

(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)

INITIATION NOTIFICATION (SUNSET REVIEW)

New Delhi Dated the 25th March, 2008

Subject: Initiation of Sunset Review regarding anti-dumping duty imposed on Graphite Electrodes originating in or exported from China-PR.

No. 15/7/2007-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 continued imposition of anti-dumping duty concerning imports of Normal Power Grade Graphite Electrodes from China PR. vide Final Finding Notification No. 28/1/2001-DGAD Dated 9.4.2003 and definitive Anti Dumping duty was imposed by the Central Government vide Notification No. 101/2003-Customs Dated.7.7.2003.

2. Grounds for review and initiation.

The present application has jointly been filed by M/s. Graphite India Limited Kolkata and HEG Limited Distt. Raisen M.P (hereinafter referred to as applicants).It has been claimed by the applicants that they represent 100% of the total production of subject goods in the country as they are the sole producers of the subject goods in India and there are no other producers of the same in India. As a response to the alert letter, the applicants have filed an application for carrying out review investigations for continuation of the anti-dumping duty imposed on the subject goods originating in or exported from China-PR. In their application, the petitioners have claimed that dumping has not ceased to exist from any of the sources on which anti-dumping duties were imposed initially and injury to the domestic industry continues despite anti-dumping duties being in place. It has further been claimed that cessation of anti dumping duties imposed on subject goods from subject country is likely to have a more serious impact of dumping as domestic industry will be forced to match the prices offered by the exporters. and have requested for continuation of the anti-dumping duty imposed on subject goods under the above mentioned notifications for a further period of 5 years.

On the basis of examination of the application, the Designated Authority considers that the sunset review of the Anti-dumping duty imposed would be appropriate at this stage under the provision of section 9A of the Customs Tariff (Amendment) Act, 1995 as amended to investigate the claim of the applicant about continued dumping and consequential injury to the Domestic Industry in case of cessation of Antidumping Duty, already in place.

3. Product under Consideration.

The product under consideration in this sunset review is “ Normal Power Grade (NPG) Graphite Electrodes including its variant High Power Grade (HPG) Electrodes of diameters from 8” up to and including 24”.

Since, the present investigation is a review investigation; product under consideration remains the same as has been defined in the original investigation, as there has been no significant development or change in the product during the period thereafter.

4. Countries Involved.

The country involved in the present investigations is China PR (also referred to as subject country hereinafter).

5. Procedure.

Having decided to review the final findings issued vide Notification No. 28/1/2001-DGAD Dated 9.4.2003 and final duty imposed by Notification No 101/2003-Customs Dated.7.7.2003, the Authority hereby initiates investigations to review whether cessation of anti dumping duty is likely to lead to recurrence of dumping and injury on imports of subject goods originating in or exported from subject country, in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment & Collection of Anti dumping Duty on Dumped Articles and for Determination of injury) Rules, 1995. The review covers all aspects of Notification 28/1/2001-DGAD Dated 9.4.2003 (Final findings of the original investigations). The Authority proposes to consider applicant as mentioned in paragraph 2 as domestic industry in accordance with the Rules supra as it constitutes the major proportion of the production of the subject goods in India.

In accordance with Para 7 to Annexure-1 of the Rules, it is envisaged to choose Brazil as an appropriate market economy third country for the purpose of establishing normal value in respect of the People’s Republic of China.

6. Period on Investigation

The period of investigation (POI) for the purpose of the present review is from 1.10.2006 to 30.09.2007 (12 months). The period of injury examination would however include POI and three years prior to the POI i.e. April 2004-March 2005, April 2005-March 2006 and April 2006-March 2007.

7. Submission for information

The exporters in the subject country, their Government through their Embassy in India and importers in India known to be concerned with this investigation are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority at the following address:

Directorate General of Anti-Dumping & Allied Duties
Ministry of Commerce & Industry,
Department of Commerce, Government of India,
Room No. 240,
Udyog Bhavan,
New Delhi-110107

As per Rule 6(5) of Rule supra, the Designated Authority is also providing opportunity to the industrial users of the article under investigation, and to representative consumer organizations who can furnish information which is relevant to the investigation regarding dumping, injury and causality. Any other interested party may also make its submissions relevant to the investigation within the time limit set out below.

8. Time Limit.

a) General Time Limits

Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than forty (40) days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are however required to submit the information within forty (40) days from the date of the letter addressed to them separately.

b) Specific time limit for selection of market economy country

Interested parties to the investigation may wish to comment on the appropriateness of Brazil, which, as mentioned in the Para 5 of this initiation notification, envisaged as a market economy country for the purpose of establishing normal value in respect of the

China PR. These comments must be submitted within four (4) weeks from the date of publication of this notification.

9. Inspection of Public File.

In terms of Rule 6 (7), Designated Authority maintains a public file. 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 Designated Authority may record findings on the basis of facts available and make such recommendations to the Central Government as deemed fit.

(R.GOPALAN)
Designated Authority