

Sayı: 17812098-TİM.AKİB.GSK.SAN.2024/461-5066
Konu: Hindistan/Anti-Damping Soruşturması Hk.

Mersin, 14/10/2024

Sayın Üyemiz,

Ticaret Bakanlığından iletilen yazıda, Hindistan Ticaret ve Sanayi Bakanlığı portalında yer alan bilgiye göre, ülkemizin de arasında bulunduğu bazı ülkelerden soda külü ithalatında antidamping soruşturması başlatıldığına ilişkin duyuru yayımlandığı bildirilmektedir.

Bahse konu yazıda ayrıca, mezkur soruşturmaya istinaden yayımlanan 30 Eylül 2024 tarihli açılış bildirimine <https://www.dgtr.gov.in/anti-dumping-cases/anti-dumping-investigation-concerning-imports%20soda-ash-originating-or-exported> internet adresinden ulaşılabileceği belirtilmekte ve ek'te yer alan mezkur bildirim iletilmektedir.

Söz konusu bildirim incelenmesinden, bahse konu soruşturmanın ülkemizin yanı sıra, Rusya, ABD ve İran menşeli **soda külü ürünlerine** yönelik açıldığı anlaşılmakta olup, ilgili tarihler ve iletişim bilgileri gibi soruşturma sürecine yönelik bilgilere yer verilmektedir.

Bilgilerini rica ederim.

Dr. Osman ERŞAHAN
Genel Sekreter Yrd.

Ek: Açılış Bildirimi (7 sayfa)



To be published in Part-I Section-I of the Gazette of India Extraordinary

F. No. No. 6/31/2024-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building 5, Parliament Street, New Delhi – 110001

Dated: 30.09.2024

INITIATION NOTIFICATION
CASE No. ADD (OI) -29/2024

Subject: Initiation of anti-dumping investigation concerning imports of Soda Ash originating in or exported from Turkey, Russia, USA and Iran.

- F. No. 6/31/2024-DGTR:** Having regards to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred 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 referred to as the ‘Rules’), Alkali Manufacturers Association of India (AMAI) (hereinafter referred to as the ‘applicant association’) on behalf of RSPL Ltd, DCW Ltd., Nirma Ltd., Tata Chemicals Limited and GHCL Ltd (hereinafter referred to as ‘domestic industry’ or ‘applicant companies’) have filed an application before the Designated Authority (hereinafter referred to as the ‘Authority’), for initiation of Anti-dumping investigation on imports of Soda Ash (hereinafter referred to as the ‘product under consideration’ or ‘subject goods’), originating in or exported from Russia, Turkey, USA & Iran (hereinafter referred to as the ‘subject countries’).
- The domestic industry has alleged that material injury and threat of material injury is being caused to the domestic industry due to the dumped imports, originating in or exported from the subject countries and has requested for the imposition of anti-dumping duties on the imports of the product under consideration from the subject countries.
 - Product under consideration**
- The product under consideration is “Disodium Carbonate”, also popularly known as “Soda Ash” having formula as Na₂CO₃. Soda Ash is a white, crystalline, water-soluble material. It is produced in two forms by the Indian Producers - Light Soda Ash and Dense Soda Ash. The difference in the two types is the bulk density. It can be either natural soda ash or synthetic soda ash. Both products are essentially the same and the application filed by the applicant includes all types and form of Soda Ash.

4. The product under consideration is imported under Chapter 28 of the Customs Tariff Act, 1975, under the code 283620. The customs classification is indicative only and is not binding on the scope of the product under consideration.
5. The parties to the present investigation may provide their comments on the product under consideration and PCN (with justification), if any, within 15 days of initiation of the investigation.

B. Like article

6. The domestic industry has submitted that there are no significant differences in the product produced by the domestic industry and exported from the subject countries and both are like articles. The product produced by the domestic industry and imported from the subject countries are comparable in terms of essential product characteristics such as physical and chemical characteristics, manufacturing process & technology, functions & usage, product specifications, pricing, distribution & marketing and tariff classification of the goods. Consumers can use and have been using the two interchangeably. The two are technically and commercially substitutable, and hence, should be treated as 'like article' under the Rules. Thus, for the purposes of initiation of the present investigation, the product produced by the domestic industry has been *prima facie* considered as like article to the product being imported from the subject countries.

