

**MINISTRY OF COMMERCE & INDUSTRY**  
**DEPARTMENT OF COMMERCE**  
**(DIRECTORATE GENERAL OF ANTI-DUMPING &**  
**ALLIED DUTIES)**

**NOTIFICATION**

NEW DELHI, the 26th November, 2002

**FINAL FINDINGS**

**Sub:** Anti-Dumping Investigation concerning imports of Hydrofluoric Acid from People's Republic of China.

**No.62/1/2001-DGAD** - Having regard to the Customs Tariff Act 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, thereof:

**A. PROCEDURE**

1. The procedure described below has been followed with regard to the investigation:
  - i. The Designated Authority (hereinafter also referred to as Authority), under the above Rules, received a written application from M/s All India Hydrofluoric Acid Manufacturers (AHF) (hereinafter referred to as petitioner) on behalf of domestic industry, alleging dumping of Hydrofluoric Acid (hereinafter also referred to as subject goods) originating in or exported from People's Republic of China (hereinafter referred to as subject country). The petition was also supported by M/s Tanfac Industries Ltd., Cuddalore and M/s Navin Flourine Ltd., Mumbai. M/s Shriram Fibres Ltd., New Delhi and M/s Gujarat Fluorine Chemiclas Ltd., Vadodara the other two producers of the subject goods consume Hydrofluoric Acid captively.
  - ii. Preliminary scrutiny of the application filed by the petitioner revealed certain deficiencies, which were subsequently rectified by the petitioner. The petition was, therefore, considered as properly documented.
  - iii. The Authority on the basis of sufficient evidence submitted by the petitioner decided to initiate the investigation against imports of subject goods from People's Republic of China. The Authority notified the Embassy of People's Republic of China in New Delhi about the receipt of dumping allegation before

proceeding to initiate the investigation in accordance with sub-Rule 5(5) of the Rules.

- iv. The Authority issued a public notice dated 11.12.2001 published in the Gazette of India, Extraordinary, initiating Anti-Dumping investigations concerning imports of the subject goods classified under Chapter 28 of the Customs Tariff Act. 1975 and under Customs Sub-heading 281111 originating in or exported from People's Republic of China.
- v. The Authority notified preliminary finding dated 15.2.2002 and forwarded a copy of the preliminary findings to the following interested parties, who were requested to furnish their views, if any, on the preliminary findings within forty days of the date of the letter:-

### **IMPORTERS/USERS**

1. M/s Competent Dyestuff & Allied Products Pvt. Ltd., Ghaziabad
2. M/s Oswal Enterprises, Ahmedabad
3. M/s MFPL Fluorine Products Ltd., Chennai

### **EXPORTERS**

1. M/s Quzhua Fluorine Chemical Company Ltd. Zhejiang, China
2. M/s Yingpeng Chemical Company Ltd., Zhejiang, China
3. M/s Yingguang Chemical Company Ltd., Zhejiang, China
4. M/s Sanmei Chemical Industry Co. Ltd., Zhejiang, China
5. M/s Yongfei Chemicals Co. Ltd., Fujian, China
6. M/s 3-F Jinan Chemical Co. Ltd., Shandong, China
7. M/s Dongyue Chemical Co. Ltd., Shandong, China
8. M/s Melian Chemical Co. Ltd., Jiangsu, China
9. M/s Ato-3F Changsu Chemical Co. Ltd., China
10. M/s Xiangxiang Aluminium Plant, China
11. M/s Shyeyang, Jaingsu, China
12. M/s Fudu Chemical Co. Ltd., Jiangsu, China
13. M/s Xinhua Chemical Plant, Jiangsu, China
14. M/s Shanghai tianyuan Fluorine Chemical Co. Ltd., Shanghai, China

### **DOMESTIC INDUSTRY**

1. M/s All India Hydroflouric Acid Manufacturers
- vi. The Authority also forwarded a copy of the preliminary findings to the Embassy of the subject country in New Delhi with a request that the exporters

