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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
4th Floor, Jeevan Tara Building
5 Parliament Street, New Delhi - 110001**

Dated: 27th July 2015

**INITIATION NOTIFICATION
(Sunset Review)**

**Initiation of Sunset Review of Anti-dumping Duty imposed on imports of
PVC Flex Film, originating in or exported from China PR.**

F. No. 15/13/2015-DGAD - Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also referred as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter also referred as the Rules), the Designated Authority (hereinafter also referred to as the Authority) recommended imposition of anti-dumping duty on imports of “**PVC Flex Film**” (hereinafter also referred to as the subject goods), originating in or exported from China PR (hereinafter referred to as the subject country).

2. Whereas, The Designated Authority had originally initiated investigations on dumping of subject goods from China PR on 1st February, 2010. The Authority recommended imposition of provisional anti dumping duties vide notification No. 14/4/2010 - DGAD dated 22nd June, 2010 and Ministry of Finance imposed provisional anti-dumping duty on the subject goods vide notification No. 79/2010-Customs, dated the 30th July, 2010. The Designated Authority thereafter recommended imposition of definitive duty vide Notification No.14/4/2010-DGAD dated 29th July 2011. Ministry of Finance, vide Notification No. 82/2011dated 25th August 2011 imposed definitive anti dumping on all imports of subject goods originating in or exported from China PR.

3. Whereas, M/s Pioneer Polyleathers Ltd and M/s SRF Ltd (hereinafter referred to as ‘petitioners’) have filed a petition for continuation of Anti-dumping duty on imports of PVC Flex from China PR. The petitioners have provided relevant information in the application. The petition contains prima

facie evidence for extension of anti-dumping duty on the subject goods from subject country.

Country involved

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

Product under consideration and Like Article

5. The present petition is for sunset review of the anti dumping duty earlier imposed. In the earlier Final Findings of the original investigation issued vide notification No. 14/4/2010-DGAD dated 29th July 2011 the Designated Authority had noted that:

“The product under consideration is ‘PVC Flex Film’. PVC Flex Films are also known as PVC Flex Banners, PVC Flex Sheets for advertising signage, billboards and PVC Flex Tarpaulins, etc., (hereinafter referred to as subject goods). However, PVC Films, PVC Rigid Films, Cotton/Canvas Tarpaulins, Self Adhesive Vinyl, One way vision film/Perforated window film and Mesh Banner/Fabric do not constitute PUC and therefore are outside the purview of this investigation.

PVC Flex Films are classified under Chapter 39 of the Customs Tariff Act, 1975, under Tariff Heading Nos. 3920 and 3921. The Authority notes that the material is being imported and cleared under a large number of other customs classifications as well, which includes 39201019, 39201012, 39204900, 39219026, 39219029, 39269099, 39199090, 39181090, 39189090, and 39269080. The customs classifications are however, indicative only and in no way binding on the scope of the present investigation”.

Proposed investigations being review of existing anti dumping duty, the scope of the product under consideration in the proposed investigation shall remain the same as the scope of the product under consideration in the final findings earlier notified.

Like Article

6. Petitioners have submitted that there is no known difference in subject goods exported from subject country and that produced by the Indian industry. Both the products have comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc. The petition filed is for the review, continuation and enhancement of the quantum of anti dumping duty in force, and the issue of like article has already been dealt with in the original investigation. Further, the

Authority has already held in the original investigation that the subject goods produced by the domestic industry are like article to the subject goods imported from the subject country.

Domestic Industry & Standing

7. The petition has been filed by M/s. Pioneer Polyleathers Ltd and M/s SRF Ltd. Petitioners share in total Indian production is 47.40%. There are eight other producers of the subject goods, namely M/s Sunlex Fabrics Pvt. Ltd., Vermora Flex, Qrex Flex Pvt Ltd, Swaroop Flex, Canadian Vinyl, Khushboo PVC Flex, Jindal Speciality Textiles Ltd and Navratan Speciality Chemicals LLP. Sunlex Fabrics Pvt. Ltd., Qrex Flex Pvt Ltd, Canadian Vinyl, Jindal Speciality Textiles Ltd and Navratan Speciality Chemicals LLP have supported the petition. Petitioners along with supporters account for 98% share of Indian production. It is seen that production of the petitioners constitutes a “major proportion” in terms of AD Rules. In view of the above, it is seen that the petitioners satisfies the standing and constitutes "Domestic Industry" within the meaning of the Anti Dumping Rules.

Initiation of Sunset Review

8. WHEREAS, in view of the duly substantiated application filed and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the Anti-dumping Rules, the Authority hereby initiates a Sunset review investigation to to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Period of Investigation

9. The period of investigation (POI) is April 2014 – March 2015 (12 months) for the purpose of present investigation. The injury investigation period will however cover the periods April 2011 - March 2012, April 2012-March 2013, April 2013-March 2014 and the POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure

10. The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No. 14/4/2010-DGAD dated 29th July, 2011 (final findings of the original investigation).

11. 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

12. 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:

**Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001**

13. 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 submit a non-confidential version of the same to be made available to the other parties.

Time Limit

14. 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 issuance of such letter. Any other interested party, whose address is not available, may also submit comments/ information within 40 days from date of publication of this notification.

Submission of information on confidential basis

15. 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 and accompanied with soft copies.

16. 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 two (02) copies of the non-confidential version must be submitted by all the interested parties.

17. 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.

18. 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.

19. 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.

20. 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

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

Non-cooperation

22. 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. K. Dadoo)
Designated Authority