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**Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
Directorate General of Anti-Dumping & Allied Duties**

**NOTIFICATION**

New Delhi, the 5th July 2008

**Initiation (Sunset Review)**

**Subject: Initiation of Sunset Review Anti-Dumping Investigations into imports of Titanium Dioxide originating in/ exported from People's Republic of China.**

No.15/5/2008-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) recommended provisional anti-dumping duty on import of Titanium Dioxide (Anatase Type) [hereinafter referred to as subject goods] originating in or exported from China PR (hereinafter referred to as subject country), vide Notification No. 14/51/2002-DGAD dated 6<sup>th</sup> June 2003, which were imposed on the subject goods vide Notification No. 107/2003 Customs dated 11th July, 2003. The Authority came out with the final findings on 15th March, 2004 and definitive anti-dumping duty was imposed vide Notification No. 54/2004 dated 9th April 2004.

**2. Request for Review and Initiation**

WHEREAS in terms of the Customs Tariff (Amendment) Act 1995, the anti-dumping duty imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition.

Provided that if the Central Government, in a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury, it may, from time to time, extend the period of such imposition for a further period of five years and such further period shall commence from the date of order of such extension.

In terms of the above provisions, M/s Travancore Titanium Products Ltd., supported by M/s Kilburn Chemicals Ltd approached the Authority with a duly substantiated petition requesting for such a review. In view of the judgment of the Hon'ble Delhi High Court in the Writ Petition No 16893 of 2006 (Indian Metal & Ferro Alloys Ltd Vs Designated Authority) holding that sunset review is mandatory and such review is required to be carried out in terms of Rule 23 of the Rules, the Designated Authority hereby initiates the sunset review proceedings, in accordance with Section 9 A (5) of the Act, to examine whether cessation of the duty in force would lead to continuation or recurrence of dumping and injury to the domestic industry.

### **3. Product under consideration**

The product under consideration in the present petition is Titanium Dioxide Anatase grade, having chemical formula  $\text{TiO}_2$  originating in or exported from People's Republic of China. Titanium Dioxide Anatase is a white pigment and has a very high degree of whiteness. Its tinting strength and hiding power are superior to any other pigment, and it also has stability and durability against light and heat. It is primarily used in the manufacture of paints, plastics, paper, ink, rubber etc., and is not toxic. Titanium Dioxide is classified under Custom Tariff heading 28.23.00 and 28.23.00.10 under Indian Trade Classification. The classification is, however, indicative only and is in no way binding on the scope of the present investigation. This being a sunset review of the product against which duty is already in force the product under consideration shall remain unchanged.

### **4. Procedure**

The investigation will determine whether the expiry of the measure would be likely to lead to a 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 No 14/51/2002-DGAD dated 16th January, 2003.
- ii. The country involved is China PR.
- iii. The period of investigation for the purpose of the present review is from 1st April, 2007 to 31st March, 2008 (12 months).
- iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

### **5. Submission of information**

The exporters in the subject country, their government through their Embassy 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  
(Directorate General of Anti-Dumping & Allied Duties)  
Government of India  
Ministry of Commerce & Industry  
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.

## **6. 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 above address not later than forty (40) days from the date of publication of this review 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 Rules supra.

## **7. Submission of information on non-confidential basis**

In terms of Rule 6(7), of the Rules the interested parties are required to submit non-confidential version of any confidential information provided to the Authority. The non-confidential version or non-confidential summary of the confidential information should be in sufficient detail to provide a meaningful understanding of the information to the other interested parties. If in the opinion of the party providing such information, such information is not susceptible to summary, a statement of reason thereof is required to be provided.

## **8. Use of facts available**

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.

## **9. Inspection of public file**

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.

(R GOPALAN)  
Designated Authority