

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 Bhavan, New Delhi-110011**

Dated the 24th January, 2013

NOTIFICATION

Initiation

(Sunset Review)

Subject: Application for initiation of Sunset Review (SSR) Investigation in respect of imports of Flexible Slabstock Polyol, originating in or exported from USA and Japan.

F.No.15/15/2012-DGAD - Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter 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 referred as the Rules), the Designated Authority (hereinafter referred to as the Authority) recommended imposition of anti-dumping duty on imports of Flexible Slabstock Polyol (hereinafter referred as the subject goods), originating in or exported from USA and Japan (hereinafter referred to as the subject countries).

1) WHEREAS, the original investigation concerning imports of the subject goods from the subject country was initiated by the Authority vide Notification No. 41/1/2001-DGAD dated 21st September, 2001. The Final Findings Notification was issued by the Authority vide notification No. 41/1/2001-DGAD dated 19th September, 2002, recommending imposition of definitive duties. On the basis of the recommendations made by the Authority in the final findings, definitive anti-dumping duty was imposed by the Central Government vide Notifications No. 120/2002-Customs dated 31st October, 2002 on the imports of the of the subject goods, originating in or exported from the subject countries.

2) WHEREAS, the first Sunset Review was initiated by the Authority vide Notification No.15/25/2006-DGAD dated 27th December 2006 and the final findings

recommending continued imposition of anti-dumping duties on the imports of the subject goods from the subject countries was issued by the Authority vide final findings Notification No. 15/25/2006-DGAD dated 26th December 2007, amended vide Notification No. 15/25/2006-DGAD dated 10th January, 2008. The continued imposition of definitive anti-dumping duties on the imports of the subject goods from the subject countries was notified by the Central Government vide Custom's Notification No.15/2008-Customs dated 5th February 2008.

3) Whereas, M/s. Manali Petrochemicals Ltd has filed an application before the Authority in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from the subject countries, and consequent injury and have requested for review, continuation and enhancement of the anti-dumping duties, imposed on the imports of the subject goods, originating in or exported from the subject countries.

Domestic Industry

4) The application for the sunset review has been filed by M/s. Manali Petrochemicals Ltd on behalf of the domestic industry. As claimed by M/s. Manali Petrochemicals Ltd, they are the sole producer of the subject goods in India and therefore constitute the domestic industry within the meaning of the Rules.

Product Under Consideration and Like Article

5) The product under consideration in the present application, as defined in the original investigation as well as the 1st SSR investigation, is Flexible Slabstock Polyol, a polymer. The subject product is a clear viscous liquid of molecular weight 3000-4000, manufactured by polymerization of propylene oxide and ethylene oxide with a triol chain starter. It is a polyether and on reaction with catalysts and additives yields polyurethane foams used in upholstery, mattresses, pillows, bolsters, transport seating and packaging. Flexible Slabstock Polyol is transported in tankers and stored in steel drums.

6) The product under consideration is classified under the category "Plastics and articles thereof" in Chapter 39 of the Customs Tariff Act, 1975 and further under 3907.20 as per Customs Classification. However, Customs classification is indicative only and not binding on the scope of the investigation.

Initiation of Sunset Review

7) In view of the duly substantiated application filed and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the Anti-dumping Rules, the Authority hereby

initiates a sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the subject countries and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Countries involved

8) The countries involved in the subject investigation are USA and Japan.

Period of Investigation

9) The Period of Investigation (POI) for the purpose of the present review is from 1st October, 2011 to 31st September, 2012 (12 months). However, injury analysis shall cover the years 2009-10, 2010-11, 2011-12 and the POI.

Procedure

10) The present sunset review covers all aspects of the final findings of the original investigation vide final findings Notification No. 41/1/2001-DGAD dated 19th September, 2002 and the 1st Sunset Review investigation published vide Notification No. 15/25/2006-DGAD dated 26th December 2007, amended vide Notification No. 15/25/2006-DGAD dated 10th January, 2008, in respect of USA and Japan only.

11) 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

12) The known exporters in the subject countries, the Government of the subject countries through their embassies in India, the importers and users in India known to be concerned with the subject goods 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:

**The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
Room No. 240, Udyog Bhavan, New Delhi-110011.**

13) 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

14) 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.

15) 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.

Submission of information on confidential basis

16) 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.

17) 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 five (05) copies of the non-confidential version must be submitted by all the interested parties.

18) 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.

19) 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.

20) 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.

21) 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.

Inspection of public file:

22) In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

Non-cooperation

23) 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.

(J.S.Deepak)
Designated Authority