

**MINISTRY OF COMMERCE AND INDUSTRY**  
**(Department of Commerce)**  
**(Directorate General of Anti-Dumping and Allied Duties)**

**NOTIFICATION**

New Delhi, the 24th October, 2000

**Final Findings**

**Subject:** Anti-dumping investigation concerning imports of Black and White Photographic Paper including both Resin coated/Fibre based from UK, France and Hungary

**No. 19/1/99-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**

**The procedure described below has been followed:**

- i. The Designated Authority (hereinafter also referred to as the Authority) notified preliminary findings vide notification dated 28.4.2000 on Anti-Dumping investigation concerning ,imports of Black and White Photographic paper including both Resin coated/Fibre based (hereinafter also referred to as subject goods) from UK, France and Hungary (herein after referred to as subject countries) 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 the 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 France and Hungary and British High Commission in New Delhi with a request that the exporters and other interested parties may be advised to furnish their views on the preliminary findings in the time frame as stipulated in (i) and (ii) above.
- iv. The Authority provided an opportunity to all interested parties to present their views orally on 17.7.2000. 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;
- v. The Authority made available the public file to all interested parties containing non-confidential version of the evidence submitted by various interested parties for inspection, upon request;
  - vi. 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 raised by the interested parties subsequent to the preliminary findings and the disclosure statement dated 29.9.2000 and which have a bearing on the case have been appropriately dealt with in these findings.
  - vii. Verification of exporters' data in UK, Germany (the marketing arm viz. the exporter of France based producer) and Hungary was carried out by the Authority to the extent it was feasible. A team of officers carried out verification of the data at the exporters' premises viz. M/s Ilford Imaging Ltd., UK, M/s Forte Photochemical Co. Ltd., Hungary and M/s Agfa-Gevaert AG, Germany- in August/Sept., 2000.
  - viii. In accordance with Rule 16 of the Rules supra, the essential facts/basis considered for these findings were disclosed to known interested parties on 29.9.2000 and comments received on the same have also been duly considered in these findings.
  - ix. The period of investigation (POI) considered is 1.4.98 to 30.6.99.
  - x. The case was initiated on 27.8.2000 and extension of investigations upto 26.10.2000 has been granted by the Central Government.
  - xi. The authority heard and discussed with the concerned interested parties the issues and submissions pertaining to price undertaking.

## **B. VIEWS OF PETITIONERS, EXPORTERS, IMPORTERS AND OTHER INTERESTED PARTIES AND EXAMINATION BY AUTHORITY**

The views expressed by various interested parties have been discussed in the disclosure statement. The views which have not been discussed earlier in the disclosure statement and those now raised in response to the disclosure statement are discussed in the relevant paras herein below to the extent these are relevant as per rules and have a bearing upon the case. The arguments raised by the interested parties have been examined, considered and, wherever appropriate, dealt in the relevant paras herein below.

## **C. PRODUCT UNDER CONSIDERATION**

The authority recalls and reiterates its findings of Para C(1) of the Preliminary Findings and confirms the product under consideration as Black and White Photographic Paper including both Resin coated and Fibre based papers in all forms viz. cut sheets and jumbo rolls (also called as master rolls). The product is classified under Customs Headings 3703.90 and 3703.10 of the Customs Tariff Act, 1975 as amended in 1995 respectively.

## **D. STANDING OF THE PETITIONER AND DOMESTIC INDUSTRY**

The Authority recalls and reiterates its findings of para C(3) of the Preliminary Findings and confirms exclusion of M/s New India Industries (NII) from the scope of the domestic industry on the basis of the information and evidence provided by various interested parties on linkage between Ms NII and M/s APIL (an importer) on account of common management viz. Chairman of M/s NII being a Director in M/s APIL, commonality of brand name i.e. Sterling, share holding pattern of M/s NII and M/s APIL and the transactions between M/s NII and M/s Allied Photographics India Ltd. (APIL) being governed by extra commercial relationship and not being at arms length. The other producer viz. M/s Hindustan Photo Films Pvt. Ltd. (HPF) in the event of exclusion of M/s NII represents the domestic industry for subject goods in totality. The petition, is therefore, maintainable and satisfies the requirement for the domestic industry as per Rule 5(3)(a)(b) and M/s HPF is the domestic industry within the meaning of the Rules 2(b).

