5.5 microns therefore, the present investigation cannot cover this within its scope of the PUC.
- v. In the original investigation “alu alu laminate” and “aluminium foil for capacitors application below 5.5 microns” were excluded. Since there is no change from the original investigation, these two should be excluded.
- vi. Even if foil for capacitor is included, range for PCN should be 4.5-20 micron. If capacitor foil below 5.5-micron foil is not within the scope, then PCN should be 5.5-20 micron.
- vii. Micron range for cigarette foil is mentioned as ‘ ≤ 7 ’. However, foil below 5.5 micron is already subject to ADD. Therefore, PCN should be modified to “5.5-7 micron”.
- viii. Clad Aluminium fin strips is classified under 7606, and the PUC is classified under 7607. The thickness of imported strip is between 0.23 mm – 0.30 mm (230 micron to 300 micron). Whereas as per customs description of 7607, it includes thickness (excluding any backing) not exceeding 0.2 mm.
- ix. As per exclusions defined in the initiation notification, clad aluminium fin strips used for automotive industry is already excluded. There is no domestic supply of this product. Hence clarify that clad aluminium fin strips is not included in the scope of the PUC. Alternately, modify clause 2(v) and (vii) of initiation notification stating that this “clad aluminium fin strips” under heading 7606 used for manufacture of fin tubes for use in steam condensers of dry cooling in industrial applications, is excluded.
- x. Alu alu foil stock (45-60 microns) as well as light gauge foil, should be excluded, as there is only one supplier of the product in India. There is lack of capacity in India to fulfil demand of this product. The quality being supplied by Indian producers is of sub-standard quality.
- xi. The product polyurethane coated aluminium foil (“PU coated aluminium foil”) with colour on either side or both sides”, is not produced in India and has no substitutes. Indian producers are not equipped with machinery for lacquer coating. The product being imported is priced substantially above the average import price of aluminium foils. It is used for manufacturing insulated panels. Hence, the Authority has been requested to exclude polyurethane coated aluminium foil with colour on either one side or both.
- xii. Micron ranges specified in PCN proposed at para 5, are limited and do not cover all possibilities for certain products like house foil and SRC. A PCN should be created to include any micron range not covered in the table, ensuring comprehensive coverage for

transactions involving these products. For example, range proposed for SRC is only 30-80, whereas there can be other microns for SRC. Hence, PCN should be devised to accommodate any range of micron other than 30-80 concerning SRC.

- xiii. Aluminium foil of alloy grade 8021, is a special grade foil critical for pharmaceutical packaging due to its unique properties. It has no substitute available for ensuring health and hygiene standards. Hindalco, is the sole producer and meets only 30% of the domestic demand, falling short of quality standards. Domestic converters require specific thickness and width which is not supplied by Hindalco. There is a risk of monopoly, supply shortage, and medicine price hikes. Therefore, this should be excluded as it has specialized application, there is demand-supply gap, limited imports, and potential impact on industry and prices.
- xiv. In case of aluminium foil made from alloy AA8011 and AA8079, it has been argued that the domestic industry is a mere converter of foil stock imported from China PR. The domestic industry converts foil stock with minimal value addition, leading to price distortions in converted foils. Most of the pharma customer products are registered with specific foil imported from particular supplier currently. Change in raw material grade or manufacturing process is critical – direct impact on end user’s product. Unable to switch to domestic product or offset additional costs.
- xv. Ultra-light gauge aluminium foil of 6.3 micron, should be excluded as the domestic industry does not produce it and hence cannot claim injury. If included within scope, requested to prescribe reference price form of duty even if fixed duty is recommended on other aluminium foil.
- xvi. The domestic producers lack capacity and quality to fully satisfy demand. Imports of ultra-light gauge aluminium foil from China PR are necessary until Hindalco's new capacity becomes operational, likely post-2026.
- xvii. The domestic producers fail to meet Tetra Pak's carbon emission standards due to coal-based energy sources, unlike Chinese producers shifting towards renewable energy.
- xviii. PCN and the scope of the investigation should be used to determine only products which are produced and sold by the applicants. Users often rely on imports when the Indian producers are unable to supply specific material in adequate volume.
- xix. Users rely on imports because the domestic industry focuses on large volume products and are not able to cater to buyers of specific products with lower volumes. Scope of the PUC should be based on products supplied in commercial volumes by the domestic industry during the POI.

C.2 Views of the domestic industry

14. The following submissions have been made by the domestic industry with regard to the scope of the product under consideration and like article:
 - i. Scope of the PUC suggested in the application and subsequently notified in the notice of initiation, should be continued and kept as is, there is no need for modification, whether enlargement or curtailment.
 - ii. Definition of the PUC may explicitly refer to the range of thickness. As agreed by all parties during the discussion, definition may be kept as “aluminium foil upto 80 microns,

excluding aluminium foil below 5.5 micron for non-capacitor application”. Further, other products as described above, are also excluded. Only such aluminium foil below 5.5 micron for non-capacitor application are excluded which are subject to measures through final findings no. 6/21/2020- dated 18th June 2021.

- iii. As regards exclusion of “polyurethane coated aluminium foil with colour on either one side or both sides” and confirming exclusion of “coated aluminium foil – either one side or both sides, irrespective of colour, shape or coating”; the domestic industry has submitted that the same is already covered under clause (ix). However, the Authority may provide specific clarification/confirmation.
- iv. In respect of exclusion of light gauge foil, the domestic industry has submitted that it is an established producer of light gauge foil. The same has been part of scope of the PUC in previous investigations as well. Inclusion of this product has never been contended by any party previously. Comments of respondent that the domestic industry does not produce this product, is a blatantly false statement. This request for exclusion is baseless and devoid of any evidence.
- v. As regards exclusion request for alu alu laminate, present investigation is a fresh investigation and scope of the PUC is different from previous investigation. In the previous investigation, Indian industry was not producing alu alu laminate. Several producers such as Alutech Packaging P. Ltd. and Green Berry Foils India Ltd. are now producing it.
- vi. The domestic industry is in agreement with the submission on cigarette foil, that the PCN range suggested should be amended to “5-.5-7”, as against proposed range of “below 7 microns”.
- vii. The domestic industry has agreed to exclusion and specific clarification sought with regard to “clad aluminium fin strips (Alloy 4343/3003-H24), and “polyurethane coated aluminium foil with colour on either side or both sides”.
- viii. As “alu alu foil stock” is produced and supplied by Hindalco Industries Ltd., therefore they have made the following submissions:
 - Hindalco has competence to produce and sell substantial quality of alu alu stock/foil. Speculation regarding monopolistic situation is unsubstantiated since Anti-Dumping Laws provides the sole producer with the trade remedial measure i.e., imposition of anti-dumping duty. It encourages domestic producers to invest in equipment and technology to meet user’s need, provides level playing field, ensures a fair price, and does not prevent imports from any country.
 - Demand-supply gap cannot be a factor for not imposing anti-dumping duty as it does not prevent the imports but ensures the imports are fairly priced. Even otherwise, figures provided by interested party are not accurate as demand shown is inflated and figures did not match Hindalco’s domestic sales and imports of alu alu stock/foil.
 - It has supplied alu alu stock/foil to various consumers such as interested party (UFLEX), and only a nominal quantity of the said product was rejected due to quality issues out of the total supplies

made to UFLEX. Additionally, Hindalco referred to a catena of judgements by CESTAT as per which quality issues cannot be a concern for not imposing anti-dumping duty.

C.3 Examination by the Authority

15. The product under consideration is manufactured from foil stock. Foil stock is produced by rolling ingot. In other words, aluminium flat rolled products (FRP) are rolled further into foils. It may be rolled into foil or consumed as is, or printed/laminated (also called backed) with paper, board, plastic, or other packaging materials. Aluminium foils may be printed either by the producers or by converters or by end consumers.
16. Aluminium foil is used for protection and storage of foods and beverages, pharmaceutical packaging etc. It is used as a packaging material, for conservation and preservation of edible and food products. Aluminium foil is a non-toxic material. It is also a good thermal conductor and usually quite malleable. Major applications of aluminium foil are in the following:
 - a. pharmaceuticals industry for packing medicines
 - b. food industry for packing processed foods
 - c. cigarette industry for packaging
 - d. tobacco packing (Gutkha)
 - e. beer bottles
17. The Authority considers as follows with regard to issues/exclusion requests raised by the interested parties.
18. **Foil thickness :-** As regards contentions of other interested parties, that the definition of the PUC must define thickness being covered, the Authority has revisited the definition and clarified the definition as “Aluminium foil upto 80 microns, excluding aluminium foil below 5.5 micron for non-capacitor application”.
19. **Light gauge foil :-** As regards the exclusion sought on light gauge foil, the Authority notes that there have been multiple investigations on imports of aluminium foil. The position of Indian industry as producer of light gauge foil has been demonstrated. There are no claims corroborated with evidence in the present investigation to support request for exclusion. Therefore, the Authority is unable to agree with exclusion sought for this product.
20. **Alu alu laminate and aluminium foils for capacitors: -** With respect to submissions alleging that “alu alu laminate” and “aluminium foils for capacitors” should be excluded from the scope of PUC, as they had been excluded previously as well, the Authority notes that the facts of the present investigation are not the same as the previous ADD investigation on aluminium foil from China PR. In the previous investigation conducted by this Authority, these products were excluded from the purview of the investigation, as the Indian industry was not producing these products at that point of time. However, since then, various new producers have started producing the subject goods. Further, the production range by the existing producers has also enhanced. The domestic industry has now commenced production and sales of these products

and has submitted evidence in support of the same. Therefore, the Authority is unable to agree with exclusion sought for this product.

21. **Alu alu foil stock of thickness ranging from 45 – 60 microns:-** With regard to exclusion of “alu alu foil stock of thickness ranging from 45 – 60 microns”, it is noted that admittedly, Hindalco Industries Ltd. (Hindalco) is producing the like article within the said thickness range and it has supplied the subject goods with similar characteristics to the product imported into India. As per evidence submitted on record, Hindalco routinely supplies this product.
22. **Cigarette foil:-** Both, the applicants and other interested parties, are in agreement with the submission on modification of micron range of cigarette foil. The Authority is also in agreement with the suggestion of the parties, and accordingly the PCN range for cigarette foil has been amended to “5.5-7” vide Notification dated 06.06.2024, as against “below 7 microns”, defined in the initiation notification.
23. **Aluminium foil of alloy 8011, 8021, and 8079:-** It is noted that aluminium foil from alloy 8021, is in fact “alu alu stock”, and the Authority has already examined and addressed submissions herein above. As regards aluminium foil of alloy 8011 and 8079, it is noted that in aluminium foil, majority of the raw material is aluminium itself, and alloys form an insignificant portion in the chemistry of aluminium foil. Different producers in different products use these alloys interchangeably, by tweaking the chemistry to achieve certain characteristics. Therefore, parameters that are to be achieved for any product type, and the alloys being used for it, may vary from producer to producer. The respondents made a fine distinction on certain alloys that may be of specific usage to a producer, and not a standard specification/chemistry for a product type. The scope of investigation cannot be varied on such a fine distinction of certain factors, such as alloys, especially since the same is being interchangeably used by different producers for any of the product types within the same PUC. Thus, the Authority is not convinced with the need for exclusion of aluminium foil of alloy 8011, 8021, and 8079.
24. **Ultra- light gauge foil: -** With regard to exclusion sought of ultra- light gauge (ULG) foil, it is seen that the domestic industry produces and sells ULG foil and hence there is no justification for exclusion of ULG Foil.
25. **Ultra-light gauge aluminium foil of 6.3 micron: -** With respect to exclusion of ultra-light gauge aluminium foil of 6.3 micron produced by Hindalco, the Authority notes that the domestic producers are established producers of ULG of various thicknesses, including 6.3 micron. The exclusion request sought due to domestic producers lacking capacity and quality to fully satisfy demand is bereft of merits and therefore cannot be accepted.
26. After thorough examination of the various comments on the scope of the PUC and the PCN methodology that were received from the interested parties as well as the domestic industry after the PUC-PCN hearing held on 8th May 2024, the Authority clarified the scope of the PUC and the PCN methodology and notified the same vide notification (hereinafter referred to

as the “Scope Notification”) dated 6th June 2024, as follows:

The product under consideration in the present application is "aluminium foil upto 80 micron, excluding aluminium foil below 5.5 micron for non-capacitor application" (hereinafter also referred to as "subject goods" or "product under consideration" or "PUC"), excluding the following:

- i. Aluminium foil below 5.5 microns from China PR for non-capacitor applications- 'aluminium foil for capacitors applications' below 5.5 microns is within the scope of the product under consideration. This was specifically excluded in the anti-dumping duty investigation conducted on "aluminium foil 80 microns and below originating in or exported from China PR, Malaysia, Thailand and Indonesia."*
- ii. Ultra-light gauge converted foil meant for use in insulation, spices packing' thermal fluid lines covering and tea bags application - Ultra light gauge converted foil is an aluminium foil having thickness of 5.5 micron to 7 micron which is backed with kraft paper and scrim, or glass cloth, whether plain or printed for use in insulation, spices packing, thermal fluid lines covering and tea bags application.*
- iii. Etched or formed aluminium foils meant for electrolytic capacitor - etched or formed aluminium foils is aluminium foil meant to be used in the manufacture of electrolytic capacitor*
- iv. Aluminium composite panel meant for facade cladding and signage applications - Aluminium composite panel is a non-aluminium core (often PE) bonded between two thin layers of aluminium, for use in facade cladding and signage.*
- v. Clad with compatible non clad aluminium foil - Clad with compatible non clad aluminium foil is a corrosion-resistant aluminium sheet formed from aluminium surface layers metallurgically bonded to high-strength aluminium alloy core material for use in engine cooling and air conditioner systems in automotive industry and industrial applications; such as radiator, condenser, evaporator, intercooler, oil cooler and heater.*
- vi. Aluminium foil for beer bottle - aluminium foil of 10.5 micron with rough surface and perforated whether printed or not; to be used in beer bottle.*
- vii. Aluminium- manganese- silicon based and/ or clad aluminium- manganese silicon-based alloys, whether clad or unclad- with post brazing yield strength greater than 35 MPA, falling under tariff heading 7607 and 7606, for use in heat exchangers including radiators, charge air coolers, condensers, oil coolers, heater cores, evaporators, heat ventilation and air conditioning (HVAC) systems and parts thereof.*
- viii. Adhesive tapes*
- ix. Colour coated aluminium foil-either one side or both sides, irrespective of colour, shape or coating.*
- x. Polyurethane coated aluminium foil- either one side or both sides, irrespective of colour, shape, or coating.*

SN	Type of Foil	Micron Range	Bare / Converted	PCN Codes
(1)	(2)	(3)	(4)	(5)

1	Alu Alu Stock/Foil	45-60	Bare Foil	ASBF
2	House Foil/Home Foil	8-22	Bare Foil	HFBF
3	Light Gauge (LG)	7- < 20	Bare Foil	LGFB
4	Medium Gauge (MG)	20-60	Bare Foil	MGBF
5	Semi Rigid Container (SRC)	30-80	Bare Foil	SRBF
6	Ultra-Light Gauge Bare	5.5- <7	Bare Foil	UGBF
7	Battery Foil	9-20	Bare Foil	BFBF
8	Capacitor	4.5 – 20	Bare Foil	CFBF
9	*Any other Bare Foil (not falling within S.No.1-8)		Bare Foil	OFBF
10	Cigarette Foil	5.5-7	Converted	CFCF
11	Alu Alu Converted / laminated	45-60	Converted	ASCF
12	House/home Foil Converted	8-22	Converted	HFCF
13	SRC Converted	30-80	Converted	SRCF
14	Medium Gauge (MG) Converted	20-60	Converted	MGCF
15	Light Gauge (LG) Converted	7-<20	Converted	LGCF
16	Battery Foil Converted	9-20	Converted	BFCF
17	Any other converted Foil (Not falling within S.No. 10-16)		Converted	OFCF

27. The product under consideration is classified under subheading 7607 of the customs Tariff Act. Imports of the subject goods are entering into India under the following codes 76071190, 76072090, 76072010, 76071110, 76071999, 76071991, 76071995, 76071910, 76071994, 76071993, and 76071992. The customs classification is indicative and is not binding on the scope of the product under consideration.

