

Government of India
Ministry of Commerce & Industry
Directorate General of Anti-dumping & Allied Duties
Udyog Bhawan, New Delhi
14/10/2012-DGAD

Dated the 27th June 2012

INITIATION NOTIFICATION

Subject: Initiation of Anti-Dumping Duty investigation concerning imports of Sodium Perchlorate from China PR.

M/s Calibre Chemicals Pvt Ltd., (hereinafter referred to as ‘petitioner company’ or applicant) has filed an application before the Designated Authority (hereinafter referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and 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 referred to as the AD Rules) for initiation of Anti-Dumping Duty investigation concerning imports of Sodium Perchlorate (hereinafter also referred to as the subject goods) originating in or exported from China PR (hereinafter also referred to as the subject country..

Product under consideration

2. The product under consideration for the purpose of present investigation is “Sodium Perchlorate” from China PR. The main function of sodium perchlorate is to manufacture explosives for mining, in perchloric acid and other perchlorates manufacture and UV Stabilizer for engineering plastics. Sodium perchlorate is an organic compound and is classified under Chapter 28 (within perchlorates with 8 digit subhead 28299010) of the Customs Tariff Act, 1975. The customs classification is, however, indicative only and is in no way binding on the scope of the present investigation

Domestic Industry & Standing

3. The petition has been filed by M/s Calibre Chemicals Pvt. Ltd., which is the sole manufacturer of the product under consideration. Petition therefore, satisfy the standing and petitioner constitutes Domestic Industry within the meaning of the Rules. The petitioner has certified that there are no imports of the product under consideration by the petitioner or any of its related party within the meaning of Rule 2(b).

Like Articles

4. The applicant has claimed that the subject goods, which are exported from subject country into India, are identical to the goods produced by the domestic

industry. Sodium Perchlorate produced by the domestic industry and imported from subject countries are comparable in terms of essential product characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. Consumers can use and are using the two interchangeably. The two are technically and commercially substitutable and hence should be treated as 'like article' under the AD Rules.

Therefore, for the purpose of the present investigation, the subject goods produced by the applicant in India is being treated as 'Like Article' to the subject goods being imported from the subject countries.

Subject Country

5. The country involved in the present investigation are China PR.

Normal value

6. The Applicant has submitted that China PR should be treated as a non-market economy and the normal value should be determined in accordance with para-7 of Annexure-I to the Rules. The petitioner has claimed normal value on the basis of cost of production in India, duly adjusted; stating that consideration of cost or price in a market economy third country is not available. The Normal value claims by the applicant have been considered for the purposes of initiation.

Export Price

7. The applicant has claimed export prices on the basis data from secondary source, i.e., Balaji Data Information Services to assess the volume and value of imports in India. Price adjustments have been made on account of port expenses, inland freight, ocean freight, marine insurance, bank commission & VAT to arrive at the net export price.

Dumping Margin

8. The applicant has provided sufficient evidence that the normal values of the subject goods in the subject countries are significantly higher than the net export prices, prima-facie indicating that the subject goods originating in or exported from the subject country are being dumped, to justify initiation of an antidumping investigation.

Injury and Causal Link

9. The applicant has claimed that they have suffered material injury by way of losses, increase in inventories, decline in return on capital employed and cash profits, and deterioration in their operating performance. The applicant has also claimed adverse price effects as evidenced by price suppression, price undercutting and price underselling. The applicant has claimed that the material injury has been caused due to the dumped imports from the subject country. The Authority considers that there is sufficient evidence of 'injury' being suffered by the applicant caused by dumped imports from subject country to justify initiation of an anti-dumping investigation.

Period of Investigation

10. The period of investigation (POI) for the purpose of present investigation is from 1st April 2011 to 31st March 2012. However, for the purpose of analyzing injury, the data of previous three years, i.e. Apr'08-Mar'09, Apr'09-Mar'10, Apr'10-Mar'11 and the period of investigation has been considered.

Submission of information

11. The known exporters in the subject countries and their Governments through their Embassies in India, importers and users in India known to be concerned and the domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other interested party may also make its submissions relevant to the investigation within the time-limit set out below and write to:

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

Time limit

12. Any information relating to this investigation should be sent in writing so as to reach the Authority at the above address not later than 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 their findings on the basis of the 'facts available' on record in accordance with the AD Rules.

Submission of Information on Non-Confidential basis

13. All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7 (2) of the AD Rules for the confidential information provided as per Rule 7 (1) of the AD Rules. 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 information, such information is not susceptible to summary; a statement of reason thereof is required to be provided.

Notwithstanding anything contained in para above, 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 authorise its disclosure in a generalised or summary form, it may disregard such information.

Inspection of Public File

14. 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

15. 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)
The Designated Authority