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Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti - Dumping & Allied Duties

Dated: 26th February, 2018

INITIATION NOTIFICATION

(Sunset Review)
(Case No. SSR 02/2018)

Subject: Initiation of Sunset Review of Anti-Dumping Duty imposed on imports of Metaphenylene Diamine originating in or exported from China PR.

F. No. 7/2/2018-DGAD (Case No. SSR 02/2018) - Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also 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, as amended from time to time (hereinafter also referred as the Rules), the Designated Authority (hereinafter also referred to as the Authority) recommended imposition of anti -dumping duty on imports of “Metaphenylene Diamine” (hereinafter also referred to as the subject goods), originating in or exported from China PR.(hereinafter referred to as the subject country).

2. Whereas, the original investigation concerning imports of the subject goods from the subject country was initiated by the Authority vide Notification No. vide Notification No. – 14/4/2012-DGAD, dated 19th June, 2012 on imports of subject goods from China PR. Provisional duties were imposed vide Notification No. 02/2013-Customs dated 22nd March, 2013. The final finding was published by the Authority vide Notification No. 14/4/2012-DGAD, dated the 17th December, 2013 and Ministry of Finance imposed definitive anti-dumping duty vide Notification No. 11/2014-Customs, dated 11th March, 2014 on all imports of subject goods originating in or exported from China PR.

3. Based on the petition filed by M/s Aarti Industries Ltd (*hereinafter referred to as Petitioner*), on behalf of the domestic industry for the product under consideration, the Authority finds the petition in accordance with Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also 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, as amended from time to time (hereinafter also referred as the Rules)

B. Initiation of Sunset Review

4. Pursuant to the petition filed, the Designated Authority in terms of Section 9A(5) the Customs Tariff (Amendment) Act 1995 the antidumping duty imposed shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury, hereby initiates sunset review in accordance with section 9A(5) of the Custom Tariff(Amendment) Act read with Rule 23 of Antidumping Rules.

C. Product under Consideration and Like Article

5. The product under consideration in the present investigation is “Meta Phenylene Diamine”. The product is classified under Chapter 29 of the Customs Tariff Act under Customs Sub-heading No. 29215120. However, customs classification is indicative in nature and not binding on the scope of the investigation.

6. Since the proposed investigation is a sunset review investigation, the scope of the product under consideration is the same as that of the previously concluded original investigation.

D. Procedure

7. The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The Authority will examine whether imposition of the duties is necessary to offset dumping and causing injury.

- i. The country involved in this review investigation is China PR.
- ii. The period of investigation for the purpose of the present review is from 1st October, 2016 to 30th September, 2017. The injury investigation period will however cover the periods April’2014-March’15, April’2015–March’2016, April’2016-March’2017 and the POI.
- iii. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

While submitting questionnaire response, producer/ exporter may have to demonstrate prevalence of market condition related to manufacture, production and sale of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may clarify and provide sufficient information on the following:

- (a) Decision in regard to price, cost, input including raw material, cost of technology and labor, output, sales and investment, are made in response to market signal reflecting supply and demand and without significant state interference and weather cost of major inputs substantially reflect market value.
- (b) Production costs and financial situation does not suffer from any distortion.
- (c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
- (d) Exchange rate conversions are carried out at the market rate.

E. Submission of Information

8. The known exporters in the subject country, the Government of the subject country through its embassy in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

**Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001**

9. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below. Any party making any confidential submission before the Authority is required to submit a non-confidential version of the same to be made available to the other parties.

F. Time Limit

10. Any information relating to the present review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of publication of this Notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Anti-dumping Rules.

11. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their

comments to the domestic industry's application regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the date of initiation of this investigation.

G. Submission of information on confidential basis.

12. In case confidentiality is claimed on any part of the questionnaire response/submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non- Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page and accompanied with soft copies.

13. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies of the confidential version and two (02) copies of the non-confidential version must be submitted by all the interested parties.

14. For information claimed as confidential, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

15. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

16. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the 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 generalized or summary form, it may disregard such information.

17. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

H. Inspection of public file

18. In terms of rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidences submitted by other interested parties.

I. Non-cooperation

19. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(Sunil Kumar)
Additional Secretary & Designated Authority