

Ministry of Commerce & Industry
(Department of Commerce)
(DIRECTORATE GENERAL OF ANTI-DUMPING AND
ALLIED DUTIES)

New Delhi, the 12th October 2004.

Initiation Notification

(Sunset Review)

Subject: Initiation of Sunset Review regarding anti-dumping duty imposed on Polystyrene originating in or exported from Hong Kong, Singapore and Thailand.

No. 14/8/2004-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 imposition of provisional Anti Dumping duty on imports of Polystyrene (hereinafter referred to as subject goods) originating in or exported from Hong Kong, Singapore and Hong Kong (referred to as subject countries) falling under Sub-heading 3903.19. The preliminary findings were published vide Notification No. 33/1/98-DGAD dated 28th September 1999 and provisional duty was imposed on the subject goods vide Customs notification No. 116/99-Customs dated 14th October 1999. The Designated Authority came out with final findings on 8th March 2000 vide No. 33/1/98-DGAD and definitive anti dumping duty was imposed by Customs as per notification No. 42/2000-Customs dated 11th April 2000.

2. Product Under Consideration

The product under consideration is Polystyrene. Polystyrene is a versatile thermoplastic resin available in wide range of formulation from general purposes crystal and impact grades to highly specialized resins. Polystyrene can be of various forms. However, crystal polystyrene popularly known as General Purposes 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 the investigation.

Polystyrene is classified under custom sub-heading 3903 of Schedule 1 of the customs Tariff Act, 1975 and within 390319 of the ITC. The classification is, however, indicative and in no way binding on the scope of the present investigations.

3. Initiation

The Customs Tariff (Amendment) Act 1995 and the rules made there under 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 the Customs Tariff (Amendment) Act, 1995 as amended. M/s. Polystyrene Producers' Association, Mumbai, have filed a petition substantiating the need for sunset review of the antidumping duty imposed on the subject goods originating in or exported from Hong Kong, Singapore and Thailand and have requested to continuation of the anti-dumping duty imposed on subject goods under the above mentioned notifications for a further period of 5 years.

4. Countries Involved:

The countries involved in the present investigations are Hong Kong, Singapore and Thailand (referred to as subject countries hereinafter).

5. Procedure

Having decided to review the final findings notified vide No. 33/1/98-DGAD dated 8th March 2000 and final duty imposed by Notification No 42/2000-Customs dated 11th April 2000, the Authority hereby initiates investigations to review whether cessation of antidumping duty is likely to lead to continuation or recurrence of dumping and injury on imports of polystyrene originating in or exported from subject countries, 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 No.33/1/98-DGAD dated 8th March 2000. M/s. Polystyrene Producers' Association, Mumbai represented the domestic industry in the original investigations. The Authority proposes to consider the

applicant who constitutes the major proportion of the production of the subject goods in India to represent the domestic industry in accordance with the Rules supra.

6. PERIOD OF INVESTIGATION

The period of investigation for the purpose of the present review is 1st April 2003 to 31st March 2004 (12 months).

7. Submission of Information:

The exporters in subject country, their government through their Embassy/High Commission in India, the importers and users in India known to be concerned 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:

The Designated Authority, Ministry of Commerce & Industry, Department of Commerce, Directorate General of Anti-Dumping & Allied Duties, (DGAD), Room No. 243, 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 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 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 Rules supra.

9. Inspection of Public File:

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.

(Abhijit Sengupta)
Designated Authority