- of subject goods and other interested parties may be advised to furnish their views on the preliminary findings within forty days of the date of the letter;
- vii. The Authority provided an opportunity to all interested parties to present their views orally on 3.6.2002. All parties presenting views were requested to file written submissions of the views expressed. The parties were advised to collect copies of the views expressed by the opposing parties and offer rebuttals, if any;
  - viii. None of the interested parties has filed response in response to the preliminary findings/public hearing on 3rd June, 2002. M/s All India Hydroflouric Acid Manufacturers have filed submissions in response to the preliminary findings/public hearing only;
  - ix. The Authority kept available non-confidential version of the evidence presented by various interested parties in the form of a public file maintained by the Authority and kept open for inspection by the interested parties as per Rule 6(7);
  - x. Request was made to the Central Board of Excise and Customs (CBEC) to arrange details of imports of subject goods made in India during the past three years, including the period of investigation;
  - xi. Arguments raised by the interested parties before announcing the preliminary findings, which have been brought out in the preliminary findings notified have not been repeated herein for sake of brevity. However, the arguments, if any, raised by the interested parties subsequently have been appropriately dealt in the preliminary findings and/or these findings;
  - xii. In accordance with Rule 16 of the Rules supra, the essential facts/basis considered for these findings were disclosed to known interested parties on 14.8.2002 and comments received on the same have also been duly considered in these findings.
  - xiii. Cost investigation was also conducted to work out optimum cost of production and cost to make and sell the subject goods in India on the basis of Generally Accepted Accounting Principles (GAAP) and the information furnished by the petitioner.
  - xiv. The Authority verified the information provided by the petitioners to the extent considered necessary.
  - xv. \*\*\*\*in this notification represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.
  - xvi. Investigation was carried out for the period starting from 1st April, 2001 to 30th Sept., 2001 i.e. the period of investigation (POI).

## **B . VIEWS OF PETITIONER, EXPORTERS, IMPORTERS AND OTHER INTERESTED PARTIES**

## 1. Petitioner's Views

### a) Standing of the petitioner, product under consideration and like article.

Petitioners have reiterated their submissions on standing of the Domestic Industry, product under consideration and the like article as made by them prior to the preliminary findings and as indicated by the Authority in Paras B1(a), B1(b) and B1(c) of the preliminary findings dated 15th February, 2002.

### b) Normal Value, Export Price and Dumping

#### Dumping

- i. None of the exporters responded to the Designated Authority. The Authority therefore proceeded with the best available information. The Authority has constructed the normal value by referencing the appropriate cost of production. The petitioners submit that the determination of normal value done in the preliminary findings may be confirmed.
- ii. With regard to export price, it is submitted that the exporters from China have commenced dumping recently. The exporters have recently reduced the prices from about Rs.30 per kg. to about Rs.18.75 per kg. The goods have already been exported at these prices and the material has landed in India. The evidence in the form of bill of entry of one of the importer shows that imports at above mentioned prices are even below the cost of production of Domestic Industry.
- iii. Following expenses have to be reduced from the CIF export price to determine ex-factory export price:-
  1. Ocean freight
  2. Marine insurance
  3. Commission
  4. Inland freight

#### **In response to the disclosure, the following submissions have been made:-**

As regards the dumping, the Domestic Industry have indicated that as none of the exporters have responded, the Authority's determination on Normal Value may be confirmed.

As regards the export price, the petitioners have indicated that from the CIF the adjustments on ocean freight, marine insurance, commission, inland freight and port expenses be done and that on that basis there is a dumping on 60% Hydrofluoric Acid whereas the export price of 70% Hydrofluoric Acid is at a higher prices.

c) Injury

The petitioners have reiterated their submissions on injury and the same have been mentioned by the Authority in Para B(f) of the preliminary findings dated 15th February, 2002.

