

**TO BE PUBLISHED IN THE GAZETTE OF INDIA – EXTRAORDINARY-
PART-I, SECTION-1**

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

March 31, 2009

Initiation Notification

(Sunset Review)

Subject: Sunset Review of Anti-Dumping imposed on import of Styrene Butadiene Rubber (SBR) 1900 series originating in or exported from Japan, Korea RP and USA.

No.15/25/2008--DGAD Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred to as the AD Rules), the definitive anti-dumping duty was extended vide notification No.100/2004-Customs, dated the 28th September 2004 on import of Styrene Butadiene Rubber (SBR) 1900 series (hereinafter referred to as the subject goods) originating in or exported from Japan, Korea RP and USA (hereinafter referred to as the subject countries).

2. Product under consideration

The product under investigation in the original investigation was all grades of Styrene Butadiene Rubber (SBR) classified under customs heading nos. 3903.90 and 4002.19 of the Customs Tariff Act, 1975 originating in or exported from Japan, Korea RP and USA. The original investigation concluded vide notification dated 2/6/99 recommended duty on SBR 1500, 1700 & 1900 series. However, scope of duty was restricted to SBR 1900 series vide mid-term review notification dated 3rd July 2001 and was retained so in the first sunset review investigation. Thus, the product under investigation in this sunset review investigation remains the same, viz. all grades of Styrene Butadiene Rubber (SBR) 1900 series.

The classification is, however, indicative only and in no way binding on the scope of the present sunset review investigation.

3. Initiation:

In view of the order of the Hon'ble Delhi High court in the matter of *Indian Metal and Ferro Alloys Ltd V/s Designated Authority*, Writ Petition (Civil) No. 16893 of 2006 and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the AD Rules, the Authority hereby initiates a sunset review investigation to review the need for continued imposition of duties in force and to examine whether the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury.

4. Countries involved:

The countries involved in this investigation are Japan, Korea RP and USA.

5. Period of Investigation:

The Period of Investigation (POI) for the purpose of the present review is 1st April 2008 to 31st March 2009 (12 months). However, injury analysis shall cover the years 2005-06, 2006-07, 2007-08 & POI. The data beyond POI may also be examined to determine likelihood of dumping and injury.

6. Procedure:

Having decided to review the First Sunset review findings issued vide Notification No. 15/5/2003--DGAD dated 27th July 2004 and the duty extended vide Customs Notification No.100/2004 dated 28th September 2004; the Authority hereby initiates this investigation to review the need for continued imposition of 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 subject goods originating in or exported from subject countries in accordance with the Act and the AD Rules. The review covers all aspects of Notification No. 15/5/2003--DGAD dated 27th July 2004 (First Sunset Review findings).

7. Submission of Information:

The exporters in subject countries, the governments of subject countries through its embassies in India, the importers and users in India known to be concerned with the product and the domestic industry, 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:

**Government of India
Ministry of Commerce and Industry**

Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Room No.240, Udyog Bhavan,
New Delhi-110107.

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.

8. Time Limit:

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 Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

9. Submission of information on Non-confidential basis:

All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7 (2), for the confidential information provided as per Rule 7 (1) of the Rules supra. The non-confidential version or non-confidential summary of the confidential information should be in sufficient detail to provide a meaningful understanding of the information to the other interested parties. If in the opinion of the party providing such information, such information is not susceptible to summary; a statement of reasons thereof is required to be provided.

Notwithstanding anything contained in para above, 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 authorise its disclosure in a generalised or summary form, it may disregard such information.

10. Inspection of public file:

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.

11. Non-cooperation

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 record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

(R. Gopalan)

Designated Authority