

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

**Government of India  
Ministry of Commerce & Industry  
Department Of Commerce  
Directorate General of Anti-dumping and Allied Duties  
4th Floor, Jeewan Tara Building, Parliament Street, New Delhi**

9th December, 2014

**Notification**

**Initiation**

**(Sunset Review)**

**Subject: Initiation of Sunset Review of Anti-Dumping duty on imports of  
'Melamine' originating in or exported from China PR.**

1. F.N. 15/17/2014-DGAD Whereas, the Designated Authority having regard to the Customs Tariff Act, 1975 as amended in 1995 (hereinafter referred to as the Act) 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) recommended imposition of provisional duty on imports of Melamine originating in and exported from China PR vide notification No.14/16/2003-DGAD dated 27.02.2004 and such provisional duty was imposed by the Government of India vide Notification No.53/2004-Customs dated 02.04.2004. The Authority issued its final findings recommending imposition of definitive anti dumping duty on imports of Melamine (hereinafter referred to as subject goods) originating in or exported from China PR(hereinafter referred to as subject country), vide notification No 14/16/2003-DGAD dated 03.09.2004 and such definitive duty was imposed by the Govt. of India vide customs notification No.107/2004-Customs dated 16th November, 2004.
2. WHEREAS The Designated Authority thereafter vide notification No. 15/29/2008-DGAD, dated the 21.11.2008, had initiated sunset review in the matter of continuation of anti-dumping duty on imports of subject goods, originating in, or exported from, the subject country, imposed. The Designated Authority vide notification No. 15/29/2008-DGAD, dated the 20.22.2009, had recommended for continuation of the anti-dumping duty. Notification No. 10/2010-Customs was issued on 19.02.2010 imposing anti dumping duty on imports of Melamine from the subject country.

3. WHEREAS, M/s. Gujarat State Fertilizers & Chemicals Ltd has filed a duly substantiated application before the Authority, in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from Subject Country and consequent injury to the domestic industry and have requested for review, extension of period, modification and enhancement of existing anti dumping duties, imposed on the imports of the subject goods, originating in or exported from the subject country.

### **Domestic Industry & Standing**

4. The application for the sunset review has been filed by M/s. Gujarat State Fertilizers & Chemicals Ltd. As per the information available, the petitioner company is not related (neither directly nor indirectly) to any exporter in the subject country or importer of product under consideration in India. The petitioner has not imported the subject goods from subject country during period of investigation. However the petitioner has made some imports from subject country during the base year. The Authority is of the view that the focus of the company continues to be of a producer and do its own production. The company has been considered as eligible domestic industry within the meaning of the Rules.
5. The petitioner company is the sole producer of the product under consideration in India. The Authority after examining the information on record has determined that the petitioner company constitute domestic industry within the meaning of the Rule 2(b) and the petition satisfies the criteria of standing in terms of Rule 5 of the Rules supra

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

6. The product under consideration, in the original as well as in first sunset review investigation is Melamine, a tasteless, odourless, and non-toxic substance. Melamine is reacted with formaldehyde and made into resins or moulding powder for making innumerable products of beauty and utility. Melamine formaldehyde resin is used for laminates offer good hardness, resistance to scratch, stain, water and heat. Laminates used in some electrical applications possess high mechanical strength, good heat resistance and good electrical insulating properties.
7. The subject goods fall under Chapter 29 of the Customs Tariff under Subheading No. 29336100. However, the customs classification is indicative only and is in no way binding on the scope of the present investigation.

### **Initiation of Sunset Review of Anti Dumping Duty**

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

exported from the subject country 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.

### **Country Involved**

9. The country involved in this investigation is China PR.

### **Period of investigation**

10. Domestic Industry has proposed the period of investigation for the present investigation as 1.4.2013 to 31.3.2014. However the authority has extended the same by 3 months as 1.4.2013 to 3.6.2014 so as to undertake analysis on the most recent date. Further the injury investigation period will cover the periods April 2010 to March 2011, April 2011 to March 2012, April 2012 to March 2013 and the Period of Investigation (POI)

### **Procedure**

11. The review covers all aspects of Notification No. 15/29/2008-DGAD, dated the 20.22.2009 (final findings of the sunset review investigation).

12. The provisions of Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19 and 20 of the Rules supra 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  
4th Floor, Jeewan Tara Building, Parliament Street, New Delhi.

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 AD 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's responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the AD measures within 40 days from the date of initiation of this review investigation.

**Submission of information on confidential basis.**

17. 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.
18. Information supplied without any mark 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.
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, party submitting the confidential information may indicate that such information is not susceptible of summary; 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) any interested party may inspect the public file containing non-confidential versions 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 record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

**(J K Dadoo)**  
**Designated Authority**