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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi-110011

Dated the 7th September, 2012

INITIATION NOTIFICATION

(SUNSET REVIEW)

Subject: Initiation of Sunset Review of anti-dumping duty imposed on imports of Ductile Iron Pipes originating in or exported from China PR.

F.No. 15/1006/2012-DGAD - Having regard to the Customs Tariff Act, 1975 as amended from time to time), and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty and for Determination of Injury) Rules, 1995, as amended from time to time, the Designated Authority vide its Final Findings Notification No.14/14/2005-DGAD dated 23rd August, 2007 had recommended imposition of anti dumping duty on the imports of Ductile Iron pipes from China PR and the duties were imposed by the Department of Revenue vide Custom Notification No.103/2007-Customs dated 14th September, 2007.

Initiation of Sunset Review

2. Whereas in terms of Section 9A (5) of the Customs Tariff (Amendment) Act, 1995, the anti-dumping duties imposed under this Section, shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury and if satisfied on the basis of the information received that there is sufficient justification for extension of such duty, the Authority may recommend to the Central Government for extension of such duty.

3. Whereas M/s Electrosteel Casting Limited, M/s Lanco Limited and M/s Jindal Saw Limited have filed a petition under section 9A (5) of the Customs Tariff Act, 1975 as amended in 1995, read with Rule 23 of the 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 Sunset Review of anti dumping duties earlier imposed on imports of Ductile Iron Pipes of all diameters (hereinafter referred to as the subject goods or the product under consideration) originating in or exported from China PR (hereinafter referred to as the subject country). The petitioners have claimed that cessation of anti dumping duty imposed on the

subject goods from the subject country is likely to lead to recurrence of dumping and injury and has, therefore, requested for extension of duty already in place.

4. In view of the duly substantiated application filed by the Domestic Industry and in accordance with section 9A (5) of the Act read with Rule 23 of Antidumping Rules, the Designated Authority, hereby, initiates Sunset Review to examine whether cessation of the duty would lead to recurrence of dumping and injury to the domestic industry.

Domestic Industry & Standing

5. M/s Electrosteel Casting Limited, M/s Lanco Limited and M/s Jindal Saw Limited (hereinafter referred to as the Petitioners or the domestic industry) have filed a petition under section 9A (5) of the Customs Tariff Act, 1975 as amended in 1995 read with Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 requesting Sunset Review of anti dumping duties earlier imposed on imports of Ductile Iron Pipes of all diameters originating in or exported from China PR. The petitioners account for 72% share in the total domestic production and, therefore, they have standing in terms of the Anti-dumping Rules.

Product under Consideration

6. The product under consideration in the present investigation is "Ductile Iron Pipes of all diameters", commonly known as DI Pipes originating in or exported from China PR. The main function of subject goods is the transportation of liquid object upto long distances at high pressure. It is primarily used for transporting water or sewerage disposal and gas, transmission of domestic and industrial effluent, fire-fighting systems on shore and off-shore. The various applications of subject goods are transmission of raw, potable and sea water at high pressures, distribution of potable water and gas, disposal of domestic and industrial effluent, fire-fighting systems on shore and off shore etc. DI Pipes are classifiable under Codes 73030030 and 73030090 of the Customs Tariff Act. The classification is, however, indicative only and in no way binding on the scope of the present investigation.

Like Article

7. Rule 2(d) with regard to like article provides as under: -

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

8. There is no known difference between the subject goods exported from China and that produced by the petitioner. Subject goods produced by the domestic industry and imported from China 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. Consumers can use and are using the two interchangeably. The two are technically and commercially substitutable.

9. The petitioners submitted that subject goods produced by the petitioner companies and the subject goods imported from the subject country are like articles within the meaning of the Anti-dumping Rules. 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

10. The investigation will determine as to whether the expiry of the measure would be likely to lead to continuation or recurrence of dumping and injury. The Authority will examine whether the continued imposition of the duties is necessary to offset likely dumping and whether the injury would be likely to recur if the duties were removed or varied, or both:-

i) The review will cover all aspects of Custom Notification No.103/2007-Customs dated 14th September, 2007. The country involved in this sunset review investigation is China PR.

ii) The Period of Investigation (POI) for this sunset review investigation is from April 2011 to March 2012 (12 months). However, for the purpose of analyzing injury, the data of previous three years, i.e., Apr'08-Mar'09, Apr'09-Mar'10, Apr'10-Mar'11 and the Period of Investigation will be examined.

iii) 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

11. The exporters in the subject country, its Government through its Embassy in India, the importers and users in India known to be concerned with the product under consideration would be 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

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. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the Authority as well as the other interested parties.

Time Limit

13. Any information relating to the present review 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 letter 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 Antidumping Rules.

Inspection of Public File

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

Non-cooperation

15. 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.

Sd/-
(Smt Vijaylaxmi Joshi)
Designated Authority