



A-533-838; A-570-892
Sunset Reviews
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January 29, 2021

MEMORANDUM TO: Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

RE: Issues and Decision Memorandum for the Final Results of the Expedited Third Sunset Reviews of the Antidumping Duty Orders on Carbazole Violet Pigment 23 from India and the People's Republic of China

I. SUMMARY

The Department of Commerce (Commerce) analyzed the responses submitted by a domestic producer of carbazole violet pigment 23 (CVP-23) in the third sunset reviews of the antidumping duty (AD) orders on CVP-23 from India and the People's Republic of China (China). No other interested party submitted a substantive response. Accordingly, we conducted expedited (120-day) sunset reviews pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(e)(1)(ii)(C)(2). We recommend that you approve the positions described in the "Discussion of the Issues" section of this memorandum. Below is the complete list of the issues in these sunset reviews for which we received a substantive response:

1. Likelihood of Continuation or Recurrence of Dumping
2. Magnitude of the Margins Likely to Prevail

II. BACKGROUND

On December 29, 2004, Commerce published the AD orders on CVP-23 from India and China.¹ On November 17, 2015, Commerce published its most recent continuation of the *Orders*.² On October 1, 2020, Commerce published notice of the initiation of the third sunset reviews of the

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbazole Violet Pigment 23 from India*, 69 FR 77988 (December 29, 2004) (*India Order*); see also *Antidumping Duty Order: Carbazole Violet Pigment 23 from the People's Republic of China*, 69 FR 77987 (December 29, 2004) (*China Order*) (collectively, the *Orders*).

² See *Carbazole Violet Pigment from India and the People's Republic of China: Continuation of the Antidumping Duty Orders and Countervailing Duty Order*, 80 FR 71773 (November 17, 2015) (*Second Continuation Notice*).



AD orders on CVP-23 from India and China, pursuant to section 751(c) of the Act.³ On October 9, 2020, Commerce received a notice of intent to participate from Sun Chemical Corporation (Sun Chemical), a petitioner in the original investigation, within the deadline specified in 19 CFR 351.218(d)(1)(i).⁴ Sun Chemical claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.⁵ On October 30, 2020, Commerce received adequate substantive responses from Sun Chemical, within the deadline specified in 19 CFR 351.218(d)(3)(i).⁶ Commerce did not receive any responses from respondent interested parties with respect to the *Orders* covered by these sunset reviews.

On November 20, 2020, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁷ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of the *Orders*.

III. SCOPE OF THE *ORDERS*

The merchandise subject to the *Orders* is CVP-23, identified as Color Index Number 51319 and Chemical Abstract Number 6358-30-1, with the chemical name of diindolo [3,2-b:3'2'-m]⁸ triphenodioxazine, 8,18-dichloro-5, 15-diethyl-5, 15-dihydro-, and molecular formula of C₃₄H₂₂Cl₂N₄O₂. The subject merchandise includes the crude pigment in any form (*e.g.*, dry powder, paste, wet cake) and finished pigment in the form of presscake and dry color. Pigment dispersions in any form (*e.g.*, pigment dispersed in oleoresins, flammable solvents, water) are not included within the scope of the *Orders*. The merchandise subject to the *Orders* is classifiable under subheading 3204.17.90.40 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the *Orders* is dispositive.

³ See *Initiation of Five-Year ("Sunset") Review*, 85 FR 61928 (October 1, 2020).

⁴ See Sun Chemical's Letters, "Carbazole Violet Pigment 23 from India/Notice of Intent to Participate in Third Sunset Review of Antidumping Duty Order"; and "Carbazole Violet Pigment 23 from the People's Republic of China/Notice of Intent to Participate in Third Sunset Review of Antidumping Duty Order," dated October 9, 2020.

⁵ *Id.*

⁶ See Sun Chemical's Letters, "Carbazole Violet Pigment 23 from India/Petitioners' Substantive Response" (India Substantive Response) and "Carbazole Violet Pigment 23 from the People's Republic of China/Petitioners' Substantive Response" (China Substantive Response), each dated October 30, 2020 (collectively, Substantive Responses).

⁷ See Commerce's Letter, "Sunset Review Initiated on October 1, 2020," dated November 20, 2020.

⁸ The bracketed section of the product description, [3,2-b:3'2'-m], is not business proprietary information. In this case, the brackets are simply part of the chemical nomenclature. See the *Orders*.

