

# MINISTRY OF COMMERCE

## NOTIFICATION

New Delhi, the 27th March, 1998

## FINAL FINDINGS

**Subject:** Anti dumping investigation concerning imports of graphite electrodes from USA, Austria, France, Germany, Italy, Spain, China PR and Belgium - Final Findings

**ADD/IW/43**-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:

- i. The Designated Authority (hereinafter also referred to as the Authority) notified preliminary findings vide Notification no. ADD/IW/43 dated the 9th June, 1997 and requested the interested parties to make their views known in writing within forty days from the date of its publication;
- ii. The Authority forwarded a copy of the preliminary findings to known interested parties who were requested to furnish their views, if any, on the preliminary findings within forty days of the date of the letter;
- iii. The Authority also forwarded a copy of the preliminary findings to the Embassies of USA, Austria, France, Germany, Italy, Spain, China PR and Belgium in New Delhi with a request that the exporters and other interested parties may be advised to furnish their views on the preliminary findings;
- iv. The Authority held an oral hearing on 24th July 1997 to hear views orally. All the parties attending the oral hearing were requested to file written submissions of the views expressed orally. The parties were advised to collect copies of the views expressed by the opposing parties and were requested to offer their rebuttals. A number of interested parties attended the hearing.
- v. NPG graphite electrodes in these findings refers to normal power grade graphite electrodes and high power grade graphite electrodes. UHP graphite electrodes refers to ultra high power grade graphite electrodes.
- vi. In accordance with Rule 16 of the Rules supra, the essential facts/basis considered for these findings were disclosed to known interested parties and

comments received on the same have also been duly considered in these findings;

- vii. The Authority made available the public file to the interested parties containing non-confidential version of all evidence submitted to the Authority by various interested parties. All parties who made request for inspection, in writing, were allowed to inspect the public file;

## **B. PETITIONER'S VIEWS**

2. The petitioner raised the following arguments:

- a. The petitioner complained of dumping of UHP electrodes from USA and Europe and NPG electrodes from China PR. The complaint was for all size of graphite electrodes;
- b. The goods produced by the domestic industry are similar to the goods imported from the subject countries;
- c. Normal value of Ucar is established by the quotations of Ucar for sale in the home market. The same was supplemented by the extracts from Carbon Data Bank;
- d. The petitioner furnished evidence of export price also in its petition, on confidential basis, which established dumping by Ucar;
- e. All countries within the European community should be covered in the imposition of duty;
- f. Normal value in Europe was established by the petitioner based on the prices prevailing in the home market. The petitioner submitted the export price from Europe to the rest of world also to establish dumping;
- g. The export price from Europe was established by the petitioner from invoices of SGL Carbon AG;
- h. In case of China PR, the petitioner established normal value based on constructed value. The information furnished by the exporter being inadequate, the Authority should determine the normal value based on constructed value;
- i. The petitioner furnished details of export price of NPG electrodes from China on the basis of the data compiled by World Trade Centre;
- j. The export price from China PR has remained the same over the past three to four years in spite of world-wide phenomenon of increase in the cost of production;
- k. The petitioner relied upon the preliminary findings to establish the injury to the domestic industry;
- l. The domestic manufacturers are exporting graphite electrodes to survive. The balance sheets of the companies does not reflect the correct position, as the

- companies are engaged in export activities and other activities not related to production and sale of graphite electrodes;
- m. The customs duties were 40 percent during the investigation period and now have declined to 22 percent. This has adversely affected the domestic industry;
  - n. The European Commission, in its findings relating to Tungstic Oxide and Tungstic Acid case held in 1993 that an industry may suffer from material injury despite the fact that it has improved profitability during the reference period, especially when the improvement is not genuine or lasting and the improved profitability may be because of other reasons such as exports undertaken by the domestic industry;
  - o. The profitability of the domestic industry should be viewed in the light of the fact that graphite electrodes industry is a highly capital intensive industry involving large outlay of capital;
  - p. Inadequate profit margins in case of NPG electrodes and virtually no profit margins in case of UHP electrodes has resulted in inadequate generation of resources for upgradation of technology and maintenance of minimum economic standards.

