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F. No. 7/12/2023-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: 20th September, 2023

INITIATION NOTIFICATION
Case No. AD (SSR) –06/2023

Subject: Initiation of sunset review investigation of anti-dumping duty on imports of “Ethylene Vinyl Acetate (EVA) Sheet for Solar Module” from China PR.

1. Having regards to the Customs Tariff Act, 1975, as amended from time to time (hereinafter also referred to as the “Act”) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping duty on Dumped Articles for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter also referred to as the “Rules” or the “Anti-Dumping Rules”), M/s RenewSys India Pvt. Ltd. (hereinafter referred to the “applicant” or the “domestic industry”) has filed an application before the Designated Authority (hereinafter also referred to as the “Authority”), for a sunset review investigation of the anti-dumping duty imposed on imports of “Ethylene Vinyl Acetate (EVA) Sheet for Solar Module” (hereinafter referred to as the “product under consideration” or the “subject goods”), originating in or exported from China PR (hereinafter referred to as the “subject country”).
2. The original investigation was initiated by the Designated Authority vide initiation notification F. No.06/9/2018-DGAD, dated 04.04.2018 against China PR, Malaysia, Saudi Arabia, South Korea and Thailand. However, after finding that the import quantity from South Korea was negligible, the imposition of duty was recommended against the imports from China PR, Malaysia, Saudi Arabia, and Thailand vide final findings F. No.06/9/2018-DGAD dated 21.02.2019. The duties were imposed vide Customs Notification No. 15/2019 – Customs (ADD) dated 29.03.2019. The domestic industry has filed the application for continued imposition of anti-dumping duties against China PR only. This is because there have been no imports of the subject goods from Saudi Arabia, Thailand and Malaysia in the period of investigation.
3. In terms of Section 9A, (5) of the Act, the anti-dumping duty imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition. The Authority is required to review whether the expiry of the duty is likely to lead to the continuation or recurrence of dumping and injury. In accordance with the same, the Authority is required to review, on the basis of a duly substantiated

request made by or on behalf of the domestic industry as to whether the expiry of duty is likely to lead to the continuation or recurrence of dumping and injury.

A. PRODUCT UNDER CONSIDERATION

4. The product under consideration in the present investigation is the same as defined in the original investigation which is as follows:

“Ethylene Vinyl Acetate (EVA) Sheet for Solar Module”. It is the polymer based component used in the manufacturing of solar PV (Photo Voltaic) modules. EVA sheet is used for encapsulation of solar PV cells performing adhesion and cushioning functions. This is one of the most essential component which keeps glass, cell and backsheet integrated and support the module mechanically during its service life time.”

5. The EVA sheet falls in the category of plastic sheets and films made using extrusion technology. It is a thermoplastic material, a copolymer of Polyethylene, polymerized using a tubular or autoclave process mainly. The product under consideration is generally imported under HS codes 3901 30, 3920 10, 3920 62, 3920 99 and 3921 90. However, imports are also taking place under other HS codes, therefore, it is clarified that the HS codes are only indicative and the product description shall prevail in all circumstances.
6. The present investigation being a sunset review investigation, the product under consideration remains the same as defined in the previously conducted investigation.

B. LIKE ARTICLE

7. The applicant has claimed that there is no difference in the product produced by the domestic industry and the one exported from the subject country. The product produced by the domestic industry and imported from the subject country are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing, and tariff classification of the goods. The Authority in the previous investigation held that the products being manufactured by the domestic industry is like article to the product being imported into India from the subject country. The present application is for review of the extension of original duty and since the product under consideration for the present and original investigation is the same, it is *prima facie* considered that the subject good produced by the domestic industry and the subject good imported from the subject country are "like article".

C. SUBJECT COUNTRY

8. In the original investigation, the duties were imposed against the imports from China, Malaysia, Thailand and Saudi Arabia. However, the present application for continuation/extension of the duties is only filed against dumped imports from China PR. Thus, the subject country for the purpose of the present review is China PR.

D. DOMESTIC INDUSTRY AND STANDING

9. The application has been filed by M/s RenewSys Renewable Pvt. Ltd. and supported by M/s Vishakha Renewables Pvt. Ltd., Navitas Alpha Renewables Pvt. Ltd., Alishan Greem Energy Pvt. Ltd., Enerlite Solar Films India Private Limited, Filmtec Solar Private Limited, Pixon Greem Energy Private Limited, and ECAP Greentec Pvt. Ltd. The production of the applicant constitutes “a major proportion” of total Indian production. In addition, the production of the applicant and supporters have a significant majority in total Indian production. The applicant has certified that it has neither imported the PUC nor is related to any producer/exporter of the product under consideration in China PR or any importer of the subject goods in India. In view of the above and after examination, the Authority notes that the applicant constitutes 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.

E. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

i. Normal Value

10. The applicant has cited and relied upon Article 15(a) (i) of China's Accession Protocol. The applicant has claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in the industry producing the subject goods with regard to the manufacture, production and sale of the product under consideration. It has been stated by the applicant 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 of Annexure I to the Rules.
11. The Authority has, for the purpose of this initiation, considered the normal value for China PR based on the cost of production of the domestic industry and after addition for selling, general & administrative expenses and reasonable profits.

ii. Export price

12. The export price for the subject goods from the subject country is calculated by the petitioner based on the data sourced from secondary source as well as their market intelligence. However, the Authority has considered DGCI&S data for the purpose of present initiation. Price adjustments have been made for ocean freight, marine insurance, commission, inland freight expenses, port expenses and bank charges.

iii. Dumping margin

13. The normal value and the export price have been compared at the ex-factory level, which *prima facie* shows that the dumping margin is above the *de-minimis* level and

is significant in respect of the product under consideration from the subject country. Thus, there is sufficient *prima facie* evidence that the product under consideration from the subject country is being dumped in the Indian market by the exporters from the subject country.

F. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF INJURY

14. Information furnished by the applicant has been considered for assessment of injury to the domestic industry.
15. There is *prima facie* evidence of the likelihood of continuation of dumping and consequent injury in the event of cessation of duty, considering the volume and value of import, import price from the subject country, positive dumping margin and injury margin, performance of the domestic industry which has deteriorated, significant capacities available with the Chinese producers, capacity expansion by the Chinese producers, vulnerability of the Indian industry. The information provided by the applicant, *prima facie*, shows the likelihood of dumping and injury to the domestic industry in case of cessation of the anti-dumping duty.

G. INITIATION OF SUNSET REVIEW INVESTIGATION

16. On the basis of the duly substantiated application by the domestic industry and having satisfied itself, on the basis of the evidence submitted by the applicant, 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 to examine whether the expiry of existing anti-dumping duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

H. PERIOD OF INVESTIGATION

17. The period of investigation (POI) for the purpose of the present review is from April 2022 to March 2023 (12 months). The injury investigation period will cover the periods 2019-20, 2020-21, 2021-22 and the period of investigation. The data beyond the period of investigation may also be examined to determine the likelihood of dumping and injury.

I. PROCEDURE

18. The present review investigation covers all aspects of the final findings published vide Notification No. 6/9/2018-DGAD, dated 21st February 2019. The Authority will also undertake a likelihood analysis of dumping and injury.

19. 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.

J. SUBMISSION OF INFORMATION

20. All communication should be sent to the Designated Authority via email at email addresses dd15-dgtr@gov.in, jd13-dgtr@gov.in, adv11-dgtr@gov.in, and adg13-dgtr@gov.in. It must 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 producers/exporters in the subject country, the Government of the subject country through its Embassy in India, and the importers and users in India who are known to be associated with the subject goods are being informed separately to enable them to file all the relevant information within the time limits mentioned in this notification. All such information must be filed in the form and manner as prescribed in this Initiation Notification, the AD Rules, 1995 and the applicable trade notices issued by the Authority.
22. Any other interested party may also make a submission relevant to the present investigation in the form and manner as prescribed by this initiation notification, the AD Rules, 1995 and the applicable trade notices issued by the Authority within the time limit mentioned in this initiation notification.
23. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other interested parties.
24. 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

25. Any information relating to the present investigation should be sent to the Designated Authority via email at email addresses: dd15-dgtr@gov.in, jd13-dgtr@gov.in, adv11-dgtr@gov.in, and adg13-dgtr@gov.in, within 30 days from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting country as per Rule 6(4) of the AD Rules. If no information is received within the stipulated time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record and in accordance with the AD Rules, 1995.
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 as stipulated in this notification.

27. Where an interested party seeks additional time for filing of submissions, it must demonstrate sufficient cause for such extension in terms of Rule 6 (4) of the AD Rules, 1995 and such request must come within the time stipulated in this notification.

L. SUBMISSION OF INFORMATION ON CONFIDENTIAL BASIS

28. Where any party to the present investigation makes confidential submissions or provides information on a confidential basis before the Authority, it is required to simultaneously submit a non-confidential version of such information in terms of Rule 7(2) of the AD Rules and in accordance with the relevant trade notices issued by the Authority in this regard.
29. Such submissions must be clearly marked as “confidential” or “non-confidential” at the top of each page. Any submission that has been made to the Authority without such markings shall be treated as “non-confidential” information by the Authority, and the Authority shall be at liberty to allow other interested parties to inspect such submissions.
30. The non-confidential version of the information filed by the interested parties should essentially be a replica of the confidential version with the confidential information preferably indexed or blanked out (where indexation is not possible) and such information must be appropriately and adequately summarized depending upon the information on which confidentiality is claimed.
31. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on a confidential basis. However, in exceptional circumstances, the party submitting the confidential information may indicate that such information is not susceptible to a summary, and a statement of reasons containing a sufficient and adequate explanation in terms of Rule 7 of the AD Rules, 1995 and appropriate trade notices issued by the Authority, as to why such summarization is not possible, must be provided to the satisfaction of the Authority. The other interested parties can offer their comments on the confidentially claimed within 7 days of receiving the non-confidential version of the document.
32. Any submission made without a meaningful non-confidential version thereof or without a sufficient and adequate good cause statement in terms of Rule 7 of the AD Rules, 1995 and appropriate trade notices issued by the Authority, on the confidentiality claim shall not be taken on record by the Authority.

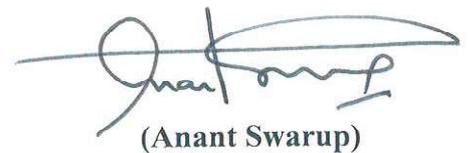
M. INSPECTION OF PUBLIC FILE

33. A list of registered interested parties will be uploaded on the 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.

N. NON-COOPERATION

34. In case where an interested party refuses access to and otherwise does not provide necessary information within a reasonable period or within the time stipulated by the Authority, 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