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**Case No. SSR 4/2018
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: 20th March, 2018

INITIATION NOTIFICATION

(Sunset Review)

Subject: Initiation of Sunset Review of Anti-dumping Duty imposed on imports of Peroxosulphates (Persulphate) originating in or exported from China PR and USA.

File No. 7/5/2018-DGAD: Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also 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 also referred as the Rules), the Designated Authority (hereinafter also referred to as the Authority) recommended imposition of anti-dumping duty on imports of “Peroxosulphates” (hereinafter also referred to as the subject goods), originating in or exported from China PR, Japan, United States of America and Taiwan.

2. Whereas, the original investigation concerning imports of the subject goods from China and Japan was conducted by the Authority for which anti dumping duties were recommended vide Notification No. 14/1/2006-DGAD dated 20.7.2007. Thereafter, the duties were reviewed in sunset review investigation and recommendations were notified vide Notification No. 15/9/2011-DGAD dated 12.3.2013. Accordingly, Customs Notification No. 11/2013-Customs (ADD) dated 16.5.2013 was issued imposing duties and the same are in force till 15.5.2018.
3. Whereas, another anti dumping investigation was conducted by the Authority against Taiwan, Turkey and USA for which anti dumping duties were recommended vide Notification No. 14/9/2012-DGAD dated 4.3.2014 against Taiwan & USA only. The duties were imposed vide Customs Notification No. 22/2014-Customs (ADD) dated 16.5.2014 and the same are currently in force against USA and Taiwan till 15.5.2019.
4. Whereas, present petition has been filed by M/s Calibre Chemicals Pvt. Limited, M/s VR Persulphates and M/s Yoyo Chemicals for initiation of Sunset Review investigation

in terms of Rule 23(1B) for extension of anti-dumping duty on imports of Peroxosulphates from China PR, Japan, USA and Taiwan.

5. Whereas, the Authority has come to a decision, after examination of facts and data as furnished in the petition, that the imports from Japan and Taiwan are not being dumped causing any injury or likely to cause injury to the domestic industry in case of cessation of present anti dumping duties. However, based on the facts and data the Authority is of the opinion that there is a need to review for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the China PR and USA.

Subject Countries

6. The countries involved in the present investigation are China PR and USA.

Product under Consideration

7. The product under consideration in the present investigation is Peroxosulphates and is commonly known as Persulphates. The product under consideration is the same as considered in the original investigations.
8. Persulphates are a group of closely related compounds. These are produced as Alkali Metal salts. The product under consideration is classified in various grades namely Ammonium Persulphates (APS), Potassium Persulphates (PPS) and Sodium Persulphates (SPS). These grades belong to the same family of chemical called persulphates or peroxosulphates. The Chemical Formula of these Persulphates are, respectively, $(\text{NH}_4)_2\text{S}_2\text{O}_8$, $\text{K}_2\text{S}_2\text{O}_8$, $\text{Na}_2\text{S}_2\text{O}_8$. The three types of persulphates have the same end-uses as an initiator and oxidizing agent in the textile, cosmetics, chemical industries and for effluent treatment plants. They can be substituted for one another, however, there is industry specific requirement of various grades.
9. Persulphates are classified in Chapter 28 of the Customs Tariff Act, 1975 under HS code 2833 40 00. The classification is however, indicative only and is in no way binding on the scope of the present investigation.

Like Article

10. Rule 2(d) 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;

11. Petitioners have claimed that there is no known difference in subject goods exported from subject countries and that produced by the Indian industry. Both the products have comparable characteristics in terms of parameters such as physical & chemical

characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc.

Domestic Industry & Standing

12. The petition has been filed by M/s Calibre Chemicals Pvt. Limited, M/s VR Persulphates and M/s Yoyo Chemicals. The petitioner companies namely M/s Calibre Chemicals Pvt. Limited and M/s VR Persulphates have provided complete financial information in the petition which has been considered for analysing prima facie dumping and consequent injury to the domestic industry. The third petitioner M/s Yoyo Chemicals had not submitted complete information, hence they have been considered for DI standing, however, their data was not considered for analysis of dumping and injury. During the course of investigation, they will be given opportunity to submit complete data which can then be considered before finalizing the outcome of investigation.
13. It has been found that the production of petitioner companies is 86% of Indian production of the subject goods in the Country. On the basis of information furnished, the Authority notes that the petitioner companies have not made any imports of the subject goods from the subject countries during the POI. Therefore, the Authority has considered the petitioner companies as Domestic Industry within the meaning of the Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

Initiation of Sunset Review

14. 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 countries and to examine whether the expiry of existing duty is likely to lead to continuation or recurrence of dumping and injury to the Domestic Industry.

Period of Investigation

15. The period of investigation (POI) proposed by the applicants was from 1st October 2016 – 30th September 2017 (12 Months) and the injury investigation period was for the periods April 2014 to March 2015, April 2015 to March 2016 and April 2016 to March 2017. The data beyond POI will also be examined to determine the likelihood of dumping and injury.

Procedure

16. The review will cover all aspects as notified under Notification No. 15/9/2011-DGAD dated 12.3.2013 and Notification No. 14/9/2012-DGAD dated 4.3.2014.

17. 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.
18. While submitting questionnaire response, producer/ exporter may have to demonstrate prevalence of market condition related to manufacture, production and sale of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may clarify and provide sufficient information on the following:
- a) Decision in regard to price, cost, input including raw material, cost of technology and labour, output, sales and investment, are made in response to market signal reflecting supply and demand and without significant state interference and weather cost of major inputs substantially reflect market value.
 - b) Production costs and financial situation does not suffer from any distortion.
 - c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
 - d) Exchange rate conversions are carried out at the market rate.

Submission of Information

19. The known exporters in the subject countries, the Government of the subject countries 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:

**Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001**

20. 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 submit a non-confidential version of the same to be made available to the other parties.

Time Limit

21. 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.

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 Anti-dumping measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis

23. 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 and accompanied with soft copies.
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) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidences 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 and Designated Authority