

To be published in Part-I Section I of the Gazette of India Extraordinary
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 17Th November, 2008

NOTIFICATION

Initiation

(Sunset Review)

Subject: *Initiation of 2nd Sunset Review of the definitive anti-dumping duty imposed on imports of Metallurgical Coke (Met Coke) originating in or exported from China PR.*

F.No. 15/28/2008-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 (herein after referred to as Authority) recommended imposition of Anti Dumping Duty on imports of Metallurgical Coke (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country). The final findings notification of the Authority was published vide notification dated 5.11.2003. On the basis of findings, definitive anti dumping duties on the subject goods imported from subject country was imposed by the Department of Revenue vide notification No.23/2004-Customs dated 21.1.2004.

2. Initiation of Sunset Review

WHEREAS in terms of Section 9A(5) 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 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, the Designated Authority hereby initiate 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.

5. Product under Consideration

Product under consideration in the sunset review is same as was described in the original investigation i.e. Metallurgical Coke (also referred as Met Coke). Metallurgical Coke is produced by destructive distillation of Metallurgical (coking coal) in the absence of oxygen at high temperature generally ranging around 1000 degrees centigrade without burning the coal. The Metallurgical Coke produced is mainly carbon along with some mineral and residual volatile material. The metcoke is used as a primary fuel in industries where a uniform and high temperature is required in kilns or furnaces. The classification, manufacturing process and usage of the product indicated herein are, however, indicative only and are in no way binding on the scope of the product under consideration. Metcoke is used in various industries including pig iron, foundries, ferro alloys, chemical, integrated steel plants and others.

Metallurgical Coke is classified under Chapter 27 of Sub-heading 27.04 in the Customs Tariff Act, 1975. The classification is, however, indicative only and in no way binding on the scope of the present investigation.

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 No. 14/13/2002-DGAD dated 5.11.2003. The country involved in this review investigation is China PR.

ii. The period of investigation for the purpose of the present review is from 1st October 2007 to 30th September 2008. The injury investigation period will however cover the periods 2005-06, 2006-07, 2007-08 and the POI.

iii. 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 Domestic industry is required to submit information on prescribed *pro forma* (Application for Domestic industry) and information on likelihood of continuance or recurrence of dumping and injury or both substantiating the need for continuation of duty within forty days (40 days) of issue of this notification.

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
Udyog Bhavan New Delhi-110011.
Fax: 91-11-23063418

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:

On receipt of information from domestic industry, all interested parties, whose addresses are available, would be advised through a letter to offer their comments in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of issuance of such letter. Any other interested party, whose address is not available, may also submit comments/ information within 40 days from date application from Domestic industry. For this purpose non confidential version of the application would be placed in the public file. 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.

(R. Gopalan)
The Designated Authority