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

3. The importers and exporters have expressed their views, and the same are briefly mentioned below:
- a. The Authority should approach Central Board of Excise and Customs (CBEC) again and collect authentic import data. In view of varied and diversified nature of the product, the Authority should not consider single normal value and export price for the entire range of the product involved;
  - b. The export price claimed by the petitioner is not correct in case of Ucar. The Authority should determine the export price on the basis of the information provided by Ucar;
  - c. Demand for High Power and UHP electrodes was 9965 MT as on 31.07.97 as against gross capacity of 11490 MT.
  - d. Ucar furnished details of electrodes shipped from each country alongwith size for the investigation period and argued that the total volume of imports claimed at around 2515 MT during 1995 and 1996 by the petitioner is around the double of the exports done by Ucar;
  - e. Loss of production: The Steels scenario in India is extremely bad. Out of nearly 183 electric arc furnaces, 50 percent have closed down and those who are working are operating at 56% efficiency, resulting in decline in the demand for UHP electrodes upto 20" dia.

- f. It is not established by the petitioner that they can produce UHP electrodes, nor the producers have technology required to produce UHP electrodes. This is established by the very fact that the Indian producers cannot market UHP electrodes at the international prices.
- g. The Indian producers were well protected by the high customs duties and were supplying inferior quality, were raising prices at their will, had poor after-sales services and gave delayed delivery. The anti-dumping duties have been requested by the petitioners to protect themselves against the easy access to international manufacturers.
- h. The international producers have minimum variations in the quality parameters, resulting in consistency. The imported electrodes are longer in length (upto 110") as against Indian produce (72"). The Indian producers sell short length also. The longer the electrode, the better it is.
- i. The imported HP electrodes (by Ucar) are also made using needle calcined petroleum coke (CPC), whereas the Indian producers use different CPC. The Authority's decision to club NPG electrodes and HP electrodes is, therefore, not correct. NPG electrodes and HP are made using different processes and raw materials and should not be put together as same article.
- j. The Authority's observation that "various sizes result from the same technology, processing and raw material" is incorrect. Electrode size depends upon the current carrying capacity. Further, the chemical compositions of different sizes are not same. The electrodes sold by Ucar differs in dimensions, such as length, nipple size, chemical and physical compositions and, therefore, cannot be used interchangeably.
- k. The contention of the Authority that the Ucar has exported the goods from a country other than the country of origin is incorrect. Ucar has exported the goods from the country where it is produced and the same has not been modified in or exported from a different country.
- l. The capacity utilisation of the petitioner declined for the following reasons:
  - i. Expansion of capacity: All the three Indian producers have increased their capacity from around 23000 MT (1975) to around 43000 MT (1996) and are expected to reach 54000 MT (1998). At the same time, several units have closed internationally because of excess capacity;
  - ii. Non-availability of power: The three producers have indicated again and again that their production suffered due to non-availability of power;
  - iii. Raw material: Needle coke is not available to the Indian producers, affecting production. This is proved even from the fact that the Indian producers had to import needle coke from Japan.
  - iv. The capacity utilisation of the Indian producers suffered due to its inability to export as per projections.

- v. The capacity utilisation should be considered in the context of bottlenecks in capacities at various stages of production;
- vi. There were labour unrest during the investigation period for certain period of time resulting in go-slow which affected the capacity utilisation.

## **D. EXAMINATION BY AUTHORITY**

4. The submissions made by the petitioner, exporters, importers and other interested parties have been examined, considered and, wherever appropriate, have been dealt hereinafter.

## **E. PRODUCT UNDER CONSIDERATION, LIKE ARTICLES AND DOMESTIC INDUSTRY**

5. Under Rule 2(d) "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 an article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation.

6. Arguments raised by the interested parties and the examination of the same by the Authority is as under

### **Arguments raised:**

a) There are three types of graphite electrodes, namely NPG electrodes, UHP electrodes, and High Power electrodes. The clubbing of High Power with NPG electrodes done by the Authority is inappropriate, as the two differ in respect of a number of technical parameters. Liaoning Minmetals has argued that their High Power electrodes are equivalent to the NPG electrodes of the Indian industry. The exporter has further argued that the its NPG electrodes differs from Indian NPG electrodes in terms of consumption. The exporter claimed that consumption of its NPG electrodes is higher by 20% compared to consumption of Indian NPG electrodes.

### **Authority's position:**

The above contention, in fact, establishes that the high power electrodes are a variation of NPG electrodes. Though the NPG electrodes imported from China PR and produced by the Indian industry differ in terms of some technical parameters, the two are consumed interchangeably, are similar in terms of functions and uses, manufacturing technology, pricing, distribution & marketing and tariff classification.

Further, Liaoning Minmetals itself has accepted that its high power is similar to NPG electrodes produced by the Indian industry. The Authority further notes that though the exporter volunteered to furnish its cost of production for high power, the same was not furnished.

