

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

**Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
Jeevan Tara Building, 5, Parliament Street
New Delhi 110001**

Date: 19th November, 2014

NOTIFICATION

Final Findings

Subject: Anti-Dumping Investigation concerning import of “Graphite Electrodes of all diameters” originating in or exported from China PR

F.No.14/02/2013-DGAD - Having regard to the Customs Tariff Act, 1975 as amended in 1995 (hereinafter 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 referred to as the Rules).

BACKGROUND

1. The Designated Authority, in the Ministry of Commerce and Industry, Department of Commerce, Govt. of India, (hereinafter referred to as “the Authority”) had received a written application from M/s HEG Ltd. and M/s Graphite India Ltd. (hereinafter also referred to as the petitioners or the applicants) alleging dumping of Graphite Electrode of all diameters (hereinafter referred to as subject goods) from China PR (hereinafter referred to as subject country) and consequent injury to them and requesting for initiation of an Antidumping investigation in accordance with the Rules. Preliminary scrutiny of the application revealed certain deficiencies, which were subsequently rectified by the Applicants. The application was, thereafter, considered as properly documented.
2. The Authority, on the basis of sufficient evidence submitted by the applicants on behalf of the domestic industry, issued a public notice dated 20th May, 2013, published in the Gazette of India, Extraordinary, initiating an anti-dumping

investigation concerning imports of the subject goods, originating in or exported from the subject country, in accordance with the sub-Rule 6(1) of the Rules, to determine the existence, degree and effect of alleged dumping and consequent injury to the domestic industry and to recommend imposition of anti-dumping duty, if so required, to remove the injurious effects of dumping, if any.

A. PROCEDURE

3. The Procedure described below has been followed with regard to this investigation:
 - i. The Authority notified the Embassy of the subject country in India about the receipt of the application before proceeding to initiate the investigation in accordance with sub-Rule 5(5) of the Anti-dumping Rules.
 - ii. The Authority issued a public notice dated 20th May, 2013, published in the Gazette of India, Extraordinary, initiating Anti Dumping investigation concerning imports of the subject goods, originating in or exported from the subject country.
 - iii. The Authority forwarded copies of the public notice to all known exporters and industry associations in the subject country (whose details were made available by the applicants) and gave them opportunity to make their views known in writing in accordance with the Rule 6(2) of the Anti-dumping Rules.
 - iv. The Authority also forwarded copies of the public notice to all the known importers of the subject goods in India (whose details were made available by the applicants) and advised them to make their views in writing within forty days from the date of the letter.
 - v. The Authority provided copies of the Non-confidential version of the application of the domestic industry to the known exporters and the Embassy of the subject country in India in accordance with Rule 6(3) of the Anti-dumping Rules. Copies of the application were also made available to other interested parties, upon request.
 - vi. The Authority sent questionnaires to the following known exporters in subject country in accordance with Rule 6(4) of the Anti- dumping Rules to elicit relevant information:
 - a) M/s CIMM Donghai Advanced Carbon Co., Ltd
 - b) HTU Industrial Inc.
 - c) Sichuan Shuangyou Carbon Industry CO., Ltd
 - d) Fushun Carbon Co. Ltd
 - e) Nantong Jiangdong Carbon Co., Ltd

- f) Jilin Carbon (Sinosteel Jilin Carbon Co. Ltd.)
- g) Anssen Metallurgy Group
- h) Kaifeng Carbon Co., Ltd
- i) M/S Fangda Carbon New Material Co., Ltd
- j) Carbon I/E Co Ltd
- k) Shida Carbon Group Co., Ltd
- l) Sinotech (Dalian) Carbon & Graphite Manufacturing Corporation

vii. The Authority received questionnaire response from the following producers/exporters in the subject country:

- a) M/s. Sinosteel Zhejiang Co., Ltd.
- b) M/s. Jilin Carbon Import and Export Company
- c) M/s. Sinosteel Jilin Carbon Co., Ltd.
- d) M/s. Linyi County Lubei Carbon Co., Ltd.,(Producer), China PR
- e) M/s. Shandong Basan Carbon Plant (Producer) China PR
- f) M/s. Fushun Oriental Carbon Co., Ltd.
- g) M/s. Anssen Metallurgy Group Co., Ltd., (Exporter) China PR,
- h) M/s Nantong Yangzi Carbon Co., Ltd. (“Nantong Yangzi”)
- i) M/s Sichuan Guanghan Shida Carbon Co.,Ltd. (“Shida Carbon”)
- j) M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group
- k) M/s Kaifeng Carbon Co., Ltd.
- l) M/s Fushan Oriental Carbon Co Ltd.
- m) M/s Liaoyang Carbon Co Ltd
- n) M/s Linghai Hongfeng Carbon products co Ltd.
- o) M/s Jinnai Carbon (HK) Co. Ltd
- p) M/s Fushan Carbon Co. Ltd
- q) M/s Fangda Carbon New Material Co Ltd
- r) M/s. CIMM Group Co., Ltd., (“CIMM”) China PR
- s) M/s CIMM Donghai Advanced Carbon Co., Ltd.

viii. The Authority has also received a submission on initiation from China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME).

ix. Questionnaires were sent to the following known importers/users of subject goods in India calling for necessary information in accordance with Rule 6(4) of the Anti-dumping Rules:

- a) SAIL, Alloy Steel Plant
- b) Bhushan Steel Ltd.
- c) Bhushan Ltd.
- d) SAIL, Bhilai Steel Plant
- e) SAIL, Bokaro Steel Plant
- f) Visvesvaraya Iron & Steel Plant
- g) SAIL, Rourkela Steel Plant
- h) Sunflag Iron & Steel Co.Ltd.
- i) Jindal Steel & Power Ltd.
- j) Jindal Vijaynagar Steel Ltd.
- k) Jindal Stainless Ltd.
- l) Lloyd Steel Inds. Ltd.
- m) Mukand Ltd.
- n) SAIL, Durgapur Steel Plant
- o) JSW Ispat Steel
- p) ISMT Limited
- q) Bhushan Power & Steel Ltd.

x. The following importers have submitted response in the form and manner prescribed in the importers questionnaire:

- i. SAIL, Alloy Steel Plant
- ii. SAIL, Bhilai Steel Plant
- iii. SAIL, Bokaro Steel Plant
- iv. Visvesvaraya Iron & Steel Plant
- v. SAIL, Rourkela Steel Plant
- vi. SAIL, Durgapur Steel Plant
- vii. ISMT LIMITED

xi. The Authority made available non-confidential version of the evidences presented by various interested parties in the form of a public file kept open for inspection by the interested parties.

xii. Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) and DG Systems to arrange details of imports of the subject goods for the past three years, including the period of investigation. The

transaction wise import data received from the DGCI&S has been relied upon by the Authority in this Finding. The transactions wise data received from DG systems as well as data received from co-operating importers have been used for cross-checking the data submitted by the interested parties in their responses.

- xiii. The cost of production and cost to make and sell the subject goods in India based on the information furnished by the applicant and on the basis of Generally Accepted Accounting Principles (GAAP) was worked out in accordance with Annexure III of the Anti Dumping Rules so as to ascertain if anti-dumping duty lower than the dumping margin would be sufficient to remove injury to Domestic Industry.
- xiv. Information provided by interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted and such information has been considered confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis was directed to provide sufficient non confidential version of the information filed on confidential basis.
- xv. On the spot verification of the information provided by the interested parties was carried out to the extent considered necessary by the Authority.
- xvi. Investigation was carried out for the period starting from 1st January 2012 to 31st December 2012 (POI). The examination of trends, in the context of injury analysis, covered the period from April 2009-March 2010, April 2010-March 2011 April, April 2011-March 2012 and the POI.
- xvii. The Authority held a public hearing on 16th July, 2014 to provide an opportunity to the interested parties to present relevant information orally, which was attended by the domestic industry and other interested parties. The parties attending the public hearing were advised to file written submissions of the information presented orally. Interested parties were also provided opportunity for making rejoinder submissions on the views expressed by opposing interested parties. The Authority has considered the written submissions and rejoinders received from the interested parties, to the extent found relevant and they have been addressed at relevant places in this disclosure statement.
- xviii. The Central Government, upon the request of the Authority, has extended the time period to complete this investigation and notify the final findings till 19th November, 2014.
- xix. The Authority disclosed the essential facts of the case to all interested parties in the form of a disclosure statement on 28th October 2014. The interested parties

were given an opportunity to comment on various aspects of the investigations disclosed in the statement by 3rd November 2014. The comments received from the interested parties, to the extent they are relevant and duly substantiated, have been considered and addressed in this finding at appropriate places.

xx. “***” in this Finding represents information furnished by the interested parties on confidential basis and so considered by the Authority under the Rules.

xxi. The exchange rate adopted for the POI is 1 US \$ =Rs 53.69

B. Product Under Consideration and Like Article

4. The product under consideration as defined in the initiation notification read as follows:

“The product under consideration for the purpose of present investigation is “Graphite Electrodes of all diameters” from China PR. The main function of Graphite Electrodes is to be used for melting of steel by passing electric current into the charge fed into the furnaces. This method of steel making is also known as secondary steel making. Graphite Electrodes are used in arc furnaces as current carrying conductors and are required to carry a very high rate of power feed. Graphite electrodes can be broadly categorized as Ultra High Power (UHP) and others which include the High Power Grade (HPG) and Normal Power Grade (NPG). Accordingly, they are required to have properties capable for taking such high current and power feeds and classified under chapter heading 85.45”.

5. The interested parties have raised certain issues with respect to the scope of the product under consideration which have been examined as follows:

B.1 Views of the other interested parties comprising exporters, importers and others

6. China Chamber of Commerce for Import and Export of Machinery and Electronic Products (hereinafter referred to as “CCCME”), which is a nationwide chamber of commerce in machinery and electronics sector, has submitted that definition of PUC in the initiation notification is an attempt to include each and every type of Graphite Electrodes whatsoever into the ambit of anti-dumping duties without differentiation of the diameters, lengths, grades, powers, quality, etc. It is further submitted that power grade and diameter have an impact on the production of the Product under Consideration and on their uses as perceived by customers and users as well as on the costs and prices.

7. CCCME also requested to exclude those diameters from the scope of the PUC

which have not been manufactured by the domestic industry during the POI. It has cited the extracts of the final finding of DGAD in the case of Graphite Electrode from Brazil and Poland. Specifically, it has requested to exclude UHP grade with diameter equal to or larger than 700mm from the scope of the PUC.

8. It has also been submitted that UHP and Non UHP are not like article as raw materials and production process are different. Also, technical properties and commercial end use are different.
9. It has also been submitted that Cumulating UHP and Non-UHP as a single product is erroneous and PUC determined is too wide without any differentiation of diameters, lengths, grades etc. They have also drawn the attention of the Authority with regard to practices followed by the Authority in the earlier investigations.
10. It has also been submitted that since the product under consideration comprises of two grades/types in the electrodes market, separate injury analysis including dumping and injury margin should be made by the Authority.
11. In their post disclosure submissions, CCCME has argued that the issues raised around the PUC in the present investigation stands have not been addressed properly in the disclosure and has reiterated its earlier submissions once again. It has been argued that as per the National Standard of the PRC, Graphite Electrodes can be categorized into Regular Power (RP), High Power (HP), High Density (HD), Super High Power (SHP) and Ultra High Power (UHP). CCCME has submitted that under such circumstances classification of PUC to include all grades and later to conduct an injury examination by categorizing them into UHP and Non UHP is highly inappropriate. The factor of price differences between grades stands unaddressed by the Authority and inclusion of different grades of products of extreme price differences, under one PUC definition, needs reconsideration by the Authority.
12. In the post disclosure submissions, M/s Economic Law Practice has made the following submissions on behalf of M/s ISMT Limited in respect of product under consideration and like article issues:
 - That the Hon'ble Designated Authority has erroneously concluded that UHP and Non-UHP subject goods are "like articles". It is respectfully submitted that the two grades are not technically and commercial substitutable and there are significant differences in commercial end-use applications, consumer requirement and perception;
 - That in the earlier investigation the Initiation Notification No. ADD/IW/43 dated 30th September, 1996 concerning the *Initiation of anti dumping investigations concerning import of Graphite Electrodes from USA, People's*

Republic of China, Germany, Belgium, Austria, France, Spain and Italy specifically considered UHP and Non-UHP, i.e., H/NPG as separate and distinct products;

- That since the Hon'ble Designated Authority has already made an earlier order that UHP and Non-UHP graphite electrodes are not 'like articles' which is the admitted and accepted position of the Domestic Industry. In the present investigation, there are no new factual developments which can affect the said factual or legal position and the deviation from its own earlier order, concerning the same products, is a grave error on the face of record;
- It has been further argued that the matter has been examined by the Appellate Tribunal and the Hon'ble CESTAT proceeded to uphold the treatment of UHP and Non-UHP graphite electrodes to not be 'like articles' and agreed with the differential duties applied on the two;
- That it is settled law that in order to determine products to be '*like articles*' the Hon'ble Designated Authority is liable to examine several parameters such as manufacturing process, technical and commercial substitutability, interchangeability, commercial end-use or applications and consumer perception and requirements. In this regard various factors will lead to an irrefutable conclusion that indeed both UHP and Non-UHP are distinct and different and thus cannot be considered as '*like article*';

B.2 Views of the Domestic Industry

13. The domestic industry, in its various submissions, has refuted the above arguments of the interested parties and has submitted that Graphite Electrodes can be broadly categorized into two grades i.e., Ultra High Power (UHP) and Non-UHP which includes the High Power Grade (HP or HPG) and Normal Power Grade (NPG). The Domestic Industry has submitted that the Product under Consideration (PUC) merely defines the scope of the products under investigation. All imports from the subject country can be categorized into UHP and Non-UHP electrodes even though the nomenclature may vary. Further, it has submitted that for this reason only Domestic Industry has provided the cost and price information on a per ton basis for UHP and Non-UHP grade separately so as to address differences in terms of diameter, grades, quality etc. on the costs and prices for proper comparison.
14. It has been argued that the claims of the interested parties that cumulating UHP and Non-UHP as a single product is erroneous and PUC determined is too wide, is without any legal or logical basis. The domestic industry reiterates that all the imports from the subject country can be categorized as UHP and Non-UHP electrodes even though the nomenclature within a particular category may vary. For instance, the Non-UHP electrodes may include different sub-sets / types like

RPG, HPG, etc. It has also been submitted that there are no standard specifications which can conclusively differentiate amongst these sub-sets / types. At the same time, the nomenclature may also vary from manufacturer to manufacturer. It has been submitted that Graphite Electrodes, irrespective of whether they are UHP or Non-UHP, remain electrodes and fulfill all the requirements to be classified under the broad category of "Graphite Electrodes" which is the PUC and interested parties have also not provided any evidence in the form of international standards etc., to substantiate their claims in this context.