**In response to the disclosure, the following submissions have been made:-**

As regards injury, the Domestic Industry have reiterated their submissions made prior to preliminary findings indicating that the Domestic Industry would face severe losses if dumping continues, on account of the following:-

- i. **Nature and potential decline in sales:-** While overall sales volumes of Domestic Industry have not declined, should the Chinese continue to sell at the prices at which material has been exported, the Domestic Industry would not be able to maintain its sales volumes.
- ii. **Profits:-** While the selling price of the subject goods of 60% concentration has declined in period of investigation, the cost of production has increased, resulting in losses to Domestic Industry. Should the present trend continue, the Domestic Industry would be forced to face severe losses.
- iii. **Market share:-** It is submitted that imports from China were not a very significant in volume earlier. However, the imports have shown a very significant increase in investigation period. The market share of imports from China has increased from 68.74% in 2000-01 to 91.73% in period of investigation. Should the present trend continue, the market share of Domestic Industry will be adversely affected.
- iv. **Productivity:-** The productivity of the Domestic Industry declined in period of investigation. Should the imports continue at dumped prices, the productivity of the Domestic Industry will get affected.
- v. **Return on investments:-** The return on investment for the Domestic Industry for product under consideration is positive. However, the industry is facing losses on subject goods of 60% concentration. Further, should the present trend get transmitted to other grades, the Domestic Industry would be forced to similar situation in other types also.
- vi. **Utilisation of capacity:** As mentioned earlier, the Domestic Industry had no option but to struggle hard to sustain its existence. Therefore, the Domestic Industry has been producing more and more which has resulted in improvement in capacity utilisation of the Domestic Industry.
- vii. Further, as stated earlier, most of the producers are producing Hydrofluoric Acid in significant volumes for captive purposes. Thus, the overall levels of production and capacity utilisation otherwise also would not be indicator of injury suffered by the Domestic Industry. However should the present trend

- continue or be transmitted to other purity levels also, the industry would not be able to maintain even its present level of capacity utilisation.
- viii. **Price undercutting:-** The imports of 60% concentration were at so significantly dumped prices that the landed price of imports were significantly below the selling price of the Domestic Industry. Dumped imports were causing severe price undercutting in the Indian market.
  - ix. **Price suppression/depression:-** Landed value of the dumped imports is significantly below the cost of production of the Domestic Industry. Should the present trend of prices continue, imports would have severe suppressing/depressing effect on the Domestic Industry .
  - x. **Magnitude of the margin of dumping:-** The dumping margin from China is not only more than de-minimus but also very significant. The impact of dumping on the Domestic Industry is significant.
  - xi. **Actual and potential negative effects on cash flow:-** The cash flow of the Domestic Industry deteriorated. Further, should the imports continue or start coming in other grades also, the cash flow of Domestic Industry will be adversely deteriorated.
  - xii. **Inventories:** Stocks, which were declining in 2000-2001, increased significantly in period of investigation. Should the present trend continue, the stocks would pile up further.
  - xiii. **Employment:-** The employment level with the Domestic Industry declined as the industry has been forced to curtail the employment levels . The present trend of dumping will further adversely affect the employment level of the industry.
  - xiv. **Wages:-** The industry has no other option available but to decrease the wages of the employee. Should the present trends continue, not only that the industry would be forced to reduce employment but also that the Domestic Industry would have to reduce the wages.
  - xv. **Growth:** Though production and capacity utilisation of the Domestic Industry has increased, sales volume declined in the period of investigation. Further, should the present trend of imports continue, the growth of Domestic Industry would be adversely affected.
  - xvi. **Ability to raise capital investments:-** The Domestic Industry anticipates difficulties in raising fresh capital, should the imports from China continue at prices at which Hydrofluoric Acid 60% has been exported to India in the investigation period.

All the above parameters, collectively and cumulatively, establish that the Domestic Industry has suffered material injury and further the imports are causing threat of material injury.

d) Others

The domestic industry has submitted that the duties may be kept in terms of reference price and in dollar form only. The definitive anti dumping duties are required to be imposed for all imports from China. Since different concentrations have different specific end-use and cannot be interchangeably used, it is requested that separate duties may be recommended for different concentration.

**2. Exporter's views**

No submissions have been made by the exporters.

**3. Importer's views**

No submissions have been made by the importers.

**4. Others**

No submissions have been made by any other interested parties..

## **C. EXAMINATION BY AUTHORITY**

The foregoing submissions made by the petitioner, to the extent these are relevant as per Rules and have a bearing upon the case, have been examined, considered and dealt with at appropriate places in these findings.