IV. HISTORY OF THE *ORDERS*

India

On November 17, 2004, Commerce published its final determination in the less-than-fair-value (LTFV) investigation of CVP-23 from India.⁹ On December 29, 2004, Commerce published the amended final determination and the AD order.¹⁰ Commerce found the following *ad valorem* dumping margins:¹¹

Exporter	Weighted-Average Margin (percent)
Alpanil Industries	27.23
Pidilite Industries Ltd.	66.59
All – Others	44.80

Commerce has conducted two five-year sunset reviews of the *India Order*. In each of the two prior sunset reviews, Commerce found that revocation of the *India Order* would be likely to lead to continuation or recurrence of dumping, and found that the magnitude of dumping likely to prevail if the *India Order* was revoked would be weighted-average margins of up to 44.80 percent.¹² On November 17, 2015, Commerce published the most recent notice of continuation of the *India Order*.¹³

Since the issuance of the most recent continuation of the *Orders*, Commerce has completed three administrative reviews of the *India Order*. In the final results of the administrative review covering the period December 1, 2015, through November 30, 2016, Commerce found a dumping margin of 66.59 percent for respondent Pidilite Industries Limited (Pidilite).¹⁴ In the final results of the administrative review covering the period December 1, 2016, through November 30, 2017, Commerce found a dumping margin of 0.00 percent for Pidilite.¹⁵ In the final results of the administrative review covering the period December 1, 2017, through November 30, 2018, Commerce found a dumping margin of 0.00 percent for Pidilite.¹⁶

The *India Order* remains in effect for all producers/exporters of CVP-23 from India.

⁹ See *Notice of Final Determination of Sales at Less Than Fair Value: Carbazole Violet Pigment 23 from India*, 69 FR 67306 (November 17, 2004) (*India Final Determination*).

¹⁰ See *India Order*.

¹¹ *Id.*

¹² See *Carbazole Violet Pigment 23 from India and the People's Republic of China: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 75 FR 12497 (March 16, 2010) (*2010 Sunset Final Results*), and accompanying Issues and Decision Memorandum (IDM); see also *Carbazole Violet Pigment 23 from India and the People's Republic of China: Final Results of Expedited Second Sunset Reviews of Antidumping Duty Orders*, 80 FR 46955 (August 6, 2015) (*2015 Sunset Final Results*), and accompanying IDM.

¹³ See *Second Continuation Notice*.

¹⁴ See *Carbazole Violet Pigment 23 from India: Final Results of Antidumping Duty Administrative Review; 2015-2016*, 83 FR 15788 (April 12, 2018). Pidilite's 66.59 percent margin was adjusted for export subsidies to 49.57 percent.

¹⁵ See *Carbazole Violet Pigment 23 from India: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 84 FR 9085 (March 13, 2019).

¹⁶ See *Carbazole Violet Pigment 23 from India: Final Results of Antidumping Duty Administrative Review; 2017-2018*, 85 FR 19729 (April 8, 2020).

China

On November 17, 2004, Commerce published its final determination in the LTFV investigation of CVP-23 from China.¹⁷ On December 29, 2004, Commerce published the AD order.¹⁸ The weighted-average dumping margins were subsequently amended pursuant to a court decision,¹⁹ as follows:

Exporter	Weighted-Average Margin (percent)
GoldLink Industries Co., Ltd.	12.46
Nantong Haidi Chemicals Co., Ltd.	57.07
Trust Chem Co., Ltd.	39.29
Tianjin Hanchem International Trading	85.41
China-Wide Entity	241.32

Commerce has conducted two five-year sunset reviews of the *China Order*. In each of the two prior sunset reviews, Commerce found that revocation of the *China Order* would be likely to lead to continuation or recurrence of dumping, and found that the magnitude of dumping likely to prevail if the *China Order* was revoked would be weighted-average margins of up to 241.32 percent.²⁰ On November 17, 2015, Commerce published the most recent notice of continuation of the *China Order*.²¹

Since the most recent continuation notice, Commerce has not conducted any reviews of the *China Order*. The *China Order* remains in effect for all producers/exporters of CVP-23 from China.

Scope Inquiries, Changed Circumstances Reviews, and Duty Absorption

Since the most recent continuations of the *Orders*, Commerce has not conducted any scope inquiries, changed circumstances reviews, or duty absorption inquiries in either proceeding.