15. It has been further submitted that the proposition of the interested parties that the UHP and Non-UHP are different products and could not have been combined for the purpose of this investigation is not correct. It has also been added that there is no requirement under law or in jurisprudence that all the sub-sets / types or sub-sets of the PUC should be absolutely homogenous for them to be covered under the same PUC and the same investigation and it is for this reason only that the Authority had never in the past accepted this proposition and, accordingly, whenever there are sub-sets/types of any PUC, the PUC is always defined as a single product. In support of their contention, the domestic industry has cited the AD investigation concerning ARW from China and others, solar cells from Malaysia and others, insulators from China PR wherein the PUC contained various types or sub-sets which are not *inter se* homogenous or comparable.
16. It has been submitted that claim for exclusion of subject goods of diameter equal to or more than diameter of 700 mm made by CCCME is baseless and without any merit. In order to support their contention, Domestic Industry had enclosed the invoices of the sales of subject goods of diameter of 700mm and above made by the applicants. Further, it has submitted that Electrodes above 700mm are very much a part of the product range of the Domestic Industry though the demand of electrodes above 700mm is very sporadic. The Domestic Industry has argued that the invoices submitted by them prove beyond doubt that the Domestic Industry have not only the capability of producing electrodes above 700mm but has, in fact, supplied it whenever such orders have been placed. Moreover at the same time, Domestic Industry has requested that CCCME should be compelled to provide information with regard to the actual export data of 700mm and above electrodes as well as full details of the market demand in the country. Domestic Industry has argued that the Authority should not allow such claims which are not backed by any factual data or the legal authority. Accordingly, Domestic Industry has requested to summarily reject the claims of exclusion of subject goods of diameter equal to or more than diameter of 700 mm made by CCCME.

B.3 Examination of the Authority

17. The Authority has noted the arguments of the interested parties and the domestic industry with respect to the scope of the product under consideration and like article, including the post disclosure submissions made on behalf of few interested parties. The investigation was initiated with the product under consideration as “Graphite Electrodes of all diameters”. The Authority notes that Graphite Electrodes can be broadly categorized into two grades i.e. Ultra High Power (UHP) and Non-UHP which includes the High Power Grade (HPG), and Normal Power Grade (NPG). During the investigation, it has been noted that the imports of Non-UHP subject goods include Regular Power Grade (also known as RP Grade).
18. The issues raised by CCCME for excluding subject goods of diameter equal to or more than 700 mm from the ambit of the product under consideration have been examined. It is noted that the domestic industry has indeed manufactured and sold Graphite Electrodes of diameter equal to and more than 700 mm. They have furnished some sample invoices of the sales done in support of their claims. The Authority also notes that none of the exporters, importers or the end-users has asked for such exclusion with necessary evidence. The import data of DGCI&S also does not indicate imports of electrodes over 700mm during the period under consideration. As such, claim of exclusion by CCCME is without any merit. Accordingly, the Authority accepts the claim of the Domestic Industry that subject goods of diameter equal to and more than 700 mm are very well within its product range and hence cannot be excluded.
19. As regards the arguments of the interested parties that UHP and Non-UHP electrodes are not like articles and therefore, should not have been covered under the same investigation and the practices followed by the Authority in the earlier investigation in respect of the same product, The Authority notes that both product types fall under the same broad product description and are used in arc furnaces for making steel though the power ratings and capacities varies. It is also noted that UHP and Non-UHP electrodes have similar chemical properties and their production process and uses are broadly similar. UHP Electrodes have lower electrical resistivity and higher current capacity. Both the types are used in similar applications for generating electric arc in the process of steel making in the electrical arc furnaces. They are clearly two product types. However, the arguments of the interested parties have been tested in the context of jurisprudence on the subject. In this connection the Authority notes that WTO Panel in its Report No. WT/DS337/R dated 16th November 2007 against imports of Farmed Salmon from Norway dealt on the subject of internal homogeneity of product types within the scope of product under consideration and concluded as under:

"7. of dumping can only be made through a comparison of "the prices of an exported product – referred to as the 'product under consideration' – and a 'like product', Norway provides no analysis of the text of this provision. Moreover, Norway identifies no explicit obligation in the text of Article 2.1 to support its claim that the "product under consideration" must consist of a single, internally homogeneous, product or, alternatively, categories that are each individually "like" each other so as to constitute a single homogenous product.

7.48 We agree that Article 2.1 refers to "a product" as being dumped, but cannot agree that there is any obligation concerning the scope of that product in that provision. There is simply nothing in the text of Article 2.1 that provides any guidance whatsoever as to what the parameters of that product should be. The mere fact that a dumping determination is ultimately made with respect to "a product" says nothing about the scope of the relevant product. There is certainly nothing in the text of Article 2.1 that can be understood to require the type of internal consistency posited by Norway._

7.49 At the same time, other provisions of the AD 47 Beyond stating that the language of Article 2.1 reveals that a determination Agreement, relevant as context, suggest that whatever the parameters of "a product" in Article 2.1 may be, the concept is not so limited as Norway argues. For instance, Article 6.10 provides for limited examination in cases where the number of "types of products involved" is so large as to make it impracticable to determine an individual margin of dumping. Similarly, the Appellate Body has recognized that an investigating authority may divide a product into groups or categories of comparable goods for purposes of comparison of normal value and export price – the practice of "multiple averaging". Neither of these would be necessary if Norway's view of the meaning of "a product" in Article 2.1 were the only permissible interpretation. There would be no possibility of investigating more than one "type of product" as mentioned in Article 6.10, and no reason to group comparable goods for purposes of making price comparisons for each group in the process of calculating a single dumping margin for the product as a whole. These considerations lead us to conclude that, while Article 2.1 establishes that a dumping determination is to be made for a single product under consideration, there is no guidance for determining the parameters of that product, and certainly no requirement of internal homogeneity of that product, in that Article.

7.68 Thus, we conclude that, contrary to Norway's claim, product under consideration is made up of categories of Articles 2.1 and 2.6 of the AD Agreement do not establish an obligation on investigating authorities to ensure that where the products, all such categories of products must individually be "like" each other, thereby constituting a single "product".

20. The above observations clearly establish that there is no requirement of internal homogeneity of the product under consideration in an Anti Dumping investigation and various product types included in an investigation need not be *inter se* like articles within the meaning of the term in AD Rules. The determination of like article is required to be with respect to the product being dumped and domestic product and not *inter se* between various product types within the product under consideration. It is noted that UHP and Non-UHP electrodes are clearly treated as two types of Graphite Electrodes by the exporters as well as domestic industry and the responding exporters have clearly responded with information for these two types of electrode. The initiation notification also clearly mentioned that they are being treated as two product types and all dumping and injury examination has been done at product type levels for a like to like comparison. Therefore, Authority concludes that they have been rightly treated as two product types within the scope of product under consideration.
21. As regards the differences on account of grades and dimensions of the product under consideration, it is noted that all imports from the subject country can broadly be categorized into UHP and Non-UHP electrodes even though within Non UHP, the nomenclature may vary. It is also noted that there are no international standard specifications which can conclusively differentiate amongst these sub-sets / types for example RP grade, high power grade, SHP grade etc. It is also noted that after initiation of the investigation, all the exporters have submitted information in terms of 2 sub-types of Graphite Electrodes i.e. UHP and Non-UHP grade. Moreover, the Authority could not come across any major differences in the raw material, production process, physical and chemical characteristics and broad uses of these different electrodes. With regard to the other parameters like density, current carrying capacity, resistivity etc., it is also noted that there are no clear dividing lines between these grades as there are overlaps in the various physical parameters.
22. The Authority further notes that the Domestic Industry has provided the cost and price information on a per ton basis for UHP and Non-UHP grade separately so as to address differences in terms of diameter, grades, quality etc. on the costs and prices for proper like to like comparison to the extent possible. With regard to separate analysis and determination of dumping and injury margin of both types, it is noted that the Authority has carried out separate determination of dumping margin and injury margin for both types before determining dumping and injury margins for product under consideration as a whole, i.e. Graphite Electrodes. Similarly, the price effect analysis has also been carried out for both types before combining them for product under consideration.
23. In view of the above, the Authority holds that the argument of the interested parties that the product scope is too wide and the UHP and Non-UHP electrodes

cannot be combined, is without any legal basis. The description of the Product under Consideration is wholly in line with the legal provisions and the jurisprudence on the issue. Therefore, the Authority confirms the product under consideration as defined in initiation notification.

24. With regard to like article, Rule 2(d) of the Anti-dumping Rules provides as under:

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation."

25. After considering the information on record, and submissions made by various interested parties and questionnaire response of responding exporters the Authority finds that there is no known difference in the subject goods produced by the domestic industry and that imported from the subject country within their respective product types. The subject goods produced by the domestic industry and the subject goods imported from subject country, within their respective product types, are comparable in terms of characteristics such as physical and chemical characteristics, manufacturing process and technology, functions and uses, product specifications, distribution and market & tariff classification of the goods. The consumers are using the two interchangeably. It is further noted that the PUC is being imported into India with different nomenclatures. Mere difference in the nomenclature of the subject goods does not make the imported goods different and non-substitutable with the goods produced by the domestic industry. The Authority, on the basis of the examination, holds that the subject goods produced by the domestic industry is like article to the goods imported or produced in subject country within the meaning of the Rules.

C. Domestic Industry and Standing

26. Rule 2(b) of the AD Rules defines domestic industry as under: -

"domestic industry" means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term 'domestic industry' may be construed as referring to the rest of the producers"

27. The application has been filed jointly by M/s HEG Ltd. and M/s Graphite India Ltd. It is also noted that applicants/petitioners are the only

producers/manufacturers of the domestic like product in the country. The Authority notes that the petitioners account for 100% of the total Indian production. It is further noted that none of petitioners have imported the product under consideration nor are they related to any importer or exporter of the product under consideration. The petitioners, therefore, constitute 'Domestic Industry' in terms of Rule 2(b) of the AD Rules. It is also noted that the application, having been made by or on behalf of the domestic industry, satisfies the requirements of 'standing' under Rule 5 of the AD Rules.

D. Miscellaneous Submissions

D.1 Views of the importers/consumers and other interested parties:

28. The following submissions have been made by the various interested parties comprising exporters, importers and other interested parties other than the domestic industry
- i. Manufacturers of the domestic industry are having export orientation and performance of the domestic industry is not driven by Indian situation but depends on the global scenario of steel demand/production and also of steel prices. It is further submitted that production of the steel sector has significantly declined in 2011-12 and POI due to economic crisis.
 - ii. Excessive confidentiality has been claimed by the domestic industry which is completely against the confidentiality provisions provided in the AD Rules. Non-confidential version of the petition is deficient, seriously hampering the rights of interested parties to file the submissions in a comprehensive manner.
 - iii. Domestic industry does not have separate capacity for the Graphite Electrodes as evidenced by their annual reports. Accordingly, they have requested disclosure of the basis on which the capacity for Graphite Electrodes was determined for the purposes of this investigation.
 - iv. Domestic Industry has not disclosed any information in the application with regard to closure of the Bangalore plant of GIL during the POI.
 - v. Hon'ble Authority has arrived at its determination in a number of cases in which market economy treatment has not been sought by any Chinese exporter on the basis a limited response. Accordingly, Fangda and Fushun had filed such a limited response, as required by the EU/EC.
 - vi. There is difference in the quality of the Chinese and Indian product. Accordingly, an adjustment should be made to accommodate the poor quality of the Chinese product as done in the previous investigation.

- vii. It has been claimed that the proceedings are bad in law as the Central Government had granted the extension of time after the expiry of one year from the date of initiation, which is not permitted in terms of Rule 17 of the AD Rules and therefore, investigation is required to be terminated.
- viii. It has been submitted that the petitioner has made substantial changes to the import price by resorting to certain unjustified methodologies to suit their case. It has been requested that import data relied upon by the petitioner should be provided to them to offer meaningful rebuttals.
- ix. It has also been submitted that the petitioner has not exercised any due diligence while analyzing the import information as an import transaction from Malaysia dated 26th June 2010 presumably of 18 MT has been reported as 18542 MT which has evidently frustrated demand and market share associated with figures for the year 2010-11 and for eventual periods. Thus, the credibility of import information as claimed by the petitioner is highly disputed.
- x. With regard to the arguments of the domestic industry that CCCME should not be considered as an interested party in the present investigation, it has been submitted that the claim of the petitioner should be rejected as the same is factually and legally untenable as the fundamental definition of interested party in the WTO anti dumping agreement itself provides for a very liberal definition of the term so that parties showing interest in a particular investigation can fairly be accommodated by the investigating Authorities. It has further been submitted that CCCME is a nationwide industrial and non-profit organization, formed jointly and voluntarily by various economic organizations engaged in manufacturing, import and export and other related activities in machinery and electronic industry. As the only nationwide Chamber of Commerce in Machinery and Electronics Sector, CCCME has nearly 10,000 members, including both leading enterprises and small and medium-sized companies, representing the industry as a whole. According to the provisions in Article 56, Chapter 9 of the Foreign Trade Law of the People's Republic of China, the mission of the Chamber is to provide its members with foreign trade related services in aspects of manufacturing, marketing, information and training, play a positive role in coordination and self-discipline, safeguard the interests of their members and the industry etc. As a registered intermediary organization, CCCME provides its services based on equity, justice and openness, takes in supervision from the Ministry of Civil Affairs and operational guidance from the Ministry of Commerce. It has thus been submitted that they constitute an interested party within the meaning of sub-rule (c) clause (i) of Rule 2 of Anti Dumping Rules. Notwithstanding the above legal provision and without any prejudice, it has been submitted with illustrations that majority of known producers/exporters of subject goods in China PR are members of CCCME.

D.2 Views of the Domestic Industry

29. Domestic industry in its various submissions has inter alia argued that:
- i. That CCCME (China Chamber of Commerce for Import and Export of Machinery and Electronic Products) cannot be considered as an interested party in terms of Rule 2(c) of Anti-dumping Rules, 1995 as only those trader or business associations can participate in any investigation “a majority of the members of which are producers, exporters or importers of such an article”.
 - ii. That CCCME has itself accepted the fact that it is a nationwide industrial and non-profit organization, formed jointly and voluntarily by various economic organizations engaged in manufacturing, import and export and other related activities in machinery and electronic industry. It is a nation-wide chamber of commerce in machinery and electronics sector and it has nearly 10,000 members, including both leading enterprises and small and medium-sized companies, representing the industry as a whole.
 - iii. That such an association would qualify as an interested party in terms of Rule 2(c) of AD Rules, only if a majority of its 10,000 members are either producers, exporters or importers of the concerned article i.e. the Graphite Electrodes. It is seen that there is neither any evidence on record nor even an assertion that CCCME’s majority of membership consists of the eligible entities as mandated in law.
 - iv. That CCCME cannot be considered as an interested party in terms of Rule 2(c) of the Anti-dumping Rules. Accordingly, domestic industry submitted that in such case it is not necessary to offer any comments on the issues raised by CCCME. Domestic Industry reserved their right to offer their comment on the same subject to the decision of the authority on the eligibility of CCCME to participate in the investigation. In their post disclosure submissions the domestic industry has iterated its stand on the status of CCCME’s as an interested party in this investigation.
 - v. That submissions made by the interested party about the alleged export-orientation of the Domestic Industry and the demand of the subject goods being driven by the demand in the steel industry are misplaced and contrary to their own submission. Further, it has been submitted that Domestic Industry has ample surplus capacity to cater the demand of the subject goods in the domestic market. Particularly, in POI the un-utilized capacity was 23%. Furthermore, it has been submitted that the Domestic Industry has left with no option but to tap the global market so as to control their declining profit as dumped imports from the subject country was not allowing the Domestic Industry to increase their sales in the domestic market up to their potential.

