

MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE
(DIRECTORATE GENERAL OF ANTI-DUMPING AND
ALLIED DUTIES)
UDYOG BHAWAN, NEW DELHI

NEW SHIPPER REVIEW INITIATION NOTIFICATION

Dated 18th February 2005

Subject:- Initiation of New Shipper Review (under Rule 22) of Anti-Dumping duty imposed on imports of Vitrified/Porcelain Tiles requested by M/s. Foshan Chan Cheng Jin Yi Ceramic Company Ltd., China PR(Producer) with M/s. Joyson Ceramic Materials Company Ltd., China PR (Exporter) through M/s. Able Ace (M) Sdn Bhd, Malaysia (Exporter).

No.15/30/2004-DGAD. M/s. Foshan Chan Cheng Jin Yi Ceramic Company Ltd., China PR(Producer) with M/s. Joyson Ceramic Materials Company Ltd., China PR (exporter) through M/s. Able Ace (M) Sdn Bhd, Malaysia (Exporter) has filed an application in accordance with the Customs Tariff Act, 1975 as amended and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping duty on Dumped Articles and for Determination of Injury) Rules, 1995 before the Designated Authority (hereinafter referred to as the Authority) requesting for a review of the Anti-Dumping duty recommended by the Designated Authority on exports of Vitrified /Porcelain Tiles (hereinafter referred to as subject goods) from China PR in the earlier case of Anti-Dumping investigation where Government has notified the Anti-Dumping duty vide Notification No.50/2002-Customs dated 2.5.2002 falling under Chapter 69 of Customs Tariff Act.

2. The Authority had notified the preliminary findings concerning imports of vitrified/porcelain tiles from China PR and UAE vide Notification No.37/1/2001-DGAD dated 3rd December 2001 and provisional Anti-Dumping duty was imposed by the Central Government vide Notification No. 50/2002-Customs dated 2nd May, 2002. Final finding were issued vide notification No. 37/1/2001-DGAD dated 5th February, 2003 and definitive duty was imposed vide Notification No 73/2003 Customs dated 1st May, 2003.

EXPORTER INVOLVED:

3. The present investigations relate to an application filed concerning exports of Vitrified/Porcelain Tiles by M/s. Foshan Chan Cheng Jin Yi Ceramic Company Ltd., China PR (Producer) with M/s. Joyson Ceramic Materials Company Ltd., China PR (exporter) through M/s. Able Ace (M) Sdn Bhd, Malaysia (Exporter) in accordance with the Customs Tariff Act, 1975 as amended.

INITIATION OF REVIEW IN RESPECT OF NEW EXPORTER:

4. The Customs Tariff (Amendment) Act, 1995 and the Rules made there under require the Authority to review for the purpose of determining individual margin of dumping for any exporter or producer in the exporting country in question who has not exported the subject goods to India during the period of investigation of the earlier case of Anti-Dumping investigation concerning imports of Vitrified/Porcelain Tiles from China PR and applicant is able to show that they are not related to any of the exporters and producers in the exporting country who are subjected to anti-dumping duty.

5. The Authority having been prima facie satisfied with the conditions as prescribed under Rule 22 of Anti-Dumping Rules, decides to review the Anti-Dumping duty imposed by the Central Government in pursuance to the recommendations made by the Authority vide Notification No. 37/1/2001-DGAD dated 5.2.2003, and having regard to Notification No. 73/2003 Customs dated 1.5.2003, as requested by M/s. Foshan Chan Cheng Jin Yi Ceramic Company Ltd., China PR (Producer) with M/s. Joyson Ceramic Materials Company Ltd., China PR (exporter) through M/s. Able Ace (M) Sdn Bhd, Malaysia (Exporter).

6. Having decided to initiate New Shipper review the final findings notified vide Notification No.37/1/2001-DGAD dated 4th February, 2003 needs to be reviewed with regard to import of Vitrified/Porcelain Tiles from PR China, the Authority hereby initiates investigations to determine separate dumping margin in respect of M/s. Foshan Chan Cheng Jin Yi Ceramic Company Ltd., China PR (Producer) with M/s. Joyson Ceramic Materials Company Ltd., China PR (exporter) through M/s. Able Ace (M) Sdn Bhd, Malaysia (Exporter) in accordance with Rule 22 of the AD Rules.

7. The Authority recommends provisional assessment on all exports of vitrified/porcelain tiles made by M/s. Foshan Chan Cheng Jin Yi Ceramic Company Ltd., China PR (Producer) with M/s. Joyson Ceramic Materials Company Ltd., China PR (exporter) through M/s. Able Ace (M) Sdn Bhd, Malaysia (Exporter) of subject

goods, till this review is completed, in accordance with the Rule 22 of the AD Rules and having regard to Notification No. 73/2003 Customs dated 1.5.2003

PERIOD OF INVESTIGATION:

8. The period of investigation for the purpose of the present review is **1st April 2005 to 30th September 2005 (6 months)**.

SUBMISSION OF INFORMATION:

9. The interested parties are being informed separately to enable them to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority, Room No. 240, Government of India, Ministry of Commerce & Industry, Department of Commerce, Directorate General of Anti Dumping & Allied Duties, Udyog Bhavan, New Delhi-110011. Any other interested party may also make its submissions relevant to the investigation to the above Authority in the prescribed form and manner within the time limit set out below.

TIME LIMIT:

10. All information relating to this review should be sent in writing so as to reach the Authority at the above address not later than forty days from the date of completion of period of investigation. 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 before the Authority in accordance with the Rules Supra.

INSPECTION OF PUBLIC FILE:

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

12. All interested parties shall provide a Confidential summary in terms of Rule 7(2), for the Confidential information provided as per Rule 7(1) of the rules Supra.

13. In case where as 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 such recommendations to the Central Government as deemed fit.

(Christy Fernandez)
Designated Authority