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SECTION-1**

**Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
F. No. 15/5/2012**

16th August , 2012

Initiation Notification

Subject: Initiation of Mid-Term Review (MTR) investigation with regard to anti-dumping duties imposed on imports of Recordable Digital Versatile Disc [DVD] of all kinds from Vietnam

Whereas having regard to Custom Tariff Rules, the Designated Authority initiated an antidumping investigation on 5th May, 2009 into alleged dumping of "Recordable Digital Versatile Disk (DVD) of all kinds " (hereinafter referred to as subject goods) originating in or exported from Malaysia, Thailand and Vietnam and provisional antidumping duty was imposed on imports of DVD-R from Malaysia, Thailand and Vietnam vide customs notification no. 48/2010-CUS dated 12th April, 2010 on the basis of the preliminary findings of the Authority dated 13th November 2009. The final findings were notified vide notification dated 2nd July 2010 and the Department of Revenue imposed definitive anti dumping duties on the subject goods from subject country vide notification no. 98/2010-CUS dated 28th September, 2010.

2. M/s Storage Media Products Manufacturers & Marketers Welfare Association (herein after also referred to as the applicant or petitioner) 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 Vietnam 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 when anti dumping duty on imports of subject goods from Vietnam is lower than the dumping margin and injury margin that is prevailing at present.

Product under consideration

3. The Product under Consideration, as in the original investigation and also in the present review application is "Recordable Digital Versatile Disc [DVD] of all kinds" which is being dumped in the Indian market by the exporters from Vietnam. DVD can be of a number of types, such as DVD-R, DVD+R, DVD-RW, DVD+RW, mini DVD-R, mini DVD-RW. A

DVD can be recorded once or several times. DVD-R and DVD+R discs can be either single or double-sided. A single-sided (SS) disc is composed of a recording side and a dummy side while a double-sided (DS) disc consists of two recording sides. The recording side of a DVD-R and DVD+R disc is a sandwich of a number of layers.

- Mastering : A process of forming a master for optical disks, generally referred to as "mastering", is where a nickel or the like metallic master, i.e., "stamper", is formed at its final step. A large number of optical disks are duplicated with use of the stamper as a mold in a succeeding molding process.
- Moulding: First comes a polycarbonate plastic substrate containing a shallow spiral groove extending from the inside to the outside diameter of the disc.
- Dye Coater: In this section an organic dye recording layer (AZO) is applied on blank substrate . This layer acts as recording layer. Dye is applied using spin coating and the metal layers by means of DC sputtering.
- Sputter (Metallizing): A metal reflective layer is applied on disc (silver).
- Bonding: An adhesive then bonds two recording sides (for a double-sided) or a recording and dummy side (for a single-sided) together into the final disc. Some single-sided discs are also topped on the dummy side with decorations or additional layers that provide surfaces suitable for labeling by inkjet, thermal transfer or re-transfer printers. Bonding is done by using a hot melt, UV cationic or free radical process
- Printing: Then required printing design is applied by screen printing method.
- Construction of DVD-RW and DVD+RW: To allow information to not only be written but also re-written many times over, DVD-RW, DVD+RW) disc construction is more complex than that of DVD-R and DVD+R (recordable). Just like a recordable disc, a rewritable disc can be either single or double-sided. The recording side of a rewritable disc also uses multiple layers beginning with a polycarbonate plastic substrate containing a shallow spiral groove extending from the inside to the outside diameter of the disc.
- Next comes a dielectric layer (zinc sulfide and silicon dioxide), followed by a phase-change alloy recording layer (either indium, silver, tellurium and antimony or germanium, tellurium and antimony), another dielectric layer and a metal reflective layer (silver, silver alloy, aluminum). Additional layers may also be incorporated above or below the dielectric layers (germanium nitride, silicon carbide, silicon dioxide, silicon nitride, zinc sulfide, antimony telluride and others).
- The dummy side consists of a flat polycarbonate plastic substrate sometimes with an additional metal layer. An adhesive then bonds the sides together into a single disc.

4. The product is classified under Chapter 85 of the Customs Tariff Act under custom sub-heading no. 85232920, 85232950, 85232970, 85234040, 85234050, 85234060; 85234080, 8523409, 85238090, 85235290, 85238050, 85239010, 85239040, 85239050 and 85239090. However, the said Customs classification is indicative only and in no way binding on the scope of the present investigation

Grounds for Review:

5. The applicant has, inter-alia, listed following grounds for undertaking the midterm review
 - a) Normal value have increased as a result of increase in polycarbonate price
 - b) The export price of Vietnam has declined.
 - c) Dumping margin has increased significantly after the previous investigation.
 - d) The injury margin in respect of imports from Vietnam has increased significantly since the investigation period of original investigations

The Authority has examined the above factors as per the information filed by the applicant.

Initiation

6. Rule 23 states 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.

(1A) 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 the injury to the domestic industry is not likely to continue or recur, if the said anti-dumping duty is removed or varied and is therefore no longer warranted.

(1B) Notwithstanding anything contained in sub-rule (1) or (1A), any definitive antidumping duty levied under the Act, shall be effective for a period not exceeding five years from the date of its imposition, unless the designated authority comes to a conclusion, on a review initiated before that period on its own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to the expiry of that period, that the expiry of the said anti-dumping duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.”

(2) Any review initiated under sub-rule (1) shall be concluded within a period not exceeding twelve months from the date of initiation of such review.

(3) The provisions of rules 6, 7, 8, 9/10, 11, 16, 17, 18, 19, and 20 shall be mutatis mutandis applicable in the case of review.

7. 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. In this case, the applicant has filed an application under Section 9 A of the Customs Tariff Act as amended and Rule 23 of Anti dumping rules substantiating the need for Mid-Term Review of the anti-dumping duty earlier imposed on the subject goods originating in or exported from subject country and has requested for initiation of changed circumstances review for enhancement of anti dumping duty. On the basis of information made available by the aforementioned applicant before the Authority and after examining the application, the Authority considers that the Mid Term Review of the anti dumping duty imposed on the imports of the subject goods originating in or exported from Vietnam, would be appropriate at this stage under the provisions of Section 9A(5) of the Customs Tariff (Amendment) Act, 1995 as amended read with Rule 23 of Anti Dumping Rules.

Countries involved:

8. The country involved in the present investigation is **Vietnam**

Period of Investigation:

9. The Period of Investigation (POI) for the purpose of the present investigation is 1st April 2011 to 30th March 2012 (12 months). For the purpose of analyzing trends of injury, the data of previous three years, i.e. Apr'08-Mar'09, Apr'09-Mar'10, Apr'10-Mar'11 and period of investigation will be considered.

Submission of Information:

10. The known exporters in the subject country, the government of the subject country through its embassy 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:

**Government of India
Ministry of Commerce and Industry
Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Room No.243, Udyog Bhawan,
New Delhi-110107.**

11. 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:

12. 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 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 AD Rules.
13. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire's responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the AD measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis.

14. In case confidentiality is claimed on any part of the questionnaire's 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.
15. Information supplied without any mark 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 each of the confidential version and the non-confidential version must be submitted.
16. 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.
17. 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, party submitting the confidential information may indicate that such information is not susceptible of summary; a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.
18. 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.
19. 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:

20. 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.

Non-cooperation

21. 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.

(Vijaylaxmi Joshi)
Designated Authority