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**F. No. 7/46/2020-DGTR  
Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
(Directorate General of Trade Remedies)  
4th Floor, Jeevan Tara Building, Parliament Street, New Delhi – 110001**

**Case No- AD-SSR 27/2020**

**INITIATION - NOTIFICATION**

Dated: March 02, 2021

**Subject: - Initiation of Sunset Review investigation concerning imports of Barium Carbonate originating in or exported from China PR-reg.**

7/46/2020-DGTR: Having regards 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 thereof, as amended from time to time (hereinafter also referred to as the Rules or AD Rules), M/s Amaravathi Chemicals and Fertilizers Pvt. Ltd.; M/s Kadapa Barium Salts; M/s Rahul Barium Chemicals Pvt. Ltd. and M/s Shree Pavan Chemicals & Minerals (hereinafter referred to as the “applicants”) have filed an application before the Designated Authority (hereinafter referred to as the “Authority”) for initiation of sunset review investigation for extension of anti-dumping duty on imports of Barium Carbonate (hereinafter referred to as the “subject goods” or “product under consideration”) originating in or exported from China PR (hereinafter referred to as the “subject country”).

2. The applicants have alleged that there is a likelihood of continuation of dumping of the subject goods originating and exported from the subject county and consequent injury to the domestic industry if the existing duty is allowed to expire.

3. In terms of Section 9A (5) of the Act, anti-dumping duty imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In accordance with the same, the Authority is required to review, on the basis of a duly substantiated request made by or on

behalf of the domestic industry, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

4. The applicants have provided relevant information in the petition. The petition has been examined for sufficiency of information and evidence of dumping and consequent injury to justify initiation of investigation. Since the petition is duly documented and contains sufficient prima facie evidence of likelihood of dumping and injury if the existing duty is allowed to expire, the Authority initiates the sunset review investigation of the anti-dumping duty already imposed on the imports of the subject goods originating and exported from the subject country.

#### **Background of previous anti-dumping duty investigation**

5. An anti-dumping investigation concerning imports of the subject goods from the subject country was initiated on 16th June, 2009 by the Authority. Thereafter, vide Final Findings No. 14/18/2009-DGAD dated 10th December, 2010, the Authority recommended imposition of definitive anti-dumping duties on imports of the subject goods from the subject country, which were implemented by the Central Government vide Notification No. 6/2011-Customs dated 07th February, 2011. The Authority initiated sunset review investigation vide Initiation Notification No. 15/27/2014-DGAD dated 19th March, 2015 and vide Final Findings Notification No. 15/27/2014-DGAD dated 23rd February, 2016, the Authority recommended imposition of definitive anti-dumping duties on imports of the subject goods from the subject country, which were implemented by the Central Government vide Notification No. 14/2016-Customs (ADD) dated 21st April, 2016. The said duties were levied for a period of 5 years and are set to expire on 20<sup>th</sup> April, 2021.

#### **Product under Consideration**

6. The product under consideration in the original investigation as well as the present sunset review investigation is "Barium Carbonate". As defined in the original investigation, Barium Carbonate is an inorganic chemical in the form of a white powder and granules having chemical formula  $BaCO_2$  manufactured out of Barytes, a mineral product. Barium Carbonate is produced by reducing carbon in rotary furnace which converts barytes to Barium Sulphide known as black ash, Barium Sulphide is bleached using hot water to extract water soluble water barium sulphide which is then treated with soda ash to obtain Barium Carbonate. Barium Carbonate is used for purification of brine solution in caustic soda industry. It is also used in production of hard Ferrite Ring Magnets, Television Glass

Shell, Neutral gloss, Lamps, Heat treatment salts and other barium salts. The present application being concerned with sunset review of existing anti-dumping duty, the scope of the product under consideration should remain the same as the scope of the product under consideration in the original investigation.

7. The product is classified under Chapter 28 of the Act in heading No. 28366000. The customs classification is only indicative and is not binding on the scope of the present application and the proposed review investigation.

#### **Like Article**

8. The applicants have claimed that there are no known differences in the subject goods produced by domestic industry and that exported from the subject country. It has been stated that there is no significant difference in the subject goods produced by the applicants and those exported from the subject country. The applicants claim that the two are technically and commercially substitutable. For the purpose of the proposed investigation, the subject goods produced by the applicants is being treated by the Authority as 'like article' to the subject goods being originating in or exported from the subject country.

#### **Domestic Industry & Standing**

9. The Application has been filed by M/s Amaravathi Chemicals and Fertilizers Pvt. Ltd.; M/s Kadapa Barium Salts; M/s Rahul Barium Chemicals Pvt. Ltd. and M/s Shree Pavan Chemicals & Minerals. The Applicants have claimed that they are not related to an exporter or producer of the subject goods in the subject country or an importer in India either directly or indirectly within the meaning of Rule 2(b) of Anti-Dumping Rules. The Authority has noted that prima facie production by the applicants constitutes "a major proportion" of the total Indian production. In view of the same, it is prima facie concluded that the application satisfies the requirements of standing in terms of Rule 5(3), and the applicants constitute domestic industry within the meaning of Rule 2(b).

