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**File No. 7/34/2018-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 the 29<sup>th</sup> October, 2018

**Case No. SSR 17/2018**

**INITIATION NOTIFICATION**

**Sub: - Initiation of Sunset Review investigation concerning imports of PVC Suspension Grade Resin from China PR, Thailand and USA.**

1. **File No.7/34/2018-DGTR:** Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter referred 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 as the Rules), the Designated Authority (hereinafter referred to as the Authority) recommended imposition of anti-dumping duty on imports of “Polyvinyl Chloride Suspension Resin” (hereinafter referred as the subject goods), originating in or exported from EU, Taiwan, China PR, Japan, Thailand and USA (hereinafter referred to as the subject countries) through notification No. 14/08/2006-DGAD on 26<sup>th</sup> December, 2007.
2. WHEREAS, the original investigation concerning imports of the subject goods from the Taiwan, China PR, Indonesia, Japan, Malaysia, Thailand, USA and Korea RP was initiated by the Authority and thereafter Final Finding Notification was issued by the Authority vide Notification No. 14/8/2006-DGAD dated 26<sup>th</sup> December, 2007 recommending imposition of definitive duty. On the basis of recommendations made by the Authority in the final findings, definitive anti-dumping duty was imposed with w.e.f 23<sup>rd</sup> January, 2008 through Notification No. 11/2008. Post issuance of the final finding, the Authority issued a corrigendum was issued dated 14<sup>th</sup> February, 2018 through Notification No. 14/8/2006-DGAD making modification in the duty table and the same was imposed accordingly by the Customs Authorities through Notification no. 38/2008 dated 24<sup>th</sup> March, 2008. Aggrieved by the order; interested parties approached the CESTAT and the matter was remanded back to the Authority. Post investigation, the Authority re-affirmed the decision passed by the Authority on 26<sup>th</sup> December, 2007. A review investigation was carried on thereafter and the Authority recommended continued imposition of duty on the subject countries excluding Korea. The Ministry of Finance extended definitive anti-dumping duty vide notification No. 27/2014 dated 13<sup>th</sup> June, 2014.

3. WHEREAS, an original investigation was initiated against the import of subject goods from EU and Mexico through Notification No. 14/1012/2012-DGAD dated 5<sup>th</sup> October, 2012. The Authority recommended imposition of definitive anti-dumping duty through notification No. 14/1012/2012-DGAD, dated 4<sup>th</sup> April, 2014. Ministry of Finance imposed definitive anti-dumping duties on imports of subject goods from EU and Mexico through Notification No. 26/2014, dated 13<sup>th</sup> June, 2014.
4. WHEREAS, M/s DCW Limited, DCM Shriram Limited and M/s Chemplast Sanmar Limited have filed a combined application seeking extension of ADD on imports from EU, Mexico, Taiwan, China PR, Indonesia, Japan, Malaysia, Thailand and USA, in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping and consequent injury to the domestic industry in case of cessation of existing ADD.

#### **A. Product Under Consideration**

5. The product under consideration in the previous investigations as well as present investigation is "*homo-polymer of vinyl chloride monomer (suspension grade), where various polymer chains are not linked to each other, falling under Customs Classification No. 3904*". The product under consideration excludes specialty PVC suspension resins such as cross-linked PVC, chlorinated PVC (CPVC), vinyl chloride – vinyl acetate copolymer (VC-VAc), PVC paste resin and PVC blending resin. The product under consideration has been referred to as "Poly Vinyl Chloride (PVC) Resin", "Suspension Grade" or "PVC Suspension Resin" or "the subject goods" in the present notification.
6. The present initiation is for sunset review investigations of existing anti-dumping duty and as there are no known major developments since the previous investigations with regard to product under consideration, the scope of the product under consideration is the same as that of original investigation.

#### **B. Like Article**

7. Petitioners have claimed that there is no known difference in the product produced by the petitioners and exported from the subject countries. Subject goods produced by the domestic industry are comparable in terms of physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods with the subject goods imported from the subject countries. The consumers are using the two interchangeably. The current investigation being a sunset review investigation, the Designated Authority earlier determined in the previous investigations that the goods produced by the domestic industry is like article to the imported product.

#### **C. Domestic Industry and Standing**

8. The present petition has been filed by M/s DCW Limited, M/s DCM Shriram Ltd. and M/s Chemplast Sanmar Limited whose production constitutes a major proportion in the Indian production. Apart from the petitioners, there are two other producers of the subject goods in India namely Reliance Industries Limited and Finolex Industries Limited.

