

(To be published in Part-I, Section I of the Gazette of India Extraordinary)

No. 7/11/2017 -DGAD

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

Initiation Notification

Case No. NSR- 04/2017

(New Shipper Review)

Dated 1st January, 2018

Subject: - Initiation of New Shipper Review under Rule 22 of the Anti-Dumping Rules for determination of individual dumping margin for M/s. Kuitun Jinjiang Chemical Industry Co., Ltd (Producer) and Foshan Kaisino Building Material Co., Ltd (Exporter) in the case of Anti-dumping duty imposed on Melamine originating in or exported from China PR

No. 7/11/2017-DGAD: M/s. Kuitun Jinjiang Chemical Industry Co., Ltd (hereinafter referred to as “Jinjiang”), a producer of the subject goods from China PR, has filed an application in accordance with the Customs Tariff Act, 1975 (hereinafter referred to as the Act) as amended from time to time 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 referred to as the AD Rules) before the Designated Authority (hereinafter referred to as the Authority) requesting for determination of their individual dumping margin in the matter of anti-dumping duties levied on dumped imports of Melamine originating in or exported from China PR. The said duties were imposed vide Final Findings Notification No. 14/16/2003-DGAD dated 3rd September, 2004 and Customs Notification No. 107/2004 dated 16.11.2004 in the original anti-dumping case and Final Findings Notification No. 15/29/2008-DGAD dated 20th November, 2009 and Customs Notification No. 10/2010-Customs dated 19.02.2010 in the first SSR case and Final Findings Notification No. 15/17/2014-DGAD dated 5th December 2015

and Customs Notification No. 02/2016-Cus (ADD) dated 28-01-2016 in second SSR anti-dumping case. They have stated that they plan to export the subject goods to India through the exporter M/s. Foshan Kaisino Building Material Co., Ltd (hereinafter referred to as Foshan).

PRODUCER/EXPORTER INVOLVED

1. The present investigation relates to proposed exports of Melamine by M/s. Kuitun Jinjiang Chemical Industry Co., Ltd., China PR (producer) through M/s. Foshan Kaisino Building Material Co., Ltd. (exporter) in terms of the application filed before the Authority in accordance with the Act and the AD Rules.

INITIATION OF REVIEW IN RESPECT OF NEW PRODUCER / EXPORTER

2. Rule 22 of Anti-Dumping Rules states as under:

22. Margin of Dumping, for exporters not originally investigated - (1) “If a product is subject to anti-dumping duties, the designated authority shall carry out a periodical review for the purpose of determining individual margins of dumping for any exporters or producers in the exporting country in question who have not exported the product to India during the period of investigation, provided that these exporters or producers show that they are not related to any of the exporters or producers in the exporting country who are subject to the antidumping duties on the product.”

(2) *The Central Government shall not levy anti-dumping duties under subsection (1) of section 9A of the Act on imports from such exporters or producers during the period of review as referred to in sub-rule (1) of this rule:*

Provided that the Central Government may resort to provisional assessment and may ask a guarantee from the importer if the designated authority so recommends and if such a review results in a determination of dumping in respect of such products or exporters, it may levy duty in such cases retrospectively from the date of the initiation of the review.”

These AD Rules thereby require the Authority to initiate review for the purpose of determining individual margin of dumping for any exporter or producer in the exporting country in question who has not exported the subject

goods to India during the period of investigation of the earlier investigations and that the petitioner/s is/are not related to any of the exporters and producers in the exporting country who are subjected to the anti-dumping duty.

M/s. Kuitun Jinjiang Chemical Industry Co. Ltd. (producer/exporter) and Foshan Kaisino Building Material Co., Ltd have provided necessary information as required under Rule 22 of AD Rules. The Authority, having been *prima facie* satisfied that the conditions as prescribed under Rule 22 of AD Rules are met with, hereby decides to initiate a New Shipper Review investigation for determination of their individual dumping margin in relation to the anti-dumping duties levied on dumped imports of Melamine originating in or exported from China PR in pursuance of the recommendations made by the Authority vide Final Findings Notification No. 15/17/2014-DGAD dated 5th December 2015 and Customs Notification No. 02/2016-Cus (ADD) dated 28-01-2016 in the 2nd SSR anti-dumping case. The Authority also notes the Final Findings Notification No. 14/16/2003-DGAD dated 3rd September, 2004 and Customs Notification No. 107/2004 dated 16.11.2004 in the original anti-dumping case and Final Findings Notification No. 15/29/2008-DGAD dated 20th November, 2009 and Customs Notification No. 10/2010-Customs dated 19.02.2010 in the 1st SSR case.

3. The Authority recommends provisional assessment on all exports of the subject goods made by M/s Kuitun Jinjiang Chemical Industry Co. Ltd. through Foshan Kaisino Building Material Co., Ltd till this review is completed, in accordance with Rule 22 of the AD Rules and having regard to Customs Notification No. 02/2016-Cus (ADD) dated 28.01.2016.

PERIOD OF INVESTIGATION:

4. The period of investigation for the purpose of the present review is 1st January, 2018 to 31st December, 2018.

SUBMISSION OF INFORMATION:

5. The Known interested parties are being informed separately to enable them to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority, Directorate General of

Anti- Dumping & Allied Duties, Department of Commerce, Ministry of Commerce and Industry, Government of India, 4th Floor, Jeevan Tara Building, Parliament Street, New Delhi -110001. Any other interested party may also make its submissions relevant to the investigation to the above Authority in the prescribed form and manner within the time limit set out below.

TIME LIMIT:

6. All information relating to this review should be sent in writing so as to reach the Authority at the above address not later than forty days from the date of completion of the Period of investigation/Review as stated in para 4 above. 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 before the Authority in accordance with the AD Rules.

SUBMISSION OF INFORMATION ON CONFIDENTIAL BASIS.

7. In case confidentiality is claimed on any part of the questionnaire's 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.

8. Information supplied without any mark 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 each of the confidential version and the non- confidential version must be submitted.

9. 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.

10. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or

blacked 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, party submitting the confidential information may indicate that such information is not susceptible of summary, a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Designated Authority.

11. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Designated 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.

12. 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 Designated Authority. The Designated 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:

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

14. In case where as 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 such recommendations to the Central Government as deemed fit.

Sunil Kumar
Additional Secretary & Designated Authority