#### **Subject Country**

10. The subject country involved in the present sunset review investigation is China PR.

### **Period of Investigation**

11. The Period of Investigation (hereinafter also referred to as “POI”) in the present investigation is 1st April, 2019 to 30th September, 2020 (18 Months). The period of investigation is taken as 18 months instead of normal period of 12 months so that the POI is within 6 months from the date of initiation. For the purpose of analysing injury, the data of previous three years, i.e. 2016-17, 2017-18 and 2018-19 and the period of investigation will be considered. The Authority may also examine the post POI data of 6 months of the applicants and other interested parties to examine whether the expiry of existing ADD duties are likely to lead to continuation or recurrence of dumping and injury to the Domestic Industry.

### **Normal Value for China PR**

12. The Applicants have cited and relied upon Article 15(a) (i) of China's Accession Protocol. The Applicants have claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in their industry producing the like product with regard to the manufacture, production and sale of the product under consideration. It has been submitted by the Applicants that in case the responding Chinese producers are not able demonstrate that their costs and price information are market-driven, the normal value should be calculated in terms of provisions of Para 7 and 8 of Annexure-I to the Rules. The Applicants have claimed normal value in China PR on the basis of appropriate market third country Russia with reasonable return for the present investigation. The normal value for China PR has been determined accordingly for the purpose of initiation.

### **Export Price for China PR**

13. Export price of the subject imports has been determined by considering volume and value of imports based on the DGCI&S. Price adjustments have been made on account of Ocean freight, Marine insurance, Commission, Bank charges, Port expenses, Inland freight and VAT refund.

### **Dumping Margin**

14. Considering the normal value and export price determined as above, dumping margin has been determined in accordance with Section 9 A(1)(a) of the Act. It is noted that the dumping margin is not only above de-minimis level but also significant.

#### **Likelihood of continuation or recurrence of injury**

15. There is prima facie evidence that dumping and injury to the domestic industry are likely in the event of cessation of anti-dumping duty.

#### **Initiation of Sunset Review Investigation**

16. On the basis of the duly substantiated application of the applicants, and having satisfied itself on the basis of the prima facie evidence submitted by the domestic industry, substantiating likelihood of continuation/ recurrence of dumping and injury, and in accordance with Section 9A(5) of the Act read with Rule 23 (1B) of the 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.

#### **Procedure**

17. The review investigation will cover all aspects of the final findings published vide Notification No. 14/18/2009-DGAD dated 10th December, 2010, recommending imposition of anti-dumping duty on the imports of subject goods from subject country. The Authority will also undertake likelihood analysis of dumping and injury as required.

18. 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**

19. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Authority via email at the email addresses [adg15-dgtyr@gov.in](mailto:adg15-dgtyr@gov.in) , [adv11-dgtr@gov.in](mailto:adv11-dgtr@gov.in) , [jd12-dgtr@gov.in](mailto:jd12-dgtr@gov.in) and [dd18-dgtr@gov.in](mailto:dd18-dgtr@gov.in)

20. The known producers/exporters in the subject country, its governments through its embassy in India, the importers and users in India known to be connected with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time limit set below.

21. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within in the time limit set out below.

22. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to other interested parties.

#### **Time Limit**

23. In view of the special circumstances arising out of COVID-19 pandemic, any information relating to the present investigation should be sent to the Authority via email at the email addresses [adg15-dgtyr@gov.in](mailto:adg15-dgtyr@gov.in) , [adv11-dgtr@gov.in](mailto:adv11-dgtr@gov.in) , [jd12-dgtr@gov.in](mailto:jd12-dgtr@gov.in) and [dd18-dgtr@gov.in](mailto:dd18-dgtr@gov.in) within 30 days from the date of the receipt of the notice as per rule 6 (4) of the Rules. It may, however, be noted that in terms of explanation of the said Rules, the notice calling for information and other documents shall be deemed to be have been received within one week from the date on which it was sent by the Authority or transmitted to the appropriate diplomatic representative of the exporting country. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its finding on the basis of the facts available on records in accordance with the Rules.

24. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant investigation and file their questionnaire response/submissions within the above time limit.

#### **Submission of information on confidential basis**

25. Any party making any confidential submission or providing information on confidential basis before the Authority is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules and the Trade Notices issued in this regard. Failure to adhere to the above may lead to rejection of the response/submissions.

26. The parties making any submission (including Appendices/Annexures attached thereto) before the Authority, including questionnaire response, are required to file confidential and Non-Confidential versions separately.

27. 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 a liberty to allow the other interested parties to inspect such submissions.

28. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which is 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 cannot be disclosed.

29. 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, the 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.

30. 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.

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

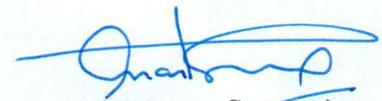
32. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorization of the party providing such information.

### **Inspection of Public File**

33. In terms of Rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. The modality of maintaining public file in electronic mode is being worked out.

### **Non-cooperation**

34. 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.



(Anant Swarup)

**Joint Secretary & Designated Authority**