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**File No. 7/15/2021-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: 29th June, 2021

INITIATION NOTIFICATION

Case No. AD (SSR)-13/2021

Subject: Sunset Review of Anti-Dumping Duty imposed on Imports of Clear Float Glass originating in or exported from Iran.

M/s Asahi India Glass Ltd., M/s Gold Plus Glass Industry Limited, M/s Sisecam Flat Glass India Private Limited, and M/s Saint-Gobain India (Pvt.) Limited (hereinafter also referred to as “Applicants”, or “Petitioners”) filed an 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 sunset review investigation concerning imports of “Clear Float Glass” (hereinafter also referred to as the “subject goods” or the “Product under Consideration”), originating in or exported from Iran (hereinafter also referred to as "subject country").

2. The applicants alleged likelihood of continuation or recurrence of dumping of subject goods, originating in or exported from subject country and consequent injury to the Domestic Industry, and have requested for review and continuation of the anti-dumping duty imposed on the subject goods, originating in or exported from subject country.

BACKGROUND

3. The original anti-dumping investigation concerning imports of subject goods from subject country was initiated on 23rd December, 2015 by the Designated Authority vide its initiation notification No.14/7/2015-DGAD dated 23rd December, 2015. Pursuant to detailed investigation, the Designated Authority recommended imposition of definitive anti-dumping duties on imports of the subject goods from the subject country vide its final findings notification no. 14/7/2015-DGAD dated 20th March, 2017. The recommendations of the Designated Authority were implemented vide Notification No. 19/2017-Customs (ADD) dated 12th May, 2017 for a period of five years with effect from 12th May, 2017. The current Anti-dumping duty is valid up to 11th May, 2022.

PRODUCT UNDER CONSIDERATION

4. The product under consideration (hereinafter also referred to as “PUC”) in the 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 referred to as the “subject goods” or the “Product under Consideration.”
5. Clear Float glass is a sheet of glass made by floating molten glass on a bed of molten metal, typically tin. This method gives the sheet uniform thickness and very flat surfaces. Clear float glass uses common glass-making raw materials, typically consisting of sand, soda ash (sodium carbonate), dolomite, limestone, salt cake (sodium sulfate) etc. 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. The subject products are classified under Chapter Heading 70 “Glass and Glassware”. 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. It is also submitted that the custom classification is indicative only and in no way, it is binding upon the product scope of the Customs Tariff Act, 1975

6. The scope of the product under consideration in the present sunset review investigation is the same as in the original investigation.

LIKE ARTICLE

7. 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;

8. The Applicants have submitted that subject goods which, are being dumped into India, are identical to the goods produced by the domestic industry. The Applicants have further claimed that there are no differences either in the technical specifications, functions or end-uses of the dumped imports and the domestically produced subject goods. In addition applicants also claimed that the two are technically and commercially substitutable and hence should be treated as 'like articles' under the Anti-Dumping Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the Applicants in India are being treated as 'Like Article' to the subject goods being imported from the subject country.

DOMESTIC INDUSTRY & STANDING

9. The application has been filed by M/s Asahi India Glass Limited, M/s Gold Plus Glass Industry Limited, M/s Sisecam Flat Glass India Private Limited and M/s Saint-Gobain India (Pvt.) Limited. The applicants have certified that it has not imported the product under consideration from the subject country. Further, they are not related to any importer of the subject goods in India.

10. The Applicants have also submitted that apart from them, there is only one other producer of the subject goods in India, namely Gujarat Guardian. However, they have neither supported nor opposed the investigation. In view of the above and after examination, the Authority notes that the Applicants constitute eligible domestic industry in terms of Rule 2 (b), and the application satisfies the criteria of standing in terms of Rule 5(3), of the Rules supra.

COUNTRY INVOLVED /SUBJECT COUNTRY

11. The subject country in the original investigation was Iran. The present investigation being a sunset review investigation, the subject country is same as of the original investigation.

