

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF ANTI-DUMPING &
ALLIED DUTIES**

NOTIFICATION

New Delhi, the 14th September, 2004

INITIATION (Mid-term Review)

Subject: Initiation of Mid-term Review of anti-dumping duty imposed on imports of Cold Rolled Flat Products of Stainless Steel originating in or exported from European Union, Japan, Canada and USA.

No. 15/16/2004-DGAD - Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (herein after referred to as the Rules), vide Notification Number No. 24/1/2001-DGAD dated 19th October 2002, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive antidumping duty on import of Cold Rolled Flat Products of Stainless Steel (hereinafter referred to as subject goods) originating in or exported from the European Union, Japan, Canada and USA. (hereinafter referred to as subject countries).

AND WHEREAS definitive antidumping duty was imposed on the subject goods vide Customs Notification No.134/2002-Customs dated 5th December 2002.

2. Request for Review

Whereas the Rules require the Authority to review from time to time, the need for continued imposition of Anti Dumping Duty and if it is satisfied, on the basis of positive information received by it that there is no justification for continued imposition of such duty, the Authority may recommend to the central government for its withdrawal.

Notwithstanding the above provision the Authority is required to review, on the basis of positive information submitted by any interested party substantiating the need for a review, provided that a reasonable period of time has elapsed since the imposition of

the definitive antidumping duty, whether continued imposition of the duty is necessary to offset dumping, whether the injury would be likely to continue or recur if the duty were removed or varied, or both.

In terms of the above provision one of the exporters from the European Union i.e. M/s Acerinox S.A, Spain, has filed a request, through the European Commission, for a changed circumstances mid-term review of the antidumping duty in force.

3. Grounds for Review

The applicant claims that the conditions of both, dumping and injury have changed substantially requiring a review of the antidumping measure in force. The exporter has *inter alia* claimed that their export prices to India are above the minimum non-injurious price levels established by the Designated Authority for the two series exported by Acerinox. It has also been claimed that the landed value currently lies well above the minimum import price. Therefore, the applicant claims that exports of Acerinox are not likely to cause injury to the Indian domestic producer.

4. Initiation

Having regards to the positive information provided by the applicant indicating changed circumstances necessitating a review of the measure in force, the Designated Authority now considers that a mid-term review of the Anti Dumping Duty is appropriate in view of the changed circumstances, in terms of the provision of Section 9A (5) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra.

Having decided to review the final findings notified vide Notification No. 24/1/2001-DGAD dated 19th October 2002, the Authority hereby initiates the investigations in terms of the Rules, to review whether continued imposition of the duty on imports of Cold Rolled Flat Products of Stainless Steel originating in or exported from the European Union, Japan, Canada and USA, is necessary to offset dumping, whether the injury would be likely to continue or recur if the duty were removed or varied, or both.

5. Product under Consideration

The product involved in the original investigation and the current review is Stainless Steel Coils, Sheets and Plates of the following description:-

“Cold rolled Flat Products of stainless steel, of a width of 600mm or more, whether further processed or not of all grades/series.”

The subject goods described as Cold rolled Flat Products of stainless steel, are classified under Customs sub-heading nos. 7219.31, 7219.32, 7219.33, 7219.34, 7219.35 and 7219.90 of Chapter 72 of the Customs Tariff Act, 1975. The classification is however indicative only and in no way binding on the scope of the present investigations.

6. Procedure

The investigation will determine whether continued imposition of the duty is necessary to offset dumping, whether the injury is likely to continue or recur if the duty were removed or varied, or both.

- i. The review will cover all aspects of Notification No. No. 24/1/2001- DGAD dated 19th October 2002.
- ii. The period of investigation for the purpose of this review will be 1st April 2003 to 31st March 2004. However, the examination of trends relevant for the analysis of injury shall cover the years from 2000-2001 to the period of investigation.
- iii. The countries involved in this investigation are the European Union, Japan, Canada and USA.
- iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

6.1 Submission of Information:

The exporters in the subject countries/territory, their governments through their embassies in India, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the:

The Designated Authority

Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
Udyog Bhavan
New Delhi-110011.
Fax: 91-11-23014418.

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 confidential submissions before the Authority is required to file a non-

confidential version of the same, for placing the same in the public folder for inspection by all other interested parties to the investigation.

6.2 Time Limit

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 review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

6.3 Inspection of Public File:

In terms of Rules 6(7), any interested party may inspect the public file containing non-confidential version of the submissions made by other interested parties before the Authority. In case an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

ABHIJIT SENGUPTA
DESIGNATED AUTHORITY