V. LEGAL FRAMEWORK

In accordance with section 751(c) of the Act, Commerce is conducting these sunset reviews to determine whether revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping. Sections 752(c)(1)(A)-(B) of the Act provide that, in making this determination, Commerce shall consider the weighted-average dumping margins determined in the investigations and subsequent reviews, as well as the volume of imports of the subject merchandise for the period before and after the issuance of the *Orders*.

¹⁷ See *Notice of Final Determination of Sales at Less Than Fair Value: Carbazole Violet Pigment 23 from the People's Republic of China*, 69 FR 67304 (November 17, 2004) (*China Final Determination*).

¹⁸ See *China Order*.

¹⁹ See *Carbazole Violet Pigment 23 from the People's Republic of China: Notice of Amended Final Determination in Accordance with Court Decision*, 72 FR 15101 (March 30, 2007) (*China Amended Final Determination*).

²⁰ See *2010 Sunset Final Results*; see also *2015 Sunset Final Results*.

²¹ See *Second Continuation Notice*.

In accordance with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act, specifically the Statement of Administrative Action (SAA),²² the House Report,²³ and the Senate Report,²⁴ Commerce's determinations of likelihood will be made on an order-wide, rather than a company-specific, basis.²⁵ In addition, Commerce normally determines that revocation of an AD order is likely to lead to continuation or recurrence of dumping when: (1) dumping continued at any level above *de minimis* after the issuance of the order; (2) imports of the subject merchandise ceased after issuance of the order; or (3) dumping was eliminated after issuance of the order and import volumes for the subject merchandise declined significantly.²⁶ Alternatively, Commerce normally will determine that revocation of an AD order is not likely to lead to continuation or recurrence of dumping where dumping was eliminated after issuance of the order and import volumes remained steady or increased.²⁷

In addition, as a base period of import volume comparison, it is Commerce's practice to use the one-year period immediately preceding the initiation of the investigation, rather than the level of pre-order import volumes, as the initiation of an investigation may dampen import volumes and, thus, skew the comparison.²⁸ When analyzing import volumes for second and subsequent sunset reviews, Commerce's practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.²⁹

Furthermore, section 752(c)(3) of the Act states that the magnitude of the dumping margin likely to prevail if the orders were revoked shall be provided by Commerce to the ITC. Generally, Commerce selects the weighted-average dumping margins from the final determination in the original investigation, as these rates are the only calculated rates that reflect the behavior of exporters without the discipline of an order in place.³⁰ In certain circumstances, however, a more recently calculated rate may be more appropriate.³¹ Pursuant to section 752(c)(4)(A) of the Act, a dumping margin of zero or *de minimis* shall not by itself require Commerce to determine that

²² See H.R. Doc. 103-316, vol. 1 (1994) (SAA).

²³ See H. Rep. No. 103-826, pt. 1 (1994) (House Report).

²⁴ See S. Rep. No. 103-412 (1994) (Senate Report).

²⁵ See SAA at 879; *see also* House Report at 56.

²⁶ See SAA at 889-890; *see also* House Report at 63-63; Senate Report at 52; and *Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871, 18872 (April 16, 1998).

²⁷ See SAA at 889-890; *see also* House Report at 63.

²⁸ See, e.g., *Stainless Steel Bar from Germany: Final Results of the Sunset Review of the Antidumping Duty Order*, 72 FR 56985 (October 5, 2007), and accompanying IDM at Comment 1.

²⁹ See *Ferrovanadium from the People's Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders*, 79 FR 14216 (March 13, 2014), and accompanying IDM.

³⁰ See SAA at 890; *see also* *Persulfates from the People's Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and accompanying IDM at Comment 2.

³¹ See SAA at 890-891 (stating, e.g., "If dumping margins have declined over the life of an order and imports have remained steady or increased, {Commerce} may conclude that exporters are likely to continue dumping at the lower rates found in a more recent review.").

revocation of an order would not be likely to lead to a continuation or recurrence of sales at LTFV.³²

