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Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-dumping & Allied Duties
Udyog Bhawan, New Delhi

Dated the 9th April, 2012

INITIATION NOTIFICATION

Subject: Initiation of Sunset Review Anti-Dumping investigation concerning imports of 'White Cement' originating in or exported from UAE and Iran.

No.15/13/2011–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 (hereinafter referred to as the AD Rules), definitive anti-dumping duty was originally recommended by the Designated Authority (hereinafter referred to as the Authority) on import of 'white cement (hereinafter referred to as the subject goods) originating in or exported from UAE and Iran (hereinafter referred to as the subject countries) vide notification No.64/1/2000-DGAD dated 30th August 2001. Whereas, upon 1st Sunset Review of the anti dumping duty imposed on the imports of the subject goods from the subject countries undertaken by the Designated Authority, the Authority recommended extension of anti dumping duties for a further period of five years vide notification No 15/6/2005-DGAD dated 27th February, 2007 and whereas the Ministry of Finance implemented the recommendation vide its Notification No 56/2007 – Customs dated 12th April 2007.

2. Whereas M/s J. K. White Cement Works (a unit of J. K. Cement Ltd.) and Birla White (a unit of Ultra tech Cement Ltd.) {also referred to as "petitioner companies" or "petitioners"}, provided relevant financial information for the review, continuation and enhancement of anti dumping duty in force on imports of White Cement from Iran and UAE. The petition is in the form and manner prescribed by the Designated Authority and contains prima facie

evidence for the continuation of anti-dumping duty on the subject goods from the subject countries. Further, the petitioners submit that the information contained in the petition fully justifies the initiation of the sunset review investigation.

3. Domestic Industry & Standing

The petition has been filed by J. K. White Cement Works and Birla White (referred to as petitioners or Petitioner Companies) have provided relevant financial information to file this application. The Petitioners' production accounts for 99.10% production of the subject goods in India, and hence constituting a major proportion in Indian production. In view of the foregoing, it is submitted that the Petitioners satisfy the requirement of standing to file the present petition and the Petitioner Companies constitute 'Domestic Industry' as per the Anti Dumping Rules. Further, present investigation being a sunset review investigation, the issue of standing of the petitioner is not relevant.

4. Product under consideration

The product under consideration is White cement. In the Final Findings dated August 30, 2001 of the original Anti-dumping investigation and subsequently confirmed by Designated Authority in its Final Findings dated 27th February 2007, Designated Authority defined product under consideration as under:

"The product under consideration is white portland cement commonly known as White Cement. White Cement is a construction material and it is Primarily used for non-structural purposes. It is used for architectural purposes, flooring tiles, cement based exteriors paints and cement wash (white wash). White Cement as low content of soluble alkalies and does not cause stain. White Cement is classified in Chapter 25 of the Custom Tariff Act (Section 5 of the Act, which pertains to Mineral Products) under the sub-heading 2523.21. The Customs and ITC HS classification is, however, indicative only and no way binding on the scope of the present investigation."

Present investigation being a review investigation, product under consideration remains the same as has been defined in the original investigation. There has been no significant development in the product over the period

5. Like Articles

Petitioner has submitted that the goods produced by the them are like article to the imported product from subject countries in terms of parameters such as physical & technical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification. The petition filed is for the review, continuation and enhancement of the anti-dumping duty in force and the issues of like article have been already dealt in previous investigations.

6. Subject Countries

The countries/territory involved in the present investigation is Iran & UAE (referred to as 'Subject Countries').

7. Normal value

The petitioners have provided sales invoices of the price prevailing in domestic market of UAE. The normal value in UAE has been determined on the basis of weighted average price of the invoices. The price shown in the invoices is a bulk price. These selling prices have not been adjusted for any other expenses. The Normal value claims by the applicant have been considered for the purposes of initiation.

8. Export Price

Petitioners have submitted the Eximnet India.com data to assess the volume and value of subject import in India. Export price has been determined on the basis of weighted average of the import price. Export price has been adjusted for Ocean Freight, Marine Insurance, Commission and Port Expenses to arrive at the net export price.

9. Dumping Margin

The applicant has provided sufficient evidence that the normal values of the subject goods in the subject countries are significantly higher than the net export prices, prima-facie indicating that the subject goods originating in or exported from the subject countries are being dumped, to justify sunset review initiation of an antidumping investigation.

10. Initiation

Thus, 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 originating in or exported from the subject countries 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.

11. Period of Investigation

The period of investigation (POI) for the purpose of present investigation is from 1st January, 2011 to 31st December, 2011. However, for the purpose of analyzing injury, the data of previous three years, i.e. Apr'08-Mar'09, Apr'09-Mar'10, Apr'10-Mar'11 and the proposed period of investigation has been considered. For threat of material injury, the data beyond the POI would also be examined.

12. Submission of information

The known exporters in the subject countries and their Governments through their Embassies in India, importers and users in India known to be concerned and the domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other interested party may also make its submissions relevant to the investigation within the time-limit set out below and write to:

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

13. Time limit

Any information relating to this investigation should be sent in writing so as to reach the Authority at the above address not later than 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 their findings on the basis of the 'facts available' on record in accordance with the AD Rules.

14. Submission of Information on Non-Confidential basis

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 reason thereof is required to be provided.

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 authorise its disclosure in a generalised or summary form, it may disregard such information.

15. Inspection of Public File

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.

16. Non-cooperation

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 Governments as deemed fit.

(Vijaylaxmi Joshi)
The Designated Authority