

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRA ORDINARY PART
1 – SECTION I)

F.No.15/15/2008-DGAD

Government of India
Ministry of Commerce & Industry
Department of Commerce

(Directorate General of Anti Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 7th May, 2008

Initiation Notification
(Mid-Term Review)

Subject: Initiation of Mid-term Review regarding anti-dumping duty imposed on imports of Saccharin originating in or exported from China PR.

No. 15/15/2008-DGAD - Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (herein after referred to as AD Rules), the Designated Authority (herein after referred to as the Authority) notified its final findings vide Notification No.14/27/2004-DGAD dated 3rd January, 2007 recommending definitive antidumping duty on import of Saccharin (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country)

And whereas definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 41/2007-Customs, dated 19.03.2007.

2. Product Under Consideration

The product involved in the original investigation and this current review is Saccharin. Saccharin is a non-nutritive sweetener and considered to be low calorie substitute for cane sugar. Saccharin is primarily produced in two types i.e. soluble and insoluble saccharin. In market parlance soluble saccharin is called sodium saccharin whereas insoluble sodium saccharin is called insoluble saccharin. Apart from sodium saccharin, saccharin can have other variants such as calcium and zinc Saccharin. Saccharin is produced in two physical forms, viz. Granular and powder.

Sodium saccharin in granular form is used in situation where saccharin will be dissolved, the powder form which have been grounded and spray dried is used in dry mixes and pharmaceuticals. Insoluble form of saccharin is used in many pharmaceutical and medical applications. It is slightly soluble in water. Saccharin is more than 500 times sweeter than sugar. All forms of saccharin are within the scope of the present investigations.

It is used in variety of industries such as food and beverage, personal care products, table-top sweeteners, electroplating brighteners, pharmaceuticals, etc. It is classified under Chapter 29 of the Customs Tariff Act, 1975 under sub-headings 29251100. The applicant has stated that subject goods are being imported under above mentioned sub-headings. However, the Custom classification is indicative only and not binding on the scope of investigation.

3. Initiation

The Customs Tariff (Amendment) Act 1995 and the AD Rules made there under require the Authority to review from time to time the need for continuance of anti-dumping duty. In terms of the above provision one of the domestic producer of the subject goods M/s. Vishnu chemicals Ltd., 6-3662/B/A, Flat No.1 Suvarna House, Sangeet Nagar Colony, Somajiguda, Hyderabad-500082 have filed an application substantiating the need for Mid Term Review of the anti-dumping duty imposed on the subject goods originating in or exported from China PR. The Designated Authority considers that the Mid Term Review of the Anti Dumping Duty recommended would be appropriate at this stage under the provision of rule 23 of AD Rules and section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended.

4. Countries Involved

The country involved in the present investigation is China PR.

5. Grounds for Review

The applicant has claimed that the conditions of dumping have changed substantially requiring a review of the anti-dumping measure in force. The Designated Authority had recommended anti dumping duty on imports of Saccharin from China PR vide its final finding dated 3rd January, 2007. The applicant has claimed that the price of OTS a major raw material has significantly increased as well as exchange rate also have significant variation since the imposition of existing duty determined in the Final Findings, Mid Term Review is attracted. The applicant has prima facie filed the sufficient positive evidence justifying the need for Mid Term Review.

6. Procedure

Having regard to the information provided by the applicant indicating changed circumstances necessitating a review of the measure in force, the Designated Authority now considers that a Mid Term Review of the Final Findings notified vide No. 14/27/2004-DGAD dated 3rd January, 2007 and the definitive Anti Dumping Duty imposed vide Customs Notification No.41/2007 dated 19.03.2007 is appropriate in view of the changed circumstances, in terms of the provisions of Section 9A (5) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra. The review covers all aspects of Notification No. 14/27/2004-DGAD dated 4th July, 2005 .

7. Period of Investigation

The period of investigation for the purpose of the present review is 1st October, 2006 to 30th September, 2007 (12 months). However, injury analysis shall cover the years 2004-2005, 2005-2006 and 2006- 2007.

8. Submission of Information

The exporters in subject countries, their government through their Embassies/High Commissions in India/representatives, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the:

The Designated Authority,
Ministry of Commerce & Industry,
Department of Commerce,
Directorate General of Anti-Dumping & Allied Duties, (DGAD),
Room No. 240, Udyog Bhavan,
New Delhi-110011

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.

9. Time Limit

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 letter of this review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.

10. Inspection of Public File

In terms of Rules 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. 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.

(R. Gopalan)
Designated Authority