

**TO BE PUBLISHED IN THE GAZETTE OF INDIA – EXTRAORDINARY-PART-I, SECTION-1**

No 15/9/2014-DGAD  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Anti Dumping & Allied Duties)  
Udyog Bhawan, New Delhi

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Dated the 9<sup>th</sup> May, 2014

**Initiation Notification**

**(Sunset Review)**

**Subject: Sunset review of anti-dumping duty imposed on the imports of Measuring Tapes originating in or exported from China PR.**

No 15/9/2014-DGAD:-Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the AD Rules), the Designated Authority (hereinafter referred to as the Authority) initiated the original anti dumping investigation in respect of the imports of Measuring Tapes (hereinafter referred to as the subject goods) originating in or exported from China PR (hereinafter referred to as the subject country) and definitive anti dumping duty was recommended vide Final Findings Notification No. 14/31/2002-DGAD dated 1<sup>st</sup> September, 2003. Accordingly, definitive anti dumping duties were imposed vide Ministry of Finance Notification No 147/2003-Customs dated 7<sup>th</sup> October, 2003 on all imports of the subject goods originating in or exported from China PR. Thereafter, the Authority initiated the sunset review investigation and concluded that the expiry of anti dumping duty levied on the imports of the subject goods originating in or exported from the subject country would lead to continuation or recurrence of dumping and injury and vide notification No. 15/2/2008-DGAD, dated the 27<sup>th</sup> March, 2009 recommended continuation of the duty. Accordingly, the Department of Revenue extended the anti dumping duty on the subject goods from subject country vide Notification No. 49/2009-Customs dated 15.05.2009.

## **Request for Review**

2. Whereas, in terms of the Customs Tariff Act, 1995, the antidumping duty imposed shall unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition.

3. And, notwithstanding the above provision, the Authority is required to review, on the basis of a duly substantial request made by or on behalf of the domestic industry within a reasonable period of time prior to the date of the expiry of the measure, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

4. And, whereas, in terms of the above provisions, M/s FMI Limited, Ludhiana, major manufacturer of Measuring Tapes in India, has approached the Authority with a duly substantiated application requesting for sunset review of the anti-dumping duty earlier imposed vide Ministry of Finance Notification No. 49/2009-Customs dated 15.05.2009 on the imports of the subject goods originating in or exported from the subject country and seeking the continuation of anti-dumping duty. The request is based on the grounds that dumping of the subject goods originating in or exported from the subject country has continued in spite of the imposition of anti-dumping duties on the import of the subject goods from the subject country and the domestic industry continues to suffer injury on account of dumping from the subject country. The applicant has further argued that the expiry of the measure against the subject country would be likely to result in continuation or recurrence of dumping and injury to the domestic industry.

5. And, the Authority on the basis of prime facie evidence given by the applicants considers that initiation of sunset review proceedings for the anti-dumping duties in force would be appropriate to examine the need for continuation of such duties to offset dumping from the subject countries and to examine as to whether the injury to the domestic industry is likely to continue or recur if the duties were removed or varied.

## **Domestic Industry and Standing**

6. The application has been filed by M/s FMI Limited, Ludhiana (hereinafter referred to as the domestic industry or the applicant), producers of the subject goods in India. The applicant has listed a number of other producers of the subject goods in the country, viz., Freemans Measures Limited, Klas Tape Co., Venus Industrial Corpn., Ambika Overseas and New Wave Industries India. All these producers have extended support to the petition. However, as per the records available with the Authority, the

applicant alone accounts for major share in Indian production and constitutes domestic industry within the meaning of the Rules.

7. Having satisfied itself on the basis of the positive prima facie evidence submitted by the domestic industry substantiating the need for a review, the Authority hereby initiates the Sunset Review in accordance with Section 9 A (5) of the Act, read with Rule 23 of Antidumping Rules, to review the need for continued imposition of duties in force and whether the expiry of the duties would be likely to lead to continuation or recurrence of dumping and injury.

### **Product under Consideration and Like Article**

8. The product under consideration in the present petition is Measuring Tapes or Tapes. In the original investigation, vide Final Findings Notification No 14/31/2002-DGAD dated 1<sup>st</sup> September 2003, the Authority considered the description of the product as under:

*“5. The product under consideration is "Measuring Tapes", its parts and components etc., all type of steel measuring and fibre glass tapes and their parts or components are the subject matter of the present petition. It is generally used for measuring the length, breadth etc. of an object. It is used by foreman, mason, carpainter, forestry departments and tailors etc. Measuring Tapes are manufactured from tempered high quality carbon steel blade, phosphated and coated with special enamel to withstand corrosion and rust. Measuring tapes are used for: -*

- a. high precision professional jobs;*
- b. measuring depth, width, or length of an object;*
- c. contraction and surveys.*

*6. In technical terms the measuring tapes are defined in terms of length and width of a tape, raw material used i.e. steel or fibre glass and, finally precision with which dimensions are marked on the tape. It is classified under Chapter 90 of the Customs Tariff Act under sub-headings 9017, 9017.80, 9017.8001, 9017.90. The petitioner has stated that subject goods are being imported under above-mentioned sub-headings. The Custom classification is indicative only and not binding on the scope of investigation.”*

9. The scope of the product under consideration in the present investigation shall remain the same as the scope of the product under consideration in the final findings earlier notified.

10. Measuring tapes are classified under Chapter 90 of the Customs Tariff Act under sub-headings 9017, 9017.80, 9017.8010, 9017.90. The petitioner has stated that subject goods are being imported under sub-headings such as 90171000, 90173010, 90173029, 90178010, 90178090, 90189099 etc. The classification is, however, indicative only and in no way binding on the scope of the present investigation.

11. Further, the applicants submitted that the product manufactured by the domestic industry and the subject goods imported into India from the subject country are like articles within the meaning of the Anti-dumping Rules; that there is no known difference between the subject goods imported from the subject country and that produced by the domestic industry; that the subject goods produced by the domestic industry and imported from the subject country are comparable in terms of essential product characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods; that the consumers can use and are using the two interchangeably and that the two are technically and commercially substitutable. After examination, the Authority concludes that the subject goods produced by the domestic industry are like article to that imported from the subject country.

## **Procedure**

12. The investigation will determine as to whether the expiry of the measures would be likely to lead to continuation or recurrence of dumping and injury. The Authority will examine as to whether the continued imposition of the duties is necessary to offset dumping and whether the injury would be likely to continue or recur if the duties were removed or varied.

- i. The review will cover all aspects of the Notification No. 49/2009-Customs dated 15.05.2009.
- ii. The country involved in the review investigation is China PR.
- iii. The period of investigation (POI) is from April, 2013 to December, 2013 and for injury analysis, data of the previous three years, viz., 2010-11, 2011-12, 2012-13 and the POI will be considered.
- iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules shall be mutatis mutandis applicable in this review.

## **Submission of Information**

13. The known exporters in the subject country, the Government of the subject country through its embassy 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 and Allied Duties**  
**Ministry of Commerce and Industry**  
**Department of Commerce**  
**Room No. 240, Udyog Bhavan, New Delhi-110011.**

14. 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. 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**

15. 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 publication of this Notification. 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.

16. 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 and offer their comments to the domestic industry's application regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the date of initiation of this investigation.

**Submission of information on confidential basis**

17. In case confidentiality is claimed on any part of the questionnaire 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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:**

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

### **Non-cooperation**

24. 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.

**J S Deepak**  
**Designated Authority**