

**TO BE PUBLISHED IN THE GAZETTE OF INDIA – EXTRAORDINARY – PART-I,
SECTION-1**

**Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)**

Udyog Bhawan, New Delhi-110107

Dated the 7th March, 2008

Initiation Notification (Sunset Review)

Sub: Sunset Review of anti-dumping duty imposed against Caustic Soda originating in or exported from EU (excluding France), Indonesia and Chinese Taipei.

No.15/11/2008-DGAD – Whereas the Designated Authority, 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, recommended imposition of provisional duty vide Notification No. 14/39/2002-DGAD dated 8.1.2003 and such provisional duty was imposed by the Govt. of India vide Customs Notification No. 48/2003 dated 27.03.2003. The Authority issued its Final findings recommending imposition of definitive Anti Dumping Duty on imports of **Caustic Soda** (hereinafter referred to as subject goods) originating in or exported from EU(Excluding France), Indonesia and Chinese Taipei (hereinafter referred as subject countries), vide Notification No. 14/39/2002-DGAD dated 1.10..2003 and such definitive duty was imposed by the Government of India vide Customs Notification No. 168/2003 dated 14/11/2003. The Authority also initiated Mid Term Review and in Mid Term Review findings recommended imposition of definitive Anti Dumping Duty vide Notification No.15/5/2005-DGA dated 2.06.06 and such definitive duty was imposed by the Government of India vide Customs Notification No.72/2006 dated 10.7.2006.

2. Product Under Consideration:

The product involved in the original investigation, Mid Term Review and this Sunset Review is Sodium Hydroxide (NaOH) , commonly known as Caustic Soda originating in or exported from EU (excluding France), Indonesia and Chinese Taipei. Caustic Soda is an inorganic, soapy and strongly alkaline odourless chemical. Caustic Soda

finds application in various fields like manufacture of pulp and paper, newsprint, viscose yarn, staple fibre, aluminium, cotton, textiles, toilet and laundry soaps, detergents, dyestuffs, drugs and pharmaceuticals, petroleum refining, etc.. Caustic soda is produced and available in two forms, i.e. Lye and solids. Present investigation covers all forms of caustic soda.

Caustic Soda is classified under Chapter 28 of the Customs Tariff Act, 1975. It is further classified as per International Trade Classification [based on Harmonized Commodity Description and Coding System] under the heading 2815.11 and 2815.12. The classification is, however, indicative only and is in no way binding on the scope of the present investigation.

3. Request for Review and Initiation:

AND WHEREAS in terms of the Customs Tariff (Amendment) Act 1995 the Anti Dumping Duty imposed shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition.

AND WHEREAS the Rules supra 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. Notwithstanding the above provisions, the authority is required to review, on the basis of a duly substantiated 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, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

In terms of the above provisions, a petition has been filed by M/s. Alkali Manufacturers Association of India (AMAI), Delhi on behalf of the domestic industry and the Association represents most of all the domestic manufacturers of Caustic Soda in India. The petition has been expressly supported by the domestic producers, viz. M/s. DCW Ltd., Mumbai, M/DCM Shriram Consolidated Ltd New Delhi, M/s. Gujarat Alkalies & Chemicals Ltd., Vadodara, M/s. SIEL Chemicals Complex, New Delhi. As per the evidence available, petitioners have the standing to file the case for anti dumping investigation on behalf of domestic industry as per rule 5 of Anti Dumping Rules and has approached the authority with a duly substantiated petition requesting for continuation and enhancement of the Anti Dumping Duty imposed on subject goods from subject countries for a further period of 5 (five) years.

On the basis of the examination of the petition, the Designated Authority considers that the Sunset Review proceedings for the Anti Dumping Duty in force would be

appropriate at this stage under the provisions of Section 9A(5) of the Customs Tariff(Amendment) Act, 1995 as amended to investigate the claim of the petitioner about reoccurrence of dumping and consequential injury to the domestic industry in case of cessation of Anti dumping Duty already in place.

4. Countries involved:

The countries involved in this investigation are EU(Excluding France), Indonesia and Chinese Taipei.

5. Period of Investigation:

The Period of Investigation for the purpose of the present review is from 01.01.2007 to 31.12.2007. However, injury analysis shall cover the years 2004-05, 2005-06, 2006-07 and Period of Investigation 01.01.2007 to 31.12.2007.

6. Procedure:

Having decided to review Final Findings issued vide Notification No.14/39/2002-DGAD dated 1.10.2003 and duty imposed vide Customs Notification No. 168/2003 dated 14.11.2003 as well as Mid Term Review Findings issued vide Notification No.15/5/2005-DGAD dated 2.6.2006 and definitive duty as imposed by the Government of India vide Notification No.72/2006 dated 10.7.2006 the Authority hereby initiates investigations to review whether cessation of Anti Dumping duty is likely to lead to recurrence of Dumping and injury on imports of subject goods originating in or exported from subject countries in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. The review covers all aspects of Initiation Notification No.14/39/2002-DGAD dated 8.1.2003 and Initiation Notification No.15/5/2005 dated 3.6.2005 and Final Findings of the original investigations as well as Mid Term Review Final Findings. The Authority proposes to consider petitioner as mentioned in paragraph 3 above as domestic industry in accordance with the Rules supra as it constitutes the major proportion of the production of the subject goods in India.

7. Submission of Information:

The exporters in subject countries, the Governments of subject countries through their embassies in India, the importers and users in India known to be concerned with the product 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 at the following address:

Government of India
Ministry of Commerce and Industry
The Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Room No.240, Udyog Bhavan,
New Delhi-110107.

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 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.

9. Submission of information on Non-confidential basis:

In terms of Rule 7 the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summary, a statement of reasons thereof is required to be provided.

10. Inspection of public file:

Any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties in terms of Rule 6 (7). 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.

(R. Gopalan)
Designated Authority