28. It was then brought to the attention of the Authority by the domestic industry that there is an overlap of the product under consideration in the present investigation, when compared to the investigation concluded in 2021, against China, Indonesia, Malaysia, and Thailand. The product under consideration as held in the Final Findings F. No. 6/21/2020-DGTR dated 18th June 2021, is as below:

“7. The product under consideration as noted in the initiation notification is “Aluminium Foil whether or not printed or backed with paper, paper board, plastics or similar packaging materials of a thickness of 80 microns and below (with permissible tolerances)” excluding the following:

- i. Aluminium foil of thickness ranging from 5.5 micron to 80 micron originating in China.*
- ii. Alu Alu Laminate- Alu Alu Laminate of 40-50 mic in AA8079 & AA8021, is a multi-layered opaque laminate where Aluminium foil and is backed with plastic film on both side with adhesives; for use in packing capsules/tablets.*
- iii. Ultra Light Gauge Converted- Ultra Light Gauge Converted is an Aluminium foil having thickness of 5.5 6 mic to 7 mic which and is backed with kraft paper & scrim,*

- or glass cloth, whether plain or printed for use in insulation, spices packing, thermal fluid lines covering and tea bags application.*
- iv. *Aluminium Foil Composite- Aluminium foil laminated with or backed with Kraft paper and glass scrim or glass cloth with or without poly ethylene, whether printed or not printed. Aluminium foil laminated with or backed with Kraft paper however is within the scope of the product under consideration and proposed measures.*
 - v. *Aluminium foil for capacitors width below 500 mm- Aluminium foil for capacitors is an Aluminium foil of 5 micron gauge with width below 500 mm 99.35% purity, for use in electrical equipment such as radios, televisions, telephones, computers, microwave ovens, electrical welders, magnetos, electronic testing equipment, copy machines, air conditioners, automobiles, fluorescent lights, mercury vapour street lamps, power transmission equipment, electric motors, control units, and similar articles.*
 - vi. *Etched or formed Aluminium Foils- Etched or formed Aluminium Foils is Aluminium Foil meant to be used in the manufacture of Electrolytic Capacitor.*
 - vii. *Aluminium composite panel- Aluminium composite panel is a non-aluminium core (often PE) bonded between two thin layers of aluminium, for use in façade cladding and signage.*
 - viii. *Clad with compatible non clad Aluminium Foil- Clad with compatible non clad Aluminium Foil is a corrosion-resistant Aluminium sheet formed from Aluminium surface layers metallurgically bonded to high-strength Aluminium alloy core material for use in engine cooling and air conditioner systems in automotive industry; such as radiator, condenser, evaporator, intercooler, oil cooler and heater.*
 - ix. *Aluminium Foil for beer bottle- Aluminium Foil of 10.5 micron with rough surface and perforated whether printed or not; to be used in beer bottle.*
 - x. *Aluminium- Manganese- Silicon based and/or clad Aluminium- Manganese- Silicon based alloys, whether clad or unclad- with post brazing yield strength greater than 35 MPA, falling under tariff heading 7607 for use in heat exchangers including radiators, charge air coolers, condensers, oil coolers, heater cores, evaporators, heat ventilation and air conditioning (HVAC) systems and parts thereof.*

18. In view of the foregoing, para 7 and 15 the scope of product under consideration for the purpose of present investigation is as follows as read with para 7 and 15:

“Aluminium Foil whether or not printed or backed with paper, paper board, plastics or similar packing materials of a thickness of 80 micron and below (with permissible tolerances)” excluding the following:

- i. *Aluminium foil of thickness ranging from 5.5 micron to 80 micron originating in China.*
- ii. *Alu Alu Laminate*
- iii. *Ultra Light Gauge Converted*
- iv. *Aluminium Foil Composite*
- v. *Aluminium foil for capacitors width below 500 mm*
- vi. *Etched or formed Aluminium Foils*
- vii. *Aluminium composite panel*
- viii. *Clad with compatible non clad Aluminium Foil*
- ix. *Aluminium Foil for beer bottle*

- x. *Aluminium- Manganese- Silicon based and/or clad Aluminium- Manganese- Silicon based alloys, whether clad or unclad*
- xi. *Adhesive tapes*
- xii. *Color coated aluminium foil*

29. The finding issued by the Authority on 18th June 2021 vide Notification no. 6/21/2020-DGTR recommended anti-dumping duty on “aluminium foil 80 microns and below” with the above-mentioned exclusions. The duty was imposed vide customs Notification no. 51/2021-Customs (ADD) dated 16th September 2021. Through the customs Notification no. 51/2021-Customs (ADD), aluminium foil for capacitors below 5 micron, above 5 micron, and up to 5.5 micron from China are subjected to anti-dumping duty. The same was thus specifically excluded from the scope of the product under consideration in the present investigation and a corrigendum was issued vide Notification no. 06/35/2023 dated 11th February 2025, clarifying the scope of the product under consideration wherein the Authority specifically excluded ‘Aluminium foil for capacitors below 5 microns, and upwards of 5 micron, and up to 5.5 microns’ from the scope of the product under consideration. The product under consideration and PCN hence is as follows.

“The product under consideration in the present recommendation is "Aluminium foil upto 80 micron”, (hereinafter also referred to as "subject goods" or "product under consideration" or "PUC"). Aluminium foil of 5-micron gauge of width below 500mm having 99.35% purity for capacitors and aluminium foil from 5.5 microns to 80 microns for capacitors is included in the scope of the PUC.

The following are excluded from the scope of PUC:

- a. *Aluminium foil below 5.5 micron gauge for applications non-capacitors applications;*
- b. *Aluminium foil for capacitors below 5 microns, and upwards of 5 micron and up to 5.5 microns. It is however clarified that aluminium foil of 5-micron gauge of width below 500mm having 99.35% purity for capacitors and aluminium foil from 5.5 microns to 80 microns for capacitors is included in the scope of the PUC;*
- c. *Ultra-Light Gauge converted foil meant for use in insulation, spices packing' thermal fluid lines covering and tea bags application - Ultra Light Gauge converted foil is an aluminium foil having thickness of 5.5 micron to 7 micron which is backed with kraft paper and scrim, or glass cloth, whether plain or printed for use in insulation, spices packing, thermal fluid lines covering and tea bags application;*
- d. *Etched or formed aluminium foils meant for electrolytic capacitor - Etched or formed aluminium foils is aluminium foil meant to be used in the manufacture of Electrolytic Capacitor*
- e. *Aluminium composite panel meant for facade cladding and signage applications – Aluminium composite panel is a non-aluminium core (often PE) bonded between two thin layers of aluminium, for use in facade cladding and signage.*
- f. *Clad with compatible non clad aluminium foil - Clad with compatible non clad aluminium foil is a corrosion-resistant aluminium sheet formed from aluminium surface layers metallurgically bonded to high-strength aluminium alloy core material for use in*

engine cooling and air conditioner systems in automotive industry and industrial applications; such as radiator, condenser, evaporator, intercooler, oil cooler and heater.

- g. Aluminium foil for beer bottle - aluminium foil of 10.5 micron with rough surface and perforated whether printed or not; to be used in beer bottle.
- h. Aluminium- manganese- silicon based and/ or clad aluminium- manganese silicon-based alloys, whether clad or unclad- with post brazing yield strength greater than 35 MPA, falling under tariff heading 7607 and 7606, for use in heat exchangers including radiators, charge air coolers, condensers, oil coolers, heater cores, evaporators, heat ventilation and air conditioning (HVAC) systems and parts thereof.
- i. Adhesive tapes
- j. Colour coated aluminium foil-either one side or both sides, irrespective of colour, shape or coating.
- k. Polyurethane coated aluminium foil- either one side or both sides, irrespective of colour, shape, or coating.”

SN	Type of Foil	Micron Range	Bare / Converted	PCN Codes
(1)	(2)	(3)	(4)	(5)
1	Alu Alu Stock/Foil	45-60	Bare Foil	ASBF
2	House Foil/Home Foil	8-22	Bare Foil	HFBF
3	Light Gauge (LG)	7- < 20	Bare Foil	LGBF
4	Medium Gauge (MG)	20-60	Bare Foil	MGBF
5	Semi Rigid Container (SRC)	30-80	Bare Foil	SRBF
6	Ultra-Light Gauge Bare	5.5- <7	Bare Foil	UGBF
7	Battery Foil	9-20	Bare Foil	BFBF
8	Capacitor	Only 5 microns with width below 500mm, 99.35% purity and above 5.5 microns upto 80 microns	Bare Foil	CFBF
9	Any other Bare Foil (not falling within S.No.1-8)		Bare Foil	OFBF
10	Cigarette Foil	5.5-7	Converted	CFCF
11	Alu Alu Converted / laminated	45-60	Converted	ASCF
12	House/home Foil Converted	8-22	Converted	HF CF
13	SRC Converted	30-80	Converted	SR CF
14	Medium Gauge (MG) Converted	20-60	Converted	MG CF
15	Light Gauge (LG) Converted	7-<20	Converted	LG CF
16	Battery Foil Converted	9-20	Converted	BF CF
17	Any other converted Foil (Not falling within S.No. 10-16)		Converted	OF CF

30. The Authority notes that the like article produced by the domestic industry and the product under consideration imported from the subject country is comparable in terms of physical and chemical characteristics, functions and uses, product specifications, pricing, distribution and marketing, and tariff classification of the goods. The goods produced by the domestic industry and imported from the subject country are like articles in terms of the Rules. The two are technically and commercially substitutable. The Authority holds that the subject goods produced by the domestic industry are like article to the product under consideration imported from the subject country within the scope and meaning of Rule 2(d) of the Anti- dumping Rules.

D. SCOPE OF THE DOMESTIC INDUSTRY & STANDING

D.1 Views of the other interested parties

31. The following submissions have been made by the other interested parties with regard to the domestic industry and its standing:
- i. The six producers who constitute the domestic industry have been self-selected with no justification.
 - ii. No representative and conclusive assessment of injury is possible with the current domestic industry.

D.2 Views of the domestic industry

32. The applicants have made the following submissions with regard to the domestic industry and its standing:
- i. The application has been filed by M/s Hindalco Industries Ltd., M/s Shyam Sel & Power Ltd, M/s Shree Venkateshwara Electrocast Pvt. Ltd., M/s Ravi Raj Foils Ltd., M/s GLS Foils Product Pvt. Ltd., and M/s LSKB Aluminium Foils Pvt. Ltd.
 - ii. Other domestic producers namely, ESS DEE Aluminium Ltd., Sparsh Industries Pvt. Ltd, SRF Altech Ltd. and Trefoil Packaging Pvt Ltd. have communicated their support to the application filed.
 - iii. GLS first declared that it imported the product under consideration in the POI. However, it is clarified that such declaration was an error. The imports by GLS were of aluminium flat rolled product (“FRP”), which is the raw material used in making the PUC.
 - iv. It is a well-established position in law that material retardation and material injury can coexist.
 - v. The applicant companies have not imported the subject goods from the subject country.
 - vi. The applicants production constitutes a ‘major proportion’ of the total Indian production and satisfies the requirements of Rule 2(b) and Rule 5(3) of the AD Rules.

D.3 Examination by the Authority

33. Rule 2(b) of the AD Rules defines the domestic industry as under:

"(b) "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 ' must be construed as referring to the rest of the producers"

34. The present application has been filed by M/s Hindalco Industries Ltd., M/s Shyam Sel & Power Ltd, M/s Shree Venkateshwara Electrocast Pvt. Ltd., M/s Ravi Raj Foils Ltd., M/s GLS Foils Product Pvt. Ltd., and M/s LSKB Aluminium Foils Pvt. Ltd. These producers constitute 50-60% of estimated domestic production in the POI.

35. M/s GLS Foils Product Pvt. Ltd. initially declared self-imports of the subject goods from the subject country and later clarified that the declaration was incorrect. It imported aluminium flat rolled product (“FRP”), which is the raw material of the subject goods. Its related parties, namely, GLS Elopak Private Limited and GLS Films Industries Private Limited, have imported the subject goods. Details of such imports has been provided and have been independently examined from the DG Systems data. It is noted that the imports made by the related parties is miniscule and insignificant in both absolute and relative terms. Thus, the Authority notes that since the imports are negligible, it does not affect the eligibility of the applicant company to be treated as “domestic industry” in terms of ADD Rules.

36. The remaining applicant companies have not imported the subject goods and are neither related to an importer or exporter thereof.

37. The application filed by the above mentioned six companies has been supported by the following companies:

- i. ESS DEE Aluminium Ltd.
- ii. Sparsh Industries Pvt. Ltd
- iii. SRF Altech Ltd.
- iv. Trefoil Packaging Pvt Ltd.

38. The Authority sent communication to other domestic producers informing them about the initiation of such investigation. However, no response has been received from these other producers.

39. In view of the information on record and issues examined as above, the Authority holds that the applicant companies constitute “domestic industry” within the meaning of the Rule 2(b) of Anti-Dumping Rules. It is further noted that the production by the applicants account for a major proportion in total Indian production. The application thus, satisfies the criteria of standing in terms of Rule 5(3) of the ADD Rules.

E. CONFIDENTIALITY

E.1 Views of the other interested parties

40. None of the other interested parties have made any submissions with regard to confidentiality.

E.2 Views of the domestic industry

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

- i) Many respondents have not disclosed affiliated companies, names of shareholders, details of the company such as telephone and fax numbers.
- ii) Sample domestic and export sales documents have been undisclosed. While documents itself may be confidential, the list of documents submitted has not been disclosed.

E.3 Examination by the Authority

42. The Authority made available the non-confidential version of the information provided by the various parties to all the other interested parties as per Rule 6(7).

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

“7. 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 interested parties providing information on confidential basis to furnish nonconfidential 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 summarisation 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.”

44. The information provided by the interested parties on a confidential basis was examined with regards to sufficiency of such claims. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted, and such information has been considered

confidential and not disclosed to the other interested parties. Wherever possible, the parties providing information on confidential basis were directed to provide sufficient nonconfidential version of the information filed on confidential basis. The Authority also notes that all interested parties have claimed their business-related sensitive information as confidential.

