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

Dated the 8th December, 2010

NOTIFICATION

Initiation

(Sunset Review)

Subject: Initiation of Sunset review of Anti-dumping duty imposed on imports of 'Saccharin' originating in or exported from China PR.

F.No. 15/20/2010-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 (hereinafter referred to as the Authority) recommended imposition of Anti Dumping Duty on imports of 'Saccharin' (hereinafter also referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country). The Preliminary Finding was issued by the Authority vide Notification No. 14/27/2004-DGAD dated 1st April, 2006 and the interim anti-dumping duty was imposed by the Department of Revenue vide Notification No. 54/2006-Customs dated 6th June, 2006. The final findings notification of the Authority was published vide notification No. 14/27/2004-DGAD dated 3rd January, 2007. On the basis of the final findings, definitive anti dumping duty on the subject goods imported from the subject country was imposed by the Department of Revenue vide notifications No. 41/2007-Customs dated 19th March, 2007. A mid-term review (MTR) was initiated by the Authority vide Notification No.15/15/2008-DGAD dated the 7th May, 2008. The final findings notification of the MTR was issued by the Authority vide Notification No.15/15/2008-DGAD dated 6th November 2009. Pursuant to the recommendations in the MTR final findings of the Authority, the Department of Revenue had notified the Customs Notification vide No. 136/2009-Customs dated 9th December, 2009.

2. Initiation of Sunset Review

WHEREAS in terms of Section 9A(5) of the Customs Tariff (Amendment) Act 1995 the antidumping duties 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 this regard, Hon'ble Delhi High Court in WP No 16893 of 2006 held that sunset review is mandatory. Therefore, pursuant to the above orders of the Hon'ble High Court, the Designated Authority hereby initiates sunset review in

accordance with section 9A(5) of the Act read with Rule 23 of Antidumping Rules to examine whether cessation of the duty would lead to continuation or recurrence of dumping and injury.

3. Product under Consideration

The product under consideration in the present investigation is Saccharin.

- (a) 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 investigation.
- (b) Saccharin is used in a variety of industry such as food and beverage, personal care products, table top sweeteners, electroplating brighteners, pharmaceuticals, etc.
- (c) Saccharin is classified under Chapter 29 of the Customs Tariff Act, 1975 under sub-headings No 29251100. The Custom classification is indicative only and not binding on the scope of investigations.

4. Procedure

The investigation will determine whether the expiry of the measure would be likely to lead to continuation or recurrence of dumping and injury. The Authority will examine whether the continued imposition of the duties is necessary to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied, or both:-

- i. The review will cover all aspects of Notification 14/27/2004-DGAD dated 3rd January, 2007. The country involved in this review investigation is China PR.
- ii. The Period of Investigation (POI) for the purpose of the present review is from 1st April, 2009 to 30th June, 2010 (15 months). The injury investigation period will however cover the periods, April 2006 to March 2007, April 2007 to March 2008 and April 2008 to March 2009 and the proposed POI.
- iii. 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.

5. Submission of Information

The Domestic industry is required to submit information on prescribed *pro forma* (Application for Domestic industry) and information on likelihood of continuance or recurrence of dumping and injury or both substantiating the need for continuation of duty within **Forty Days (40 days)** of issue of this notification.

The exporters in subject country, their government through their Embassy in India, the importers and users in India known to be concerned would be 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 and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
Room No. 243
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. 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.

6. Time Limit

On receipt of information from domestic industry, all interested parties, whose addresses are available, would be advised through a letter to offer their comments in writing so as to reach the Authority at the address mentioned above **not later than forty days (40 Days)** from the date of issuance of such letter. Any other interested party, whose address is not available, may also submit comments/ information within 40 days from the date of application from Domestic industry. For this purpose non confidential version of the application would be placed in the public file. 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 Rules supra.

7. Inspection of Public File

In terms of Rule 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.

**(P.K.Chaudhery)
The Designated Authority**