

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

INITIATION NOTIFICATION (SUNSET REVIEW)

New Delhi Dated the 13th. December, 2007

Subject: Initiation of Sunset Review regarding anti-dumping duty imposed on Float Glass originating in or exported from Indonesia and China-PR.

No. 15/1/2007-DGAD – The Designated Authority, having regard to the Customs Tariff Act, 1975, as amended in 1995, and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, recommended imposition of provisional duty concerning imports of Float Glass from Indonesia and China vide Notification No. 14/19/2002-DGAD Dated 20.11.2002 and provisional Anti Dumping duty was imposed by the Central Government vide Notification No. 7/2003-Customs Dated.7.1.2003 .Final Findings were issued vide Notification No. 14/19/2002-DGAD Dated 22.8.2003 and definitive duty was imposed vide Notification No 165/2003-Customs dated 12.11.2003.

2. Grounds for review and initiation.

The present application has been filed by M/s. Saint Gobain Glass India Limited, Sriperumbudur, Taimil Nadu (hereinafter referred to as applicant). It has been claimed by the applicant that they represent 100% of the total production of subject goods in the country (other two producers viz. Asahi India Glass Ltd. and Gujarat Guardian Ltd. are stated to have imported the product under consideration during proposed Period of Investigation). As a response to the alert letter, the applicant has filed an application for carrying out review investigations for continuation of the anti-dumping duty imposed on the subject goods originating in or exported from Indonesia and China-PR. In their application, the petitioner has claimed with prima facie evidence that cessation of anti dumping duty imposed on subject goods from subject countries is likely to lead to recurrence of dumping and injury and have requested for continuation of the anti-dumping duty imposed on subject goods under the above mentioned notifications for a further period of 5 years.

On the basis of examination of the application, the Designated Authority considers that the sunset review of the Anti-dumping duty imposed would be appropriate at this stage under the provision of section 9A of the Customs Tariff (Amendment) Act, 1995

as amended to investigate the claim of the applicant about reoccurrence of dumping and consequential injury to the Domestic Industry in case of cessation of Antidumping Duty, already in place.

3. Product under Consideration.

The product under consideration in this sunset review is Float Glass of thickness 2 mm to 12 mm, (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including processed glass meant for decorative, industrial or automotive purposes.

Since, the present investigation is a review investigation; product under consideration remains the same as has been defined in the original investigation, as there has been no significant development or change in the product during the period thereafter.

4. Countries Involved.

The countries involved in the present investigations are Indonesia and China PR (also referred to as subject countries hereinafter).

5. Procedure.

Having decided to review the final findings issued vide Notification No.14/19/2002-DGAD Dated 22.8.2003 and final duty imposed by Notification No 165/2003-Customs dated 12.11.2003, the Authority hereby initiates investigations to review whether cessation of anti dumping duty is likely to lead to recurrence of dumping and injury on imports of subject goods originating in or exported from subject countries, in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment & Collection of Anti dumping Duty on Dumped Articles and for Determination of injury) Rules, 1995. The review covers all aspects of Notification No.14/19/2002-DGAD Dated 22.8.2003 (Final findings of the original investigations). The Authority proposes to consider applicant as mentioned in paragraph 2 as domestic industry in accordance with the Rules supra as it constitutes the major proportion of the production of the subject goods in India.

6. Period on Investigation

The period of investigation (POI) for the purpose of the present review is from 01.07.2006 to 30.06.2007 (12 months). The period of injury examination would however include POI and three years prior to the POI i.e. January 2004 –December 2004, January 2005- December 2005 and January2006-December 2006.

7. Submission for information

The exporters in the subject countries, their Government through their Embassies / High commissions in India and importers in India known to be concerned with this investigation are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority at the following address:

Directorate General of Anti-Dumping & Allied Duties
Ministry of Commerce & Industry,
Department of Commerce,
Government of India,
Room No. 240,
Udyog Bhavan,
New Delhi-110107

As per Rule 6(5) of Rule supra, the Designated Authority is also providing opportunity to the industrial users of the article under investigation, and to representative consumer organizations who can furnish information which is relevant to the investigation regarding dumping, injury and causality. Any other interested party may also make its submissions relevant to the investigation within the time limit set out below.

8. Time Limit.

a) General Time Limits

Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than forty (40) days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are however required to submit the information within forty (40) days from the date of the letter addressed to them separately.

b) Specific time limit for selection of market economy country

Interested parties to the investigation may wish to comment on the appropriateness of Taiwan, which, as mentioned in the Para 5 of this initiation notification, envisaged as a market economy country for the purpose of establishing normal value in respect of the China PR. These comments must be submitted within four (4) weeks from the date of publication of this notification.

9. Inspection of Public File.

In terms of Rule 6 (7), Designated Authority maintains a public file. 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 Designated Authority may record findings on the basis of facts available and make such recommendations to the Central Government as deemed fit.

(R.GOPALAN)
Designated Authority