### **1. PRODUCT UNDER CONSIDERATION**

The Authority notes that none of the exporters/importers have given any views on the product under consideration. Hence the Authority confirms its preliminary findings of Para C(1) on the product under consideration. The product involved in the present petition is Hydrofluoric Acid in various forms viz. Anhydrous Aqueous and in different purities and concentrations originating in or exported from the PR China and classified under Customs Sub-heading 281111 of the Customs Tariff Act, 1975. Hydrofluoric Acid could be Anhydrous Hydrofluoric Acid in liquid and gas form or Aqueous. It is an inorganic chemical classified under Chapter 28 of the Customs Tariff Act under Customs Sub-heading 281111 of the Customs Tariff Act, 1975 and is used as a catalyst for gasoline Alkylation manufacture of Inorganic Fluorides, Fluorinated Hydrocarbon Compounds, Refrigerants. It is also used as a pickling agent for descaling stainless strips and high silicon sheets, glass etching and also for production of misc. fluorides. The product is available in various forms and purities.

The raw materials used in the manufacture of Hydrofluoric Acid are Acid Grade Fluorspar, Sulphuric Acid and Oleum. Raw material Fluorspar contains moisture. It is first dried by hot flue gases in a dryer. It is then fed to Hydrofluoric acid production plant. Fluorspar and Sulphuric Acid/oleum mixture are fed into prereactor at a constant predetermined rate. Prereactor mixes these and converts into a homogeneous mixture. The prereactor then pushes the homogeneous mixture into the Hydrofluoric Acid reactor. H F gas is drawn from the feed end into prescrubbing tower whereas the Anhydrite by product is withdrawn from the other end. H F gas passes through upper part of prescrubbing tower which washes the Hydrofluoric Acid gas and removes dust and moisture the gas is then washed with the H F Acid reflex. The gas then goes into two HF condensers and thereafter the gas is condensed by chilled Calcium Chloride solution. The liquid H F is then purified for removal of impurities by two separate distillation processes

## **2. LIKE ARTICLE**

The Authority notes that the petitioner has claimed that the goods produced by them are like article to the goods produced, and exported from the subject country. Also both are technically and commercially substitutable and the consumers are using the domestically produced and imported goods interchangeably. The Authority also notes that no exporter/other interested party has filed any response on this issue. One of the importers i.e. M/s Oswal, Vadodara who has filed the information did not raise any argument on the issue of like article. The Authority notes that the subject goods imported from the subject country and that produced by the petitioner companies are technically and commercially substitutable and have been used interchangeably. The Authority also notes that one of the importers who has been the beneficiary of the dumped subject goods is also a customer of the Domestic Industry.

The Authority in view of the above holds that the goods produced by the Domestic Industry and those exported from the subject country are like article within the meaning of the Rules 2(d) and confirms the preliminary findings in this regard.

## **3. DOMESTIC INDUSTRY**

The petition has been filed by the M/s All India Hydrofluoric Acid Manufacturers (AHF) Association, Cuddalore. The petition is supported by M/s Tanfac Industries Ltd and M/s Navin Fluorine Ltd. M/s Shriram Fibres Ltd. and M/s Gujarat Fluorine Chemicals Ltd., the other two producers consume Hydrofluoric Acid captively. On the basis of the production of M/s Tanfac Industries Ltd, Cuddalore and M/s Navin Fluorine Ltd., Mumbai for merchant purposes in the POI, the petitioners constitute about 67.4% of the total domestic production for merchant purposes and thus have the standing to file the petition on behalf of the Domestic Industry as per Rule 5(a) and

(b) and also represent the domestic industry as per Rule 2(b). The Authority confirms the preliminary findings in this regard.

#### **4. NORMAL VALUE & EXPORT PRICE**

Under Section 9A(1)(c), 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);

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transshipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.

The normal value and ex-factory export price determination is illustrated below.

#### **A. NORMAL VALUE**

The Authority notes that none of the exporters/producers from PR China have responded. The Authority also notes that the petitioner has claimed normal value based on the constructed cost of production as per the Anti Dumping Rules. The Authority keeping in view the Notifications No. 44/1999 NT dated 15.07.1999 and No.28/2001 NT dated 31.05.2001 and the non-cooperation from producers/exporters in PR China considers it appropriate to construct the normal value on the basis of the best available information including the information on the international prices of the major raw materials. The Authority has appropriately benchmarked the best consumption norms and productivity factors for constructing the normal value.

