

# MINISTRY OF COMMERCE

## NOTIFICATION

New Delhi 16th September, 1997

**Subject:** Initiation of anti dumping investigation concerning import of Polystyrene from Korea RP, Taiwan, Japan and Malaysia

**No 7/1/97-ADD** —M/s. Polystyrene Producers Association filed a petition, on behalf at the domestic industry, in accordance with the Custom Tariff (Amendment) Act, 1995 and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 before Designated Authority (hereinafter referred as the Authority) alleging dumping of Polystyrene from Korea RP, Malaysia, Japan and Taiwan and requested for anti dumping investigations and levy of anti dumping duties.

1. **Standing** : The petitioner is an association of Polystyrene producers in India and the petition is supported by the following three producers of Polystyrene in India:

- Supreme Petrochemical Ltd.;
- McDowell & Co. Ltd., (Hindustan Polymers Ltd.);
- Rajasthan Polymers and Resins Ltd.

Production of the above three companies constitutes majority production of polystyrene in India and the association, therefore, satisfies the standing to file the petition, on behalf of the domestic Industry.

2. **Product Involved:** The product involved in the present investigation is Polystyrene originating In or exported from Korea RP, Malaysia, Japan and Taiwan classed under custom sub-heading 3903 of the Customs Tariff Act. The classification is, however indicative only and in no way binding on the scope of the present investigation.
3. **Countries/Territories/Involved:** The countries/territories/involved in the present investigations are the Republic of Korea, Taiwan, Japan and Malaysia.
4. **Like Goods.** The petitioner has claimed that the goods exported from Korea RP Malaysia. Japan and Taiwan and being produced by the petitioner are being consumed interchangeably and therefore have characteristics closely resembling each other. Goods produced by the subject companies can, therefore, be treated as like articles to the goods imported from Korea RP, Malaysia, Japan and Taiwan within the meaning of the Rules.

## 5. **Dumping and Dumping Margin:**

- a. **Normal Value:** The petitioner has claimed normal value based on the prices prevailing in the domestic market in the subject countries/territories. The claim of normal value is based on the price lists of a producer in Korea RP (in case of Korea RP), prices reported by a manufacturer in Japan (in case of Japan), average prices reported by a company in Singapore (in case of Malaysia) and list prices, net of discounts (in case of Taiwan).
- b. **Export Price:** The petitioner has claimed export price on the basis of data from the Directorate General of Commercial Intelligence & Statistics (DGCIS), Calcutta and the data compiled from the Customs Daily (lists for the Mumbai and Calcutta ports for 1995-96 and 1996-97).
- c. There is sufficient prima facie evidence with regard to the normal values in the subject countries/territory, the prices at which goods have been exported from the subject countries/territory and that the normal values of Polystyrene in the subject countries/territories are significantly higher than the price at which these have been exported to India, indicating, prima facie, that the goods are being dumped by the exporters from the subject countries/territory.

6. **Injury:** The petitioner has claimed that imports of Polystyrene in India have caused the subject companies material injury and further threatens material injury. The imports of Polystyrene are entering *in* India at such a price as to have a significant depressing and/or suppressing effect on the domestic prices of Polystyrene in India. The various economic indicators relating to domestic industry such as production, sales, market share, profit/loss etc. also collectively and cumulatively, prima facie, indicate that the domestic industry has suffered material injury and the same also pose a threat of material injury. The petitioner has relied upon sales by the subject companies at prices significantly below the cost of production (including administrative, general and selling expenses) and fair return resulting in significant financial losses to all the three companies to establish its claim that material injury has been caused to it by the Imports from the subject countries/territory.

There is sufficient prima facie evidence that the imports of polystyrene from the subject countries/territory have caused material injury to the domestic industry.

7. **Initiation of Anti-Dumping Investigation:** The Authority, therefore, initiates anti dumping investigation into the existence, degree and effect of alleged dumping of the subject goods originating in or exported from Korea RP, Japan, Malaysia and Taiwan.
8. **Period of investigation:** The period of investigation for the purpose of present investigations is 1st April, 1996 to 31st March, 1997.

9. **Submission of Information:** The exporters in the said countries/territory and importers in India Known to be concerned are being addressed separately to submit relevant information in the form and manner prescribed and make their views known to Shri Dipak Chatterjee, Designated Authority, Ministry of Commerce, Udyog Bhavan, New Delhi-110011. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.
10. **Time Limit:** Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are, however, required to submit the informant within forty days from the date of letter addressed to them separately.
11. **Inspection of Public File:** In terms of Rule 6(7) any Interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.
12. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

**DIPAK CHATTERJEE,**  
Designated Authority