

F.No. 15/18/2016 –DGAD (Case No. SSR 05/2017)
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti Dumping & Allied Duties

Dated: 11th January, 2017

INITIATION NOTIFICATION
(Sunset Review)
(Case No. SSR 5/2017)

Subject: Initiation of Sunset Review of Anti-dumping Duty imposed on imports of Cellophane Transparent Film, originating in or exported from China PR.

F. No. 15/18/2016-DGAD (Case No. SSR 5/2017) - Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also referred as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter also referred as the Rules), the Designated Authority (hereinafter also referred to as the Authority) recommended imposition of anti -dumping duty on imports of “Cellophane Transparent Film” (hereinafter also referred to as the subject goods), originating in or exported from China PR.(hereinafter referred to as the subject country).

2. Whereas, the original investigation concerning imports of the subject goods from the subject country was initiated by the Authority vide Notification No. 14/7/2005- DGAD dated 27th September 2005 and preliminary finding was published by the Authority vide Notification No. 14/7/2005-DGAD dated 3rd February 2006. The final finding was published by the Authority vide Notification No.14/7/2005-DGAD dated 28th July 2006 and definitive anti-dumping duty was imposed by the Central Government vide Notification No. 94/2006 - CUS dated 7th September 2006. The First Sunset Review was initiated by the Authority vide Notification No. 15/15/2010- DGAD dated 1st December 2010 and the final findings were published by the Authority vide Notification No. 15/15/2010 dated 30th November 2011 and the definitive Anti-Dumping duty was renewed by the Central Government vide Notification No. 5/2012 – CUS dated 13th January 2012. The anti-dumping duties imposed in this case will expire on 12th January, 2017

3. Based on the examination of the petition filed by the Domestic Industry for the 2nd Sunset Review investigation, Authority came to the conclusion that there is no need to initiate the Sunset Review concerning imports of cellophane transparent film from China PR and accordingly, O.M. dated 26th Dec., 2016 was issued denying the request for Sunset Review. Against the O.M, the Domestic Industry filed the writ petition No. 146/2017 before the Hon'ble High Court of Delhi. The extracts of directions from Hon'ble High Court are reproduced as under:-

“Consequently, a direction is issued to the respondent to – in the course of the day – initiate the Sunset Review in the petitioners’ case. At the same time, the Sunset Review and notification as well as the orders shall carry a stipulation that the proceeding itself would be subject to the final outcome of the writ proceedings.

It is further directed that the question of imposition of Anti-Dumping duty would be in accordance with law.”

In compliance with the above stated directions of the Hon'ble High Court, a sunset review case is hereby initiated with the following details:

The present petition has been filed by M/s Kesoram Rayon (*hereinafter referred to as Petitioner*), on behalf of the domestic industry for the product under consideration.

B. Initiation of Sunset Review

4. Pursuant to the above stated orders of the Hon'ble High Court, the Designated Authority hereby initiates sunset review in accordance with section 9A(5) of the Custom Tariff(Amendment) Act read with Rule 23 of Antidumping Rules.

C. Product under Consideration and Like Article

5. The product under consideration in the present investigation is “Cellophane Transparent Film”. The product is classified under Chapter 39 of the Customs Tariff Act under Customs Sub-heading No. 39207111. However, customs classification is indicative in nature and not binding on the scope of the investigation.

6. Since the proposed investigation is a sunset review investigation, the scope of the product under consideration is the same as that of the previously concluded sunset review investigation.

D. Procedure

7. 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 imposition of the duties is necessary to offset dumping and causing injury.

- i. 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 July 2015 to 30th June 2016. The injury investigation period will however cover the periods April'2012-March'13, April'2013– March'2014, April'2014-March'2015 and the POI
- 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.

While submitting questionnaire response, producer/ exporter may have to demonstrate prevalence of market condition related to manufacture, production and sale of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may clarify and provide sufficient information on the following:

- (a) Decision in regard to price, cost, input including raw material, cost of technology and labor, output, sales and investment, are made in response to market signal reflecting supply and demand and without significant state interference and weather cost of major inputs substantially reflect market value.
- (b) Production costs and financial situation does not suffer from any distortion.
- (c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
- (d) Exchange rate conversions are carried out at the market rate.

E. Submission of Information

8. The known exporters in the subject country, the Government of the subject country through its embassy in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001

9. 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 submit a non-confidential version of the same to be made available to the other parties.

F. Time Limit

10. 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 Notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Anti-dumping Rules.

11. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the date of initiation of this investigation.

G. Submission of information on confidential basis

12. In case confidentiality is claimed on any part of the questionnaire response/submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page and accompanied with soft copies.

13. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies of the confidential version and two (02) copies of the non-confidential version must be submitted by all the interested parties.

14. For information claimed as confidential, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

15. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, parties submitting the confidential information may indicate that such information is not susceptible

to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

16. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.

17. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

H. Inspection of public file

18. In terms of rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidences submitted by other interested parties.

I. Non-cooperation

19. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.



(Dr. Inder Jit Singh)
Additional Secretary & Designated Authority