F. MISCELLANEOUS ISSUES

45. A large number of producers and exporters of the subject goods from China PR submitted questionnaire responses. In view of large number of producers & exporters, the Authority decided to resort to sampling in the present investigation in accordance with the provisions of Rule 17(3). Based on the questionnaire responses filed before the Authority, three companies were chosen for individual dumping margin determined. The Authority vide email dated 13th August 2024, notified the interested parties of the selection of the three companies and their associated exporters and affiliated producers/exporters for determination of individual dumping margin. The selection was done on the basis of the largest percentage of the volume of exports to India from China PR during the investigation period and the feasibility of number of producers that can be investigated for determination of individual dumping margin. The Authority also, invited comments from the interested parties with regard to selection of sampled producers, and comments received were taken into account for the purposes of determining sampled producers/exporters from subject country.

F.1 Views of the other interested parties

46. The submissions made by the interested parties are briefly as under

- i) Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd. requested that the company should be included in the list of sampled producers, as it has exported a maximum quantity representing a 4% share of the total subject imports and is the only exporter that has supplied ultra-light gauge bare aluminium foil in the POI.
- ii) Jiangsu Zhongji Lamination Materials Co. Ltd. and Xiamen Xiashun Aluminium Foil Co. Ltd. requested that these companies along with their related companies and associated exporters be included in the list of sampled producers.
- iii) Henan Mingsheng New Material Technology Co. Ltd. requested its inclusion on the ground that its related entity has filed a questionnaire response.
- iv) Rule 17(3) allows selection of 'reasonable number' of interested parties as sampled producers and limiting the present investigation to only 3 sampled producers is unnecessary.
- v) In the past, the Authority has chosen 10 producers to be sampled in cases such as Jute products viz.- Jute Yarn/Twine (multiple folded/cable and single), Hessian fabric, and Jute sacking bags from Bangladesh and Nepal, as well as Solar Cells whether or not assembled in modules from China PR, Taiwan, and Malaysia.
- vi) Zhongji Group and Xiashun Group contended that subject goods supplied by them are different from the ordinary aluminium foil supplied by other producers from the subject country, as these companies have supplied specialised aseptic foil.
- vii) The Authority should consider not just export volume but also the nature of the product

- or product type exported to India.
- viii) Only few global suppliers such as Zhongji Group and Xiashun Group can deliver aluminium foil with the required specifications. Consumers require ultra-light gauge aluminium foil of 6.3 microns and 9 microns with width of upto 1650 mm as well as comply with further technical requirements.
 - ix) The domestic industry in India has limitations and is unable to fulfil the requirements of the consumers. The Respondents will be at a disadvantage if not granted an individual dumping margin.
 - x) Second proviso to Rule 17(3) of the AD Rules provides for the possibility of determining individual dumping margins for producers who are not sampled if such examination is not burdensome and if such producer has submitted the necessary information.
 - xi) No request for sampling was made by the applicants at the time of application, neither did the initiation notification contain any request for filing of quantity and value information by the exporters for sampling purposes.
 - xii) The decision to carry out sampling is not based on any request filed by the domestic industry and is unreasonable and belated.
 - xiii) Substantial volume of the PUC exported by Kunshan Aluminium Co. Ltd. and hence if not included in the sampled group, will be unrepresentative of total imports.
 - xiv) The Authority is requested to verify and document the range of PCNs exported by each sampled entity, to ensure that the product categories within the PUC is not inadvertently excluded or underrepresented.
 - xv) CIF prices of Kunshan Aluminium Co. Ltd. is more than the average CIF value of imports reported by the domestic industry and hence substantiates that sampling will be detrimental to the interests of the non-sampled producers/ exporters.
 - xvi) Due to low priced exports of sampled producers/exporters, there will be higher dumping margins, leading to higher duties. Importers and users will have to bear the burden of existing duties on imports of FRP as well as the subject goods.
 - xvii) Authority in the recently concluded case on Resin Bonded Thin Wheels from China PR didn't carry out sampling even with 28 responding producers/exporters and there is no undue burden on the Authority.
 - xviii) Dingsheng Group should form part of sampled group as the volume of exports is high, and that of Jiangsu Dingsheng New Materials Joint Stock Co. Ltd. alone is higher than some of the sampled producers.
 - xix) The Authority in the past in the case of solar cells and glazed/unglazed porcelain/vitrified tiles has considered related producers along with associated exporters/ traders as a single entity for the purpose of sampling.
 - xx) Duties have been in force for an elongated period of time through various investigations.
 - xxi) Since the Ministry of Finance did not impose duties in the last sunset review investigation on aluminium foil, no fresh recommendation is to be issued for another five years. If such recommendation is issued, this will indicate disregard for the decision of the Ministry of Finance and will lead to uncertainty and unpredictability in international trade.

F.2 Views of the domestic industry

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

- i) 14 companies have filed questionnaire responses as per the interested party list, which is a high number to permit individual determination.
- ii) Given low volumes of exports by certain parties, it is obvious that their product profile and exports pattern is not representative of exports into India, in terms of both product profile and time period.
- iii) In the past, Chinese producers who have had negligible export volumes in the POI, after getting individual lower duty, increased the supply to the Indian market.
- iv) Global norm in sampling is to consider at most three companies:
 - In ceramic tiles from India, Europe originally considered two companies and refused to extend sampling size to three companies despite representations from the company at number 3.
 - In wood pulp from Canada, the MOFCOM refused to individually determine dumping margin for the company at number 3 even though the companies in the first three places were exporting almost equal volume.
 - In ceramic tiles and sanitaryware, the GCC sampled three companies while keeping a reserve of 2 companies, as is the standard of practice in the GCC.
 - The USA considers more than two companies as 'unduly burdensome'. In the matter of quartz surface from India, out of 50 companies considered, investigation and determination of dumping margin was carried out only for two companies, the results of which were extended to the others.
- v) Filing of questionnaire response on voluntary basis cannot be grounds to determine individual dumping margin.
- vi) Exports of niche grade or special products cannot be grounds for inclusion in the sampled group as such supply would indicate that the response and the data of the company would not be representative of the responding companies and imports from China PR.

F.3 Examination by the Authority

48. The Authority considers that there are a large number of producers from China PR who have filed questionnaire responses.

49. Following producers/exporters have filed questionnaire response in this investigation:

- i. Dingsheng Aluminium Industries (Hong Kong) Trading Co. Ltd.
- ii. Jiangsu Dingsheng New Materials Joint Stock Co. Ltd.
- iii. Hangzhou Five Star Aluminium Co. Ltd.
- iv. Hangzhou Dingsheng Import and Export Co. Ltd.
- v. Inner Mongolia Lian Sheng New Energy Material Co., Ltd.
- vi. Jiangsu Zhongji Lamination Materials Co. Ltd.
- vii. Jiangsu Zhongji Lamination Materials Co. (HK) Ltd.
- viii. Luoyang Longding Aluminium Industries Co. Ltd.
- ix. Longding Global (Singapore) PTE Ltd.
- x. Sunho New Materials Technology Co. Ltd.

- xi. Shanghai Sunho Aluminium Foil Co. Ltd.
- xii. Shangdong Deli Aluminium Technology Co. Ltd.
- xiii. ATEC New Material Industry Co. Limited
- xiv. Tetra Pak Beijing Company Limited
- xv. Tetra Pak Global Supply SA
- xvi. Tetra Pak Jurong Pte Ltd.
- xvii. Xiamen Xiashun Aluminium Foil Co. Ltd.
- xviii. Daching Enterprises Ltd.
- xix. Peixian Fengyuan Import and Export Trade Co. Ltd.
- xx. Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd.
- xxi. Henan Mingsheng New Material Technology Co. Ltd.
- xxii. Henan Mingtai Technology Development Co. Ltd.
- xxiii. Luoyang Wanji Aluminium Processing Co. Ltd.
- xxiv. Kunshan Aluminium Co. Ltd

50. Since the number of producers who have filed response is high, the case has been analysed with regard to whether the Authority should resort to sampling of foreign producers in order to determine individual dumping margin.
51. It is noted that while the Authority shall determine individual dumping margin in respect of all those producers/exporters who have filed questionnaire responses, in a situation where a large number of producers/ exporters have filed questionnaire responses, the Authority may resort to sampling by limiting the response to a limited number of producers. The Rules provide as follows in this regard.

“17(2)(iv) The designated authority shall determine an individual margin of dumping for each known exporter or producer concerned of the article under investigation:

Provided that in cases where the number of exporters, producers, importers or types of articles involved are so large as to make such determination impracticable, it may limit its findings either to a reasonable number of interested parties or articles by using statistically valid samples based on information available at the time of selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated, and any selection, of exporters, producers, or types of articles, made under this proviso shall preferably be made in consultation with and with the consent of the exporters, producers or importers concerned : Provided further that the designated authority shall, determine an individual margin of dumping for any exporter or producer, though not selected initially, who submit necessary information in time, except where the number of exporters or producers are so large that individual examination would be unduly burdensome and prevent the timely completion of the investigation.”

52. The Authority considered the volume of exports by the responding producers/exporters. The Authority also considered exports made by affiliated producers/exporters. It is seen that after considering exports made by these producers either directly or through related or unrelated

traders and exports made by the Chinese producers who are related to these producers, the companies who were notified as sampled companies command the highest volume of exports to India.

53. As regards the contention that the Authority has undertaken individual determination of dumping margin for much larger number of producers or exporters in the past in other investigation, the Authority notes that the fact that a large number of producers were investigated in the past does not imply that the Authority is barred from resorting to sampling in the present case.
54. As regards the request for inclusion of exporters who supplied the goods produced by sampled producers, it is clarified that the Authority has included all those companies who are exporters of the good produced by the sampled companies.
55. As regards the request for inclusion of producers who are affiliated to the sampled producer, it is clarified that the Authority has included all those companies who are affiliated producers of the sampled company.
56. As regards the request for inclusion on the grounds that the company has supplied speciality products or the product profile forming part of the sample should be comprehensive, the Authority notes that there is no such obligation under Rule 17(3).
57. The Authority notes that the fact of supply of a speciality grade does not justify inclusion of such company for individual determination.
58. It is noted that the sampling rules in particular allows the Authority to limit individual determination to a number of product types. This implies that it is not necessary that the Authority considers a sample in such a manner that all the products supplied to India get included within the sample. In fact, any such contention implies that the Authority cannot resort to sampling by considering limited number of product types. However, Rule 17 in particular allows the Authority to limit individual determination to limited number of product types.
59. In view of the above, it is considered that the number of producers/ exporters from China PR is unduly large to permit individual determination of dumping margin. Further, it is considered that the number of producers for individual determination should be restricted to only three producers, and all their associated exporters. Accordingly, the Authority confirms that individual determination of dumping margin and injury margin has been limited to the following companies and their associated/affiliated producers/exporters.
 - a. Sunho New Materials Technology Co. Ltd.
 - b. Henan Mingtai Technology Development Co. Ltd
 - c. Dingsheng Group
60. The Authority notes the submission of Dingsheng Group stating that the volume of exports is higher than some of the sample producers. The export volume has been re- examined; it was

found that there was export of the subject goods produced by other related producers of Dinsheng Group which were not accounted in the earlier determination for sampling purpose.

61. Accordingly, the Authority has accorded individual dumping margins to all the sampled producers. For the non-sampled producers, weighted average dumping margin of the sampled producers has been accorded. The non-sampled producers are as under:

- i. Jiangsu Zhongji Lamination Materials Co. Ltd.
- ii. Luoyang Longding Aluminium Industries Co. Ltd.
- iii. Shangdong Deli Aluminium Technology Co. Ltd.
- iv. Xiamen Xiashun Aluminium Foil Co. Ltd.
- v. Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd.
- vi. Luoyang Wanji Aluminium Processing Co. Ltd.
- vii. Kunshan Aluminium Co. Ltd.

62. Some of the exporters have contended that they should have also been selected in the sample, the Authority notes that the 'sampling' provision, authorizes the Authority to 'limit their examination' in one of two ways: (i) 'to a reasonable number of interested parties or products by using samples which are statistically valid on the basis of information available at the time of the selection', or (ii) 'to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated. The Authority as per information available on record has selected the three (3) producers along with their associated exporters for determination of individual dumping margin, on the basis of the largest percentage of the volume of the exports to India from China PR during the investigation period. Further there is no requirement under the Rules that any particular threshold percentage is needed to demonstrate that the volume of exports accounted for by the selected producers is 'representative'. Thus, the Authority selected the three producers along with their associated exporters for determination of individual dumping margin.

63. As regards the argument that antidumping duties should not be imposed when the Ministry of Finance had not extended the duties in the sunset review investigation, the Authority notes that there is no legal basis for such a claim. It is noted that the present investigation is a fresh antidumping investigation, covering a different period as considered in the sunset review investigation. The AD Rules do not provide for a cooling off period in which an aggrieved party is not allowed to apply for trade remedial measures. There is no legal basis for the argument of the interested parties that by undertaking the present investigation, the Authority will be disregarding the decision of the Ministry of Finance. The Authority has initiated the subject investigation after prima facie satisfaction that cessation of measures on China PR has led to increase in imports and are causing material injury to the domestic industry having regard to the Customs Tariff Act and Antidumping Rules.

G. ASSESSMENT OF DUMPING AND DETERMINATION OF NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

G.1 Views of the other interested parties

64. Following submissions have been made by other interested parties with regard to the normal value, export price and dumping margin:
- i) Averaging out the individual dumping margin of each PCN will lead to false results as the price of certain kinds of technical foil is on the higher side due to its quality and performance. In case of heavy difference, item wise dumping margin should be considered.
 - ii) China should be treated as a market economy.

G.2 Views of the domestic industry

65. The following submissions have been made by the domestic industry with regard to normal value, export price and dumping margin:
- i) China PR should be considered a non-market economy, in line with the position taken by the Authority in previous cases, and by the investigating authorities in other countries. Chinese producers' cost and price cannot be relied upon for determination of normal value.
 - ii) The Authority shall follow Para 1 – 6 of Annexure I for the determination of normal value only if the responding Chinese companies establish that their costs and price information is such that individual normal value and dumping margin can be determined. If the responding Chinese companies are not able to demonstrate that their costs and price information can be adopted, the Designated Authority shall reject the claim of individual dumping margin.
 - iii) Paragraph 1 to 6 of Annexure I of the Rules does not apply for computation of normal value for imports from China PR, unless a producer/exporter shows with sufficient evidence that he is operating under market economy conditions. As a result, normal value for China PR has to be determined in terms of Para 7 of Annexure I of the Rules.
 - iv) Chinese producers are required to be treated as companies operating under non-market economy environment and the Authority may proceed to determine the normal value on the basis of Para 7 of Annexure-I.
 - v) Lastly, the applicants also calculated normal value based on estimate of cost of production i.e. considering the costs of the domestic industry in India, duly adjusted to include selling, general and administrative costs of the domestic industry by adding reasonable profits, after addition for selling, general and administrative expenses and reasonable profits.
 - vi) Export price has been determined considering the volume and value of imports for the proposed period of investigation as per data procured from market intelligence sources in view of non-availability of DGCI&S data. Price adjustments have been claimed on a conservative basis for the purpose of fair comparison.
 - vii) Considering the normal value calculations suggested, the dumping margins have been calculated. The dumping margins so calculated are not just above the de-minimis level but also quite significant.

G.3 Examination by the Authority

66. Under Section 9A(1)(c) of the Act, 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):*

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transhipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.
67. The Authority sent questionnaires to the known producers/exporters from the subject country, as well as to the appropriate diplomatic representative advising them to provide information in the form and manner prescribed by the Authority within the prescribed time limit.
68. The normal value and export price for all producers/ exporters from the subject country have been determined as below.