C. Domestic industry & standing

7. The application has been filed by Alkali Manufacturers Association of India (AMAI) representing DCW Ltd, RSPL Ltd, Nirma Ltd., GHCL Ltd, and Tata Chemicals Ltd. Apart from the participating producers, one other producer exists, namely, Tuticorin Alkali Chemicals and Fertilizers Ltd. (TAC).
8. The Applicant companies DCW Ltd., RSPL Ltd., and GHCL have not imported the subject goods from subject countries. Tata Chemicals has a related producer in the USA; however, it imported minimal quantities only in the base year.
9. Further, Nirma Ltd also has a related producer namely M/s Searless Valley Minerals (SVM) in USA. The exports in the POI are quite low considering total imports of soda ash in India from subject countries, total imports from all sources and total Indian production.
10. Based on the information provided, it is seen that the Applicant companies constitute eligible domestic industry within the meaning of Rule 2(b) and the application satisfies the criteria of standing in terms of Rule 5(3).

D. Subject countries

11. The subject countries in the present investigation are Turkey, Russia, USA & Iran.

E. Period of investigation

12. The period of investigation (POI) proposed for the investigation is from 1st October 2023 to 31st March 2024 (06 months). However, the Authority has considered the period of investigation (POI) for the present investigation from 1st October 2023 to 30th June 2024 (a period of 9 months). The injury investigation period will cover the periods 2020 – 2021, 2021 – 2022, April 2022-September 2023 and the period of investigation.

F. Basis for alleged dumping

Normal Value for USA

13. The domestic industry has claimed that it does not have access to any evidence of selling price in the subject countries. Therefore, domestic industry has relied upon prices published in IHS Markit: Soda Ash Monthly for the POI for arriving at the normal value in USA. The normal value claimed by the domestic industry has been considered for the purpose of initiation.

Normal Value for Turkey, Russia & Iran

14. The domestic industry has claimed that it does not have access to any evidence of selling price in the subject countries. Therefore, domestic industry has constructed the normal value based on the best estimates of cost of production in India, duly adjusted with selling, general and administrative expenses, along with a reasonable profit margin. The methodology for determination of normal value claimed by the domestic industry has been considered for the purpose of initiation.

Export Price

15. The export price of the product under consideration has been determined by considering the CIF price of the product under consideration as reported in DGCI&S transaction wise data. Adjustments have been claimed for ocean freight, marine insurance, commission, bank charges, port expenses and inland freight expenses. There is sufficient *prima facie* evidence with regard to the net export prices for the subject countries.

Dumping Margin

16. The normal value and the export price have been compared at the ex-factory level, which *prima facie* establishes that the dumping margin is above the *de minimis* level with respect to the product under consideration imported from the subject countries. Thus, there is sufficient *prima facie* evidence that the product under consideration from the subject countries is being dumped in the domestic market of India by the exporters from the subject countries.

G. Injury and causal Link

17. The domestic industry has provided *prima facie* evidence with respect to the injury suffered by the domestic industry because of the dumped imports. The volume of the subject imports from the subject countries has increased significantly in absolute as well as relative terms. The price undercutting from the subject countries is positive. The landed price of imports is below cost of sales as well as selling price causing price depression in the domestic market and consequently causing decline in profits, cash flow and ROI of the domestic industry. The market share of the dumped imports has increased significantly in the POI and that of domestic industry has declined. It has also been claimed that because of the dumped imports from the subject countries, the production and capacity utilization of the domestic industry have declined in POI from previous year leading to decline in the market share of the domestic industry in the period of investigation. The applicant has also claimed that the imports are causing threat of material injury, considering the rate of increase in imports, freely disposable capacities in subject countries and price suppression being caused by subject imports. There is sufficient *prima facie* evidence of material injury and threat of material injury being caused to the domestic industry due to dumped imports from the subject countries to justify the initiation of the anti-dumping investigation.

