

MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
(Directorate General of Anti-Dumping & Allied Duties)

NOTIFICATION

New Delhi, The 15th September, 2004

Initiation (Sunset Review)

Subject: Initiation of Sunset Review of the definitive anti-dumping duty imposed on import of Acrylonitrile Butadiene Rubber (NBR) originating in or exported from Chinese Taipei.

N0. 15/1DGAD/2004- Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, 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 (hereinafter referred to as subject countries). The preliminary findings of the Authority were published vide dated 28.09.1999. On the basis of the final findings of the Authority notified vide notification dated 23.02.2000 and provisional duty was imposed by the Department of Revenue vide notification dated 02.11.1999. Department of Revenue imposed definitive anti dumping duties on the subject goods imported from subject country vide notification dated 06.04.2000 respectively.

2. Request for Review

WHEREAS in terms of 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 WHEREAS the Rules supra 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 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 a duly substantial request made by or on behalf of the domestic industry, within a reasonable period of time prior to the date of the expiry of the

measure, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

AND WHEREAS, in terms of the above provisions, the Domestic Industry has approached the authority with a duly substantiated petition requesting for such a review, the Designated Authority considers that initiation of sunset review proceedings for the Anti Dumping Duty in force would be appropriate to examine the need for continued imposition of such duty to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied or both.

3. Grounds for review

The request is for continuation and enhancement of the antidumping duties in force. The request is based on the grounds that dumping has continued in spite of imposition of antidumping duty on import of the subject goods from Chinese Taipei and the domestic industry continues to suffer injury on account of dumping from the subject country. The applicant has further argued that expiry of the measure against this country would be likely to result in continuation or recurrence of dumping and injury to the domestic industry.

The applicant further claims that the existing capacities of the subject goods in the subject countries far exceed their domestic demands which increases the likelihood of recurrence of dumping once the antidumping duty is removed.

4. Initiation

Having satisfied itself on the basis of the positive evidence submitted by the domestic industry substantiating the need for a review, the Authority hereby initiates a review in accordance with Section 9 A (5) of the Act, read with Rule 23 of Antidumping Rules, to review the need for continued imposition of duties in force and whether the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

5. Product under Consideration

The product involved in the present investigation is Acrylonitrile Butadiene Rubber (NBR), 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. The product investigated in the original investigation covered all types of NBR i.e. Low, Medium and High NBR in bale form only. Therefore, the same product will be covered within the scope of this investigation. The Authority may resort to model match methodology for determination of dumping margin in respect of this three types of NBR.

6. Procedure

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

- i. The review will cover all aspects of Notification dated 23.02.2000
- ii. The country involved in this review investigation is Chinese Taipei.
- iii. The period of investigation for the purpose of the present review is from 1st April 2003 to 31st March 2004.
- 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.

II) Submission of Information:

The exporters in subject countries, 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 Authority in the following address:

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 any confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.

III) Time Limit:

Any information relating to the present sunset 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 Sunset 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.

IV) 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. 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.

(Abhijit Sengupta)
Designated Authority