To be published in Part-I Section I of the Gazette of India Extraordinary

F. No. 15/7/2011-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti Dumping and Allied Duties
Date: 23rd March 2012

Initiation notification

Subject: Sunset Review of anti-dumping duty imposed concerning imports of Vitamin A Palmitate originating in or exported from China and Switzerland.

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), the Designated Authority (herein after referred to as Authority) recommended imposition of Anti Dumping Duty on imports of Vitamin A Palmitate (hereinafter referred to as subject goods) originating in or exported from China PR and Switzerland vide notification No 14/11/2005 -DGAD dated 14th September 2007. The Authority issued final findings vide notification No 14/11/2005- -DGAD dated 14th September 2007. On the basis of the findings, the Central Government imposed antidumping duty and definitive antidumping duty vide Notification No 112 /2007-Cus. Oct. 30, 2007

2. Whereas M/s Piramal Healthcare Ltd previously known as, M/s Nicolas Piramal India Ltd. on behalf of the producers of Vitamin A Palmitate, has filed a duly substantiated application in accordance with the Act and the AD Rules before the Authority alleging likelihood of continuation or recurrence of dumping of Vitamin A Palmitate originating in or exported from China PR and Switzerland and consequent injury to the domestic industry and have requested for review and continuation of the anti-dumping duties.

Domestic industry

3. The application has been filed by M/s Piramal Healthcare Ltd on behalf of the producers of Vitamin A Palmitate. The applicant is the sole known producer of subject goods in India and accounts for complete production of subject goods in India. The petitioner, therefore, satisfies the standing to file the present petition and constitutes domestic industry within the meaning of the Rules.

Product under consideration and Like Article

4. The product involved in the original investigation was Vitamin A Palmitate. This being a Sunset review, therefore, the investigation covers the product covered in the original investigation. The product under consideration is defined as Vitamin A Palmitate, which covers Vitamin A Palmitate 1.7MIU/gm and Vitamin A Palmitate 1.0 MIU/gm (herein after

termed as the “subject goods”) in all its strengths and forms. The product is classified under heading No. 293621.00 in Chapter 29 of the First Schedule to the said Customs Tariff Act and ITC HS Classification. This classification however, is indicative only and in no way binding on the scope of the present investigation. The domestic industry also produces ‘Vitamin A Palmitate having similar characteristics and specifications. The present investigation is a Sunset review of the anti dumping duty earlier imposed. Therefore, the Authority considers that the product being manufactured by the domestic industry is ‘like article’ to the product under consideration as per the AD Rules

Initiation:

5. 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 from 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.

Countries involved:

6. The countries involved in this investigation are China PR and Switzerland also referred to as subject countries.

Period of Investigation:

7. The Period of Investigation (POI) for the purpose of the present review is 1st January 2011 to 31st December 2011 (12 months). However, injury analysis shall cover the years 2008-09, 2009-10, 2010-11 & POI. The data beyond period of investigation may also be examined to determine likelihood of dumping and injury.

Procedure:

8. The review covers all aspects of Notification No 14/11/2005 -DGAD dated 14th September 2007 (final findings of the original investigation) and notification dated 10th Feb 2012.. 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:

9. The known exporters in the subject countries, the government of the subject countries through its embassies in India, the importers and users in India known to be concerned with the product 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:

Designated Authority, Government of India, Ministry of Commerce and Industry Directorate General of Anti-Dumping and Allied Duties Department of Commerce Room No.240, Udyog Bhawan, 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.

Time Limit:

10. 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 Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.

11. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire's responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the AD measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis.

12. In case confidentiality is claimed on any part of the questionnaire's 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.

13. 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. Two (2) copies each of the confidential version and the non-confidential version must be submitted.

14. For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

15. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out / 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 of summary; a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.

16. 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.

17. 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:

18. 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.

Non-cooperation

19. 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)
Designated Authority