

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)

Date the 3rd November 2010

Initiation Notification

(Sunset Review)

Sub: Initiation of 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 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 hereby initiates a sunset review investigation in accordance with Section 9A(5) of the Act read with Rule 23 of Antidumping Rules to review the need for continued imposition of duties in force and to examine whether the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury.

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.

6. Procedure:

Having decided to review the 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, the Authority hereby initiates 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.

7. Submission of Information:

The exporters in subject country, the government of subject country through its representative office in India, the importers and users in India known to be concerned with the product under consideration 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 at the following address:

Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry, Department of Commerce

Room No.240, Udyog Bhavan,
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.

8. 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 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.

The domestic producers of the subject goods are being issued a questionnaire to respond within 40 days substantiating the need for continued imposition of the AD measures.

All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter within 40 days from the date of initiation of this investigation. All such interested parties, that intimate so, would be requested to offer their comments to the domestic producers' response(s) within 40 days from the date of issuance of the letter to them regarding the need to continue or otherwise the AD measures.

9. Submission of information on non-confidential basis:

All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7 (2), for the confidential information provided as per Rule 7 (1) of the Rules supra. The non-confidential version or non-confidential summary of the confidential information should be in sufficient detail to provide a meaningful understanding of the information to the other interested parties. If in the opinion of the party providing information, such information is not susceptible to summary; a statement of reasons thereof is required to be provided.

Notwithstanding anything contained in Para above, 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 a generalized or summary form, it may disregard such information.

10. Inspection of public file:

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.

11. Non-cooperation

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 Government as deemed fit.

(P.K Chaudhery)

Designated Authority