

Government of India
Ministry Of Commerce & Industry
Department of Commerce
Directorate General of Anti Dumping & Allied Duties
Udyog Bhawan, New Delhi

Dated the 9th August, 2010

Initiation Notification
(Mid Term Review)

Sub: Initiation of Mid Term Review on the anti-dumping duty imposed on Rubber Chemical (PX13) originating in or exported from Korea RP

NO. 15/21/2010- 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 (herein after referred to as 'AD Rules'), vide Notification No. 14/5/2007-DGAD dated 1st October, 2008, the Designated Authority (herein after referred to as 'the Authority') notified its final findings recommending definitive antidumping duty on import of rubber chemical i.e. PX13 (6PPD) (hereinafter referred to as 'subject goods') originating in or exported from Korea (hereinafter referred to as 'subject country') and China PR.

2. And WHEREAS definitive antidumping duty was imposed on the subject goods vide Customs Notification no: 133/2008 dated 12th December, 2008.

3. And WHEREAS a petition for Mid Term Review has been received by the Authority from M/s National Organic Chemical Industries Limited substantiating the need for Mid Term Review of the anti dumping duty earlier imposed.

Product under Consideration

4. The Product under Consideration, as in the original investigation and also in the present review application is Rubber Chemical, Px-13 (6PPD). Px-13 (6PPD) has its chemical description as, N-(1,3-dimethyl butyl)-N" Phenyl-P-1 with other trade/brand names as 6C, Pilflex 13, Sirantox 4020 Antioxident 4020, Kumhonax 13 Vulcanox 4020 etc. The Authority has previously determined that there is no dedicated classification for the subject goods and the product under consideration is being classified under various sub headings of customs classification head 38.10, 38.12, 29.21, 98 of the Customs Tariff Act and ITC HS classification for the purposes of imports by various importers. However, the said Customs classification is indicative only and in no way binding on the scope of the present investigation.

Initiation

5. 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. M/s NOCIL Limited has filed an application substantiating the need for Mid - Term Review of the anti-dumping duty earlier imposed on the subject goods originating in or exported from Korea and have requested for enhancement in the quantum of the anti-dumping duty earlier imposed on subject goods under the above mentioned Notification. The Designated Authority considers that the Mid – Term Review of the anti dumping duty recommended earlier would be appropriate at this stage under the provisions of Section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended read with Rule 23 of Anti Dumping Rules.

Country (ies) Involved

6. The country involved in the present investigation is **Korea RP**.

Grounds for Review

7. The Applicant has claimed that in spite of existing anti dumping duties, subject goods continue to be imported in India from Korea RP at dumped prices and the same is causing injury to the Domestic Industry. The Applicant argues that, the existing measure is not, or is no longer; sufficient to counteract the dumping which is causing injury and the same is not achieving the intended results in removing the injury previously established. The Applicant has further requested for recommendation of enhanced quantum of Anti-Dumping Duty to account for increase in the Dumping margin

Procedure

8. Having decided to review the final findings notified vide Notification No. 14/5/2007-DGAD dated 1st October, 2008 earlier and consequent anti dumping duty imposed vide Customs Notification no: 133/2008 dated 12th December, 2008, the Authority hereby initiates investigations to review the need for continued imposition of anti dumping duty, and whether the quantum of anti dumping duty is required to be modified in accordance with the Customs Tariff (Amendment) Act, 1995 and AD Rules.

9. The review covers all aspects of Notification No. 14/5/2007-DGAD dated 1st October, 2008 so far as they have a relationship with PUC as also so far as they have a relationship with Korea RP. Further, National Organic Chemical Industries Limited is proposed to be considered as Domestic Industry in accordance with the Rules supra.

Period of Investigation

10. The period of investigation for purpose of the present review is 1st April, 2009 to 31st March, 2010 (12 months). However, injury analysis shall cover the years 2006-07, 2007-08, 2008-09 and the POI.

Submission of Information

11. The exporters in the 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,
Ministry of Commerce & Industry,
Department of Commerce,
Directorate General of Anti-Dumping & Allied Duties, (DGAD),
Room No. 243, Udyog Bhavan,
New Delhi-110011**

12. 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

13. 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 hereinabove not later than forty days (40 Days) from the date of publication 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.

Non-confidential summary

14. All interested parties must provide a non-confidential summary of any information provided on a confidential basis in terms of Anti-Dumping Rule 7(2), which will be subject to acceptance in terms of Rules 7(1) and 7(2) of the AD Rules.

Inspection of Public File

15. 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 Government as deemed fit.

P. K. Chaudhery
The Designated Authority