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Government of India Department
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi - 110001

Dated the 27th February, 2017

INITIATION NOTIFICATION

(Case No. NSR 2/2017)

Subject: - Initiation of New Shipper Review (under Rule 22) of Anti-Dumping duty imposed on imports of 1,1,1,2-Tetrafluoroethane or R-134a, from China PR

No. 15/22/2016-DGAD. M/s. Zhejiang Sanmei Chemical Ind. Co., Ltd. , Zhejiang Sanmei Chemical Products Co., Ltd and Jiangsu Sanmei Chemical Ind. Co., Ltd., (hereinafter referred to as the applicants) have filed an application in accordance with the Customs Tariff Act, 1975 as amended and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 before the Designated Authority (hereinafter referred to as the Authority) requesting for a review of the anti-dumping duty recommended by the Designated Authority on exports of Anti-Dumping duty imposed on imports of 1,1,1,2-Tetrafluoroethane or R-134a (hereinafter referred to as subject goods) from China PR in the earlier case of anti-dumping investigation where the Central Government has notified the anti-dumping duty vide Notification No.30/2016-Customs dated 11.07.2016 falling under Chapter 29 of Customs Tariff Act, consequent upon issue of Sunset Final Findings Notification No.15/23/2014-DGAD on 30th May,2016

EXPORTERS INVOLVED:

4. The present investigations relate to exports of 1,1,1,2-Tetrafluoroethane or R-134a by M/s. Zhejiang Sanmei Chemical Ind. Co., Ltd. (Producer/Exporter), Zhejiang Sanmei Chemical Products Co., Ltd (Exporter) and Jiangsu Sanmei Chemical Ind. Co., Ltd (Producer), and have filed an application in accordance with the Customs Tariff Act, 1975 as amended.

INITIATION OF REVIEW IN RESPECT OF NEW EXPORTER:

5. The Customs Tariff (Amendment) Act, 1995 and the Rules made there under require the Authority to review for the purpose of determining individual margin of dumping for any exporter or producer in the exporting country in question who has not exported the subject goods to India during the period of investigation of the earlier case of anti-dumping investigation concerning imports of 1,1,1,2-Tetrafluoroethane or R-134a from China PR and applicants are not related to any of the exporters and producers in the exporting country who are subjected to anti-dumping duty.

6. The Authority having been prima facie satisfied with the conditions as prescribed under Rule 22 of Anti-Dumping Rules, decides to review the Anti-Dumping duty imposed by the Central Government in pursuance of the recommendations made by the Authority vide Notification No. 15/23/2014-DGAD dated 30th May, 2016, and having regard to Notification No. 30/2016 Customs dated 11.7.2016, as requested by M/s. Zhejiang Sanmei Chemical Ind. Co., Ltd. (Producer/Exporter), Zhejiang Sanmei Chemical Products Co., Ltd (Exporter) and Jiangsu Sanmei Chemical Ind. Co., Ltd (Producer).

7. As requested by M/s. Zhejiang Sanmei Chemical Ind. Co., Ltd. (Producer/Exporter), Zhejiang Sanmei Chemical Products Co., Ltd (Exporter) and Jiangsu Sanmei Chemical Ind. Co., Ltd (Producer) in terms of their application, the Authority, on the basis of prima facie evidence regarding the conditions as prescribed under Rule 22 of AD Rules, hereby decides to initiate a New Shipper Review investigation for determination of their individual dumping margin for the purposes of imposition of the anti-dumping duties levied on dumped imports of 1,1,1,2-Tetrafluoroethane or R-134a originating in or exported from China PR in pursuance of the recommendations made by the Authority vide Final findings Notification No. 15/23/2014-DGAD dated 30th May, 2016 in the original anti-dumping case.

8. The Authority recommends provisional assessment on all exports of the subject goods made by M/s. Zhejiang Sanmei Chemical Ind. Co., Ltd. (Producer/Exporter), China PR M/s Zhejiang Sanmei Chemical Products Co., Ltd (Exporter) China PR and M/s Jiangsu Sanmei Chemical Ind. Co., Ltd (Producer), China PR till this review is completed, in accordance with the Rule 22 of AD Rules and having regard to Customs Notification No. 30/2016 Customs (ADD) dated 11.7.2016.

PERIOD OF INVESTIGATION:

9. The period of investigation for the purpose of the present review is 1st January, 2017 to 31st December, 2017.

SUBMISSION OF INFORMATION:

The known exporters in the subject countries, the Government of the subject countries through their embassies in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information 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 Anti-Dumping & Allied Duties,
Ministry of Commerce & Industry, Department of Commerce
4th Floor, Jeevan Tara Building, 5 Parliament Street,
New Delhi -110001.

10. 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.

TIME LIMIT:

12. Any information relating to the present investigation 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 completion of the period of investigation. 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.

Submission of Information on Non-Confidential basis

13. 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.

14. Information supplied without any confidential marking 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 of the confidential version and five (05) copies of the non-confidential version must be submitted by all the interested parties.

15. 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.

16. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /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, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

17. 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.

18. 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 information.

Inspection of Public File

19. In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

Non-cooperation

20. In case any interested party refuses access to and 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.

D. Inderjit Singh 27/2/17

Dr. InderJit Singh
Additional Secretary & Designated Authority