## **E. LIKE ARTICLE**

The authority recalls and reiterates its findings of the Like Article as indicated in para C(2) of the Preliminary Findings. The authority notes the various arguments by various interested parties regarding issue of Like Article viz. jumbo rolls undergoing substantial value addition and manufacturing activity and, therefore, need to be excluded from the scope of investigation also that there is no domestic industry for jumbo rolls in the country. The authority also notes the arguments extended by various interested parties on resin coated paper being different from the fibre based paper.

The authority for the purpose of examination of the Like Article has considered physical characteristics, manufacturing process and technology, functions and uses, product specifications, pricing and distribution and marketing and tariff classification of the goods.

The authority holds that despite the fact that the domestic industry does not sell jumbo rolls in the domestic market, the product jumbo rolls is essentially a form of the Black and white photographic paper only which is the product under consideration for investigation. The authority also holds that despite there being specific advantages and preferences for a particular type of paper by an end user, the price variation of the two types of papers viz. RC type and fibre based is not very wide and that- the custom tariff classification is also the same for the two types of papers. The fact that over the years one type of paper i.e. RC type has substituted the other and that the choice still remains a personal preference of the end user, establishes that there exists substitutability of the two types of the photographic papers viz. RC coated and fibre based and thus implies substitutability and interchangeability.

In view of the above, the authority reiterates its findings in para C(2) and considers the products exported by the subject countries viz. UK, France and Hungary and those manufactured by the domestic industry as Like Article within the meaning of the rules 2(d).

## **F. NORMAL VALUE AND EXPORT PRICE**

### **1. HUNGARY**

#### M/s Forte Photochemical Co. Ltd.

It has been mentioned by M/s Forte Photochemical Co. Ltd. that normal value for Hungary cannot be equated with UK, France in view of the GDP and per capita income difference. The exporter has also requested for adjustments on account of packaging cost, incurred by them on their domestic sales which is higher than the packaging cost incurred on exports to India. A team of officers deputed by the Designated Authority in August/September, 2000 to verify the data on normal value, export price, adjustments thereof and cost of production furnished by the exporter. The authority has referenced the normal value and the export price on the basis of the data on domestic sales of the exporter in Hungary and export sales during the POI furnished by the exporter and to the extent it was verified by the team.

#### **Normal value**

The exporter has provided details of the domestic sales for the RC based Fortespeed photo paper for the POI. In the questionnaire's response the exporter had indicated that there are no domestic sales of fibre based grade photo paper. However, during the verification, the authority noticed that the exporter was selling fibre based paper viz. Fortezo grade in the domestic market. The exporter has claimed adjustments on VAT, packaging, commission to its associated trading company viz. M/s Chemoforte and

discounts for RC based Fortespeed photo paper to an extent of \*\*%, \*\*\*/mtrsqr, \*\*% and \*\*% respectively. The authority notes that M/s Forte Photochemical Co. Ltd. has sold in the domestic market through their trading company viz. M/s Chemoforte. The exporter has paid commission to an extent @\*\*% to the trading company. As regards, packaging, the investigation-team verified the additional packaging cost incurred by the exporters on the various sizes of packages sold by them in the domestic market. The verification team also noticed that there was no expenses incurred on inland freight, inland insurance, and credit sales on the sales in the domestic market. The authority on the basis of evidence has allowed adjustments on VAT, packaging, commission and discounts to an extent of \*\*%, \*\*%, \*\*\$/mtrsqr and \*\*% respectively. The authority has considered the discounts offered at the time of sales. The weighted average normal value, comes to \*\*\$/mtrsqr.

