

Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 27th October, 2009

NOTIFICATION

Initiation

(Sunset Review)

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

F.No. 15/4/2009-DGAD Having regard to the Customs Tariff Act, 1975 (as amended) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (hereinafter referred to as Authority) recommended imposition of Anti Dumping Duty on imports of Thermal Sensitive Paper (hereinafter referred to as subject goods) originating in or exported from Indonesia, Malaysia and UAE (hereinafter referred to as subject countries). The Final Findings notification of the Authority was published vide notification No. 14/24/2003-DGAD, dated 27.1.2005. On the basis of the final findings, definitive anti dumping duties were imposed by the Central Government, on the subject goods imported from the subject countries, vide Customs Notification No.35/2005 dated 13.4.2005. M/s Shree Krishna Paper Mills & Industries Ltd, New Delhi was the applicant Domestic Industry during the original investigation.

2. Initiation of Sunset Review

WHEREAS in terms of Section 9A(5) 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 the Authority is required to review, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In this regard, Hon'ble Delhi

High Court in WP No 16893 of 2006 held that sunset review is mandatory, therefore, the Designated Authority hereby initiates sunset review in accordance with section 9A(5) of the Act read with Rule 23 of Antidumping Rules to examine whether cessation of the duty would lead to continuation or recurrence of dumping and injury.

5. Product under Consideration

Product under consideration in the sunset review is same as was described in the original investigation i.e. Thermal Sensitive Paper (TSP). Thermal Sensitive Paper is a paper coated with a special mix of chemicals for providing thermal sensitive properties to the base paper. Impression on the paper is created by virtue of controlled thermal heat exposed on the paper. Thermal Sensitive Paper is primarily used for recording messages for electronic equipments where the machines are used to record messages and reports through sensitivity of heat rays. TSP is primarily used in fax machines. It is also used in ECG machines and other equipments such as Seismographic machines, Airlines baggage tagging, tickets, boarding card etc. The product does not have a dedicated Customs Classification. However, during the original investigation it was covered under sub-heading 480910, 481190 and 481620 for imposition of duty. The Customs Classification is, however, indicative only and in no way binding on the scope of the present investigation.

6. Procedure

I) The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The Authority will examine whether the continued imposition of the duties is necessary to offset dumping and whether the injury would be likely to continue or recur if the duties were removed or varied, or both:-

- i. The review will cover all aspects of Notification No. 14/2/2003-DGAD dated 27.1.2005. The countries involved in this review investigation are Indonesia, Malaysia and UAE .
- ii. The period of investigation for the purpose of the present review is from 1st July 2008 to 30th June 2009. The injury investigation period will however cover the periods, 2006-07, 2007-08, 2008-09 and the POI.
- iii. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

II) Submission of Information:

The Domestic industry is required to submit information on 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 duty **within forty days (40 days)** of the date of issue of this notification.

The exporters in subject country, their governments through their Embassies in India, the importers and users in India known to be concerned would be addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority in the following address:

The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry, 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. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.

III) Time Limit:

On receipt of information from domestic industry, all interested parties, whose addresses are available, would be advised through a letter to offer their comments in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of issuance of such letter. Any other interested party, whose address is not available, may also submit comments/ information within 40 days from the date of application from Domestic industry. For this purpose non confidential version of the application would be placed in the public file. 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.

IV) Inspection of Public File:

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