- vi. That it is clear from the document submitted by CCCME itself that the demand in the POI has shown an upward trend as can be seen from the excerpts of the World Steel Association. Further, Domestic Industry states that it has not considered the export performance of the petitioner companies while carrying out the injury analysis which is in accordance with the established practice of the Designated Authority. It has been submitted that CCCME has failed to appreciate that in the absence of exports by the Domestic Industry, their condition would have been worse due to higher average cost of production. Further, it is submitted that the domestic sales of the Domestic Industry have increased by 21% only despite the fact that the demand in the domestic market increased by 37% in the POI as compared to the base year. At the same time, substantial surplus capacity was available with the Domestic Industry during POI. This clearly shows the impact of the dumped subject goods from China and also corroborates the views of the Domestic Industry that they have been prevented from increasing their domestic sales to their full potential due to the existence of the dumped imports.
- vii. That it has claimed confidentiality on their business sensitive information with adequate reasons in accordance with the legal provisions and the guidelines being followed by the Authority. The reasons and grounds for claiming confidentiality have been given in the non-confidential version of the application. Thus the claims of the CCCME in this context are without any merit.
- viii. That the capacity for the Graphite Electrodes was determined on the basis of the graphitization capacity of the plant. Further, it has submitted that it is pertinent to note that graphitization is required only for manufacturing Graphite Electrodes and not for other products produced by the applicants.
- ix. That the submission of the CCCME on the closure of the Bangalore plant is a hollow statement and without any substantiation. According to them, the Bangalore plant was fully operational during the entire period of investigation (POI). In support of their contention, they have provided copies of the excise monthly return (ER-1) for the entire POI i.e., January 2012 - December 2012 displaying the monthly production. Further, Domestic Industry has requested to reject such unsubstantiated submissions summarily.
- x. That filing of limited response is the consistent practice of the Authority, in case MET has not been claimed, is without any merit and substantiation. Furthermore, guidelines prescribed in the General Introduction section of the Exporters Questionnaire Format explicitly provides that the exporter is required to fill all the Appendices so as to be treated as co-operative. Therefore, domestic industry has requested the Authority to reject all such responses filed by the exporters that have not filed the complete information as requested in the questionnaire.
- xi. That they have been forced to disclose in absolute terms their actual production,

capacity and domestic sales quantities. Accordingly, domestic industry has requested that actual absolute quantities of the capacity, production and exports sales to India of the exporters during the POI and preceding 3 years should also be provided to the domestic industry.

- xii. That the interested parties have themselves accepted in the public hearing that the product concerned manufactured in China PR is identical and substitutable to the product concerned being produced in India, accordingly, request of the interested party for adjustment in the landed value should be rejected outright.
- xiii. That the claims of the interested parties that the proceedings are bad in law as the Central Government had granted the extension of time after the expiry of one year from the date of initiation, which is not permitted in terms of Rule 17 of AD Rules, is without any legal or logical merit. It has been submitted that there is nothing in the said Rule 17 to suggest that the extension of time ought to have been granted prior to the expiry of the initial period
- xiv. That it has reasons to believe based on its market intelligence that there is significant variation in the export quantities and the corresponding import prices reported to the Indian authorities by certain exporters. Accordingly, domestic industry has requested the Authority to reject such export prices as done by the Authority in the case of ARW [Preliminary Findings No. 14/7/2012-DGAD dated 13.1.2014, paragraphs, 49 to 51] and such exporters should be treated as non-cooperative and not eligible for individual dumping margin.

D.3 Examination by the Authority

30. The submissions made by the interested parties have been analyzed by the Authority as follows:

- a. Rule 2(c) of the AD Rules defines interested party as under:-

"interested party" includes -

- (i) an exporter or a foreign producer or the importer of an article subject to investigation for being dumped in India, or a trader or business association a majority of the members of which are producers, exporters or importers of such an article;*
- (ii) the government of the exporting country; and*
- (iii) a producer of the like article in India or a trade and business association a majority of the members of which produce the like article in India;*

- b. The Authority notes that certain submissions have been made by CCCME on the

initiation of the investigation. CCCME is a nationwide industrial and non-profit organization, formed jointly and voluntarily by various economic organizations engaged in manufacturing, import and export and other related activities in machinery and electronic industry. It is a nation-wide chamber of commerce in machinery and electronics sector and it has nearly 10,000 members, including both leading enterprises and small and medium-sized companies, representing the industry as a whole.

- c. The Authority after examining the contentions of interested parties holds that there is sufficient evidence on record that CCCME constitutes the interested party in terms of Rules and Agreement on Anti Dumping. The Authority has therefore, addressed the issues raised by the said Association in this disclosure statement.
- d. The Authority has examined the claims of the CCCME in the context of the export orientation of the domestic industry and the fact that this industry is driven by steel industry. In this regard, it is noted that during the POI the demand in the country increased by 37% as compared to the base year while the domestic sales increased by only 21% during the same period despite the fact that the Domestic Industry had an un-utilized capacity of 23%. In view of the above, the Authority notes that the claim made by the CCCME is without any merit.
- e. Information provided by interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has granted confidentiality, wherever warranted and such information has been treated as confidential and not disclosed to other interested parties. It is observed that the claims of confidentiality by the interested parties are backed with adequate reasons and is in accordance with the legal provisions and the guidelines of the Authority and the same have been accepted by the Authority. The Authority does not find any merit in the contention of CCCME that the Domestic Industry has claimed excessive confidentiality.
- f. The Authority notes that capacity of the Graphite Electrode has been determined by the Domestic Industry on the basis of graphitization capacity of each plant.
- g. As regards the issue of the closure of the Bangalore plant, the domestic industry has submitted excise production records which show that the plant was operational during the entire period of investigation.
- h. With regard to the claim of one of the interested parties that the proceedings are bad in law as the Central Government had granted the extension of time after the expiry of one year from the date of initiation, which is not permitted in terms of Rule 17 of AD Rules, is without any legal or logical merit. It is noted that there is nothing in the said Rule 17 to suggest that the extension of time by the Central Government ought to have been granted prior to the expiry of the initial period.

Further, it is submitted that the act of extension of period is purely an administrative act and does not vitiate the investigation in any manner.

- i. With regard to the submissions made by one of the interested party that since cooperating sampled producers and exporters have not submitted full response, their response should not be accepted by the Authority, it is noted that after initiation of the investigation and issuance of the exporters questionnaire, the responses filed by one of the exporters were deficient and the complete response was filed by the exporter after the deficiency was pointed out to them.
- j. With regard to the import volume and price of the subject goods from subject countries not being available to the interested parties following the receipt of the same by the Authority, it is noted that the summary of the import data in terms of volume and value has been put in the public file after having received the same from the DGCIS. It is also noted that after receipt of the transaction wise import data from DGCI&S, the determination of dumping and injury have been made after taking into account the DGCI&S data.

E. Post Disclosure Submissions of the Interested Parties

31. The interested parties have made certain submissions in response to the disclosure statement issued by the Authority on 28th October 2014. The issues raised by the interested parties, to the extent they had not been raised earlier and addressed by the Authority, have been summarized below.

E.1 Submissions by M/s ANM Global Inc

32. M/s ANM Global Inc. has made the following submissions on behalf of i) M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group, ii) M/s Pingdingshan Sanji Carbon Co., Ltd., iii) M/s Nantong Yangzi Carbon Co. Ltd., and iv) M/s Sichuan Guanghan Shida Carbon Co. Ltd., In response to the disclosure statements issued by the Authority:

- That the Authority should impose separate duties for UHP grades and non-UHP grades or ad-valorem in the present investigation in view of the fact that there is a significant difference in the prices and cost of the two grades. The cost and price of UHP grade are almost double of the cost and price of non-UHP grades due to different raw materials used. It has been argued that the purpose of anti-dumping, in general, is to remove the price distortion but not to punish the exporters for their price differential behavior. The imposition of single duty when there is a significant difference between the cost and price of UHP and non-UHP grades would not be appropriate. The separate duty for the two grades or ad-valorem duty would serve the interests of the trade and industry in a better way. It has been further argued that wherever there is a significant difference between the prices of various grades and types, the

separate duties or ad-valorem duties have been imposed by the Authority in previous cases.

- That M/s Pingdingshan Sanji Carbon Co. Ltd. is not a fully owned subsidiary of M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group and the directors of the two companies are also not common. Therefore, combined dumping margin and combined duty for the two would compromise the interest of the other shareholder which holds direct and indirect shareholding of 38.73% in M/s Pingdingshan Sanji Carbon Co., Ltd. Since there are two groups of shareholders all the decision for affairs of M/s Pingdingshan Sanji Carbon Co., Ltd. are not taken by Kaifeng Carbon alone and the same are always affected by the interest of the other shareholders which account for substantial share. Therefore, computation of combined dumping margin for the aforesaid two companies is not justified in the present investigation.
- That the adjustment of VAT on the export price proposed in the present investigation is not justified in view of the fact that the normal value for the Chinese exporters is constructed. The exporters are not able to appreciate the proposed adjustment of VAT @ 17% to the export price by assuming that VAT is included in the export price as VAT refund rate on export sales concerning the subject goods is nil. It has been argued that a direct adjustment of 17% to export price is not at all correct. The non-refundable portion of VAT on export sales is the one which is levied on the inputs used for subject goods but not on the sale price of the subject goods. Further, the adjustment, if any, is required to be made, it ought to be made for non-deductible/non-refundable part of VAT only and that its adjustment ought to be made to the normal value but not to the export price. Since normal value is constructed in the present investigation for all the exporters, there is no adjustment required to be made for non-deductible/non-refundable portion of VAT to export price and comparison of normal value is to be made with export price without VAT adjustment for the determination of dumping margin.
- That there appears to be a formula error for making adjustment of 17% on the net export price as the VAT is assumed to be included in the net export price and therefore, the formula for VAT adjustment should be corrected as $\text{Net Export Price} \times \text{VAT Rate} / (100 + \text{VAT Rate})$;
- That there is no causal link between the dumped imports from China and the injury suffered by the domestic industry as the domestic industry in their application has not made any analysis with respect to the fact that there is an inverse relationship between the import price from China and the domestic prices. It may be seen that the import prices from China have significantly increased by 11% over the injury investigation period. However, on the other

hand the domestic prices have significantly come down by about 10% which clearly indicates that the import prices from China have no bearing on the domestic prices and they are moving independently of the import prices. It has been submitted that the prices of the domestic producers are affected due to competition between them but not because of the alleged dumped imports from the subject country;

- That the performance of subject goods has also suffered because of the bad condition of the steel industry. Thus, the affect on the situation of the domestic industry is not because of imports from China but because of the condition of the steel industry;
- That the domestic industry's main market is exports. They have exported 240% of their domestic sales in the POI. Since the global position of the steel industry is also not good their export performance has deteriorated in the POI as compared to previous year which has resulted in decline in capacity utilization and increase in per unit fixed costs. Thus, the thrust of the domestic industry has also affected their performance in the domestic market. The decline in capacity utilization and production in the period of investigation as compared to previous year clearly indicates that the same has declined because of decline in exports over the same year;
- That the domestic industry has increased its capacity over the injury investigation period and that it has directly affected their cost as the depreciation cost and interest costs as stated above increased over the same period.

E.2 Submissions by M/s TPM Consultants

33. M/s TPM Consultants, in its submissions on the behalf of M/s Fushan Oriental Carbon Co Ltd, Liaoyang Carbon Co Limited, Linghai Hongfeng Carbon Products Co. Ltd., Jinnai Carbon (HK) Co. Ltd., has made the following submissions:

- That the domestic industry is having significant export orientation and therefore, Authority may kindly examine whether deterioration in performance is selectively in domestic market or the same is also in export markets;
- That segregation of product under consideration to only two types, i.e. UHP and Non- UHP is not sufficient for dumping and injury analysis as in Non-UHP grade, there are two different types of electrodes – normal power grade (NPG) and high power grade (HPG) and the cost and price of these NPG and HPG electrodes varies very significantly. The high dumping and injury margin determined in case of Non-UHP grade while the same is low in case of UHP

grade is because of cumulation of different types of products in Non-UHP grade;

- That the dumping margin and injury margin in case of Non-UHP products is abnormally higher than the dumping margin and injury margin in case of UHP products. There is no rationality for such wide variation in UHP and Non-UHP products, but for the fact that the Non-UHP product indeed is not a homogenous product;
- That the trends in price parameters when compared to volume parameters do not show that the decline in price parameters is because of imports from China. Imports increased significantly in 2011-12 and profit before interest and return on investment also increased in 2011-12, whereas profit after interest declined. This clearly establishes that the decline in profits in 2011-12 is not because of the increase in imports in this period. The same is because of increase in interest cost;
- That when the extent of price undercutting was higher, the volume of imports from China was lower and the profits of the domestic industry were better. As the price difference between domestic and imported product declined significantly over the injury period, the imports from China have shown an increase. This clearly breaks causal link. Had the price undercutting improved over the injury period, the same could have established that the adverse price effect is because of imports. However, the price difference between domestic and imported product declined and the profits of the domestic industry have declined. This clearly establishes inability of the domestic industry to raise prices, reasons for which cannot be attributed to imports;
- That there is no co-relationship between import price and domestic industry prices; and imports from China have not led to price suppression/depression suffered by the domestic industry;
- That the price suppression claimed to have been suffered by the domestic industry is not because of imports. It is because of some other factors. Such other factors could be the decline in demand in the period of investigation and consequent increase in competition within the domestic industry. Since (a) demand for the product declined by 8231 MT, (b) the domestic industry has better profitability in the domestic market as compared to exports and (c) the domestic industry is faced with unutilized facilities, it follows that the domestic industry was fiercely competing with each other and was not able to increase its prices to the extent of increase in import price;
- That for the same product investigated earlier by the Authority in 1997 the Authority had carried out an adjustment for quality difference between the domestic and imported product. Quality adjustment made by the Designated

Authority was challenged by the domestic industry before the CESTAT which upheld the decision of the Designated Authority. Under the above circumstances, and in the absence of any material from the domestic industry that this difference between domestic and Chinese product no longer remained, the Designated Authority is required to carry out this adjustment while determining dumping margin and injury margin.

E.3 Submissions by M/s M. S. Pothal & Associates

34. In addition to the issues regarding the scope of product under consideration and like articles M/s M. S. Pothal & Associates has made the following submission on behalf of CCCME:

- That the Authority may specify the names of non sampled category of exporters in the final finding and the same may also be specified in the duty table, if any, to avoid unwanted difficulties in the future;
- That the ROCE@22% considered by the Authority is highly unreasonable. To make the ROCE reasonable we request the Authority to consider highest ROCE achieved by the petitioner during the injury period or the 22% considered as a regular practice by the Authority, whichever is lower as a reasonable basis for ROCE. ROCE@22% is highly unjustified in the present case;
- That in an event if any anti-dumping duty is sought to be imposed, it has to be levied on an ad-valorem basis and not in any other manner. Ad valorem form of duty, if at all duties needs to be imposed, is desirable and logical in the present case as the PUC contains two unambiguous categories which are UHP and Non-UHP and there is a huge difference in price of these two grades;
- That a fixed form of duty would create a situation of putting undue burden of a higher priced grade on the cheaper grade. CCCME shares it extreme concerns of a fixed form of duty in light of huge price difference between UHP and Non UHP grades and would urge the Authority to consider an ad-valorem form of duty, if at all any duty is required to be imposed;
- That the Chinese producers are wrongly accused of causing injury to Indian producers whereas the admitted facts by Indian producers itself shows existence of other reasons which could have adversely impacted performance of domestic industry such as down time in the steel industry, temporary plant closure etc.;
- The performance of Graphite Electrode industry is directly linked to occurrences in Steel industry. This is admitted by the domestic industry.

