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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 18th September, 2012

NOTIFICATION

Initiation

(Sunset Review)

Subject: Sunset Review (SSR) of anti-dumping duty imposed on the imports of Presensitised Positive Offset Aluminum Plates/PS Plates, originating in or exported from China PR.

15/11/2012-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);

1. Whereas, the original investigation concerning imports of Presensitised Positive Offset Aluminum Plates/PS Plates (hereinafter referred to as the subject goods), originating in or exported from Bulgaria, China PR, Malaysia, Singapore and South Korea, was initiated by the Designated Authority (hereinafter referred to as the Authority) vide Notification No. 14/6/2006-DGA dated 24th August, 2006. The Final Findings Notification was issued by the Authority vide notification No. 14/6/2006-DGA dated 23.08.2007, recommending imposition of definitive anti-dumping duty on reference price basis, on the imports of Presensitised Positive Offset Aluminum Plates (thickness ranging from 0.15 mm to 0.40 mm with a variation of 0.03 mm on either side), originating in or exported China PR, Bulgaria, Malaysia, Singapore and Korea RP. On the basis of the recommendations made by the Authority in the final findings, definitive anti-dumping duty on reference price basis was imposed by the Central Government vide Notification No. 108/2007-Customs dated 25.09.2007 on the imports of Presensitised Positive Offset

Aluminum Plates (thickness ranging from 0.15 mm to 0.40 mm with a variation of 0.03 mm on either side), originating in or exported from China PR, Bulgaria, Malaysia, Singapore and Korea RP.

2. Whereas, appeals were filed before Hon'ble CESTAT by M/s Technova Imaging Systems (P) Ltd. and M/s Stovec Industries Limited, challenging the imposition of anti-dumping duty on imports of PS Plates on the reference price basis, and M/s. Allied Enterprises challenging the imposition of Anti-dumping duty vide Customs Notification No 108 /2007-Customs dated 25th September 2007. The Hon'ble CESTAT vide its order No. AD/31-51/2011 dated 11th August 2011 remanded the matter back to Designated Authority. In compliance with the orders dated 11th August, 2011 by the Hon'ble CESTAT, the Authority vide its post decisional findings issued vide Notification No.14/6/2006-DGAD dated 9th February, 2012, re-affirmed its original findings issued vide Notification No. 14/6/2006-DGAD dated 23rd August 2007 and the recommendations made therein. The Authority also filed appeal before the Hon'ble Supreme Court challenging the orders of the CESTAT, which is pending.
3. Whereas, M/s. Kodak (China) Graphic Communications Company Ltd. (Producer/ Exporter from China PR) filed an application for a New Shipper Review under Rule 22 of Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, and requested the Designated Authority to initiate a New Shipper Review of the anti dumping duty levied vide Customs Notification No. 108/2007 dated 25th September, 2007, on imports of Pre-sensitized Positive Offset Aluminium Plates originating in or exported from China PR, pursuant to the Final Findings dated 23rd August, 2007 issued by the Designated Authority. The Authority vide its NSR Findings issued vide Notification No.15/13/2009-DGAD dated 23rd February, 2012 , concluded that the M/s Kodak (China) Graphic Communications Company Ltd., China PR, cannot be treated as a New Shipper under Rule 22 of the Anti Dumping Rules and is, therefore, not entitled to individual dumping margin.
4. Whereas, M/s Techhova Imaging Systems (P) Ltd and M/s Lastra Niraj Pvt Ltd have filed an application before the Authority, on behalf of the producers of the subject goods in India, alleging dumping/likelihood of dumping of the subject goods originating in or exported from Bulgaria,

China PR, Malaysia, Singapore and South Korea and requesting for review, continuation and enhancement of the anti-dumping duties imposed on the imports of the subject goods originating in or exported from Bulgaria, China PR, Malaysia, Singapore and South Korea. They have also requested for a change in the form of duty from reference price to fixed form.

