

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 & Allied Duties)**

Dated the 10<sup>th</sup> April, 2015

**Initiation Notification**

**(Sunset Review)**

**Subject: Initiation of Sun Set Review (SSR) investigation of the anti-dumping duty imposed on the imports of “1,1,1,2-Tetrafluoroethane or R-134a”, originating in or exported from China PR**

**F. No.15/23/2014-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);

2. Whereas, the original anti-dumping investigation concerning imports of “1,1,1,2-Tetrafluoroethane” also known as “R-134a” (hereinafter also referred to as the subject goods), originating in or exported from China PR and Japan, was initiated by the Designated Authority (hereinafter also referred to as the Authority) vide Notification No. 14/24/2009- DGAD dated 19th August, 2009 on the basis of an application filed by M/s SRF Ltd.

3. Whereas, in the original investigation, the preliminary finding was issued by the Authority recommending imposition of provisional anti-dumping duties on the imports of the subject goods, originating in or exported from China PR and Japan, vide Notification No.14/24/2009- DGAD dated 19th February, 2010. Accordingly, the provisional anti-dumping duties were imposed by the Central Government on the imports of the subject goods, originating in or exported from China PR and Japan, vide Notification No.52/2010-Customs dated 19th April, 2010.

4. Whereas, the final finding of the original investigation was issued by the Authority, recommending imposition of definitive anti-dumping duties, on the imports of the subject goods, originating in or exported from China PR and Japan, vide Notification No. 14/24/2009- DGAD dated 10<sup>th</sup> May 2011. Accordingly, definitive anti-dumping duties were imposed by the Central Government, on the imports of the subject goods, originating in or exported from China PR and Japan, vide Notification No. 61/2011-Customs dated 15<sup>th</sup> July, 2011.

5. Whereas, M/s. SRF Ltd., the domestic industry in the original investigation and the sole producer of the subject goods in India (hereinafter also referred to as the applicant) has filed a duly substantiated application, in accordance with the Act and the Rules, alleging dumping of the subject goods, originating in or exported from China PR and consequent injury to the domestic industry and likelihood of continuation or recurrence of dumping and injury in the event of revocation of the anti-dumping duty. The applicant has filed the application for sunset review in respect of the anti-dumping duty imposed against China PR only, stating that there is neither dumping nor likelihood of dumping of the subject goods from Japan. The applicant has requested for continuation and enhancement of the anti-dumping duty, imposed on the imports of the subject goods, originating in or exported from China PR only.

6. In view of the above position, the Authority initiates sunset review investigation in respect of the imports of the subject goods, originating in or exported from China PR (hereinafter referred to as the subject country). And, the Authority on the basis of prima facie evidences furnished by the applicant considers that initiation of sunset review proceedings for the anti-dumping duties in force against China PR would be appropriate to examine the need for continuation of such duties to offset dumping from the subject country 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.

### **Country Involved**

7. The subject country in the present sunset review investigation is China PR.

### **Product under Consideration**

8. The product under consideration (PUC) in the present SSR application, as in the original investigation, is “1,1,1,2- Tetrafluoroethane” also known as “R-134a”. In the original investigation, the PUC was defined as follows:

*51. The product under consideration in the present investigation is 1,1,1,2-Tetrafluoroethane or R-134a of all types. R-134a, is also called as Tetrafluoroethane, Genetron 134a, Suva 134a or HFC-134a, HFA-134a, and*

*Norflurane. It is a haloalkane refrigerant with thermodynamic properties similar to R-12 (dichlorodifluoromethane), but without its ozone depletion potential. It has the chemical formula CH<sub>2</sub>FCF<sub>3</sub>, and a boiling point of -26.3 °C (-15.34 °F). It is an inert gas used primarily as a high temperature refrigerant for domestic refrigeration and automobile air-conditioners. Other uses of the subject goods include plastic foam blowing, as a cleaning solvent and as a propellant for the delivery of pharmaceuticals (e.g. bronchodilators), gas dusters, and in air driers, for removing the moisture from compressed air.*

52. *The subject goods are being imported under Chapter 29 of the Customs Tariff Act under subheading 2903 under “Halogenated Derivatives of Hydrocarbons”, under subheading 29033919 as “Other Fluorinated Derivatives”, under the Indian Trade Classification (based on Harmonized Commodity Description and Coding System). The petitioner has, however claimed that the product under consideration does not have any dedicated customs classification code and are being imported under various other Customs sub-headings. However, the customs classification is indicative only and in no way binding on the scope of this investigation.*

9. The product under consideration is 1,1,1,2-Tetrafluoroethane or R-134a of all types. R-134a, also called as tetrafluoroethane, Genetron 134a, Suva 134a or HFC-134a, is a haloalkane refrigerant with thermodynamic properties similar to R-12 (dichlorodifluoromethane), but without its ozone depletion potential. It has the formula CH<sub>2</sub>FCF<sub>3</sub>, and a boiling point of -26.3 °C (-15.34 °F). The scope of the product under consideration in the present sunset review investigation remains the same as the scope of the product under consideration in the final findings earlier notified in the original investigation.

10. As claimed by the applicant, the subject goods are being imported under Chapter 29 of the Customs Tariff Act under subheading 2903 under “Halogenated Derivatives of Hydrocarbons”, under subheading 29033919 as “Other Fluorinated Derivatives”, under the Indian Trade Classification (based on Harmonized Commodity Description and Coding System). The applicant has, however claimed that the product under consideration does not have any dedicated customs classification code and are being imported under various other Customs sub-headings. However, the customs classification is indicative only and in no way binding on the scope of this investigation.

### **Like Article**

11. 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;*

12. The applicants have claimed that there is no known difference in the product produced by the applicants and exported from the subject countries. Both products have comparable characteristics in terms of parameters such as physical & chemical characteristics, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc. It has been claimed by the domestic industry that comparison of essential product properties in respect of domestic product and imported product show that the subject goods produced by the domestic industry are similar to the subject goods imported from subject country in terms of essential product properties. The Authority determines that the subject goods produced by the domestic industry are like article to the subject goods imported from the subject country.

### **Domestic Industry Standing**

13. The present application for sunset review has been filed by M/s SRF Ltd., the domestic industry in the original investigation and claimed to be the sole producer of the subject goods in India. They have declared in the SSR application that neither they nor their related parties are involved in the imports of the subject goods from the subject country or are related to the importers of the subject goods from the subject country. The Authority, therefore, considers M/s SRF Ltd as constituting domestic industry within the meaning of the Rule 2(b) of the Rules and the present application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

14. Having satisfied itself on the basis of the positive prima facie evidence submitted by the applicant substantiating the need for a review, the Authority hereby initiates the 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 against China PR 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.

### **Period of Investigation**

15. The period of investigation for the purpose of the present review is from October, 2013 – September, 2014. 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**

16. The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The Authority will examine 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 duty is removed or varied, or both. The present review covers all aspects of Notification No. 14/24/2009-DGAD dated 10<sup>th</sup> May 2011 (final findings of the original investigation) as regards China PR only. 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**

17. 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  
4<sup>th</sup> Floor, Jeevan Tara Building  
5, Parliament Street, New Delhi – 110001**

18. 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**

19. 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 Anti-dumping Rules.

20. 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 regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the date of initiation of this investigation.

**Submission of information on confidential basis**

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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**

27. 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**

28. 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**