

F.No.15/1009/2012-DGAD  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
Directorate General of Anti Dumping & Allied Duties

New Delhi, the 23rd March, 2013

## INITIATION NOTIFICATION

### (Sunset Review)

Subject: Initiation of Sunset Review of the definitive anti-dumping duty imposed on imports of Sodium Nitrite originating in or exported from the European Union.

No 15/1009/2012-DGAD:- Having regard to the Customs Tariff Act, 1975 as amended from time to time and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (hereinafter referred to as the Authority) had recommended imposition of anti dumping duty on imports of Sodium Nitrite (hereinafter referred to as subject goods) originating in or exported from the European Union (hereinafter referred to as EU or the subject territory). The preliminary findings, final findings and amendment notification of the Authority were published vide notifications dated 1.2.2002, 28.10.2002 and on 24.3.2005 respectively. On the basis of findings and amendment, provisional duty, definitive anti dumping duties and amended definitive duties on the subject goods imported from subject territory were imposed by the Department of Revenue vide notification Nos. 34/2002-Customs dated 28.3.2002; 132/2002-Customs dated 29.11.2002 and notification No.51/2005-customs dated 27.5.2005 respectively.

2. AND WHEERAS, in terms of the provisions for sunset review investigations, M/s Deepak Nitrite Ltd, Pune and M/s Punjab Chemicals & Crop Protection Ltd., Chandigarh representing the Domestic Industry approached the Authority with a duly substantiated application requesting for such a review, and the Authority conducted the sunset review proceedings for the anti dumping duty in force and concluded that continued imposition of such duty was required to offset dumping and the injury, likely to continue or recur if the duty was revoked or varied or both. The Final Findings recommending for continuation of anti dumping duty were notified by the Authority on 3<sup>rd</sup> March 2008 vide notification no. 15/6/2006(SSR)-DGAD and definitive duties on the subject goods imported from subject territory were extended by the Department of Revenue vide notification No. 49/2008-Customs dated 11<sup>th</sup> April 2008.

## **Request for Review**

3. 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.

4. AND notwithstanding the above provision, the Authority is required to review, on the basis of a duly substantial 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, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

5. AND WEHERAS, in terms of the above provisions, M/s Deepak Nitrite Ltd, Pune (hereinafter referred to as the applicant) representing the Domestic Industry has approached the Authority with a duly substantiated application requesting for such a review, and the Authority on the basis of prime facie evidence considers that initiation of sunset review proceedings for the anti dumping duty in force would be appropriate to examine the need for continued imposition of such duty to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied or both.

## **Grounds for review**

6. The request is for continuation of the antidumping duties in force. The request is based on the grounds that dumping has continued in spite of imposition of antidumping duty on import of the subject goods from European Union and the domestic industry continues to suffer injury on account of dumping from the EU as the form and quantum of anti dumping duty in force has been insufficient. The applicant has further argued that expiry of the measure against EU would be likely to result in continuation or recurrence of dumping and injury to the domestic industry.

7. The applicant also claims that revocation of anti-dumping measures would result in intensified injury to the domestic industry and, therefore, the duty is required to be continued for a further period of five years.

## **Domestic industry**

8. The application has been filed by M/s Deepak Nitrite Ltd, Pune on behalf of the domestic producers of the subject goods. As per information available on record, the applicant accounts for a major proportion in Indian production of the subject goods to the tune of 87 % and, therefore, constitutes the domestic industry within the meaning of Rule 2(b) of the AD Rules.

## **Initiation**

9. Having satisfied itself on the basis of the positive prima facie evidence submitted by the domestic industry substantiating the need for a review, the Authority hereby initiates a Sunset Review in accordance with Section 9 A (5) of the Act, read with Rule 23 of Antidumping Rules, to review the need for continued imposition of duties in force and whether the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

### **Product under Consideration**

10. Product under consideration in the sunset review is same as was defined in the original investigation, i.e., Sodium Nitrite in all its forms. This being a Sunset review, the present investigation covers the product covered in the original investigation. Sodium Nitrite is an inorganic chemical and is oxidizing and reducing agent. It is a white crystalline powder mostly used in pharmaceuticals industries, dye industries, lubricants, construction chemicals, rubber blowing agent, heat transfer salts, meat processing, textiles etc. The product is classified under Customs Tariff heading 28.34.10 of the Customs Tariff Act. This classification is, however, indicative only and in no way binding on the scope of the present investigation.

### **Procedure**

11. The investigation will determine as to whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The Authority will examine as to 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.

- i). The review will cover all aspects of Notification No.15/6/2006(SSR)-DGAD dated 3.3.2008.
- ii). The territory involved in this review investigation is the European Union.
- iii). The period of investigation (POI) for the purpose of the present review is from October 2011 to September 2012. The injury investigation period will, however, cover the periods April 2009–March 2010, April 2010-March 2011, April 2011-March 2012 and the POI.
- iv). The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

### **Submission of Information**

12. The exporters in the subject territory, 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 Authority at the following address:

The Designated Authority  
Directorate General of Anti-Dumping and Allied Duties  
Ministry of Commerce and Industry  
Department of Commerce  
Room No 240, Udyog Bhavan, New Delhi-110011

13. 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 any confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.

**Time Limit**

14. Any information relating to the present review 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 Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.

15. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their comments to the domestic industry's application within 40 days from the date of publication of this Notification.

**Submission of information on confidential basis**

16. In case confidentiality is claimed on any part of the questionnaire response/submissions, the same must be submitted in two separate sets- (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.

17. Information supplied without any mark shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Five (5) copies each of the confidential version and the non-confidential version must be submitted.

18. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, party submitting the confidential information may indicate that such

information is not susceptible to summary and a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.

19. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. 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 authorize its disclosure in generalized or summary form, it may disregard such information.

20. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorization of the party providing such information.

### **Inspection of Public File**

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

### **Non-cooperation**

22. 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.

Sd/-  
J S Deepak  
Designated Authority