5. Whereas, as far as China PR is concerned, preliminary scrutiny of the application prima facie shows that the dumping of the subject goods has not ceased despite imposition of the anti-dumping measures, no substantive evidence has been furnished by the applicant proving dumping, injury and causal link or likelihood of dumping and injury on account of imports from Bulgaria, Malaysia, South Korea, and Singapore.
6. Whereas, the applicant informed vide their letter dated 5th September, 2012 that:
 - a) Since the plant in Bulgaria has been shut down, the Authority is requested not to initiate the sunset review in respect of Bulgaria as it would not serve any purpose.
 - b) If the Authority considers that it is not appropriate to initiate the sunset review against Malaysia, South Korea and Singapore, the Authority is requested to initiate the investigation against China PR.
7. In view of the above position, the Authority initiates sunset review investigation in respect of the imports of the subject goods, originating in or exported from China PR (hereinafter referred to as the subject country).

Domestic Industry

8. The application for the sunset review has been filed by M/s. Techhova Imaging Systems (P) Ltd and M/s Lastra Niraj Pvt Ltd on behalf of the domestic industry. As per the information available, the applicants prima facie account for a major proportion of Indian production of the subject goods and therefore constitute the domestic industry within the meaning of the Rules.

Product under consideration and Like Article

9. In the final findings issued by the Authority vide Notification No. 14/6/2006-DGA dated 23.08.2007, the Authority had defined the product under consideration and observed as under:

“5. The product under consideration in the present investigation is Pre-sensitized Positive Offset Aluminum plates (also referred to as “PS Plates” or subject goods). The subject goods is primarily used in the printing establishments. There are various kinds of Aluminium Offset Plates, designed to suit the quality, speed & cost requirements of the users, and the imaging technology available to them e.g. Non-sensitised Grained Plates; Pre-sensitised Plates (Positive or Negative working); Digital Plates (Thermal or Violet or UV sensitive). The thickness of the subject goods ranges between 0.15 mm to 0.40mm. The present application covers PS PLATES of all types of thickness ranging from 0.15 mm to 0.40mm with a variation of 0.03mm on either side.”

6. PS Plates serve as an image-carrier on an offset printing machine, and is the final link in the lithographic offset printing process. It is used by the printing Industry on sheet-fed & web-fed offset printing machines for printing of newspapers, flexible packaging materials, books, general commercial printing, and stationary, business forms. The subject goods are manufactured from coils or sheets of “litho-grade” Aluminium by electro-chemically treating the surface, followed by photo-sensitive coating, drying, and cutting the sheets to required dimensions. The subject goods falls under Chapter 84 of the Custom Tariff Act, 1975. While the classification of the PS plates at the eight digit level is 84425020, the subject goods are reported to have been imported under sub-headings 37013000, 37040090, 37051000, 76069190, and 76069290 as well. However, the Customs classification is indicative only and is in no way binding on the scope of the present investigation. Subsequent to the initiation, various interested parties have submitted that scope of the product under consideration should be clarified so that it does not include other products like negative plates and digital plates. The Authority has examined the contention of other interested parties and it holds that product under consideration does not cover negative plates and digital plates,, negative offset plates and all plates other than “Pre-sensitized Positive Offset Aluminum plates with thickness ranging from 0.15 mm to 0.40mm with a variation of 0.03mm on either side” are outside the scope of the investigation.”

10. The present investigation being a sunset review, the Authority notes that the definition and scope of the product under consideration remains the same as that in the original investigation. As per the Duty table in the Notification No. 108/2007-Customs dated 25.09.2007, the product has been classified under chapter 37, 76 or 84 of the Customs Tariff Act. However, the Customs Classification is indicative only and not binding on the scope of the investigation.

Initiation of Sunset Review

11. 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 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

12. The country involved in the subject investigation is China PR.

Period of Investigation

13. The Period of Investigation (POI) for the purpose of the present review is from 1st April, 2011 to 31st March, 2012 (12 months). However, injury analysis shall cover the years 2007-08, 2008-09, 2009-10 and the POI.

Procedure

14. The present sunset review covers all aspects of the findings published vide Notification No. 14/6/2006-DGAD dated 23rd August, 2007 and 9th February, 2012, as far as the subject country (China PR) is concerned.
15. 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

16. The known exporters in the subject country, the Government of the subject country through their Embassy, 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.**

17. 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

18. 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.
19. 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

20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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:

26. 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

27. 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.

(Vijaylaxmi Joshi)
Designated Authority