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F.No.7/24/2019-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi – 110001

Dated the 18th December, 2019

INITIATION NOTIFICATION

Case No. SSR- 12/2019

Subject: Initiation of Sunset review of Anti-Dumping investigation concerning imports of Measuring Tapes originating in or exported from China PR.

File No.7/24/2019-DGTR: Whereas M/s. FMI Ltd (hereinafter referred to as the “applicant”) has filed an application before the Designated Authority (hereinafter referred to as the Authority), on behalf of the domestic industry, in accordance with the Customs Tariff Act, 1975, as amended from time to time (hereinafter 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 referred to as the “Rules”), for Sunset Review of Anti-Dumping investigation concerning imports of “Measuring Tapes” (hereinafter referred to as the “subject goods” or “product under consideration”), originating in or exported from China PR (hereinafter referred to as the “subject country”).

2. AND WHEREAS, the applicant has alleged likelihood of continuation or recurrence of dumping of subject goods, originating and exported from China PR and consequent injury to the domestic industry and has requested for review and continuation of the anti-dumping duty imposed on the imports of subject goods, originating in or exported from the subject country.

Background

3. And Whereas, the original investigation concerning imports of the subject goods from China PR was initiated by the Authority vide initiation notification no. 14/31/2002-DGAD dated 23rd October 2002. The Authority vide its final findings No. 14/31/2002-DGAD dated 1st September, 2003 recommended imposition of anti-dumping duty against the imports of the subject goods from China PR. Definitive duty was imposed by the Central Government vide Customs Notification No. 147/2003-CUS dated 7/10/2003.
4. Whereas, a Sunset Review (SSR) investigation was initiated by the Authority and thereafter, Final Findings Notification was issued by the Authority vide Notification no. 15/2/2008-DGAD dated 27th March, 2009 and the same was imposed vide Notification No. 49/2009-Customs (ADD) dated 15.05.2009.

5. Whereas, a second sunset review investigation was initiated and the Authority recommended continuation of duties vide Notification No. 15/9/2014-DGAD dated 5th May 2015 and the same was imposed vide Notification No. 31/2015-Customs (ADD) dated 9th July, 2015.

Subject Country

6. The Subject Country in the Original Investigation was China PR. China PR is, therefore, the subject country for this sunset review.

Product under Consideration

7. The product under consideration in the present investigation is "Measuring Tapes", its parts and components etc., all type of steel measuring and fibre glass tapes and their parts or components are the subject matter of the present petition. It is generally used for measuring the length, breadth etc. of an object. It is used by foreman, mason, carpenter, forestry departments and tailors etc. Essentially, as the name suggests, measuring tapes are used to "measure" dimensions and they can be found wherever measurement is required to be taken. Measuring Tapes are manufactured from tempered high quality carbon steel blade, phosphated and coated with special enamel to withstand corrosion and rust. Measuring tapes are used for: -
 - a. high precision professional jobs;
 - b. measuring depth, width, or length of an object;
 - c. contraction and surveys.

In technical terms the measuring tapes are defined in terms of length and width of a tape, raw material used i.e. steel or fibre glass and, finally precision with which dimensions are marked on the tape.

8. The subject goods are classifiable under Chapter 90 of the Customs Tariff Act, 1975 under sub-headings 9017, 9017.80, 9017.8001, 9017.90. The petitioner has stated that subject goods are being imported under sub-headings such as 90171000, 90173010, 90173029, 90178010, 90178090, 90189099 etc. However, the custom classification is indicative only and in no way binding on the scope of this investigation.

Like Article

9. The applicant has claimed that the subject goods, which are being dumped into India, are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, quality, functions or end-uses of the dumped imports and the domestically produced subject goods and the product under consideration manufactured by the applicant. The two are technically and commercially substitutable and hence should be treated as 'like article' under the AD Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the applicant in India are being treated as 'Like Article' to the subject goods being imported from the subject countries.

Domestic Industry

10. The application has been filed by M/s. FMI Limited. The Applicant has neither imported the subject goods from the subject country nor is related to any exporter or producer of subject goods in the subject country or any importer of the PUC in India. On the basis of information available, the Authority notes that the Applicant's output of the like article constitutes around 74% of the total Indian production. The Authority has, therefore, considered the Applicant as Domestic Industry within the meaning of the Rule 2 (b) and also satisfies the criteria of standing in terms of Rule 5 (3) of the Rules.

Initiation of Sunset Review

11. And therefore, on the basis of the duly substantiated application of the Applicant, and having satisfied itself, on the basis of the prima facie evidence submitted by the domestic industry, substantiating the likelihood of continuation/ recurrence of dumping and injury, and in accordance with Section 9A(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 (hereinafter referred to as "POI") for the present investigation will be from 1st April 2018 to 30th June 2019 (15 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.

Procedure

13. The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No. 15/9/2014-DGAD dated 5th May, 2015.
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.

Submission of information

15. The known exporters in the subject country and their government through their Embassy 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.
16. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below. The information/submission may be submitted to:

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 within thirty days from the date of receipt of the notice as per Rule 6(4) of the Anti-Dumping Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting Country. 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 within the above time limit

Submission of information on confidential basis

20. The parties making any submission (including Appendices/Annexures 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 summarised 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, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarisation 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 authorise its disclosure in generalised 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 authorisation of the party providing such information.

Inspection of Public File

27. In terms of Rule 6(7) of the 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.

(Bhupinder S. Bhalla)
Additional Secretary & Designated Authority