H. Initiation of anti-dumping investigation

18. On the basis of the duly substantiated written application submitted by the domestic industry and having reached satisfaction based on the *prima facie* evidence submitted by the domestic industry concerning the dumping of the product under consideration originating in or exported from the subject countries, the consequential material injury and threat of material injury to the domestic industry as a result of the alleged dumping of the product under consideration and the causal link between such injury and the dumped imports, and in accordance with Section 9A of the Act read with Rule 5 of the AD Rules, the Authority, hereby, initiates an anti-dumping investigation to determine the existence, degree, and effect of the dumping with respect to the product under consideration originating in or exported from the subject countries and to recommend the appropriate amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

I. Procedure

19. The provisions stipulated in Rule 6 of the Anti-Dumping Rules shall be followed in this investigation.

J. Submission of information

20. All communication should be sent to the Designated Authority via email at email addresses adv11-dgtr@gov.in; consultant-dgtr@govcontractor.in; jd12-dgtr@gov.in and

ad12-dgtr@gov.in. It must be ensured that the narrative part of the submission is in searchable PDF/MS-Word format and data files are in MS-Excel format.

21. The known producers/exporters in the subject countries, the government of the subject countries through its Embassy in India, and the importers and users in India who are known to be associated with the product under consideration are being informed separately to enable them to provide all the relevant information within the time limits mentioned in this initiation notification. All such information must be filed in the form and manner as prescribed by this initiation notification, the Rules, and the applicable trade notices issued by the Authority.
22. Any other interested party may also make a submission relevant to the present investigation in the form and manner as prescribed by this initiation notification, the Rules, and the applicable trade notices issued by the Authority within the time limits mentioned in this initiation notification.
23. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other interested parties.
24. Interested parties are further directed to regularly visit the official website of the Directorate General of Trade Remedies (<https://www.dgtr.gov.in/>) to stay updated and apprised with the information as well as further processes related to the investigation.

K. Time limit

25. Any information relating to the present investigation should be sent to the Designated Authority via email at email address adv11-dgtr@gov.in; consultant-dgtr@govcontractor.in; jd12-dgtr@gov.in and ad12-dgtr@gov.in within 30 days from the date on which the non-confidential version of the documents filed by the domestic industry would be circulated by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting countries as per Rule 6(4) of the Rules. If no information is received within the stipulated time limit or the information received is incomplete, the Authority may record its findings based on the facts available on record and in accordance with the Rules.
26. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses within the above time limit as stipulated in this notification.
27. Where an interested party seeks additional time for filing of submissions, it must demonstrate sufficient cause for such extension in terms of Rule 6(4) of the AD Rules, 1995 and such request must come within the time stipulated in this notification.

L. Submission of information on confidential basis

28. Where any party to the present investigation makes confidential submissions or provides information on a confidential basis before the Authority, such party is required to simultaneously submit a non-confidential version of such information in terms of Rule 7(2) of the Rules and in accordance with the relevant trade notices issued by the Authority in this regard.
29. Such submissions must be clearly marked as 'confidential' or 'non-confidential' at the top of each page. Any submission that has been made to the Authority without such markings shall be treated as 'non-confidential' information by the Authority, and the Authority shall be at liberty to allow other interested parties to inspect such submissions.
30. The confidential version shall contain all information which is, by nature, confidential, and/or other information, which the supplier of such information claims as confidential. For the information which is claimed to be confidential by nature, or the information on which confidentiality is claimed because of other reasons, 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.
31. The non-confidential version of the information filed by the interested parties should be a replica of the confidential version with the confidential information preferably indexed or blanked out (where indexation is not possible) and such information must be appropriately and adequately summarized depending upon the information on which confidentiality is claimed.
32. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on a confidential basis. However, in exceptional circumstances, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons containing a sufficient and adequate explanation in terms of Rule 7 of the Rules, 1995, and appropriate trade notices issued by the Authority, as to why such summarization is not possible, must be provided to the satisfaction of the Authority.
33. The interested parties can offer their comments on the issues of confidentiality claimed by the domestic industry within 7 days from the date of circulation of the non-confidential version of the documents.
34. Any submission made without a meaningful non-confidential version thereof or a sufficient and adequate cause statement in terms of Rule 7 of the Rules, and appropriate trade notices issued by the Authority, on the confidentiality claim shall not be taken on record by the Authority.

35. 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 if 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.
36. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

M. Inspection of public file

37. A list of registered interested parties will be uploaded on the DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions to all other interested parties. Failure to circulate non confidential version of submissions/response/ information might lead to consideration of an interested party as non-cooperative.

N. Non-cooperation

38. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period or within the time stipulated by the Authority in this initiation notification, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings based on the facts available and make such recommendations to the Central Government as it deems fit.



(Darpan Jain)
Designated Authority