

F.No.15/7/2006-DGAD  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Anti Dumping & Allied Duties)  
Udyog Bhawan, New Delhi  
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Dated the 15 th March, 2007

### **Initiation Notification (Sunset Review)**

**Subject: Initiation of Sunset Review regarding anti-dumping duty imposed on imports of Pentaerythritol originating in or exported from Taiwan and Japan.**

**No. 15/7/2006 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 (herein after referred to as AD Rules), vide notification number 48/1/2001-DGAD dated 8.10.2002, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive anti dumping duty on import of Pentaerythritol (hereinafter referred to as subject goods) originating in or exported from Taiwan, Canada and Japan (hereinafter referred to as subject countries).

And whereas definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 119/2002-Customs dated 31.10.2002.

#### **2. Product Under Consideration**

The product under consideration is Pentaerythritol. Pentaerythritol finds application in manufacture of Alkyd Resin, Rosin Esters, Plasticizers, Printing Inks, Synthetic Rubber, Stabilizers for Plastics, Modified drying oils, Detonators, Explosives, Pharmaceuticals, Core oils and Synthetic Lubricants.

Pentaerythritol is classified under Chapter 29 of the Customs Tariff Act under the sub-heading 2905.42. The customs classification is, however, indicative only and in no way binding on the scope of the present investigation.

The goods manufactured by the domestic industry are 'like articles' to the goods imported from the subject country within the meaning of Rule 2(d).

#### **3. Initiation**

The Customs Tariff (Amendment) Act 1995 and the AD Rules made there under require the Authority to review from time to time the need for continuance of anti-dumping duty. Kanoria Chemicals & Industries Limited has filed an application substantiating the need for sunset review of the anti-dumping duty imposed on the subject goods originating in or exported from Taiwan and Japan and have requested for continuation and enhancement of the anti-dumping duty imposed on subject goods under the above mentioned notifications for a further period of five years. M/s. Perstorp Chemicals India (Pvt) Ltd. has supported the petition. Authority considers that the sunset review of the anti dumping duty recommended would be appropriate at this stage under the provisions of Section 9A(5) of the Customs Tariff (Amendment) Act, 1995 as amended and the rules made there under.

#### **4. Countries Involved**

The countries involved in the present review are Taiwan and Japan. Petition was initially filed against Canada also. However, the petitioner subsequently withdrew petition against Canada stating that they are not sure whether Canada continues to produce subject goods. The Authority therefore initiates the present sunset review only against Taiwan and Japan.

#### **5. Procedure**

Having satisfied on the basis of evidence submitted by petitioner for review of the final findings notified vide no. 48/1/2001-DGAD dated 8.10.2002 and final duty imposed by Notification No. 119/2002-Customs dated 31.10.2002, the Authority hereby initiates investigations to review whether cessation of antidumping duty on imports of Pentaerythritol originating in or exported from Taiwan and Japan is likely to lead to continuation or recurrence of dumping and injury to domestic industry in accordance with the Customs Tariff (Amendment) Act, 1995 and AD Rules.

The review covers all aspects of Notification No. 48/1/2001-DGAD dated 8.10.2002. M/s. Kanoria Chemicals & Industries Limited had represented on behalf of the domestic industry in the original investigations. The Authority proposes to consider M/s. Kanoria Chemicals & Industries Limited and M/s. Perstorp Chemicals India (Pvt) Ltd, as domestic industry in accordance with the Rules supra..

#### **6. Period of Investigation**

The period of investigation for the purpose of the present review is 1<sup>st</sup> April 2005 to 30<sup>th</sup> September 2006 (18 months). However, injury analysis shall cover the years 2002-03, 2003-04, 2004-05 and POI.

## **7. Submission of Information**

The exporters in subject countries, their government through their Embassies in India, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the:

The Designated Authority,  
Ministry of Commerce & Industry,  
Department of Commerce,  
Directorate General of Anti-Dumping & Allied Duties, (DGAD),  
Room No. 240, Udyog Bhawan,  
New Delhi-110011

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.

## **8. Time Limit**

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 review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.

## **9. Inspection of Public File**

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

**(Christy L. Fernandez)**  
**Designated Authority**