This aspect is ignored while pursuing facts of the present case which shows an inverse relation between alleged dumping and alleged injury;

- That the focus of the domestic industry is exports. Even the huge investments undertaken by them are targeting such benevolent export market. The comparatively low demand in India can never provide an answer to the issues owing to the excess capacity which is actually set up for exports;
- There is no injury to the domestic industry on account of alleged dumping. The landed prices are not putting any pressure on the domestic prices; Profitability of the domestic industry is not impacted on account of alleged dumping from China and the domestic industry was making profit throughout the injury period;
- That an important aspect of the present case is that the Graphite Producers world over suffered adverse effects of sluggish or negative growths in the steel industry wherein the subject product is primarily used. However, the Indian producers were in profit and were making investments in the product. While the outlook also says recovery of steel industry is the only road ahead for Graphite Electrode producers, there is no purpose that anti dumping duties can serve in this case. Thus, a temporary adverse situation triggered by decline in demand for subject goods is interpreted as dumping in the present case which is not tenable at all;
- That considering such factual position of the present case, CCCME prays for an immediate termination of the present anti dumping investigation without any measures.

E.4 Submissions by M/s Economic Laws Practice

35. M/s Economic Laws Practices in their submissions on behalf of M/s ISMT Ltd. has inter alia submitted that:

- That the Applicants have selectively provided segregated injury parameters dumping margin, injury margin, under-cutting, imports volume and price, cost of sales and selling price for UHP and Non-UHP, whereas the Domestic Industry has not provided a separate analysis of profitability, demand, domestic sales, production and capacity for UHP and Non-UHP;
- That the Authority ought to disclose the constructed normal value figures at least in ranges. Since the raw material pricing or consumption norms are not being disclosed, the disclosure of final normal value will not lead to any confidential information being made public;

- That the Authority should adhere to the established procedure wherein the export price for the non-sampled and the non-cooperating producers from China PR is clearly disclosed as well as the methodology and basis for the same;
- That the figures for all relevant econometric analysis, since the Petition, have been altered in the said Disclosure Statement. Such variance at such a belated stage in the investigation is unfair, unjustified and violative of the principles of natural justice. It also implies that the Hon'ble Designated Authority failed to examine the adequacy and accuracy of the evidence at the time of initiation of the present investigation and the initiation is void *ab initio*;
- That though the total import volumes have increased throughout the injury period, the imports from the subject country have merely replaced the other imports, which is evident from the fact that the share of subject country imports in total imports has increased from 42% to 68% while that of other sources has declined from 57% to 31%. Despite the same, the market share of the Domestic Industry remained relatively constant from 69% in the period of investigation as compared to 61% the base year. Thus, there is in essence no impact of the increased imports on the Domestic Industry;
- That there is minimal price under-cutting. Further, the price under-selling is unduly inflated on account of erroneous consideration of rate of return which has been considered to be 22% for the Domestic Industry, without any justification;
- That the selling price has declined by merely 10% in the POI while landed value has increased vis-à-vis the cost of sales and the price-under-cutting has also declined. Hence, the conclusion concerning price-effect is totally erroneous and requires reconsideration;
- That the Domestic Industry being export oriented has diverted the increase in production towards exports, therefore the domestic sales have not increased to the same level while the exports have increased by 44% in the POI as compared to the base year;
- That as regards profitability, it is noted that there is a dip in profitability in the injury period. Similarly, the return on investment may also be observed to have declined in the injury period. This decline is not due to the subject imports but rather due to extraneous factors completely unrelated to the subject imports;
- That the decline in profitability, under-cutting, under-selling and price suppression claimed by the domestic industry is clearly attributable to other factors and not to the alleged dumped imports from the subject country;
- That in the financial years 2011-12 and 2012-13, there has been an unprecedented increase in cost of the imported raw materials coupled with

the depreciation of the rupee which has caused severe losses to the Domestic Industry. Clearly, this has attributed to the injury presented by the Domestic Industry and the same is not attributable to the alleged dumped imports of the subject goods;

- That it is settled law that “causal link” between the dumped imports and the injury is a *sine qua non* factor for the imposition of anti-dumping duty. It is respectfully submitted that in the factual matrix of the case at hand, there are several factors which displace the causal link and the injury to the domestic industry is not caused by the dumped;
- That in the instant case, the export sales of the Domestic Industry have increased by 44% which is at a much higher rate than the domestic sales. Export sales are also more remunerative as the export sales value has increased by 59% in the POI. Though the capacity has been increased by 15%, the proportion of export and domestic sales has remained unaltered by the Domestic Industry and exports remain at up to 69% of the production. Clearly, the Domestic Industry is focused on the export market, despite an increase in domestic demand by 30% and appears to have also diverted the increased capacities towards exports. Hence, the causal link is clearly affected on account of the export orientation of the domestic industry;
- That admittedly, there has been a change in furnace technology and capacities have led the domestic users to shift to different technology whereby the consumer preference for UHP has increased as opposed to Non-UHP electrodes. Clearly, the change in technology and consumer preferences has led to an injury in the Non-UHP market which directly affects the causal link;
- That the highest ROCE of the Domestic Industry was merely 8.53%. Hence, in such a scenario granting an ROCE of 22% is clearly erroneous and bad in law. Hence, the Hon'ble Designated Authority ought to re-examine the price-underselling by calculating a reasonable rate of return, not exceeding 8.53% and not at 22%.

E.5 Submissions on behalf of Fushun Carbon Co., Ltd (“Fushun”) and Fangda Carbon New Material Co., Ltd

36. The above exporters in their post disclosure submissions have argued that that there appears to be little difference between the Constructed NV of UHD and non-UHD categories and similarly little difference in the respective NIP which could be the result of some calculation errors and may be rechecked as it is prima facie different from the reality of significant differences in prices of UHD and non-UHD categories. For construction of NV for non-UHD category there should be adjustments for the considerable differences in physical characteristics between the domestic and lower specifications imported non-UHD. It is also not clear why products excluded from the PUC on finding of fact and not law as unlike articles in an earlier finding of Hon'ble Authority are now

treated as like articles.

E.6 Submissions of Steel Authority of India

37. Steel Authority of India in its post disclosure submissions, has reiterated most of the arguments made by other interested parties regarding dumping and injury claims of the domestic industry. Those arguments have not been repeated here for the sake of brevity. Further SAIL has inter alia argued that

- That the domestic industry has effectively increased its price of the subject goods in the injury investigation period by approximately 60-90% and is guilty of price manipulation to feign material injury;
- That the domestic producers have significant export orientation and they compete with the same Chinese producers in the international market at similar prices and continue to earn healthy profits whereas in the domestic operations they claim injury;
- That the domestic producers have not suffered any injury as SAIL as per its practice, offers the DI the opportunity to take 30% of its orders where they are not L-1 on condition that the DI matches the L-1 price. However DI continually choose not to match the L-1 prices, due to their confidence in selling in the international market at their desired price of higher prices.
- That the quality of the subject goods imported /originating from China PR are equivalent to the quality of subject goods of the domestic producers.

E.7 Submissions on behalf of domestic Industry

38. The domestic industry in its post disclosure submissions has reiterated its arguments and have argued that

- That CCCME is not eligible to be considered as an interested party in this case in terms of Rule 2(c) of AD Rules.
- That submission of basic information requested in the questionnaire response after prescribed time frame or subsequent to the public hearing cannot be accepted by the Authority as it would violate the principle of natural justice and the past practices of the Designated Authority.
- That interested parties themselves accepted in the public hearing that the product concerned manufacture in China PR is identical and substitutable to the product concerned being produced in India. Assuming but not accepting the fact that there is quality difference, adjustments in the landed value is not permissible on account of difference in quality in terms of Art. 2.4 of ADA as well as para 6(i) of Annexure 1 of AD Rules. Moreover, the interested parties have not provided any evidence to substantiate their claim of adjustment in the landed value on account of difference in quality. Therefore,

the claims of the interested parties for such adjustments should be rejected.

- The domestic industry has also requested for rectification of certain inadvertent clerical errors in the injury tables.

E.8 Examination by the Authority

39. The Authority notes that the interested parties, including the domestic industry have mostly reiterated their arguments on various aspects of the case, including the dumping and injury determination.
40. As far as the arguments of the domestic industry regarding ineligibility of CCCME as an interested party to the investigation is concerned, the Authority notes that the issue was dealt adequately in the disclosure statement and no additional argument has been adduced by the domestic industry not to treat CCCME as an interested party. Therefore, the Authority does not find any merit in the argument of the domestic industry in this regard.
41. As far as the issues raised by the interested parties regarding non-homogeneity of the Product under consideration and price difference between UHP and Non-UHP product types thereby distorting the dumping and injury margin determinations, the Authority notes that once the product under consideration is defined including several product types the Authority is required to determine the dumping margins at product type levels after making apple to apple comparison at product type level and then determine weighted average margins at product level for the product under consideration. This methodology has been strictly followed in all determinations, which is consistent with the ADA.
42. As regards further segregation of the Non-UHP type graphite electrodes to sub-types for determination of dumping and injury margin is concerned, this issue has been examined in detail and the Authority clearly noted that in the absence of international standards and specifications further sub classification of product types was not possible. Moreover, the participating exporters have clearly categorized their products as UHP and Non-UHP both in domestic and export markets and all comparisons for dumping margin determinations have been done on like to like basis. Therefore, the arguments of the interested parties in this regard are not sustainable.
43. As regards the arguments of the interested parties for applying adjustments for quality difference as admitted in the earlier investigations assuming that the Chinese goods are poor in quality compared to the domestic goods, it may be noted that the Rules only provide for adjustments towards quality difference between goods sold in the domestic market of the exporting country and the goods exported to the importing country market on the basis of substantiated claims. None of the participating exporters have claimed any quality adjustment

vis a vis their domestic sales. Moreover, admittedly the subject goods being exported from the subject country have been found to be identical and substitutable to the goods being manufactured and supplied by the domestic industry. Therefore, arguments of the domestic industry to allow adjustment on the basis of past precedence are not found to be acceptable.

44. Other submissions made by the interested parties on various aspects of dumping and injury determinations, in response to the disclosure statement, have been addressed in the respective sections in this finding to the extent they are relevant to the investigation and are duly substantiated.

F. Methodology and determination of dumping and dumping margins

F.1 Normal values

45. Under section 9A (1) (c) of AD Rules, normal value in relation to an article means:

- (i) The comparable price, in the ordinary course of trade, for the like article, when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6), or
- (ii) When there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either-
 - a) comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or
 - b) the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6);

46. The Authority sent questionnaires to the known exporters from the subject countries, advising them to provide information in the form and manner prescribed. The questionnaire responses have been filed by the following exporters/producers:

- (i) M/s. Sinosteel Zhejiang Co., Ltd.
- (ii) M/s. Jilin Carbon Import and Export Company
- (iii) M/s. Sinosteel Jilin Carbon Co., Ltd.
- (iv) M/s. Linyi County Lubei Carbon Co., Ltd., (Producer), China PR

- (v) M/s. Shandong Basan Carbon Plant (Producer) China PR
- (vi) M/s. Fushun Oriental Carbon Co., Ltd.
- (vii) M/s. Anssen Metallurgy Group Co., Ltd., (Exporter) China PR,
- (viii) M/s Nantong Yangzi Carbon Co., Ltd. (“Nantong Yangzi”)
- (ix) M/s Sichuan Guanghan Shida Carbon Co.,Ltd. (“Shida Carbon”)
- (x) M/s Pingdingshan Sanji Carbon Co., Ltd.
- (xi) M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group
- (xii) M/s Fushan Oriental Carbon Co Ltd.
- (xiii) M/s Liaoyang Carbon Co Ltd
- (xiv) M/s Linghai Hongfeng Carbon products co Ltd.
- (xv) M/s Jinnai Carbon (HK) Co. Ltd
- (xvi) M/s Fushan Carbon Co. Ltd
- (xvii) M/s Fangda Carbon New Material Co Ltd
- (xviii) M/s. CIMM Group Co., Ltd., (“CIMM”) China PR
- (xix) M/s CIMM Donghai Advanced Carbon Co., Ltd.

47. Since the number of producers/exporters responding to the questionnaire was large, the Authority considered it appropriate to do the dumping margin analysis on the basis of sampling in terms of Rule 17(3) of the Anti-dumping Rules. Accordingly, a list of sampled exporting producers was drawn in terms of Rule 17(3) of the Anti-dumping Rules and was sent to all interested parties for their comments. The comments from the interested parties were examined and based on the examination, the Designated Authority selected the following exporting producers on the basis of their volume of exports to India during the POI:

- (i) M/s Fangda Carbon New Material Co Ltd., China
- (ii) M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group
- (iii) M/s Fushun Oriental Carbon Co Limited
- (iv) M/s Pingdingshan Sanji Carbon Co., Ltd., China
- (v) M/s. Sinosteel Jilin Carbon Co. Ltd., China

48. The Authority informed all the concerned parties about the selection process and the criterion adopted for their comments. The comments submitted by the interested parties were examined and after examination, a revised list of sampled exporting producers was sent to all interested parties for their comments. No further comments were received from any of the interested parties with regard to sampling of the exporting producers.

49. Accordingly, questionnaire responses filed by the sampled exporting producers and exporters have been examined for the determination of the normal values, export prices and individual dumping margins.

50. It was noted that none of the producers and exporters from China PR has requested for MET. In view of the above, no market economy status has been granted to any of the exporting producers.

51. It is submitted by the domestic industry that China has been treated as a non-market economy country by various authorities world over and in recent cases China has been treated as non-market economy country in India also. Therefore, the normal value for China is required to be determined as per the procedure described in Para 7 of the Annexure I to the Anti-dumping Rules. Para 7 of Annexure I reads as follows:

“7. In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed value in the market economy third country, or the price from such a third country to other countries, including India or where it is not possible, on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted if necessary, to include a reasonable profit margin. An appropriate market economy third country shall be selected by the designated authority in a reasonable manner keeping in view the level of development of the country concerned and the product in question and due account shall be taken of any reliable information made available at the time of selection. Account shall also be taken within time limits, where appropriate, of the investigation if any made in similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without unreasonable delay the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments.”

52. The normal value for China is required to be determined based on domestic selling prices in a market economy third country or the constructed value in a market economy third country or the export prices from such a third country to any other country including India. However, if the normal value cannot be determined on the basis of the alternatives mentioned above, the Designated Authority may determine the normal value on any other reasonable basis including the price actually paid or payable in India for the like product duly adjusted to include reasonable profit margin.

53. In the absence of any price and cost details for the subject goods in any market economy third country and the fact noted that none of the sampled producers has claimed market economy treatment in terms of Para 8(3) of Annexure 1 to the Anti Dumping Rules, the Designated Authority is left with no alternative but to determine normal value estimated on the basis of price actually paid or

payable in India for the like product, duly adjusted, to include a reasonable profit margin.

54. In view of the above, the normal value for all producers and exporters from China PR has been constructed by the Authority. For working out the constructed normal value for all producers and exporters from China PR, the same has been determined based on constructed costs of production duly adjusted to include selling, general & administrative costs and profits.

