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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
(DEPARTMENT OF COMMERCE)
DIRECTORATE-GENERAL OF ANTI DUMPING & ALLIED DUTIES

AMENDMENT NOTIFICATION

New Delhi, the 20th March 2008

Subject: Final Findings of the Sunset Review of the definitive anti-dumping duty on imports of Paracetamol originating in/exported from China PR

A. BACKGROUND

No. 15/20/2006-DGAD -WHEREAS, having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules (hereinafter also referred as Rules), 1995, the Designated Authority (hereinafter referred to as the Authority) conducted a sunset review of the anti-dumping duty in force against imports of Paracetamol (hereinafter referred to as subject product/goods) originating in/exported from China PR, vide initiation notification dated 25th July 2006 on the basis of an application filed by M/s. Sri Krishna Pharmaceuticals Ltd, Hyderabad, M/s Farmson Analgesics Pvt. Ltd, Vadodara and M/s Bharat Chemicals Ltd, Mumbai, representing a major proportion of the domestic production of the subject product.

2. AND WHEREAS vide Notification No. 15/20/2006 dated 23rd July 2007 the Authority concluded that the cessation of antidumping duty on Paracetamol from China PR will lead to continuation of dumping and injury and recommended continued imposition of definitive anti-dumping duty on imports of the subject goods. Definitive anti-dumping duty was imposed on the subject goods vide Customs Notification No. 99/2007-Customs dated 3rd September 2007 for a further period of 5 years from the date of this notification. However, in the sunset review, the form of duty was changed to fixed duty from the reference price basis imposed in the original investigation.

3. AND WHEREAS the domestic industry approached the Authority seeking modification in the form of anti-dumping duty levied on the subject goods from the subject country from fixed to variable basis, on the ground that the low amount of duty fixed was absorbed by the subject country producers and the consequent increase in the volume of

imports posed a threat to survival of the domestic industry. On the basis of positive information submitted by the domestic industry, the Designated Authority considered that a limited review, restricted to the review of the form of the duty in force, would be appropriate in the circumstances of the case.

B. PROCEDURE

4. Accordingly, interested parties, as per the records of the Authority, including the Embassy of subject country in India, were notified about the limited review of the form of duty, vide letters dated 7th and 25th January 2008.

5. The Authority also held a public hearing on 1st February 2008 to hear the interested parties orally, which was attended by representatives of the domestic industry only. No other interested party attended the said hearing. The written submissions received from the domestic industry have been considered by the Authority.

6. The Authority notes that no other interested party has filed any objection to the said review.

C. RECOMMENDATIONS

7. After examining the issues raised, the Authority is of the opinion that the form of duty needs to be changed in order to avoid absorption of the duty by the exporters from the subject country. Accordingly, paragraph 59 of the final findings dated 23rd July 2007 and the duty table thereunder is hereby amended to read as follows:

Para 59. Having regard to the lesser duty rule, the Authority recommends continued imposition of definitive anti-dumping duty equal to the margin of injury which is lesser than the margin of dumping in this case in order to remove the injury to the domestic industry. The Authority notes the duty in the original investigation was on variable duty basis, and considers it appropriate to re-impose it on variable basis. Accordingly, the Authority recommends definitive anti-dumping duty as indicated in column 9 of the table below to be imposed from the date of expiry of duty on all imports of subject goods originating in or exported from China PR equal to the difference between the landed value and the reference price as indicated in Col 9 of the table below, if the landed value at the time of importation is below the value indicated at Col.9. For the purpose of this, landed value of imports will be determined as the value of the goods as assessed by Customs plus applicable basic Customs duty.

Duty Table

Sl. No.	Tariff item	Description of goods	Specification	Country of origin	Country of Export	Producer	Exporter	Reference price	Unit of measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	2922 29 33	Paracetamol	All grades	People's Republic of China	Any	Any	Any	162470	Metric tonne	Rupees
2	2922 29 33	Paracetamol	All grades	Any	People's Republic of China.	Any	Any	162470	Metric tonne	Rupees

(R. Gopalan)
Designated Authority