G.3.1 Normal Value

69. 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 WO 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.*
 - iii. *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.*
 - iv. *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.*
 - v. *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 nonmarket economy provisions of subparagraph (a) shall no longer apply to that industry or sector. "*

70. The applicants have relied upon Article 15(a)(i) of China's the Accession Protocol as well as para 7 of Annexure I. The applicants have claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in their industry producing the like product with regard to the manufacture, production and sale of the product under consideration. It has been stated by the applicants that in case the responding Chinese producers are not able to demonstrate that their costs and price information are market-driven, the normal value should be calculated in terms of provisions of Para 7 and 8 of Annexure- I to the Rules.
71. It is noted that while the provision contained in Section 15 (a)(ii) has expired on 11.12.2016, the provision under Article 2.2.1.1 of WTO Anti-dumping Agreement read with the obligation under Section 15(a)(i) of the Accession Protocol require criterion stipulated in paragraph 8 of Annexure I of the Rules to be satisfied through the information/data to be provided in the supplementary questionnaire on claiming market economy treatment.
72. At the stage of initiation, the Authority proceeded as per the information made available by some of the domestic producers on the cost of production of the subject goods with due addition of SGA and profits. Upon initiation, the Authority advised the producers/ exporters in China PR to respond to the notice of the initiation and provide information relevant to the

determination of their market economy status. The Authority sent copies of the supplementary questionnaire to all the known producers/ exporters for rebutting the presumption of a non-market economy in accordance with criteria laid down in Para 8(3) of Annexure-I to the Rules and furnish relevant detailed information. The Authority also requested the Government of China PR to advise the producers exporters in China PR to provide the relevant information.

73. None of the exporters/producers filed the questionnaire for market economy treatment. Thus, in view of the above position, the Authority considers it appropriate to treat China PR as a non-market economy country in the present investigation and proceeds with para 7 of Annexure-I to the Rules for determination of normal value in case of China PR.

74. Para 7 of Annexure I of the Rules reads as under:

“In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed value in the market economy third country, or the price from such a third country to other countries, including India or where it is not possible, or on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted, if necessary, to include a reasonable profit margin. An appropriate market economy third country shall be selected by the designated authority in a reasonable manner, keeping in view the level of development of the country concerned and the product in question, and due account shall be taken of any reliable information made available at the time of selection. Accounts shall be taken within time limits, where appropriate, of the investigation made in any similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without any unreasonable delay the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments.”

75. Para 7 lays down a hierarchy for the determination of normal value and provides that the normal value shall be determined on the basis of the price or constructed value in a market economy third country or the price from such a third country to other countries, including India or where it is not possible, on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted, if necessary, to include a reasonable profit margin. Thus, the Authority notes that the normal value is required to be determined having regard to the various sequential alternatives provided under para 7. There is no evidence of price or constructed value prevailing in a market economy third country brought forward by any interested party. Apart from the subject country in the present investigation, imports into India from other countries not attracting antidumping duties are low in volume. Thus, imports into India from the market economy third country could not be considered for determination of normal value.

76. Therefore, the Authority has determined the normal value for the subject imports in China PR as “price actually payable in India” as stipulated in para 7 of Annexure – I to the AD Rules, 1995. It is computed based on the cost of production of the domestic industry, with reasonable addition for selling, general and administrative expenses, and profits. The normal value so determined is given below in the dumping margin table.

G.3.2 Export Price

A) Dingsheng Group (Sampled)

M/s Jiangsu Dingsheng New Materials Joint-Stock Co. Ltd., (“Jiangsu Dingsheng”),

M/s Hangzhou Five Star Aluminium Co. Ltd., (“Hangzhou Five Star”)

M/s. Inner Mongolia Lian Sheng New Energy Material Co., Ltd. (“Inner Mongolia”)

M/s Dingsheng Aluminium Industries (Hong Kong) Trading Co. Ltd. (“Dingsheng HK”)

M/s Hangzhou Dingsheng Import and Export Co. Ltd. (“Dingsheng I&E”)

77. M/s Jiangsu Dingsheng New Materials Joint-Stock Co Ltd (“Jiangsu Dingsheng”), Inner Mongolia Lian Sheng New Energy Material Co., Ltd. (“Inner Mongolia”) and M/s Hangzhou Five Star Aluminium Co Ltd (“Hangzhou Five Star”) are related companies engaged in manufacturing of the subject goods in China PR. Jiangsu Dingsheng, Inner Mongolia and Hangzhou Five Star have exported the subject goods through related trading companies, M/s Hangzhou Dingsheng Import & Export Co., Ltd (“Dingsheng I&E”) and M/s Dingsheng Aluminium Industries (Hongkong) Trading Co., Limited (“Dingsheng HK”). Jiangsu Dingsheng has also exported some quantity of subject goods directly to India. All the five companies, namely, Jiangsu Dingsheng, Inner Mongolia, Hangzhou Five Star, Dingsheng I&E and Dingsheng HK have provided the relevant information in the prescribed exporters questionnaire format along with relevant PCN wise information.
78. The Authority notes that Jiangsu Dingsheng New Materials Joint-Stock Co Ltd (“Jiangsu Dingsheng”) is a producer and exporter of the subject goods from China PR. It has exported *** MT directly to India and ***MT indirectly through Dingsheng I&E and *** MT indirectly through Dingsheng HK during the POI.
79. Similarly, the Authority notes that Hangzhou Five Star Aluminium Co Ltd (“Hangzhou Five Star”) is a producer of the subject goods from China PR. It has exported *** MT of the subject goods indirectly through Dingsheng I&E and *** MT through Dingsheng HK during the POI. Further, Inner Mongolia have produced and exported *** MT through Dingsheng HK during the POI. All these exports were made to unrelated customers in India.
80. The producers/exporters have claimed adjustments i.e. ocean freight, insurance, inland transportation, port and other related expenses, bank charges and credit cost and the same are allowed by the Authority for the purpose of final findings. The ex-factory export price determined is given in the dumping margin table.

B) Sunho Group (Sampled)

M/s. Sunho New Materials Technology Co. Ltd. (“Sunho New Materials”)

M/s Shanghai Sunho Aluminum Foil Co. Ltd. (“Shanghai Sunho”)

81. Sunho New Materials and Shanghai Sunho are related producers of subject goods in China PR. Sunho New Materials has exported the subject goods to unrelated customers in India through its related producer/exporter, Shanghai Sunho. Shanghai Sunho has exported the subject goods

directly to unrelated customers in India, including those manufactured by itself and Sunho New Materials.

82. It is noted that during the POI, M/s Sunho New Materials Technology Co., Ltd. has produced and exported *** MT of subject goods to unrelated customers in India through its related producer/exporter, Shanghai Sunho.
83. Shanghai Sunho has produced and exported *** MT of subject goods to unrelated customers in India directly. Shanghai Sunho and Sunho New Materials have provided relevant PCN wise information in the prescribed exporter questionnaire format.
84. It is also noted that Shanghai Sunho has exported minor quantities of subject goods to unrelated customers in India, which were manufactured by other unrelated Chinese producers/exporters. These other unrelated Chinese producers/exporters have not filed exporter questionnaire response. Therefore, the Authority has considered only those export transactions to India which were manufactured by Shanghai Sunho and Sunho New Materials for determining ex-factory export price and landed value.
85. The responding producers/exporters have claimed adjustments on account of ocean freight, insurance, inland transportation, port and other related expenses, credit cost and bank charges which are allowed by the Authority for the purpose of final findings subject to detailed verification. The ex-factory export price as determined is given in the dumping margin table below.
86. Accordingly, the net export price at ex- factory level is determined after allowing for the following adjustments- ocean freight, insurance, inland transportation, port and other related expenses, credit cost, and bank charges. The net export price so determined is mentioned in the dumping margin table below.

C) Mingtai Group (Sampled)

M/s. Henan Mingtai Technology Development Co. Ltd.

M/s. Henan Mingsheng New Material Technology Co. Ltd.

87. M/s. Henan Mingsheng New Material Technology Co. Ltd. (“Henan Mingsheng”) and M/s Henan Mingtai Technology Development Co. Ltd. (“Mingtai Technology”) are producers and exporters in the subject country and have exported the subject goods to India. Both producers/exporters have provided the relevant information in the prescribed exporters questionnaire format.
88. As per the response filed by Henan Mingsheng, it is noted that it has produced and exported *** MT indirectly through M/s Henan Mingtai Technology Development Co. Ltd. to India during the POI.
89. Similarly, it is noted that M/s Henan Mingtai Technology Development Co. Ltd. (“Mingtai Technology”) has produced and exported *** MT of subject goods directly to India during the

POI.

90. The Authority has seen that the volume reported by the exporter and the volume reported in the DG Systems data is comparable. Accordingly, the net export price at ex-factory level is determined after allowing for the following adjustments- ocean freight, insurance, inland transportation, port and other related expenses, credit cost, and bank charges. The net export price so determined is mentioned in the dumping margin table below.

D) Non-cooperating producers/exporters

91. The Authority has determined the export price for non-cooperating producers/ exporters from China PR after considering the volume and value of imports based on data available. Adjustments have been made for ocean freight, inland transportation, insurance, handling charges, commission, and bank charges. The export price so proposed to be determined is stated in the below – mentioned dumping margin table.

G.3.3. Determination of Dumping Margin

92. The Authority has compared the PCN wise ex-factory export price to India with the corresponding PCN wise normal value to determine the PCN wise dumping margin. The table below shows the weighted average ex-factory export price, weighted average normal value and weighted average dumping margin of the producers after taking into account the PCNs exported to India during the POI.

a. Non-sampled cooperative category of producers/exporters

93. The Authority has considered the weighted average dumping margin evaluated on the basis of individual dumping margins for the producers/exporters of the sampled category. This weighted average dumping margin has been accorded to the non-sampled category of producers/exporters of subject goods and has been mentioned in the table mentioned below.

b. Dumping margin for related producers and Exporters

94. 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.
95. In accordance with the above, related producers and exporters are 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.

96. Considering the normal value and export price determined, as explained above, it is determined that the dumping margin is more than the de-minimis limit prescribed under the Rules.

Dumping Margin Table

Company	Normal Value	Export Price	Dumping Margin	Dumping Margin	Range
	USD/MT	USD/MT	USD/MT	%	
Henan Mingtai Technology Development Co., Ltd	***	***	***	***	10-20
Henan Mingsheng New Material Technology Co. Ltd.					
Sunho New Materials Technology Co. Ltd.	***	***	***	***	10-20
Shanghai Sunho Aluminum Foil Co. Ltd.					
Jiangsu Dingsheng New Materials Joint-Stock Co. Ltd.	***	***	***	***	10-20
Inner Mongolia Lian Sheng New Energy Material Co., Ltd.					
Hangzhou Five Star Aluminium Co. Ltd.					
Non sampled cooperative producers	***	***	***	***	10-20
Non-Cooperative Producers/Exporters	***	***	***	***	20-30

H. EXAMINATION OF INJURY AND CAUSAL LINK

H.1 Submissions made by other interested parties

97. The following submissions were made by the other interested parties with regard to injury and causal link:
- i) Cost of sales and selling price of the domestic industry increased in the POI. This increase has been substantial for users.
 - ii) PCN data shows that price decline has not occurred for products which are being imported. Product types of the domestic industry is not directly competing with the imported products.
 - iii) Price effects claimed by the domestic industry could be due to internal competition between the Indian producers and not the landed price of the imports. The Authority should check price information of Indian producers to gauge real reasons behind the price effect.
 - iv) The domestic industry performed well on both price and volume parameters. Volume parameters like capacity, capacity utilization, production, sale increased during the POI. There has been substantial growth in market share and Indian users are waiting to buy from

Indian producers. Capacity additions were also made during the POI and in the immediate previous year.

- v) The domestic industry's profits did well at operational level. Cash profits were generated, and employment level increased during the POI. The applicants have failed to show injury.
- vi) The Authority should consider a lower ROCE while calculation of NIP as the subject goods are widely used in households. ADD driven inflation should be avoided in larger public interest.
- vii) The Authority should ensure that the import quantity of the nine items excluded from the PCN is deducted from the total quantity of foil imported from China. Further ensure that the total quantity of imports is revised/reduced when more items are excluded from the course of the investigation.
- viii) Quantity imported through EOU, SEZ and Advance Duty-Free License should be deducted as these imports do not have to comply with BIS requirements.
- ix) Although the domestic industry has claimed heavy loss and grave injury, the same is not reflected in the petition.
- x) Cost of sales of the domestic industry should have declined with the corresponding decline in raw material prices.
- xi) Negative PBT is attributable to significant increase in depreciation and interest cost during the injury period and not due to imports.
- xii) The domestic industry is consistently gaining market share which is a significant achievement considering the domestic industry's production started only recently.
- xiii) The domestic industry is not suffering from price depression, as is evidenced by the consistent and substantial increase in its prices.
- xiv) Increase in cost has been outpaced by the increase in the selling price leading to improvement in profitability, as evidenced by the increase in the domestic industry's cash profit as compared to the base year.
- xv) Capacity utilisation of the domestic industry has not increased, solely due to consistent increase in total capacity. Market share has significantly risen and is higher than increase in total Indian demand. Any perceived impact, thus, on market share should be evaluated with in the light of heightened inter-se competition between domestic producers.
- xvi) Increase in market share of subject imports can be attributed to diminishing share of other countries rather than due to displacement of domestic production.
- xvii) The workforce of DI has expanded more than two-fold along with increase in productivity per day, per employee, and increase in salaries and wages.
- xviii) Increase in inventory is skewed due to new entrants and is therefore misrepresentative.
- xix) The domestic industry has effectively requested that material retardation as well as material injury be assessed as out of 6 producers in the domestic industry, four are new. The Authority cannot conduct assessment of material injury as well as material retardation as it would be inherently contradictory.
- xx) Quality deficiencies have been reported in the product of the domestic industry, rendering the same unsuitable for use in the pharmaceutical applications and aseptic packaging.
- xxi) Duty is imposed on the raw material which itself is imported by the domestic industry, creating an unsustainable cost structure.
- xxii) Quality control order of Aluminium and Aluminium Alloy Products 2023, mandates compliance with IS 16011:2012 for foil used in pharmaceutical applications, and this

regulatory change will restrict imports from certain countries including China.

- xxiii) Imports remained consistent irrespective of any duties imposed, suggesting imports are to address the demand-supply gap.
- xxiv) China PR has cancelled 13% export tax rebate effective 01.12.2024, consequent to which price has been raised by 13%, nullifying the provisional injury margin.