The Authority has determined the normal value separately for different concentrations of the subject goods keeping in view their different end uses and non-substitutability and in view of this the constructed normal value for 70% and 60% concentration of the subject goods comes to \*\*\*\* and \*\*\*\*\$/PMT respectively.

## **B. EXPORT PRICE**

The Authority notes that none of the exporters/producers from the subject country has provided the response to the questionnaire. The Authority also notes that the petitioner has provided data from Directorate General of Commercial Intelligence & Statistics (DGCI&S) and also from secondary sources evidenced in the form of bill of entry of one of the importers indicating the import price of the subject goods from the subject country during the POI. The Authority also notes that the petitioner has claimed adjustments on ocean freight, marine insurance, commission, inland freight and port expenses to an extent of \*\*\*\*, \*\*\*\*, \*\*\*\*, \*\*\*\* and \*\*\*\* \$/MT respectively.

The Authority in view of the non-cooperation and on the basis of available data from DGCI&S and secondary evidences as provided by the petitioner has evaluated the ex-factory export price on the basis of the above adjustments which comes to \*\*\*\*\$/PMT for 60% concentration of subject goods and \*\*\*\*\$/PMT for 70% concentration of subject goods respectively.

## **5. DUMPING-Comparison of Normal Value & Export Price**

The rules relating to comparison provides as follows:

"While arriving at margin of dumping, the Designated Authority shall make a fair comparison between the export price and the normal value. The comparison shall be made at the same level of trade, normally at ex-works level, and in respect of sales made at as nearly possible the same time. Due allowance shall be made in each case, on its merits, for differences which affect price comparability, including differences in conditions and terms of sale, taxation, levels of trade, quantities, physical characteristics, and any other differences which are demonstrated to affect price comparability."

The Authority has carried out weighted average normal value comparison with the weighted average ex-factory export price in Period of Investigation, for evaluation of the dumping margin for all the exporters/producers of the subject country.

The Dumping Margins of concentrations other than 60% and 70% have been referenced on the basis of the data available for 60% concentration.

The dumping margin for all exporter/producers comes as under:

Exporter	Normal value(NV) \$/MT	Export Price(EP) \$/MT	Dumping margin as % of EP
PR China All exporters/Producers in China PR			
Hydrofluoric Acid of 70% concentration in all forms	****	****	De-minimis
Hydrofluoric Acid of 60% concentration in all forms	****	****	38.2%
All other concentrations of Hydrofluoric Acid in all forms	****	****	38.2%

The dumping margins of all concentrations of the subject goods other than 70% concentration are above the de-minimis level.

## 6. INJURY AND CAUSAL LINK

The relevant Rules pertaining to injury determination include the following.

Under Rule 11 supra, Annexure-II, when a finding of injury is arrived at, such finding shall involve determination of the 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...." In 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".

For the examination of the impact of the dumped imports on the domestic industry in India, we may consider such indices having a bearing on the state of the industry as production, capacity utilisation, sales quantum, stock, profitability, net sales realisation, the magnitude and margin of dumping, etc. in accordance with Annexure II(iv) of the rules supra.

As regards the threat of injury, the Authority notes that the Anti-Dumping Rules states as follows:

"A determination of a threat of material injury shall be based on facts and not merely on allegation, conjecture or remote possibility. The change in circumstances, which would create a situation in which the dumping would cause injury, must be clearly

foreseen and imminent. In making a determination regarding the existence of a threat of material injury, the DA shall consider, inter-alia, such factors and;

- a. a significant rate of increase of dumped imports into India indicating the likelihood of substantially increased importation;
- b. sufficient freely disposable or an imminent, substantial increase in capacity of the exporter indicating the likelihood of substantially increased dumped exports to Indian market, taking into account the availability of other export markets to absorb any additional exports;
- c. whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices, and would likely increase demand for further imports; and,
- d. inventories of the article being investigated.

