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**F.No.7/4/2018-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi – 110001**

Dated the 16th April, 2018

INITIATION NOTIFICATION

Case No. SSR- 03/2018

Subject: Initiation of sunset review investigation concerning imports of Soda Ash from Turkey and Russia

F.No.7/4/2018-DGAD: 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, 1995, the Designated Authority (herein after referred to as Authority) recommended imposition of Anti-Dumping Duty on imports of "Soda Ash", (hereinafter referred to as subject goods) originating in or exported from Turkey and Russia (hereinafter referred to as subject countries). The Authority vide its final findings No.14/3/2011-DGAD dated 9th February 2013 recommended imposition of anti-dumping duties against dumped imports of the subject goods from the subject countries. Duties were imposed by the Central Government vide custom notification No. 08/2013 – Customs (ADD) dated 18th April 2013.

2. And whereas, the Authority conducted a midterm review investigation under Rule 23 and the Authority vide final findings dated the 22nd July, 2017 revoked the anti-dumping dumping duties levied on subject goods from subject countries.

3. And whereas final findings dated the 22nd July, 2017 was challenged before the Hon'ble High Court of Gujarat in Special Civil Applications No.14203,14205 and 14207 of 2017 and the High Court vide its order dated the 31st July, 2017 restrained Union of India from acting upon the MTR final findings order dated 22.7.2017.

4. And whereas the Central Government vide Notification No. 51 /2017-Customs (ADD) dated 18th October, 2017 rescinded customs notification No. 08/2013 – Customs (ADD) dated 18th April 2013, and stated that such recession shall remain in abeyance subject to the final order of the Hon'ble High Court of Gujarat in Special Civil Applications Nos. 14203, 14205 and 14207 of 2017.

5. And whereas, a petition was jointly filed by M/s Nirma Ltd and M/s DCW Ltd (hereinafter referred to as 'petitioners') in accordance with the Act and the Rules, seeking initiation of sunset review of the Anti-dumping duty in force on import of "Soda

Ash" for extending the duties for a further period of five years, alleging likelihood of continuation or recurrence of dumping and injury of the subject goods originating in or exported from Turkey and Russia.

6. And whereas, based on examination of the petition filed by the Domestic Industry, Authority came to the conclusion that there was no need to initiate the Sunset Review concerning imports of Soda Ash originating in or exported from Turkey and Russia and accordingly, speaking order dated 5th April 2018 was issued intimating the decision of the Authority on Sunset Review petition.

7. And whereas against the said speaking order, the Domestic Industry filed Special Civil Applications No. 5798 of 2018 and 5808 of 2018 before the Hon'ble High Court of Gujarat at Ahmedabad. The extracts of directions dated 12.04.2018 from Hon'ble High Court are reproduced as under

" Pending admission and final hearing of this Petition, this Hon'ble Court be pleased to direct the Respondent No.2 to initiate Sunset Review investigation under the provisions of Section 9A(5) of the Act read with Rule 23(1B) of the Rules on or before 16.04.2018 and further direct the Respondent No.1 to issue an appropriate notification in terms of 2nd proviso to Section 9A(5) of the Act for extension/continuation of the Duty imposed by way of Customs Notification dated 18.04.2013 for a period not exceeding 1 year pending the outcome of Sunset Review before the expiry of the period of original notification, that is, on or before 17.04.2018."

8. Pursuant to the above stated orders of the Hon'ble High Court of Gujarat, the Designated Authority hereby initiates sunset review in accordance with section 9A (5) of the Custom Tariff Amendment) Act read with Rule 23 of Antidumping Rules.

9. The present sunset review is, however, subject to the outcome in the Special Civil Applications No. 5798 of 2018 and 5808 of 2018 and that in the Special Civil Applications before the Hon'ble High Court of Gujarat in Special Civil Applications Nos. 14203, 14205 and 14207 of 2017.

Product under consideration and like article

10. The product under consideration in the present petition is Disodium Carbonate, popularly known as Soda Ash with chemical formula Na_2CO_3 originating in or exported from Turkey and Russia. Soda Ash is produced in two forms by the Indian Producers - Light Soda Ash and Dense Soda Ash. The difference in the two types is bulk density. Further, Soda Ash can be produced through synthetic route and natural route, known as dissolution process. The present investigation covers all types of Soda Ash.

11. Soda Ash is an essential ingredient in the manufacture of detergents, soaps, cleaning compounds, sodium based chemicals, float glass, container and specialty glasses, silicates and other industrial chemicals. It is also widely used in textiles, paper, metallurgical industries and desalination plants.

12. Soda Ash is an inorganic chemical. It is classified under Chapter 28 of the Customs Tariff Act, 1975, falling under the customs sub-heading No. 2836.20. The

customs classification is, however, indicative and not binding on the scope of the present investigation.

13. In the present investigation, being a sunset review, the scope of the product under consideration remains the same as has been defined in the original investigation.

14. Applicants have submitted that the subject goods produced by them are like article to the goods imported from the subject countries in terms of physical and technical characteristics, manufacturing process and technology, functions and uses, product specifications, pricing, distribution and marketing, and tariff classification of the goods. The imported products and the domestically produced goods are technically and commercially substitutable, and consumers use them interchangeably

Domestic Industry & Standing

15. The request for the sunset review has been filed by M/s Nirma Ltd and M/s DCW Ltd. It is seen from the information on record that the production by the applicants account for a major proportion in the production of the subject goods by the domestic industry in India. Further, the applicants have submitted that they are not related to a producer/exporter of the product under consideration in subject countries or an importer in India. The application is deemed to have been made by or on behalf of the domestic industry and the applicant participating companies have been treated as the domestic industry under Rule 2(b) of the Rules for the purpose of injury investigation.

Countries Involved

16. Antidumping duties are in force on imports of the product under consideration originating in or exported from Turkey and Russia by virtue of the order dated 31.07.2017 of Hon'ble High Court of Guajrat in Special Civil Application Nos. 14203, 14205 and 14207 of 2017. The request for sunset review is in respect of import from these countries.

Procedure

17. The review will cover all aspects of Final Finding Notification No.14/3/2011-DGAD dated 9th February 2013 recommending imposition of anti-dumping duty on import of Soda Ash originating in or exported from Turkey and Russia.

18. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule shall be mutatis mutandis applicable in this review.

Period of Investigation (POI)

19. The period of investigation for the purpose of the present investigations is April 2016- September 2017. The injury investigation period shall cover the periods 2013-14, 2014-15, 2015-16 and the period of investigation. The period after the investigation period may also be considered for the purpose of likelihood analysis.

Submission of information

20. The known exporters in the subject countries, the Government of the subject countries through their 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 & Allied Duties,
Ministry of Commerce & Industry,
Department of Commerce
4th Floor, Jeevan Tara Building,
5 Parliament Street, New Delhi -110001.**

21. Any information relating to the present investigation 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.

22. 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 Antidumping measures within 40 days from the date of initiation of this investigation.

Submission of Information on Non-Confidential basis

23. 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.

24. 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 two (02) copies of the non-confidential version must be submitted by all the interested parties.

25. 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.

26. 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.

27. 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.

28. 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

29. 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

30. 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.

(Sunil Kumar)
Additional Secretary & Designated Authority