Regarding the margin of dumping likely to prevail, in the *Final Modification for Reviews*, Commerce announced that in five-year (*i.e.*, sunset) reviews, it will not rely on weighted-average dumping margins that were calculated using the zeroing methodology that was the subject of the *Final Modification for Reviews*.³³ However, Commerce explained in the *Final Modification for Reviews* that it “retain{s} the discretion, on a case-by-case basis, to apply an alternative methodology, when appropriate” in both investigations and administrative reviews pursuant to section 777A(d)(1)(B) of the Act.³⁴ In the *Final Modification for Reviews*, Commerce stated that “only in the most extraordinary circumstances” would it rely on margins other than those calculated and published in prior determinations.³⁵ Commerce further stated that, apart from the “most extraordinary circumstances,” it would “limit its reliance to margins determined or applied during the five-year sunset period that were not determined in a manner found to be WTO-inconsistent” and that it “may also rely on past dumping margins recalculated pursuant to Section 129 proceedings, dumping margins determined based on the use of total AFA, and dumping margins where no offsets were denied because all comparison results were positive.”³⁶

VI. DISCUSSION OF THE ISSUES

1. Likelihood of Continuation or Recurrence of Dumping

Sun Chemical’s Comments

Sun Chemical claims that there will be material injury to the domestic CVP-23 industry if the *Orders* are revoked, and that dumping of CVP-23 from India and China is likely to recur if the *Orders* are revoked.³⁷ Sun Chemical argues that shipments of CVP-23 from India and China have declined since the *Orders* were imposed, and that revocation of the *Orders* would likely lead to increased imports of CVP-23 from India at unfairly low prices.³⁸

Sun Chemical argues that dumping of CVP-23 from India and China has continued at above *de minimis* levels since the issuance of the *Orders*.³⁹ Specifically, Sun Chemical states that for India, despite 0.00 percent margins found for respondent Pidilite in the 2016-2017 and 2017-2018 administrative reviews, the margin for respondent Alpanil Industries (and its successor, Meghmani Pigments) is 66.59 percent, and the all-others margin continues to be 44.80 percent.⁴⁰ For China, Sun Chemical states that the final results of the 2006-2007 administrative review

³² See *Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007), and accompanying IDM at Comment 1.

³³ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

³⁴ *Id.* 77 FR at 8102, 8105, and 8109.

³⁵ *Id.*

³⁶ *Id.*

³⁷ See India Substantive Response at 3; China Substantive Response at 3.

³⁸ See India Substantive Response at 5; China Substantive Response at 5.

³⁹ See India Substantive Response at 8; China Substantive Response at 8.

⁴⁰ See India Substantive Response at 8.

assigned the China-wide rate of 241.32 percent to all eleven companies under review, and that the original mandatory respondents, as well as most other producers/exporters of CVP-23 from China are subject to an above-*de minimis* margin.⁴¹

Sun Chemical further argues that revocation of the *Orders* is improper because imports of CVP-23 from India and China have declined considerably since the *Orders* were imposed.⁴² Sun Chemical cites the general decline in import volume since the issuance of the *Orders*, as well as the circumstances demonstrating that dumping would resume if the *Orders* were revoked, in support of its argument that Commerce should not revoke the *Orders*.⁴³

Commerce's Position

Consistent with the guidance provided in the SAA, the House Report, and the Senate Report, Commerce's determination regarding likelihood of continuation or recurrence of dumping will be made on an order-wide basis.⁴⁴ In addition, Commerce will normally determine that revocation of an AD order is likely to lead to continuation or recurrence where: (1) dumping continued at any level above *de minimis* after the issuance of the order; (2) imports of the subject merchandise ceased after the issuance of the order; or (3) dumping was eliminated after the issuance of an order and import volumes for the subject merchandise declined significantly.⁴⁵ According to the SAA, the existence of dumping margins after the order "is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed. If imports cease after the order is issued, it is reasonable to assume that the exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping."⁴⁶ In addition, "{d}eclining import volumes accompanied by the continued existence of dumping margins after the issuance of an order may provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes."⁴⁷ Alternatively, the legislative history provides that declining (or no) dumping margins accompanied by steady or increasing imports may indicate that foreign companies do not have to dump to maintain market share in the United States and that dumping is less likely to continue or recur if the order were revoked.⁴⁸

As noted above, when analyzing import volumes for second and subsequent sunset reviews, Commerce's practice is to compare import volumes during the year preceding initiation of the underlying investigation (*i.e.*, 2002 for these reviews) to import volumes since the issuance of

⁴¹ See China Substantive Response at 8.

⁴² See India Substantive Response at 8; China Substantive Response at 8.

⁴³ See India Substantive Response at 10; China Substantive Response at 10.

⁴⁴ See SAA at 879; *see also* House Report at 56.

