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File No. 6 /15/2019-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General Trade Remedies) 4th Floor,
Jeevan Tara Building, Parliament Street, New Delhi

Dated the 23rd August, 2019

INITIATION NOTIFICATION
(Case No: OI-11/2019)

Subject: Initiation of Anti-dumping investigation on the import of Clear Float Glass originating in or exported from Malaysia.

File No. 6 /15/2019-DGTR M/s Saint-Gobain India Pvt Ltd, M/s Sisecam Flat Glass India Ltd., M/s Gold Plus Glass Industries Ltd and M/s Asahi India Glass Ltd,(hereinafter referred to as “petitioners/Applicants”) have filed a joint application before the Designated Authority (hereinafter also referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter also referred to as the Act) and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped articles and for Determination of injury) Rules, 1995 as amended from time to time (hereinafter also referred to as the Rules) for initiation of Anti-Dumping investigation concerning imports of “Clear Float Glass” (hereinafter also referred to as subject goods or product under consideration), originating in or exported from Malaysia (hereinafter also referred to as the subject country).

Product under consideration:

2. The product under consideration (PUC) for the purpose of present investigation is “Clear Float Glass of nominal thicknesses ranging from 4mm to 12mm (both inclusive)”, the nominal thickness being as per BIS14900:2000 (hereinafter also referred to as the “subject goods”).
3. Float glass uses common glass-making raw materials, typically consisting of sand, soda ash (sodium carbonate), dolomite, limestone, salt cake (sodium sulfate) etc. Other materials may be used as colorants, refining agents or to adjust the physical and chemical properties of the glass. The raw materials are mixed in a batch mixing process, then fed together with suitable cullet (waste glass), in a controlled ratio, into a furnace where it is heated to approximately 1500°C. Common flat glass furnaces are 9 m wide, 45 m long, and contain more than 1200 tons of glass. Once molten, the temperature of the glass is stabilized to approximately 1200°C to ensure a homogeneous specific gravity.
4. The PUC finds major uses in construction, refrigeration, mirror and automobile industries etc. The product is a superior quality of glass. Due to its inherent strength, high optical

clarity, distortion free smooth surface etc., the applications of the product have been increasing for different purposes.

5. The PUC is classified under Chapter Heading 70 “Glass and glassware” and the classification at the 8-digit level is 70051090 even though the same are being classified and imported under various sub-headings like 7003, 7004, 7005, 7009, 7019, 7013, 7015, 7016, 7018 and 7020 of the Customs Tariff Act, 1975. The Customs classification is indicative only and in no way binding upon the scope of investigation

Like Article

6. The petitioners have claimed that there is no known difference in the subject goods produced by the Indian industry and exported from subject country. Subject goods produced by the petitioners and imported from the subject country are comparable in terms of physical & technical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably. Therefore, for the purpose of the present investigation, the subject goods produced by the petitioners in India are being treated as ‘Like Article’ within the meaning of the Rule 2 (d) to that being imported from the subject country.

Domestic Industry & Standing

7. The petition has been filed by M/s Saint-Gobain India Pvt. Ltd, M/s Sisecam Flat Glass India Ltd. M/s Gold Plus Glass Industries Ltd and M/s Asahi India Glass Ltd jointly.
8. As per the available information, the petitioners have neither imported the subject goods nor are related to any other producer/exporter of the subject goods in the subject country or any importer in India. Further, the petitioners account for a major proportion (85%) in Indian production of the subject goods. Therefore, the Authority has considered the petitioners as Domestic Industry within the meaning of Rule 2 (b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rules supra.

Country Involved

9. The country involved in the present investigation is Malaysia (also referred to as subject country)

Normal value

10. The Petitioners have claimed that they were not able to obtain reliable information in relation to prices of subject goods in Malaysia. Therefore, the normal value has been constructed based on major raw material price i.e. Soda ash in Malaysia based on ITC trade map data, and other raw material cost, conversion cost and other expenses as per best available information.

Export Price

11. The Petitioners have claimed export price on the basis of data published by DGCIS. Price adjustments have been claimed of account of ocean freight, marine insurance, inland transportation, port handling and clearance charges, commission, credit cost.

Dumping Margin

12. The normal value and the export price have been compared at ex-factory level, which prima facie show significant dumping margin in respect of the subject goods from the subject country. There is sufficient prima facie evidence that the normal value of the subject goods in the subject country is higher than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by the exporters from the subject country.

Injury and Causal Link

13. Information furnished by the petitioner has been considered for assessment of injury to the domestic industry. The petitioner has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption in India, price suppression, price underselling, capacity utilization, profitability, cash profits and return on capital employed. There is sufficient prima facie evidence of the 'injury' being suffered by the domestic industry caused by dumped imports from subject countries to justify initiation of an antidumping investigation.

Initiation of Anti-Dumping investigation.

14. And whereas the Authority prima facie finds that sufficient evidence of dumping of the subject goods, originating in or exported from the subject country, injury to the domestic industry and causal link between the alleged dumping and injury exist to justify initiation of an anti-dumping investigation, the Authority hereby initiates an investigation into the alleged dumping, and consequent injury to the domestic industry in terms of Rule 5 of the Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which if levied, would be adequate to remove the 'injury' to the domestic industry.

Period of Investigation

15. The period of investigation (POI) for the present investigation is from April 2018 to March 2019 (12 months). The injury investigation period will, however, cover the periods April 2015-March 2016, April 2016-March 2017, April 2017-March 2018 and the POI.

Submission of information

16. The known exporters in the subject country and its Government through its Embassies in India, importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time limit set out below.

The Designated Authority
Directorate General of Trade Remedies,
Ministry of Commerce & Industry,
Department of Commerce
Government of India 4th Floor, Jeevan Tara Building, 5,
Parliament Street, New Delhi-110001

17. 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.

Time limit

18. Any information relating to the present investigation 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 the publication of initiation notification. 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 on record in accordance with the Rules.

19. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their comments to the domestic industry's application within forty days (40 days) from the date of the publication of initiation notification. The information must be submitted in hard copies as well as in soft copies.

Submission of information on confidential basis

20. The parties making any submission (including Appendices/Annexure attached thereto), before the authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:

- i. One set marked as Confidential (with title, number of pages, index, etc.), and
- ii. The other set marked as Non-Confidential (with title, number of pages, index, etc.)

21. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority and the Authority shall be at liberty to allow the other interested parties to inspect such submissions. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in four (4) sets of each.

22. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier

of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.

23. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.
24. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
25. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
26. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorization of the party providing such information.

Inspection of Public File

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

Non-cooperation

28. 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.

(Sunil Kumar)
Additional Secretary & Designated Authority