55. Based on the information made available by the domestic industry, producers and the exporters and other information available with the Authority, the normal value for both UHP as well as Non-UHP have been constructed and are as follows:

Constructed Normal Values		
	Rs/MT	US\$/MT
UHP	****	****
Non-UHP	****	****

F.2 Determination of Export Price

56. Onsite verification was conducted with respect to following sampled producers and exporters.

- (i) M/s Kaifeng Carbon Co., Ltd. (China Pingmei Shenma Group), in Kaifeng
- (ii) M/s Pingdingshan Sanji Carbon Co., Ltd., in Pingdingshan
- (iii) M/s Fushun Oriental Carbon Co., Ltd., in Fushun City.
- (iv) M/s Anssen Metallurgy Group Co., Ltd., in Dalian City

57. Verification reports were issued to the above mentioned producers and exporters for comments, if any, on the verification reports. No comments were received within the time line specified by the Authority.

58. For the purpose of determining the individual dumping margin for the sampled exporters, the Authority has taken into account the sampled exporting producers and their exporters export prices reflected in the individual questionnaire response. Accordingly, the Authority has determined export price and dumping margin in respect of producers/exporters of the subject country as follows:

F.2.1 Export price of Sampled Exporting Producers and their Exporters

1. M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group, China (Kaifeng)

(a) M/s Kaifeng Carbon Co. Ltd. China as Producer and Exporter

59. M/s Kaifeng Carbon Co., Ltd., China is a limited liability company established in accordance with the Company law of China. The present name of Kaifeng Carbon was changed from Kaifeng Carbon Co., Ltd. Zhongping Energy & Chemical Group on 12th April, 2012. It is noted that Kaifeng Carbon has its shareholding along with other shareholders in M/s Pingdingshan Sanji Carbon Co. Ltd., China (“Sanji Carbon”) which is also engaged in the activity of manufacturing and selling of the RP and HP grade of product concerned.

60. It is noted that M/s Kaifeng is a producer of Graphite Electrodes in China PR and the company produces and sells UHP Graphite Electrodes. The other grades RP/HP (Non-UHP) Graphite Electrodes exported to India during the POI are manufactured by M/s Pingdingshan Sanji Carbon Co. Ltd. It was noted that the company has reported **** transactions of sales to India in Appendix 2 totaling **** MT in the period of investigation. Out of these exports, the company exported **** MT of UHP grades which are manufactured by Kaifeng Carbon at its own factory. The balance of **** of RP/HP grade exported to India by Kaifeng Carbon is manufactured by M/s Pingdingshan Sanji Carbon Co. Ltd. at their factory. It was noted during the verification that sales to India were carried out on CIF and CFR basis and the expenses relating to exports to India after ex-factory are incurred by Kaifeng Carbon.

61. To arrive at the ex-works price of the goods exported by this company adjustments on account of inland freight, handling charges, ocean freight, ocean insurance, credit cost and bank charges were made to the CIF/CFR value of exports as per the claims verified from the basic records/supporting documents of the company for the purpose of determination of Net Export Price. It is also noted from the documents that while VAT @ of 17% has been paid by the exporter the VAT refund was NIL for the product during the investigation period and thus the un-refunded VAT are proposed to be deducted from the export price to arrive at ex-works net export price of the exporter. Accordingly, the net export price for M/s Kaifeng Carbon Co., Ltd., China has been determined as follows:

Product code	Sum of Quantity (Ton)	Sum of Net Invoice Value (USD)	Sum of Net EP USD	Sum of Net EP with VAT Adjustment USD	Net NEP USD/MT
UHP500*1800	****	****	****	****	****
UHP500*2100	****	****	****	****	****
UHP600*2400	****	****	****	****	****
UHP600*2700	****	****	****	****	****
Grand Total	****	****	****	****	****

(b) M/s Pingdingshan Sanji Carbon Co., Ltd., China PR (Sanji Carbon) (Producer) Exporting through M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group.

62. It is noted that M/s Pingdingshan Sanji Carbon Co Ltd., China (hereinafter referred to as “Sanji Carbon”) is a limited liability company established on Mar. 8th, 2005. M/s Kaifeng Carbon Co.,Ltd. China Pingmei Shenma Group (Kaifeng carbon) has 66.7% holding in this company. Thus, Kaifeng Carbon is the related company by having its shareholding in Sanji Carbon which is engaged in the activity of producing and selling of the RP and HP grade of product concerned. It is noted that M/s Sanji Carbon exported RP/HP Graphite Electrodes to India during the period of investigation through Kaifeng Carbon. It was also noted that the company has not directly exported the subject goods to India during the POI.

63. It is noted that the company had made domestic sales of **** MT in the domestic market. It was also noted that out of the **** MT of domestic sales made to different customers, the sales made to M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group amounted to **** MT during the POI. Out of these sales, Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group has exported **** MT of RP/HP Graphite Electrodes to India.

64. The export price for the producer/exporter is determined on the basis of the questionnaire response submitted by them and it is noted that only Regular Power Graphite Electrodes and High Power Graphite Electrodes (Non UHP) have been exported by them in the period of investigation. The aforesaid types have been exported by them to India on CIF and as well as on CFR basis. For the purposes of arriving at the ex-factory export price adjustments on account of handling charges, inland transportation, ocean freight, overseas insurance, credit cost and bank charges have been applied as per the records verified and accepted by the Authority after verification. It is also noted from the documents that while VAT has been paid refund was NIL for the product during the investigation period and thus the un-refunded VAT are proposed to be deducted from the net export price. The net export price determined for M/s Pingdingshan Sanji Carbon Co Ltd., China is as follows:

Product code	Sum of Quantity (Ton)	Sum of CIF Value USD	Sum of Adjustments	Sum of Net EP without VAT Adjustments	Sum of Net EP after VAT adjustments	Net EP USD/MT
HP400*1850	****	****	****	****	****	****
HP450*1900	****	****	****	****	****	****
RP350*1800	****	****	****	****	****	****
Grand Total	****	****	****	****	****	****

(c) M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group as a whole

65. The Authority notes that M/s Pingdingshan Sanji Carbon Co Ltd is a subsidiary of M/s Kaifeng Carbon Co., Ltd and exports the goods through M/s Kaifeng Carbon Co., Ltd since it does not have its own export licence. Therefore, M/s Kaifeng Carbon Co., Ltd and M/s Pingdingshan Sanji Carbon Co Ltd. have been treated as a single group for the purpose of determination of dumping Margin.

66. In their post disclosure submissions M/s Kaifeng and M/s Pingdingshan Sanji Carbon Co. Ltd. Have argued that Pingdingshan Sanji is not a fully owned subsidiary of M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group and therefore, combined dumping margin and combined duty for the two would compromise the interest of the other shareholder which holds direct and indirect shareholding of 38.73% in M/s Pingdingshan Sanji Carbon Co., Ltd. Therefore, computation of combined dumping margin for the aforesaid two companies is not justified in the present investigation. Authority notes that M/s Pingdingshan Sanji Carbon Co Ltd is clearly a subsidiary of Kaifeng and subject goods manufactured by M/s Pingdingshan Sanji Carbon Co Ltd are being exported through Kaiefeng. Therefore, the dumping margin needs to be determined for the group together.

67. It has also been argued that the VAT adjustment formula adopted for non-refunded VAT is not correct as it is assumed that the VAT paid on inputs are included in the export price and the exporter has suggested an alternative method of VAT adjustment. However, the Authority notes that this methodology was not substantiated by any of the responding exporters during the verification with evidence of actual VAT paid and how it is accounted for in the export price. Moreover, no other responding exporter has commented on the VAT adjustment methodology. Therefore, the arguments of the exporter in this regard are not tenable.

2. M/s Fangda Carbon New Material Co Ltd., China PR (Fangda) (Producer Exporter)

68. It is noted that M/s Fangda Carbon New Material Co Ltd, China is a public limited company, incorporated under the Company law of People's Republic of China and listed in Shanghai Stock Exchange. M/s Fangda Carbon New Material Co Ltd, China has exported the subject goods to India directly as well as through M/s. Anssen Metallurgy Group Co., Ltd., and has given the information in the Appendix 2 of the response of the exporters' questionnaire. During the examination of the response of the responding producer and exporter, it was noted that M/s Fangda had exported **** MT of subject goods to India directly and this included **** MT of Non-UHP and **** MT of UHP. The export sales are on CIF term and to arrive at ex-works prices adjustments on

account of inland freight, ocean freight, insurance, commissions and credit costs have been applied as per the verified data of the exporter. It is also noted from the documents that VAT has been paid but refund was NIL for the product during the investigation period and thus the un-refunded VAT are proposed to be deducted from the export price to arrive at net export price at ex-works level. The net export price determined for M/s Fangda Carbon New Material Co Ltd, China PR on account of direct exports to India is as follows:

Grades	Sum of Quantity MT	Sum of Net Invoice Value(USD)	Sum of Net EP US\$	Sum of Net EP with VAT adjustment US\$	Net EP USD/MT
Non-UHP	****	****	****	****	****
UHP	****	****	****	****	****
Grand Total	****	****	****	****	****

3. M/s. Anssen Metallurgy Group Co., Ltd., (Anssen) (Exporter) exporting the subject goods sourced from M/s Fangda Carbon New Material Co Ltd., China PR (Fangda) (Producer) and M/s FUSHUN ORIENTAL CARBON Co Limited (Producer) (Fushun)

69.M/s Anssen Metallurgy Group Co. Ltd. is a Trader/exporter from China PR and has exported Graphite Electrodes to India sourced from six producers located in China PR. It is noted that M/s Anssen Metallurgy Group Co., Ltd has also filed response to the exporter's questionnaire and has given suppliers names and other details in the Appendix 2 of the exports to India.

70.It was noted that all the sales of the subject goods to India during the POI were through LC, DA & DP. It was noted that in Appendix-2 the company reported 91 transactions showing exports of **** MT of Graphite Electrodes comprising **** MT of UHP (and balance Non UHP) to India during the POI. It was further noted that all exports to India has been made directly to the Indian customers. It was noted that all sales of the subject goods to India were made on CFR, CIF and FOB basis. The exporter has claimed adjustments on account of inland freight, ocean freight, insurance, commissions and credit costs. It was noted that this product concerned does not enjoy any VAT refund according to Import and Export Tariff Regulation of PRC. It was also noted from the documents that VAT refund was NIL for the product during the investigation period.

71.Two sampled cooperating producers of the subject goods i.e. M/s Fushun Oriental Carbon Co. Ltd and M/s Fangda Carbon, whose goods have been exported to India during the POI have submitted the response and relevant documents to the Authority.

72. As for M/s Fushun, it is noted that it is a limited liability company established according to “P.R.C Corporate Law”. It is also noted that the producer does not have direct sales to India. It is noted from the response that it sells subject goods to M/s Anssen Metallurgy Group Co., Ltd, and M/s Anssen exports the subject goods to Indian market. It is also noted that the exporting producer has sold only Non UHP subject goods to India through M/s Anssen. The company has reported domestic sales of **** MT of subject goods, out of which **** MT was sold to Anssen during the POI. During the investigation, it was noted that the company had made sales of **** MT (RMB ****) of subject goods (all Non UHP) in home market to M/s Anssen during the POI which was exported to India.
73. As for M/s Fangda, it was noted that M/s Fangda has sold **** MT of subject goods in the domestic market during the POI. Out of which **** MT of the subject goods were sold to M/s Anssen during the POI. Out of the **** MT of subject goods, M/s Anssen had exported **** MT of subject goods to India during the POI.
74. During verification of the response of the exporter M/s Anssen, it has been noted that their exports of subject goods to India did not match with the DG systems record which has been procured from the Directorate General of Systems & Data Management which show transaction wise information of subject goods to India. In particular, it is noted from the response of the exporter that information submitted by the exporter did not tally with the importers data. It is also noted that payments received from Indian importers to the company as per information received from Indian importers and also data received from DG systems does not tally with the payments shown by the company from their records in many transactions. In particular, payments made by Alloy Steel Plant SAIL, as per the importers questionnaire and also data as per DG systems differ with the payments shown by the exporters in their documents in many transactions.
75. In view of the above, export price claimed by the exporter on account of subject goods procured from two cooperating sampled producers i.e. M/s Fushun oriental and M/s Fangda have been rejected by the Authority and no individual dumping margin has been determined for the exports made by M/s Anssen on account of export subject goods.
76. The Authority notes that M/s Anseen Metallurgical Group Co. has also exported the subject goods manufactured by two other non-sampled producers from the subject country namely, M/s Linyi County Lubei Carbon Co., Ltd and M/s Shandong Basan Carbon Plant. Details of export transactions of these producers and associated export transactions of M/s Anseen have not been examined as the producers were not sampled. However, verification of transactions of M/s Anseen in respect of two sampled producers has revealed that the data submitted by M/s Anseen are not reliable and have been rejected.

Therefore, the Authority holds that the data submitted by this exporter in respect of all export transactions, irrespective of the producers is unreliable and are liable for rejection. Accordingly, no determination is being made in respect of this exporter and all its linked producers, whether sampled or otherwise.

4. M/s FUSHUN ORIENTAL CARBON Co. Limited (Producer) with M/s Jinnai Carbon (HK) Co. Ltd (Jinnai) (Exporter)

77. M/s Fushun Oriental Carbon Co. Ltd. has also exported the subject goods to India through Jinnai Carbon (HK) Co. Limited, which is a private company, registered under the Company Law of Hong Kong. It is noted that M/s Fushun invoices the subject goods for exports to India to M/s Jinnai carbon (HK) and M/s Jinnai carbon (HK) ships the goods to India. However, physically, the subject goods move from producer to India directly.