### **Export price**

The authority notes that M/s Forte Photochemical Photochemical Co. Ltd. has exported their products to India through their trading company, M/s Chemoforte. The exporter has submitted information regarding export of Bromofort BS-4, BSP-4, the fibre based grades double weight photo paper in special bulk packaging of 500 sheets per box of 18 X 24 Cm size and Fortespeed grade, the resin coated RC photo paper in special bulk packaging of 500 sheets per box of 18 X 24 CM size separately during the POI. The exporter has claimed adjustments on packaging, inland freight, -ocean freight and commission to an extent of \*\*%, \*\*%, \*\*\$/mtrsqr & \*\*% respectively. The authority has allowed adjustments to an extent of \*\*%, \*\*%, \*\*\$/mtrsqr & \*\*% respectively. The weighted average ex-factory export prices comes to \*\*\$/mtrsqr.

## **2. UK**

### **(a) M/S KENTMERE PHOTOGRAPHIC LTD.**

The authority has not received any additional information and views regarding computation of the normal value, export price as was indicated in the Preliminary Findings. The Authority, therefore, has adopted the same methodology as indicated in the Preliminary Findings.. The computation of the normal value and export price is illustrated as under :--

### **Normal value**

The exporter has indicated that they have exported pan cake rolls (single consignment) to India during the POI and have not sold this product in domestic market or exported to third country other than India. The authority has therefore, used the best available information and referenced the normal value as calculated for M/s

Iford Imaging Ltd. in respect of jumbo rolls for the exporter. The weighted average normal value comes to \*\*\*\$/mtrsqr.

### **Export price**

The exporter has provided CIF price for the single consignment exported during POI. The exporter has claimed adjustments on ocean freight and ocean insurance to an extent of \*\*\* & \*\*\*\$/mtrsqr respectively. The adjustments as indicated by the exporter have been allowed. The adjustments on packing and inland freight have been considered to an extent of \*\*\*\$/mtrsqr respectively on the basis of, information on jumbo rolls exports as available from the data submitted by M/s Iford Imaging Ltd. The weighted average ex-factory export prices comes to \*\*\*\$/mtrsqr.

### **(b) M/S ILFORD IMAGING LTD.**

### **Normal value**

The exporter has mentioned that separate comparisons be done for jumbo rolls and cut sheets Iford brand and private label since branded product is sold at a higher price. However, during the verification visit by the team of officers from the Directorate during August/September,2000, the exporter could not provide evidence that exclusive promotional expenses are incurred for brand building of Iford brand sold in the domestic market. The authority has, therefore, not considered the claim on brand adjustments. The exporter also could not provide evidence related to technical services/customer service offered exclusively by them for domestic sales. The authority has not allowed adjustments on this aspect for the sales made in the domestic market. The authority has considered evaluation of jumbo rolls and cut sheets irrespective of the brand name or private label separately as detailed below.

### **(Photopaper in jumbo rolls)**

The authority recalls and confirms the methodology in para C(4) of the Preliminary Findings. The authority notes that the exporter has provided details of third country exports of RC type as there are no domestic sales and these have been referenced for the purpose of normal value. The adjustments on packaging and inland freight to an extent of \*\*\*&\*\*\*\$/mtrsqr as claimed by the exporter been allowed by the authority. For the fibre based jumbo rolls, the normal value of RC type has been referenced as there are no separate domestic sales or the third country exports of fibre based and also that both RC and fibre based photopaper are considered as Like Article. The weighted average normal value for the jumbo rolls (both RC/fibre based) comes to \*\*\*\$/mtrsqr.

