

**TO BE PUBLISHED IN THE GAZETTE OF INDIA – EXTRAORDINARY-PART-I,
SECTION-1**

**Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)**

3rd August 2011

**Initiation Notification
(Sunset Review)**

Subject: Sunset Review of anti-dumping duty imposed concerning imports of ‘new/unused pneumatic non radial bias tyres, tubes & flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks’ originating in or exported from China PR and Thailand.

No.15/35/2010--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 (herein after referred to as the AD Rules), the definitive anti-dumping duty was originally recommended vide notification No. File No. 14/09/2005-DGAD dated 29th June 2007 on import of ‘new/unused pneumatic non radial bias tyres, tubes & flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks’ (hereinafter referred to as the subject goods) originating in or exported from China PR and Thailand (hereinafter referred to as the subject countries). Whereas upon a Mid-term Review undertaken by the Designated Authority (hereinafter referred to as the Authority), the Authority recommended continuation of definitive Anti-dumping duty vide its notification No. 15/1/2009 - DGAD dated 26th August 2010 and whereas the Central Government issued its Notification No.117/2010 – Customs dated 18th November 2010.

2. Whereas Automotive Tyre Manufacturers Association (ATMA) on behalf of the domestic industry represented by M/s Apollo Tyre Ltd., M/s J.K. Tyres & Industries Ltd., CEAT Ltd. and M/s MRF Ld. have filed a duly substantiated application in accordance with the Act and the AD Rules before the Authority alleging dumping of the subject goods originating in or exported from the subject countries and requested for review and continuation of the anti-dumping duties.

Domestic industry

3. The application has been filed by Automotive Tyre Manufacturers Association (ATMA) on behalf of the domestic industry represented by M/s Apollo Tyre Ltd., M/s J.K. Tyres & Industries Ltd., CEAT Ltd. and M/s MRF Ltd. The application is supported by M/s Birla Tyres. The Applicants have claimed that their production of the subject goods represent over 50% of the total production of the subject goods in India. As per information available on record, the Applicants along with the supporter account for a major proportion of the total Indian production of the subject goods.

4. It is further noted that M/s. CEAT Limited has itself imported 1321 MT of the subject goods from Sri Lanka during the proposed POI viz. 1st April 2010 till 31st March 2011. It has been contended by them that imports of only a few models as they have limited production capacities in India. Besides, these imports have been made at relatively higher prices. It is noted that M/s CEAT

Limited has not abdicated its role of a domestic producer of the subject goods. Thus, M/s. CEAT Limited is not required to be excluded from the ambit and scope of the domestic industry in terms of the AD Rules.

5. Notwithstanding the above, even if M/s. CEAT Limited were to be excluded from the ambit and scope of the domestic industry in terms of Rule 2(b) of the AD Rules because of the imports effected by it; M/s Apollo Tyre Ltd., M/s J.K. Tyres & Industries Ltd. and M/s MRF Ltd. account for a major proportion of the total domestic production and thus would constitute as the domestic industry in terms of the AD Rules.

Product under consideration and Like Article

6. The product involved in the original investigation was ‘new/unused pneumatic non radial bias tyres, tubes & flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks’ and further notes that the scope of investigation includes such non-radial bias tyres, tubes and flaps used in buses and lorries (including trucks) whether imported individually and/or in any combination thereof.

7. The product under consideration in the previous investigations was ‘new/unused pneumatic non radial bias tyres, tubes & flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks’ originating in or exported from China PR and Thailand. The scope of investigation included such non-radial bias tyres, tubes and flaps used in buses and lorries (including trucks) whether imported individually and/or in any combination thereof.

8. Tyres are broadly produced in two types, namely radial and non-radial. Radial Tyres used in buses and lorries with or without tubes and flaps are beyond the scope of the present investigation. The tyres, the tubes and the flaps are produced separately; however, they are invariably used together in automotive applications. The tyres are classified in Chapter 40 under Customs sub-heading no. 40112090 and the tubes and the flaps are classified under sub-heading nos. 40131020 and 40129049 respectively. However, Customs classifications are indicative only and are in no way binding on the scope of investigation.

9. The Applicant has claimed that there is no known difference in the goods produced by the Indian industry and the subject goods exported from the subject countries to India and that the goods produced by the Indian industry and the subject goods imported from the subject countries are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers have used the two interchangeably. Thus, the goods produced by the domestic industry and the subject goods imported from the subject countries are being treated as like articles in accordance with the AD Rules.

Initiation:

10. Thus, in view of the duly substantiated application filed and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the AD Rules, the Authority hereby initiates a Sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods originating in or exported from the subject countries and to examine whether the

expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Countries involved:

11. The countries involved in this investigation are China PR and Thailand.

Period of Investigation:

12. The Period of Investigation (POI) for the purpose of the present review is 1st April 2010 to 31st March 2011 (12 months). However, injury analysis shall cover the years 2007-08, 2008-09, 2009-10 & POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury upon cessation of duty, if any.

Procedure:

13. The review covers all aspects of Notification No. 15/1/2009 - DGAD dated 26th August 2010 (final findings of the Mid - term Review investigation).

Submission of Information:

14. The known exporters in the subject countries, the government of the subject countries through its embassies 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
Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Room No.240, Udyog Bhawan,
New Delhi-110107.**

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.

Time Limit:

15 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 AD Rules.

16. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire's responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the AD measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis.

17. In case confidentiality is claimed on any part of the questionnaire's 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.

18. Information supplied without any mark 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 each of the confidential version and the non-confidential version must be submitted.

19. 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.

20. 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, party submitting the confidential information may indicate that such information is not susceptible of summary; a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.

21. 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.

22. 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.

Inspection of public file:

23. In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

Non-cooperation

24. 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 record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

(Vijaylaxmi Joshi)
Designated Authority