78. It is noted that M/s Jinnai carbon (HK) has exported to India only Non-UHP types of subject goods during the POI. The exporting producer have claimed adjustments on account of inland freight, ocean freight, insurance, commissions and credit costs which have been accepted by the Authority. It is also noted from the documents that VAT has been paid but refund was NIL for the product during the investigation period and thus the un-refunded VAT are proposed to be deducted from the export price to arrive at net export price at ex-works level. The net export price determined for M/s Fushun Oriental Carbon Co Limited on account of exports to India through M/s Jinnai Carbon (HK) Co. Ltd (Exporter) is as follows:

Product Description	Quantity MT	Net Invoice Value (USD)	VAT US\$	Total Adjustment (USD)	Total Adjustment after VAT 17% in US\$	Ex factory US\$ after VAT adjustment	NEP USD/MT
Non-UHP	****	****	****	****	****	****	****
Non-UHP	****	****	****	****	****	****	****
Total	****	****	****	****	****	****	****

5. M/s. Sinosteel Jilin Carbon Co. Ltd., China (Sinosteel Jilin)

79. It is noted that M/s. Sinosteel Jilin Carbon Co. Ltd., China is a limited liability company listed on Shenzhen Stock Exchange. It is also noted that Sinosteel Jilin has a wholly owned subsidiary Jilin Carbon Import and Export Company (“Jilin Carbon”) which is involved in the export sales of the PUC to India during the investigation period. M/s. Sinosteel Jilin Carbon Co. Ltd., China is also related to Sinosteel Zhejiang Co. which is also involved in the export sales of the PUC to India during the investigation period. These two routes of export by M/s. Sinosteel Jilin Carbon Co. Ltd. have been examined for determination of

dumping margin for this group as follows:

(a) M/s. Sinosteel Jilin exporting through M/s Jilin Carbon Import and Export Company

80. M/s Jilin Carbon Import and Exports Company (Jilin) has exported the subject goods to India which has been procured from the sample cooperative producer M/s Sinosteel Jilin Carbon Co. For exports to India, M/s Jilin has given information in the Appendix 2 of the response of the exporters' questionnaire. It is noted that the M/s Sinosteel Jilin, the producer, has sold **** MT of subject goods in their domestic market out of which they have sold **** MT to M/s Jilin and M/s Jilin has exported **** MT of subject goods to India comprising both UHP (****MT) as well as Non-UHP (**** MT) during the POI. The export price has been adjusted on account of ocean freight, insurance, commissions and credit costs as verified to arrive at ex-works net export price. It is also noted from the documents that VAT refund was NIL for the product during the investigation period and thus the un-refunded VAT is proposed to be deducted from the net export price. The net export price determined for M/s. Sinosteel Jilin Carbon Co. Ltd on account of exports to India through M/s. Jilin Carbon Import and Export Company, China PR is as follows:

	Sum of Quantity MT	Sum of Net invoice value (USD)	Sum of NET EP US\$ after 17% VAT	NEP USD/MT
Non-UHP	****	****	****	****
UHP	****	****	****	****
Grand Total	****	****	****	****

(b) M/s. Sinosteel Jilin Carbon exporting through M/s Jilin Carbon Import and Export Company (Exporter) and M/s Sinosteel Zhejiang Co (Exporter)

81. M/s. Sinosteel Jilin Carbon Co. Ltd., China PR has also exported the subject goods to India through M/s Jilin Carbon Import and Export Company and M/s Sinosteel Zhejiang Co (Exporter), and has given the information in the Appendix 2 of the response of the exporters' questionnaire. It is noted that they have exported to India only UHP type of subject goods during the POI. The export price has been adjusted on account of ocean freight, insurance, commissions and credit costs as verified to arrive at ex-works net export price. It is also noted that VAT refund was NIL for the product during the investigation period and thus the un-refunded VAT is proposed to be deducted from the net export price. The net export price determined for M/s Sinosteel Jilin Carbon Co. Ltd on account of exports to India through M/s Jilin Carbon Import and Export Company (Exporter) and M/s Sinosteel Zhejiang Co (Exporter) is as follows:

Product specification	Quantity MT	Gross invoice value (USD)	Net invoice value (USD)	Total Adjustment USD	Net ex-factory selling price (USD)	Net Export Price With VAT Adjustment USD	NEP USD/MT
UHP500 1800	****	****	****	****	****	****	****
Grand Total	****	****	****	****	****	****	****

82. Since M/s Sinosteel Jilin Carbon, M/s Jilin Carbon Import and Export Company and M/s Sinosteel Zhejiang Co are all related a single dumping margin has been determined for the group as a whole.

F.3 Dumping Margin for Sampled Producers and Exporters from China PR

83. In the absence of any claim for individual normal value from any exporter in that country the Normal Value constructed for all exporters in China has been compared with the ex-works net export prices determined in the previous section to arrive at the dumping margins for the exporters as follows:

SI No	Exporter	Product Type	Quantity in MT	NV in US\$/MT	EP in US\$/MT	DM in US\$/MT	Weighted Avg. DM	DM%
1	M/s Kaifeng Carbon Co. Ltd. (Kaifeng Group)							
1.a	M/s Kaifeng Carbon Co. Ltd. as producer exporter	UHP	***	****	****	***		20-30%
1.b	M/s Pingdingshan Sanji Carbon Co., Ltd., China PR exporting through Kaifeng	Non-UHP	***	****	****	***		55-65%
	M/s Kaifeng Carbon Co. Ltd. (Kaifeng Group)	Total/Wt Avg	***	****	****	***	***	25-35%
2	M/s Fangda Carbon New Material Co	UHP	***	****	****	***		85-95%
		Non-UP	***	****	****	***		35-45%
		Total/Wt. Avg	***	****	****	***	***	45-55%
3	M/s FUSHUN ORIENTAL Through M/s Jinnai Carbon	Non-UHP	***	****	****	***	***	75-85%

SI No	Exporter	Product Type	Quantity in MT	NV in US\$/MT	EP in US\$/MT	DM in US\$/MT	Weighted Avg. DM	DM%
4	M/s. Sinosteel Jilin Carbon Co (Sinosteel Group)							
4.a	M/s. Sinosteel Jilin Carbon Co through Jilin Carbon	UHP	***	****	****	***		65-75%
		Non-UHP	***	****	****	***		50-60%
		Total/ Wt Avg	***	****	****	***	***	50-60%
4.b	M/s. Sinosteel Jilin Carbon through M/s Jilin Carbon and M/s Sinosteel Zhejiang Co	UHP	***	****	****	***	***	35-45%
	M/s. Sinosteel Jilin Carbon Co. Group	Total/ Wt Avg.	***	****	****	***	***	50-60%

F.4 Dumping margin for the non-sampled exporters

84. Dumping margin for the non-sampled exporters from China PR has been determined in terms of Rule 17(3) of the Rules as the weighted average of margins of dumping established with respect to the sampled exporters as follows:

Weighted average Calculation for Non Sampled exporters	Product Type	Quantity in MT	NV in US\$/MT	EP in US\$/MT	DM in US\$/MT	DM%
	UHP	****	****	****	****	20-30%
	Non-UHP	****	****	****	****	45-55%
Total/ Weighted Average		****	****	****	****	30-40%

85. Dumping Margin for other non-participating exporters from China has been determined on the basis of facts available taking into consideration the transactions of the cooperating exporters as US\$**** per MT (80.13%).

86. The dumping margins for the subject goods so determined are found to be more than de-minims and significant.

G. Determination of Injury and Causal Links

87. Having determined that the subject goods are entering the Indian market from the subject country at dumped prices in significant quantities the Authority proceeds to examine the injurious effects of the dumped imports on the domestic industry, if any. The domestic industry and other interested parties have submitted their arguments on various aspects of the injury claims of the domestic industry which have been summarized below.

G.1 Views of the Domestic Industry

88. The domestic industry, in its various submissions with regard to injury and casual link has argued:

- i. That the imports of the product under consideration have shown significant increase over the years with a significant increase in POI and the imports have increased in relation to production and consumption in India;
- ii. That the market share of the subject country in demand has remained significant. Market share of the domestic industry has decreased in the POI as compared to the base year. The same is due to significant imports from subject country;
- iii. That with reduction in the prices by the foreign producers/exporters, the Indian producers are forced to realign their prices or else they run the risk of losing orders;
- iv. That the domestic industry's prices reflect the effect of the prices that are being offered by the traders. The domestic industry has been forced to reduce the prices too steeply and too frequently;
- v. That the imported goods have been undercutting the prices of the domestic industry in both UHP and Non-UHP Grade. Price undercutting in respect of the product under consideration as a whole is quite significant;
- vi. That the domestic industry was able to achieve higher capacity utilization in the POI as compared to the base year. However, the same declined in the POI as compared to 2010-11 and 2011-12;
- vii. That the inventories with the domestic industry increased in the POI as well as in the immediate preceding year as compared with the base year;
- viii. That the performance of the domestic industry has steeply deteriorated in terms of profits, return on investments and cash profits to a very significant extent;

- ix. That the decline in profitability of the domestic industry was due to significant increase in the import volume from the subject country.
- x. That non-injurious price has been computed by them in the petition in accordance with Annexure III to the Anti-dumping Rules and the established practices of the DGAD. Moreover, it has submitted that grade wise as well as plant wise non-injurious price has been calculated and taken into account while analyzing injury parameters.
- xi. That their claim of 22% return on capital employed is in accordance with the consistent practice followed by the Designated Authority.
- xii. That marginal increase in capacity was undertaken by the industry considering the increasing in demand in the domestic market of the subject goods.
- xiii. That the arguments of the other interested parties, with respect to the capacity addition, are without any merit as it suggests that the Domestic Industry should never add new capacities even if the market so demands. The demand of subject goods increased by 37% in the POI as compared to the base year and the Authority is required to examine the state of the Domestic Industry as it exists.

G.2 Views of the Importers/consumers and other interested parties

89. Various interested parties, other than the domestic industry, have made the following submissions with regard to injury and causal link:

- i. That the domestic industry has increased the capacities by making huge investments since 2011-12. Thus, there is no adverse effect on the Domestic Industry due to any alleged dumped imports. Cost of the domestic industry has increased as a result of increase in the fixed costs which was primarily on account of increase in the capacity to produce subject goods which, in turn, elevated the depreciation and finance costs of the domestic industry.
- ii. That the demand increased by 30% in POI as compared to base year 2009-10, while the domestic sales have grown by about 21% in POI. It shows that there is no adverse volume effect on sale of subject goods domestically produced. Decline in export volume, in line of its capacity expansion, has an adverse cost and price effect on domestic industry.
- iii. That market share of the domestic industry in Indian demand slightly declined during the POI because of decline in the demand.
- iv. That price undercutting has significantly declined over the injury period. However, in contradiction to such factual circumstances, the petitioner has claimed

significant decline in their profits. Thus, there is a total absence of causal link in the present case.

- v. That landed price were significantly below the selling price during 2011-12, even then the domestic industry has increased their selling price during the POI. This clearly shows that the domestic prices have not been dictated by landed prices.
- vi. That per unit of cost has increased in period of investigation as compared to the previous year. The Designated Authority should examine the reasons for such significant increase in the costs.
- vii. That Inventories of subject goods have not increased in proportion to the sales volume.
- viii. That wages of the petitioner have, however, increased by 36 points during the POI which could have caused adverse impacts on the cost of production and profitability.
- ix. That methodology used by the domestic industry while calculating non-injurious price has not been disclosed. Therefore, it is not clear from the petition whether the domestic industry has been calculated non-injurious price according to guidelines provided in Annexure III of Anti-dumping Rules. Moreover, non-injurious price of the domestic industry should be determined for each plant as well as for each grade separately.
- x. That domestic industry has expanded their capacities during the injury period for the purpose of export markets. Therefore, the Authority is required to exclude investments with regard to its expanded capacity from their gross block and net block of assets while calculating the capital employed for determination of non-injurious price.
- xi. That methodology used by the domestic industry while calculating non-injurious price has not been disclosed. Moreover, non-injurious price of the domestic industry should be determined for each plant as well as for each grade separately.
- xii. That highest level of return on capital achieved by the domestic industry in the injury period was 8.53% during 2009-10. Accordingly, there is no logic to allow 22% return on capital employed to the domestic industry as a reasonable return.
- xiii. That the Authority should consider the reasonableness of interest, depreciation, salary & wages and working capital.

G.3 Examination by the Authority

90. The Authority notes that the interested parties, in their post disclosure comments, have reiterated their arguments with regard to the injury claims of the domestic industry and have commented on certain aspects of the examination of the issues as reflected in the disclosure statement as detailed in preceding paragraphs. The issues have been examined and addressed hereunder as well as at appropriate places in this finding.
91. With regard to the issues raised by the interested parties regarding determination of NIP, it is noted that the Non-injurious Price is determined as per the principles laid down under Annexure III of the Anti dumping Rules taking into the cost of production and cost to make and sell the subject goods in India based as per the cost records of the domestic industry maintained as per Generally Accepted Accounting Principles (GAAP). 22% return is allowed on capital employed by the domestic industry in accordance with the consistent practice followed by the Authority.
92. With regard to expansion of capacity and linkage of the performance of the graphite electrode industry to global steel industry has been raised some of the interested parties, the Authority notes that the capacity enhancement of the industry is based on the future prospects and the demand of the product and the prospect of the user industry. The demand for the subject goods in the country increased by 37% during the POI. Moreover, the domestic industry has a healthy export performance all the years indicating good demand of the subject goods manufactured by the domestic industry in the international market as well. Therefore, the poor performance of the Domestic Industry in the domestic market cannot be attributed to the increase in capacity during this period.
93. The Authority notes that the interested parties have raised the issue of export orientation of the domestic industry and profitability of the DI in their export operations vis a vis their domestic operations. In this regards the Authority notes that the very fact that the domestic industry is competitive in the export market and is earning a better profit margin in its export transactions clearly establishes the fact that the domestic sales are affected by factors which are not internal to the domestic industry. The Authority further notes that injury examination in AD investigations are carried out with respect to the impact of the dumped imports on domestic operations as the dumped goods are directly competing in the domestic market. Therefore, the impacts of the dumped imports from the subject country, on the performance of the domestic industry, have been analyzed considering the information pertaining to the domestic market only.
94. As regards reasonableness of various components of cost such as interest costs and depreciation etc. and determination of injury the Authority notes that the cost and injury parameters have been determined after due verification of the data of

the domestic industry as per the consistent practice of the Authority and due care has been taken in respect of the issues raised by the interested parties with respect to these elements.

95. The Authority notes that interested parties have raised several issues with regard to the movement of prices and volumes and price and volume effects of dumped imports, including price undercutting and underselling of dumped imports during the injury period which are factual in nature and have been analysed accordingly in the respective sections in this finding.
96. Rule 11 of the AD Rules read with its Annexure–II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, “.... taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles....” While considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.
97. Annexure-II of the AD Rules provides for an objective examination of both, (a) the volume of dumped imports and the effect of the dumped imports on prices, in the domestic market, for the like articles; and (b) the consequent impact of these imports on domestic producers of such articles. With regard to the volume effect of the dumped imports, the Authority is required to examine whether there has been a significant increase in dumped imports, either in absolute term or relative to production or consumption in India. With regard to the price effect of the dumped imports, the Authority is required to examine whether there has been significant price undercutting by the dumped imports as compared to the price of the like product in India, or whether the effect of such imports is otherwise to depress the prices to a significant degree, or prevent price increases, which would have otherwise occurred to a significant degree.
98. As regards the impact of the dumped imports on the domestic industry. Para (iv) of Annexure-II of the AD Rules states as follows:

“The examination of the impact of the dumped imports on the domestic industry concerned shall include an evaluation of all relevant economic factors and indices having a bearing on the state of the Industry, including natural and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of margin of dumping actual and potential negative effects on cash flow, inventories, employment wages growth, ability to raise capital investments.”

99. For the examination of the impact of imports on the domestic industry in India, the Authority has considered such indices having bearing on the state of the industry as production, capacity utilization, sales quantum, stock, profitability, net sales realization, the magnitude and margin of dumping etc. in accordance with Annexure II(iv) of the Rules supra. The domestic industry has also indicated certain clerical errors in data computation in respect of few injury parameters, as reflected in the disclosure statement. To the extent the same was found to be correct the data has been corrected in this finding.

G.3.1 Demand and Market Share

100. For the purpose of assessment of the domestic consumption/demand of the subject goods, the sales volume of all the domestic producers have been added to the total imports into India from all sources as per the consistent practice of the Authority. The same are summarized below:

Particulars	Units	2009-10	2010-11	2011-12	POI
Sales of Domestic Industry and Supporter	MT	25831	27513	32716	31288
Trend	<i>Indexed</i>	100	107	127	121
Sales of Other Producers	MT	-	-	-	-
Sales of Industry as a whole	MT	25831	27513	32716	31288
Trend	<i>Indexed</i>	100	107	127	121
Subject country (China) -Imports	MT	4903	7735	13135	13600
Trend	<i>Indexed</i>	100	158	268	277
Other Countries-Imports	MT	6561	10466	13508	6240
Trend	<i>Indexed</i>	100	160	206	95
Total demand/consumption	MT	37296	45714	59358	51128
Trend	<i>Indexed</i>	100	123	159	137

101. It is noted that the demand of the subject goods has increased during the POI as compared to the base year. However, the same has shown marginal decline as compared to the previous year. While the domestic demand has increased by about 37% over the base year the imports from the subject countries has increased by about 177% while imports from other countries have declined. The sale of the domestic industry and other Indian producers has increased only by 21% indicating that a significant portion of the growth in domestic demand has been taken over by the imports from the subject country.