## **Photopaper in finished form i.e. cut sheet form**

The authority recalls and confirms the methodology in para C(4) of the Preliminary findings. The authority notes 'that the exporter has provided details of domestic sales for Ilford brand fibre based photo paper, Ilford brand RC type photo paper and private label RC type photo paper. For the private label fibre based photo paper, the exporter has provided sales to third country other than India. The details with respect to private label for both RC and fibre type have been provided at ex-factory level whereas for the Ilford Brand fibre or both RC and fibre type have been provided at the FOB level. The authority has allowed adjustments on account of packaging and inland freight to an extent ~ of \*\*\* & \*\*\*/mtrsqr. The authority has not provided adjustments on technical services as illustrated above. The weighted average normal value for M/s Ilford Imaging Ltd. comes to \*\*\*/mtrsqr.

## **Export price**

The authority notes that exporter has provided details on exports of jumbo rolls (both RC and fibre based), private label RC type and Ilford brand (both RC and fibre based). The export prices for the private label RC type are provided on ex-factory level while for the jumbo rolls and Ilford brand (both RC and fibre based) on the FOB level. The exporter has claimed adjustments on packing and inland freight to an extent of \*\*\* & \*\*\*/mtrsqr for the private label resin coated RC type photo paper. The authority has allowed the above adjustments on both private label and Ilford brand photo paper exports. The weighted average ex-factory export price for the finished product i.e. photographic paper including both RC and fibre based comes to \*\*\*/mtrsqr, and for jumbo rolls comes to \*\*\*/mtrsqr.

## **3. FRANCE**

### M/S AGFA-GEVAERT SA

The authority notes that M/s Agfa-Gevaert SA, the producer of the subject goods in France does not sell in domestic market or exports directly. Both domestic and export operations of the producer are carried out by its exporter arm viz. M/s Agfa Gevaert AG, Leverkusen, Germany. The investigation team from the Directorate visited 'the premises of the exporter at Leverkusen during August/September, 2000. The normal value and export price are computed on the basis of the information to the extent it was made available to the verification team.

## **Normal value**

The authority notes that the exporter has provided the details of the sales of jumbo rolls (RC type) to its two customers in Germany. The exporter has claimed adjustments on inland freight and insurance for its two domestic customers to an extent of \*\*\* & \*\*\*/mtrsqr respectively. -The exporter also provided an evidence to the fact that the domestic sales are not CIF prices. The authority on the basis of the available information and records and data . made available to the verification team has allowed adjustments on inland freight and insurance to an extent of \*\*\* & \*\*\*/mtrsqr. The weighted average normal value comes to \*\*\*/mtrsqr.

### **Export price**

The exporter has provided details of the FOB value of export sales made to India during the POI. The authority on the basis of the available information and evidence provided to the verification team has allowed adjustments on inland freight and insurance and credit cost to an extent of \*\*\* & \*\*\*/mtrsqr The weighted average ex-factory export prices comes to \*\*\*/mtrsqr.

## **G. EVALUATION OF NON-COOPERATING EXPORTERS**

For the non-cooperating exporters (indicated as ‘other exporters’) the dumping margin has been referenced on the basis of the highest domestic price without adjustments and the lowest CIF as noticed for the cooperating exporters and co-related with petitioner’s data.

## **H. DUMPING-COMPARISON OF NORMAL VALUE AND 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."

For the purpose of determination of dumping the comparison of normal value and export price at the ex-factory level as mentioned above has been made for jumbo rolls

and cut sheets separately. For the Black and White Photographic Paper in cut sheets weighted average of RC and fibre based paper has been considered. For the other non-cooperative exporters, highest dumping margin as determined for the cooperating exporters has been referenced. ‘

The dumping margin for exporters comes as under:

Exporter Product (Black & white Normal Export Dumping photographic paper , both resin value (NV) price(EP) margin coated and fibre based in the in \$/sqm in \$/sqm as % of following forms EP