H.2 Submissions made by the domestic industry

98. The following submissions were made by the domestic industry with regard to injury and causal link:

- i) Demand for the subject goods has steadily increased during the injury period, including in the POI. Imports from the subject country have surged ever since the cessation of duties in May 2022. Imports have also increased in relation to both production and consumption in India.
- ii) Since 2015, there has been an increase in capacities by existing and new producers. The Indian producers have sufficient capacities to meet the Indian demand, and imports in such significant volumes are not necessary.
- iii) The landed price of imports from China PR has been below the selling price of the Indian industry throughout the injury period. The price undercutting is positive.
- iv) In the POI, both, cost of sales and selling price declined. However, the decline in selling price is much higher than the decline in cost of sales and has led to significant depressing effect on domestic industry's prices in the POI.
- v) Imports in the POI were made at prices that were barely above the level of cost of sales but below the domestic industry's selling price. The imports have resulted in significant depressing effect on the prices of the applicant domestic industry.
- vi) The installed capacity, production and sales have increased over the injury period. However, these levels are much below that of the domestic industry would have gained in the absence of dumping, particularly considering the capacity addition. In the POI, had the applicants not reduced their prices to be able to compete with imports, these trends of production, utilisation and consequent sales, would have seen a much adverse impact.
- vii) Capacity utilization has declined over the injury period. While this is additionally because of new capacity addition, the domestic industry would not have faced this decline in capacity utilization, had there been no dumping by the Chinese producers.
- viii) Market share of the imports from the subject country has increased significantly in the POI. The market share of the subject imports is around 2 times in the POI compared to that in the base year.
- ix) Market share of the domestic industry, and of the domestic producers as a whole has declined in the POI, despite increasing capacities, and entrance of new producers.
- x) PBIT, cash profits and ROI increased in the year prior to POI but declined thereafter. The domestic industry once again suffered financial losses in the POI.
- xi) Employment, salary and wages, and productivity have increased over the injury period.
- xii) Salary per employee declined over the period. Further, salary & wages per unit of production has steeply declined over the period. However, despite decline in salary &

- wages cost per unit of production, profitability of the domestic industry declined in the POI as compared to previous year.
- xiii) The domestic industry comprises of new producers who have begun production in the year prior to the POI and are at a nascent stage of production. The companies and few supporters have made such significant investments considering the fair market situation that was prevalent in the Indian market. Further, four new manufacturers are also setting up plants with capacities amounting to approximately *** MT. However, considering the current prices at which imports are entering the Indian market, these companies have been prevented from achieving projected level of performance. Further, it is noted that there are new manufacturers setting up capacities, but have had to put such plants on hold due to dumped imports. The Authority may kindly consider the actual performance of these companies and compare the same with the projections drawn while making investments.
 - xiv) Growth of the domestic industry in terms of volume parameters was adverse and negative in respect of price parameters in the POI.
 - xv) The dumping margins are not only more than de minimis but also significant.
 - xvi) There is threat of material injury from the subject imports. There is a significant rate in increase in import. The increase in POI as compared to preceding year is 200%. Further, this increase in imports is despite fresh capacities in India.
 - xvii) There are freely disposable capacities in the subject country. The International Aluminium Institute (IAI) as reported on Reuters, has stated that the Chinese annualised production run-rate has increased by 2.1 million metric tons since March 2023 and registered a fresh all-time high of 42.4 million tons in August 2023. China registered growth of 2.5% in January-August, while the rest of the world lagged with more modest growth of 0.5%.
 - xviii) Circumvention investigation have been initiated by other authorities. The exporters or producers in China have circumvented duties earlier imposed on China, as is evidenced by EU taking action on imports from Thailand.
 - xix) Dumping from Thailand producers is largely by the producers owned by Chinese foil producers.
 - xx) The shifting of dumping from one source to other and from one product to other shows that the Indian market is a favourite destination for Chinese producers. There is also a potential of product shifting, as in the past with imposition of duties on China, imports of the subject goods started to increase from other sources viz. Thailand, Malaysia and Indonesia.
 - xxi) The volume of subject imports has increased significantly during the POI.
 - xxii) Imports are causing price undercutting. Resultantly, the volume of imports has increased significantly.
 - xxiii) The price undercutting is causing suppressing/depressing effects on the prices in the market.
 - xxiv) The suppressing/depressing effect on the prices in the market is causing significant financial losses, decline in cash profits and ROI.
 - xxv) The capacity utilisation of the applicants has declined, despite an increase in demand.
 - xxvi) The increase in volume of dumped imports has resulted in decline in market share of the domestic industry.

- xxvii) Imports in excess of demand-supply gap increased significantly. This has prevented utilisation of production capacities in the country.
- xxviii) The prices at which imports are entering the Indian market i.e. even below cost has prevented the domestic industry from raising prices in proportion to the increase in costs. Resultantly, the domestic industry is being compelled to sell below costs, and thereby suffer immense losses.
- xxix) The imports from third countries are higher in prices or insignificant in volumes and are thus not causing injury to the domestic industry.
- xxx) There has been an increase in demand of the product over the proposed injury period.
- xxxi) The technology and production process for producing the product under consideration has not undergone any significant development. The domestic industry has recent technology for production of the product.
- xxxii) The pattern of consumption with regard to the product under consideration has not undergone any change.
- xxxiii) There is no trade restrictive practice, which could have contributed to the claimed injury to the domestic industry.
- xxxiv) Information has been provided only in respect to the domestic operations of the domestic industry. There are no exports made by the domestic industry during the entire injury period.
- xxxv) The injury information provided relates solely to the performance of product under consideration and is the only relevant information for the present purpose.
- xxxvi) The VAT rebate has been withdrawn both on raw material and finished product. It is too premature to understand the impact of this withdrawal.
- xxxvii) The withdrawal of VAT rebate is a post POI development and therefore should not be considered in the present investigation.
- xxxviii) The DGTR requires 12 months past period of time to be considered as a period relevant for determination. It cannot base its determination based on unknown future developments.
- xxxix) The DGTR requires full information with regard to export price, normal value, and NIP in order to understand whether there have been significant changes other than the conclusions reached on the basis of POI data.
- xl) The exporters have merely contended that VAT rebate has been withdrawn. However, the effect of that has not been demonstrated with evidence.
- xli) It has been simply presumed that the product prices will increase by the quantum of VAT rebate withdrawn. There is however absolutely no basis for the same.
- xlii) The weighted average NIP for the domestic industry is determined considering only domestic production. Such being the case, the consumption price should also be determined for domestic consumption. This can be determined either by excluding inputs purchased without payment of duty that is meant for exports, or by adding the customs duty and ADD that is payable on imports of inputs consumed for production for domestic market.
- xliii) The product mix actually produced during the POI is different than what has been considered in the project report. Thus, the normated capacity utilisation needs to be considered on the basis of the actual product mix that was actually produced in the POI.

H.3 Examination by the Authority

99. The Authority has taken note of the submissions made by the interested parties and has examined various parameters in accordance with the Rules after duly considering the submissions made by the interested parties. The injury analysis made by the Authority hereunder *ipso facto* addresses the various submissions made by the interested parties.
100. 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 the domestic producers of such articles. 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.
101. It is noted that post expiration of duty earlier imposed on the subject goods, the volumes of subject imports at dumped prices increased significantly and resultantly the applicants' performance was adversely impacted. The injury analysis made by the Authority hereunder *ipso facto* addresses the various submissions made by the interested parties. However, the specific submissions made by the interested parties, and considered relevant, are addressed by the Authority below.
102. With regard to the arguments made by the other interested parties regarding material injury and material retardation co-existing, the Authority notes that in the present investigation, the Authority has examined only material injury with respect to the domestic industry.
103. As regards the contention of the interested parties that imports made under duty exemption scheme should be excluded while conducting injury analysis, it is a consistent practice of the Authority not to exclude such imports for conducting injury analysis. The Authority in the past has examined similar issues in various cases and has held that the imports made under duty exemption scheme cannot be considered to have not affected the price in the domestic market. An advance license/authorisation holder has a choice either to import the inputs on a duty-free basis or procure the same from indigenous sources by using the mechanism of advance release order. The Indian industry thus faces benchmarking effects of such imports on their prices. The purpose of injury analysis is to examine and capture the effect of dumped imports on the domestic industry. Therefore, it would not be reasonable to exclude duty free imports for the purpose of injury analysis. It is however clarified that the Authority has added customs duty even in case of duty-free imports, even though the same were not paid by the users.

H.3.1 Assessment of demand/ apparent consumption

104. The Authority has defined, for the purpose of the present investigation, demand, or apparent consumption of the subject goods in India as the sum of domestic sales of the applicants and imports from all sources. The demand for the PUC is as follows:

Particulars	UoM	2019-20	2020-21	Apr 21-Sep 22 (Annualised)	POI
Sales of Domestic Industry	MT	24,363	28,837	41,758	48,683
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>118</i>	<i>171</i>	<i>200</i>
Sales of Supporters	MT	-	-	1,497	5,126
<i>Trend</i>	<i>Indexed</i>	-	-	<i>100</i>	<i>343</i>
Sales of Other Producers	MT	55,127	63,268	58,514	48,414
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>115</i>	<i>106</i>	<i>88</i>
Subject Country China	MT	21,808	16,744	20,524	61,546
Imports from other countries dumping	MT	23,925	18,359	37,229	27,033
Thailand	MT	18,043	16,244	36,085	27,007
Indonesia	MT	3,410	1,530	994	19
Malaysia	MT	2,472	586	150	7
Other Countries	MT	19,747	19,040	16,351	5,049
Total Indian Demand	MT	1,44,970	1,46,248	1,75,872	1,95,851
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>101</i>	<i>121</i>	<i>135</i>

*DG Systems data

105. It is seen that the demand for the product under consideration has consistently increased over the injury period, including in the POI. Imports from the subject country has increased during the POI as compared to the base year.

H.3.2 Volume effect of dumped imports on domestic industry

a) Imports in absolute and relative terms

106. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in the dumped imports, either in absolute terms or in relation to production or consumption in India. For the purpose of the injury analysis, the Authority has relied upon the transaction-wise data from DG Systems. The Authority has considered the data based on the finalised PUC and PCN of the subject goods. The import volumes of the subject goods and share of the same during the injury investigation period are as follows:

Particulars	UoM	2019-20	2020-21	Apr 21-Sep 22 (Annualised)	POI
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Imports Volume					
Subject Country China	MT	21,808	16,744	20,524	61,546
Imports from other countries dumping	MT	23,925	18,359	37,229	27,033
Thailand	MT	18,043	16,244	36,085	27,007
Indonesia	MT	3,410	1,530	994	19
Malaysia	MT	2,472	586	150	7
Other Countries	MT	19,747	19,040	16,351	5,049
Total Imports Volume	MT	65,479	54,143	74,104	93,628
Subject imports in relation to					
Total imports	%	33	31	28	66
Production	%	24	17	17	49
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>68</i>	<i>68</i>	<i>199</i>
Consumption	%	15	11	12	31
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>76</i>	<i>78</i>	<i>209</i>

*DG Systems data

107. It is seen that:

- i) Imports from the subject country have increased over the injury period with significant increase registered in the POI. Subject imports in the POI are around three times of the volume in the base year.
- ii) Imports from other countries attracting duties also remain significant.
- iii) Imports in relation to Indian production and consumption has shown significant increase in the POI.
- iv) Subject imports increased in relation to the total imports of the product in India.

H.3.3. Price effect of dumped imports on domestic industry

108. With regard to the effect of the dumped imports on prices, it is required to be analysed whether there has been a significant price undercutting by the alleged dumped imports as compared to the price of the like product in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in normal course.

109. Accordingly, the impact on the prices of the domestic industry on account of dumped imports of the subject goods from the subject country has been examined with reference to price undercutting and price suppression/depression, if any. For the purpose of this analysis the cost of sales and the net sales realization (NSR) of the domestic industry have been compared with the landed price of the subject imports from the subject country.

a. Price undercutting

110. In order to determine whether the imports are undercutting the prices of the domestic industry in the market, price undercutting has been worked out by comparing the landed price of the subject imports with the selling price of the domestic industry during the injury period. For the

purpose, the Authority notes that there is significant difference in the prices of different types of the product under consideration. Therefore, the Authority has compared landed price of imports with the selling price of the domestic industry for comparable types. Thus, weighted average price undercutting has been determined after considering associated import volumes. This comparison showed that during the period of investigation, the subject goods originating in the subject country were imported into the Indian market at prices which were lower than the selling prices of the domestic industry. It is thus noted that imports of the subject goods were undercutting the domestic prices and margin of undercutting is shown as per the table below:

Particulars	UoM	POI
Selling price	₹/MT	***
Landed price	₹/MT	3,41,529
Price undercutting	₹/MT	***
Price undercutting	%	***
Price undercutting %	Range	0-10

111. The imports are undercutting the prices of the domestic industry.

b. Price Suppression or Depression

112. For the purpose of analysing price suppression and depression in the domestic market, the applicants have provided information about (a) cost of sales, (b) domestic selling price as is given in the table below.

Particulars	UoM	2019-20	2020-21	Apr 21-Sep 22 (Annualised)	POI
Cost of Sales	₹/MT	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>100</i>	<i>131</i>	<i>139</i>
Selling Price	₹/MT	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>101</i>	<i>149</i>	<i>140</i>
Landed Price	₹/MT	2,14,290	2,17,548	3,57,700	3,41,529
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>102</i>	<i>167</i>	<i>159</i>

113. It is seen that the cost of sales and selling price of the domestic industry have increased over the injury period. The cost of sales increased in the POI as compared to the previous year by Rs. ***/Kg, whereas, selling price declined by Rs. ***/Kg in the POI. It is seen that the movement of selling price has followed the movement of the landed price. The decrease in selling price in the POI as compared to the preceding year is not proportionate to the decrease in landed price in the POI as compared to the previous year. It is also noted that the applicants have filed an application seeking enhancement of duties on Thailand whose imports remain significant despite imposition of duties. The Authority is, in parallel, undertaking a mid-term review investigation.

H.3.4. Economic Parameters of the Domestic Industry

114. Annexure II to the Rules 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 and the ability to raise capital investments. Accordingly, various injury parameters relating to the domestic industry are discussed herein below.

115. The performance of the applicants in the POI has been compared with its performance in the base year.

a) Capacity, Production, Capacity Utilization and Sales

116. The Authority has considered the capacity, production, capacity utilization and sales volume of the domestic industry over the injury period.

