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**F.No.7/34/2020- DGTR  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce, Directorate General of Trade Remedies  
4<sup>th</sup> Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi – 110001**

**Dated: 25<sup>th</sup> September, 2020**

**INITIATION NOTIFICATION**

**(Case No. (SSR) 17/2020)**

**Subject: Initiation of sunset review investigation concerning imports of Glass Fibre and articles thereof from China PR.**

1. Owens-Corning (India) Private Limited and Owens-Corning Industries (India) Private Limited (hereinafter referred to as the “Applicants”) have 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 referred to 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 referred to as the “Rules”) for sunset review investigation of anti-dumping duty concerning the imports of Glass Fibre and articles thereof (hereinafter referred as the “product under consideration” or “subject goods”), originating in or exported from China PR (hereinafter referred to as the “subject country”).
2. The Applicants have alleged likelihood of continuation or recurrence of dumping of subject goods, originating in or 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 import of the subject goods originating in or exported from the subject country.

**Background**

3. The original anti-dumping investigation concerning imports of the subject goods from the subject country was initiated by the Authority vide Notification No. 14/28/2009 – DGAD dated 8<sup>th</sup> January 2010. The Authority notified preliminary findings vide Notification No. 14/28/2009 – DGAD dated 2<sup>nd</sup> June 2010, recommending provisional anti-dumping duty on the imports of Glass Fibre and articles thereof from the subject country. The provisional duties were imposed on subject goods vide Notification No. 75/2010 - Customs dated 14<sup>th</sup> July 2010. The Authority notified final findings vide Notification No. 14/28/2009 – DGAD dated 6<sup>th</sup> January 2011,

recommending definitive anti-dumping duty on imports of subject goods from subject country. The definitive anti-dumping duty was imposed on subject goods vide Customs Notification No. 30/2011 – Customs dated 4<sup>th</sup> March 2011.

4. The Authority initiated 1<sup>st</sup> sunset review investigation vide Notification No. 15/10/2015 – DGAD dated 7<sup>th</sup> July 2015 and conducted the investigation. The Authority thereafter extended the definitive anti-dumping duty vide Notification No. 15/10/2015 – DGAD dated 6<sup>th</sup> July 2016 on imports of Glass Fibre and articles thereof from China PR. The same was imposed vide Notification No. 48/2016 – Customs (ADD) dated 1<sup>st</sup> September 2016. The current anti-dumping duty is said to expire on 31<sup>st</sup> August 2021.

### **Subject Country**

5. The investigation being a sunset review, the scope of the subject country is confined to the subject country in the original investigation/1<sup>st</sup> sunset review i.e. against the subject goods originating in or exported from China PR.

### **Product under consideration**

6. The product under consideration in the present SSR application is same as defined in the 1<sup>st</sup> sunset review investigation which is as follows:  
*'Glass fibre, including glass roving (assembled rovings (AR), direct rovings (DR)), glass chopped strands (CS), glass chopped strands mats (CSM). Specifically excluded from the scope of the product under consideration are glass wool, fibre glass wool, fibre glass insulation in wool form, glass yarn, glass woven fabrics, glass fibre fabric, glass woven rovings, chopped strands meant for thermoplastic applications, micro glass fibre with fibre diameter in the range of 0.3 to 2.5 microns, surface mat/surface veil/tissue, wet chopped strands and Cemfil (alkali resistant glass fibre for concrete reinforcement)'*
7. The present investigation being 2<sup>nd</sup> sunset review investigation, the product under consideration remains the same as in the previous review investigation. The subject goods fall under Chapter 70 of the Customs Tariff Act, 1975 under the Subheading No.7019. However, the customs classification is indicative only and is no way binding on the scope of the present investigation.

### **Like Article**

8. The Applicants have 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 product under consideration manufactured by the Applicants. The two are technically and commercially substitutable and hence should be treated as 'like article' under the Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the participating companies

in India are being treated as 'Like Article' to the subject goods being imported from the subject country.

### **Product Control Number (PCN)**

9. The applicant has proposed PCN Methodology for the purpose of the investigation, considering difference in the cost of production of different product types as given under:
  - a. Direct glass rovings
  - b. Assembled glass rovings
  - c. Glass chopped strands
  - d. Glass chopped strand mats
10. The interested parties may make their submissions with regard to appropriateness or otherwise of the proposed PCN system as per the timelines mentioned in Para 25.

### **Domestic industry & standing**

11. The application has been filed by Owens-Corning (India) Private Limited and Owens-Corning Industries (India) Private Limited. The Applicants have submitted that Owens-Corning (India) Private Limited has imported subject goods from related entities in the subject country during the injury period, however, no imports have been made in the period of investigation. Further, the Applicants have submitted that the volume of imports made is negligible as compared to subject imports, demand in country and production and sale of the domestic industry.
12. Considering the information on record, the Applicants account for major proportion of the Indian production. In view of the above and after due examination, the Authority notes that the Applicants constitute eligible domestic industry in terms of the provisions contained in Rule 2(b) and the application satisfies criteria in terms of Rule 5(3) of the Rules supra.

