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Case No. SSR 01/2017

Government of India

Department of Commerce

Ministry of Commerce & Industry

(Directorate General of Anti-Dumping & Allied Duties)

4th Floor, Jeevan Tara Building

5 Parliament Street, New Delhi - 110001

Dated: 25th April 2017

INITIATION NOTIFICATION

(Sunset Review)

Initiation of Sunset Review of Anti-dumping Duty imposed on imports of Digital Offset Printing Plates originating in or exported from China PR

File No. 15/24/2016-DGAD Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also referred as the Act) and the 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 as the Rules), the Designated Authority (hereinafter also referred to as the Authority) recommended imposition of anti-dumping duty on imports of “Digital Offset Printing Plates” (hereinafter also referred to as the subject goods), originating in or exported from China PR (hereinafter referred to as the subject country).

2. Whereas, the original investigation concerning imports of the subject goods from the subject countries was initiated by the Authority vide Notification 14/7/2011-DGAD, dated 13.06.2011 and the final finding was notified by the Authority vide Notification No. 14/7/2011-DGAD dated 03.10.2012. Accordingly Customs Notification No. 51/2012-Customs (ADD) dated 03.12.2012 was issued imposing duty on the basis of reference price.
3. Whereas, the present petition has been filed by M/s Tech Nova Imaging Systems (P) Ltd; Mumbai (hereinafter referred to as Petitioner). The petitioners have provided relevant financial information to file this application for the extension of period, modification and enhancement of existing anti-dumping duties on imports of Digital Offset Printing Plates (hereinafter referred to as subject good) from China PR (hereinafter referred to as subject country).

Country involved

4. The country involved in this investigation is China PR.

Product under Consideration and Like Article

5. The product under consideration in the present investigation is Digital Offset Printing Plates. Digital Offset Printing Plates is classified under Tariff Item '8442.5020' of the Customs Tariff. However, there have been imports of the subject goods under other headings such as 3701.3000, 3704.0090, 3705.1000, 7606.9191 and 7606.9290. However, customs classification is indicative in nature and not binding on the scope of the investigation.
6. In the original Final Finding the Authority had noted as follows:

“The product under consideration in the present investigation is Digital Offset Printing Plates (hereinafter referred to as “Digital Plates” or subject goods). Digital Plates are used in the printing industry for transferring data as an image (dot patterns or text) onto paper or on non-absorbent substrates like tin sheets or poly films etc. In the printing process using digital plates, the digital workflow enables direct transfer of image from a ‘computer to the plate’ (CtP) using lasers unlike the analogue workflow that requires an intermediary film to transfer the image. Digital plates are made from high-purity litho-grade aluminum coils coated with a chemical coating. Digital plates may be either positive (non-exposed area forms image) or negative (exposed area forms image) working plates. The coating components, also known as ‘sensitizers’ vary for different types of plates.”
7. Since the proposed investigation is a sunset review investigation, the scope of the product under consideration is the same as that of original investigation

Like Article

8. Rule 2(d) with regard to like article provides as under: -

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;
9. Petitioner has claimed that there is no known difference in subject goods exported from subject countries and that produced by the Indian industry. Both the products have comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc.

Domestic Industry & Standing

10. The petition has been filed by M/s Tech Nova Imaging Systems (P) Ltd. It has been stated that the production of petitioners is 98% of Indian production of the subject goods in the Country. On the basis of information furnished by the applicants, the Authority notes that the petitioners have not made any imports of the subject goods from the subject country during the POI. Therefore, the Authority has considered the petitioner company as

Domestic Industry within the meaning of the Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

Initiation of Sunset Review

11. WHEREAS, in view of the duly substantiated application filed and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the Anti-dumping Rules, the Authority hereby initiates a Sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the subject country and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the Domestic Industry.

Period of Investigation

12. The period of investigation (POI) proposed by the applicant was from 1st October 2015 – 30th September 2016 (12 months) and the injury investigation period was for the periods April 2011-March 2012, April 2012 to March 2013, April 2013 to March 2014. However, for enabling the Authority to make required analysis on the basis of more updated data, the Authority hereby determines the POI as **1st April 2016 to 31st March 2017 (12 Months)**. The injury investigation period will however, cover the periods, 2013-14, 2014-15, 2015-16 and POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure

13. The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No. 14/7/2011-DGAD dated 03.10.2012.
14. The provisions of Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.
15. While submitting questionnaire response, producer/ exporter may have to demonstrate prevalence of market condition related to manufacture, production and sale of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may clarify and provide sufficient information on the following:
 - a) Decision in regard to price, cost, input including raw material, cost of technology and labour, output, sales and investment, are made in response to market signal reflecting supply and demand and without significant state interference and weather cost of major inputs substantially reflect market value.
 - b) Production costs and financial situation does not suffer from any distortion.
 - c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
 - d) Exchange rate conversions are carried out at the market rate.

Submission of Information

16. The known exporters in the subject country, the Government of the subject country through its embassy in India, the importers and users in India known to be concerned with the product 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
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001**

17. 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 submit a non-confidential version of the same to be made available to the other parties.

Time Limit

18. 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 Authority may record its findings on the basis of the facts available on record in accordance with the Anti-dumping 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 regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis

20. In case confidentiality is claimed on any part of the questionnaire response/ submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non- Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page and accompanied with soft copies.
21. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any

such non-confidential information. Two (2) copies of the confidential version and two (02) copies of the non-confidential version must be submitted by all the interested parties.

22. For information claimed as confidential, 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 and/or why summarization of such information is not possible.
23. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /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, parties submitting the confidential information may indicate that such information is not susceptible to summarization; 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 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 a good cause statement on the confidentiality claim may not be taken on record by the Authority. 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

26. In terms of rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidences submitted by other interested parties.

Non-cooperation

27. 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 declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(Dr. Inder Jit Singh)

Additional Secretary and Designated Authority