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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhavan, New Delhi-110011

Dated the 14th November, 2013

NOTIFICATION
INITIATION

Subject:Sunset Review (SSR) Anti-dumping Investigation concerning imports of Compact Fluorescent lamps (CFL), originating in or exported from China PR

F. No15/22/2013 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 “Compact Fluorescent lamps (CFL)” (hereinafter referred as the subject goods), originating in or exported from ChinaPR and Vietnam.

2. Whereas, the original investigation concerning imports of the subject goods from China PR, Sri Lanka and Vietnam was initiated by the Authority vide notification No. 14/1/2007-DGAD dated 30th August, 2007. The preliminary finding was issued by the Authority on 12th March, 2008, recommending provisional antidumping duty on the imports of Compact Fluorescent lamps (CFL) (hereinafter referred to as subject goods) originating in or exported from China PR and Vietnam. The provisional duties were imposed vide Customs Notification No 126/2008 dated 21st November, 2008. The Authority notified its final findings on 27th February, 2009 recommending definitive antidumping duty on the imports of CFL originating in or exported from China and Vietnam. The definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 55/2009 -Customs, dated 26th May, 2009.
3. Whereas, Electric Lamp and Component Manufacturers’ Association of India have now filed a duly substantiated application before the Authority, on behalf of the domestic industry of the subject goods in India, 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 China PR and consequent injury to the domestic industry 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 China PR.

Domestic Industry

4. The application for the sunset review has been filed by Electric Lamp and Component Manufacturers' Association of India which represents a number of domestic producers of the product under consideration in India. Havells India Ltd, Surya Roshni Limited, Crompton Greaves Limited, Osram India Pvt. Ltd., and NTL Electronics India Ltd (hereinafter referred to as petitioner companies/ petitioner) are domestic producers of the product under consideration who have provided relevant information for the purposes of the present petition. Further, the petition is supported by Cenzer Industries Ltd., Starlite Lighting Ltd., Dixon Technologies India (Pvt) Ltd, Halonix Technologies Limited, HPL Electric & Power Pvt Ltd and Philips Electronics India Limited.
5. It is noted that Havells India Ltd, Surya Roshni Limited, Crompton Greaves Limited and NTL Electronics have certified that there are no imports of the product under consideration by them. The petitioner has stated that Osram India Pvt. Ltd. imported the product under consideration from China. Imports made by Osram are not significant considering its production, Indian production and consumption of the product in India during the period of investigation. The Authority is of the view that the focus of Osram India Pvt. Ltd has not turned to imports and the company is not behaving like an importer trader. The focus of the company continues to be of a producer and do its own production. Having regard to Rule 2(b), the company has been considered as eligible domestic industry within the meaning of the Rules.
6. The Authority further notes that the production of the petitioner companies, viz., Havells India Ltd, Surya Roshni Limited, Crompton Greaves Limited, Osram India Pvt. Ltd., and NTL Electronics along with the supporters viz Cenzer Industries Ltd., Starlite Lighting Ltd., Dixon Technologies India (Pvt) Ltd, Halonix Technologies Limited, HPL Electric & Power Pvt Ltd and Philips Electronics India Limited, during the Period of Investigation (POI) is beyond 50% of Indian production. Further, production of petitioner companies constitutes a major proportion in Indian production. The Authority, therefore, determines that the petitioner companies constitute Domestic Industry within the meaning of the Anti Dumping Rules for the purpose of present investigation.

Product under consideration and Like Article

7. The product under consideration, in the original investigations as well as the present sunset review investigation, is Compact Fluorescent Lamps with or without ballast or control gear or choke, whether or not assembled, either in completely knocked down or semi knocked down conditions, including unassembled Compact Fluorescent Lamps without ballast or choke or control gear, sealed tubular shell with or without lamp base. Finished compact fluorescent lamps are:
 - (i) Integrated type with built in ballast or control gears or choke and
 - (ii) Integrated type without built in control gears or ballast or choke”.

8. The present investigation being a sunset review, the product under consideration remains the same as in the original investigation. However For the present investigation Product under consideration is upto 26 watt .The product is classified under Chapter 85 of the Customs Tariff Act under subheading no. 8539. The Customs classification is, however, indicative only and in no way binding on the scope of the present investigation
9. The petitioner has claimed that the goods produced by the domestic industry are like article to the imported product in terms of parameters such as physical & technical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification.

Initiation of Sunset Review

10. In view of the duly substantiated application filed and in accordance with Section 9A(5) of the Act, read with Rule 23 of the Anti- dumping Rules, the Authority initiates a sunset review investigation to review the need for continued imposition of anti dumping duties in force in respect of the subject goods, originating in or exported from the China PR 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.

Country involved

11. The petition is filed for the review, continuation and enhancement of the quantum of anti-dumping duty in force on imports of CFL from China PR. These imports are currently subject to definitive anti-dumping duties imposed vide Ministry of Finance Notification No. 55/2009-Customs dated 26th May, 2009.

Period of Investigation

12. The Period of Investigation (POI) for the purpose of the present review is from 1st April, 2012 to 31st March, 2013 (12 months). However, injury analysis shall cover the periods April, 2009-March, 2010, April, 2010-March, 2011, April, 2011-March, 2012 and the POI.

Procedure

13. The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No. 14/1/2007-DGAD dated 27th February, 2009.
14. 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

15. 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:

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.

16. 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.

Time Limit

17. 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 findings on the basis of the facts available on record in accordance with the Anti-dumping Rules.
18. 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

19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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:

25. 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

26. 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