

Government of India
Ministry of Commerce & Industry
Directorate General of Anti Dumping and Allied Duties

New Delhi, the 10th February, 2003

INITIATION (SUNSET REVIEW) NOTIFICATION

Subject: Initiation of Sunset Review anti-dumping investigations concerning import of Polystyrene originating in or exported from Korea RP, Japan, Malaysia & Taiwan reg.

No. 14/47/2002-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 thereof recommended imposition of definitive Anti Dumping duty on imports of Polystyrene originating in or exported from Korea, Japan, Malaysia & Taiwan falling under Chapter 39 of the Customs Tariff Act vide Gazette Notification No. 12/2/97/ADD, dated 14.9.1998. The Government of India imposed definitive Anti Dumping Duty vide Notification No. 88/98 Customs dated 17.11.1998.

1. Product Involved: The product considered in the present investigations is polystyrene. Polystyrene is a versatile thermoplastic resin available in wide range of formulations from general purpose crystal and impact grades to highly specialised resins. Polystyrene can be of various forms. However, crystal polystyrene popularly known as General Purpose Polystyrene (GPPS) and impact polystyrene popularly known as High Impact Polystyrene (HIPS) are the subject matter of the present investigation. GPPS is a clear, amorphous polymer and finds application in food packaging, food service items, medical care products, and packaging for audio cassettes, compact discs, and other consumer electronic media. HIPS makes use of polybutadiene elastomers for impact modifications and finds applications in toys, furniture, housewares, food packaging, food service, medical care products, appliances, building materials, consumer electronics, and packaging for electronic media. GPPS and HIPS are different types of polystyrenes and are not substituted with each other. Expansible Polystyrene (popularly known as EPS) classified under custom sub heading 39031100 is beyond the scope of this review investigation.

Polystyrene is classified under custom sub-heading 39 03 of Schedule 1 of the Customs Tariff Act, 1975 and under 39 03 19 of the ITC. The description is, however, indicative only and is in no way binding on the scope of the present investigations.

2. **Initiation:** The Customs Tariff (Amendment) Act, 1995 and the Rules made thereunder, require the Authority to review, from time to time, the need for continuance of Anti Dumping Duty. The Designated Authority considers that the sunset review of the Anti Dumping Duty recommended would be appropriate at this stage under the provision of Section 9A (5) of Customs Tariff (Amendment) Act, 1995. M/s. Polystyrene Producers' Association, Mumbai, has submitted an application for continuance of Anti Dumping Duty on Polystyrene originating in or exported from Korea RP, Japan, Malaysia & Taiwan for a further period of 5 years.

3. **Procedure:** Having decided to review the final findings notified vide No. 12/2/97ADD, dated 14.9.1998, the Authority hereby initiates investigations to review (sunset review) the need for continued imposition of Anti Dumping Duty on imports of Polystyrene originating in or exported from Korea RP, Japan, Malaysia & Taiwan 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.

4. The review covers all aspects of the Notification No.12/2/97/ADD dated 14.9.1998. M/s. Polystyrene Producers' Association, Mumbai represented the domestic industry in the final findings dated 14.9.1998. The Authority proposes to consider the petitioner who constitute the major proportion of the producers in India to represent the domestic industry in accordance with the Rules supra.

5. **Country(ies) Involved:** The countries involved in the present investigations are Korea RP, Japan, Malaysia & Taiwan (referred to as subject countries hereinafter).

6. **Period of Investigation:** The period of investigation for the purpose of the present investigation is 1st January,2002- 31st December,2002 (12 months).

7. **Submission of Information:** The exporters in the subject countries, the importers, and users in India, known to be concerned, are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the **Designated Authority, Ministry of Commerce & Industry, Department of Commerce, Directorate General of Anti-dumping and Allied Duties, Udyog Bhavan, New Delhi-110011**. 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 should be sent in writing so as to reach the Authority at the address mentioned above not later than forty 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 days from the date of letter addressed to them separately. 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 facts available on record in accordance with the Rules supra.

9. 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.

10. 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.

(L. V. SAPTHARISHI)
DESIGNATED AUTHORITY