The Authority recalls and reiterates its observations on the various economic parameters in the case of domestic producers who had supported the petition. The parameters pertaining to these producers are as under

- i. The imports from China PR of subject goods were 60 MT in 1999-2000 and have increased to 120 MT in 2000-2001. During POI (annualised) the imports are also at the same level of 120 MT. The market share of imports from PR China in total imports have however increased from 68.74% in 2000-2001 to 91.73% in POI (annualised). These levels are above the de-minimis limit.
- ii. The market share of imports from China in the total merchant sales demand increased from 1.2% in 2000-2001 to 2.5% in POI.
- iii. The capacity, production and capacity utilisation of the domestic industry for the year 1998-99, 1999-2002 and 2000-2001 and Period of Investigation are as under:-

(in MT )

	1998-99	1999-2000	2000-2001	April 2001-September 2001 (POI)	POI Annualised
Capacity	23035	23035	23035	11518	23036
Production	20338	21650	19452	10248	20496
Capacity Utilisation	88.29%	93.99%	84.45%	88.97%	88.97%
Domestic merchant Sales	3655	4863	4630	2042	4084

The Authority notes that as compared to 2000-2001, there has been increase in the production and as well as the capacity utilisation of the Domestic Industry. As regards the domestic merchant sales, it has declined from 4863 MT in 1999-2000 to 4630 MT in 2000-2001 and 4084 MT in Period of Investigation (Annualised).

- iv. The Authority also notes that one of the importers viz. M/s Jindal Strips of the dumped subject goods during the POI is also one of the customers for the subject goods sold by the petitioner. The Authority notes that the petitioner companies have lost sales to this customer on account of dumping of the subject goods.
- v. The landed value as described in Para 8 of the dumped imports from the subject countries is below the non-injurious price of the subject goods. The price undercutting caused by these dumped imports have led to underselling and price suppression and has therefore affected the profitability of the Domestic Industry.
- vi. The Authority also notes from the secondary source published data on Chinese Fluorspar market as provided by the petitioner that there is sufficient disposable capacity more than 1.6 lakh tonnes of the subject goods available in the exporting country and that the price undercutting phenomena by the recent dumped imports also indicates an imminent threat to the domestic producers of the subject goods in India.
- vii. The demand of the subject goods evaluated on the basis of the merchant sales has declined from 4961 MT in 1999-2000 to 4804 MT in 2000-2001 and to 4215 MT in POI (annualised). However, the total demand including the captive consumption has increased from 30685 MT in 1999-2000 to 31340 MT in POI (annualised). Therefore the demand has not been a contracting factor for growth and therefore not a constraining factor to the injury caused to the domestic industry.

Also in order to eliminate effect of any inefficiencies in the production process of the subject goods Domestic Industry, which could be a contributing factor to the injury to the Domestic Industry, the Authority has determined a Non Injurious Price (NIP) for the Domestic Industry during the POI. The Non Injurious Price has been evaluated by normating and benchmarking the best utilisation and consumption norms of various cost components viz. raw material, utilities and consumables etc. for the Domestic Industry in the POI. Thus the injury has been on account of dumped imports.

## **7. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES**

Keeping in view the fact that though the user industry of subject goods might get affected, the Authority holds 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 open and fair competition in the Indian market, which is in the general interest of the country.

The Authority also recognises that though the imposition of anti-dumping duties might affect the price levels of the products manufactured using the subject goods and

consequently might have some influence on relative competitiveness of these products, however, fair competition in the Indian market will not be reduced by these anti-dumping measures. On the contrary, imposition of anti-dumping measures would remove the unfair advantages gained by the dumping practices and would prevent the decline of the domestic industry and help maintain availability of wider choice of the subject goods to the consumers. Imposition of anti-dumping measures would also not restrict imports from the subject country in any way, and, therefore, would not affect the availability of the products to the consumers.

## **8. LANDED VALUE**

The landed value of imports for the purpose shall be the assessable value as determined by the customs under Customs Tariff Act, 1962 and applicable level of custom duties except duties levied under Section 3, 3A, 8B, 9, 9A of the Customs Tariff Act, 1975.