**Arguments raised:**

b) M/s. Engineers International produced evidence in the form of a letter from M/s. Sunflag Iron and Steel Ltd. and argued that the graphite electrodes produced by Ucar is not a like article to the graphite electrodes produced by the domestic industry. The letter produced by Engineers International states, with regard to Ucar's electrodes, that the electrode nipple length is 50 mm more than existing nipple and, therefore, these electrodes (produced by Ucar) cannot be used in conjunction with existing electrodes.

**Authority's position:**

The Authority observes that the evidence produced by Engineers International, in fact, establishes the claim of the petitioner that the consumers switched their requirements between the overseas and the Indian product. Even if the goods imported from the subject countries and/or goods produced by the Indian producers require minor modifications/ alterations, before consumption, as appears from the letter of M/s. Sunflag Iron and Steel Ltd., the test of substitutability is not disproved.

7. The product under consideration which has been investigated for dumping has been defined in the preliminary findings, which is graphite electrodes of the following two types:

- Ultra High Power grade graphite electrodes (referred to as UHP electrodes);
- Normal Power grade graphite electrodes, including its variations, High Power grade (referred to as NPG electrodes).

8. In order to establish that the graphite electrodes produced by the domestic industry is a like article to the graphite electrodes exported from the subject countries, the Authority took into account such characteristics as physical characteristics (size, chemical composition, raw materials), manufacturing process and technology, functions and uses, product specifications, pricing, distribution & marketing, and tariff classification of the goods.

9. The Authority has compared the characteristics of the UHP graphite electrodes produced by the domestic industry with the characteristics of the UHP graphite electrodes from the subject countries, except China PR to satisfy the test of like

article. Similarly, the Authority has compared the characteristics of the NPG graphite electrodes produced by the domestic industry with the characteristics of the NPG graphite electrodes from China PR.

10. The Authority notes that the graphite electrodes produced and sold by the domestic industry has characteristics closely resembling to the graphite electrodes exported from the subject countries, even though some of the factors are not identical.

11. The Authority confirms paras 5 to 9 of the preliminary findings and confirms that NPG electrodes produced by the domestic industry is a like article to NPG electrodes exported from China PR and UHP electrodes produced by the domestic industry is a like article to the UHP electrodes exported by the subject countries excepting China PR within the meaning of the rules supra.

## **F. DUMPING**

12. 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-
  - 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
  - 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 transhipped 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.

13. Arguments raised by the interested parties and the examination of the same by the Authority is as under:

**Arguments raised:**

I) M/s. Hindustan Produce Company wrote that although all the arguments raised by them were included in the preliminary findings, neither their name nor the name of the exporter represented by them (M/s. Chengdu Machinery Metals & Minerals, Import & Export Corpn.) has been included in the preliminary findings.

**Authority's position:**

The Authority notes that neither Hindustan Produce company, nor its principals have filed any response to the exporter's questionnaire sent by the Authority. Since the exporter has not furnished information requested by the Authority, the Authority has not determined separate dumping margin in respect of the exporter.

**II) Liaoning\_Minmetals:**

Liaoning Minmetals has raised the following arguments:

- a. In China export and import activities are mainly controlled by the foreign trade enterprises, whereas the manufacturers caters to the domestic market. Hence, the exporter has exported the goods which were produced by M/s. Tianjin Jinghai Carbon Plant;
- b. The exporter has not dumped NPG electrodes in India, nor the export price is higher than the cost of production;
- c. The cost of production estimated by the Authority is incorrect. The cost of production depends on the costs of major inputs such as power, calcined petroleum coke and coal tar pitch, which are available in abundance and competitive prices in China;
- d. In case there were any deficiencies in the information furnished by the exporter, the exporter should have been asked to explain.
- e. The exporter volunteered to give a price undertaking in the event of imposition of anti-dumping duty.

**Authority's position:**

The Authority notes that the exporter has not furnished complete information requested by the Authority. The argument of the exporter that additional information could be called by the Authority from the exporter is not tenable, as it is obligatory on the part of the exporter to furnish complete response to the Authority in the form and manner prescribed and within the time limits laid down by the Authority. The Authority, therefore, considers it appropriate to determine dumping margin with

reference to Liaoning Minmetals also on the basis of cost of production constructed for China PR.