⁴⁵ See SAA at 889-890; *see also* House Report at 63-64; and Senate Report at 52.

⁴⁶ See SAA at 890.

⁴⁷ See SAA at 889.

⁴⁸ See SAA at 889-90; *see also* House Report at 63; and Senate Report at 52.

the last continuation notice.⁴⁹ The last continuation notice for these sunset reviews was issued on November 17, 2015.⁵⁰ Therefore, for these sunset reviews, we compared import volumes in 2002 to import volumes during the 2015 through 2019 sunset review period.⁵¹ The import volumes are based on import data collected by the U.S. Census Bureau and available through ITC's website (ITC Dataweb).⁵² These data are acceptable for our analysis, as they were obtained from the ITC Dataweb, a source Commerce has relied on in the past.⁵³ Furthermore, Commerce examined the weighted-average dumping margins in effect to determine whether dumping continued at above *de minimis* levels during the sunset review period. As noted above, in accordance with the *Final Modification for Reviews*, Commerce did not rely on weighted-average dumping margins that were calculated using zeroing.

India

We examined import statistics for the relevant period, which show that imports for CVP-23 from India ranged from 134,292 kilograms in 2015 to 19,707 kilograms in 2019, after the completion of the second sunset review in 2015.⁵⁴ Although import volumes in two years of this sunset review period were greater than import volumes in 2002, the three most recent years showed a decline in import volumes.⁵⁵ Additionally, the *India Order* remains in effect for all Indian producers and exporters of CVP-23 and, as stated above, Commerce found company-specific dumping margins of 27.23 percent and 66.59 percent and an all-others dumping margin of 44.80 percent in the LTFV investigation.⁵⁶ The all-others rate was calculated by averaging the company-specific weighted-average dumping margins, excluding zero and *de minimis* margins and any margins determined entirely on facts available, as required under section 776 of the Act.⁵⁷ The company-specific margins were calculated without using the zeroing methodology and, therefore, all margins determined in the investigation are consistent with the *Final Modification for Reviews*.⁵⁸ Furthermore, the final company-specific dumping margin in the 2015-2016 administrative review was above *de minimis* and consistent with the *Final Modification for Reviews*.⁵⁹ As such, we find that dumping continued at a level above *de minimis* after the *India Order* was issued and, pursuant to section 752(c)(1) of the Act, we find that dumping would likely continue or recur if the *India Order* was revoked.

⁴⁹ See, e.g., *Ferrovanadium from the People's Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders*, 79 FR 14216 (March 13, 2014), and accompanying IDM at "Legal Framework" section.

⁵⁰ See *Second Continuation Notice*.

⁵¹ See Attachment.

⁵² *Id.*

⁵³ See, e.g., *Circular Welded Carbon-Quality Steel Line Pipe from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order*, 79 FR 19052 (April 7, 2014), and accompanying IDM at 5.

⁵⁴ See Attachment.

⁵⁵ *Id.*

⁵⁶ See *India Final Determination* and *India Order*.

⁵⁷ See *India Order* and *China Order*; see also *Second Continuation Notice*.

⁵⁸ *Id.*

⁵⁹ See *Carbazole Violet Pigment 23 from India: Final Results of Antidumping Duty Administrative Order*, 83 FR 15788 (April 12, 2018).

China

We examined import statistics for the relevant period, which show that imports for CVP-23 from China ranged from 136,841 kilograms in 2015 to 13,683 kilograms in 2019, after the completion of the second sunset review in 2015.⁶⁰ Each year between 2015 and 2019 showed a decline in import volumes, as compared to 2002.⁶¹ Additionally, the *China Order* remains in effect for all Chinese producers and exporters of CVP-23 and, as stated above, Commerce found company-specific dumping margins between 12.46 percent and 85.41 percent, and a China-wide rate of 241.32 percent in the LTFV investigation.⁶² The China-wide rate was calculated using adverse facts available, based on the export price provided in the original petition and the highest company-specific normal value in the amended final determination.⁶³ The company-specific margins were calculated without using the zeroing methodology and, therefore, all margins determined in the investigation are consistent with the *Final Modification for Reviews*.⁶⁴ Furthermore, the final company-specific dumping margin in the 2007-2008 administrative review was above *de minimis* and consistent with the *Final Modification for Reviews*.⁶⁵ As such, we find that dumping continued at a level above *de minimis* after the *China Order* was issued and, pursuant to section 752(c)(1) of the Act, we find that dumping would likely continue or recur if the *China Order* was revoked.

