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No. 7/10/2021-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
Jeevan Tara Building, 5 Parliament Street, New Delhi – 110001

Dated 7th June, 2021

INITIATION NOTIFICATION

Case No. SSR-10/2021

Subject: Sunset Review Investigation on imports of Textured Tempered Coated and Uncoated Glass from China PR

M/s Borosil Renewables Limited. (hereinafter referred to as 'petitioner' or 'applicant') has filed an application before the Designated Authority on behalf of the domestic industry, in accordance with the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter referred to as the "Act") and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time (hereinafter referred to as the 'Rules'), for initiation of sunset review investigation concerning imports "Textured Tempered Coated and Uncoated Glass", (hereinafter also referred to as 'subject goods' or 'product under consideration') originating in or exported from China PR (hereinafter referred to as 'subject country').

2. The Applicant has alleged likelihood of continuation or recurrence of dumping of subject goods, originating in and exported from the subject country and consequent injury to the domestic industry and have 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.

A. Background

3. The original investigation concerning imports of the subject goods from the subject country was initiated by the Authority *vide* Notification No. 14/03/2016-DGAD dated 23.06.2016. The Final Findings Notification was issued by the Authority *vide* notification No. 14/03/2016-DGAD dated 20.6.2017, recommending imposition of definitive duties. On the basis of the recommendations made by the Authority in the final findings, definitive anti-dumping duty was imposed by the Central Government *vide* Notifications No. 38/2017-Customs (ADD) dated 18.8.2017 on the imports of the of the subject goods, originating in or exported from China PR. The Current Anti-dumping duty is valid up to 17.8.2022.

B. Product under Consideration

4. The product under consideration in the present investigation, as in the original investigation, is “Textured Toughened (Tempered) Glass with a minimum of 90.5% transmission of thickness not exceeding 4.2 mm (including tolerance of 0.2 mm) and where at least one dimension exceeds 1500 mm, whether coated or uncoated” (hereinafter referred to as the “subject goods” or the “Product under Consideration”). The product in the market parlance is also known by various names such as Solar Glass, Low Iron Solar Glass, High Transmission Photovoltaic Glass, Tempered Low Iron Patterned Solar Glass etc.
5. Textured Tempered Glass is used as a component in Solar Photovoltaic Panels and Solar Thermal applications. The level of transmission can be achieved by keeping the iron content low, typically less than 200 ppm. The transmission level goes up by about 2%-3% when coated with an anti-reflective coating liquid. The glass whether coated or uncoated is tempered / toughened in a tempering furnace, as it is essential for Solar applications. The glass used in these applications as per current trend is 3.2 MM and 4 MM in thickness. Since this is the sunset review investigation, the product scope remains the same as was defined by the Authority in the final findings of the original investigation.
6. The subject goods are classified under tariff heading 70071900. However, it is noted that subject goods are also being imported in the sub-headings 70031990, 70051010, 70051090, 70052190, 70052990, 70053090, 70071900, 70072190, 70072900, 70169000, 70200090 and 85414011 as evidenced by the import data. Moreover, it is also submitted that the custom classification is indicative only and in no way binding upon the product scope.

C. Like Article

7. The applicant has claimed that the goods produced by the domestic industry are identical to the subject goods exported from China PR to India. Subject goods produced by the domestic industry are comparable to the imported goods from China PR in terms of technical specifications, manufacturing process & technology, functions & uses, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable and should be treated as, like article, under the Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the domestic industry are being treated as 'Like Article' to the subject goods being imported from China PR.

D. Domestic Industry & Standing

8. The request for the sunset review has been filed by M/s Borosil Renewables Limited, which is the sole producer of the product under consideration in India. The Authority notes that the petitioner holds 100% share in total domestic production and has certified that it has neither imported the subject goods from the subject country nor is it related to any importer of the subject goods in India or any exporter of the subject goods. Therefore, the petitioner has been treated as eligible Domestic Industry in terms of the Rule 2(b) and Rule 5(b).

E. Subject Country

9. The subject country in the present sunset review investigation is China PR.

F. Likelihood of continuation or recurrence of Dumping

Normal Value

10. The Applicant has submitted that the Normal Value for China PR should be determined as per Para 7 of Annexure I of the Anti-Dumping Rules, 1995. Therefore, the Applicant has claimed that pursuant to the same, efforts were made to determine normal value on the basis of price or constructed value in an appropriate market economy third country, price from such a third country to other countries, including India. However, there is no verifiable evidence or published evidence regarding the same. Therefore, the normal value in China PR for the subject goods has been constructed on the basis of cost of production in India, duly adjusted for selling, general and administrative expenses and reasonable profit margin.

Export Price

11. The export price for subject goods from China PR has been computed based on the Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction-wise import data. Price adjustments have been claimed on account of ocean freight, inland freight, ocean insurance, bank charges, commission/trader's profit and non-refundable VAT.

Dumping Margin

12. Considering the normal value and export price determined as above, dumping margin has been determined, in accordance with Section 9 A(1)(a) of the Act. It is noted that dumping margin of China PR not only above *de minimis* level, but also significant.

Likelihood of Continuation or Recurrence of Injury and Causal Link

13. The domestic industry has claimed that its performance has deteriorated during relevant period due to dumped imports from the subject country. The Applicant has also provided information with regard to the surplus capacities and idle capacities in the subject country. The Authority notes that there is *prima facie* evidence in regard to likelihood of continuation of dumping and injury to the domestic industry in the event of cessation of antidumping duty to justify initiation of the present review investigation.

G. Initiation of sunset review investigation

14. Therefore, on the basis of the duly substantiated application, 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 (1B) of the 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.

H. Period of Investigation (POI)

15. The period of investigation for the purpose of the present investigations is January 2020 to 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.

I. Procedure

16. The review will cover all aspects of Final Finding Notification No. 14/03/2016-DGAD dated 20.06.2017 recommending imposition of anti-dumping duty on import of subject goods originating in or exported from subject country.
17. 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.

J. Submission of information

18. 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 adgl2-dgtr@gov.in, adv13-dgtr@gov.in, dir12-dgtr@gov.in, ddl4 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.
19. 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.
20. 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.
21. 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.

K. Time Limit

22. Any information relating to the present investigation should be sent to the Designated Authority *via* email at the email addresses adgl2-dgtr@gov.in, adv13-dgtr@gov.in, jd13-dgtr@gov.in and ddl4-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.

23. 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.

L. Submission of Information on Confidential basis

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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

M. Sharing of responses/ submissions amongst interested parties.

33. A list of registered 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 other interested parties since the public file will not be accessible physically due to ongoing global pandemic.

N. Non-Cooperation

34. 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)
Designated Authority