

F.No. 14/21/2013-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping & Allied Duties

Dated: 19th September, 2013

Initiation Notification
Mid-term review

Subject: Initiation of mid-term review of anti-dumping duty imposed on imports of glass fibre and articles thereof originating in or exported from China PR

No. 14/21/2013-DGAD: Whereas, having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as Act) and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time, (herein after referred to as the 'AD Rules'), vide Notification No.14/28/2009-DGAD dated 6th January, 2011 the Designated Authority (herein after referred to as 'the Authority') notified its final findings for imposition of Anti-Dumping Duty on import of glass fibre, including glass roving [assembled rovings (AR), direct rovings (DR)] glass chopped strands (CS), glass chopped strands mats (CSM). Specifically excluded from the scope of the product under consideration are glass wool, fibre glass wool, fibre glass insulation in wool form, glass yarn, glass woven fabrics, glass fibre fabric, glass woven rovings and chopped strands meant for thermoplastic applications, micro glass fibre used in battery separator, surface mat/surface veil/tissue (hereinafter referred to as 'subject goods') originating in or exported from China PR (hereinafter referred to as 'subject country').

2. And WHEREAS antidumping duty was imposed on the subject goods vide Customs Notification No.30/2011 dated 4th March, 2011 and Corrigendum dated 31st March, 2011.

3. And WHEREAS an application has been received by the Authority from M/s Raman FibreScience Private Limited, Bangalore for excluding micro-glass fibre without end-use restriction from the purview of the above referred Anti-dumping notification and Customs notification. The Authority has examined the application and is of the view that only through a mid-term review it can come to a conclusion the need to exclude micro-glass fibre from the purview of anti-dumping duties notified by the above referred notifications.

4. Product under consideration

The product under consideration as in the original investigation and also in the present review application is glass fibre, including glass roving [assembled rovings(AR), direct rovings (DR)], glass chopped strands(CS), glass chopped strands mats(CSM). Specifically excluded from the scope of the product under consideration are glass wool, fibre glass wool, fibre glass insulation in wool form, glass yarn, glass woven fabrics, glass fibre fabric, glass woven rovings and chopped strands meant for thermoplastic applications, micro glass fibre used in battery separator, surface mat/surface veil/tissue. Glass fibre is classified under

Chapter 70 of the Customs Tariff Act, 1975 under sub-heading 7019 in the ITC classification based on harmonised commodity description and coding system.

As stated above, this mid-term review investigation is restricted to the examination of whether micro glass fibre without end-use restriction can be excluded from the purview of anti-dumping duties recommended through DGAD Notification No.14/28/2009-DGAD dated 6th January, 2011 and Customs Notification No.30/2011 dated 4th March, 2011 and corrigendum dated 31st March, 2011.

5. **Initiation**

The Act and the AD Rules, *inter-alia*, require the Authority to review from time to time the need for continuance of anti-dumping duty. M/s Raman FibreScience Private Limited, Bangalore has filed an application substantiating the need for initiating a Mid- Term Review of the anti-dumping duty earlier imposed on the subject goods originating in or exported from China PR and has requested to exclude micro-glass fibres without end-use restriction from the ambit and scope of the anti-dumping duty earlier imposed. Considering the duly substantiated request, the Authority considers that a mid-term review of the anti-dumping duty recommended earlier would be appropriate at this stage under the provisions of Section 9A (5) of the Act, read along with Rule 23(1A) of the Antidumping Rules. However, the scope of the mid-term review is restricted to examination of whether micro-glass fibres without end-use restriction are required to be excluded from the scope of the anti-dumping duty earlier imposed on the subject goods from the subject country.

Country Involved

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

Grounds for Review

7. The Applicant has claimed that there is no manufacturer within India who manufactures and can supply micro-glass fibres (MGF). Further the petitioner has stated that the technical characteristics of micro glass fibre and manufacturing process are different from that of glass fibre. The petitioner has contended that the flame attenuation process made to use MGF requires the use of natural gas as the main input and forms more than 80% of the cost of MGF. For this reason, MGF is made only in locations where natural gas is available plentiful as otherwise it would become uneconomical. Further, flame attenuation technology requires special controls and has its own process technicalities. For these reasons it is claimed by the petitioner that in the Western Hemisphere, MGF is made only by 2 companies (i) Johns Manville Corp in the United States and (ii) Lausha Fibre in Germany. Apart from the above companies, MGF is manufactured in China by some companies. China itself has a large market of MGF and with adequate supplies of natural gas has emerged as a viable competitor and supplier of this material. The petitioner states that by contrast, there are no manufacturers of MGF anywhere else in Asia – including India. Hence, they have stated that all MGF being used in India is being imported from one or the other of above sources and there is absolutely no domestic injury consequent to MGF imports. It has been further stated that MGF prices globally are far higher than conventional glass fibre – typically in the range of US\$ 3-10 per kg, as against US\$ 1-2 per kg for conventional glass fibre. Physically also MGF has a very distinct appearance and surface area – more like cotton wool as opposed to the extruded strands of conventional glass fibre. It's extremely high bulk density and fine

fibre diameter and other characteristics render it unusable for conventional reinforcement applications in which regular glass fibre is used and therefore MGF and conventional glass fibre are commercially and physically non-substitutable. In view of the foregoing, the petitioner has requested that MGF without any end-use restrictions should be excluded from the purview of anti-dumping duty recommendation notification dated 6th January, 2011.

Procedure

8. Having decided to review the final findings notified vide Notification No. 14/28/2009-DGAD dated 6th January, 2011 earlier and consequent anti-dumping duty imposed vide Customs Notification No: 30/2011 dated 4th March, 2011 and Corrigendum dated 31st March, 2011, the Authority hereby initiates a MTR investigation to examine whether micro-glass fibre without end-use restriction is required to be excluded from the scope of the anti-dumping duty earlier imposed in accordance with the Act, 1995 and the AD Rules.

Submission of Information

9. The exporters in the subject country, their government through their Embassy in India/representatives, the importers and users in India known to be concerned and the Domestic Industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the:

**The Designated Authority
Ministry of Commerce & Industry,
Department of Commerce,
Directorate General of Anti-Dumping & Allied Duties, (DGAD),
Room No. 240, Udyog Bhavan,
New Delhi-110011**

10. 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.

Time Limit

11. 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 hereinabove not later than forty days (40 Days) from the date of publication of this review 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" in accordance with the AD Rules.

Submission of information on confidential basis

12. 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. 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.

13. 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.

14. 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.

15. 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.

16. 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

17. 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.

Use of 'facts available'

18. 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.S. Deepak)
Designated Authority