Particulars	UoM	2019-20	2020-21	Apr 21-Sep 22 (Annualised)	POI
Capacity (PUC & NPUC)	MT	53,756	67,910	1,15,073	1,32,140
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>126</i>	<i>214</i>	<i>246</i>
Production (PUC & NPUC)	MT	27,843	34,452	57,492	69,572
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>124</i>	<i>206</i>	<i>250</i>
Production - PUC	MT	26,801	33,346	57,023	66,352
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>124</i>	<i>213</i>	<i>248</i>
Capacity utilization	%	52%	51%	50%	53%
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>98</i>	<i>96</i>	<i>102</i>
Domestic sales	MT	24,363	28,837	41,758	48,683
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>118</i>	<i>171</i>	<i>200</i>
Export sales	MT	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>192</i>	<i>541</i>	<i>777</i>

117. It is seen that:

- a. Demand for the PUC has increased over the injury period. The applicant companies namely, Shyam Sel & Power Limited, LSKB, GLS commenced production in the year prior to the POI while the capacity with the domestic industry has increased over the injury period.
- b. The installed capacity and production have increased over the injury period. Domestic sales have also followed the same trend and increased over the injury period. However, these levels are below the levels that the domestic industry would have gained in the absence of dumping, particularly considering the capacity additions.
- c. Capacity utilization remains low over the injury period.

b) Market Share in Demand

118. The market share of the subject imports and the domestic industry over the entire injury period was as follows:

Particulars	UoM	2019-20	2020-21	Apr 21-Sept 22 (Annualised)	POI
Domestic industry	%	17	20	24	25
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>117</i>	<i>141</i>	<i>148</i>
Supporters	%	-	-	1	3
<i>Trend</i>	<i>Indexed</i>	<i>-</i>	<i>-</i>	<i>100</i>	<i>308</i>
Other Producers	%	38	43	33	25
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>114</i>	<i>87</i>	<i>65</i>
Indian industry	%	55	63	58	52
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>115</i>	<i>106</i>	<i>95</i>
Subject Country -China	%	15	11	12	31
Countries attracting ADD	%	17	13	21	14
Other Countries	%	14	13	9	3
Demand in India	MT	1,44,970	1,46,248	1,75,872	1,95,851
Installed Capacities in India	MT	***	***	***	***
Surplus Capacities	MT	***	***	***	***

119. It is seen that the market share of the domestic industry increased over the injury period. However, the market share of China PR, which was 11% and 12% in the year preceding the POI, increased significantly and sharply to 31% in the POI.

c) Profitability, Cash profits, and Return on Capital Employed

120. The profit, profitability, cash profits, profit before interest (PBIT), and return on investment of the domestic industry over the injury period has been analysed as follows:

Particulars	UoM	2019-20	2020-21	Apr. '21- Sep.'22 (Annl.)	POI
Profit/Loss	₹/Mt	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>-100</i>	<i>-61</i>	<i>328</i>	<i>-119</i>
PBIT	₹ Lacs	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>-100</i>	<i>-51</i>	<i>296</i>	<i>-127</i>
PBIT per unit	₹/MT	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>-100</i>	<i>-41</i>	<i>139</i>	<i>-51</i>

Cash Profit	₹ Lacs	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>-100</i>	<i>133</i>	<i>1,314</i>	<i>-30</i>
Cash Profit per unit	₹/MT	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>-100</i>	<i>107</i>	<i>618</i>	<i>-12</i>
Return on Capital Employed	%	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>-100</i>	<i>-50</i>	<i>129</i>	<i>-65</i>

121. It is seen that:

- i. The domestic industry was incurring losses in the base year and second year. It is recalled that anti-dumping was earlier imposed on the subject goods from China PR. Imposition of such duty led to shift in imports from Thailand, Malaysia, Indonesia. The Authority recommended imposition of anti-dumping duty on these countries on 18th June, 2021 and this recommendation was accepted by MoF on 16th Sept., 2021. Thus, the domestic industry was suffering injury on account of dumped imports from other sources during this period. Imposition of duty on such sources led to some improvement in 2021-22 and the period April- September 2022. With cessation of ADD on China PR, imports increased by about 200%, and profitability of the domestic industry has very steeply declined in the POI. The domestic industry is once again suffering financial losses.
- ii. Cash profits, profit before interest, profit before interest & depreciation, and return on capital employed have shown the same trend as that of profits. Performance of the domestic industry improved on these accounts in April 21 - September 22 period and declined steeply in the POI due to dumped imports. The domestic industry earned negative return on capital employed.

d) Inventory

122. The data relating to inventory position of the domestic industry over the injury period and POI is given in the table below:

Particulars	UoM	2019-20	2020-21	Apr. '21- Sep. '22 (Annl.)	POI
Opening	MT	***	***	***	***
Closing	MT	***	***	***	***
Average	MT	1,283	1,314	3,108	5,158
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>102</i>	<i>242</i>	<i>402</i>

123. The Authority notes that average level of inventories with the domestic industry has increased over the injury period.

e) Employment, Wages and Productivity

124. The position with regard to employment, wages and productivity of the domestic industry is as follows:

Particulars	UoM	2019-20	2020-21	Apr. '21- Sep. '22 (Annl.)	POI
No of employees	Nos.	877	902	1,792	1,831
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>103</i>	<i>204</i>	<i>209</i>
Salaries & Wages	₹ Lacs	***	***	***	***
<i>Trend</i>	<i>Indexed</i>	<i>100</i>	<i>99</i>	<i>165</i>	<i>180</i>

125. The Authority notes that the number of employees and wages paid increased over the injury period. This is because of increase in capacities and number of producers in the Indian market.

f) Growth

126. The information with respect to growth of the applicants is given below:

Particulars	UoM	2019-20	2020-21	Apr 21- Sep 22 (Annualised)	POI
Production	%	-	24%	71%	16%
Domestic Sales	%	-	18%	45%	17%
PBIT	%	-	-49%	-682%	-143%
Cash Profit - Rs. Lacs	%	-	-233%	889%	-102%
Return on Capital Employed	%	-	3%	12%	-13%

127. It is seen that growth in terms of volume parameters have been positive and negative in terms of price parameters.

g) Magnitude of Dumping and Dumping Margin

128. It is seen that dumping margin from the subject country is not only more than de-minimis but also significant.

H.3.5 Conclusion on Injury

129. On the basis of the factors as examined above the following has been concluded:

- i) The subject imports have increased in absolute term over the injury period, with significant increase in the POI. The subject imports in relation to production and consumption have also increased significantly in the POI.
- ii) The subject goods from China PR were entering into the Indian market at prices lower than the selling prices of the domestic industry. Subject imports are undercutting the domestic prices.
- iii) The domestic industry has been unable to increase its prices in line with the increase in the cost. Rather there has been a decrease in selling price in the POI as compared to the preceding year. Further, selling price has followed the movement of the landed price. Dumped imports are depressing the prices of the domestic industry in the market.
- iv) The domestic industry's capacity has increased over the POI. New companies have commenced production in the year prior to the POI. Consequently, production, capacity utilization and sales of the domestic industry has increased. However, capacity utilization remains low throughout the injury period.
- v) While there has been an increase in the market share of the domestic industry, market share of China PR has more than doubled over the injury period.
- vi) After the cessation of ADD on China, imports surged by 200%, causing a sharp decline in domestic industry profitability. The domestic industry is suffering financial losses. The domestic industry is earning a negative return on capital employed.
- vii) The PBIT per unit has declined by almost 50% over the injury period.
- viii) The level of inventories with the domestic industry has increased by over 300% the injury period.
- ix) The domestic industry has faced negative growth in price parameters.
- x) The dumping margin is significant.

I. NON-ATTRIBUTION ANALYSIS (OTHER FACTORS)

130. The Authority examined whether other factors listed under the anti-dumping Rules could have caused injury to the domestic industry. The Authority examined known factors other than the dumped imports to ascertain whether these are at the same time causing injury to the domestic industry. Factors which are relevant in this respect include, inter alia, the volume of subject goods not sold at dumped prices, contraction in demand or changes in the pattern of consumption, trade restrictive practices, changes in technology, the export performance of the domestic industry and the productivity of the domestic industry.

a) Volume and prices of imports from third countries

131. It is seen that the imports of the product under consideration from other countries are either attracting duties or the volume is insignificant. The domestic industry has sought enhancement of duties-imposed on Thailand and the Authority is undertaking mid-term review investigation against imports from Thailand. Therefore, imports from other countries are not a cause of material injury suffered by the domestic industry.

b) Contraction in Demand

132. The demand has consistently increased throughout the injury period. Thus, possible decline in

demand is not the cause of injury.

c) Changes in pattern of consumption

133. There are no changes in the pattern of consumption for the product under consideration over the injury period that could have caused injury to the domestic industry.

d) Conditions of competition and trade restrictive practices

134. The investigation has not shown any change in the conditions of competition or any trade restrictive practices.

e) Developments in Technology

135. No evidence has been brought forward to show that there are no significant changes in the technology.

f) Export performance of the domestic industry

136. The information provided has been considered for domestic operations of the domestic industry.

g) Performance of other products

137. The domestic industry has provided the injury data for the PUC and the same has been adopted by the Authority for the purpose of injury analysis. Performance of other products produced and sold by the domestic industry have not been considered.

Factors establishing causal link

138. Analysis of the performance of the domestic industry over the injury period ly shows material injury to the domestic industry. The causal link between dumped imports and the injury to the domestic industry is established on the following grounds:

- i. Imports have increased in absolute terms and have remained significant in relative terms. Imports have increased despite increase in capacity and production in the country.
- ii. Landed price of the subject imports is below the selling price of the domestic industry and also below the cost of sales in the POI and has caused price depression.
- iii. While market share of the domestic industry increased by 3% in the POI as compared to the previous year, market share of the subject country increased steeply by 18% even with new players entering the domestic market.
- iv. The domestic industry has not been able to increase production and sales to the level that would be reasonable had there been an absence of dumping, commensurate with the addition of new capacities.

- v. Inventories of the domestic industry has been on the rise and has increased significantly in the POI.
- vi. The domestic industry's profitability and return on capital employed has been adversely affected. The domestic industry made profits in April 21- Sept 22 which turned into losses in the POI. Cash profits has declined steeply in the POI and ROI also became negative.

139. The above analysis indicates that the domestic industry is suffering material injury due to increased dumped imports of the PUC into India from the subject country. There exists a causal relation between the increase in dumped imports of the subject goods originating in or exported from the subject country and the material injury suffered by the domestic industry.

J. MAGNITUDE OF INJURY MARGIN

140. The Authority has determined the 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 information/data relating to the cost of production provided by the domestic industry. The NIP has been considered for comparing the landed price from the subject country for calculating injury margin. For determining the NIP, the best utilisation of the raw materials and utilities has been considered over the injury period. Best utilisation of production capacity over the injury period has been considered. Extraordinary or non-recurring expenses have been excluded from the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (i.e., average net fixed assets plus average working capital) for the product under consideration was allowed as pre-tax profit to arrive at the NIP as prescribed in Annexure III to the Rules.

Injury Margin for related producers and Exporters

141. 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 injury margin and thus to establish one single injury margin for them. This is in particular because calculating individual injury 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 injury margin.
142. In accordance with the above, related producers and exporters have been regarded as one single entity and attributed one single injury margin which was calculated on the basis of the weighted average of the injury margins of the cooperating related producers and exporters.
143. Based on the landed price and the NIP determined as above, the injury margin determined by the Authority is provided in the table below.

Injury Margin

Company	Non-Injurious Price	Landed Price	Injury Margin	Injury Margin	Range
	USD/MT	USD/MT	USD/MT	%	
Henan Mingtai Technology Development Co., Ltd.	***	***	***	***	10-20
Henan Mingsheng New Material Technology Co. Ltd.					
Sunho New Materials Technology Co. Ltd.	***	***	***	***	10-20
Shanghai Sunho Aluminium Foil Co. Ltd.					
Jiangsu Dingsheng New Materials Joint-Stock Co. Ltd.	***	***	***	***	10-20
Inner Mongolia Lian Sheng New Energy Material Co., Ltd.					
Hangzhou Five Star Aluminium Co. Ltd.,					
Non sampled cooperative producers	***	***	***	***	10-20
Non-Cooperative Producers/Exporters	***	***	***	***	20-30

K. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

K.1 Views of other interested parties

144. The following submissions have been made by the other interested parties with regards to public interest:
- i. The Authority has imposed several duties on aluminium foil from China PR on continuous basis but the domestic industry still wants protection.
 - ii. There have been new entrants in the market and many more are under pipeline.
 - iii. Due care should be ensured to prevent the creation of monopoly.
 - iv. The final cost of the product will be higher with duties imposed. The price of the product, with duty amount added, will lead to affordability issues for the end consumers. Subject goods are a daily use product ultimately used in every household.
 - v. Cost of production for goods such as aluminium foil containers will increase with duties. 80-85% of the cost of production is the subject goods and the duties will have adverse impact on such production.

- vi. Consumers will have to import even with the addition of duties to ensure constant availability of goods for which an exorbitant price will be charged by the domestic producers.
- vii. The domestic industry lacks adequate quality required by the downstream users of the subject goods in India, thereby necessitating imports.
- viii. If duties are imposed, it will adversely affect downstream producers and lead to inability to source the subject goods with good product quality, lead times, and impact the ability of downstream producers to meet the customer's demands.
- ix. Cost of downstream finished goods would increase, making the Indian downstream industry unviable. Imports of finished goods from other countries would increase and cause injury to the flexible packaging industry in India.

K.2 Views of the domestic industry

145. The following submissions have been made by the domestic industry with regards to public interest:

- i. It is in the interest of consumers to have a market with fairly priced products powered by a domestic industry that can compete with the imports.
- ii. Encouraging domestic manufacturing activities in India is essential to aid its role in becoming a manufacturing powerhouse. Domestic production will further boost employment and increase the GDP of the country.
- iii. Imposition of anti-dumping duties is essential to ensure a level playing field and prevent India from becoming solely import reliant on the product.
- iv. The applicant companies are a multi-product company. If the performance of one of the business divisions of the applicant companies encounters severe setbacks, it will inevitably affect other divisions within the company as well. Therefore, the viability of this product is of utmost importance for the entire ecosystem of the applicant companies.
- v. The cost on account of aluminium for a consumer is miniscule. The downstream user of the subject goods are industries using aluminium foil for protection, storage, and preparation of foods and beverages, pharmaceutical packaging etc. The Authority in the previous sunset review investigation held that there were no material increases in the price of the product either by domestic industry or Chinese producers.
- vi. The domestic industry has quantified the impact of proposed duties in the present investigation. On an average for different end users, the impact is ranging from 0.026 – 4.36%.
- vii. The subject goods imported from China PR were previously subject to anti-dumping measures. There is no public information to show that the previously imposed measures had any adverse impact on the end consumer.
- viii. The Indian industry has grown significantly since the imposition of the earlier duties. They have made significant investment and expanded capacities because the government previously remedied dumping and provided a level playing field by imposing duties on the imports from China PR. As against demand-supply gap in the past, the Indian industry now has surplus capacities.
- ix. The aluminium industry of India produces the second-highest volume of aluminium and its products in the world. The aluminium production of the Indian companies contributes

nearly 2% of India's GDP.

- x. Aluminium foil is an eco-friendly alternative to plastic bottles which are major contributors to pollution. Aluminium foil is a non-toxic material which does not embrittle at extreme temperatures, reflects almost all radiant heat. It is also a good thermal conductor and usually quite malleable.

K.3 Examination by the Authority

146. The Authority notes that the purpose of imposition of anti-dumping duty, 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 does not aim to restrict imports from the subject country in any way. Trade remedial investigations are intended to restore equal competitive opportunities in the domestic market by ensuring a level playing field for domestic producers by the imposition of appropriate duties against trade distorting imports. At the same time, the Authority is aware that the impact of such duties is not limited to only the domestic producers of the PUC but also affects the users and consumers of the PUC. Moreover, the imposition of duties may introduce competition concerns domestically but can concurrently stimulate the emergence of new producers within the country.
147. The Authority issued initiation notification inviting views from all the interested parties, including importers, consumers and others. The Authority also prescribed a questionnaire for the users/ consumers to provide relevant information about the present investigation including any possible effects of anti-dumping duty on their operations. Information was sought on, inter-alia, interchangeability of the product supplied by various suppliers from different countries, ability of the domestic industry to switch sources, effect of anti-dumping duty on the consumers, factors that are likely to accelerate or delay the adjustment to the new situation caused by imposition of anti-dumping duty.
148. The opposing interested parties have not provided any quantifiable and/or verifiable information on the likely impact of anti-dumping duty on the downstream industry and end customers. However, the domestic industry has submitted quantifiable and verifiable information on the impact of duty to end consumers. On an average for different end users, the impact is ranging from 0.026 – 4.36%.

