

No.15/14/2011-DGAD
Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties

INITIATION NOTIFICATION
(Sunset Review)

Date 2nd May 2012

Subject: Sunset Review of anti-dumping duty imposed concerning imports of Zinc Oxide originating in or exported from China PR.

15/14/2011-DGAD: Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (herein after referred to as the AD Rules), definitive anti-dumping duty was originally recommended vide notification No.62/1/2000-DGAD dated 5th October, 2001 on import of 'Zinc Oxide' (hereinafter referred to as the subject goods) originating in or exported from China PR (hereinafter referred to as the subject country) and whereas the central government imposes definitive anti-dumping duty w.e.f 09.04.2001 vide its notification no 115/2001-custom of 02.11.2001. Whereas upon a Sunset Review undertaken by the Designated Authority (hereinafter referred to as the Authority), the Authority recommended continuation of definitive Anti-dumping duty vide its notification No.15/4/2005-DGAD dated 4th April, 2007 and whereas the Central Government issued its Notification No.64/2007-Customs dated 7th May, 2007 imposing anti-dumping duty on the subject goods.

2. WHEREAS in terms of the Customs Tariff (Amendment) Act 1995 the antidumping duty imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Rules supra require the Authority to review the need for extension of Anti Dumping Duty and if it is satisfied, on the basis of information received that there is sufficient justification for extension of such duty, the Authority may recommend to the Central Government for its extension. In terms of the above Provision, M/s Transpek Silox Limited and M/s Rubamin Limited have jointly filed a duly substantiated application alleging likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from China PR and consequent injury to the domestic industry and have requested for review, continuation and enhancement of the anti-dumping duties, imposed on the imports of the subject goods, originating in or exported from the subject country. The petition is in the form and manner prescribed by the Authority and contains prima facie evidence for the continuation of anti-dumping duty on the subject goods from the subject country.

Domestic industry:

3. The application has been jointly filed by M/s Transpek Silox Limited and M/s Rubamin Limited on behalf of the domestic industry. It has been observed from the previous findings that the domestic industry comprises of large number of SSI units. There are about a hundred domestic producers of the product under consideration in India and most of them are in the

unorganized sector. The petition has been filed by two largest producers, whose individual production is below 25%, but collectively accounts for about 31% of Indian production. As per the information available, the applicants account for a major proportion in Indian production of the subject goods and therefore constitute the domestic industry within the meaning of the Rules.

Product under consideration and Like Article:

4. The product involved in the original investigation was 'Zinc Oxide'. This being a Sunset review, the investigation covers the product covered in the original investigation and the previous SSR investigation. The product under consideration in the present petition is Zinc Oxide. Zinc Oxide is a white/off white powder with chemical formula 'ZnO'. It is produced in three grades, namely regular, IP and feed grade. In regular grade, it has purity of minimum 98%, whereas in IP it has purity of minimum 99%. Zinc Oxide is used in the manufacture of automobile tyres, rubber goods, ceramics, high purity zinc chemicals, such as sulphate, chloride, etc. It is also used as a raw material in ceramic industry and a supplement in animal feed formulations. It is covered under two different customs classification - Zinc Oxide is an inorganic chemical classified under Chapter 28 under sub-heading 2817.0010 and Chapter 38 (Miscellaneous chemical products) under sub-heading 3812.3030 of the Customs Tariff Act. The customs classification is, however, indicative only and is in no way binding on the scope of the present investigation.

Initiation of Sunset Review:

5. In view of the duly substantiated application filed and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the AD Rules, the Authority hereby initiates a Sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Country involved:

6. The country involved in this investigation is China PR.

Period of Investigation:

7. The Period of Investigation (POI) for the purpose of the present review is 1st April 2011 to 31st March 2012. However, injury analysis shall cover the years 2008-09, 2009-10, 2010-11 & POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure:

8. The investigation will determine whether the expiry of the measure would likely to lead to continuation or recurrence of dumping and injury. The review covers all aspects of Notification No. 15/4/2005-DGAD dated 4th April, 2007 (final findings of the SSR investigation).

Submission of Information:

9. 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:

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

10. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit stated in this Notification.

Time Limit:

11. 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.

12. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire 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:

13. All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7(2) of the AD Rules for the confidential information provided as per Rule 7(1) of the AD Rules. The non-confidential version or non-confidential summary of the confidential information should be in sufficient detail to provide a meaningful understanding of the information to the other interested parties. If in the opinion of the party providing information, such information is not susceptible to summary; a statement of reasons thereof is required to be provided. 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.

14. Notwithstanding anything contained in Para above, 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 a generalized or summary form, it may disregard such information.

Inspection of public file:

15. 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:

16. 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 Government as deemed fit.

Vijaylaxmi Joshi
Designated Authority