With regard to the willingness of the exporter to extend price undertaking, the Authority observes that the exporter has merely extended its willingness to offer price undertaking and has not made any offer in terms of prices at which it was willing to export the goods to India. Since the prices at which the exporter intends to export form the basis for consideration of price undertaking, the option of price undertaking has not been explored by the Authority at this stage.

### III) European Union:

The views expressed by European Union are, inter-alia, as under:

#### **Arguments raised:**

a) There are no specific findings with regard to the alleged dumped imports from Belgium, Italy, France, Spain and Austria. The basis of determination of normal value and export price in case of exports from these countries is not clear from the preliminary findings.

#### **Authority's position:**

The Authority has given detailed methodology with regard to determination of normal value. In case of exports from these countries by Ucar, normal value has been determined on the basis of normal value in USA. In case of exports by SGL Carbon from these countries, the normal value has been determined on the basis of prices of SGL Carbon in the domestic market in Germany. The detailed methodology adopted for determination of normal value in case of the two exporters has been brought out in these findings and preliminary findings.

#### **Arguments raised:**

b) The dumping margin in case of Italy was determined as "nil", whereas the Authority has recommended anti-dumping duty in case of imports from Italy also.

#### **Authority's position:**

It is clarified that the dumping margin in case of Italy determined by the Authority in the preliminary findings was not "nil". The Authority issued a corrigendum on 8th July, 1997 to clarify the position, which was published in the Gazette of India,

Extraordinary. The dumping margin in case of Italy in the preliminary findings was determined as 60%.

#### **IV) Ucar Inc.**

Ucar International Inc. authorised M/s. Engineers International to attend meetings on their behalf but reserved its right to also present information directly to the Authority.

#### **Arguments raised:**

a) The contention of the Authority that Ucar has exported the goods from a country other than country of origin is incorrect. Ucar has exported the goods from the country where it is produced and the same has not been altered or exported from a different country.

#### **Authority's position:**

The finding of the Authority in para 15 of the preliminary findings that even though Ucar might have produced the electrodes at any of its plant, the exports to India have been made by it from USA is in accordance with the Rules. The Authority is required to determine normal value and export price to determine the existence of dumping. The normal value has to be determined in accordance with the section cited above. The normal value is the comparable price in the "exporting country". The Authority is, therefore, required to give its finding about the country which has been considered as the exporting country for determination of normal value. In the instant case, since sales have been made from USA and Ucar has neither furnished information with reference to exports made from various countries nor claimed separate normal value for each of the country concerned, the Authority considered normal value of the exporter in USA as the normal value in all those countries from Ucar has exported goods. Determination of normal value with reference to the prices prevailing in USA does not imply that there is some alteration done by the exporter in USA or those goods have not been exported to India which were produced in the country or origin.

With regard to export price, the Authority observes that Engineers International furnished, on behalf of Ucar, volume of exports made and size of the electrode exported by it from different countries. The exporter has, however, not furnished export price of different sizes exported by it from different countries. The information furnished by Engineers International, therefore, cannot be relied upon for determination of dumping with reference to the size of electrode. The information has, however, been correlated with the information furnished by the importers, to the extent available, to determine the extent of injury to the domestic industry.

## V) Other issues:

With regard to the non-submission of the import data by CBEC, the Authority observes that the primary responsibility for furnishing the information with respect to the export volumes and prices rests with the exporters. The exporters known to be concerned as also the Embassies of the concerned countries were informed by the Authority about the investigations and were requested to make available relevant information. Further, the importers were also requested to furnish, inter-alia, the details of imports made by them. The Authority relied upon the information furnished by the exporters and importers to the extent necessary and feasible. The Authority is, therefore, in possession of information relating to imports of graphite electrodes in India., Non-receipt of any information from CBEC does not imply that the Authority is not in possession of the sufficient information to arrive at a just and fair decision. Further, contention of the interested party(ies) is factually incorrect to the extent that the Authority has not determined uniform export price and/or normal value for all types of graphite electrodes. The Authority has determined separate normal values and dumping margins in respect of NPG and UHP electrodes for each country under investigation.

