

**To be published in Part-I Section I of the Gazette of India Extraordinary**

**F. No. 7/27/2019-DGTR  
Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
(Directorate General of Trade Remedies)  
New Delhi – 110001**

**Dated: 18<sup>th</sup> December 2019**

**Initiation Notification  
(Case no. SSR 15/2019)**

**Subject: Initiation of Sunset Review of Anti-Dumping investigation concerning imports of Diketopyrrolo Pyrrole Pigment Red 254 (DPP Red 254) originating in or exported from China PR.**

**F.No. 7/27/2019-DGTR:** Whereas M/s. Heubach Colour Private Limited (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 “**Diketopyrrolo Pyrrole Pigment Red 254 (DPP Red 254)**” (hereinafter referred to as the “subject goods” or “product under consideration”), originating in or exported from China PR and Switzerland (hereinafter referred to as the “subject countries”).

2. AND WHEREAS, the applicant has alleged likelihood of continuation or recurrence of dumping of subject goods, originating and exported from China PR and Switzerland 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 countries.

### **Background**

3. And Whereas, the original investigation concerning imports of the subject goods from China PR and Switzerland was initiated by Authority vide Initiation Notification No. 14/8/2014-DGAD dated 20<sup>th</sup> June 2014. The Authority vide its final findings No. 14/8/2014-DGAD dated 19<sup>th</sup> June 2015, recommended imposition of anti-dumping duty against imports of the subject goods from China PR and Switzerland. Duty was imposed by the Central Government vide Customs Notification No. 41/2015- Customs (ADD) dated 17<sup>th</sup> August 2015.

## **Subject Country**

4. The countries involved in the original investigation were China PR and Switzerland. However, for the purpose of this current sunset review investigation, the Authority is initiating the investigation only against China PR, since prima facie analysis of information submitted by petitioner does not show likelihood of dumping from Switzerland. China PR is, therefore, the subject country for this sunset review.

## **Product under consideration**

5. The product under consideration in the present investigation is “Diketopyrrolo Pyrrole Pigment Red 254’ (herein after referred as “DPP Red 254” or “subject goods” or “product concerned”). DPP Red 254 is a highly saturated medium shade red pigment with good hiding power, excellent fastness to organic solvent and outstanding light and weather fastness. The pigments are synthetic organic colors which retain their crystalline or particulate form throughout the application process. DPP Red 254 is having a brilliant shade, high color strength, opacity and saturation. The chemical name of DPP Red 254 is 3, 6-bis-(4-chlorophenyl)-2, 5-dihydro pyrrolo (3, 4- c) pyrrole ,1,4 dione. The molecular formula of DPP 254 is C<sub>18</sub>H<sub>10</sub>Cl<sub>2</sub>N<sub>2</sub>O<sub>2</sub>. The color index number of DPP Red 254 is 56110 and chemical abstract number is 84632-65-5.

6. DPP Red 254 may be manufactured in many different shades or variants. All variants and shades of DPP Red 254 are covered within the scope of the product under consideration. It may be sold in crude or finished forms. The product scope includes crude pigment in any form (e.g. dry powder, paste, wet cake, etc.) and finished pigment in any form; examples include press cake, dry color, pigment blends, pigment dispersions.

7. DPP Red 254 is widely used as a high-performance pigment in waterborne paints, air drying alkyds, stoving enamels, acid curing systems, amine curing epoxies, isocyanate cured systems, power coatings, etc. DPP Red 254 is also used in automotive and industrial paint applications. It is used to obtain metallic effect finishes and for formulation of new saturated metallic shades. It is used in plastic applications especially in polyolefin’s, PVC and PS where they offer excellent all-round properties and outstanding heat resistance. Other uses include transportation crates, caps, blow molded containers and films. DPP Red 254 is also used in making warp-free formulations for injection molded HDPE.

8. The subject goods are classifiable under Chapter 32 of the Custom Tariff Act, 1975 under tariff item 32041739. DPP Red 254 is also being imported under other sub-headings such as 32041111, 32041630, 32041711, 32041719, 32041720, 32041790, 32041973, 32041984, 32049000, 32061110, and 32064990. However, the customs classification is indicative only and in no way binding on the scope of this investigation.

## **Like Article**

9. 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;*

10. The Applicant has submitted that the subject goods produced by them and the subject goods imported from the subject country are like articles. There is no known difference between the subject goods exported from the subject country and those produced by the Applicant. DPP Red 254 produced by the Applicant and imported from the subject country are comparable in terms of technical characteristics, functions and uses, distribution and marketing, pricing and tariff classification. Consumers can use and are using the two interchangeably.

11. The scope of the product under consideration has been kept the same as was considered by the Designated Authority at the time of previous final findings. Subject goods produced by the Applicant are being treated as “like article” to that being imported from the subject country for the purpose of the present review investigation

### **Domestic industry**

12. The application has been filed by M/s. Heubach Colour Private 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 during POI. Further, the Applicant is the sole producer of subject goods. Therefore, the Authority has considered the Applicant as Domestic Industry within the meaning of the Rule 2 (b) and the application satisfies the criteria of standing in terms of Rule 5 (3), of the Rules.

### **Initiation of Sunset Review**

13. And therefore in view of the duly substantiated application filed by the applicant, and having satisfied itself, on the basis of 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 Rules, the Authority hereby initiates a Sunset Review investigation to review the need for continued imposition of the duty 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**

14. The period of investigation (hereinafter referred to as “POI”) for the present investigation will be from 1<sup>st</sup> April 2018 to 30<sup>st</sup> 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**

15. The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No. 14/8/2014-DGAD dated 19<sup>th</sup> June 2015.

16. 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**

17. 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.

18. 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**

19. 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**

20. 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.

21. 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**

22. 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.).

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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**

29. 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**

30. 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**