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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi

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Dated the 23rd June 2010

INITIATION NOTIFICATION
(Mid-Term Review)

Subject: Initiation of Mid-Term Review limited to the product scope of definitive Anti-Dumping Duty imposed on Cold-Rolled Flat Products of Stainless Steel originating in or Exported from China PR, Japan, Korea, European Union, South Africa, Taiwan, Thailand and USA.

No. 15/16/2010-DGAD – Whereas 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 (hereinafter referred to as AD Rules), vide Notification Number 14/6/2008-DGAD dated 24th November 2009, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive anti dumping duty on import of Cold-Rolled Flat Products of Stainless Steel originating in or Exported from China PR, Japan, Korea, European Union, South Africa, Taiwan, Thailand and USA. And Whereas definitive anti dumping duty was imposed on the subject goods vide Customs Notification No.14/2010-Customs dated 20th February, 2010

And whereas M/s. Jindal Stainless Ltd., New Delhi has filed an application before the Designated Authority (hereinafter refer to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on dumped articles and for determination of injury) Rules, 1995(herein after referred to as Rules) for initiation of Mid-Term Review of anti dumping duty limited to the scope of the product under Anti-Dumping Duty levied on Cold-Rolled Flat Products of Stainless Steel (hereinafter referred to as subject goods) originating in or exported from China PR, Japan, Korea, European Union, South Africa, Taiwan, Thailand and USA (hereinafter referred to as subject countries).

2. Product Under Consideration

The Product under Consideration in the original investigation was Cold-rolled Flat products of stainless steel of the width of 600 mm upto1250mm of all series further worked then Cold rolled (cold reduced) with a thickness of up to 4mm. However, the following were exclusions from the scope of the product:-
a) Grade AISI 420 High carbon (0.28%-0.40%), Grade 420, Grade 430 BA supplied by M/s Thyssenkrupp Stainless International, Germany, Grade AISI 441 and Grade AISI 443.

b) Duplex Stainless Steel grades 2205 (S31803), 2304(S32304), EN 1.4835, 1.4547, 1.4539, 1.4438, 1.4318 and 1.4833 and Ferritic Grades EN 1.4509 and 1.4512.

c) Product supplied under Indian Patent no. 223848 in respect of goods comprising Low Nickel containing Chromium-Nickel Manganese-Copper Austenitic Stainless steel and representing Grades YU 1 and YU 4, produced and supplied by M/s Yieh United Steel Corp (Yusco) of Chinese Taipei (Taiwan).

3. The product under consideration comprised of stainless steel coil, sheets and plates of above description. The subject goods are used for manufacturer of white goods, processed equipment, dairy equipment, automotive components, rail carts, metro coaches, architecture, building and construction, etc.

The subject goods are classified under Chapter 72 of the Customs Tariff Act, 1975 under the Sub-heading 7219.31, 7219.32, 7219.33, 7219.34, 7219.35 and 7219.90. The Customs classification is indicative only and not binding on the scope of investigation.

The present review is for the limited purpose of investigating into the need for prescribing a tolerance limit of +50mm against the 1250mm width restriction of the aforesaid product under consideration in the original investigation.

3. Grounds for Review

The present application for mid-term review has been filed to request appropriate modification in the product covered in the anti dumping duty already levied. The applicant has furnished a detailed statement setting out reasons for seeking a review of anti dumping duties. The grounds pleaded are as follows:-

(a) Designated Authority had restricted the width of the subject goods in the original investigation to 1250mm. However, while restricting the width of the subject goods to 1250mm, no tolerance was prescribed.

(b) No engineering product can be produced to the exact dimensions without any tolerance.

(c) The sheets in coil as produced on the mill does not conform to any definite contour and will have edge imperfections like chapped, thin and damaged edges. Therefore, widths are never exactly the same as 1250mm but are invariably produced in higher widths.
(d) In the absence of any tolerance in the recommendations and in the corresponding customs notification, the products of width 1250mm or lower are being declared as having widths of 1251mm to 1300mm and thereby the anti dumping duty is circumvented.

(e) There are a large number of consignments where the width has been declared as 1251mm (sample copies of Bills of entry are attached). Copies of Bills of Entry evidencing the fact that importers are circumventing the anti dumping duties by declaring widths marginally above the 1250mm criterion specified in the final findings even though such widths are within the tolerance limits of the product.

(f) Even the width of 1250mm produced by the petitioner themselves has a tolerance of upto +50mm.

4. Procedure

Having regard to the information provided by the applicant indicating circumstances necessitating a review of the measure in force, the Designated Authority now considers that a mid-term review of the Final Findings notified vide No.14/06/2008-DGAD dated 24th November, 2009 and the definitive anti dumping duty imposed by Customs Notification No.14/2010-Customs dated 20th February 2010 limited to the scope and specification of the product under anti dumping measures in force is appropriate, in terms of the provision of Section 9(A) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra. The Authority also notes that the applicant M/s JSL have provided sufficient positive evidence to prima facie establish the need for mid-term review. Accordingly, the Authority initiates a mid-term review of definitive Anti Dumping Duty imposed on Cold Rolled Flat Products of Stainless Steel originating in or exported from the subject countries, limited to the product scope of the said anti dumping duty. The review covers limited aspects of Notification No.14/06/2008-DGAD dated 24th November 2009 read with Customs Notification No.14/2010-Customs dated 20th February 2010.

5. Countries Involved

The countries involved in the present review investigation are China PR, Japan, Korea, European Union, South Africa, Taiwan, Thailand and USA.

6. Submission of information

The exporters and importers known to be concerned and domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other party interested to participate in the present investigation may write to:
7. **Time limit**

Any information relating to this investigation should be sent in writing so as to reach the Authority at the above address not later than 40 days from the date of initiation of this review investigation. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record their findings on the basis of the facts available on record in accordance with the Rules supra.

8. **INSPECTION OF PUBLIC FILE**

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.

All interested parties shall provide a confidential and a non-confidential summary in terms of Rule 7 (2), for the confidential information provided as per Rule 7 (1) of the Rules supra.

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.

(P.K. Chaudhery)
The Designated Authority