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**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 8<sup>th</sup> July, 2016

**Notification**

**Initiation**

**(Sunset Review)**

**Subject: Initiation of Sunset Review investigation for imposition of anti-dumping duty on imports of “Polytetraflouroethylene or PTFE” originating in or exported from China PR**

**No. 15/11/2016 DGAD** – Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (herein after referred to as Authority) recommended imposition of Anti Dumping Duty on imports of “Polytetraflouroethylene” also known as “PTFE” (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country).

2. Whereas, the original anti-dumping investigation concerning imports of subject goods, originating in or exported from China PR, was initiated by the Designated Authority (hereinafter also referred to as the Authority) vide Notification No. 14/25/2003-DGAD dated 27th July, 2004.

3. Whereas, the final finding of the original investigation was issued by the Authority, recommending imposition of definitive anti-dumping duties, on the imports of the subject goods, originating in or exported from China PR vide Notification No. 14/25/2003-DGAD, dated the 25th July, 2005. Accordingly, definitive anti dumping duties on the subject goods imported from the subject country was imposed by the Department of Revenue on subject goods imported from China PR vide Notification No. 91/2005-CUS, dated 17<sup>th</sup>October, 2005.

4. The Authority initiated midterm review investigations vide Notification No. 15/33/2008-DGAD dated 27<sup>th</sup> February 2009 and antidumping duty was recommended on the subject goods from China PR vide Notification No. 15/33/2008-DGAD dated 26<sup>th</sup> February, 2010. On the basis of the findings, definitive anti dumping duties on the subject goods imported from subject country was imposed by the Department of Revenue on subject goods imported China PR vide Notifications 42/2010-Customs dated 05<sup>th</sup> April, 2010.

5. The Authority initiated sunset review investigations vide Notification No. 15/08/2010-DGAD dated 26<sup>th</sup> July 2010 and antidumping duty was recommended on the subject goods from China PR vide Notification No. 15/8/2010-DGAD dated 25<sup>th</sup> July, 2011. On the basis of the findings, definitive anti dumping duties on the subject goods imported from subject country was imposed by the Department of Revenue on subject goods imported China PR vide Notifications 81 /2011-Customs dated 24<sup>th</sup> August, 2011.

### **Request for Review**

6. Whereas, in terms of the Customs Tariff Act, 1995, the antidumping duty imposed shall unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition.

7. And, notwithstanding the above provision, the Authority is required to review, on the basis of a duly substantial request made by or on behalf of the domestic industry within a reasonable period of time prior to the date of the expiry of the measure, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

8. And, whereas, in terms of the above provisions, M/s. Gujarat Fluorochemicals Ltd., the major producer of the subject goods in India, have approached the Authority with a duly substantiated application requesting for sunset review of the anti-dumping duty earlier imposed on the imports of the subject goods originating in or exported from the subject country and seeking the continuation of anti-dumping duty. The request is based on the grounds that dumping of the subject goods originating in or exported from the subject country has continued in spite of the imposition of anti-dumping duties on the imports of the subject goods from the subject country and the domestic industry continues to suffer injury on account of dumping from the subject country. The applicants have further argued that the expiry of the measure against the subject country would be likely to result in continuation or recurrence of dumping and injury to the domestic industry.

9. And, the Authority on the basis of prime facie evidence given by the applicant considers that initiation of sunset review proceedings for the anti-dumping duties in force would be appropriate to examine the need for continuation of such duties to offset dumping from the subject country and to examine as to whether the injury to

the domestic industry is likely to continue or recur if the duties were removed or varied.

### **Domestic Industry Standing**

10. The Petition has been filed by M/s. Gujarat Fluorochemicals Ltd. who is the major producer of the subject goods in India (hereinafter referred to as the domestic industry or the applicant). As per the records available with the Authority, the applicant is the major producer of the subject goods in India. There is only one more company, Hindustan Fluorocarbons Ltd., which produces the subject goods. However, the production of the subject goods by the petitioner, GFL constitutes around 98.9% in domestic production in proposed investigation period. The petitioner satisfies the requirements of Rule 2(b) and Rule 5(3) of the AD Rules and the standing to file the present petition and the participating companies constitute "Domestic Industry" within the meaning of the Rules.

11. Having satisfied itself on the basis of the positive prima facie evidence submitted by the domestic industry substantiating the need for a review, the Authority hereby initiates the Sunset Review in accordance with Section 9 A (5) of the Act, read with Rule 23 of Antidumping Rules, to review the need for continued imposition of duties in force and whether the expiry of the duties would be likely to lead to continuation or recurrence of dumping and injury.

### **Product under Consideration and Like Article**

12. The product under consideration in the present petition is "Polytetrafluoroethylene" also known as "PTFE". PTFE is primarily used in electrical, electronic, mechanical and chemical industries for its unique characteristics like chemical inertness, electrical and thermal insulation, low coefficient of friction, non-toxic, non-flammable, resistance to radiation, low level of static and dynamic friction and outstanding electrical properties over a wide frequency range.

13. The Authority concludes that the product under consideration in the present sunset review investigation is "Polytetrafluoroethylene" also known as "PTFE". The scope of the product under consideration in the present investigation remains the same as the scope of the product under consideration in the final findings earlier notified.

14. The applicants have claimed that there is no known difference in product produced by the applicants and exported from the subject country. Both products have comparable characteristics in terms of parameters such as physical & chemical characteristics, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc. It has been claimed by the domestic industry that comparison of essential product properties in respect of domestic product and imported product show that the subject goods produced by the domestic industry are

similar to the subject goods imported from subject country in terms of essential product properties. The Authority determines that the subject goods produced by the domestic industry are like article to the subject goods imported from the subject country.

### **Procedure**

15. The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The Authority will examine whether the continued imposition of the duties is necessary to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied, or both:-

- i. The review will cover all aspects of Notification No. 15/8/2010-DGAD dated 25th July, 2011 in respect of China PR. The country involved in this review investigation is China PR.
- ii. The period of investigation for the purpose of the present review is from April 2015-Mar 2016 (12 Months). The injury investigation period will however cover the periods 2012-13, 2013-14, 2014-15 and proposed period of investigation.
- iii. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

### **Submission of Information:**

16. The known exporters in the subject country, the Government of the subject country through its embassies 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 & Allied Duties  
Department of Commerce,  
Jeevan Tara Building, 4th Floor  
5, Parliament Street  
New Delhi -110001**

17. 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:**

18. 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 communication of initiation 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 Anti-dumping Rules.

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 the Anti-dumping measures within 40 days from the communication of initiation of this Notification.

### **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.

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 five (05) 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.

**Inspection of public file:**

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

**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.

**A. K.Bhalla**  
**Additional Secretary & Designated Authority**