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No 15/22/2014-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping & Allied Duties
New Delhi -110001

Dated: 7th January 2015

Initiation Notification

(Sunset Review)

Subject: Initiation of Sunset review Anti-dumping investigation concerning imports of Tyre Curing Presses for Tyres originating in or exported from China PR

No 15/22/2014-DGAD:- Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended, the Designated Authority (herein after referred to as the Authority) recommended imposition of Anti-dumping Duty on imports of %Tyre Curing Presses also known as Tyre Vulcanisers or Rubber Processing Machineries for tyres+ originating in or exported from China PR, vide final findings of the Authority published vide Notification No. 14/22/2007-DGAD dated 15th October, 2009. Accordingly, definitive anti dumping duties were imposed vide Ministry of Finance Notification No. 01/2010 dated 8th January, 2010 on import of %Tyre Curing Presses also known as Tyre Vulcanisers or Rubber Processing Machineries for Tyres+(hereinafter referred to as %subject goods+) from China PR (hereinafter referred to as %subject country+). Further, on the recommendation of designated authority, Ministry of Finance vide Notification No. 26/12 dated 14th May, 2012 excluded 6 day Light Bicycle Tyres Curing Pressesqfrom the scope and ambit of antidumping duties

Request for Review

2. Whereas in terms of Section 9A(5) the Customs Tariff (Amendment) Act 1995, the antidumping duty imposed 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, on the basis of a duly substantiated 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.

3. And, whereas, in terms of the above provision, M/s Larsen and Toubro Limited has 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 country vide Ministry of Finance Notification No 01/2010 dated 8th January, 2010 and sought the continuation of anti-dumping duty on the imports of the subject goods originating in or exported from the subject country.

4. . The Authority has noted the submission of domestic industry that the dumping of the subject goods originating in or exported from subject country is likely to occur in case of cessation of antidumping duty causing injury to the domestic industry. The Authority has examined the data/information submitted by the domestic industry in this regard. The Authority, therefore, on the basis of prima facie evidence given by the applicant 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 likely dumping of the subject goods originating in or exported from the subject country and to examine as to whether the injury to the domestic industry is likely to recur if the duties were allowed to cease.

Domestic Industry and Standing

5. The application has been filed by M/s Larsen and Toubro Limited (hereinafter referred to as the domestic industry or the petitioner), a major producer of the subject goods. The petitioner has claimed that it has not imported the subject goods nor is related to exporters from the subject country or importers in India. It is noted from the data furnished by the petitioner that the production of petitioner constitutes a major proportion of total domestic production of subject goods in India. The petitioner therefore satisfies the requirement of standing to file the present petition and constitutes Domestic Industry within the meaning of the AD Rules.

Product under Consideration and Like articles

6. The product under consideration in the present petition is "Tyre Curing Presses, excluding 6 day Light Bicycle Tyres Curing Presses", also known as Tyre Vulcanisers or Rubber Processing Machineries for tyres. Tyre Curing Press is a machine used for curing tyre during manufacturing of a tyre. One machine can be used for a range of bead sizes.

7. The present petition is for sunset review of the anti dumping duty earlier imposed.. The proposed investigation being review of existing anti dumping duty, the scope of the product under consideration in the proposed investigation remains the same as the scope of the product in the last concluded Mid Term Review wherein 6 day Light Bicycle Tyres Curing Presses was excluded from the scope and ambit of antidumping duties.

8. Further, the petitioner has claimed that the goods produced by the domestic industry are like article to the imported product in terms of parameters such as physical & technical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification. The two are technically and commercially substitutable. After examination, the authority

concludes that the subject goods produced by the domestic industry are like articles to that imported from the subject countries.

Subject Countries

9. The country involved in the present sunset review investigations is China PR.

Recurrence of Dumping and Injury.

10 The petitioners have claimed that domestic industry continues to suffer injury by way of price underselling. Though there are no imports during the injury period, there is a likelihood of recurrence of dumping and injury in the event of revocation of anti dumping duty on subject goods from subject country. The petitioner has further claimed that capacities in subject country for subject goods are substantially huge in comparison to the demand in India and accordingly there is likelihood of recurrence of dumping and injury to the Domestic Industry once the anti-dumping duties levied by the Authority are allowed to cease. The Authority considers that there is sufficient prima facie evidence of recurrence of dumping and injury caused to the domestic industry by dumped imports from subject country to justify initiation of a review investigation.

Initiation

11. 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 the duties in force in respect of the subject goods, originating in or exported from the subject country and to examine whether the expiry of such duty is likely to lead to recurrence of dumping and injury to the domestic industry.

Period of Investigation

12. The Period of Investigation for this investigation is October, 2013 . September, 2014 (12 Months). For the purpose of analyzing injury, data of three previous years i.e. 2011-12, 2012-13, 2013-14 and POI will be considered as injury period. The data beyond POI may also be examines to determine the likelihood of dumping and injury.

Procedure

13. The following procedure will be followed.

- i. The review will cover all aspects of the final findings of the original investigations published vide Notification No 14/22/2007-DGAD dated 15th October, 2009 as amended.
- ii. 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:

14 The exporters in the subject country, their Government through their Embassy in India, the importers and users in India known to be concerned 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 & Allied Duties
Ministry of Commerce & Industry
Department of Commerce,
4th Floor, Jeevan Tara Building
5, Parliament Street
New Delhi -110001**

15. 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:

16. 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

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 is 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), 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 K Dadoo
Designated Authority