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File No.7/12/2019 -DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi - 110001

Dated the 9th August, 2019

INITIATION NOTIFICATION

Case No. SSR - 05/2019

Subject: Initiation of Sunset review investigation concerning imports of Flexible Slabstock Polyol originating in or exported from Singapore.

1. File No.7/12/2019-DGTR: Having regard to the Customs Tariff Act, 1975 as amended in 1995 (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as AD Rules). On the basis of Findings dated 11.1.2015, the authority recommended imposition of anti-dumping duties which was imposed vide Custom notification No. 9/2015-Customs (ADD) dated 7.4.2015 by Ministry of Finance (MoF). The duty imposed would expire on 6.4.2020.

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, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In accordance with the above, the Authority is required to review, on the basis of a duly substantiated request made by or on behalf of the domestic industry, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

3. M/s Manali Petrochemicals Ltd., 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 Sunset Review investigation concerning imports of Flexible Slabstock Polyol (hereinafter also referred to as the subject goods) originating in or exported from Australia, EU and Singapore (hereinafter referred to as the subject countries).

A. Product under consideration

4. The product under consideration in the present investigation is Flexible slabstock polyol. The subject product is a clear viscous liquid polymer of molecular weight 3000-4000, manufactured by polymerization of propylene oxide and ethylene

bolsters, transport seating and packaging. Flexible slabstock polyol is transported in tankers or stored in steel drums (hereinafter referred to as the "subject goods").

5. The present petition being for sunset review investigation, as per the settled jurisprudence and the past practices of the Authority, the Product under Consideration remains the same as defined in the original notification

6. The subject goods are classified under the category "Plastics and articles thereof" in Chapter 39 of the Customs Tariff Act, 1975 and further under 3907 20 as per International Trade Classification. The classification, however, is only indicative and in no way binding on the scope of the present investigation.

B. **Like Article**

7. The applicant 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, quality, functions or end-uses of the dumped imports and the domestically produced subject goods and the product under consideration manufactured by the applicant. The two are technically and commercially substitutable and hence should be treated as 'like article' under the AD Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the applicant in India are being treated as 'Like Article' to the subject goods being imported from the subject countries.

C. **Domestic Industry & 'Standing'**

8. The Application has been filed by M/s. Manali Petrochemicals Ltd on behalf of the domestic industry. As claimed by M/s. Manali Petrochemicals Ltd, they are the major producer of the subject goods in India and therefore constitute the domestic industry within the meaning of the Rules 2 (b) and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rules supra.

D. **Countries involved**

9. The countries involved in the original investigation were Australia, EU and Singapore. However, for the purpose of this current sunset review investigation, the Authority is initiating the investigation against Singapore only. Therefore, now Singapore is the subject country for this sunset review.

E. **Procedure**

10. The review will cover all aspects of Final Finding Notification No.14/1/2013-DGAD dated 11.1.2015 recommending imposition of anti-dumping duty on import of subject goods originating in or exported from subject country.

11. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule shall be mutatis mutandis applicable in this review.

F. **Period of Investigation**

12. The period of investigation (POI) for the purpose of present investigation is 1st April 2018 to 31st March 2019 (12 months). However, for the purpose of analyzing

injury, the data of previous three years, i.e. April 2015 to March2016, April 2016 to March 2017, April 2017 to March-2018 and the period of investigation (POI) has been considered.

G. Submission of information

13. The known exporters in the subject countries, the Government of the subject countries through their 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 Trade Remedies,
Ministry of Commerce & Industry,
Department of Commerce
4th Floor, Jeevan Tara Building,
5 Parliament Street, New Delhi -110001.

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 submit a non-confidential version of the same to be made available to the other parties.

H. Time Limit for Registration of Interested Parties and Filing of Response

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 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.

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.

I. Submission of Information on Non-Confidential basis

17. 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.

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. Four (4) copies of the confidential version and two (04) 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.

9.8.19
(Sunil Kumar)
Additional Secretary & Director General