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SECTION-1

Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Anti Dumping & Allied Duties)

Dated the 26th July, 2010

**Initiation Notification  
(Sunset Review)**

**Subject: Initiation of Sunset Review of anti-dumping duty imposed against Certain Rubber Chemicals (MBTS) originating in or exported from China PR.**

**F.No. 15/9/2010- DGAD** .Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (hereinafter referred to as the Authority) recommended imposition of Anti Dumping Duty on imports of Certain Rubber Chemicals (MBTS) (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country). The final findings notification of the Authority was published vide notification No 14/9/2004-DGAD dated 6th July 2005. On the basis of the findings, definitive anti dumping duties on the subject goods imported from the subject country were imposed by the Central Government vide notification No. 87/2005 -Customs dated 27.09.2005.

**2. Initiation of Sunset Review**

WHEREAS in terms of Section 9A(5) of the Customs Tariff (Amendment) Act 1995 the antidumping duties imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In this regard, Hon'ble Delhi High Court in WP No 16893 of 2006 held that sunset review is mandatory. Therefore, pursuant to the above orders of the Hon'ble High Court, the Designated Authority hereby initiates sunset review in accordance with section 9A(5) of the Act read with Rule 23 of Antidumping Rules to examine whether cessation of the duty would lead to continuation or recurrence of dumping and injury.

**3. Product under Consideration**

The Product under Consideration is a specific rubber chemical used in manufacture of rubber products, i.e. MBTS. 'MBTS' is manufactured by oxidation of sodium salt of MBT using suitable oxidizing agents. The products are mainly used in automotive tyres and tubes industry and also in conveyor belting and footwear industry amongst others. Other rubber chemicals used in various other uses are not covered within scope of the product under consideration.

The Authority had previously determined that there is no dedicated ITC HS Classification for the subject goods and product under consideration were imported under various subheadings of customs, which includes 38.12.10, 38.12.20 and 38.12.30, 29.34.20 and 29.25.20 (at six digit levels) of the Customs Tariff Act. The said customs classifications are only indicative and are in no way binding on the scope of the present investigation.

#### **4. Country Involved**

The country involved in the present investigation is People's Republic of China (also referred to as China PR).

#### **5. Period of Investigation**

The Period of Investigation (POI) for purpose of the present Sunset Review is April 1, 2009 to March 31, 2010 (12 Months). However, the period for injury analysis shall cover the years 2006-2007, 2007-2008, 2008-2009 & the POI.

#### **6. Procedure**

I) Having decided to review the final findings issued vide Notification No. 14/9/2004 DGAD dated 6th July, 2005 and final duty imposed vide Customs Notification No. 87/2005 dated 27th September, 2005, the Authority hereby initiates investigation to review the need for continued imposition of the duties in force and to examine whether cessation of Anti Dumping duty is likely to lead to continuation or recurrence of Dumping and injury on imports of the subject goods originating in or exported from subject country in accordance with the Act and the AD Rules. The review covers all aspects of Notification No. 14/9/2004 DGAD dated 6th July, 2005 (final findings of the original investigation).

#### **II) Submission of Information**

The Domestic industry is required to submit information on prescribed pro forma (Application for Domestic industry) and information on likelihood of continuance or recurrence of dumping and injury or both substantiating the need for continuation of duty within forty days (40 days ) of issue of this notification.

The exporters in subject country, their government through their Embassy in India, the importers and users in India known to be concerned would be addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority in the following address:

The Designated Authority  
Directorate General of Anti-Dumping and Allied Duties  
Ministry of Commerce and Industry  
Department of Commerce  
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. 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.

#### **III) Time Limit**

On receipt of information from domestic industry, all interested parties, whose addresses are available, would be advised through a letter to offer their comments in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of issuance of such letter. Any other interested party, whose address is not available, may also submit comments/information within 40 days from date of this notification. For this purpose non confidential version of

the application would be placed in the public file. 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.

#### **IV) Inspection of Public File:**

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

(P.K.Chaudhery)

Designated Authority