### **UK**

M/s Ilford Jumbo rolls \*\*\*\*\* \*\*\*\*\* 35.75%

Imaging Ltd. Cut sheets \*\*\*\*\* \*\*\*\*\* 203%

M/s Kentmere Jumbo rolls \*\*\*\*\* \*\*\*\*\* 55.65%

Photooraphic Ltd

Any other Jumbo rolls/cut sheets \*\*\*\*\* \*\*\*\*\* 216.80%  
exporter

### **France 10.2%**

M/s Agfa- Jumbo rolls \*\*\*\*\* \*\*\*\*\*

Gevaert SA and its associated exporter M/s Ag f a-Gevaert AG, Germany 17.7%

Any other Jumbo rolls/cut sheets \*\*\*\*\* \*\*\*\*\*

Exporter

### **Hungary 201%**

M/s Forte Cut sheets \*\*\*\*\* \*\*\*\*\*

Photochemical

Co. Ltd. 303.10%

Any other Jumbo rolls/cut sheets  
exporter

## **I. INDIAN INDUSTRY’S INTEREST & OTHER ISSUES**

It has been argued by certain interested parties that with the levy of anti-dumping duties, the producers will create a monopolistic situation and that this will affect small professional photographers. The Authority holds that the purpose of anti dumping duties, ,in general, is to eliminate dumping, which is causing injury to the domestic industry and 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 in this regard recalls its Findings in Para 7 of the Preliminary Findings and reiterates that though it is recognized that 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 on the Indian market will not be reduced by the anti dumping measures, particularly if the levy of the anti dumping duty is restricted to an amount necessary to redress the injury to the domestic industry. On the contrary, imposition of anti dumping measures would remove the unfair advantages gained by dumping practices and would prevent the decline of the domestic industry and help maintain availability of wider choice of Slack and White photographic paper the subject goods, to the consumers. Imposition of anti dumping measures would also not restrict imports from the subject countries in any way, and therefore, would not affect the availability of the product to the consumers.

To ascertain the extent of Anti-dumping duty necessary to remove the injury to the domestic industry, the Authority has relied upon a non-injurious selling price (NIP) of Black and White photographic paper both resin/fibre based in India for the domestic industry, by considering the optimum cost of production for the domestic industry. The authority observes that M/s NII is related to M/s APIL and is excluded from the scope of domestic industry. By virtue of M/s NII's relationship with M/s APIL, it, may not be appropriate to look at injury parameters of M/s NII in an unbiased manner since sales of M/s NII to M/s APIL do not appear to be at arms length and has, therefore, looked at injury to M/s HPF on account of dumping. However, M/s NII is an interested party being a major domestic producer of the subject goods. Authority has, therefore,, calculated NIP by referencing and normating the cost data furnished by M/s NII.

## **J. INJURY AND CAUSAL LINK**

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 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.

The authority has also examined factors other than dumped imports viz. closure of HPF, its sickness as cited which might be injuring the domestic industry. at the same time.

The non-injurious price (NIP) for the domestic industry has been determined by making appropriate analysis of all relevant factors like usage of raw material, usage of utilities, captive consumption, captive generation of utilities etc. and the actual expenses during the period of investigations including the investments and capacity utilisation. The non-injurious price of domestic industry has been determined by considering the optimum cost of production and considering the reasonable return on the capital employed by the domestic Industry. While determining NIP, the authority has taken into account the best consumption norms of raw materials and utilities and has, thereby addressed any inefficiencies which might lead to financial injury the industry on account of the inefficiencies.

