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**Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
Directorate General of Anti-Dumping & Allied Duties  
Udyog Bhavan, New Delhi**

**NOTIFICATION**

Dated, the 30<sup>th</sup> August, 2011

**Initiation of Mid-term Review Investigation**

**Subject: Initiation of Mid-term Review (MTR) investigation with regard to the anti-dumping duties imposed on imports of “Carbon Black used in rubber applications” originating in or exported from China PR, Australia, Russia and Thailand**

**No.15/41/2010-DGAD** – Whereas having regard to the Customs Tariff Act, 1975, as amended from time to time, (hereinafter referred to as Act) and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time, (hereinafter referred to as Rules), the Designated Authority (hereinafter referred to as Authority), notified its final findings vide Notification No.14/21/2008-DGAD dated 24<sup>th</sup> December, 2009 and recommended imposition of definitive anti-dumping duty on imports of “Carbon Black used in rubber applications” (hereinafter referred to as subject goods) originating in or exported from China PR, Australia, Russia and Thailand (hereinafter referred to as subject countries) and the definitive anti-dumping duty was imposed by the Central Government vide Notification No. 6/2010-Customs dated 28<sup>th</sup> January, 2010.

2. M/s Automotive Tyre Manufacturers’ Association (ATMA) has submitted an application requesting for initiation of a review of the anti-dumping duties imposed on the imports of the subject goods from the subject countries in accordance with section 9A of the Customs Tariff Act 1975 read with Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. They have claimed that the circumstances that were prevalent during the period of investigation of the original investigation have changed significantly leading to a situation where the existing antidumping duties are no longer warranted.

**Product under Consideration:**

3. The product under consideration is ‘Carbon Black used in rubber applications’ (excluding Thermal Black and Carbon black grades meant for semi conductive compound applications). It is an inorganic chemical used in the production/ processing of rubber (including tyres) as reinforcing filler. Carbon Black is also known as acetylene black, channel black, furnace black,

lamp black, thermal black, and noir de carbone. Carbon Black can be divided into two categories – rubber and non-rubber applications. Carbon Black for rubber applications is the Carbon Black that is used in production/processing of rubber (including tyres), as a reinforcing filler. The present investigation is in respect of Carbon Black used in rubber applications. Carbon Black used in non-rubber applications, such as inks in copiers and computer printer cartridges, paints, crayons and polishes, is not within the scope of the present investigation.

4. The subject goods fall under Chapter 28 of the Customs Tariff under Subheading No.28030010. However, the customs classification is indicative only and is in no way binding on the scope of the present investigation.

### **Grounds for Review:**

5. The Applicant has submitted that the import prices of Carbon Black have increased significantly; that domestic selling prices have also increased significantly; that the cost of raw material – Carbon Black Feed Stock (CBFS) has come down significantly and that with the fall in cost of major raw materials, the Non-injurious price (NIP) for the domestic industry has come down drastically. The petitioner has further submitted that coupled with a significant increase in import prices leading to an increase in the landed value of imports, the injury margin has come down and as a consequence, a need for reviewing the current level of duties has arisen.

### **Initiation:**

6. Rule 23 of the Anti-dumping Rules, as amended, *inter alia* reads as follows:

- (1) *Any anti-dumping duty imposed under the provision of section 9A of the Act, shall remain in force, so long as and to the extent necessary, to counteract dumping, which is causing injury.*
- (2) *The Designated Authority shall review the need for the continued imposition of any anti-dumping duty, where warranted, on its own initiative or upon request by any interested party who submits positive information substantiating the need for such review, and a reasonable period of time has elapsed since the imposition of the definitive anti-dumping duty and upon such review, the designated authority shall recommend to the Central Government for its withdrawal, where it comes to a conclusion that injury to the domestic industry is not likely to recur, if the said antidumping duty is removed or varied and therefore no longer warranted.* The Customs Tariff (Amendment) Act 1995 and the Rules made there under require the Authority to review from time to time, the need for continued imposition of Anti Dumping Duty and if it is satisfied on the basis of information received by it that there is no justification for continued imposition of such duty, the Authority may recommend to the Central Government for its withdrawal.

7. On the basis of information made available by the aforementioned Applicant before the Authority, the Authority considers it prima facie appropriate to initiate a mid-term review of the

anti-dumping duties imposed on the imports of the subject goods originating in or exported from the subject countries.

**Countries involved:**

8. The countries involved in the present investigation are China PR, Australia, Russia and Thailand.

**Procedure:**

9. Having regard to the information provided by the Applicant indicating changed circumstances necessitating a review of the measure in force, the Designated Authority now considers that it is appropriate to initiate a mid-term review of the final findings notified vide Notification No. 14/21/2008-DGAD dated 24<sup>th</sup> December, 2009 published in the Gazette of India, Extraordinary Part I, Section I and the definitive duties imposed by the Central Government vide Notification No.6/2010-Customs dated 28<sup>th</sup> January, 2010 and the Authority hereby initiates an investigation in accordance with the provisions of Section 9(A) of Customs Tariff (Amendment) Act 1995 read with Rule 23 of the the Rules supra to review the need for continued imposition of the anti-dumping duties. The review will cover all aspects of Notification No.14/21/2008-DGAD dated 24<sup>th</sup> December, 2009.

**Period of Investigation (POI)**

10. The period of investigation for the purpose of the present review is 1<sup>st</sup> April, 2010 to 31<sup>st</sup> March, 2011. The injury investigation period will however cover the periods 2007-08, 2008-09, 2009-10 and the POI (2010-11).

**Submission of Information:**

11. The exporters in subject countries, their Governments through their Embassies/High Commissions 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 Authority in the following address:

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

12. 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.

**Time Limit:**

13. Any information relating to the present review 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 Rules supra.

**Inspection of Public File:**

14. 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.

(Vijaylaxmi Joshi)  
The Designated Authority