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Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 27th February, 2009

Initiation Notification

(Mid-term Review)

Subject: Initiation of Mid-term Review regarding anti dumping duty imposed on imports of Polytetrafluoroethylene (PTFE) originating in or exported from china PR.

No. 15/33/2008-DGAD – Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as AD Rules), vide Notification Number 14/25/2003-DGAD dated 25th July, 2005, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive anti dumping duty on import of Polytetrafluoroethylene (PTFE) (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country).

And Whereas definitive anti dumping duty was imposed on the subject goods vide Customs Notification No.91/2005-Customs dated 17th October, 2005.

2. Product Under Consideration

The product under consideration involved in the original investigation and also in the present review application is "Polytetrafluoroethylene" (PTFE) originating in or exported from China PR (also referred to as subject goods hereinafter). The subject goods are classified under subheading no 390461 under Customs tariff Act and at subheading no. 39046100. Customs classifications is indicative only and, in no way, binding on the scope of the proposed investigations.

PTFE is produced in various grades like moulding grade, fine powder, aqueous dispersions compound grades and filled grades. All grades are within the scope of the

product under consideration. PTFE is primarily used in electrical, electronic, mechanical and chemical industries for their unique characteristics which are chemical inertness, electrical and thermal insulation, low coefficient of friction, non-toxic, non-flammable, resistance to radiation, low level of static and dynamic friction and outstanding electrical properties over a wide frequency range.

3. Initiation

The Customs Tariff (Amendment) Act 1995 and the AD Rules made there under require the Authority to review from time to time the need for continuance of anti dumping duty. The Designated Authority considers that the mid-term review of the anti dumping duty recommended would be appropriate at this stage under the provision of Rule 23 of AD Rules and Section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended. In terms of the above provision, M/s Gujarat Fluorochemicals Ltd, Noida, U.P. on behalf of DI filed an application substantiating the need for mid-term review of the anti dumping duty imposed on the subject goods originating in or exported from subject country.

4. Countries involved

The country involved in the present investigations is China PR.

5. Grounds for Review

The applicant has claimed that the circumstance have changed substantially requiring a review of anti dumping measures in force.

The dumping margin and injury margin in respect of the exports that are being made at present from China are substantially higher than the dumping margin and injury margin determined at the time of original investigation. Further, the present form of measure is not providing adequate relief to the Indian Producers. Therefore, the form of measure is required to be modified from variable form to fixed form of duty. The applicant claims that the anti dumping duty is required to be enhanced to account for the increase in the dumping margin and injury margin. The applicant have submitted positive information substantiating their claims in this regard.

6. Procedure

Having regard to the information provided by the applicant indicating changed circumstances necessitating a review of the measure in force, the Designated authority now considers that a mid-term review of the final findings notified vide No. 14/25/2003-DGAD dated 25th July, 2005 and the Definitive anti dumping duty

imposed by Customs Notification dated 17th October, 2005 is appropriate in view of the changed circumstances, in terms of the provision of Section 9(A) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra. The review covers all aspects of Notification No. 14/25/2003-DGAD dated 25.07.2005.

7. Period of Investigation

The Period of Investigation (POI) for the purpose of the present mid-term review is 1st October 2007 to 30th September 2008 (12 months). However, injury analysis shall cover the years 2005-06, 2006-07, 2007-08 & POI.

8. Submission of Information

The exporters in subject country, their government through their Embassy in India/representatives, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the:

**The Designated Authority
Directorate General of Anti-Dumping & Allied Duties,
Ministry of Commerce & Industry,
Department of Commerce
Room No.240,
Udyog Bhavan,
New Delhi-110107.**

Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below:

9. Time Limit

Any information relating to the present review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 days) from the date of letter of this review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.

10. Inspection of Public File

In terms of Rules 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. 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 Governments as deemed fit.

(R. Gopalan)

The Designated Authority