BASIS OF LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

Normal value

12. It has been submitted that domestic industry has tried to get the information on prices of the subject goods in the domestic market of Iran. The domestic industry also made efforts to get price list of the exporters or price evidence for the export to other countries by Iran. It is submitted that the domestic industry is not in a position to get any evidence, which can be regarded as accurate & adequate either with regard to the ex-factory prices of the subject goods in Iran or price list of the exporters either for sale in that country or for exports to other countries. Therefore, the normal value in Iran for the subject goods has been constructed taking into account international price of major raw material i.e. soda ash, and other costs as per domestic cost of production in India, and reasonable profit margin.

Export Price

13. The export price for subject goods from Iran has been computed based on the Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction-

wise import data. Price adjustments for Iran has been claimed on account of ocean freight, inland freight, ocean insurance, bank charges, commission/trader's profit and non-refundable VAT.

Dumping Margin

14. Considering the normal value and export price determined as above, dumping margin determined is not only above de-minimis level but also significant. There is prima facie evidence that normal value of the subject goods in the subject country is significantly higher than the net export price, thereby indicating that the subject goods originating in or exported from Iran have continued to be exported at dumped prices, in spite of anti-dumping duty in force.

LIKELIHOOD OF CONTINUATION OR RECURRENCE OF INJURY AND CASUAL LINK

15. The Authority notes that there is prima facie evidence of continuation of injury to the domestic industry on account of adverse price effect i.e price undercutting, price depression, and price suppression leading to reduced profits, return on capital employed (ROCE) and cash flows. Further, the data provided by the petitioners on the export orientation of producers/exporters in the subject country also prima facie indicates a likelihood of dumping and consequential injury on cessation of the AD duty.

INITIATION OF SUNSET REVIEW INVESTIGATION

16. On the basis of the duly substantiated application by or on behalf of the domestic industry, and having satisfied itself, on the basis of the prima facie evidence submitted by the domestic industry, substantiating likelihood of continuation/recurrence of dumping of product under consideration originating in or exported from the subject country and injury to the domestic industry, and in accordance with Section 9A(5) of the Act read with Rule 23 (IB) of the Rules, the Authority, hereby, initiates a sunset review investigation to review the need for continued imposition of 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 (POI)

17. The period of investigation for the purpose of the present investigations is 1st January 2020 to 31st December 2020 (12 months). The injury investigation period shall cover the periods 2017-18, 2018-19, 2019 -20 and the period of investigation. The period after the investigation period may also be considered for the purpose of likelihood analysis.

PROCEDURE

18. The review will cover all aspects of Final Finding Notification No. 14/07/2015-DGAD dated 20.03.2017 recommending imposition of anti-dumping duty on import of subject goods originating in or exported from subject country.
19. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule shall be mutatis mutandis applicable in this review.

SUBMISSION OF INFORMATION

20. In view of the special circumstances arising out of COVID-J9 pandemic, all communication should be sent to the Designated Authority via email at the email address adg13-dgtr@gov.in, adv12-dgtr@gov.in, dd12-dgtr@gov.in, ad12-dgtr@gov.in. It should be ensured that the narrative part of the submission is in searchable PDF/ MS Word format and data files are in MS Excel format.
21. The known exporters in the subject country, the Government of the subject country through their 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 within the time-limit set out below.

22. 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.
23. Interested parties are further advised to keep a regular watch on the official website of the Designated Authority <http://www.dgtr.gov.in/> for any updated information with respect to this investigation.

TIME LIMIT

24. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses adg13-dgtr@gov.in, adv12-dgtr@gov.in, dd12-dgtr@gov.in and ad12-dgtr@gov.in within 30 days from the date of the receipt of the notice as per the Rule 6(4) of the Rules. 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.
25. 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 NON-CONFIDENTIAL BASIS

26. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non- confidential version of the same in terms of Rule 7(2) of the Rules. Failure to adhere to the above may lead to rejection of the response / submissions.
27. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file Confidential and Non-Confidential versions separately.

28. 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.
29. 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.
30. 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 (2) copies of the non-confidential version must be submitted by all the interested parties.
31. 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.
32. 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.

33. 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.
34. 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

35. A list of interested parties will be uploaded on DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions to all interested parties since the public file will not be accessible physically due to ongoing global pandemic.

NON-COOPERATION

36. 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.

(Anant Swarup)
Joint Secretary & Designated Authority