

To be published in Part –I, Section 1 of the Gazette of India Extraordinary

Government of India
Ministry of Commerce

New Delhi, the 2nd Nov. 2001

INITIATION NOTIFICATION

Subject: Initiation of anti-dumping investigations concerning import of Sodium Nitrite originating in or exported from European Union (EU) and Taiwan.

No. 54/1/2001 DGAD. M/s. Deepak Nitrite Limited has filed a petition before the Designated Authority (hereinafter referred to as the Authority) in accordance with 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 alleging dumping of Sodium Nitrite originating in or exported from European Union and Chinese Taipei (Taiwan) and have requested for initiation of anti dumping investigations and levy of anti-dumping duties.

1. Product Involved: The product under investigation in the present case is Sodium Nitrite originating in or exported from European Union and Taiwan. Sodium Nitrite is an oxidizing and reducing agent. It is a white crystalline powder mostly used in Pharmaceutical industries, Dye industries, as Lubricants, Construction chemicals, Rubber blowing agent, Heat transfer salts, and in meat processing, Textiles, etc. Major raw material for production of Sodium Nitrite is Ammonia, which is converted into Nitrous Oxide at high temperature in presence of catalyst.

2. Sodium Nitrite is classified under Customs sub-heading nos. 28.34.1001 of Chapter 28 of the Customs Tariff Act, 1975. The classification is however indicative only and in no way binding on the scope of the present investigations.

3. Domestic Industry Standing: The following companies are the producers of Sodium Nitrite in the country:-

- a. Deepak Nitrite Limited,
- b. Punjab Chemicals & Pharmaceuticals Ltd.
- c. National Fertilizers Limited,
- d. Rashtriya Chemicals and Fertilizers Limited,

The petitioner represent a major proportion of the Indian production of Sodium Nitrite in the country and thus have the standing to file the present petition.

4. Country(ies) Involved: The territory/country involved in the present investigations are European Union (EU) and Taiwan (referred to as subject country/territory hereinafter).

5. Like Article: The petitioner has claimed that goods produced by it are like articles to the goods originating in or exported from the subject countries. Goods produced by the petitioner are being treated as Like Articles to the goods imported from the subject country/territory within the meaning of the Rules.

6. Dumping and Dumping Margin:

Normal Value: The petitioner has claimed normal value in EU on the basis of the prices at which Sodium Nitrite has been exported to third countries. The claim has been supplemented with the estimates of cost of production. Normal value in case of Taiwan has been claimed on the basis of the estimates of cost of production.

There is sufficient prime facie evidence with regard to normal value of Sodium Nitrite in the subject countries.

Export Price: The petitioner has claimed export price based on the data published by the DGCI&S, Calcutta. Adjustments have been claimed from the export price on account of Ocean Freight:, Marine insurance, Commission, Inland Transportation and Port handling and port charges.

There is sufficient prime facie evidence with regard to export price of Sodium Nitrite from the subject countries.

Considering the normal value and export price, the dumping margins are significantly higher than the de-minimus limits.

There is sufficient prima facie evidence that the normal value of the product under consideration in the subject countries is significantly higher than the price at which it has been exported to India, and that the exporters from EU and Taiwan are dumping the subject goods in India.

7. Injury and Causal Link: The various economic indicators relating to domestic industry such as imports and their share, decline in the export price, production, sales, selling prices, price undercutting, price suppression/depression, profit/loss etc. collectively and cumulatively, indicate that the domestic industry has suffered injury. There is sufficient prima facie evidence that the import of product under consideration have caused material injury to the domestic industry.

8. Initiation of Anti-Dumping Investigation: In view of the foregoing, the Designated Authority initiates anti-dumping investigations to determine the existence, degree and effect of alleged dumping of the subject goods originating in or exported from the subject country/territory.

9. Period of Investigation: The period of investigation for the purpose of the present investigations is 1st April, 2000 to 31st March, 2001 (12 months).

10. Submission of Information: The exporters in the subject countries and the importers in India known to the concerned are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority, Ministry of Commerce, Directorate General of Anti dumping and Allied Duties, 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.

11. Time Limit: Any information relating to the present investigations should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are, however, required to submit the information within forty days from the date of letter addressed to them separately.

12. Anti-dumping investigations being a time bound exercise, the Designated Authority may record its findings on the basis of facts available on record in accordance with the Rules supra, if no response is received within the time stipulated or the information is incomplete in any respect.

13. Inspection of Public File: In terms of Rule 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

14. 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.

(L. V. SAPTHARISHI)
DESIGNATED AUTHORITY