#### **The authority notes that**

- i. Imports of black and white photographic paper both resin coated /fibre based from the subject countries have increased in absolute terms and relative to total imports from 7.2 lakh sqmtr in 97-98 to 8.5 lakh sqmtr in 98-99 and to 10.63 lakh sq mtr in POI.
- ii. Market share of UK, France and Hungary in total imports has changed from 34.2% in 97-98 to 40.4% in POI.
- iii. The exports by M/s Ilford Imaging Ltd. and M/s Kentmere Photographic Ltd. from UK of Black and White photographic paper in jumbo rolls form have been imported by .Is Techno Photo Pvt. Ltd. during the POI. These jumbo rolls have been further cut and processed and pocked in the cut sheet form by the importer who the delivered these products at prices (net of taxes) to the end users at prices lower than the NIP thus leading to price undercutting arid consequential injury to the domestic industry.
- iv. The landed value of black and white photographic paper in cut sheet form exported by M/s Ilford Imaging Ltd. Is lower than the NIP determined for the domestic industry thereby leading to price under-cutting and a consequential injury to the domestic industry.
- v. that the landed value of dumped imports i.e. black and white photographic paper both RC and fibre based in cut sheet form from Hungary have forced the

domestic industry to sell at prices, which have led to net sales realisation below the non-injurious selling price (NIP) as determined for the domestic industry during the POI.

- vi. The dumped exports of Black and White photographic paper in RC type jumbo rolls from France by M/s Agfa Gevaert have been imported by M/s Jindal Photo Films Ltd. and have been processed by the importer and converted to cut sheets and delivered to the users in the domestic market at price net of taxes lower than the NIP thus leading to price undercutting and consequential injury to the domestic industry.
- vii. The capacity utilisation of M/s HPF which has been to an order of 40 % since 1991 has dropped to 11-22% in 1997 - 98 and to 3.2% in 98-99.
- viii. The net sales realisation (NSR) as constructed on the basis of the conversion charges received in view of job orders performed by them by including the cost of raw base paper in the POI is noticed to be lower than the NIP leading to financial losses.

The above economic indicators collectively and cumulatively indicate that the domestic industry has suffered material injury from dumped imports. In establishing that the material injury to the domestic industry has been caused by the imports from the subject countries, the Authority holds that dumped exports from subject countries have depressed the prices of subject goods in the domestic market and forced the domestic industry to sell at un-remunerative prices, resulting in decline in net sales realization and financial losses to the domestic industry.

## **K. FINAL FINDINGS.**

**The Authority, after considering the foregoing, concludes that**

- a. Black and White Photographic paper both resin coated/fibre based originating in or exported from subject countries has been exported to India below its normal value.
- b. The domestic industry has suffered material injury;
- c. The injury has been caused to the domestic industry by dumping of the subject goods originating in or exported from subject countries.
- d. The Authority recommends imposition of definitive antidumping duty on imports of Black and White Photographic paper both resin coated/fibre based falling under Chapter 37 (Custom head 3703.10 & 3703.90) originating in or exported from subject countries as indicated in para (j) subsequently.
- e. The landed value of imports for the purpose shall be the assessable value as determined by the customs under the Customs Act, 1962 and all duties of

customs except duties levied under Section 3, 3A, 8B, 9 and 9A of the Customs Tariff Act, 1975.

- f. It was considered to recommend the amount of anti-dumping duty equal to the margin of dumping or less which if levied would remove the injury to domestic industry. Landed value of the imports for individual exporters, for the purposes, were compared with the non-injurious selling price of the domestic industry, determined for the period of investigation. Wherever the difference was less than the dumping margin, a duty lower than the dumping margin is recommended.
- g. M/s Ilford Imaging Ltd., UK have given an undertaking not to export subject goods in cut sheet form (Custom Head No. 3703.90) below the landed value of 3.09 \$/mtrsqr and the subject goods in jumbo rolls form also called parent rolls or master rolls (Custom Head No. 3703.10) not below the landed value of 2.80 \$/mtr sqr in terms of Rule 15 of Anti Dumping Rules. The landed value for this purpose shall be the assessable value as determined by the Customs under the Customs Act, 1962 and all duties of customs except duties levied under Section 3, 3(a) 8(b), 9 and 9(a) of the Customs Tariff Act, 1975. The authority notes that the reference landed value would eliminate the injurious effect of dumping by M/s Ilford Imaging Ltd. from UK on the domestic industry. The authority accepts the price undertaking and, therefore, does not recommend the levy of Anti-Dumping duty and suspends the investigations on M/s Ilford Imaging Ltd.
- h. M/s Forte Photochemical Co. Ltd. have given an undertaking not to export the subject goods in cut sheet form in industrial packs of 300 or more sheets (Custom Head No. 3703.90) below the landed value of 3.03 \$/mtrsqr and the subject goods in jumbo rolls form also called parent rolls or master rolls (Custom Head No. 3703.10) not below the landed value of 2.80 \$/mtrsqr in terms of Rule 15 of Anti Dumping Rules.

