

**TO BE PUBLISHED IN THE GAZETTE OF INDIA – EXTRAORDINARY-PART-I,**  
**SECTION-1**

**Government of India**  
**Ministry of Commerce & Industry**  
**Department of Commerce**  
**(Directorate General of Anti Dumping & Allied Duties)**

**Udyog Bhawan, New Delhi-110107**

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*Dated the 7<sup>th</sup> March, 2008*

**Initiation Notification (Sunset Review)**

**Sub: Sunset Review of anti-dumping duty imposed against Vitamin ‘E’ originating in or exported from China PR.**

**No.15/10/2008-DGAD** – Whereas the Designated Authority, having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, recommended imposition of provisional duty vide Notification No. 14/32/2002-DGAD dated 2.12.2002 and such provisional duty was imposed by the Govt. of India vide Customs Notification No. 41/2003 dated 17.03.2003. The Authority issued its Final findings recommending imposition of definitive Anti Dumping Duty on imports of **Vitamin ‘E’** (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred as subject country), vide Notification No. 14/32/2002-DGAD dated 22.08.2003 and such definitive duty was imposed by the Govt. of India vide Customs Notification No. 145/2003 dated 6.10/2003.

**2. Product under consideration**

The product under consideration in the original investigation as well as Sunset Review is **Vitamin ‘E’**. **Vitamin ‘E’**, is an organic chemical and has been classified under Chapter 29 of the Customs Tariff Act. All forms of **Vitamin ‘E’** are within the scope of the product. This being a sunset review of the product against which duty is already in force the product under consideration remains the same as has been defined in the original investigation, as there has been no significant development or change in the product during the period thereafter.

### **3. Request for Review and Initiation:**

AND WHEREAS in terms of the Customs Tariff (Amendment) Act 1995 the Anti Dumping 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 from time to time, the need for continued imposition of Anti Dumping Duty and if it is satisfied, on the basis of 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 a duly substantiated request made by or on behalf of the domestic industry, within a reasonable period of time prior to the date of the expiry of the measure, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

In terms of the above provisions, M/s TPM Consultants, K-3/A, Saket, New delhi-110017 representing the Indian producer M/s. Merck Ltd., Shiv Sagar Estate 'A', Dr. Annie Besant Road, Worli, Mumbai-400018 commanding a major proportion of the domestic production of the subject goods, has approached the authority with a duly substantiated petition requesting for continuation and enhancement of the Anti Dumping Duty imposed on subject goods from subject country for a further period of 5 (five) years.

On the basis of the examination of the petition, the Designated Authority considers that the Sunset Review proceedings for the Anti Dumping Duty in force would be appropriate at this stage under the provision of Section 9A(5) of the Customs Tariff(Amendment) Act, 1995 as amended to investigate the claim of the petitioner about reoccurrence of dumping and consequential injury to the domestic industry in case of cessation of Anti dumping Duty already in place.

### **4. Country involved:**

The country involved in this investigation is China PR.

### **5. Period of Investigation:**

The period of investigation for the purpose of the present review is from 01.01.2007 to 31.12.2007. However, injury analysis shall cover the years 2004, 2005, 2006 and 2007.

### **6. Procedure:**

Having decided to review the final findings issued vide Notification No. 14/32/2002-DGAD dated 22.08.2003 and final duty imposed vide Customs Notification No.145/2003 dated 6.10.2003, the Authority hereby initiates investigations to review whether cessation of Anti Dumping duty is likely to lead to recurrence of Dumping and injury on imports of subject goods originating in or exported from subject country in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. The review covers all aspects of Notification No.14/32/2002-DGAD dated 22.8.03(final findings of the original investigations). The Authority proposes to consider petitioner as mentioned in paragraph 3 above as domestic industry in accordance with the Rules supra as it constitutes the major proportion of the production of the subject goods in India.

#### **7. Submission of Information:**

The exporters in subject country, the governments of subject country through its embassy in India, the importers and users in India known to be concerned with the product 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 Authority at the following address:

Government of India  
Ministry of Commerce and Industry  
The Directorate General of Anti-Dumping and Allied Duties  
Department of Commerce  
Room No.240, Udyog Bhavan,  
New Delhi-110107.

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.

#### **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 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. Submission of information on Non-confidential basis:**

In terms of Rule 7 the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summary, a statement of reason thereof is required to be provided.

**10. Inspection of public file:**

Any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties in terms of Rule 6 (7). 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.

(R. Gopalan)  
Designated Authority