

No.15/9/2011-DGAD
Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
Udyog Bhawan, New Delhi-110107.

INITIATION NOTIFICATION

Dated 13th March 2012

Subject: Sunset Review of anti-dumping duty imposed concerning imports of ‘Peroxisulphates’ (also known as ‘Persulphates’) originating in or exported from China PR and Japan.

No.15/9/2011-DGAD: Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred to as the AD Rules), the definitive anti-dumping duty was originally recommended vide notification No. 14/1/2006-DGAD dated 20th July, 2007 on imports of ‘Peroxisulphates’ also known as ‘Persulphates’ (hereinafter also referred to as the subject goods) originating in or exported from China PR and Japan (hereinafter referred to as the subject countries) and whereas the Central Government issued Notification No. 96/2007 - Customs, dated 29th August, 2007 imposing the said anti dumping duties.

2. Whereas, M/s Gujarat Persalts Pvt. Limited, M/s Calibre Chemicals Pvt. Limited, M/s VR Persulphates and M/s Yoyo Chemicals, have jointly filed a duly substantiated application in accordance with the Act and the AD Rules before the Designated Authority (hereinafter referred to as the Authority) alleging dumping of the subject goods originating in or exported from the subject countries, and have requested for review, continuation and enhancement of the anti-dumping duties.

Domestic industry

3. The application has been jointly filed by M/s Gujarat Persalts Pvt. Limited, M/s Calibre Chemicals Pvt. Limited, M/s VR Persulphates and M/s Yoyo Chemicals. The Applicants have claimed that they represent the domestic industry as they are the only domestic producers of the subject goods. As per information available on record, the Applicants account for the total Indian production of the subject goods and hence constitute the domestic industry in terms of the AD Rules.

Product under consideration and Like Article

4. The product involved in the original investigation was 'Peroxosulphates' (also known as 'Persulphates'). This being a Sunset review investigation; therefore, the investigation covers the same product, as was covered in the original investigation. Persulphates are a group of closely related compounds. These are produced as Alkali Metal salts which include Ammonium Persulphates (APS), Potassium Persulphates (PPS) and Sodium Persulphates (SPS).

5. 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 and chemical industries and one can be substituted for another. All three salts are one and same product. 'Persulphates' are used as an initiator and oxidizing agent in the textile and chemical industries.

6. 'Persulphates' are classified in Chapter 28 of the Customs Tariff Act, 1975 under subheading 2833 40 and under subheading 28334000.

7. The domestic industry also produces 'Persulphates' having similar characteristics and specifications. No argument has been extended, by any interested party in the previous investigation, on the issue of product under consideration or like article. The present investigation is a Sunset review of the anti dumping duty earlier imposed. Therefore, the Authority considers that the product being manufactured by the domestic industry is 'like article' to the product under consideration as per the AD Rules.

Initiation:

8. In view of the duly substantiated application filed on behalf of the domestic industry and in accordance with Section 9A(5) of the Act, read with Rule 23 of the AD Rules; the Authority hereby initiates a Sunset review investigation, to review the need for continued imposition of the anti-dumping duties in force in respect of the subject goods from the subject countries and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Countries involved:

9. The countries involved in this investigation are China PR and Japan.

Period of Investigation:

10. The Period of Investigation (POI) for the purpose of the present review is 1st January 2011 to 31st December 2011 (12 months). However, injury analysis shall cover the years 2008-09, 2009-10, 2010-11 & POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure:

11. The review covers all aspects of Notification No. 14/1/2006-DGAD, dated 20th July, 2007 (final findings of the original investigation).

12. 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.

Submission of Information:

13. 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:

**Designated Authority
Government of India
Ministry of Commerce and Industry
Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Room No.240, Udyog Bhawan,
New Delhi-110107.**

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:

14. 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 AD Rules.

15. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire's responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the AD measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis.

16. 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.

17. 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.

18. 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.

19. 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 Authority.

20. 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.

21. 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:

22. 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

23. 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 record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

(Vijaylaxmi Joshi)
Designated Authority