

Ministry of Commerce & Industry
(Department of Commerce)
Directorate General of Anti-Dumping & Allied Duties

New Delhi, the 29th September 2004

Initiation Notification
(Mid-term Review)

Subject: Initiation of Mid-term Review of anti-dumping duty imposed on imports into India of D(-) Para Hydroxy Phenyl Glycine Base (PHPG Base) originating in or exported from European Union.

No. 15/20/2004-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 (hereinafter referred to as the Rules), vide Notification No. 14/6/2002-DGAD dated 7th March 2003, the Designated Authority (hereinafter referred to as the Authority) notified its final findings recommending definitive anti-dumping duty on import of PHPG Base (hereinafter referred to as subject goods) originating in or exported from the European Union, Italy (hereinafter referred to as subject country/territory).

And Whereas definitive anti-dumping duty was imposed on the subject goods vide Customs Notification No. 71/2003-Customs dated 1st May 2003.

2. Request for Review

Whereas the Rules 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 positive 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 provision, the authority is required to review, on the basis of positive information submitted by any interested party substantiating the need for a review, provided that a reasonable period of time has elapsed since the imposition of the definitive anti-dumping duty, whether continued imposition of the duty is necessary to offset dumping, whether the injury would be likely to continue or recur if the duty were removed or varied, or both.

In terms of the above provision, one of the major exporters from the European Union i.e. M/s. Recordati, Italy has filed a request, through the European Union, for a changed circumstances mid-term review of the anti-dumping duty in force.

3. Grounds for Review

One of the major producers and exporters of the subject goods from the EU during the period of original investigation M/s Recordati, Italy has informed that they have discontinued the production of the PHPG Base from December 2002. It is noted by the Authority that there were only two major exporters of the subject goods during the period of investigation of the original investigation during 2002-03 and another exporter besides the applicant for the current review had a de minimus dumping margin determined during the original investigation. This change in circumstances is considered appropriate to initiate a review.

4. Initiation

Having regard to the positive information provided by the applicant indicating the changed circumstances necessitating a review of the measure in force, the Designated Authority now considers that a mid-term review of the Anti-dumping Duty is appropriate in view of the changed circumstances, in terms of the provision of Section 9A(5) of the Customs Tariff (Amendment) Act 1995 read with Rule 23 surpa.

Having decided to review the final findings notified vide Notification No.14/6/2002-DGAD dated 7th March 2003, the Authority hereby initiates the investigations in terms of the Rules, to review whether continued imposition of the duty on imports of PHPG Base originating in or exported from the European Union is necessary to offset dumping, whether the injury would be likely to continue or recur if the duty were removed or varied, or both.

5. Product under consideration

The product involved in the original investigation and the current review is D (-) Para Hydroxy Phenyl Glycine Base (PHPG Base) falling under heading No.2942.00 in Chapter 29 of the First Schedule to the said Customs Tariff Act and ITC HS classification. This classification, however, is indicative only and, in no way, binding on the scope of the present investigation.

6. Procedure

The investigation will determine whether continued imposition of the duty is necessary to offset dumping, whether the injury is likely to continue or recur if the duty were removed or varied, or both.

- i. The review will cover all aspects of Notification No.14/6/2002-DGAD dated 7th March 2003.
- ii. The period of investigation for the purpose of this review will be 1st April 2003 to 31st March 2004. However, injury analysis shall cover the years from 2000-01 to 2003-04.
- iii. The country/territory involved in this investigation are the European Union.
- iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Anti-Dumping Rules supra shall be *mutatis mutandis* applied in this review.

7. Submission of Information

The exporters in subject country/territory, their governments 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,
Directorate General of Anti-Dumping and Allied Duties (DGAD)
Ministry of Commerce & Industry
Department of Commerce
Room No. 243, Udyog Bhavan
New Delhi-110011
Fax No.91-11-23014418

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 confidential submissions before the Authority is required to file a non-confidential version of the same, for placing the same in the public folder for inspection by all other interested parties to the investigation.

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 Rules supra.

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 submissions made by other interested parties before the Designated Authority. In case 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 records its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(Abhijit Sengupta)
Designated Authority.