The landed value for this purpose shall be the assessable value as determined by the Customs under the Customs Act, 1962 and all duties of customs except duties levied under Section 3, 3(a) 8(b), 9 and 9(a) of the Customs Tariff Act, 1975. The authority notes that the reference landed value would eliminate the injurious effect of dumping by M/s Forte Photochemical Co. Ltd. from Hungary. The authority accepts the price undertaking and, therefore, does not recommend levy of any Anti-Dumping duty and suspends the investigations on M/s Forte Photochemical Co. Ltd.

In case of any other form/size of the subject goods proposed to be exported, the concerned parties viz. M/s Ilford Imaging Ltd. and M/s Forte Photochemical Co. Ltd. shall approach the Designated Authority for appropriate consideration.

The authority, however, in the event of any violation of the undertaking or in the event of its non-acceptance by the Central Government, the Designated Authority

would make appropriate recommendations to the Central Government for levy of applicable anti-dumping duties on the basis of the information as available during the present investigation or as brought to the notice of the authority from appropriate sources. The authority may also suo-moto or on the basis of any request from exporters/domestic industry or importer of the article in question or any other interested parties review from time to time the need for continuance of the undertaking so given.

Such Anti-Dumping duties may apply retrospectively from the date of violation or withdrawal of price undertaking. Also in the event of Central Government not accepting the price undertaking, the Designated Authority shall separately intimate the Central Government the amount of Anti-Dumping duty and the effective date of its levy.

The validity of the price undertaking would be co-terminus with the duration of the Anti-Dumping duties to be imposed by the Notification of the Central Government in this regard, and shall be subject to review as per the applicable provisions of the Anti-Dumping Rules.

The dumped exports of jumbo rolls by M/s Agfa Gevaert AG have led to price suppression of the finished products and thus consequential injury to the domestic industry.

- j. Accordingly, it is proposed that definitive Anti-Dumping duties be imposed on all imports of Black and White Photographic paper both resin coated/Fibre based originating in or exported from, the subject countries i.e. UK, France and Hungary (excluding exporters as mentioned in sub para (g) and (h) above) falling under chapter 37 (Custom head 3703..10 (for jumbo rolls) & 3703.90 (for cut sheets)) of the Customs Tariff. The anti-dumping duty shall be the difference between the amounts mentioned in column 3 below and the landed value of imports in \$/mtrsqm.

Sl.no. Product Name of the Product (Black & White I Amount (US\$/ originating in exporter photographic paper sqmtr or exported both resin coated and from fibre based in the following forms

1. OK M/s Kentmere Jumbo rolls 2.87  
Photographic Ltd. Cut sheets 3.09  
Any other exporter Jumbo rolls 2.87  
excluding M/s Cut sheets 3.09  
Word Imaging Ltd.

2. France M/s Agfa-Gevaert Jumbo rolls 2.87  
SA and its Cut sheets 3.09  
associated exporter Agfa - Gevaert AG,

Germany  
Any other exporter Jumbo rolls 2.87  
Cut sheets . 3.09

3. Hungary Exporters Jumbo rolls 2.87  
excluding M/s Cut sheets 3.09  
Forte Photo  
chemical Co. Ltd.

- k. Subject to the above, the authority confirms the preliminary Findings dated 28.4.2000.

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

**L.V. SAPTHARISHI...**  
Designated Authority & Addl. Secy.