2. Magnitude of the Margins Likely to Prevail

Sun Chemical's Comments

Sun Chemical states that Commerce should report to the ITC the China-wide dumping margin of 241.32 percent and the India all-others dumping margin of 44.80 percent that were determined in the LTFV investigations, as amended.⁶⁶ Sun Chemical argues that these margins represent the best evidence of the behavior of the applicable producers and exporters without the discipline of the *Orders*.⁶⁷

Commerce's Position

Pursuant to section 752(c)(3) of the Act, Commerce shall provide the ITC with the magnitude of the margin of dumping that is likely to prevail if an order were revoked. Normally, Commerce prefers selecting a margin from the LTFV investigation because it is the only calculated dumping

⁶⁰ See Attachment.

⁶¹ *Id.*

⁶² See *China Final Determination*; see also *China Amended Final Determination*.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ See *Carbazole Violet Pigment 23 from the People's Republic of China: Final Results of the Antidumping Duty Administrative Review*, 75 FR 36630 (June 28, 2010) (*China 2007-2008 Final Results*) (finding a dumping margin of 30.72 percent for Trust Chem Co., Ltd. and continuing the China-wide rate of 241.32 percent). Pursuant to court remand, Commerce subsequently reconsidered the methodology used to calculate Trust Chem Co., Ltd.'s margin in *China 2007-2008 Final Results*. No changes to the methodology were made in Commerce's redetermination. See *Results of Redetermination Pursuant to Court Remand: Carbazole Violet Pigment 23 from the People's Republic of China, Trust Chem Company Limited v. United States*, Court No. 10-00214, Slip Op. 11-97 (CIT August 3, 2011).

⁶⁶ See India Substantive Response at 9-10; China Substantive Response at 9-10.

⁶⁷ See India Substantive Response at 9-10; China Substantive Response at 9-10.

margin that reflects the behavior of manufacturers, producers, and exporters without the discipline of an order or suspension agreement in place.⁶⁸ Under certain circumstances, however, Commerce may select a more recently calculated margin to report to the ITC. As explained above, in accordance with the *Final Modification for Reviews*, Commerce will not rely on weighted-average dumping margins that were calculated using the zeroing methodology.⁶⁹

India

After considering the dumping margins determined in the investigation and the subsequent administrative reviews, we find that, as an indication of the magnitude of the margins likely to prevail, it is appropriate to provide the ITC with the margins determined in the LTFV investigation because those margins reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. As noted above, the relevant calculations are calculated without zeroing. As a result, we will report the dumping margin likely to prevail, as listed in the “Final Results of Sunset Reviews” section of this memorandum, to the ITC.

China

After considering the dumping margins determined in the investigation and the subsequent administrative reviews, we find that, as an indication of the magnitude of the margins likely to prevail, it is appropriate to provide the ITC with the margins determined in the LTFV investigation because those margins reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Specifically, as discussed above, the China-wide rate was calculated without zeroing. As a result, we will report the margin of dumping likely to prevail, as listed in the “Final Results of Sunset Reviews” section of this memorandum, to the ITC.

VII. FINAL RESULTS OF SUNSET REVIEWS

We determine that revocation of the *Orders* on CVP-23 from India and China would likely lead to continuation or recurrence of dumping and that the magnitude of the dumping margins likely to prevail would be weighted-average margins of up to 44.80 percent for India and up to 241.32 percent for China.

⁶⁸ See SAA at 890.

⁶⁹ See *Final Modification for Reviews*, 77 FR at 8103.

VIII. RECOMMENDATION

Based on our analysis of the substantive response received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of this review in the *Federal Register* and notify the ITC of our findings.



Agree



Disagree

1/29/2021

X



Signed by: CHRISTIAN MARSH

Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance

Attachment

CVP-23: First Unit of Quantity by Country Name and First Unit of Quantity for CVP-23

U.S. Imports for Consumption

Annual Data
(In Actual Units of Quantity)

Country	Quantity Description	2002	2015	2016	2017	2018	2019
China	kilograms	227,270	136,841	96,767	96,617	43,470	13,683
India	kilograms	27,823	134,292	27,861	26,811	20,267	19,707

Sources: U.S. ITC Dataweb. Data on this site have been compiled from tariff and trade data from the U.S. Department of Commerce and the U.S. International Trade Commission.