In view of the foregoing, the Authority confirms the preliminary findings with regard to determination of dumping. The dumping margins comes as under:

S. No.	Name of the Exporter/Country	Dumping margin (% of export price)
1.	Ucar Inc., USA	45
2.	<u>In case of exports from Germany</u> SGL Carbon, Germany	57
3.	<u>In case of exports from China PR</u>	
	a. Liaoning Metals & Minerals Import & Export Corpn.	75
	b. China National Non Ferrous Metals I/E Corpn.	70
4.	France	93
5.	Italy	60
6.	Austria	88
7.	Spain	56
8.	Belgium	43

## G. INJURY

14. Arguments raised by the interested parties and the examination of the same by the Authority is as under

### Arguments raised:

- a. The preliminary findings are not specific on profitability of the Indian industry. In spite of increase in selling prices by the Indian industry for both NPG and UHP electrodes, it is difficult to accept that a small decline of 5% in the sales should have resulted in financial loss or loss in profits.
- b. The conclusion with regard to the material injury is not convincing in view of increase in production, selling prices and marginal reduction in sales quantities. The conclusion with regard to threat of material injury appears to be based on conjecture/remote possibility, and the same is not supported by any statistics/figures.

**Authority's position on (a) and (b) above:**

The Authority has given a detailed finding on injury to the domestic industry. The factors which led to determination of threat of material injury have also been brought out in the preliminary findings. The finding of injury to the domestic industry is based on all factors cumulatively and collectively affecting the domestic industry.

**Arguments raised:**

- c. The Indian industry increased prices of 20" elatttrodes during the investigation period from Rs. 90000 pmt to Rs. 116000 pmt. No producer who is under the threat of imports can afford to increase the prices and would, in fact, reduce the prices substantially.
- d. It is a general trade practice that an exporter sells at higher prices in the domestic market as compared to export market to get a foothold in such market.

**Authority's position on (c) and (d) above:**

The argument, in fact, is an acceptance of the fact of dumping by such exporter. The reasons for such dumping are irrelevant. Though the petitioner companies increased their prices, the same were in view of the increase in the cost of production. The increase in the selling prices by the petitioner companies has to be seen with reference to the reduction in the market share of the petitioner companies. As observed in the preliminary findings, the market share of the domestic industry declined sharply, from 99% (1992-93) to 72.58% (1995-96), whereas the same increased sharply from 0.96% (1992-93) to 27.42% (1995-96).

**Arguments raised:**

- e. Considering the preliminary findings that the domestic industry was forced to sell UHP electrodes at losses and the fact that the domestic industry was exporting UHP electrodes at prices lower than the prices in the domestic

market, the Indian industry would be making huge losses on the exports also. In such a situation, the share of UHP electrodes in the petitioner companies' production would not be steadily going up. Further, since the Indian industry is making profits on NPG electrodes (as observed by the Authority in the preliminary findings), the share of NPG electrodes would have gone up.

**Authority's position:**

It would be incorrect to assess the profitability of exports by comparing with the prices at which UHP electrodes is sold in the home market by the Indian companies, without considering the cost of production. Information available with the Authority establishes that the cost of production of the Indian industry is lower for the electrodes produced for exports, as the Indian companies had certain cost advantages in case of exports. The Authority has, however, not investigated the profitability of the petitioner companies from exports, as the same is beyond the scope of the present investigations.

**Arguments raised:**

- f. Total imports of UHP electrodes constitutes 3.5% of total production of electrodes in the country.

**Authority's position:**

The comparison of imports of UHP electrodes with the total production of electrodes by the Indian industry is inappropriate. The total imports of electrodes in India from the subject countries are significant with reference to the total consumption of electrodes in India, as brought out in para 41 of the preliminary findings.

**Arguments raised:**

- g. The preliminary findings establishes that the Indian industry was making profits on sale of NPG electrodes (and, therefore, there is no injury to the domestic industry on NPG electrodes).

**Authority's position:**

The Authority holds that the domestic industry was selling NPG electrodes at profit in the investigation period. Financial losses to the domestic industry is not a pre-requisite to hold that the domestic industry has suffered injury. All the factors brought out in the preliminary findings, collectively and cumulatively establish that the domestic industry has suffered material injury and the imports of NPG electrodes from China PR pose a threat of material injury.

**Arguments raised:**

- h. Decline in the sales of Indian industry is due to closure of electric arc furnace.

**Authority's position:**

The claim of the interested parties that the Steel production has gone down in India, resulting in lower demand of graphite electrodes is not disputed. The Authority has, however, given its findings of injury based on, inter-alia, market share of the subject countries and the domestic industry, which takes into account the changes in the demand.

**Arguments raised:**

- i. Quantum of injury has not been ascertained and it has been assumed that the price differential between the landed price and the sale price in India would represent the extent of injury caused by the imports. Material injury cannot be predicted on such hypothetical assumptions unless a causal relationship is established. Further, if a view is taken to impose the duty, the same should be to the extent where the import prices reflect the normal value, i.e., the normal value minus the landed prices should be the extent of anti-dumping duty which the Authority should recommend.