G.3.2 Volume Effects of Dumped Imports

a) Import Volume and Market Share

102. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports,

either in absolute terms or relative to production or consumption in India. For the purpose of injury analysis, the Authority has relied on the import data procured from DGCI&S. The volume of imports of the subject good from the subject countries have been analyzed as under:

Particulars	Units	2009-10	2010-11	2011-12	POI
Subject Country (China PR)	MT	4903	7735	13135	13600
Trend	<i>Indexed</i>	100	158	268	277
Other Countries	MT	6561	10466	13508	6240
Trend	<i>Indexed</i>	100	160	206	95
Total Imports Volume	MT	11465	18201	26642	19840
Trend	<i>Indexed</i>	100	159	232	173
Market share in Imports					
Subject Country (China)	%	43%	42%	49%	68%
Trend	<i>Indexed</i>	100	99	115	160
Other Countries	%	57%	58%	51%	31%
Trend	<i>Indexed</i>	100	100	88	55
Market share in demand					
Subject Country (China)	%	13%	17%	22%	27%
Trend	<i>Indexed</i>	100	129	168	202
Other Countries	%	18%	23%	23%	12%
Trend	<i>Indexed</i>	100	130	129	69
Domestic industry & Supporter	%	69%	60%	55%	61%
Trend	<i>Indexed</i>	100	87	80	88
Other Indian producers	%	0%	0%	0%	0%
Indian industry as a whole	%	69%	60%	55%	61%
Trend	<i>Indexed</i>	100	87	80	88
Total Imports	%	31%	40%	45%	39%
Trend	<i>Indexed</i>	100	130	146	126

103. It is noted from the above table that imports of the subject goods from subject country have increased in absolute terms throughout the injury investigation period. The imports have gone up from 4903 MT in the base year to 13600 MT during the POI, which is an increase of around 177%. The increasing trend can be seen during the entire injury investigation period. The imports from other countries during POI have decreased as compared to the base year as well as the previous year.

104. The market share of subject country in relation to the overall imports has also gone up significantly from 43% in the base year to 69% during the POI. Similarly, the market share of subject country in the total demand has also more than doubled from 13% to 27% during the same period. However, the market share in imports of other countries has decreased from 57% in the base year to 31% during the POI. The market share in demand of other countries has decreased from 18% in the base year to 12% in the POI. Thus, it is seen that the volume of imports from the subject country have increased very significantly

in absolute terms as well as in relation to the overall imports and the demand in the country.

G.3.4 Price effect of imports

105. With regard to the effect of the dumped imports on prices, the Designated Authority is required to consider whether there has been a significant price undercutting by the dumped imports as compared with the price of the like products in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. The impact of dumped imports on the prices of the domestic industry has been examined with reference to the price undercutting, price suppression and price depression, if any.

a) Price undercutting

106. In order to determine whether the imports are undercutting the prices of the domestic industry in the market, the Authority has compared landed price of imports with net sales realization of the domestic industry.

Price Undercutting (Graphite Electrode as a whole)					
Subject country (China)	Unit	2009-10	2010-11	2011-12	POI
Landed price of imports	Rs./MT	143639	136905	150437	177674
Trend	Indexed	100	95	105	124
Net Sales Realization	Rs./MT	****	****	****	****
Trend	Indexed	100	81	82	90
Price Undercutting	Rs./MT	****	****	****	****
Trend	Indexed	100	55	40	26
Price Undercutting (%)	%	****%	****%	****%	****%
Trend	Indexed	100	58	38	21
Price Undercutting (%)	Range %	50-60	25-35	35-45	5-15
Price Undercutting (UHP)					
Subject country (China)	Unit	2009-10	2010-11	2011-12	POI
Landed price of imports	Rs./MT	194864	197965	174716	221376
Trend	Indexed	100	102	90	114
Net Sales Realization	Rs./MT	****	****	****	****
Trend	Indexed	100	78	74	79
Price Undercutting	Rs./MT	****	****	****	****
Trend	Indexed	100	34	49	13
Price Undercutting (%)	%	****%	****%	****%	****%
Trend	Indexed	100	33	50	13
Price Undercutting (%)	Range %	50-60	20-25	25-35	7-15
Price Undercutting (NON-UHP)					
Subject country (China) (NON UHP)	Unit	2009-10	2010-11	2011-12	POI
Landed price of imports	Rs./MT	114065	115011	130785	149415
Trend	Indexed	100	101	115	131

	Unit	2009-10	2010-11	2011-12	POI
Net Sales Realization	Rs./MT	****	****	****	****
Trend	Indexed	100	90	90	96
Price Undercutting	Rs./MT	****	****	****	****
Trend	Indexed	100	67	41	26
Price Undercutting (%)	%	****%	****%	****%	****%
Trend	Indexed	100	66	36	20
Price Undercutting (%)	Range %	45-55	30-40	15-25	5-15

107. The Authority notes that the landed values of the subject goods after a marginal decline in 2010-11 has increased in the POI but the selling price of the domestic industry has not recovered and still remains much below the base year price level. The Landed prices have been all along much below the selling price of the domestic industry showing significant price undercutting being caused by the dumped imports from subject country. It is seen that even though there is a decline in the level of price undercutting over the years it is due largely to significant reduction in the domestic selling price of the DI over the injury period. The price undercutting during the POI is still significant. The Domestic Industry has argued that their selling prices have declined essentially on account of the fact that they are forced to match their prices with the landed values due to increased volume of dumped imports. The decline in selling prices has led to the injury.

b) Price-underselling

108. The Authority has also examined price underselling suffered by the domestic industry on account of dumped imports from the subject country. For the purpose of this analysis the Non-Injurious Price of the subject goods determined as per the consistent practices of the Authority have been compared with the landed value of dumped imports from the subject country as follows:

Price Underselling (China PR)	Unit	China
UHP		
Non Injurious Price	Rs./MT	****
Landed Price	Rs./MT	221376
Price Underselling	Rs./MT	****
Price Underselling %	%	****%
Price Underselling %	Range %	20-30
Non-UHP		
Non Injurious Price	Rs./MT	****
Landed Price	Rs./MT	149415
Price Underselling	Rs./MT	****
Price Underselling %	%	****%
Price Underselling %	Range %	10-20

Product under consideration as a whole		
Non Injurious Price	Rs./MT	*****
Landed Price	Rs./MT	177674
Price Underselling	Rs./MT	*****
Price Underselling %	%	*****%
Price Underselling %	Range %	15-25

109. The above data indicates that the landed values of the subject goods at product type level as well as product level have been below the NIP and therefore, the domestic industry suffers significant price underselling on account of imports of the subject goods from the subject country.

c) Price suppression and depression

110. In order to determine whether the dumped imports are suppressing or depressing the domestic prices and whether the effect of such imports is to suppress prices to a significant degree or prevent price increases which otherwise would have occurred, the Authority considered the changes in the costs and prices over the injury period. Authority has considered the average price of UHP and Non UHP grades for the purpose of this analysis.

	Unit	2009-10	2010-11	2011-12	POI
(PUC as a whole)					
Landed Value of Imports	Rs./MT	****	****	****	****
Index	<i>Indexed</i>	100	95	105	124
Cost of Sales	Rs./MT	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	100	122	139
Selling Price	Rs./MT	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	81	82	90
(UHP)					
Landed price of Imports	Rs./MT	194864	197965	174716	221376
Trend	<i>Indexed</i>	100	102	90	114
Cost of Sales	Rs./MT	****	****	****	****
Trend	<i>Indexed</i>	100	102	114	129
Selling Price	Rs./MT	****	****	****	****
Trend	<i>Indexed</i>	100	78	74	79
(Non-UHP)					
Landed price of Imports	Rs./MT	114065	115011	130785	149415
Trend	<i>Indexed</i>	100	101	115	131
Cost of Sales	Rs./MT	****	****	****	****

	Unit	2009-10	2010-11	2011-12	POI
Trend	Indexed	100	103	130	141
Selling Price	Rs./MT	****	****	****	****
Trend	Indexed	100	90	90	96

111. The Authority notes that the selling prices of the subject good in the domestic market have declined during the injury period for the PUC as a whole as well as for UHP and Non-UHP though cost of sales has shown an increasing trend over the injury investigation period for the PUC as a whole as well as for UHP and Non-UHP. Thus, the domestic industry has suffered price depression.

112. While the cost of sales of PUC, UHP and NO-UHP has gone up by 39%, 29% and 41% respectively, in the POI as compared to the base year, the selling price has in fact declined significantly by 10%, 21% and 4% for PUC as a whole, UHP and Non-UHP respectively. Domestic industry has claimed that this position is reflected in the falling of their profitability over the injury period. It is also noted that the landed value shows an increasing trend the POI as compared to the previous year as well as the base year. However, the same is not commensurate with the increase in the cost of the domestic industry over the same period. Accordingly, it is apparent that the dumped imports of subject goods from subject country have suppressed the domestic industry prices.

G.4 Economic parameters of the domestic industry

113. Annexure II to the Anti-dumping Rules requires that the determination of injury shall involve an objective examination of the consequent impact of these imports on domestic producers of such products. With regard to consequent impact of these imports on domestic producers of such products, the Anti-dumping Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.

114. The various injury parameters relating to the domestic industry are discussed herein below:

Particulars	Unit	2009-10	2010-11	2011-12	POI
Capacity (PUC)	MT	122900	122900	136900	141900
<i>Trend</i>	<i>Indexed</i>	100	100	111	115
Production (PUC)	MT	73608	97572	110297	108817
<i>Trend</i>	<i>Indexed</i>	100	133	150	148

Particulars	Unit	2009-10	2010-11	2011-12	POI
Plant Capacity Utilization	%	60%	79%	81%	77%
<i>Trend</i>	<i>Indexed</i>	100	133	135	128
Sales volume					
Domestic	MT	25831	27513	32716	31288
<i>Trend</i>	<i>Indexed</i>	100	107	127	121
Exports	MT	51867	64833	78405	74844
<i>Trend</i>	<i>Indexed</i>	100	125	151	144
Total Sales	MT	77699	92346	111121	106131
<i>Trend</i>	<i>Indexed</i>	100	119	143	137

115. The Authority notes that the domestic industry has added capacity during 2011-12 by about 11% which is in line with the healthy increase in domestic demand which was showing a robust growth of over 50% compared to the base year. The production and sales of the domestic industry also increased significantly during this period due to increase in domestic demand. But as noted earlier the domestic industry has been reducing the prices to align with import prices to remain in the domestic market. The capacity utilization also improved till 2011-12 and reached a level of about 80% in spite of capacity addition indicating that capacity addition is not a cause of injury. However, all these parameters have declined marginally in the POI as compared the year immediate preceding year while the volume of dumped imports increased significantly in the POI compared to the base year as well as the preceding year.

116. The Authority also notes that the exports of the domestic industry, which constitute a significant portion of their production and sales went up by about 50% up to 2011-12 and thereafter declined marginally in the POI.

i. Market share

117. The effect of the dumped imports on the domestic sales and the market share of the domestic industry has been examined as below:

Market Share in Demand	Unit	2009-10	2010-11	2011-12	POI
Sales of Domestic Industry & Supporters	%	69%	60%	55%	61%
<i>Trend</i>	<i>Indexed</i>	100	87	80	88
Sales of Other Producers	%	0%	0%	0%	0%
Subject country Imports	%	13%	17%	22%	27%
<i>Trend</i>	<i>Indexed</i>	100	129	168	202
Other Countries-Imports	%	18%	23%	23%	12%
<i>Trend</i>	<i>Indexed</i>	100	130	129	69
Total imports	%	31%	40%	45%	39%
<i>Trend</i>	<i>Indexed</i>	100	130	146	126

118. As mentioned earlier, imports of the subject goods from subject country have increased in absolute terms throughout the injury investigation period. The

imports have gone up from 4903 MT in the base year to 13600 MT during the POI, which is an increase of around 177%. However, the market share of the domestic industry in demand has declined over the injury period despite increase in demand and substantial reduction in selling price by the domestic industry indicating thereby that the domestic industry is unable to retain its market share due to volume and price effects of dumped imports.

ii. Profits, Return on Investment and Cash Flow

119. The cost of sales, selling price and profit/loss of the domestic industry has been analyzed as follows:

Particulars	Unit	2009-10	2010-11	2011-12	POI
Cost of sales	Rs./MT	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	100	122	139
Selling price	Rs./MT	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	81	82	90
Profit/Loss	Rs./MT	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	48	10	2
Profit/Loss	Rs. Lacs	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	52	13	2
PBIT	Rs. Lacs	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	45	64	71
Cash Profit	Rs. Lacs	****	****	****	****
<i>Trend</i>	<i>Indexed</i>	100	64	35	31
ROI	%	****%	****%	****%	****%
<i>Trend</i>	<i>Indexed</i>	100	38	45	48

120. The Authority notes that while the costs of sales have increased over the injury period except 2010-11 due to increase in cost of critical inputs the selling price has decreased throughout the injury period compared to the base year due to increased volume of dumped imports during this period. The domestic industry was apparently aligning its prices with the import prices to retain its market share in the domestic market in spite of the fact that the cost of sales was going up. Resultantly, the profits of the domestic industry have declined significantly in the POI as compared to the base year as well as previous year. As a result of decline in profits, the return on investment and cash profits also declined significantly during POI as compared to the base year as well as previous year. The decline in profit per unit of domestic sale in POI by about 98% compared to the base year and corresponding decline in the ROI indicates significant injury to

the domestic industry.

iii. Inventories

121. The data relating to inventory of the subject goods are shown in the following table:

Particulars	Unit	2009-10	2010-11	2011-12	POI
Opening Stock	MT	****	****	****	****
Closing Stock	MT	****	****	****	****
Average Stock	MT	****	****	****	****
Trend	<i>Indexed</i>	100	99	117	114

122. It is noted from the above table that the average stocks in the POI has increased as compared to the base year, however the same has declined marginally in the POI as compared to the preceding year but remains high compared to the base year indicating that there is an inventory built up due to the increasing presence of dumped imports though the domestic industry has a good export sale.

iv. Employment and Wages

123. The position with regard to employment and wages is as follows:

Particulars	Unit	2009-10	2010-11	2011-12	POI
Numbers of Employees	No	****	****	****	****
Trend	<i>Indexed</i>	100	101	109	107
Wages	Rs Lacs	****	****	****	****
Trend	<i>Indexed</i>	100	120	123	138

124. It is noted from the above table that Number of employees has increased marginally in the POI as compared to the base year as the industry has also added capacity. There is a marginal drop in employment in the POI apparently due to drop in sales compared to the previous year. The wages has increased in absolute term throughout the injury period. The wage increase is in line with the general increase in wage increase over all sectors during this period and is not a cause of injury to the industry.

v. Productivity

125. Data relating to productivity of the domestic industry is as follows:

Particulars	Unit	2009-10	2010-11	2011-12	POI
Productivity per day	MT	****	****	****	****

Trend	<i>Indexed</i>	100	133	150	148
Productivity per employee	MT	****	****	****	****
Trend	<i>Indexed</i>	100	132	137	139

126. It is noted that productivity in terms of production per employee as well as production per day has increased in the POI as compared to the base year. Therefore, productivity is not a factor that can be attributed to injury.

vi. Magnitude of Dumping

127. Magnitude of dumping as an indicator of the extent to which the dumped imports can cause injury to the domestic industry shows that the dumping margin determined against the subject country are above de minimis and significant.

vii. Ability to raise Capital Investment

128. The Authority notes that the domestic industry had added capacity during the injury investigation with substantial investment because of the positive growth prospects of the sector. However, on the face of very marginal return of investment achieved in the recent years due to dumped imports future investment in the sector is bleak. The reduction in profitability, reduced cash flow and deteriorating returns indicates that the ability of the domestic industry to raise capital investments for the sector is jeopardized by the dumped imports.

viii. Growth

129. It is noted that there was positive growth of the domestic industry in terms of sales and production in the POI as compared to the base year. However, same has declined in the POI as compared to 2011-12. Profits, cash profit as well as ROI declined significantly in the POI as compared to the base year despite significant increase in demand. The domestic industry has contended that with increase in capacity, the domestic industry had expected robust growth in profits, comfortable cash flow and increase in return on investments as the demand is healthy. However, the domestic industry was not able to achieve the same due to the increased presence of the dumped imports from the subject country.

