

To be published in Part-I Section I of the Gazette of India Extraordinary

**F. No.7/16/2019-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building, Parliament Street, New Delhi – 110001**

Dated 03.10.2019

INITIATION NOTIFICATION

SSR No. 07/2019

Sub: - Initiation of Sunset Review anti-dumping investigation concerning imports of Hot Rolled Flat Products of Stainless Steel- 304 grade from China PR, Malaysia and Korea RP.

F.No. 7/16/2019-DGTR: Having regard to the Customs Tariff Act, 1975 as amended from time to time (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 vide notification No. 14/30/2013-DGAD dated 09.03.2015 on imports of “Hot Rolled Flat Products of Stainless Steel- 304 grade”, (hereinafter referred as the subject goods), originating in or exported from China PR, Malaysia and Korea RP (hereinafter collectively referred to as the subject countries). The same were imposed vide customs notification no. 28/2015-Customs (ADD) dated 05.06.2015.

2. Whereas, in terms of Section 9A (5) of the Customs Tariff (Amendment) Act, 1995, the anti-dumping 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 substantial request made by or on behalf the domestic industry, as to whether the expiry of duty is likely to lead to continuation of dumping and injury.

3. And whereas, Jindal Stainless (Hisar) Limited and Jindal Stainless Limited (hereinafter referred to as ‘Petitioners’) jointly have filed a review petition for continued imposition of Anti-dumping duty on imports of Hot Rolled Flat Products of Stainless Steel-304 grade from China PR, Malaysia and Korea RP, in accordance with the Act and Rules.

4. And whereas, based on the facts and data, the Authority is of the opinion that there is a need to review for continued imposition of the duties in force in respect of the subject goods, originating in or exported from China PR, Malaysia and Korea RP.

A. Product under Consideration

5. The product under consideration in the petition is the same as the original investigations, which was defined as follows in the final findings-

“Hot Rolled austenitic stainless steel flat products; whether or not plates, sheets or coils (hot rolled Annealed and pickled or Black) of rectangular shape; of grade either 304 or 304H or 304L or 304N or 304LN or EN 1.4311, EN 1.4301, EN1.4307 or X5CRNI1810 or X04Cr19Ni9, or equivalents thereof in any other standards such as UNS, DIN, JIS, BIS, EN, etc.; whether or not with number one or Black finish; whether or not of quality prime or non-prime; whether or not of edge condition with mill edge or trim edge; of thickness in the range of 1.2mm to 10.5mm in Coils and 3mm to 105mm in Plates & Sheets; of all widths up to 1650mm(width tolerance of + 20mm for mill edge and + 5mm for trim edge)”

6. The product under consideration is classified under chapter sub-heading 7219 and 7220 of Customs Tariff Act, 1975.
7. Present investigation being a sunset review investigation, product under consideration remains the same as defined in the originally conducted investigation. Further, no significant developments have taken place over the period.

B. Like Article

8. Rule 2(d) with regard to like article provides as under: -

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

9. Petitioners have claimed that there is no known difference in the subject goods produced by the Indian industry and exported from subject countries. Subject goods produced by the petitioners and imported from the subject countries are comparable in terms of physical & technical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably.
10. Subject goods produced by the petitioner companies are being treated as ‘like article’ to that being imported from the subject countries for the purpose of the present review investigation.

C. Domestic Industry

11. The petition for initiation of sunset review is being jointly filed by Jindal Stainless (Hisar) Limited and Jindal Stainless Limited. There are two more producers of the product under consideration in the country, other than the petitioners, i.e., Shah Alloys and Steel Authority of India Ltd.

12. Petitioners have claimed that they are not related to any importer in India or exporter in the subject countries nor have they imported the subject goods.
13. As per the evidence available on record, the production of the applicant accounts for a major proportion in the total domestic production of the like article. The petitioners thus constitute eligible domestic industry within the meaning of Rule 2 (b) of the Anti-dumping Rules and satisfy the criteria of standing in terms of Rule 5 (3) of the Rules supra.

D. Initiation of Sunset Review Investigation

14. Having satisfied itself, on the basis of the prima facie evidence submitted by the domestic industry, substantiating the likelihood of continuation/ recurrence of dumping and injury, in accordance with Section 9A(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 countries 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.

E. Subject Countries

15. The subject countries involved in the present sunset review investigation are China PR, Malaysia and Korea RP.

F. Period of investigation

- G. The period of investigation (POI) for the present investigation is April 2018-March 2019 (12 months) and the injury investigation period is from 2015–2016, 2016–2017, 2017-2018 and the POI.

H. Procedure

16. 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.

I. Submission of Information

17. The known exporters in the subject countries, the Government of the subject countries through its embassy in India, the known 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
Department of Commerce
Ministry of Commerce and Industry
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001**

18. 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 above. 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.

J. Time Limit

19. 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 of the anti-dumping measures within 40 days from the date of issue of letter by the authority intimating initiation of the investigation. 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.

K. Submission of Information on Confidential Basis

20. 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 and accompanied with soft copies.
21. 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 two (02) copies of the non-confidential version must be submitted by all the interested parties.
22. 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.
23. 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.
24. 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.

25. 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.

L. Inspection of Public File

26. In terms of rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidences submitted by other interested parties.

M. Non-Cooperation

27. 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.

(Sunil Kumar)
Additional Secretary & Designated Authority