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**F.No. 15/5/2016 -DGAD**

**Government of India**

**Ministry of Commerce and Industry Department of Commerce**

**(Directorate General of Anti-Dumping and Allied Duties)**

**4<sup>th</sup> Floor, Jeevan Tara Building, Parliament Street, New Delhi -110001**

**Initiation Notification (New Shipper Review)**

**(Case No. NSR 1/2017)**

Dated 9<sup>th</sup> February, 2017

**Subject: - Initiation of New Shipper Review under Rule 22 of the Anti-Dumping Rules for determination of individual dumping margin for the purpose of imposition of the anti-dumping duties on dumped imports of " Phosphoric Acid- Technical Grade and Food Grade (including Industrial Grade)" originating in or exported from China PR by M/s. Guangxi Qinzhou Capital Success Chemical Co Ltd., (producer) from China PR**

No. 15/5/2016-DGAD(NSR 1/2017): M/s. Guangxi Qinzhou Capital Success Chemical Co. Ltd., China PR (producer / exporter) has filed an application in accordance with the Customs Tariff Act, 1975 (hereinafter referred to as the Act) as amended from time to time and 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 referred to as the AD Rules) before the Designated Authority (hereinafter referred to as the Authority) requesting for determination of their individual dumping margin for the purposes of imposition of the Anti-dumping duties levied on dumped imports of Phosphoric Acid- Technical Grade and Food Grade (including Industrial Grade) originating in or exported from China PR *vide* Final Findings Notification No. 14/7/2006-DGAD dated 3<sup>rd</sup> January, 2008 in the original anti-dumping case and Final Findings Notification 15/1010/2012-DGAD dated 8<sup>th</sup> November, 2013 in the SSR anti-dumping case and the Corrigendum issued thereof dated 19<sup>th</sup> December, 2013 and whereby the Central Government notified the anti-dumping duty *vide* Notifications No. 17/2008-Customs dated 19<sup>th</sup> February, 2008 and No. 33/2013-Customs (ADD) dated 31<sup>st</sup> December, 2013 respectively for the original investigation and SSR investigation.

### **EXPORTER INVOLVED**

1. The present investigation relates to exports of Phosphoric Acid- Technical Grade and Food Grade (including Industrial Grade) by M/s. Guangxi Qinzhou Capital Success Chemical Co Ltd., China PR (producer / exporter) in terms of their application filed before the Authority in accordance with the Act and the AD Rules.

## **INITIATION OF REVIEW IN RESPECT OF NEW EXPORTER**

2. The Act and the AD Rules require the Authority to review for the purpose of determining individual margin of dumping for any exporter or producer in the exporting country in question who has not exported the subject goods to India during the period of investigation of the earlier case of anti-dumping investigation concerning imports of the subject goods from the subject country and that the petitioner/s is / are not related to any of the exporters and producers in the exporting country who are subjected to the anti-dumping duty.

3. As requested by M/s. Guangxi Qinzhou Capital Success Chemical Co Ltd., (producer / exporter) in terms of their application; the Authority, on the basis of prima facie evidence regarding the conditions as prescribed under Rule 22 of AD Rules, hereby decides to initiate a New Shipper Review investigation for determination of their individual dumping margin for the purposes of imposition of the anti-dumping duties levied on dumped imports of Phosphoric Acid- Technical Grade and Food Grade (including Industrial Grade) originating in or exported from China PR in pursuance of the recommendations made by the Authority *vide* Final findings Notification No. 14/7/2006-DGAD dated 3<sup>rd</sup> January, 2008 in the original anti-dumping case and Final Findings Notification 15/1010/2012-DGAD dated 8<sup>th</sup> November, 2013 in the SSR anti- dumping case and the Corrigendum issued thereof dated 19<sup>th</sup> December, 2013.

4. The Authority recommends provisional assessment on all exports of the subject goods made by M/s. Guangxi Qinzhou Capital Success Chemical Co Ltd., (producer / exporter) till this review is completed, in accordance with the Rule 22 of the AD Rules and having regard to Customs Notification No. 33/2013-Customs (ADD) dated 31<sup>st</sup> December, 2013.

### **PERIOD OF INVESTIGATION:**

5. The period of investigation for the purpose of the present review is 1<sup>st</sup> January, 2016 to 31<sup>st</sup> December, 2016.

### **SUBMISSION OF INFORMATION:**

6. The Known interested parties are being informed separately to enable them to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority, Directorate General of Anti-Dumping & Allied Duties, Department of Commerce, Ministry of Commerce and Industry, Government of India, 4th Floor, Jeevan Tara Building, Parliament Street, New Delhi -110001. Any other interested party may also make its submissions relevant to the investigation to the above Authority in the prescribed form and manner within the time limit set out below.

**TIME LIMIT:**

7. All information relating to this review should be sent in writing so as to reach the Authority at the above address not later than forty days(40 days) from the date of the Initiation. 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 before the Authority in accordance with the AD Rules.

**SUBMISSION OF INFORMATION ON CONFIDENTIAL BASIS.**

8. 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.

9. Information supplied without any mark 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 each of the confidential version and the non-confidential version must be submitted.

10. 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.

11. 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, party submitting the confidential information may indicate that such information is not susceptible of summary, a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Designated Authority.

12. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Designated 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.

13. 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 Designated Authority. The Designated 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:**

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

15. In case where as 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 such recommendations to the Central Government as deemed fit.

**Dr. Inder Jit Singh**  
**Additional Secretary & Designated Authority**