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**Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhavan, New Delhi-110011**

Dated the 4th April, 2013

NOTIFICATION

Initiation

(Sunset Review)

Subject: Initiation of Sun Set Review (SSR) investigation of the anti-dumping duty imposed on the imports of 'Sulpher Black' originating in or exported from China PR.

15/18/2012-DGAD- Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter referred 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, as amended from time to time (hereinafter referred as the Rules), the Designated Authority (hereinafter referred to as the Authority) recommended imposition of anti-dumping duty on imports of 'Sulpher Black' (hereinafter referred as the subject goods), originating in or exported from China PR (hereinafter referred to as the subject country).

2) WHEREAS, the original investigation concerning imports of the subject goods from the subject country was initiated by the Authority vide Notification No. 14/16/2006-DGAD dated 26th June, 2007. The Preliminary Finding was issued by the Authority vide Notification No. 14/16/2006-DGAD dated 10th March, 2008 and the provisional anti-dumping duty was imposed by the Department of Revenue vide Notification No.48/2008-Customs dated 11th April, 2008. The Final Findings Notification was issued by the Authority vide notification No.14/16/2006-DGAD dated 24.09.2008, recommending imposition of definitive ad-valorem duty. The Final Finding Notification was further amended by the Authority vide Corrigendum notification dated 22nd October, 2008. On the basis of the recommendations made by the Authority in the final findings, definitive ad-valorem anti-dumping duty was imposed by the Department of Revenue, on the imports of the subject goods, originating in or exported from the subject country, vide Notifications No. No.127/2008-Customs dated 03.012.2008.

3) Whereas, M/s Atul Ltd and M/s Bhanu Dyes Pvt. Ltd have filed a duly substantiated application before the Authority, on behalf of the producers of the subject goods in India, in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from the subject country and consequent injury to the domestic industry and have requested for review, continuation and enhancement of the anti-dumping duties, imposed on the imports of the subject goods, originating in or exported from the subject country.

Domestic Industry

4) The application for the sunset review has been filed by M/s Atul Ltd and M/s Bhanu Dyes Pvt. Ltd, on behalf of the domestic industry. As per the information available, the applicants account for a major proportion in Indian production of the subject goods and therefore constitute the domestic industry within the meaning of the Rules.

Product under consideration and Like Article

5) The Product under Consideration (PUC) in the original as well as present SSR investigation is Sulphur Black. Being a sun set review; the PUC remains the same as in the original investigation. Sulphur black is produced either in grain/flake form or in liquid form. Sulphur Black in grain form is a lustrous grain, imparts full black shade with a slight reddish or greenish tone. Sulphur Black is mainly used for dyeing cellulose fiber. Sulphur Black is also useful for dyeing viscose staple fiber and yarn, paper and leather. The present investigation being a sunset review, the investigation covers the product covered in the original investigation.

6) The applicant has claimed that there is no difference in the subject good produced by the domestic industry and the subject product imported from the subject country. The product is being directly imported by the importers and users. The consumers are using the domestic and imported product interchangeably. Applicant has claimed that the two are technically and commercially substitutable. Rule 2(d) of the Anti-dumping Rules with regard to like article provides as under: -

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

7) The Authority held in the final findings of the original investigation as follows

“In view of the above, the Authority holds that sulphur black in all forms and all strengths are inter se technically and commercially substitutable and therefore, like articles for the purpose of this investigation. Accordingly, this investigation covers sulphur black in all forms and all strengths (hereinafter referred to as subject goods). The product is classified under Chapter 32 of the Customs Tariff Act. Specific tariff head at Eight Digit level is 32041967.”

8) The products produced by the domestic industry and imported from the subject country are identical in all essential characteristics and therefore, are like articles within the meaning of the Rules. In view of the above position, for the purpose of the present investigation, the product produced by the applicant is being treated as like article to the product imported from the subject country within the meaning of Rules supra.

9) Sulphur Black is classified in Chapter 32 of the Customs Tariff Act, 1975 under subheading 3204 19 and under subheading 320419 67 under the Indian Trade Classification (Based on Harmonized Commodity Description and Coding system). However, the above classification is indicative only and is no way binding on the scope of this investigation. The customs classification is, however, indicative only and is in no way binding on the scope of the present investigation.

Initiation of Sunset Review

10) WHEREAS, 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 Anti-dumping 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 country 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.

Country involved

11) The country involved in this investigation is China PR.

Period of Investigation

12) The Period of Investigation (POI) for the purpose of the present review is from 1st January, 2012 to 31st December, 2012 (12 months) and injury period as 2009-10, 2010-11, 2011-12 and the POI.

Procedure

13) The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No.No.14/16/2006-DGAD dated 24.09.2008 and amended vide Notification No.No.14/16/2006-DGAD dated 22nd October, 2008.

14) 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

15) The known exporters in the subject country, the Government of the subject country through its embassy 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:

**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.**

16) 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

17) 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 Anti-dumping Rules.

18) 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 regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis

19) 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.

20) Information supplied without any confidential marking 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 of the confidential version and five (05) copies of the non-confidential version must be submitted by all the interested parties.

21) 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.

22) 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, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

23) 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.

24) 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

25) 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

26) 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 declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(J.S. Deepak)
Designated Authority