

**No.7/5/2017-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
4th Floor, Jeevan Tara Building, Parliament Street**

Dated the 16.06.2017

INITIATION NOTIFICATION

**Case No. SSR 08/2017
(Sunset Review)**

Subject: Initiation of Sunset review investigation concerning imports of Soda Ash from China PR, European Union, Kenya, Pakistan, Iran, Ukraine and USA

F.No.7/5/2017-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 China PR, European Union, Kenya, Pakistan, Iran, Ukraine and USA (hereinafter referred to as subject Countries). The authority vide its final findings No. 14/17/2010-DGAD dated, 17th February 2012 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. 34/2012-Customs (ADD) dated the 3rd July 2012.

2. Whereas in terms of Section 9A(5) the Customs Tariff (Amendment) Act 1995 the antidumping 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 above, the Authority is required to review, on the basis of a duly substantial 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
3. And whereas, a petition has been 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 a 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 China PR, European Union, Kenya, Pakistan, Iran, Ukraine and USA.
4. And whereas, the Authority is at present conducting a midterm review under Rule 23 and the Authority has not come to a conclusion whether or not the injury to the domestic industry is likely to continue or recur, if the said anti-dumping duty is revoked.
5. And whereas the Authority is required to consider the need for sunset review and, if satisfied about the same, initiate sunset review before expiry of the existing antidumping duty.

6. And whereas a duly documented application has been filed, requesting sunset review and extension of existing antidumping duty; and examination of the application shows sufficient justification for undertaking sunset review investigations.

A. Product under consideration and like article

7. The product under consideration in the present petition is Disodium Carbonate, popularly known as Soda Ash with chemical formula Na_2CO_3 . The petitioner has stated that the 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 all types of Soda Ash.
8. 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.
9. 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.
10. Present investigation, being a sunset review of the duty in force, the product under consideration remains the same as has been defined in the original investigation.
11. Petitioners 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

B. Domestic Industry & Standing

12. The request for the sunset review has been filed by M/s Nirma Ltd and M/s DCW Ltd. The applicants have claimed that Tata Chemicals is one of the producers of the product and is related to the sole exporter of the product from Kenya. Imports from Kenya are quite significant in volume and Tata Chemicals was not treated as a domestic industry in the original investigations. The applicants have claimed that Tata Chemicals should not be treated as eligible domestic industry under Rule 2(b) for the present investigation also.
13. Having regard to the volume of imports from Kenya, relationship of Tata Chemicals with the sole known producer of the product in Kenya, the Authority has considered it appropriate not to treat Tata Chemicals as eligible domestic industry within the meaning of Rule 2(b).
14. The Authority has determined that the production by the applicants account for a major proportion in the production of the subject goods by the domestic industry 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.

C. Countries Involved

15. Antidumping duties are in force on imports of the product under consideration originating in or exported from China PR, European Union, Kenya, Pakistan, Iran, Ukraine and USA. The request for sunset review is in respect of imports from these countries. The present sunset review covers the duty in force on the subject goods originating in or exported from China PR, European Union, Kenya, Pakistan, Iran, Ukraine and USA only (collectively referred to as subject countries).

D. Initiation of Sunset Review

16. Having satisfied, on the basis of the positive evidence submitted by the domestic industry, substantiating the likelihood of continuation of dumping and recurrence of injury, the Authority hereby initiates an investigation in accordance with Section 9A(5) of the Act read with Rule 23 of Anti-dumping Rules, to review whether cessation of the duty on imports of the subject goods originating in or exported from the subject countries, shall lead to continuation or recurrence of dumping of the subject goods from the subject countries and continuation or recurrence of injury to the domestic industry, and need for continued imposition of the definitive duty in force against the subject goods originating in or exported from the subject countries.
17. The Authority is at present conducting a midterm review, initiated vide notification File No. 15/28/2014-DGAD dated 21st July, 2015 where the Authority has not made final determination so far. The present sunset review is subject to the outcome of this midterm review investigations.

E. Procedure

18. The review will cover all aspects of Final Finding Notification No. . 14/17/2010-DGAD dated, 17th February 2012 recommending imposition of anti-dumping duty on import of Soda Ash originating in or exported from China PR, European Union, Kenya, Pakistan, Iran, Ukraine and USA.
19. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

F. Period of investigation (POI)

20. The period of investigation is April 2016 – March 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.

G. Submission of Information

21. The known exporters in the subject countries, the Governments 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. Dgad.india@gov.in

22. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner (downloadable from the website of the authority at www.dgtr.gov.in) 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.
23. While submitting the questionnaire response, producers/exporters in the subject countries may have to demonstrate prevalence of market condition related to manufacture, production, and sales of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may 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 without significant state interference and weather cost of major inputs substantially reflect market value.
 - b. Production costs and financial situation does not suffer for 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.

H. Time limit

24. 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.
25. 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 impose the Antidumping measures within 40 days from the date of initiation of this investigation

I. Submission of Information on Confidential/Non-Confidential basis

26. 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.
27. 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 of the non-confidential version must be submitted by all the interested parties.

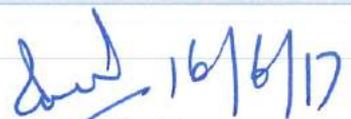
28. For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such Information cannot be disclosed and/or why summarization of such information is not possible.
29. The non-confidential version 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.
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 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 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.

J. Inspection of Public File

32. 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.

K. Non-cooperation

33. 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.

 16/6/17

(Dr. Inderjit Singh)

Additional Secretary & Designated Authority