### **Basis of likelihood of continuation or recurrence of dumping**

#### **i. Normal value**

13. The Applicants have cited and relied upon Article 15(a)(i) of China's Accession Protocol. The Applicants have claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in their industry producing the like product with regard to the production and sale of the product under consideration. It has been stated by the Applicants that in case the responding Chinese producers are not able to demonstrate that their costs and price information are market-driven, the normal value should be calculated in terms of provisions of Para 7 and 8 Annexure- I. The Applicants have claimed that they were not able to identify any appropriate third country to determine normal value for China PR. Hence, the normal value has been constructed on the basis of cost of production in India, duly adjusting selling, general and administrative expenses with reasonable profits.

**ii. Export Price**

14. The Authority has computed the export price for the subject country based on Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction-wise import data. Adjustments have been made for ocean freight, marine insurance, port expenses, bank charges, inland freight and commission.

**iii. Dumping Margin**

15. Considering the normal value and export price determined as above, dumping margin has been determined, in accordance with Section 9A(1)(a) of the Act. There is sufficient prima facie evidence that the normal value of the subject goods in the subject country is higher than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by the exporters from the subject country.

**Likelihood of continuation or recurrence of injury and causal link**

16. The Authority notes that there is prime facie evidence of dumping and consequential injury to the domestic industry on account of increased volume of dumped imports in absolute terms and in relation to production and consumption in India, price undercutting, and price suppressing and depressing effect on the domestic industry. The Applicants have claimed that their performance have been adversely impacted in respect of decline in sales, market share and consequent losses, cash losses and decline in return on capital employed, as a result of increase in imports of product under consideration at an injurious price for the domestic industry. Further, the information provided by the Applicants regarding continued dumping, increased imports inspite of duties imposed, higher rate of increase in imports than rate of increase in demand in India, decline in prices of imports, surplus capacity of producers in the subject country, injurious prices of imports and likely effect of cessation of duty also prime facie indicates a likelihood of continued dumping and consequential injury on cessation of the anti-dumping duty.

**Initiation of Sunset Review**

17. On the basis of the duly substantiated application of the Applicants, and having satisfied itself, on the basis of the prima facie evidence submitted by the domestic industry, substantiating the likelihood of continuation of dumping and continued injury to the domestic industry, 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 continuation of the duties in force in respect of 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 consequent injury to the domestic industry.

### **Period of Investigation (POI)**

18. The Period of Investigation (hereinafter also referred to as “POI”) for the present investigation is 1st April 2019 to 31st March 2020 and the injury period will cover the periods 1st April 2016- 31st March 2017, 1st April 2017- 31st March 2018, 1st April 2018- 31st March 2019 and the POI. The Authority may, also, consider post-POI data, as considered necessary to undertake the likelihood analysis.

### **Procedure**

19. The review will cover all aspects of the final findings published vide Notification No. 15/10/2015 – DGAD dated 6<sup>th</sup> July 2016, recommending imposition of anti-dumping duty on imports of “Glass Fibre and articles thereof” from China PR. The Authority would also undertake likelihood analysis of dumping and injury as required.
20. Principles as given in Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19 and 20 of the Rules supra will be followed for the present investigation.

### **Submission of Information**

21. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at email addresses [adg11-dgtr@gov.in](mailto:adg11-dgtr@gov.in), [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in), [dir12-dgtr@gov.in](mailto:dir12-dgtr@gov.in), [dd17-dgtr@gov.in](mailto:dd17-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.
22. The known exporters, their government through their Embassy in India, the 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.
23. 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 on email address mentioned in paragraph 21 above.
24. 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**

25. Any information relating to the present investigation should be sent in writing so as to reach the Authority at the email addresses [adg11-dgtr@gov.in](mailto:adg11-dgtr@gov.in), [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in), [dir12-dgtr@gov.in](mailto:dir12-dgtr@gov.in), [dd17-dgtr@gov.in](mailto:dd17-dgtr@gov.in) within thirty days from the date of receipt of the notice as per

Rule 6(4) of the 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 within 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 Rules.

26. 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.
27. The interested parties are further advised to keep a regular watch on the official website of DGTR i.e. [www.dgtr.gov.in](http://www.dgtr.gov.in) for any updated information with respect to this investigation.

**Submission of information on confidential basis**

28. 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 and the Trade Notices issued in this regard. Failure to adhere to the above may lead to rejection of the response / submissions.
29. The parties making any submission (including Appendices/Annexes attached thereto), before the Authority including questionnaire response, are required to file Confidential and Non-Confidential versions separately.
30. 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.
31. 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.
32. 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 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, the party submitting the confidential information may indicate that such information is not susceptible to summary, and 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 if 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 good cause statement on the confidentiality claim shall not be taken on record by the Authority.
35. 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**

36. 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**

37. 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 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.



**(Bidyut Behari Swain)**  
**Special Secretary & Director General**