G.5 Factors affecting domestic prices

130. The Authority notes that the landed value of imported material from subject country is significantly below the selling price and Non-injurious price of the domestic industry causing significant price undercutting and underselling in the Indian market. The above analysis indicates that the domestic industry is reducing its prices in the domestic market to match or align its prices with the

import prices to retain its market share as there is an increase in dumped imports from the subject country. The volume and prices of imports from subject country, change in the cost structure of the domestic industry due to rising input costs, competition in the domestic market, etc. are affecting the domestic prices. The data indicates that imports of the product under consideration from countries other than subject country are not injuring the domestic industry as the prices offered by these countries are significantly higher. Demand for the product is showing an increase and, therefore, could not have been a factor responsible for price depression faced by the domestic industry. It is thus evident that the landed prices of subject goods from the subject country are responsible for the depressed and suppressed prices of the domestic industry.

H. Other Known Factors & Causal Link

131. The Rules mandates the Authority to examine the causal links between the dumped imports and the injury caused to the domestic industry on account of the dumped imports. The Authority notes that other interested parties have submitted that export orientation of the domestic industry, capacity addition and other factors might have caused injury to the domestic industry. Having examined the existence of material injury, volume and price effects of dumped imports on the prices of the domestic industry, in terms of its price undercutting, underselling and price suppression, and depression effects, other indicative parameters listed under the Indian Rules and Agreement on Anti-dumping as well as the issues raised by the interested parties have been examined to see whether any other factor, other than the dumped imports could have contributed to injury to the domestic industry.

(a) Volume and prices of imports from third countries

132. Imports of the product under consideration from countries other than subject country are at higher price. It is evident that the import prices from other countries were much higher than import price from subject country. Further, volume of imports from other countries has shown declining trend as compared to 2010-11 and 2011-12, whereas volume of imports from subject country has shown rising trend.

(b) Contraction of demand and changes in the pattern of consumption.

133. The data examined in the previous section shows a healthy increase in demand for the subject goods in the domestic market throughout the injury period. Therefore, decline in demand is not a possible reason of injury to the Domestic Industry as has been argued by the interested parties. No change in consumption pattern of the consumers of the subject goods, i.e. secondary steel manufacturers have been brought to the notice of the Authority which could

indicate a negative impact on the domestic production and sales.

(c) Developments in technology:

134. Neither the technology for production of graphite electrodes nor Secondary steel making technology has undergone any significant change affecting the production and consumption of the product under consideration. No material fact has been placed by any interested party to demonstrate that the production or consumption of Graphite electrodes have been affected by changes in technology. Therefore, the Authority concludes that development in technology is also not a factor causing injury to the domestic injury.

(d) Trade restrictive practices of and competition between the foreign and domestic producers

135. The Authority notes that there is no entry barrier for production and sale of subject goods in the country. The subject goods are freely importable and traded within the country. There is also a healthy competition between various domestic producers in the domestic market. Therefore, there is no trade restrictive practice, which could have contributed to the injury to the Domestic Industry as the raw materials as well as the subject goods are freely importable in the country. However, the analysis above shows that the foreign producers in the subject country are resorting to unfair dumping to establish market share..

(e) Export performance of the domestic industry

136. The interested parties have argued that exports of the domestic industry constitute a significant share in their total sales and export intensity or orientation of the domestic industry could have affected its domestic performance. The export sales of domestic industry is as follows:

Particulars	Unit	2009-10	2010-11	2011-12	POI
Exports	MT	51867	64833	78405	74844
<i>Trend</i>	<i>Indexed</i>	100	125	151	144

137. The Authority notes that export sales of the domestic industry during the injury investigation period show a healthy growth except for the POI where a marginal drop is seen. Significant volume of export also indicates a very competitive production cost of the domestic industry as the exports have been found to be much more profitable for the domestic industry. Therefore, the export orientation of the domestic industry could not be attributed to the injury suffered. In any case the entire injury analysis has been carried out with respect to the domestic operation of the industry and injury, if any, on account of its export operations, has not been attributed injury suffered by the domestic industry on account of its domestic operations due to the dumped imports.

(f) Productivity of the Domestic Industry

138.It is noted that the productivity of the domestic industry in terms of production per employee as well as production per day has increased over the period and therefore, this cannot be a factor affecting the domestic industry.

I. Conclusion on Injury and causal Links

139.The above analysis indicates that the production, sales and capacity utilization of the domestic industry has declined in the period of investigation after a healthy growth during the previous years, whereas the import of the subject goods from the subject country has substantially increased over the injury period. While the cost of sales of the domestic industry has been constantly increasing over the injury period due to increase in cost of critical inputs, the selling price has been significantly declining due to significant price undercutting and underselling of the dumped imports from the subject country resulting in significant drop in profitability and return in investments. Therefore, the Authority concludes that the domestic industry has suffered material injury and the injury has been caused by the volume and price effects of dumped imports from the subject country.

J. Magnitude of Injury Margin

140.Having determined that the subject goods are entering the Indian market at dumped prices and the dumped imports have caused injury to the domestic industry and having regard to lesser duty rules followed by the Authority, injury margins, if any, have been worked out for the purpose of determination of quantum of duty that may be sufficient to remove the injurious effects of dumped imports as follows:

J.1 Injury Margin for Sampled Exporters

141.The Non-injurious price of the subject goods produced by the Domestic Industry has been determined by adopting the verified information/data relating to the cost of production for the period of investigation (1st January, 2012 to 31st December, 2012) in respect of the domestic industry in terms of the principles outlined in Annexure III to the Anti-dumping Rules. Detailed analysis/examination and reconciliation of the financial and cost records maintained by the companies, wherever applicable, were carried out for this purpose. Accordingly, NIPs for Graphite Electrodes (UHP) and (Non UHP) have been determined as Rs*****/MT and Rs*****/MT respectively.

142.The NIP for the domestic industry for individual product types so determined have been compared with the landed value of the exports of identical types from the sampled exporters from the subject country for determination of weighted

average injury margins of individual sampled exporters during POI which works out as under:

Sl No	Exporter	Product Type	Quantity	CIF UD\$/MT	Landed Value US\$/MT	NIP US\$/MT	IM US\$/MT	Weighted Avg IM US\$/MT	IM %
1	M/s Kaifeng Carbon Co. Ltd (Kaifeng Group)								
1 (a)	M/s Kaifeng Carbon Co. Ltd	UHP	****	****	****	****	****		0-10
1 (b)	M/s Pingdingshan Sanji Carbon Co., Ltd., China PR through Kaiefeng	Non-UHP	****	****	****	****	****		20-30
	M/s Kaifeng Carbon Co. Ltd (Kaifeng Group)	Total/Wt Avg	****	****	****	****	****	****	0-10
2	M/s Fangda Carbon New Material Co Ltd	UHP	****	****	****	****	****		55-65
		Non-UHP	****	****	****	****	****		5-15
		Total/Wt Avg	****	****	****	****	****	****	15-25
3	M/s FUSHUN ORIENTAL Through M/s Jinnai Carbon	Non-UHP	****	****	****	****	****		20-30
4	M/s. Sinosteel Jilin Carbon Co (Sinosteel Group)								
4.a	M/s. Sinosteel Jilin Carbon Co through Jilin Carbon	UHP	****	****	****	****	****		30-40
		Non-UHP	****	****	****	****	****		15-25
		Total	****	****	****	****	****	****	15-25
4.b	M/s. Sinosteel Jilin Carbon through M/s Jilin Carbon and M/s Sinosteel Zhejiang	UHP	****	****	****	****	****		15-25
	M/s. Sinosteel Jilin Carbon Co (Sinosteel Group)	Total/Wt Avg	****	****	****	****	****	****	15-25

J.2 Injury Margin for Non-Sampled Exporters

143. Injury Margin for the Non-sampled exporters has been determined as the weighted average injury margin of the sampled exporters as follows:

Weighted average Calculation for Non Sampled exporters	Product Type	Quantity	CIF UD\$/MT	Landed Value US\$/MT	NIP US\$/MT	IM US\$/MT	Weighted Avg IM US\$/MT	IM %
	UHP	****	****	****	****	****		0-10
	Non-UHP	****	****	****	****	****		10-20
	Total	****	****	****	****	****	****	5-15

144. Injury Margin for other Non-participating exporters from China has been determined on the basis of facts available as US\$**** per MT (35-45%).

K. Conclusions

145. After examining the issues raised and submissions made by the interested parties and facts made available before the Authority as recorded in this finding the authority concludes that:

- i) The subject goods have entered the Indian market from the subject country at prices less than their normal values in the domestic markets of the exporting country;
- ii) The domestic industry has suffered material injury; And
- iii) The injury has been caused to the domestic industry, both by volume and price effect of dumped imports of the subject goods originating in or exported from the subject country.

L. Indian industry's interest & other issues

146. Graphite electrodes are used by secondary steel manufacturers in electric arc furnaces. The user industry, represented by SAIL and ISTM Ltd., has raised the issues of the interests of the users and other such interested parties. However, the Authority notes that the graphite electrodes are industrial goods used in secondary steel making and constitute a small portion of the cost of the downstream products. The Authority further notes that the purpose of anti-dumping duties, in general, is to eliminate injury caused to the Domestic Industry by the unfair trade practices of dumping so as to re-establish a situation of free and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures would not restrict imports from the subject country in any way, and, therefore, would not affect the availability of the products to the consumers. On the other hand, if distortion caused by the dumped imports are not corrected it may lead to erosion of the domestic production base and subsequent price increase by the foreign producers, which will adversely affect the user industry.

M. Recommendations

147. The Authority initiated and conducted the investigation into dumping, injury and causal links between dumping and injury to the domestic industry in terms of the Rules laid down, and having established positive dumping margins against the subject countries, and having concluded that the domestic industry suffers material injury due to such dumped imports, the Authority is of the opinion that definitive measure is required to be imposed to offset dumping and injury being caused to the domestic industry. Accordingly, the Authority recommends

imposition of definitive antidumping duty in the form and manner prescribed below.

148. Having regard to the lesser duty rule followed by the authority, the Authority recommends imposition of definitive anti-dumping duty equal to the lesser of margin of dumping and margin of injury, so as to remove the injury to the domestic industry. Accordingly, antidumping duty, equal to the amount indicated in Col 9 of the duty table annexed herewith, is recommended to be imposed by the Central Government, on all imports of subject goods originating in or exported from the subject country.

Duty Table

Sl. No	Sub Heading or Tariff Item	Description of Goods	Specific ation	Country of origin	Country of Export	Producer	Exporter	Duty Amount	Unit of Measure	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	85.45	Graphite Electrodes	All diameters	China PR	China PR	M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group	M/s Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group	278.19	MT	USD
2	-Do-	-Do-	-Do	China PR	China PR	Pingdingshan Sanji Carbon Co., Ltd., China PR	Kaifeng Carbon Co. Ltd. China Pingmei Shenma Group	278.19	-do-	-do-
3	-Do-	-Do-	-Do	China PR	China PR	M/s Fangda Carbon New Material Co Ltd.	M/s Fangda Carbon New Material Co Ltd.	558.38	-do-	-do-
4	-Do-	-Do-	-Do	China PR	China PR	M/s Fushun Oriental Carbon Co. Limited	M/s Jinnai Carbon (HK) Co. Ltd	658.94	-do-	-do-
5	-Do-	-Do-	-Do	China PR	China PR	M/s. Sinosteel Jilin Carbon Co. Ltd.	M/s Jilin Carbon Import and Export Company	590.13	-do-	-do-
6	-Do-	-Do-	-Do	China PR	China PR	M/s. Sinosteel Jilin Carbon Co. Ltd	M/s Jilin Carbon Import and Export Co.; and/or M/s Sinosteel Zhejiang Co	590.13	-do-	-do-
7	-Do-	-Do-	-Do	China PR	China PR	M/s Sichuan Guanghan Shida Carbon Co.,Ltd.	M/s Sichuan Guanghan Shida Carbon Co.,Ltd.	391.84	-do-	-do-
8	-Do-	-Do-	-Do	China PR	China PR	M/s Nantong Yangzi Carbon Co., Ltd.	M/s Nantong Yangzi Carbon Co., Ltd.	391.84	-do-	-do-
9	-Do-	-Do-	-Do	China PR	China PR	M/s Liaoyang Carbon Co	M/s Jinnai Carbon (HK)	391.84	-do-	-do-

Sl. No	Sub Heading or Tariff Item	Description of Goods	Specific ation	Country of origin	Country of Export	Producer	Exporter	Duty Amount	Unit of Measure	Currency
						Limited	Co Limited			
10	-Do-	-Do-	-Do	China PR	China PR	M/s Linghai Hongfeng Carbon Products Co. Ltd,	M/s Linghai Hongfeng Carbon Products Co. Ltd,	391.84	-do-	-do-
11	-Do-	-Do-	-Do	China PR	China PR	M/s Linghai Hongfeng Carbon Products Co. Ltd,	M/s Jinnai Carbon (HK) Co Limited	391.84	-do-	-do-
12	-Do-	-Do-	-Do	China PR	China PR	M/s CIMM Donghai Advanced Carbon Co., Ltd	M/s CIMM Group Co., Ltd	391.84	-do-	-do-
15	-Do-	-Do-	-Do	China PR	China PR	M/s Fushun Carbon Co. Ltd Producer	M/s Fangda Carbon New Material Co. Ltd	391.84	-do-	-do-
16	-Do-	-Do-	-Do	China PR	China PR	Any combination other than above		922.03	-do-	-do-
17	-Do-	-Do-	-Do	China PR	Any; other than China PR	Any	Any	922.03	-do-	-do-
18	-Do-	-Do-	-Do	Any; other than China PR	China PR	Any	Any	922.03	-do-	-do-

149. An appeal against the orders of the Central Government that may arise out of this recommendation shall lie before the Customs, Excise and Service tax Appellate Tribunal in accordance with the relevant provisions of the Act.

150. The Authority may review the need for continuation, modification or termination of the definitive measure as recommended herein from time to time as per the relevant provisions of the Act and public notices issued in this respect from time to time. No request for such a review shall be entertained by the Authority unless the same is filed by an interested party as per the time limit stipulated for this purpose.

J. K. Dadoo
Designated Authority