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F.No.15/17/2008-DGAD  
Government of India  
Ministry of Commerce & Industry  
Department Of Commerce  
(Directorate General of Anti-Dumping & Allied Duties)  
Udyog Bhawan, New Delhi

Dated the 14<sup>th</sup> August, 2008

**INITIATION NOTIFICATION (SUNSET REVIEW)**

**Subject: Sunset Review of Anti-Dumping Duty imposed against import of Sun/Dust Control Polyester Film originating in or exported from Taiwan & UAE.**

No. 15/17/2008-DGAD: Whereas the Designated Authority, 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, recommended imposition of provisional Anti-Dumping Duty vide Notification No. 14/53/2002-DGAD dated 25th July, 2003 and such provisional duty was imposed by the Government of India vide Customs Notification No.133/2003 dated 26th August, 2003. The Authority issued its Final Findings recommending imposition of definitive Anti Dumping Duty on imports of Sun/Dust Control Polyester Film (hereinafter referred to as subject goods) originating in or exported from Taiwan & UAE (hereinafter referred as subject countries). vide Final Findings Notification No. 14/53/2002-DGAD dated 30.7.2004 and such definitive duty was imposed by the Government of India vide Customs Notification No. 101/2004-Customs Dated 29.9.2004.

**2. Product under consideration & Like Article**

The product under investigation in the present case is Specialty Polyester Film i.e. Sun/Dust Control Polyester Film originating in or exported from Taiwan & UAE. Sun / Dust Control Polyester Film is applied to the inner side of the glass windows. Its main function is to reduce the solar heat glare, ultra violet light and glare that normally would enter through the windows. This film also provides increased shatter resistance. The Sun / Dust Control Polyester Film is classified under Customs Tariff Heading 39 20 69 under Chapter 39 of the Customs Tariff Act, 1975, and 39.20.69.04 under Indian Custom Tariff Classification. The Classification is however indicative only and in no way binding on the scope of the present investigations. The present

investigation is a review investigation and the product under consideration remains the same as has been defined in the original investigation. Furthermore, there is no claim of significant development or change in the product during the period thereafter. The petitioner has claimed that goods produced by it are like articles to the goods originating in or exported from the subject countries. Goods produced by the petitioner are being treated as Like Articles to the goods imported from the subject countries/territories within the meaning of the Rules.

### **3. Request for Review and Initiation.**

And whereas in terms of the Customs Tariff (Amendment) Act, 1995 the Anti Dumping Duty imposed shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition.

AND WHEREAS the Rules supra require the Authority to review from time to time, the need for continued imposition of Anti Dumping Duty and if it is satisfied, on the basis of information received by it that there is no justification for continued imposition of such duty, the authority may recommend to the Central Government for its withdrawal. Notwithstanding the above provisions, 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, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

In terms of the above provisions, the present application has been filed by M/s. Garware Polyesters Limited, Mumbai (hereinafter referred to as applicant) on behalf of the domestic industry. It has been claimed by the applicant that they represent 100% of the production of subject goods in the Country, as they are the sole producer of the subject goods in India. As a response to the alert letter, the applicant has filed an application requesting review investigations for continuation of the anti-dumping duty imposed on the subject goods originating in or exported from Taiwan & UAE. In their application, the petitioner has claimed that dumping and injury is likely to continue or recur in the event of revocation of anti dumping duty. It has been claimed that dumping has continued and is likely to intensify in the event of revocation of anti dumping duty. With regard to injury, it has been claimed that even though performance of the domestic industry has improved, the situation continues to be fragile and injury to the domestic industry is likely to intensify in the event of revocation of anti dumping duties. The applicant has requested for continuation of the anti-dumping duty imposed on subject goods from subject countries for a further period of 5 (five) years.

On the basis of examination of the application, the Designated Authority considers that the Sunset Review of the Anti-Dumping Duty in force would be appropriate at this stage under the provisions of Section 9A of the Customs Tariff (Amendment) Act, 1995, as amended, to investigate the claim of the applicant about recurrence of dumping and consequential injury to the Domestic Industry in case of cessation of Anti Dumping Duty in place.

#### **4. Countries Involved:**

The countries involved in the present investigations are Taiwan & UAE (also referred to as subject countries hereinafter).

#### **5. Procedure:**

Having decided to review the Final Findings issued vide Notification No. 14/53/2002-DGAD Dated 30.7.2004 and final duty imposed vide Notification No 101/2004-Customs dated 29.9.2004, the Authority hereby initiates investigations to review whether cessation of anti dumping duty is likely to lead to continuation or recurrence of dumping and injury with regard to imports of subject goods originating in or exported from subject countries, in accordance with the Customs Tariff (Amendment) 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 review covers all aspects of Initiation Notification No. 14/53/2002-DGAD dated 3rd March, 2003 and the Final Findings of the original investigations. The Authority proposes to consider applicant as mentioned in paragraph 3 above as domestic industry in accordance with the Rules supra as they represent 100 per cent of the production of the subject goods.

#### **6. Period on Investigation (POI):**

The Period of Investigation (POI) for the purpose of the present review is from 1.4.2007 to 31.3.2008 (12 months). The period for injury examination would however include POI and three years prior to the POI, i.e. April 2004-March 2005, April 2005-March 2006 and April 2006-March 2007.

#### **7. Submission for information**

The exporters in the subject countries, the Government of the subject countries through their Embassies in India and 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 Designated Authority at the following address:

Government of India  
Ministry of Commerce & Industry  
Directorate General of Anti-Dumping & 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.

As per Rule 6(5) of Rule supra, the Designated Authority is also providing opportunity to the industrial users of the article under investigation, and to representative consumer organizations who can furnish information which is relevant to the investigation regarding dumping, injury and causality. Any other interested party may also make its submissions relevant to the investigation 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:**

In terms of Rule 7, the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and 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.

#### **10. Inspection of public file:**

Any interested party may inspect the public file containing Non-Confidential Version of the evidence submitted by other interested parties in terms of Rule 6 (7). In case 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.

**(R. Gopalan)**  
**Designated Authority**