

To be published in Part-I Section I of the Gazette of India Extraordinary

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF ANTI-DUMPING & ALLIED DUTIES
UDYOG BHAVAN, NEW DELHI

NOTIFICATION

New Delhi, Dated the 24th January
2011

**Final Findings
(Sunset Review)**

Subject: -Sunset Review Investigation of anti-dumping duty imposed against imports of Acrylonitrile Butadiene Rubber (NBR) originating in or exported from Chinese Taipei.

No. 15/33/2010-DGAD Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act), and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred to as the AD Rules), the Designated Authority (herein after referred to as The Designated Authority (herein after referred to as Authority) recommended imposition of provisional Anti Dumping Duty on imports of Acrylonitrile Butadiene Rubber (NBR) (hereinafter referred to as subject goods) originating in or exported from Chinese Taipei vide notification No 22/1/1999-DGAD dated 28th September 1999. The Authority issued final findings vide notification No 22/1/1999-DGAD dated 23rd February 2000. The Department of Revenue imposed definitive anti dumping duties on the subject goods, imported from subject country, vide notification dated 06.04.2000. The sunset review was initiated on 15th September 2004 vide notification Nos 15/1/2004-DGAD and final findings was issued on 27th February 2006 vide notification Nos 15/1/2006. On the basis of the findings, the Central Govt. imposed antidumping duty vide notification Nos. 33/2006-Customs, dated 7th April 2006.

2. Product under consideration

The product involved in the original investigation as well as in 1st sunset review investigations was Acrylonitrile Butadiene Rubber (NBR), and covered all types and grades of NBR i.e. Low, Medium and High NBR. This being a sunset review investigation, the same product has been covered within the scope of this investigation. NBR is primarily used where oil resistance, abrasion resistance and heat resistance applications are involved. NBR is widely used in Defense, Automobile, Footwear, Fabrics, Printers, Oil field products industries etc. The product is classified under the category of synthetic rubber under sub-heading no. 40.02 at four-digit level and under no. 4002.59 at six-digit level. This classification is only indicative and in no way binding on the scope of present investigation.

3. Initiation

The Act and the Rules require the Authority to conduct review of anti dumping duty earlier imposed. Hon'ble Delhi High Court has also held in WP No. 16893 of 2006 that sunset review is mandatory in order to determine whether cessation of the existing duty is likely to lead to the continuation or recurrence of dumping and injury. Therefore the Authority initiated investigations to review the need for continued imposition of duties in force and to examine whether cessation of Anti Dumping duty is likely to lead to continuation or recurrence of dumping and injury on imports of subject goods originating in or exported from China in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995.

4. Country involved:

The country involved in this investigation is Chinese Taipei.

5. Period of Investigation:

The Period of Investigation (POI) for the purpose of the present review is 1st April 2009 to 31st March 2010 (12 months). However, injury analysis shall cover the years 2006-07, 2007-08, 2008-09 & POI. The data beyond POI may also be examined to determine likelihood of dumping and injury.

Subsequent event after initiation

6. M/s Apar Industries Ltd, Mumbai was the domestic industry in the original as well as review investigations. It is noted that M/s Eliokem India Pvt Ltd, Mumbai, who had taken over synthetic rubber plants polymer unit (which produces NBR) in 2008 of M/s Apar Industries Ltd, has now responded to the notice of initiation and has stated in the letter flagged as "A" that they are not interested in the sunset review investigations

of Acrylonitrile Butadiene Rubber (NBR) originating in or exported from Chinese Taipei.

Conclusions and Recommendations

7. On the basis of the letter made by the domestic industry informing that they are not interested in sunset review investigations initiation on Taiwan NBR, the Authority recommends discontinuation of anti dumping duty on Acrylonitrile Butadiene Rubber (NBR) originating in or exported from Chinese Taipei as recommended by the Designated Authority in final findings issued vide Notification No. 15/1/2004--DGAD dated 27th February 2006 and final duty imposed vide Customs Notification No.33/2006 –Customs dated 7th April 2006.

P.K. Chaudhery
The Designated Authority