

Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 7th April 2006.

Initiation Notification (Sunset Review)

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

No. 15/4/2005-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 AD Rules), recommended imposition of provisional Anti Dumping duty on imports of "Zinc Oxide" (hereinafter referred to as subject goods) originating in or exported from China PR (referred to as subject country) vide Notification No. 62/1/2000-DGAD dated 5th March, 2001, which were imposed vide Customs Notification No. 40/2001-Customs, dated the 9th April, 2001. The Designated Authority came out with final findings on 5th October 2001 vide notification no 62/1/2000-DGAD and the definitive anti dumping duty was imposed vide Customs Notification No. 115/2001-Customs dated 2nd November, 2001.

2. Request for Review

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 WHEREAS 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 provisions, Association of Indian Producers has approached the Authority with a duly substantiated petition requesting for a review and extension of anti dumping duties. The Designated Authority considers that initiation of sunset review proceedings for the Anti Dumping Duty in force would be appropriate to examine the need for extension of such duty.

3. Grounds for review

The request is for extension and enhancement of the anti dumping duties in force. The request is based on the grounds that revocation of the present duty is likely to result in continuation or recurrence of dumping and injury to the domestic industry.

4. Initiation

Having satisfied itself on the basis of the positive evidence submitted on behalf of the domestic industry substantiating the need for a review, the Authority hereby initiates a review in accordance with Section 9(A)5 of the Act and Rule 23 of Rules, to review the need for extension of anti dumping duties recommended vide final findings notified on 5th October 2001 and definitive duty imposed by Notification No. 115/2001-Customs dated 2nd November, 2001.

5. Product under Consideration

The product under consideration in the present investigation is Zinc Oxide classified under custom sub-heading 2817 or 3812.30 of Schedule I of the Customs Tariff Act, 1975. The classification is indicative only and is in no way binding on the scope of the present investigation.

6. Countries Involved:

The country involved in the present investigations is China PR (referred to as subject country hereinafter).

7. Procedure

(i) The investigation will determine whether the expiry of the measure would be likely to lead to continuation or recurrence of dumping and injury. The Authority will examine whether the continued imposition of the duties is necessary to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied, or both.

(ii) The review will cover all aspects of Notification No 62/1/2000-DGAD dated 5th October 2001

8. Period of Investigation

The period of investigation for the purpose of the present review is 1st January 2005 to 31st December 2005 (12 months).

9. Submission of Information

The exporters in subject country, their government through their Embassy/High Commission in India, the importers and users in India known to be concerned and the

Indian Producers 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,
Ministry of Commerce & Industry,
Department of Commerce,
Directorate General of Anti-Dumping & Allied Duties, (DGAD),
Room No. 240, Udyog Bhavan, New Delhi-110011**

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.

10. 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.

11. Inspection of Public File

In terms of Rules 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. 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.

**(Christy Fernandez)
DESIGNATED AUTHORITY**