

**To be published in Part-I Section I of the Gazette of India Extraordinary**

**Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
(Directorate General of Anti-Dumping & Allied Duties)  
Udyog Bhawan, New Delhi-110011**

Dated the 18<sup>th</sup> October, 2013

**NOTIFICATION**

**Initiation of Mid-term Review Investigation**

**Subject: Initiation of Mid-term Review (MTR) investigation in respect of the anti-dumping duties imposed on the imports of Sodium Nitrite, originating in or exported from China PR.**

**15/2/2013-DGAD** – Whereas having regard to the Customs Tariff Act, 1975, as amended from time to time, (hereinafter referred to as Act) and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time, (hereinafter referred to as Rules), the Designated Authority (hereinafter referred to as Authority), notified its final findings vide Notification No. 39/1/99-DGAD dated 3rd November, 2000 and recommended imposition of definitive anti-dumping duty on imports of Sodium Nitrite (hereinafter referred to as the subject goods) originating in or exported from China PR (hereinafter referred to as the subject country). The definitive anti-dumping duty was imposed by the Central Government vide Notification No.147/2000-Customs dated 19th December, 2000.

2. Pursuant to the first sunset review, the Authority notified its final findings vide Notification No. 39/1/1999-DGAD dated 1st December, 2005 and recommended continued imposition of anti-dumping duty, on the imports of the subject goods, originating in or exported from the subject country. As per the recommendations of the Authority, the anti-dumping duty was imposed by the Central Government vide Notification No. 3/2006–Customs dated 17th January, 2006.

3. Pursuant to the second sunset review, the Authority notified its final findings vide Notification No. 15/4/2010 - DGAD dated 30th June, 2011 and recommended continued imposition of the anti-dumping duty on the imports of the subject goods, originating in or exported from the subject country. As per the recommendations of the Authority, the anti-dumping duty was imposed by the Central Government vide Notification No. 76/2011-Customs dated 17th August, 2011.

4. M/s Deepak Nitrite Limited (hereinafter referred to as the applicant) has submitted an application requesting for initiation of a review of the anti-dumping duty imposed on the imports of Sodium Nitrite, originating in or exported from China PR, in accordance with section 9A of the Customs Tariff Act 1975 read with Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. The applicant has alleged continued dumping of the subject goods, originating in or exported from the subject country and consequent injury to the domestic industry, due to imposition of inadequate and inappropriate form of anti-dumping duty, post 2nd sunset review investigation. The applicant has requested for change in the form of anti-dumping duty from current benchmark form to fixed form and enhancement in the quantum of anti-dumping duties.

**Product under Consideration:**

5. The product under consideration in the earlier investigation's as well as the present MTR application is Sodium Nitrite. Sodium Nitrite is an oxidizing and reducing agent. It is a white crystalline powder mostly used in Pharmaceuticals industries for production of Paracetamol, Analgin, Theophylline, Caffeine, Dye industries, Lubricants, Construction chemicals, Rubber blowing agent, Heat transfer salts, meat processing, Textiles, etc. The product under consideration remains the same as in the earlier investigations. Sodium Nitrite is classified under heading 28341010 of the Customs Tariff Act, 1975. However, the customs classification is indicative only and in no way binding on the scope of the subject investigation.

**Grounds for Review:**

6. The present application for MTR has been made on the following grounds:
- a. Significant volume of imports taking place at dumped prices inspite of anti-dumping duty being in force.
  - b. Inadequate and inappropriate existing anti-dumping duty causing continued dumping and consequent injury.

7. The Applicant has submitted that the existing quantum and form of the anti-dumping duty is insufficient to counteract dumping and requested for enhancement of the anti-dumping duty and change in its form from bench mark to fixed form.

**Initiation:**

8. Rule 23 (1A) lays down the scope of a Mid-Term Review. Rule 23 of the AD Rules as amended vide Customs Notification No. 15/2011 dated 1st March 2011 reads as follows:

*“(1) Any anti-dumping duty imposed under the provision of section 9A of the Act, shall remain in force, so long as and to the extent necessary, to counteract dumping, which is causing injury.*

*(1A) The designated authority shall review the need for the continued imposition of any antidumping duty, where warranted, on its own initiative or upon request by any interested party who submits positive information substantiating the need for such review, and a reasonable period of time has elapsed since the imposition of the definitive anti-dumping duty and upon such review, the designated authority shall recommend to the Central Government for its withdrawal, where it comes to a conclusion that the injury to the domestic industry is not likely to continue or recur, if the said anti-dumping duty is removed or varied and is therefore no longer warranted.*

*(1B) Notwithstanding anything contained in sub-rule (1) or (1A), any definitive antidumping duty levied under the Act, shall be effective for a period not exceeding five years from the date of its imposition, unless the designated authority comes to a conclusion, on a review initiated before that period on its own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to the expiry of that period, that the expiry of the said anti-dumping duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.”*

9. On the basis of information made available by the aforementioned applicant before the Authority, the Authority considers it prima facie appropriate to initiate a mid-term review of the anti-dumping duty imposed on the imports of the subject goods originating in or exported from the subject country.

**Country involved:**

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

**Procedure:**

11. Having regard to the information provided by the Applicant necessitating a review of the measure in force, the Designated Authority now considers that it is appropriate to initiate a mid-term review of the final findings notified vide Notification No. 15/4/2010-DGAD dated 30th June, 2011 published in the Gazette of India, Extraordinary Part I, Section I and the definitive duties imposed by the Central Government vide Notification 76/2011-Customs dated 17th August, 2011. The Authority hereby initiates an investigation in accordance with the provisions of Section 9(A) of Customs Tariff (Amendment) Act 1995 read with Rule 23 of the Anti-dumping Rules. The review will cover all aspects of the earlier Notification No. 15/4/2010-DGAD dated 30th June, 2011 and the definitive duties imposed by the Central Government vide Notification 76/2011-Customs dated 17th August, 2011.

### **Period of Investigation (POI)**

12. The period of investigation for the purpose of the present review is 1st April, 2012 to 31st March, 2013. The injury investigation period will however cover the periods 2009-10, 2010-11, 2011-12 and the POI (2012-13). The authority may also examine the data pertaining to the post-POI period for likelihood analysis.

### **Submission of Information:**

13. The exporters in subject country, their Government through their Embassy in India, 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 Authority in the following address:

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

14. 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.

### **Time Limit**

15. 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.

16. 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**

17. 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.

18. 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 five (05) copies of the non-confidential version must be submitted by all the interested parties.

19. 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.

20. 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.

21. 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.

22. 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:**

23. 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.

### **Non-cooperation**

24. 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.

**(J.S. Deepak)**  
**The Designated Authority**