

To be published in Part-I Section I of the Gazette of India Extraordinary

FILE NO. 15/18/2014-DGAD
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF ANTI-DUMPING & ALLIED DUTIES
4th Floor, Jeewan Tara Building, 5, Parliament Street, New Delhi

Date: 28. 07. 2015

Termination Notification

Subject:-Termination of Sunset Review anti dumping investigation concerning imports of Flexible Slabstock Polyol originating in or exported from China PR, Korea RP and Chinese Taipei.

15/18/2014-DGAD –Whereas, in accordance with the Customs Tariff Act, 1975 as amended from time to time (herein after referred to 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 (herein after referred to as the Rules), the Designated Authority (herein after referred to as the Authority) vide its Final Findings Notification No 15/19/2008 dated 22.07.2009, had recommended in a sunset review investigation, the imposition of anti-dumping duties on the imports of Flexible Slabstock Polyol (hereinafter referred to as the subject goods or Product Under Consideration or FPS), originating in or exported from China PR, Korea RP and Chinese Taipei (herein after referred to as the subject countries) and the duties were levied by the Ministry of Finance vide Customs Notification No.89/2009-Customs dated 31.08.2009.

2. Whereas, in terms of the Customs Tariff Act, the antidumping duty imposed shall unless revoked earlier cease to have effect on the expiry of five years from the date of such imposition. And, notwithstanding the above provision, the Authority is required to review, on the basis of a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to the date of the expiry of the measure, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

Request for Review

3. And whereas, in terms of the above provision, Manali Petrochemicals Limited filed a duly substantiated petition before the Authority alleging continued dumping of the subject goods originating in or exported from the subject countries in spite of duties in force and requested the Authority for initiation of second sunset review of the anti dumping duties levied by the Central Government on the subject goods originating in or exported from these countries vide Customs Notification No.89/2009-Customs dated 31.08.2009 and continuation of the same. The request was based on the grounds that dumping had continued in spite of imposition of

antidumping duty on the import of the subject goods from the subject countries and the domestic industry continued to suffer injury on account of dumping from the subject countries as the form and quantum of anti dumping duty in force had been insufficient. The applicant had further argued that expiry of the measure against the subject countries would be likely to result in continuation or recurrence of dumping and injury to the domestic industry. The applicant also claimed that revocation of anti-dumping measures would result in intensified injury to the domestic industry and, therefore, the duty was required to be continued for a further period of five years.

4. And, the Authority, on the basis of prime facie evidence of dumping of the subject goods from the subject countries and likely injury to the domestic industry, considered that initiation of sunset review proceedings for the antidumping duties in force would be appropriate to examine the need for continuation of such duties to offset dumping from the subject countries and to examine as to whether the injury to the domestic industry is likely to continue or recur if the duties were removed or varied from the subject countries. The Authority, initiated the sunset review anti dumping investigation concerning imports of the subject goods originating in or exported from the subject countries vide Initiation Notification No. 15/18/2014-DGAD dated 28th August, 2014. The existing duty was extended by the Central Government vide notification no. 42/2014-Customs (ADD) dated 25th September, 2014 upto 30th August, 2015, unless revoked earlier.

Subsequent Events after Initiation

5. M/s Manali Petrochemicals Ltd, the domestic industry, submitted letter to the Authority through their authorized legal representative stating that the situation with regard to the imports of the subject goods originating in or exported from the subject countries has undergone significant changes since the initiation of the sunset review investigation; that the majority of the imports of the subject goods during the period of investigation in the present sunset review were coming from Singapore and EU against which the Central Government has already imposed anti dumping duty vide its Notification dated 7th April, 2015; that even during the post-POI period in the present investigation, the majority of the imports of the subject goods were still coming from Singapore and EU; that during the same period there were no imports of the subject goods from the subject countries and, therefore, they would like to withdraw their application of sunset review for extension of the duties.

Conclusions and Recommendations

6. In view of the said letter of the domestic industry informing the Authority that they would like to withdraw their application of sunset review for extension of the duties in respect of the imports of the subject goods originating in or exported from the subject countries and after examining the matter, the Authority holds that there is no need for further investigation in the present sunset review and recommends discontinuation of anti dumping duty on the imports of Flexible Slabstock Polyol, originating in or exported from the subject countries as recommended by the Authority in the Final Findings issued vide Notification No 15/19/2008-

DGAD dated 22nd July, 2009 and imposed by the Central Government vide Customs Notification No. 89/2009-Customs dated 31st August, 2009 and further extended by the Central Government up to 30th August, 2015 vide Notification No 42/2014-Customs (ADD) dated 25th September, 2014.

J K Dadoo
Designated Authority