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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi-110011

Dated the 20th December, 2010

NOTIFICATION

Initiation

(Sunset Review)

Subject: Initiation of Sunset review of Anti-dumping duty imposed on imports of ‘Aniline’ originating in or exported from USA and Japan.

F.No. 15/19/2010-DGAD, Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (hereinafter referred to as the Authority) recommended, in a review, continued imposition of Anti Dumping Duty on imports of ‘**Aniline**’ (hereinafter also referred to as subject goods) originating in or exported from USA and Japan (hereinafter referred to as subject country), notified vide Notification No 128/2000-Customs dated 6th October 2000. The final findings in the Sun Set Review were issued by the Authority vide notification No. 15/5/2005-DGAD dated 5th April, 2006 and Duty was consequently extended by the Central Government vide Notification No. 58/2006-Customs dated 9th June, 2006.

Initiation of Sunset Review

2. WHEREAS in terms of Section 9A (5) of the Customs Tariff (Amendment) Act 1995 the antidumping duties imposed, shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In this regard, Hon’ble Delhi High Court in WP No 16893 of 2006 held that sunset review is mandatory. Therefore, pursuant to the above orders of the Hon’ble High Court, as also pursuant to an application filed by the Domestic Industry seeking continued imposition of AD Duty, the Designated Authority hereby initiates Sunset Review in accordance with section 9A (5) of the Act read with Rule 23 of Antidumping Rules to examine whether cessation of the duty would lead to continuation or recurrence of dumping and injury.

Product under Consideration

3. The product under consideration is ‘Aniline’, which is also known as “Aniline Oil” (hereinafter also referred to as ‘subject goods’). Aniline is a transparent, oily liquid and is a primary amine compound. Its color transforms to light pale yellow liquid when freshly distilled. Its color darkens when exposed to light or air. Subject goods are extensively used as

a basic organic chemical in manufacture of drugs, pharmaceuticals, dyes and dye intermediates. Aniline is also used in rubber chemicals, explosives, resins etc. The subject goods are classified under Chapter 29 of the Customs Tariff Act, 1975, under custom sub-heading no. 2921.41. The Custom classification is indicative only and not binding on the scope of investigations. The product concerned is also known as "amino benzene" in USA. The scope of PUC is the same as was in the original investigation.

Request for review and initiation

4. Gujarat Narmada Valley Fertilizers Company Limited has filed a petition under section 9A (5) of the Customs Tariff Act, 1975 as amended in 1995 read with Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 requesting Sunset Review of anti dumping duties earlier imposed on imports of Aniline from USA and Japan. The petitioner has claimed with prima facie evidence that cessation of anti dumping duty imposed on subject goods from both these countries is likely to lead to continuation or recurrence of dumping and injury and have requested for extension of duty already in place by another 5 years. 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.

Procedure

5. The investigation will determine whether the expiry of the measure would be likely to lead to 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 issued in the year 2000 recommending imposition of AD Duty as also Notification No 15/2/2005-DGAD dated 15th November, 2006 recommending continued imposition of AD Duty. The countries involved in this review investigation are **USA and Japan**.
- ii. Although the petitioner has proposed April 2009-June 2010 (15 months) as the period of Investigation, the Authority has fixed the Period of Investigation as **October 2009 to September 2010 (12 months)** and for the purposes of Injury determination periods April-07-March 08, April 08-March 09, April 09- March 10 and POI shall be considered.
- iii. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

Submission of Information:

6. The exporters in subject country, their Government through their Embassy in India, the importers and users in India known to be concerned would be 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
Room No. 243
Udyog Bhavan New Delhi-110011.

7. 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.

Time Limit

8. 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 letter 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 Antidumping Rules.

Inspection of Public File

9. In terms of Rules 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.

(P.K.Chaudhery)
The Designated Authority