**Authority's position:**

The Authority has consistently ascertained the extent of injury to the domestic industry as the difference between the fair selling price (for the domestic industry) and the landed price of imports. Correlation of the normal value with the landed price of imports to assess the extent of injury is not supported by law.

15. With regard to the contention of Liaoning Minmetals that consumption of its NPG electrodes was higher by 20 percent, the Authority notes that the same is relevant for determination of the extent of injury. The Authority further notes that there is no denial of the claim of Liaoning Minmetals by the petitioner. Though the argument does not establish that the goods produced by the petitioner are not like article to the goods exported by Liaoning Minmetals, it would be necessary to allow price adjustment on account of higher consumption while comparing with the Indian electrodes.

16. The contention that the petitioner cannot produce UHP electrodes is unsubstantiated and without merit, as the petitioner companies produces electrodes

which are being sold as UHP electrodes not only in the Indian market but also overseas.

17. Preliminary findings with regard to the injury to the domestic industry is not based on any single parameter, such as production, sales, stocks, etc. affecting the domestic industry. The Authority has very clearly held in the preliminary findings that various indicators relating to the domestic industry, **collectively and cumulatively** establish that the domestic industry has suffered material injury. Since imports from more than one country are being simultaneously subjected to anti dumping investigation, the injury to the domestic industry has been assessed cumulatively from the imports from these countries in accordance with the conditions specified in Annexure II to the Rules. The arguments of the interested parties that the production or capacity utilisation suffered because of non-availability of power or raw materials (CPC) or bottlenecks in the production or inability to meet the export projections does not establish that the domestic industry has not suffered material injury.

## **H. CAUSAL LINK**

18. In establishing that injury to the domestic industry has been caused by the dumped imports, the Authority took into account the following factors:

- i. Reduction in market share of the domestic industry was a direct consequence of the imports from the subject countries;
- ii. imports from the subject countries resulted in significant price undertaking in the Indian market;
- iii. Imports from the subject countries resulted in significant price suppressions in the Indian market, preventing the Indian industry from recovering its price increases.

## **I. FINAL FINDINGS**

19. The Authority, in view of the foregoing concludes that:

- NPG electrodes originating in or exported from China PR and UHP electrodes originating in or exported from USA, Austria, France, Germany, Italy, Spain, and Belgium has been exported to India below its normal value;
- the domestic industry has suffered material injury;
- the injury has been caused to the domestic industry by the exports originating in or exported from the subject countries.

20. The Authority confirms the preliminary findings with regard to imposition of anti-dumping duty and recommends imposition of definitive anti-dumping duties on all exports of NPG graphite electrodes (including its variation, High Power) originating in or exported from China PR and all imports of UHP electrodes originating in or exported from the USA, Austria, France, Germany, Italy, Spain, and Belgium at the rates specified below:

S. No.	Products originating in or exported from	Name of exporter/country	Size of the electrode	Amount of Duty (Rs. pmt)
1.	USA, Germany, France, Italy, Austria, Spain, Belgium or China PR	Any exporter	between and including 26" to 30"	NIL
IN CASE OF NORMAL POWER GRADE GRAPHITE ELECTRODES (INCLUDING HIGH POWER)				
2.	People's Republic of China	a.) Liaoning Metals and Minerals Import & Export Corpn.	all sizes upto 24"	5517
		b.) China National Non Ferrous Metals I/E Corpn.	all sizes upto 24"	13114
		c.) Any other exporter	all sizes upto 24"	20818
IN CASE OF HIGH POWER GRAPHITE ELECTRODES				
3.	USA	a.) Ucar Inc.	all sizes upto 24"	20714
		b.) Exporter other than above	all sizes upto 24"	20714
4.	Germany	a.) SGL Carbon AG	24" upto and including 22"	10337
		b.) Exporter other than above		22235
				10337
				22235
5.	France	Any exporter	all sizes upto 24"	30997
6.	Italy	Any exporter	all sizes upto 24"	22947
7.	Austria	Any exporter	all sizes upto 24"	28649
8.	Spain	Any exporter	all sizes upto 24"	18427
9.	Belgium	Any exporter	all sizes upto 24"	18220

21. Subject to above, the Authority confirms the preliminary findings dated 9.6.1997.

22. An appeal against this order shall lie to the Customs, Excise and Gold (Control) Appellate Tribunal in accordance with the Act supra.

**RATHI VINAY JHA,**  
Designated Authority