

**TO BE PUBLISHED IN THE GAZETTE OF INDIA – EXTRAORDINARY-PART-I,
SECTION-1**

**Government of India
Ministry of Commerce & Industry
Department Of Commerce
Directorate General of Anti-dumping and Allied Duties
4th Floor, Jeewan Tara Building, Parliament Street, New Delhi**

Dated: 27th April, 2015

Notification

Initiation

(Sunset Review)

Subject: Initiation of Sunset Review of Anti-Dumping duty on imports of 'Poly Vinyl Chloride (PVC) Paste/Emulsion Resin' originating in or exported from Korea RP, Taiwan, China PR, Malaysia, Thailand, Russia and European Union.

1. 15/19/2014-DGAD Whereas in the matter of imports of Poly Vinyl Chloride Paste Resin also known as Emulsion PVC Resin (hereinafter referred to as the subject goods), falling under sub- heading 3904 22 10 of the Customs Tariff Act, 1975, originating in, or exported from, People's Republic of China, Japan, Republic of Korea, Malaysia, Russia, Taiwan and Thailand imported into India, the Designated Authority in its preliminary findings vide notification No.14/36/2009-DGAD, dated the 11th June, 2010, had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in, or exported from, and whereas, on the basis of the aforesaid findings of the Designated Authority, the Central Government had imposed provisional anti-dumping duty on the subject goods vide notification No. 77/2010-Customs, dated 26th July, 2010. And whereas, the Designated Authority, issued its final findings vide notification No. 14/36/2009–DGAD, dated 2nd May, 2011 and the Ministry of Finance imposed definitive anti-dumping duty vide Notification No.66 /2011-Customs dated 26th July, 2011.
2. Separately, in another investigation, the Designated Authority vide notification No.15/27/2008-DGAD, dated the 31st March, 2009, had initiated sunset review in the matter of anti-dumping duty on imports of subject goods originating in or

exported from European Union imposed vide notification of Government of India in the Ministry of Finance (Department of Revenue), No. 104/2004–Customs, dated the 7th October, 2004, and extended the same by notification No. 115/2009-Customs dated 6th October, 2009. The Designated Authority vide notification No. 15/27/2008-DGAD, dated the 26th April, 2010, after conducting Sunset Review had recommended continued imposition of anti-dumping duty on imports of the subject goods, originating in, or exported from European Union, which was imposed by the Ministry of Finance vide Notification No. 70 /2010-Customs dated 25th June, 2010.

3. The present Sunset Review is initiated on imports of the subject goods from the exporting countries mentioned in Para (1) and (2) above i.e. People's Republic of China, Republic of Korea, Malaysia, Russia, Taiwan, Thailand and European Union (herein after referred to above subject countries).
4. Whereas, M/s. Chemplast Sanmar Ltd has filed a duly substantiated application before the Authority, in accordance with the Act and the Rules, contending likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from Korea RP, Taiwan, China PR, Malaysia, Thailand, Russia and European Union and consequent injury to the domestic industry and have requested for review, extension of period, modification of the existing anti dumping duties imposed on the imports of the subject goods, originating in or exported from the subject countries.

Domestic Industry & Standing

5. The petition has been filed by M/s Chemplast Sanmar Limited Chennai. There is another producer namely M/s Finolex Industries Limited, of the subject goods in India. The petitioner has certified that they have neither imported the product under consideration, nor they are related to any importer or exporter of the product under consideration. The Authority after examining the information on record holds that the applicant companies constitute domestic Industry within the meaning of the Rule 2(b) and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

Product under Consideration and Like Article

6. The product under consideration, in the original investigation is Poly Vinyl Chloride Paste Resin” also called “Emulsion PVC Resin” and referred to as PVC paste resin (hereinafter also referred to as the subject product or the subject goods). There are primarily two types of PVC resins, namely PVC Paste Resin and PVC Suspension Resin. It was clarified in the initiation notification itself that PVC Suspension Resin is excluded from the ambit and scope of this investigation. The PVC Paste Resin is produced from Vinyl Chloride Monomer (VCM). VCM is produced using EDC, which in turn requires chlorine as one of the major products. The subject goods is produced and sold in the form of white/off-white powder. The properties of the subject goods are described in terms of K value, inherent viscosity, particle size retention, heat loss, initial BFB etc.
7. The subject goods fall under Chapter 39 of the Act under subheading no. 3904. However, the Customs classification is indicative only and is in no way binding on the scope of the present investigation.

Countries Involved

8. Anti dumping duties were earlier recommended on imports of PVC Paste Resin from China PR, Korea RP, Malaysia, Russia, Taiwan and Thailand vide notification no. 14/36/2009-DGAD dated 11th June, 2010 and imposed vide notification no. 77/2010-Customs dated 26th July, 2010. Further, extension of anti dumping duties was earlier recommended in respect of imports from European Union vide notification no. 15/27/2008-DGAD dated 26th April, 2010 and the same was extended vide notification no. 70/2010-Customs dated 25th June 2010. The anti dumping duties in respect of China PR, Korea RP, Malaysia, Russia, Taiwan and Thailand shall remain in force until 25th July, 2015 while the anti dumping duties in respect of European Union shall remain in force until 24th June, 2015. The petitioner has filed a combined petition requesting sunset review investigation in respect of imports from Korea RP, Taiwan, China PR, Malaysia, Thailand, Russia and European Union. The subject country for the purpose of the present sunset review investigations constitutes Korea RP, Taiwan, China PR, Malaysia, Thailand, Russia and European Union. The Authority noting that the Anti-dumping duties in the two investigations almost overlap in terms of their expiry date and that the Domestic Industry and subject goods are same considers it appropriate to undertake the combined investigations in respect of imports of subject goods from Korea RP, Taiwan, China PR, Malaysia, Thailand, Russia and European Union (herein after referred to above subject countries).

Initiation of Sunset Review of Anti Dumping Duty

9. In view of the duly substantiated application filed and 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.

Period of investigation

10. The Period of Investigation (POI) for the purpose of the present review is from October 2013- September 2014 (12 Months). The injury investigation period has however, been considered as the period 2011-12, 2012-13, 2-13-14 and POI.

Procedure

11. The review covers all aspects of Notification No. 14/36/2009–DGAD, dated 2nd May, 2011 and vides Notification No. 15/27/2008-DGAD, dated the 26th April, 2010.

12. 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.

Submission of Information

13. The known exporters in the subject countries, the government of the subject countries through its 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 Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
4th Floor, Jeewan Tara Building, Parliament Street, New Delhi.

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 make a non-confidential version of the same available to the other parties.

Time Limit:

15. 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 publication 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.
16. 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 continue or otherwise the AD measures within 40 days from the date of initiation of this review investigation.

Submission of information's on 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 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.
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, 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.
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 record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

(J K Dadoo)
Designated Authority