

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

F.No.15/1/2013-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti Dumping & Allied Duties

New Delhi, the 30th April, 2013

INITIATION NOTIFICATION

(Sunset Review)

Subject: Initiation of Sunset Review anti-dumping investigation concerning imports of ‘Rubber Chemicals, namely, MBT, CBS, TDQ, PVI, and TMT, originating in or exported from China PR and imports of PX-13 (6PPD) originating in or exported from China PR and Korea RP - regarding

No.15/1/2013-DGAD:- 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 Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, (hereinafter referred to as the Anti Dumping Rules or the Rules) the Designated Authority (hereinafter referred to as the Authority) had recommended imposition of anti dumping duty on imports of Rubber Chemicals, namely, MBT, CBS, TDQ, PVI, and TMT (hereinafter referred to as the subject goods) from China PR and PX-13(6PPD) {hereinafter referred to as the subject goods} from China PR and Korea RP {hereinafter referred to as the subject country(ies)} vide Final Findings Notification No.14/5/2007-DGAD dated 1st October, 2008. On the basis of the Final Findings, definitive anti dumping duties on the subject goods imported from subject country(ies) were imposed by the Department of Revenue vide Notification No.133/2008-Customs dated 12th December, 2008. These Findings with respect to imports of PX-13 (6PPD) from Korea RP were modified by the Authority in a Mid-Term Review investigation vide Final Findings Notification No. 15/21/2010-DGAD dated 5th August, 2011 and whereupon with respect to imports of PX-13 (6PPD) from Korea RP, the anti dumping duty was modified vide Customs Notification No. 92/2011 dated 20th September, 2011.

Request for Review

2. AND WHEERAS, M/s National Organic Chemical Industries Limited (NOCIL), Mumbai, representing the Domestic Industry has approached the Authority with a duly substantiated application requesting for such a review, and the Authority on the basis of prime facie evidence considers that initiation of sunset review proceedings for the anti dumping duties in force on imports of Rubber Chemicals, namely, MBT, CBS, TDQ, PVI, and TMT from China and PX-13 (6PPD) from China and Korea RP would be appropriate to examine the need for continued imposition of such duties to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied or both.

Grounds for review

3. The request is for review and continuation of the antidumping duties in force. The request is based on the grounds that dumping has continued in spite of imposition of antidumping duty on import of the subject goods from the subject country(ies) and the domestic industry continues to suffer injury on account of dumping from the subject country(ies) as the form and quantum of anti dumping duty in force has been insufficient. The applicant has further argued that expiry of the measure against the subject country(ies) would be likely to result in continuation or recurrence of dumping and injury to the domestic industry. The applicant also claims that revocation of anti-dumping measures would result in intensified injury to the domestic industry and, therefore, the duty is required to be continued for a further period of five years.

Domestic industry

4. The application has been filed by M/s National Organic Chemical Industries Limited (NOCIL), Mumbai, on behalf of the domestic producers of the subject goods. As per information available on record, the applicant accounts for a major proportion in Indian production of the subject goods and, therefore, constitute the domestic industry within the meaning of Rule 2(b) of the AD Rules.

Product under Consideration

5. The products under consideration in the present investigation are the following Rubber Chemicals:

- i) MBT, having chemical description 2-Mercapto Benzothiazole, with other trade/brand name as Accelerator M, Accelerator MBT etc.
- ii) CBS, having chemical description N-Cyclohexyl-2-Benzothiazole Sulphenamide with other trade name/brand names as Accelerator CZ, Accelerator HBS, CBS etc.
- iii) TDQ, having chemical description Polymerized 2,2,4 – Trimethyl-1,2-dihydroquinoline with other trade/brand names as TMR or Antioxidant RD etc.
- iv) PVI, having chemical description N-(Cyclohexylthio) Pthalimide with other trade/brand names as Anti Scorch agent CTP, PVI etc.
- v) TMT having chemical description as Tetramethylthiuram Disulfide with other trade/brand names as Accelerator TMTD Thiuram C etc.
- vi) PX-13 (6PPD) having chemical description N-(1,3-dimethyl butyl)-N'' Phenyl-P-1 with other trade/brand names as 6C, Pilflex 13, Sirantox 4020 Antioxidant 4020, Kumhonax 13 Vulcanox 4020 etc.

6. This being a Sunset review, the present investigation covers the products covered in the original investigation. The subject rubber chemicals, as detailed above, are used in treating natural rubber and synthetic rubber based compounds. The products do not have a dedicated classification at 8 digit level. The products are stated to be imported under chapter 29 and 38 of the Customs Tariff Act. Customs classification is, however, indicative only and in no way binding on the scope of investigation.

Initiation

7. Having satisfied itself on the basis of the 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 Anti Dumping Rules, to review the need for continued imposition of duties in force and whether the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Country involved:

8. The country(ies) involved in this review investigation is China PR in respect of Rubber Chemicals, namely, MBT, CBS, TDQ, PVI, and TMT, and China PR and Korea RP in respect of Rubber Chemical, namely, PX13 (6PPD).

Period of Investigation:

9. The Period of Investigation (POI) for the purpose of the present review is 1st January 2012 to 31st December 2012 (12 months). However, injury analysis shall cover the years 2009-10, 2010-11, 2011-12 & POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure

10. The review will cover all aspects of Notification No.14/5/2007-DGAD dated 1st October, 2008.

Submission of Information

11. The exporters in the subject country(ies), their governments through their Embassies 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

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 other 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 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.

14. 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 40 days from the date of publication of this Notification.

Submission of information on confidential basis

15. 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.

16. 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.

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, 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.

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 AD Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

Non-cooperation

22. 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