Type of Foil	Impact
Pharmaceutical Blister Pack	0.026%
Pharmaceutical Strip Pack	0.073%
Pharmaceutical Alu Alu Stock	
Blister Foil	0.022%
Alu Alu	0.046%
Telma 40	0.068%
Flexible Packaging	0.071%
Housefoil	3.5%

SRC	4.36%
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149. No credible evidence regarding adverse impact of the duties in the past on the operations of consumer industry or on hardship caused to them have been brought to the attention of the Authority.
150. The Authority notes that new capacities **** MT has been introduced. Also, it is noted that the Indian industry holds capacity more than entire demand for the subject goods in the country. The total Indian capacity of *** MT is more than established demand of *** MT in the POI. Thus, there are sufficient capacities and multiple producers, both domestic and foreign of the subject goods.
151. The Authority notes that the volume of imports from the subject country has increased significantly in the POI. The increase in imports from the subject country has adversely impacted the market share of the domestic industry. Further, it is also noted that the Indian Industry hold sufficient capacity to meet the demand in the country and there is no demand supply gap. It is also in the interest of the user industry to have sources of supply of subject goods within the Indian territory for prompt and short-term delivery of the subject goods. It is also in the long-term interest of the user industry to maintain multiple sources of supply.

L. POST DISCLOSURE COMMENTS

L.1 Views of other interested parties

152. The following comments were submitted by the other interested parties on the essential facts disclosed by the Authority:
- i. Time granted to comment on the disclosure statement was grossly inadequate.
 - ii. Correct spelling of names of cooperating producer/exporters should be noted.
 - iii. Henan Mingtai's dumping margin has been reduced without any explanation. Margins for "all others" have also been reduced without justification. Duty for them should be higher as in the preliminary findings.
 - iv. The domestic industry comprises of 6 companies and it's share in total Indian production hasn't been disclosed. These details cannot be confidential.
 - v. Request for recommending duty for only 2-years, due to specific circumstances, hasn't been addressed. Specific circumstances includes (a) increase in export prices of subject goods have increased due to the withdrawal of VAT refund of 13%,; (b) The data of entire domestic industry is available for only 2 years. The petition states that 4 producers out of 6 are new producers.
 - vi. The Authority has not addressed the claim that material injury assessment is unrepresentative, with 9 new producers starting production during POI or in 2021-22.
 - vii. Relying on six self-selected producers makes the injury assessment unrepresentative. Jindal India Ltd., previously part of the domestic industry and a known producer of Ultra Light Gauge Aluminium Foil, was excluded without explanation, raising questions about

- the current producers. Production of JP Foils and others declined in the POI, unlike the increasing trend in the 6 chosen companies.
- viii. Most imports are Ultra Light Gauge Aluminium Foil, and if the domestic industry cannot produce enough, its injury cannot be linked to imports, necessitating exclusion of such product type from PUC scope. The Authority ignored factual details in this regard.
 - ix. Authority's analysis of China PR import price trends is incomplete, overlooking the substantial POI increase from the base year.
 - x. Cost of sales and selling price trends disprove price suppression/depression, with sales prices rising 43% and costs rising 39%.
 - xi. Key parameters improved significantly, with capacity, production, sales, employment, wages, and productivity increasing while market share remained stable.
 - xii. PBDIT remains positive and rose to 214 indexed points in the POI compared to 2019-20. Trends in profit/loss show significant variation from preliminary findings, lacking explanation from the domestic industry, which the Authority should disclose.
 - xiii. Decline in profitability is due to increased depreciation and interest costs from new producers/exporters, with interest costs rising over 5 times and depreciation costs about 2.5 times compared to 2019-20.
 - xiv. The Authority's claim that PBDIT trends match profits is incorrect, as it omits PBDIT details despite the domestic industry earning PBDIT (not incurring losses).
 - xv. The Authority overlooked assessing whether 4 new producers are "established" before relying on combined parameters, impacting the evaluation of actual material injury.
 - xvi. Accurate import volume assessment is unclear due to absence of a dedicated HS code for Aluminium Foil <80 microns; methodology for analyzing data isn't disclosed.
 - xvii. Domestic industry's cost of sales rose despite declining raw material prices aluminium ingot and landed import prices dropped during POI.
 - xviii. Entry of 22 producers increased competition, causing material injury; 8 producers previously held 82% share, highlighting significant inter-se competition issues.
 - xix. The Authority omitted analyzing competition conditions between domestic producers, a key factor in evaluating other injury causes under anti-dumping rules.
 - xx. The range of non-injurious price, disclosed in the petition, was not revealed in the disclosure statement, although it is INR *** higher per MT compared to the prior mid-term review.
 - xxi. Non-injurious price for new domestic units cannot rely on past three years' data but must use POI and project report data.
 - xxii. Anti-dumping duty will raise prices of essential goods like food and medicines, worsening inflation.
 - xxiii. For demand supply gap, the Authority must assess production capacity of the 6 industry constituents, not general domestic producers, and clarify information obtained from others. Domestic producers lack adequate quality and volume; imports remain essential until Hindalco's Orissa facility becomes operational in 2026.
 - xxiv. Anti-dumping duty for 6.3-micron foil should use a reference price-based model, as done in past investigations like Nylon Filament Yarn (2006, 2011) and Alloy Steel Bars & Rods (2018).
 - xxv. As per Trade Notice, injury data should cover POI and previous three financial years. The Authority used a non-financial year before POI, violating Trade Notice norms. The

previous year should have been financial year, and the POI should have been April 2022 to September 2023, or alternatively, April 2023 to September 2023.

- xxvi. As per the Disclosure statement, the Authority has expanded the scope of the PUC at the stage of preliminary findings to include 'Aluminium foil of 5-micron gauge of width below 500mm having 99.35% purity for capacitors and aluminium foil from 5.5 microns to 80 microns for capacitors. The expansion of the scope of PUC at the stage post issuance of the initiation notification is not permitted. Tthe Authority is requested to state the legal provision which allows the DGTR to expand the scope of PUC post initiation notification.
- xxvii. GLS initially claimed to be an importer but later denied and said that its related entities imported. The Authority should clarify why such imports were ignored during initiation and why GLS is considered as cooperative despite multiple misdeclarations.
- xxviii. Due to material price difference between PCNs, the Authority should examine price suppression or depression at the PCN level, as done in AD investigation on 'industrial laser machines' from China.
- xxix. Variable form of duty should be recommended as per peculiar facts of the case.
- xxx. Amongst 6 producers, 3 are established and 3 are nascent. Consistent to SBR investigations, the Authority should have examined material injury for established and material retardation for nascent producers, as was upheld by the CESTAT in *Trinseo GMBH vs Union of India and Others*.
- xxxi. Exclusion of "Polyurethane coated aluminium foil- either one side or both sides, irrespective of colour, shape, or coating" should be confirmed in the final findings.
- xxxii. The disclosed facts show increase in volume parameters and that there is no price effect. The losses claimed should not be attributed to imports. There is no material evidence to show dumping and injury or justify levy of duty.
- xxxiii. Indian producers do not supply enough volume of SRC and House foil. The disclosure shows that ADD will have an impact of 3.5% in case of House Foils and 4.36% in case of SRC foil, which is very high. The users of SRC and House Foils operate with wafer thin margins and not be able to pass on the increases. It can even lead closure of small units.
- xxxiv. Applicant's capacity to meet entire demand does not justify the scarcity of SRC and House foil. The applicants show less interest in supplying these two products which is a serious matter and requires deeper examination.
- xxxv. The users feel that the applicants are supplying no or less SRC and House foils than required so that the competition in the downstream product is controlled. This justifies their exclusion from the scope of duty.
- xxxvi. The injury assessment is flawed. The inclusion of only 6 petitioners, 4 of whom are new entrants is inappropriate. The petition claims normal market conditions, but there is no evidence that imports are causing injury, and other factors, like scaling challenges, may be responsible.
- xxxvii. The Authority has not adequately addressed the arguments, particularly regarding the Domestic Industry's non-compliance with the Trade Notices.
- xxxviii. Treating China as a non-market economy is legally incorrect, as the 15-year transition period under the Accession Protocol ended on December 11, 2016.
- xxxix. There are discrepancies between the data in the disclosure statement and that in the

- original petition and written submissions, raising concerns about the accuracy of the petitioner's claims.
- xl. Application of 22% ROCE is outdated. It was set in 1987 when interest rates were 18% and corporate tax rates were 40%. The Authority should reconsider this and adopt a more realistic, updated approach reflecting current economic conditions and ensuring fair protection without undue advantage to the domestic industry.
 - xli. Duties will raise costs for industries like packaging, food, and pharmaceuticals, harming consumers and sectors reliant on affordable imports. While domestic producers may benefit, it could hinder innovation and competitiveness.
 - xlii. The Authority's reasoning neglects significant volume of *** MT exported by Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd., representing *** % of total imports. This volume warrants individual examination due to its potential impact on the domestic industry and cannot be overlooked based on a narrow interpretation of Rule 17(3). While sampling allows limiting individual determinations, excluding key players with significant product offerings undermines the completeness of the investigation. Authority should reconsider including Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd. in the individual determination process.
 - xliii. Aluminium foils of 8021 alloy, used in pharmaceutical applications, account for only 5% of total imports. Excluding these from duties is essential to prevent increased packing costs, which could negatively affect the quality, affordability and availability of essential medicines.
 - xliv. Authority had erroneously rejected exclusion of Alu Alu Foil Stock (45-60 microns) claiming domestic industry can supply product.
 - xlv. Hindalco is the sole producer of said product with de-facto monopoly.
 - xlvi. Domestic supply (*** MT/month) is far below demand (*** MT/month), creating a supply gap.
 - xlvii. Quality issues with domestic Alu Alu foil stock have led to multiple rejections by converters and end-users.
 - xlviii. Imposing ADD will cause severe supply disruptions and increase costs for pharmaceuticals and FMCG sectors.
 - xlix. Authority had rejected exclusion of Ultra-Light Gauge Aluminium Foil (6.3 microns) despite evidence that domestic industry cannot meet demand.
 - 1. The foil serves as a critical barrier against light and oxygen, preventing spoilage and ensuring food safety without preservatives. No viable alternative exists.
 - li. Major supplier, Raviraj Foils Ltd., was disqualified due to quality issues and other domestic suppliers, such as Shyam Sel & Power Ltd., can only provide a fraction (8-10%) of the market's needs.
 - lii. Domestic foils fail industry standards, exhibiting high pinhole counts, weak tensile strength, and structural instability. These defects cause machine breakdowns, production stoppages, and contamination risks.
 - liii. Using subpar domestic foil disrupts production, increases costs, and threatens business viability.
 - liv. ADD imposition would worsen supply constraints without incentivizing domestic capacity expansion in the short term. Thus, Authority should exclude said product.
 - lv. The domestic industry has failed to establish a case of material injury caused by imports

from China PR.

- lvi. There is absence of volume effect, price effect and there has been no impact of imports on Domestic Industry's economic parameters.
- lvii. Key indicators such as production, sales, capacity utilization, and profitability show improvement during the Period of Investigation (POI).
- lviii. The domestic industry's inability to meet quality standards and capacity requirements is a systemic issue unrelated to subject imports.
- lix. The alleged injury lacks a causal link with imports from China PR with no significant volume or price effects attributable to these imports.
- lx. The Authority has not adequately examined other known factors, such as domestic quality and capacity constraints, increased costs due to inefficiencies or competition from non-subject imports, which are contributing to any injury.
- lxi. Imposition of ADD on the PUC would severely impact Indian users, especially in critical industries like food packaging, pharmaceuticals, and consumer goods.
- lxii. Contrary to the Authority's finding that the impact on users would be insignificant, evidence from user submissions demonstrates that PUC constitutes a significant portion of the total cost incurred by downstream manufacturers, and the imposition of ADD would result in financial losses.
- lxiii. Aseptic packaging processes require high-quality aluminum foil, but domestically produced foil has shown strength and machinability deficiencies, causing disruptions.
- lxiv. The domestic industry lacks sufficient capacity to meet demand, supplying only 8-10% of a single user's requirement. ADD would exacerbate shortages, leading to production slowdowns in essential sectors.
- lxv. Importers already face ADD on raw materials (Flat Rolled Products of Aluminium). Additional duties would further strain business viability.
- lxvi. Aluminum and Aluminum Alloy Products QCO, 2023 already imposes regulatory restrictions on imports. ADD imposition would severely limit availability.
- lxvii. Duties could lead to supply shortages, increased costs for consumers, potential health and safety risks, and reduced industrial competitiveness in India's economy.
- lxviii. Authority's decision to undertake sampling is untimely and not per rules. It was announced five months after initiation, exceeding 80-day limit (Para 8.8.4 DGTR Manual).
- lxix. Sampling risks excluding certain product categories due to the wide range of product types (17 PCNs), leading to distorted conclusions about market conditions.
- lxx. Exporters have already submitted their questionnaire responses. Introducing sampling now would deny them individual examination under Art. 6.10.2 of the WTO Anti-Dumping Agreement.
- lxxi. Exporters' prices may be higher than the average CIF price. Sampling after reviewing pricing data raises concerns about fairness and objectivity.
- lxxii. The Authority decided on sampling only after receiving pricing information. This contradicts WTO principles of objective and evidence-based investigations.
- lxxiii. Sampling at this stage is unfair, unnecessary, and risks an incomplete analysis. The Authority should determine individual anti-dumping duties based on submitted responses.
- lxxiv. Hindalco is unable to fulfil the required quality standards for Aluminium foil of alloy

8021 which is essential for pharmaceutical packaging. It also meets only a very small portion of the domestic demand and creates a supply shortage, leading to potential monopolistic practices and more expensive medicines.

- lxxv. Imported Foil of alloy 8021 meets the regulatory requirements, and consistently outperforms Hindalco in tensile strength, elongation, edge quality, surface defects, and core end utilisation.
- lxxvi. Hindalco does not produce or supply 60 microns, only 52 microns and they have acknowledged this inability in a recent communication.
- lxxvii. Imported PUC is better suited for application in pharmaceutical packaging due to superior quality and performance, while Hindalco's products would require significant improvements in thickness range, mechanical properties, and surface/edge quality to match the operational standards.
- lxxviii. Hindalco's processing timeline typically takes around two weeks, creating bottlenecks in production and exacerbating the supply challenges.
- lxxix. Hindalco does not produce green aluminium and its cradle to gate CO2 emissions stand at *** MT per MT of aluminium foil, which exceeds the threshold of *** MT per MT of aluminium foil.
- lxxx. Impact of duties imposed will significantly increase the cost of the final product, which would unduly burden sectors like the PVC film industry and pharmaceutical industries.

