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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhavan, New Delhi-110011

Dated the 24th February, 2012

NOTIFICATION
Initiation
(Sunset Review)

Subject: Initiation of Sunset Review of Anti-dumping Duty imposed on imports of Flat Base Steel Wheels, originating in or exported from China PR.

F.No.15/22/2011-DGAD - Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter 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 referred as the Rules), the Designated Authority (hereinafter referred to as the Authority) recommended imposition of anti-dumping duty on imports of "Flat Base Steel Wheels of size 16" nominal diameter to 20" nominal diameter used in tubed tyre application in commercial vehicles" (hereinafter referred as the subject goods), originating in or exported from China PR (hereinafter referred to as the subject country).

1) WHEREAS, the original investigation concerning imports of the subject goods from the subject country was initiated by the Authority vide Notification No. 14/8/2005-DGAD dated 21st May 2006. The Preliminary Finding was issued by the Authority vide Notification No. 14/8/2005-DGAD dated 12th January 2007 and the provisional anti-dumping duty was imposed by the Department of Revenue vide Notification No. 51/2007 Customs dated 29th March, 2007. The Final Findings Notification was issued by the Authority vide notification No.14/8/2005-DGAD dated 28th November 2007, recommending imposition of definitive duty. On the basis of the recommendations made by the Authority in the final findings, definitive anti-dumping duty was imposed w.e.f 29th March, 2007 by the Department of Revenue vide Notifications No. 124/2007-Customs dated 31st December, 2007 on the imports of the of the subject goods, originating in or exported from the subject country.

2) Whereas, some of the interested parties had filed appeals before CESTAT against the Final Findings of the Authority. The Hon'ble CESTAT vide its order dated 11th August, 2011 remanded the matter back to the Designated Authority for affording post-decisional hearing to the appellants and for making such modifications to the Final Findings as may be necessary as a result of such post decisional hearing.

3) Whereas, in compliance with the orders of the Hon'ble CESTAT and without prejudice to the rights of the Designated Authority to challenge the orders on the matters of law and principle, the Authority held a post decisional oral hearing for the known interested parties on 13th December 2011 and issued the post decisional findings vide Notification No.14/8/2005-DGAD dated 10th February, 2012, re-affirming its final findings made vide earlier Notification No.14/8/2005-DGAD dated 28th November 2007 and the recommendations made therein.

4) Whereas, M/s. Kalyani Lemmerz Limited, Pune and M/s Wheels India Limited, Chennai have filed a duly substantiated application before the Authority, on behalf of the producers of the subject goods in India, in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from China PR and consequent injury to the domestic industry and have requested for review, continuation and enhancement of the anti-dumping duties, imposed on the imports of the subject goods, originating in or exported from the subject country.

Domestic Industry

5) The application for the sunset review has been filed by M/s. Kalyani Lemmerz Limited, Pune and M/s Wheels India Limited, Chennai, on behalf of the domestic industry. As per the information available, the applicants account for a major proportion in Indian production of the subject goods and therefore constitute the domestic industry within the meaning of the Rules.

Product under consideration and Like Article

6) The product under consideration, in the original as well as the present sunset review investigation, is "Flat Base Steel Wheels of size 16" nominal diameter to 20" nominal diameter used in tubed tyre application in commercial vehicles" (the subject goods), originating in or exported from China PR. The present investigation being a sunset review, the investigation covers the product covered in the original investigation.

7) Flat base steel wheels are assembly of rim and disc with a demountable ring. Rims and discs are produced in separate lines and welded together to form a wheel, which is mounted on the axles of vehicles and fitted with tyres to enable vehicle movement. Commercial vehicles comprise of buses, lorries including trucks, trailers, tempos, etc. Wheels are classified under Chapter 87 of the Customs Tariff Act under the category of "vehicles other than railway or tramway rolling stock, and parts and accessories thereof" under the sub-heading 8708.70. The customs classification is, however, indicative only and is in no way binding on the scope of the present investigation.

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 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 continuation or recurrence of dumping and injury to the domestic industry.

Country involved

9) The country involved in this investigation is China PR.

Period of Investigation

10) The Period of Investigation (POI) for the purpose of the present review is from 1st April, 2010 to 30th September, 2011 (18 months). However, injury analysis shall cover the years 2007-08, 2008-09, 2009-10 and the POI.

Procedure

11) The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No.14/8/2005-DGAD dated 28th November 2007

12) 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

13) 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:

**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.**

14) 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

15) 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.

16) 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

17) 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.

18) 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 five (05) copies of the non-confidential version must be submitted by all the interested parties.

19) 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.

20) 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.

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 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 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:

23) In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

Non-cooperation

24) 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.

(Vijaylaxmi Joshi)
Designated Authority