

New Delhi, the 21st April, 1999

No. 22/1/99-DGAD - M/S Gujrat Apar Polymers Ltd - Mumbai has filed a petition in accordance with the Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 before the Designated Authority (hereinafter also referred to as the Authority) alleging dumping of Acrylonitrile Butadiene Rubber also known as Nitrite Rubber (NBR) from Taiwan and requested for a nil dumping investigations and levy of anti dumping duties

1. Product Involved : The product involved in the present petition is Acrylonitrile Butadiene Rubber (also referred to as subject goods hereinafter) originating in or exported from Taiwan. It is a synthetic rubber and is popularly known as Nitrile Rubber or NBR. The present petition is against all grades and forms of NBR.

Acrylonitrile Butadiene Rubber is classified under custom sub-heading no 4002.59 of the Customs Tariff Act 1975. The classification is, however, Indicative only and in no way binding on the present investigations.

2. Domestic Industry Standing: The petition is filed by M/s Gujrat Apar Polymers Ltd., Bid No 5 Corporate Park, Sion-Trombay Road, Chembur Mumbai-400071. It is claimed by the petitioner that M/s Synthetic & Chemicals Ltd is the other company who has created capacity for production of NBR, but has suspended the production of NBR. The petitioner has therefore claimed that they are the only producer of NBR in India and thus has a standing to file the present petition on behalf of the domestic industry under the Rules.

3. Country (ies) Involved: The country involved in the present investigation is Taiwan (also referred to as subject country).

4. Like Goods: The petitioner has claimed that goods produced by it are like articles to the goods exported, originating in or exported from Taiwan. It is claimed that NBR produced by the petitioner has characteristics closely resembling to NBR being imported from Taiwan, the two are technically and commercially substitutable and being consumed interchangeably. Goods produced by the petitioner are being treated as Like Articles to the goods imported from the subject country within the meaning of the Rules.

5. Dumping and Dumping Margin

- a. Normal Value: The petitioner has claimed normal value based on the domestic price of NBR in Taiwan. There is sufficient prima facie evidence with regard to normal value of NDR in the country under reference.
- b. Export price: The company has claimed the export price from the subject country based on the Secondary Data sources. The petitioner has claimed adjustments on account of ocean freight, insurance, commission, inland transportation, port-handling and port charges to arrive at the ex-factory price.
- c. Considering the normal value and export price as detailed above, the dumping margin is significantly higher than the de-minimus limits.

This prima facie indicates that the subject goods are being dumped in India by the exporters from Taiwan.

6. Injury & Causal link: The various economic indicators relating to domestic industry such as increase in imports, undercutting the prices, profit/loss etc. collectively and cumulatively, indicate that the domestic industry has suffered injury. There is sufficient evidence that the imports of the product under consideration have caused injury to the domestic industry.

7. Initiation of Anti-Dumping Investigation : The Designated Authority, in view of the foregoing paragraph, initiates anti-dumping investigations into the existence, degree and effect or alleged dumping of the subject goods originating in or exported from the subject country.

8. The period of investigation for the purpose of present investigations is 1st April 1996 to 31st December, 1998 (9 months).

9. Submission of Information: The exporters in the subject country and the importers in India known to be concerned are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority, Directorate of Anti-dumping and Allied Duties 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 investigations 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 information 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 version 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 significant 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.

RAHI VINAY JHA...
Designated Authority