9. The petitioning companies have certified that none of them has imported the subject goods from the subject countries with the exception of DCM Shriram Limited. DCM Shriram Limited's joint venture namely Shriram Axiall Private Limited has imported the subject goods. It is noted that the imports made by Shriram Axiall Private Limited are quite insignificant in relation to imports of the product in India, Indian production & consumption and production of DCM Shriram Limited. The Authority has considered that these imports do not render DCM Shriram Ltd. as ineligible domestic industry under the Rules. However, these would be appropriately considered while evaluating impact of dumped imports on the domestic industry.
10. The petitioning companies together constitute 30.14% of the Indian production and therefore constitute a major proportion in the Indian production. The Authority has considered the petitioner companies as domestic industry within the meaning of Rule 2(b) of the Rules.

#### **D. Initiation Of Sunset Review Investigation**

11. In view of the duly substantiated application filed by the petitioners and in accordance with Section 9A(5) of the Act, read with Rule 23 of the Anti-dumping Rules, the Authority hereby initiates the investigation to review the need for continued imposition of duties in force in respect of the subject goods, originating in and or exported from subject countries 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.

#### **E. Countries Involved**

12. The petition has been filed seeking initiation of review investigations and extension of ADD in respect of imports from EU, Mexico, Indonesia, Taiwan, Japan, Malaysia, China PR, Thailand and USA. After analysis of the petition and evidences therein with regard to likelihood of the continuation or recurrence of dumping and injury, the Authority considers that there is insufficient justification for conducting review investigations in respect of imports from EU, Mexico, Indonesia, Taiwan, Japan and Malaysia. The scope of the present review investigation is therefore restricted to imports of the product under consideration from China PR, Thailand and USA only.

#### **F. Period Of Investigation**

13. The period of investigation for the purpose of present investigations is April, 2017 to March, 2018. The injury investigation period has been considered as the period 2014-15, 2015-16, 2016-17 and the period of investigation.

#### **G. Procedure**

14. The present sunset review covers all aspects of the final findings published vide Notification No. 21/29/2011-DGAD dated 4<sup>th</sup> April, 2014 recommending imposition of anti-dumping duty on imports of PVC Suspension Grade Resin originating and exported from China PR, Thailand and USA.

#### **H. Procedure & Submission of information**

15. The known exporters in the subject countries, the government of the subject countries through their embassies, the importers and users in India known to be concerned with the product and

the domestic industry are being informed separately to enable them to submit all information relevant in the form and manner prescribed and to make their views known to the Authority at the following address:

The Designated Authority  
Directorate General of Trade Remedies  
Department of Commerce  
Ministry of Commerce & Industry  
4th Floor, Jeevan Tara Building,  
5, Parliament Street, New Delhi – 110001

16. As per Rule 6(5) and 6(6) of the Rules supra, the Designated Authority is also providing opportunity to the industrial users of the product under investigation, and consumer organizations who can furnish information which is relevant to the investigation regarding dumping, injury and casual link. Any other interested party may also make its submissions relevant to the investigation within the time limits set out below.

**I. Time limit**

17. 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 issuance of such letter. Any other interested party, whose address is not available, may also submit comments/information within 40 days from the date of publication of this notification.

**J. Submission of Information on Non-Confidential basis**

18. In terms of Rule 8 of the Rules, the interested parties are required to submit non- confidential version of any confidential information provided to the Authority. 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.
19. Information supplied without any mark as "Confidential" 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 each of the confidential version and the non-confidential version must be submitted.
20. 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.
21. The non- confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked / 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, party submitting the confidential information may indicate that such information is not susceptible to summary; a

statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.

22. 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.
23. 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 confidential information.

#### **K. Inspection of Public File**

24. 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.

#### **L. Sampling**

25. In view of the possibility of participation by large number of exporter(s)/producer(s) in the subject countries involved in this proceeding and the limited time period for completion of the investigation, the Authority may limit the exporter(s)/producer(s) to be investigated to a reasonable number by selecting a sample. The sampling shall be carried out, if required, in terms of Rule 17(3) of the Rules.

#### **M. Non cooperation**

26. In terms of Rule 6(8), in case where an interested party refuses access to or 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.

**(Sunil Kumar)**  
**Additional Secretary & Director General**