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No.14/22/2013-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 20 th December 2013

INITIATION NOTIFICATION

Subject: Initiation of Anti-Dumping Duty investigation concerning imports of Sheet Glass originating in or exported from China PR

No.14/22/2013-DGAD: M/s Bharat Glass Tube Limited, has filed an application before the Designated Authority (hereinafter referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and 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 to as the AD Rules) for initiation of Anti-Dumping Duty investigation concerning imports of Sheet Glass (hereinafter also referred to as the subject goods) originating in or exported from China PR (hereinafter referred to as the subject country).

Product under Consideration

2. The product under consideration in the present investigation is Sheet Glass, originating in or exported from China PR. It is produced by using horizontally Lehr. The glass is taken directly from the free surface of the melt and the edges of the sheet are stabilized by driving the glass upward using rotating bodies. The molten glass passes from the glass furnace to a vertical drawing machine to a height of about 1000 MM from where the formed glass is converted into glass sheet by horizontal flow. Once the sheet is formed it is bent over a polished metal roll and carried away horizontally into a Lehr. Float glass, Figured and Wired glass are not covered within the scope of Product under Consideration.

3. Product under Consideration is classified under the heading "Glass and Glassware" in Chapter 70 and further under 7004.20. The classification at 8 digit level is 70042011 and 70042019. The classification, is only indicative and in no way binding on the scope of the present investigation.

Like Article

4. Petitioner has claimed that the subject goods, which are being dumped into India, are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, functions or end-uses of the dumped imports and the domestically produced subject goods. The two are technically and commercially substitutable and hence should be treated as 'like articles' under the Anti Dumping Rules. Therefore for the purpose of present investigation the subject goods produced by the applicant in India are being treated as like article to the subject goods being imported from subject country

Domestic Industry & ‘Standing’

5. The Application has been filed by M/s Bharat Glass Tube Limited Ankaleshwar , who has claimed that they are the sole producer of the product under consideration. The Authority, therefore, determines that the applicant constitutes domestic industry within the meaning of the Rule 2 (b) and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rules supra..

Subject Country

6. The country involved in the present investigation is China PR .

Normal Value

7. The Petitioners have submitted that China PR should be treated as a non-market economy and the normal value should be determined in accordance with para-7 of Annexure-I to the Rules. The petitioners have claimed normal value of subject goods on the basis of cost of production in India, duly adjusted stating that information relating to cost or price in a market economy third country is not available. The Authority has prima-facie considered the normal value of subject goods in subject country on the basis of constructed values as made available by the applicants for the purpose of this initiation.

Export Price

8. The applicant has claimed export prices on the basis of data obtained from DGCI&S. Price adjustments have been allowed on account of Ocean freight, marine insurance, inland transportation, commission, bank charges, port handling and port charges etc. to arrive at the net export price.

Dumping Margin

9. Normal value and export price have been compared at ex-factory level, which shows prima facie significant dumping margin in respect of the subject country. There is sufficient prima facie evidence that the normal value of the subject goods in the subject country are significantly higher than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by the exporters from the subject country. The dumping margins so estimated are above de minimus.

Injury and Causal Link

10. Information of petitioners has been considered for assessment of injury to the domestic industry. The Petitioners have furnished evidence regarding the ‘injury’ having taken place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption in India, significant price undercutting and price depression and consequent significant adverse impact in terms of production, capacity utilization, domestic sales volumes, inventories, market share, profits, return on capital employed, and cash flow for the domestic industry. There is sufficient evidence of the ‘injury’ being suffered by the domestic industry caused by dumped imports from subject country to justify initiation of an antidumping investigation.

Initiation of Investigation

11. The Authority finds prima facie that sufficient evidence of dumping of the subject goods originating in or exported from the subject country, 'injury' to the domestic industry and causal link between the alleged dumping and 'injury' exist to justify initiation of an anti-dumping investigation; the Authority hereby initiates an investigation into the alleged dumping, and consequent injury to the domestic industry in terms of the Rules 5 of the AD Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which if levied would be adequate to remove the 'injury' to the domestic industry.

Period of Investigation

12. The period of investigation (POI) for the purpose of present investigation is 1st July 2012 to 30th June 2013 (12 months). However, for the purpose of injury investigation, the period will cover the data of previous three years, i.e. April 2010 to March 2011, April 2011 to March 2012, April 2012 to March-2013 and the period of investigation (POI).

Submission of information

13. The known exporters in the subject country and their Governments through their Embassies, importers and users in India known to be concerned and the domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other interested party may also make its submissions relevant to the investigation within the time-limit set out below and write to:

The Designated Authority,
Directorate General of Anti-Dumping & Allied Duties,
Ministry of Commerce & Industry,
Department of Commerce,
Room No 240 , Udyog Bhawan,
New Delhi -110107

Time limit

14. Any information relating to this investigation should be sent in writing so as to reach the Authority at the above address not later than 40 days from the date 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.

15. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire's responses and offer their comments to the domestic industry's application regarding the need to impose anti-dumping measures within 40 days from the date of initiation of this investigation.

Submission of Information on Non-Confidential basis

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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

22. 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

23. 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 record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

(J.S.Deepak)
The Designated Authority