

MINISTRY OF COMMERCE

NOTIFICATION

New Delhi the 22nd April, 1999

Subject: Initiation of anti-dumping investigation concerning import of Pure Terephthalic Acid (PTA) from Japan, Malaysia, Spain and Taiwan.

No. 27/1/98-DGAD- M/s. Reliance Industries Ltd., had filed a petition in accordance with the Customs Tariff Act, 1974 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 referred to as the Authority) alleging dumping of PTA from Japan, Malaysia, Spain and Taiwan and requested for anti-dumping investigation and levy of anti-dumping duties.

1. Product Involved: The product involved in the present petition is Pure Terephthalic Acid (PTA) (also referred as subject goods hereinafter) originating in or exported from Japan, Malaysia, Spain and Taiwan PTA is classified under custom sub-heading No. 2917.36 of the Customs Tariff Act, 1975. The classification is, however, only indicative and in no way binding on the present investigations.

2. Domestic Industry Standing: The petition is filed by M/s. Reliance Industries Ltd., with registered Office at 3rd Floor, Maker Chamber-IV, 222 Nariman Point, Mumbai-400 021. The applicant is the only producer of PTA in India and, therefore has a standing to file a written request on behalf of domestic industry under the rule aforesaid.

3. Country(ies) Involved : The Countries involved in the present investigation are Japan, Malaysia, Spain and Taiwan (also referred to as subject countries hereinafter).

4. Like Goods: The petitioner has claimed that goods produced by it are like articles to the goods, originating in or exported from Japan, Malaysia, Spain and Taiwan. Goods produced by the petitioner are being treated as Like Articles to the goods imported from the subject countries within the meaning of the Rules.

5. Dumping and Dumping Margin:

- a. Normal Value: The petitioner has claimed normal value based on the constructed value of PTA in Japan, Malaysia, Spain and Taiwan. There is

sufficient prima facie evidence with regard to normal value of PTA in the countries under reference.

- b. **Export Price:** The company has claimed the export price from the subject countries based of CIF data from all Indian ports and the Bills of Entry in some cases. The petitioner has claimed adjustments on account of ocean freight, handling and other port costs, local inland freight in the country of origin and other incidental to arrive at the net export price at the ex-factory level.
- c. Considering the normal value and export price as detailed above, the dumping margin is significantly higher than the de-minimums limits.

The prima facie indicates that the subject goods are being dumped in India by the exporters.

6. Injury and Causal Link: The various economic indicators relating to domestic industry such as price, market share 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 cause 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 of alleged dumping of the subject goods originating in or exported from the subject countries.

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

9. Submission of Information: the exporters in the subject countries 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 know to the Designated Authority, Ministry of Commerce, Anti Dumping Division, Udyog Bhawan, New Delhi-110 011. Any other interested party may also make 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 significantly impeded 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.

RATHI VINAY JHA...
Designated Authority