

**14/09/2011-DGAD**  
**Government of India**  
**Department of Commerce**  
**Ministry of Commerce & Industry**  
**Directorate General of Anti-Dumping & Allied Duties**

New Delhi, the 25<sup>th</sup> October, 2011

**INITIATION NOTIFICATION**

**Subject:** Initiation of Anti-Dumping investigation concerning imports of Choline Chloride from China PR

M/s Jubilant Life Sciences Ltd., Noida have filed a petition, on behalf of the domestic industry, in accordance with the customs Tariff (Amendment) Act, 1995 and Customs Tariff (Identification, Assessment and Collection of Anti-dumping duty on dumped articles and for determination of duty) Rules, 1995 (hereinafter referred to as Rules) before the Designated Authority (hereinafter referred to as the Authority) alleging dumping of Choline Chloride from People's Republic of China and have requested for Anti-Dumping investigation and levy of Anti-Dumping measures.

**2. Domestic industry standing:** The petition has been filed by M/s Jubilant Life Sciences Ltd. having corporate office at Plot No. 1-A, Sector-16-A, Institutional Area, Noida - 201301 and manufacturing facilities for manufacture of Choline Chloride at Samlaya, Vadodara. M/s Jubilant Life Sciences Ltd, the applicant accounts for a major proportion of the domestic production of Choline Chloride in the country. Therefore, the applicant satisfies the standing to file the petition on behalf of the domestic industry as per Rule 5(a) and (b) and Rule 2 (b).

**3. Product involved:** The product under consideration in the present investigation is Choline Chloride of all forms and concentrations used for animal feed (herein referred to as subject goods). Choline Chloride is a quaternary ammonium salt which is colourless, viscid and strongly alkaline. It is used as additive in animal feed. The product is classified under Customs Sub-heading 2309.9010 and 2923.1000 of the Customs Tariff Act, 1975. The classification is however, indicative only and is in no way binding on the scope of the present investigation.

**4. Domestic Like Article:** The Applicant has claimed that there is no known significant difference in the subject goods produced by the Indian industry and the subject goods exported from the subject countries. The subject goods produced by the Indian industry and imported from the subject country are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably. Thus, the subject goods produced by the Applicant are being treated as like article to the product under consideration imported from the subject country within the meaning of the AD Rules for the purpose of this investigation.

**5. Country involved:** The country involved in the present investigation is People's Republic of China (herein referred to as subject country).

**6. Normal value:** The applicant has stated that China PR is a non-market economy country and no country has granted market economy status to china after following elaborate evaluation parameters. It has been further mentioned by the applicant that India has treated China PR as a non market economy country practically in all investigations initiated against China and therefore it should be treated as non-market economy country in the present investigation also. The applicant has stated that in the absence of availability of information in the public domain, the applicant was not in a position to compute the normal value on the basis of price or constructed value in a market economy third country and therefore has constructed the normal value. The Authority has prima-facie considered the normal value of subject goods in subject country on the basis of constructed value for the purpose of the initiation of this investigation.

**7. Export price:** The Applicant has determined the export prices based on the data compiled by IBIS, Mumbai. The export prices have been adjusted for ocean freight, marine insurance, port handling and inland transportation etc to arrive at net export price at ex-factory level.

**8. Dumping margin:** The applicant has provided sufficient evidence that the normal value of the subject goods in the subject country is significantly higher than the net export prices, prima-facie indicating that the subject goods originating in or exported from the subject country are being dumped, to justify initiation of an antidumping investigation.

**9. 'Injury' and causal link:** The Applicant has claimed material injury and threat of material injury as a result of the alleged dumping. It has been claimed that the imports have increased in absolute terms and in relation to consumption in India and that the imports are significantly undercutting the prices of the domestic industry and as well depressing the prices of the domestic industry. The Applicant has further claimed deterioration in the performance of the domestic industry in terms of, market share, profits and return on capital employed.

10. There is sufficient evidence of the 'injury' being suffered by the domestic industry caused by the dumped imports from the subject country to justify initiation of an antidumping investigation in terms of the AD Rules.

**11. Initiation of Anti Dumping Investigation:** In view of the foregoing, the Authority finds that sufficient evidence of dumping of the subject goods from the subject country, 'injury' to the domestic industry and causal link between the dumping and 'injury' exists to justify initiation of an anti-dumping investigation. Accordingly, the Authority hereby initiates an investigation into the alleged dumping, and consequent 'injury' to the domestic industry in terms of the Rules 5 of the AD Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of anti-dumping measure, which, if levied, would be adequate to remove the injury to the domestic industry.

**12. Period of investigation:** The period of investigation for the purpose of present investigation is **1st April 2010 to 31<sup>st</sup> March 2011**. The injury investigation period will, however, cover the periods April 2007-March 2008, April 2008-March 2009, April 2009-March 2010 and the Period of Investigation (POI) viz. 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2011. For threat of material injury, the data beyond the POI may also be examined.

**13. Submission of information:** The known exporters in the subject countries and their Governments through their Embassy/Economic and Cultural Centre in India, importers and users in India known to be concerned and the domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. 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 and write to:

**The Designated Authority,  
Directorate General of Anti-Dumping & Allied Duties,  
Ministry of Commerce & Industry,  
Department of Commerce,  
Room No.240, Udyog Bhawan, New Delhi -110107.**

**14. Time limit:** Any information relating to this investigation and any request for hearing should be sent in writing so as to reach the Authority at the above mentioned address, 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.

**15. Submission of information on Confidential basis:** 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.

16. 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.

17. 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.

18. 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 Designated Authority.

19. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Designated 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.

20. 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 Designated Authority. The Designated 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.

**(Vijaylaxmi Joshi)**  
**Designated Authority**