## **D. CONCLUSIONS:**

It is seen, after considering the foregoing paras on dumping and injury, that:

- a. As illustrated in foregoing Para 4 that since none of the exporters from the subject countries has cooperated, the normal value and export price have been referenced on the best available information as provided by the petitioner. It is observed that the subject goods of concentration other than 70% in all forms originating in or exported from the subject country have been exported to India below their normal value. The subject goods in 70% concentration have not been exported below the normal value.
- b. Injury has been caused to the domestic industry by dumping of the subject goods of all concentration other than 70% concentration originating in or exported from the subject country as the profitability of the domestic industry has suffered on account of depressed Net Sales Realisation caused by the price undercutting due to low landed prices of the dumped subject goods. The significant capacity for export purposes available with the producers/exporters in PR China and the recent dumped imports of concentration other than 70% have caused price depression and is an imminent threat to the domestic producers of the subject goods in India.
- c. The Authority therefore recommends definitive anti-dumping duty on imports of subject goods of all concentrations other than 70% concentration falling under Chapter 28 originating in or exported from the subject country.
- d. The Authority recommends levy of anti-dumping duty equal so as to remove the injury caused to the domestic industry on account of dumping. Accordingly,

it is recommended that definitive anti dumping duties equal to the difference between the reference amount as indicated in Column 9 below and the landed value be imposed, by the Central Government, on all imports of subject goods except that in 70% concentration originating in or exported from People's Republic of China under Chapter 28 Customs sub-heading 281111 of the Customs Tariff.

SI.No	Sub-heading	Description of goods	Specification	Country of origin	Country Of Export	Producer	Exporter	Amount	Unit of Measurement	Currency
1.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 100% concentration in all forms (loose/unpacked)	People's Republic of China	Any country	Any	Any	797.6	Metric Tonne	USD
2.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 100% concentration in all forms (packed)	People's Republic of China	Any country	Any	Any	871.8	Metric Tonne	USD
3.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 60% concentration in all forms (loose/unpacked)	People's Republic of China	Any country	Any	Any	478.56	Metric Tonne	USD
4.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 60% concentration in all forms (packed)	People's Republic of China	Any country	Any	Any	552.7	Metric Tonne	USD
5.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 50% concentration in all forms (loose and unpacked)	People's Republic of China	Any country	Any	Any	398.8	Metric Tonne	USD
6.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 50% concentration in all forms (packed)	People's Republic of China	Any country	Any	Any	473.02	Metric Tonne	USD
7.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 100% concentration in all forms (loose/unpacked)	Any	PR China	Any	Any	797.6	Metric Tonne	USD
8.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 100% concentration in all forms (packed)	Any	PR China	Any	Any	871.8	Metric Tonne	USD
9.	2811.11	Hydrofluoric Acid	Hydrofluoric Acid of 60% concentration in all forms (loose/unpacked)	Any	PR China	Any	Any	478.56	Metric Tonne	USD

10.	2811.1 1	Hydrofluoric Acid	Hydrofluoric Acid of 60% concentration in all forms (packed)	Any	PR China	Any	Any	552.7	Metric Tonne	USD
11.	2811.1 1	Hydrofluoric Acid	Hydrofluoric Acid of 50% concentration in all forms (loose and unpacked)	Any	PR China	Any	Any	398.8	Metric Tonne	USD
12.	2811.1 1	Hydrofluoric Acid	Hydrofluoric Acid of 50% concentration in all forms (packed)	Any	PR China	Any	Any	473.02	Metric Tonne	USD

The reference amount in Column 9 for subject goods in loose form would be determined on a pro-rata basis viz. reference amount for 60% concentration is equal to 60% of the reference amount of 100% concentration. The reference amount for packed form of subject goods of a particular concentration would be determined by adding \$74.22/MT as a fixed packaging cost to its reference value in loose form.

- e. Subject to above, the Authority confirms the preliminary findings dated 15.2.2002
- f. An appeal against this order shall lie to the Customs, Excise, Gold (Control) Appellate Tribunal in accordance with the Act Supra.

**L.V. SAPTHARISHI,**  
Designated Authority & Addl. Secretary