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No 15/10/2014-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
Udyog Bhawan, New Delhi
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Dated the 11th June, 2014

Initiation Notification
(Sunset Review)

Subject: Initiation of Sunset Review investigation in respect of anti-dumping duty imposed on the imports of Vitamin-C originating in or exported from China PR.

No 15/10/2014-DGAD:- Having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter also referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter also referred to as the AD Rules or Rules), the Designated Authority (hereinafter referred to as the Authority) had in the original investigation, recommended imposition of definitive anti-dumping duty on the imports of "Vitamin-C" (hereinafter referred as the subject goods), originating in or exported from China PR and Japan vide Notification No. 10/1/97/ADD dated 25th May, 1998, recommending imposition of definitive anti-dumping duty on the imports of the subject goods, originating in or exported from China PR and Japan, and definitive anti-dumping duty was imposed by the Central Government vide Notification No. 53/98-Cus dated 24th July, 1998.

2. WHEREAS, the Authority conducted a sunset review investigation in respect of the final anti-dumping duty imposed on the imports of the subject goods vide Notification No. 53/98-Cus dated 24th July, 1998 and examined whether cessation of anti-dumping duty was likely to lead to dumping and consequent injury to the domestic industry and recommended extension of anti-dumping duty imposed on the imports of the subject goods from China PR vide Notification No. 14/14/2002-DGAD dated 31st July, 2003. The duty was extended by the Central Government vide Customs Notification 159/2003-Customs dated 24th October, 2003.

3. WHEREAS, the Authority conducted second sunset review investigation and recommended extension of anti dumping duty vide Notification No. 15/16/2008 dated 21st May, 2009. The anti-dumping duties were extended by the Central Government for five years vide Notification No. 67/2009-Customs dated 16th June, 2009.

4. WHEREAS, in terms of the Customs Tariff Act, the antidumping duty imposed

shall unless revoked earlier cease to have effect on expiry of five years from the date of such imposition.

5. AND, 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 as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

Request for Review

6. AND, WEHERAS, in terms of the above provisions, Bajaj Healthcare Limited (hereinafter referred to as the applicant) representing the Domestic Industry has approached the Authority with a duly substantiated application requesting for continuation of the antidumping duties in force imposed by the Central Government vide Notification No. 67/2009-customs dated 16th June, 2009. The request is based on the grounds that dumping has continued in spite of imposition of antidumping duty on the import of the subject goods from China PR (hereinafter referred as the subject country) and the domestic industry continues to suffer injury on account of dumping from the subject country 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 the subject country would be likely to result in continuation or recurrence of dumping and injury to the domestic industry. 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.

7. AND, the Authority on the basis of prime facie evidence given by the applicant considers that initiation of sunset review proceedings in respect of the anti dumping duty in force on the imports of the subject goods, originating in or exported from the subject country would be appropriate to examine the need for continued imposition of such duties to offset dumping and whether the injury would be likely to continue or recur if the duties were removed or varied or both.

Domestic Industry and Standing

8. The application has been filed by Bajaj Healthcare Limited on behalf of the domestic producers of the subject goods in India. Further, Amoli Organics Pvt. Ltd. and Reckon Pharmachem Pvt. Ltd have supported the petition. As per the information available on record, the applicant accounts for a major proportion in Indian production of the subject goods and, therefore, constitutes the domestic industry within the meaning of the AD Rules and also satisfies the criteria of standing in terms of the Rules.

Initiation

9. Having satisfied itself on the basis of positive prima facie evidence of dumping and injury to the domestic industry given by the applicant, substantiating the need for a review, the Authority hereby initiates the 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 on the imports of the subject goods, originating in or exported from the subject country and whether the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

Product under consideration

10. The product under consideration involved in the present investigation is Vitamin-C in all its form and derivatives, originating in or exported from China PR. It is also known as ascorbic acid. It is classified under customs sub-heading no. 29362700 under the Customs Tariff Act. It is also known by various synonyms such as L-Xyloascorbic Acid, 3-Oxo L-Gulofuranolactone (enol form), L-3-Ketothreohexuronic Acid Lactone etc., as described under entry number '867 of Merck Index'. The classification is, however, indicative only and in no way binding on the scope of the present investigation.

11. The pharmaceuticals companies for production of various medicines primarily use Vitamin-C. However, the product has significant uses in non-pharmaceutical industry also. Vitamin-C is an organic chemical. Present investigation being a review investigation, product under consideration remains the same as has been defined in the previous investigations. There has been no significant development in the product over the period.

Procedure

12. The investigation will determine 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. 15/16/2008 dated 21st May, 2009.
ii. The country involved in this review investigation is China PR.
iii. The period of investigation (POI) for the purpose of the present review proposed by the domestic industry was from October, 2012 to September, 2013. However, the Authority determines October, 2012 to December, 2013 as the period of investigation (POI) for the purpose of the present review. The injury investigation period will, however, cover the periods Apr'10-Mar'11, Apr'11-Mar'12, Apr'12-Mar'13 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

13. The exporters in the subject country, its government through its Embassy 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

14. 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

15. Any information relating to the present investigation 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.

16. 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 forty days (40 days) from the date of publication of this Notification. The information must be submitted in hard copies as well as soft copies.

Submission of information on confidential basis

17. The parties making any submission (including Appendices/Annexure attached thereto), before the authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:-

(a) one set marked as Confidential (with title, number of pages, index, etc.), and

(b) the other set marked as Non-Confidential (with title, number of pages, index, etc.).

18. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority and the Authority shall be at liberty to allow the other interested parties to inspect such submissions. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in five (5) sets of each.

19. The confidential version shall contain all information which are by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information can not be disclosed.

20. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case

indexation is not feasible) and 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.

21. 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 if 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.

22. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim shall not be taken on record by the Authority.

23. 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

24. 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

25. 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.

J K Dadoo
Designated Authority