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No 15/28/2013-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 18th February, 2014

**Initiation Notification
(Sunset Review)**

Subject: Sunset review of anti-dumping duty imposed on the imports of Plain Medium Density Fibre Board originating in or exported from China PR, Malaysia, Thailand and Sri Lanka.

No 15/28/2013-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 Plain Medium Density Fibre Board (hereinafter referred to as the subject goods) originating in or exported from China PR, Malaysia, Thailand and Sri Lanka and definitive anti dumping duty was recommended vide Final Findings Notification No. 14/12/2007-DGAD dated 26th August, 2009. Accordingly, definitive anti dumping duties were imposed vide Ministry of Finance Notification No 116 / 2009-Customs dated the 8th October, 2009 on all imports of the subject goods originating in or exported from China PR, Malaysia, Thailand and Sri Lanka (hereinafter referred to as the subject countries).

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, Greenply Industries Limited and Mangalam Timber Products Limited, major manufacturers of Plain Medium Density Fibre Board in India, have approached the Authority with a duly substantiated application requesting for sunset review of the anti-dumping duties earlier imposed on the imports of the subject goods originating in or exported from the subject countries vide Ministry of Finance Notification No 116 / 2009-Customs dated the 8th October, 2009 and seeking the continuation of anti-dumping duty on the imports of the subject goods originating in or exported from the subject countries. The request is based on the grounds that dumping of the subject goods originating in or exported from the subject countries has continued in spite of the imposition of anti-dumping duties on the import of the subject goods from the subject countries and the domestic industry continues to suffer injury on account of dumping from the subject countries. The applicant has further argued that the expiry of the measure against the subject countries 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 Greenply Industries Limited and Mangalam Timber Products Limited (hereinafter referred to as the domestic industry or the applicants), major producers of Plain Medium Density Fibre Board. The applicants have listed other companies that are holding capacities to manufacture Plain Medium Density Fibre Board, viz., Rushil Décor Limited, Shirdi Industries Limited, Balaji Action Buildwell and Nuchem Limited and further stated that Nuchem Limited and another company, namely, Bajaj Eco-Tec Products Limited are no longer producing the product concerned. As per the information available on record, the applicants not only have major proportion of the total domestic production and thus constitute the domestic industry but also satisfy the requirement of standing to file the present sunset review application within the meaning of the Rules.

Initiation

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 a 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 review investigation is Plain Medium Density Fibre Board having thickness of 6mm or more (hereinafter referred to as the product under consideration).

9. In the previous investigation conducted on the subject goods, the Authority had defined the product under consideration and its scope as under:

“6. The product under consideration is Plain Medium Density Fibre Board also known as Plain MDF Board in market parlance. Plain Medium Density Fibre Board, or Plain MDF Board is a composite wood product made out of wood waste fibres glued together with urea formaldehyde resin or melamine resin, heat and pressure. It is widely used for partitions, Modular furniture, cabinets etc. due to its smooth and uniform finish. MDF Board is produced in plain form and lamination is additional processing which is done after production of Plain MDF Board. The laminated Medium Density fibre Board (laminated MDF Board) is beyond the scope of product under consideration. The Authority in its Preliminary Findings considered the submissions received on the product under consideration and after due examination excluded the Plain Medium Density Fibre Board below 6MM thickness from the product scope and accordingly the product under consideration was considered as Plain Medium Density Fibre Board from 6MM thickness and above and same is also considered in this investigations.

7. The product is classified under heading 44.11 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975). The Customs classification is, however, indicative only and in no way binding on the scope of the present investigation.”

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

11. Further, the applicants submitted that the product manufactured by the domestic industry and the subject goods imported into India from the subject countries 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 countries and that produced by the domestic industry; that the subject goods produced by the domestic industry and imported from the subject countries 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 countries.

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. 116/2009-Customs dated the 8th October, 2009.
- ii. The countries involved in this review investigation are China PR, Malaysia, Thailand and Sri Lanka.
- iii. The period of investigation (POI) for the purpose of the present review is from October 2012 to September 2013 and for the 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 exporters in the subject countries, their governments through their Embassy in India, 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 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 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 responses and offer their comments to the domestic industry's application within forty days (40 days) from the date of publication of this Notification. The information must be submitted in hard copies as well as soft copies.

Submission of information on confidential basis

17. The parties making any submission (including Appendices/Annexure attached thereto), before the authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:-

(a) one set marked as Confidential (with title, number of pages, index, etc.), and

(b) the other set marked as Non-Confidential (with title, number of pages, index, etc.).

18. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority and the Authority shall be at liberty to allow the other interested parties to inspect such submissions. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in five (5) sets of each.

19. The confidential version shall contain all information which are by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information can not be disclosed.

20. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and 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 to summary, and 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 if 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 shall not be taken on record by the Authority.

23. 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

24. 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

25. 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.

J S Deepak
Designated Authority