L.2 Views of the domestic industry

153. The following comments were submitted by the domestic industry with regard to the disclosure statement:
- i) The NIP determined by the Designated Authority is low and will not adequately remedy illegal dumping.
 - ii) Normation in raw materials, utilities and capacity utilisation is unjustified since subject goods involves various PCNs, each requiring distinct raw material consumption, utility usage, and capacity utilization based on its product thickness.
 - iii) The domestic industry produces products from 5 to 80 microns, using thicker foil stock that is progressively reduced in thickness through rolling mills. Each pass increases wastage and consequently reduces output. Reduction in output thereby leads to decline in production arising naturally out of the product mix.
 - iv) Decline in production leads to decrease in capacity utilisation. This is not due to inefficient utilisation and any difference in capacity is bonafide and due to product mix. Thus, normation of raw materials, utilities, or capacity utilization is not warranted.
 - v) Not considering utility costs of GLS, reported on actual basis, and instead using Ravi Raj Unit II's consumption factors for calculation of utility costs is not only inconsistent with the Rules but have also led to lower utility cost than any other domestic producer.
 - vi) The raw material cost of Hindalco is erroneous since raw material cost ought to include the discount given by upstream plant to its downstream unit (Mouda) to reflect true cost.
 - vii) The Authority have erroneously included changes in WIP while normating raw material costs although WIP has fluctuated between positive and negative figures during injury period, with the latter still being included for normation.

- viii) The Authority has unfairly disallowed indirect selling and distribution expenses, including marketing expenses and Branch/head office expenses. This is not as per the rules and have never been disallowed before.
- ix) A disallowance of INR *** PMT has been made arising from a leased asset, however, corresponding current liability from such asset ought to be deducted as well.
- x) The cost of production for Raviraj has been erroneously normated by considering past capacity utilisation although decline in capacity utilisation is due to corresponding product and its needs. Decline in capacity utilization is not inefficient utilisation of production capacity.
- xi) The EU, USA and Turkey have imposed both anti-dumping as well as anti-subsidy duties on aluminium foil from China PR. However, the quantum of duty and injury margin for them is much higher than that determined by the Authority.
- xii) If higher duties are not imposed, in par with the other countries, the domestic industry will lack sufficient protection and could remain a target for continued dumping, as the duties would be lower than those in other markets.
- xiii) Authority should not impose anti-dumping duties in the form of reference price or ad-valorem as it would be inappropriate and unsuitable.
- xiv) A fixed quantum of ADD should be imposed to prevent any kind of misuse or abuse by importers.
- xv) Anti-dumping duty should be recommended for a period of 5 years.

L.3 Examination by the Authority

- 154. The Authority has examined the post disclosure comments made by the interested parties. it is noted that the comments which are reiterations and have already been suitably examined and adequately addressed in the relevant paras of the final findings, are not being repeated in the post-disclosure examination by the Authority for the sake of brevity. The issues raised for the first time in the post disclosure comments/ submissions by the interested parties and considered relevant by the Authority have been examined hereunder.
- 155. As regards the argument that sufficient time has not been provided to comment on the disclosure statement, it is noted that the Authority has granted reasonable time to the interested parties to offer comments on the disclosure statement.
- 156. As regards the argument regarding changes in the dumping margins post issuance of the preliminary findings, it is noted that the Authority has further conducted detailed verification of the responses filed after the issuance of the provisional finding and have accordingly determined the dumping and injury margins.
- 157. With regard to the request for recommendation of duty for only 2 years, the Authority on considering the facts and circumstances in the case deems it appropriate to recommend the duty for five years.
- 158. The scope of the PUC has not been expanded in the current investigation. The coverage of Aluminium foil of 5-micron gauge of width below 500mm having 99.35% purity for capacitors

and aluminium foil from 5.5 microns to 80 microns for capacitors arises from the corrigendum issued on 11th February, which addresses and rectifies an overlap of the PUC as defined in the Thailand investigation, with OI Case No. 18/2021. This clarification ensures proper alignment and avoids any ambiguity in defining the PUC, without any change or broadening of its scope.

159. With regard to the contention that the decline in profitability is due to increased depreciation and interest costs, the Authority notes that the depreciation and interest costs have increased as a result of the capacity expansion undertaken by the some of the applicants. When earnings before interest, depreciation, and tax (PBDIT) are examined and compared with the preceding year, it becomes evident that there is a significant decline in PBDIT. This decline in profit is substantially greater than the corresponding increase in interest and depreciation costs. Additionally, the profitability of the older producers have also declined.
160. As regards the argument that 22% ROCE is outdated, it is noted that the 22% Return on Capital Employed (ROCE) benchmark has been consistently used in antidumping investigations, which ensures a reasonable return on investment for the domestic industry. The Authority finds no concrete reason to depart from its established practice in this matter.
161. With reference to the impact of anti-dumping duty, the impact of anti-dumping duties on end-users is expected to be minimal, as has been observed by the Authority from the information on record and also from previous investigations on the subject goods. The Authority further notes that new production capacities have been established, leading to an increase in the availability of the product. Furthermore, the domestic industry has sufficient capacity to meet the market's demands. Further, no evidence has been brought forward to show the adverse impact of the duties.
162. The Authority notes that the argument made by interested party on quality issues and disqualification are not made tenable as the interested parties have not submitted credible evidence in this regard. In any case, there are multiple domestic players who are providing all variants of subject goods and sufficient capacity to make available such goods.
163. As regards the argument on unrepresentativeness of the domestic industry, it is noted that the scope of domestic industry includes new and old producers producing all types of subject goods. Authority sent communication to all known producers and information received from producers has been considered in the present investigation. The production of applicant producers accounts for "a major proportion" of total Indian production and constitutes domestic industry within the meaning of AD Rules.
164. As regards the argument that price suppression and depression should be examined PCN wise, the Authority notes that the appropriate weighted average comparison has been done for fair assessment of imports and its impact on the domestic industry while determining dumping margin, injury margin and price under cutting.
165. As regards the argument that there is difference between the data presented by domestic industry and the data finalized by the Authority, it is noted that the Authority has undertaken a

detailed verification of the information provided by the domestic industry and information as verified has been considered in the present notification.

166. As regards the argument that implementation of QCO is regulating imports, it is noted that QCO only ensures that imported goods meet specific quality and safety standards rather than restricting the volume of imports.
167. As regards the argument that Aluminium foil of alloy 8021 produced by Hindalco does not have adequate quality, it is seen that Hindalco has been regularly supplying this grade. Further, information on record also shows that other applicant producers are also producing these grades. Thus, the interested parties have sufficient options available in the market to get the said product.

M. CONCLUSION AND RECOMMENDATION

168. Based on the submissions made, information provided and facts available before the Authority as recorded above and on the basis of the above analysis of dumping and consequent injury to the domestic industry, the Authority concludes the following:
- i. The scope of the product under consideration is “aluminium foil upto 80 microns,” originating in or exported from China PR excluding product types mentioned at paragraph 30.
 - ii. The subject goods are classified under the customs sub-headings 76071190, 76072090, 76072010, 76071110, 76071999, 76071991, 76071995, 76071910, 76071994, 76071993 and 76071992.
 - iii. The application has been filed by M/s Hindalco Industries Ltd., M/s Shyam Sel & Power Ltd, M/s Shree Venkateshwara Electrocast Pvt. Ltd., M/s Ravi Raj Foils Ltd., M/s GLS Foils Product Pvt. Ltd., and M/s LSKB Aluminium Foils Pvt. Ltd. The applicants constitute domestic industry, under Rule 2(b) of the Rules and satisfy the criteria of standing in terms of Rule 5(3).
 - iv. The combined capacities and production of these domestic producers during the POI was 1,32,140 MT and 69,572 MT respectively, as against known Indian capacity and production of 2,89,735 MT and 1,26,495 MT. These companies thus collectively command about 45% of capacity and 54% of production in the POI.
 - v. The present petition has been supported by ESS DEE Aluminium Ltd., Sparsh Industries Ltd., SRF Altech Ltd., and Trefoil Packaging Pvt. Ltd.
 - vi. The subject goods exported from China PR and the article manufactured by the domestic industry are ‘like article’ to each other in terms of Rule 2 (d) of the AD Rules, 1995. As per the data on record, the defined domestic industry can produce and supply all kinds of product types that have been imported into India.
 - vii. In order to ensure fair comparison between domestic and imported products and for establishing dumping, the Authority has adopted a PCN system and established dumping margin and injury margin by considering PCN wise data.
 - viii. The product under consideration has been exported to India at a price below the normal value, resulting in dumping. The dumping margin is not only above de-minimis level but

also significant.

- ix. Imports from the subject country constitute a majority of the total imports into India throughout the injury period, and almost 66% in the POI. Further, the volume of subject imports increased over the injury period, especially in the POI.
 - x. Subject imports have captured 30% of the Indian market despite the applicants having sufficient capacity to meet the domestic demand. The rise in Chinese imports was far sharper compared to the increase in demand. The overall increase in consumption was 106% in the POI compared to the base year, the imports increased by 178% and Indian producer's sales increased by 29% only.
 - xi. The imports are undercutting the prices of the domestic industry. The price undercutting has led to price depression suffered by the domestic industry. The domestic industry has been forced to reduce the selling price more than the cost of production.
 - xii. The capacity, production and domestic sales volume have increased over the injury period.
 - xiii. The market share of the subject country has increased over the injury period.
 - xiv. Despite applicants holding sufficient capacity to cater to the existing demand, the domestic industry barely holds a share of 55% in the Indian market.
 - xv. Increase in imports in the POI has resulted into losses to the domestic industry. The cash profit, ROI have declined steeply in the POI.
 - xvi. The average inventories of the applicants have increased significantly in the POI.
 - xvii. The dumped imports have adversely affected the growth of the domestic industry in respect of both volume and price parameters.
 - xviii. The Authority has examined the submissions made by other parties on any other factors which could have caused injury to the domestic industry. No other factor has caused injury to the domestic industry. The Authority concludes that the material injury suffered by the domestic industry has been caused by the dumped imports from the subject country.
 - xix. The Authority had prescribed an economic interest questionnaire which was sent to all interested parties to this investigation. The domestic industry has also provided a quantification of the potential impact of the duty. The Authority has quantified the impact of anti-dumping duty on the consumers. It is seen that the impact of the measures will be minimal.
169. Having initiated and conducted the investigation into dumping, injury, and causal link in terms of the provisions laid down under the Anti-Dumping Rules, the Authority is of the view that imposition of the anti-dumping duty is required to offset the dumping and consequent injury. The Authority considers it necessary to recommend imposition of the anti-dumping duty on the imports of the subject goods originating in or exported from the subject country.
170. Having regards to the lesser duty rule followed, the Authority recommends imposition of final anti-dumping duty equal to the lesser of the margin of dumping and the margin of injury so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of anti-dumping duty on the imports of subject goods originating in or exported from the subject country, equal to the amount mentioned in Col. 7 of the duty table appended below, for a period of 5 years from the date of the notification to be issued in this regard by the Central Government. The landed value of the imports for this purpose shall be the assessable value as determined by the Customs under Customs Act, 1962 and applicable level of the customs duties except duties levied under Section 3, 3A, 8B, 9, 9A. of the Customs Tariff Act, 1975.

DUTY TABLE

S N	Heading/ sub- heading	Descriptio n of goods	Country of origin	Country of export	Producer	Amount	Unit of measuremen t (MT)	Currenc y (USD)
1	2	3	4	5	6	7	8	9
1	76071110, 76071190, 76071910, 76071991, 76071992, 76071993 76071994, 76071995, 76071999, 76072010, and 76072090, *	“Aluminium foil upto 80 microns”	China PR	Any Country including China PR	Henan Mingtai technology development Co. Ltd.	479	MT	USD
		** Excluding the following			Henan Mingsheng New Material Technology Co. Ltd.			
2	do	do	China PR	Any Country including China PR	Sunho New Materials Technology Co. Ltd.	642	MT	USD
					Shanghai Sunho Aluminum Foil Co.Ltd.			
3	do	do	China PR	Any Country including China PR	Jiangsu Dingsheng New Materials Joint-Stock Co. Ltd.	550	MT	USD
					Inner Mongolia Lian Sheng New Energy Material Co., Ltd.			
					Hangzhou Five Star Aluminium Co. Ltd.			
4	do	do	China PR	Any Country including China PR	***Non-Sampled Cooperative Producers	568	MT	USD
5	do	do	China PR	Any Country including China PR	Any Producer other than SN 1,2, 3 & 4	721	MT	USD
6	do	do	Any Country other	China PR	Any	721	MT	USD

			than China PR					
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**Note-Customs classification is only indicative, and the determination of anti- dumping duty shall be made as per the description of the PUC*

**** Excluding the following-**

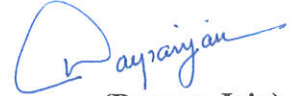
- a. Aluminium foil below 5.5 micron gauge for non-capacitors applications;
- b. Aluminium foil for capacitors below 5 microns, upwards of 5 micron and up to 5.5 microns. It is however clarified that aluminium foil of 5-micron gauge of width below 500mm having 99.35% purity for capacitors and aluminium foil from 5.5 microns to 80 microns for capacitors is included in the scope of the PUC;
- c. **Ultra-Light Gauge converted foil meant for use in insulation, spices packing' thermal fluid lines covering and tea bags application** - Ultra Light Gauge converted foil is an aluminium foil having thickness of 5.5 micron to 7 micron which is backed with kraft paper and scrim, or glass cloth, whether plain or printed for use in insulation, spices packing, thermal fluid lines covering and tea bags application;
- d. **Etched or formed aluminium foils meant for electrolytic capacitor** - Etched or formed aluminium foils is aluminium foil meant to be used in the manufacture of Electrolytic Capacitor
- e. **Aluminium composite panel meant for facade cladding and signage** applications – Aluminium composite panel is a non-aluminium core (often PE) bonded between two thin layers of aluminium, for use in facade cladding and signage.
- f. **Clad with compatible non clad aluminium foil** - Clad with compatible non clad aluminium foil is a corrosion-resistant aluminium sheet formed from aluminium surface layers metallurgically bonded to high-strength aluminium alloy core material for use in engine cooling and air conditioner systems in automotive industry and industrial applications; such as radiator, condenser, evaporator, intercooler, oil cooler and heater.
- g. **Aluminium foil for beer bottle** - aluminium foil of 10.5 micron with rough surface and perforated whether printed or not; to be used in beer bottle.
- h. **Aluminium- manganese-** silicon based and/ or clad aluminium- manganese silicon-based alloys, whether clad or unclad- with post brazing yield strength greater than 35 MPA, falling under tariff heading 7607 and 7606, for use in heat exchangers including radiators, charge air coolers, condensers, oil coolers, heater cores, evaporators, heat ventilation and air conditioning (HVAC) systems and parts thereof.
- i. Adhesive tapes
- j. **Colour coated aluminium foil**-either one side or both sides, irrespective of colour, shape or coating.
- k. **Polyurethane coated aluminium foil**- either one side or both sides, irrespective of colour, shape, or coating.

*****Non-Sampled Cooperative Producers**

- 1) Shandong Deli Aluminium Technology Co. Ltd
- 2) Jiangsu Zhongji Lamination Materials Co., Ltd.
- 3) Luoyang Longding Aluminium Industries Co. Ltd.
- 4) Xiamen Xiashun Aluminium Foil Co. Ltd.
- 5) Jiangsu Fengyuan Aluminum Mstar Technology Co., Ltd.
- 6) Luoyang Wanji Aluminium Processing Co. Ltd.
- 7) Kunshan Aluminium Co. Ltd.,

N. FURTHER PROCEDURE

171. An appeal against these findings after its acceptance by the Central Government shall lie before the Customs Excise and Service Tax Appellate Tribunal in accordance with the Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff Rules, 1995.



(Darpan Jain)
Designated Authority