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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)

Udyog Bhawan, New Delhi

Dated the 26th July, 2010

NOTIFICATION
Initiation
(Sunset Review)

Subject : Initiation of Sunset review of Anti-dumping duty on imports of Polytetrafluoroethylene (PTFE) originating in or exported from China PR.

F.No. 15/8/2010-DGAD .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, the Designated Authority (hereinafter referred to as the Authority) recommended imposition of Anti Dumping Duty on imports of Polytetrafluoroethylene (PTFE) (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country). The final findings notification of the Authority was published vide notification No 14/25/2003-DGAD dated 25.07.2005. On the basis of the findings, definitive anti dumping duties on the subject goods imported from the subject country were imposed by the Central Government vide notification No. 91/2005 -Customs dated 17.10.2005. Subsequently the Authority conducted a Mid Term Review of the said definitive anti dumping duty and modified the duty vide notification no 15/33/2008-DGAD dated 26th February 2010 and such modified duty was imposed by the Central Government Vide Custom notification No. 42/2010 dated 5th April 2010.

2. Initiation of Sunset Review

WHEREAS in terms of Section 9A(5) of the Customs Tariff (Amendment) Act 1995 the antidumping duties 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, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In this regard, Hon'ble Delhi High Court in WP No 16893 of 2006 held that sunset review is mandatory. Therefore, pursuant to the above orders of the Hon'ble High Court, the Designated Authority hereby initiates sunset review in accordance with section 9A(5) of the Act read with Rule 23 of Antidumping Rules to examine whether cessation of the duty would lead to continuation or recurrence of dumping and injury.

3. Product under Consideration

Product under Consideration in the Original Investigation and Mid-Term Review and also in the present review investigation is "Polytetrafluoroethylene" (PTFE) originating in or exported from China PR. Polytetrafluoroethylene (PTFE) is an organic chemical and has been classified under subheading no. 390461 of the Customs Tariff Act, 1975 as amended in 1995. The said customs classification is indicative only and in no way binding on scope of the present investigations. This being a Sunset Review of the product on which duty is already in force, the definition of the product under consideration is the same as mentioned in the original investigation.

4. Country Involved

The country involved in the present investigation is the People's Republic of China (also referred to as China PR).

5. Period of Investigation

The Period of Investigation (POI) for purpose of the present Sunset Review is April 1, 2009 to March 31, 2010 (12 Months). However, the period for injury analysis shall cover the years 2006-2007, 2007-2008, 2008-2009 & the POI.

6. Procedure

I) Having decided to review the Final Findings issued vide Notification No. 14/25/2003-DGAD dated 25th July, 2005 and final duty imposed vide Customs Notification No.91/2005 dated 17th October, 2005 as modified subsequently vide notification no. 15/33/2008-DGAD, dated the 26th February, 2010 and Custom notification no.42/2010 dated 5th April 2010, the Authority hereby initiates investigation to review the need for continued imposition of the duties in force and to examine whether cessation of anti dumping duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry on imports of the subject goods originating in or exported from subject country in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. The review covers all aspects of Notification No. 14/25/2003-DGAD dated 25th July, 2005 (Final Findings of the Original Investigations) and notification no. 15/33/2008-DGAD, dated the 26th February, 2010. 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.

II) Submission of Information

The Domestic industry is required to submit information on prescribed pro forma (Application for Domestic industry) and information on likelihood of continuance or recurrence of dumping and injury or both substantiating the need for continuation of duty within forty days (40 days) of issue of this notification.

The exporters in 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 in the following address:

The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
Room No. 243
Udyog Bhavan New Delhi-110011.

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.

III) Time Limit:

On receipt of information from domestic industry, all interested parties, whose addresses are available, would be advised through a letter to offer their comments 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 this notification. For this purpose non confidential version of the application would be placed in the public file. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

IV) Inspection of Public File:

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. 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.

(P.K.Chaudhery)
Designated Authority