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Government of India, Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building,
5, Parliament Street, New Delhi – 110001**

Dated: 4th August 2020

INITIATION NOTIFICATION

(Case No. ADD-OI-20/2020)

Subject: Initiation of Anti-dumping investigation concerning imports of Glass Fibre and articles thereof originating in or exported from Bahrain and Egypt.

1. M/s Owens-Corning (India) Private Limited and M/s Owens-Corning Industries (India) Private Limited (hereinafter referred to as the “Applicants”) have filed an application before the Designated Authority (hereinafter also referred to as the “Authority”) in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter also 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 also referred to as the “Rules”) seeking initiation of Anti-dumping investigation concerning imports of certain glass fibre and articles thereof (hereinafter referred as “product under consideration” or “PUC” or “subject goods”), originating in or exported from Bahrain and Egypt (hereinafter referred to as “subject countries”).
2. The Applicants have alleged that material injury to the domestic industry is being caused due to dumped imports of the subject goods, originating in or exported from the subject countries and have requested for imposition of the anti-dumping duty on the import of the subject goods originating in or exported from the subject countries.

Product under consideration

3. The product under consideration is glass fibre and articles thereof including glass roving [assembled rovings (AR), direct rovings (DR)], glass chopped strands (CS), and glass chopped strands mats(CSM).
4. The product under consideration is classified under the Chapter 70 of the First Schedule of the Customs Tariff Act, 1975 under the tariff customs classification 7019. The customs classification is only indicative and is not binding on the scope of the product under consideration.

5. The following types of glass fibre are not covered within the scope of investigation.
- i. Glasswool,
 - ii. Fibreglasswool,
 - iii. Fibre glass insulation in wool form,
 - iv. Glassyarn,
 - v. Glasswoven fabrics,
 - vi. Glass fibre fabric,
 - vii. Glass woven rovings
 - viii. Chopped strands meant for thermoplastic applications,
 - ix. Micro glass fibre with fibre diameter in the range of 0.3 to 2.5 microns,
 - x. Surface mat/surface veil/tissue,
 - xi. Wet chopped strands,
 - xii. Cemfil.

Like Article

6. The Applicants have claimed that the subject goods, which are being dumped into India, are identical to the goods produced by the domestic industry. There are no known 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 Applicants. The Authority notes that the two are prima facie technically and commercially substitutable and, hence, should be treated as 'like article' under the Rules.

Domestic industry

7. The application has been filed by M/s Owens-Corning (India) Private Limited and M/s Owens-Corning Industries (India) Private Limited. The Applicants have claimed that they have neither imported the subject goods from the subject countries nor are they related to any exporter or producer of subject goods in the subject countries or any importer of product under consideration in India. However, Owens-Corning (India) Private Limited has imported the subject goods from non-subject countries.
8. Considering the information on record, the Applicant accounts for major proportion of the Indian production. In view of the above and after due examination, the Authority notes that the Applicants constitute eligible domestic industry in terms of the provisions contained in Rule 2(b) and the application satisfies criteria in terms of Rule 5(3) of the Rules supra.

Basis of Alleged Dumping

a) Normal value

9. The Applicants have claimed that the data relating to price in the subject countries is not available. The Applicants have not provided information regarding the appropriate third

country. This information is also not available with the Authority from any public source. The normal value for these subject countries has been estimated on the basis of best estimates of cost of production of subject goods in India along with associated selling, general and administrative expenses, and reasonable profit.

b) Export Price

10. The export price for subject goods for the subject countries has been computed based on the Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction wise import data. Adjustments have been made for ocean freight, marine insurance, commission, inland freight expenses, port expenses and bank charges. There is sufficient prima facie evidence with regard to the net export prices claimed by the Applicant.

c) Dumping Margin

11. The normal value and the export price have been compared at ex-factory level, which prima facie shows dumping margin is above the de-minimis level and is significant in respect of the PUC from the subject countries. There is sufficient prima facie evidence that the PUC from subject countries is being dumped into the Indian market by the exporters from the subject countries.

d) Injury and Causal Link

12. Information furnished by the Applicants has been considered for assessment of injury to the domestic industry. The Applicants have furnished evidence regarding the injury taken place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption in India, price undercutting, and price suppressing and depressing effect on the domestic industry. The Applicants have claimed that their performance has been adversely impacted in respect of lost sales, market share, accumulation of inventories and consequent losses, cash losses and decline in return on capital employed, as a result of increase in imports of product under consideration at an injurious price for the domestic industry. There is sufficient prima facie evidence that the injury is being caused to the domestic industry by dumped imports from subject countries.

Initiation of Anti-Dumping Investigation

13. On the basis of the duly substantiated written application by or on behalf of the domestic industry, and having satisfied itself, on the basis of the prima facie evidence submitted by the domestic industry, about dumping of the product under consideration originating in or exported from the subject countries, injury to the domestic industry and causal link between such alleged dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the Rules, the Authority, hereby, initiates an investigation to determine the existence, degree and effect of any alleged dumping in respect of the product under

consideration originating in or exported from the subject countries and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

Subject Countries

14. The subject countries for the present investigation are Bahrain and Egypt.

Period of Investigation (POI)

15. The Applicants have provided information for the period 1st April, 2019 to 31st December, 2019 (9 Months) and has proposed period of investigation as 1st April, 2019 to 31st December, 2019. The injury investigation period has been proposed to cover the periods 1st April, 2016- 31st March, 2017; 1st April, 2017- 31st March, 2018; 1st April, 2018- 31st March, 2019, and the POI.
16. Explanation to Rule 22 of the Rules states that:
“For the purposes of these rules, the period of investigation shall, - (i) not be more than six months old as on the date of initiation of investigation. (ii) be for a period of twelve months and for the reasons to be recorded in writing the designated authority may consider a minimum of six months or maximum of eighteen months.”
17. In view of the above provision in the Rules, the period of investigation (POI) adopted by the Authority for the present investigation is 1st April, 2019 to 31st March, 2020 (12 months) and the injury period will cover the periods 1st April, 2016- 31st March, 2017; 1st April, 2017- 31st March, 2018; 1st April, 2018- 31st March, 2019, and the POI.

Procedure

18. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

Submission of Information

19. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at email addresses adg11-dgtr@gov.in and adv13-dgtr@gov.in. It should be ensured that the narrative part of the submission is in searchable PDF/MS Word format and data files are in MS Excel format.
20. The known producers/exporters in the subject countries, their governments through their Embassies in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.

21. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below on email address mentioned in paragraph 19.
22. 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

23. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses adg11-dgtr@gov.in and adv13-dgtr@gov.in within thirty days from the date of receipt of the notice as per Rule 6(4) of the Anti-Dumping Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting countries. 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 Rules.
24. 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 within the above time limit.

Submission of information on confidential basis

25. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules and the Trade Notices issued in this regard. Failure to adhere to the above may lead to rejection of the response / submissions.
26. The parties making any submission (including Appendices/Annexes attached thereto), before the Authority including questionnaire response, are required to file Confidential and Non-Confidential versions separately.
27. The “confidential” or “non-confidential” submissions must be clearly marked as “confidential” or “non-confidential” at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions.
28. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, 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.

29. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and 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, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.
30. 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 if 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.
31. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
32. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

Inspection of Public File

33. In terms of Rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. The modality of maintaining public file in electronic form is being worked out

Non-cooperation

34. 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 Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.



(Bidyut Behari Swain)

Special Secretary & Designated Authority