

To be published in the Part 1 Section 1 of Gazette of India, Extraordinary

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

New Delhi, the 23 January, 2008

## INITIATION NOTIFICATION

(Sunset Review)

**Subject : Initiation of Sunset Review of anti-dumping duty imposed against imports into India of certain grades alloy and non-alloy steels billets, bars and rounds from Russia and China PR.**

No.15/6/2008-DGAD – The Designated Authority, having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, recommended imposition of provisional Anti Dumping duty on imports of **certain grades alloy and non-alloy steels billets, bars and rounds** (hereinafter referred to as subject goods) originating in or exported from Russia & China PR (hereinafter referred to as subject countries) falling under sub-headings 7206.90, 7207.19 and 7207.20. The preliminary findings were published vide Notification No.31/1/99-DGAD dated 1<sup>st</sup> December, 2000 and provisional duty was imposed on the subject goods vide Customs Notification No.151/2000-Customs dated 26<sup>th</sup> December 2000. The Designated Authority came out with final findings on 1<sup>st</sup> June, 2001 and definitive anti dumping duty was imposed by the Govt. of India vide Customs Notification No.65/2001-Customs dated 25<sup>th</sup> Jun 2001. The anti dumping duty was applicable up to 25<sup>th</sup> December, 2005.

### **Request for Review**

2. AND WHEREAS following a request by M/s Maharashtra Seamless Ltd., containing positive evidence, and necessitating the need for a mid-term review, the authority issued a public notice dated 24<sup>th</sup> May, 2004 initiating anti dumping mid

term review investigations under rule 23 of the anti dumping rules read with article 11.2 of the agreement on anti dumping in respect of duty in force against the subject countries as above, to determine whether the continued imposition of duties required to offset dumping and whether injury would be likely to continue or re-occur if the duty was removed or varied or both.

3. AND WHEREAS having concluded that no material injury to domestic industry has been established on account of dumped imports of subject goods from the subject countries and there is no likelihood of reoccurrence of injury on account of import of subject goods from subject countries, the authority did not find any justification for continuation of duty against the subject countries, in terms of rule 23 of the anti dumping rules, recommended revocation of anti dumping duty enforced against subject countries i.e. China P. R. and Russia and also recommended withdrawal of anti dumping duties imposed vide notification no. 65/2001 customs dated 25.6.2001. The final findings to this effect were issued on 20 May, 2005.

4. AND WHEREAS the applicants filed a civil writ petition in Hon'ble High Court of Delhi as Writ Petition (Civil) No.15945/06, and as per direction of the Hon'ble Court vide judgment dated 3.12.2007, Sunset Review is required to be conducted in accordance with the procedure laid down in Rule 23 of the Rules.

### **Initiation**

5. The Hon'ble Court held that All imports of the subject goods made from Russia and China with effect from 1<sup>st</sup> February, 2008 should be provisionally cleared by the Central Government and in the meanwhile, the Central Government should carry out a review to determine whether the anti-dumping duty imposed by the Notification dated 25<sup>th</sup> June, 2001 should continue beyond the period of five years from 26<sup>th</sup> December, 2005 onwards. The Hon'ble Court in its Judgment also held that if it is found by the Central Government that the requirements of the first proviso to Section 9A(5) of the Act are met and anti dumping duty should continue, then the provisional assessments made with effect from 1<sup>st</sup> February, 2008 will take care of the interests of the domestic industry. It has further been directed that the Central Government will complete the review as expeditiously as possible.

6. Pursuant to the said Order of the Hon'ble High Court, the Authority hereby initiates this review investigation to examine the likelihood of continuation or recurrence of dumping and injury on imports of **certain grades alloy and non-**

**alloy steels billets, bars and rounds from Russia and China PR** in the event of cessation of the duty. Pending completion of the review as per the direction of the Hon'ble Court, the import of the subject goods shall be assessed as provisional w.e.f. 1<sup>st</sup> February, 2008.

### **Product under consideration**

7. The Product under consideration is "certain types/grades of alloy and non alloy steel billets, bars and rounds having 70 mm to 250mm diameter conforming to IS specification or *any* other international specification equivalent to IS standards". The list of grades as mentioned in the initiation notification (of the original investigation) dated 9.12.99 and corrigendum dated 21.1.2000 remains the same. The product under consideration is classified under sub-head 7206.90, 7207.19 and 7207.20 of Schedule I of the Customs Tariff Act, 1975 The Classification is, however, indicative only and is in no way binding on the scope of the present investigations."

### **Procedure**

8. **Countries involved:** The countries involved in the present review are the Peoples Republic of China and Russia.

9. **Period of Investigation:** The period of investigation for the purpose of the present Review is 1<sup>st</sup> October, 2006 to 30<sup>th</sup> September, 2007.

10. The provision 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.

11. **Submission of information-** The exporters in subject countries, their government through their embassy 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 & Allied Duties,  
Ministry of Commerce & Industry,  
Department of Commerce  
Room No.240,  
Udyog Bhavan, New Delhi-110 107

Any other interested party may also make its submissions relevant to the investigations in the prescribed form and manner within the time limit set out below.

**12. 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.

**13. Submission of information on Non-confidential basis** – In terms of Rule 6(7) of the Rules, the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summarization, a statement of reason thereof is required to be provided. In case where 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.

**14. Inspection of Public File** – In terms of Rule 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

**15. Use of facts available** – In case where 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.

**R. Gopalan**  
**Designated Authority**