

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
(DIRECTORATE GENERAL OF ANTI-DUMPING &
ALLIED DUTIES)

NOTIFICATION

New Delhi, the, 30th August 2004

Initiation (Mid-term Review)

Subject: Initiation of Mid-term Review of anti-dumping duty imposed on imports of Vitamin A Palmitate originating in or exported from the EU, Georgia and Singapore.

No. 15/12/2004-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 (herein after referred to as the Rules), vide Notification Number 65/1/2001-DGAD dated 23rd January 2003, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive antidumping duty on import of Vitamin A Palmitate (hereinafter referred to as subject goods) originating in or exported from the European Union, Georgia and Singapore (hereinafter referred to as subject countries).

AND WHEREAS definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 40/2003-Customs dated 7th March 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 antidumping 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 exporters from the European Union i.e. M/s BASF Limited, Germany has filed a request, through the European Commission, for a changed circumstances mid-term review of the antidumping duty in force,

3. Grounds for Review

The applicant claims that the conditions of both, dumping and injury have changed substantially requiring a review of the antidumping measure in force. The exporter has *inter alia* claimed that their export price to India is much above their cost of production, as well as their selling price in the domestic market and therefore, there is no dumping of the subject goods in the Indian market. It has also been claimed that the landed price of the goods exported from the European Union is above the selling price of the domestic industry in India and there is no price undercutting. The applicant also claims that the DPCO price i.e., the maximum selling price of the for the subject goods in the Indian market as determined by DPCO has been revised downwards since 2003 and the landed value of the imports from the European Union is above the DPCO prices, indicating negative price underselling. Therefore, the applicant claims that no dumping is taking place from the European Union and the domestic industry is not suffering any injury on account of the imports from the European Union.

4. Initiation

Having regards to the positive information provided by the applicant indicating 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 Customs Tariff (Amendment) Act 1995 read with Rule 23 supra.

Having decided to review the final findings notified vide Notification No.65/1/2001-DGAD dated 23rd January 2003, the Authority hereby initiates the investigations in terms of the Rules, to review whether continued imposition of the duty on imports of Vitamin A Palmitate originating in or exported from the European Union, Georgia and Singapore, 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 Vitamin A Palmitate falling under heading No. 293621.00 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.65/1/2001-DGAD dated 23rd January 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 countries involved in this investigation are the European Union, Georgia and Singapore.
- iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

6.1 Submission of Information:

The exporters in subject countries, 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
Ministry of Commerce and Industry, Department of Commerce
Udyog Bhavan, New Delhi-110011. Fax: 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.

6.2 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.

6.3 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 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 record 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