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**Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
(Directorate General of Anti-Dumping & Allied Duties)  
4<sup>th</sup> Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi - 110001**

Dated the 22nd January 2016

**NOTIFICATION**

**(Mid Term Review Antidumping Investigation)**

**Subject: Initiation of Mid Term Review (MTR) of the anti-dumping duties in force on the imports of Caustic Soda originating in or exported from Iran, Saudi Arabia and USA.**

**F. No. 15/19/2015-DGAD** – Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also referred to as the Act) and the 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 also referred to as the Rules).

1. Whereas the Designated Authority (hereinafter also referred to as the Authority) had earlier initiated 2<sup>nd</sup> Sunset Review of the anti-dumping duty in force on import of Caustic Soda (Sodium Hydroxide) (hereinafter referred to as subject goods) from Iran, Saudi Arabia, Japan, USA and France vide Notification No.15/28/2010-DGAD dated 2<sup>nd</sup> September, 2011, to examine the need for continued imposition of antidumping duty on the subject goods from the said countries on the basis of an application received from M/s Alkali Manufacturers Association of India (AMAI), Delhi, on behalf of the domestic producers of caustic soda in Indian, namely M/s DCW Ltd, M/s Gujarat Alkalies and Chemicals Ltd, Grasim Industries Ltd. Shriram Fertilizers and Chemicals Ltd, Aditya Birla Chemicals (India) Ltd., and Shriram Alkali and Chemicals Ltd.

2. And Whereas on the basis of investigation carried out definitive duties were recommended by the Authority vide Notification No. No.15/28/2010-DGAD dated 31<sup>st</sup> August, 2012 and definitive antidumping duties were imposed by the Central Government on the imports of the subject goods from Saudi Arabia, Iran, and USA only, vide Notification No. CUS NTF No. 49/2012 dated 26<sup>th</sup> November, 2012.

**A. Request for initiation of Mid Term Review**

3. Whereas, the Customs Tariff (Amendment) Act 1995 and the AD Rules made thereunder, as amended from time to time, require the Designated Authority to review,

from time to time, the need for continued imposition of anti-dumping 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.

4. And Whereas Alkali Manufacturers Association of India, New Delhi, an association of producers of Caustic Soda, has sought a midterm review of the above anti-dumping duties in force on the imports of the subject goods originating in or exported from Iran 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. They have *inter alia* claimed that the circumstances that were prevalent during the period of investigation of the original investigation have changed significantly leading to a situation where the existing anti-dumping duties against Iran need to be reviewed.

#### **B. Grounds for review**

5. The Applicant has submitted that the injury margin has increased significantly due to increase in raw material cost, cost of utilities etc. But import price from Iran has not increased in that proportion thereby widening the injury margins. The applicant has further submitted that present anti dumping duty is based on injury margin and since injury margin has significantly increased, the anti dumping duty is required to be reviewed in order to enhance the quantum of anti dumping duty on Iran. They have also submitted that due to change in cost and price structure the dumping margins have also significantly changed necessitating a review of the duties in force.

#### **C. Initiation of the Review**

6. The Authority has examined the information submitted by the applicant. The Authority further notes that the duty is in force against the goods originating or exported from Iran, Saudi Arabia and USA only and the duties are valid till 25<sup>th</sup> November 2017. Though the applicants have requested for review of the quantum of antidumping duty in force against the subject goods originating in or exported from Iran only, in view of the changed circumstances as stated by the domestic industry, the Authority is of the view that keeping in view the changes in cost and price structure and therefore, dumping and injury aspects, it is appropriate to carry out a comprehensive review of the duty in force against all the countries on which the duties are in force i.e., Iran, Saudi Arabia and USA.

7. Having regard to the positive information provided by the applicants indicating changed circumstances necessitating a review of the measure in force, the Designated Authority now considers that a mid-term review of the measures in force is warranted and therefore, hereby initiates a comprehensive review of the antidumping duty in force against the import of the subject goods originating in or exported from

Iran, Saudi Arabia and USA, imposed vide Notification No. CUS NTF No. 49/2012 dated 26<sup>th</sup> November, 2012, in terms of the Rules supra. Since Japan did not attract any duty in the earlier duty notification, this review will not cover the imports from Japan.

8. The Review shall cover all aspects of dumping, injury and causal link and shall examine the need for continued imposition of the duties, including the need for enhancement or reduction of quantum of duty in view of the changed circumstances as alleged by the petitioners. The review shall also examine whether the injury to the domestic industry is likely to continue or recur or both if the duties are revoked or varied.

#### **D. Product under consideration and Classification**

9. The product under consideration in the present investigation is Sodium Hydroxide (chemical nomenclature NaOH), commonly known as Caustic Soda in all forms.

10. Caustic soda is an inorganic, soapy, strongly alkaline and odorless chemical and finds application in various fields like manufacture of pulp and paper, newsprint, viscose yarn, staple fiber, aluminum, cotton, textiles, toilet and laundry soaps, detergent, dyestuffs, drugs and pharmaceuticals, petroleum refining etc. Caustic soda is produced in two forms, i.e., lye and solids by three technological processes, i.e., mercury cell process, diaphragm process and membrane process. The difference in these processes does not lead to a difference in product in terms of various characteristics.

11. Caustic soda is classified under Chapter 28 of the Customs Tariff Act, 1975 under Customs Head 2815.11 and 2815.12. As per ITC eight digit classifications, the product is classified under the Customs Heading 2815.1110, 2815.1120 and 2815.1200. The classification is however, indicative only and is in no way binding on the scope of the present investigation.

#### **E. Countries involved**

12. The countries/regions involved in the present review investigation are Iran, Saudi Arabia and USA.

#### **F. Period of Investigation**

13. The period of investigation for the purpose of the present review is 1st October 2014 to 30<sup>th</sup> September 2015 (12 months). However, injury analysis shall cover the years 2011-12, 2012-13, 2013-14, 2014-15 and (POI). The investigation will cover both dumping and injury.

## **G. Submission of Information:**

14. The exporters in subject countries/regions, their Governments through their Embassies/High Commissions 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 as 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  
4<sup>th</sup> Floor, Jeevan Tara Building, 5 Parliament Street  
New Delhi-110001**

15. 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.

## **H. Time Limit**

16. Any information relating to the present review 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 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.

## **I. 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.

#### **J. Inspection of Public File**

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

#### **K. Non-Cooperation**

24. In case any 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.

**(A.K.Bhalla)**  
**Designated Authority**

