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Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping & Allied Duties
Udyog Bhavan

NOTIFICATION

New Delhi

Dated the 18th December, 2009.

FINDINGS

Subject: Sunset Review Anti-Dumping Investigation concerning imports of Thermal Sensitive Paper originating in and exported from Indonesia, Malaysia and UAE.

No.15/4/2009-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, thereof, the Designated Authority(hereinafter also referred to as Authority), under the above Rules, had initiated a Sunset Review investigation vide Notification dated 27.10.2009 into the alleged dumping of imports of Thermal Sensitive Paper originating in or exported from Indonesia, Malaysia and UAE. The Sunset Review investigation was initiated basing on the orders of the Delhi High Court in WP No.16893 of 2006 to examine the likelihood of continuance or recurrence of dumping and injury on imports of Thermal Sensitive Paper originating in or exported from Indonesia, Malaysia and UAE.

2. The Central Government vide Notification No. 35/2005-Customs dated 13.04,2005 had notified the imposition of definitive Anti-Dumping Duty on the imports Thermal Sensitive Paper originating in or exported from Indonesia, Malaysia and UAE. Although the Anti-Dumping Duty imposed by the Central Government vide the above notification is due for expiry on 12.04.2010 , the Domestic Industries have not applied for a Sunset Review of the Anti-Dumping Duty as per the rules.

3. The domestic industries were requested vide letter dated 09.11.2009, enclosing a copy of the sunset review investigation initiation notification dated 27.10.2009 and application pro-forma, to submit relevant information in the form and manner prescribed and to make their views known to the Authority relating to the present review and were allowed forty days (40 days) time from the date of issue of the initiation notification to submit the information related to the case. It was also made clear therein that 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.

4. Section 9A(5) of the Customs Tariff Act provides that the anti-dumping duty imposed shall, cease to have effect on the expiry of five years from the date of such imposition, provided that the Central Government, in a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury. In the instant case, none of the Domestic Industries have submitted the required information in 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 anti-dumping duty, within 40(Forty) days of the issue of the Initiation Notification. Since there is no information on record to establish that the cessation of the present duty is likely to lead to continuation or recurrence of dumping and injury, the Authority is not in a position to assess and justify the appropriateness of recommending extension of the anti dumping duties earlier imposed.

5. In view of the above, the Authority recommends that the anti-dumping duties on the imports of Thermal Sensitive Paper, originating in or exported from Indonesia, Malaysia and UAE, imposed by the Central Government vide Notification No. 35/2005-Customs dated 13.04,2005 may not be extended further. All proceedings connected with this investigation are hereby terminated.

R. Gopalan
Designated Authority