

MINISTRY OF COMMERCE

INITIATION NOTIFICATION

New Delhi, the 20th May, 1999

Subject : Initiation of anti-dumping investigations concerning import of Seamless Tubes originating in or exported from Austria, Czech Republic, Russia, Romania and Ukraine.

No.7/1/99-DGAD. - The Association of Seamless Tubes manufacturers has filed a petition in accordance with the 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) on behalf of M/s. Maharashtra Seamless Ltd., New Delhi, M/s. Kalyani Seamless Tubes Ltd., Pune, and M/s. Indian Seamless Metal Tubes Ltd., Pune, alleging dumping of Seamless Tubes originating in or exported from Australia, Czech Republic, Russia, Romania, and Ukraine and have requested for anti-dumping investigations and levy of anti-dumping duties.

Product involved: The product under investigation in the present case is Seamless Tubes of iron or non-alloy steel, hot finished, of an external diameter not exceeding 273mm or 10"NB also known as boiler pipes, line pipes and casting/tubing. (referred to as subject goods here matter) originating in or exported from Australia, Czech Republic, Russia.; Romania, and Ukraine. Seamless Tubes are classified under Customs sub-heading nos. 73.04. 7304.10, and 7304.29 of Chapter 73 of the Customs Tariff Act, 195. The classification is however indicative only and in no way binding on the scope of the present investigations.

2. **Domestic industry standing :** The petitioner has stated that the following companies are producers or have capacity to produce Seamless Tubes:

- a. Maharashtra Seamleas Ltd.,
- b. Kalyani Seamless Tubes Ltd.,
- c. Indian Seamless Metal Tubes Ltd.,
- d. Remi Metal Gujarat Ltd.,
 - Tata Iron & Steel Co. Ltd.,
 - BHEL.

The petition has been supported by Remi Metal Gujarat Ltd.,. The petitioners have claimed that Remi Metal Gujarat Ltd., and Tata, iron & Steel Co. Ltd., have

suspended their production in view of unremunerative operations. Remi metals has imported casing / tubing from Russia and is therefore excluded from the scope of domestic industry BHEL imports and, produces the subject goods primarily for captive consumption and is not a party to the present petition. The petitioners account for 88.28% of the total Indian production and therefore, satisfy the standing, to file the present petition on behalf of the domestic industry.

3. **Country(ies) Involved:** The countries involved in the present investigations are Austria, Czech Republic, Russia, Romania, and Ukraine (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 Austria, Czech -Republic, Russia, Romania, and Ukraine. 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 (i) an investigation conducted by the EC into the dumping of seamless tubes by exporters from the erstwhile Last European countries; and (ii) based on the constructed value of Seamless tubes in the subject countries. there is sufficient prima facie evidence with regard to normal value of Seamless Tubes in the subject countries.
 - b. Export price: The petitioner has claimed export price in the case of OEM (original equipment manufacturers) markets based on global tenders floated by major consumers. The petitioners have also claimed export price based on quotations made to the dealers market. Adjustments have been claimed on account of ocean freight. Marine insurance and commission to arrive at the ex-factory price.
 - c. Considering the normal value and export price as detailed above, the dumping margins are significantly higher than the de-minimus limits.

There is sufficient prima facie evidence that the normal value of the product under consideration in Austria, Czech Republic, Russia, Romania, and Ukraine is significantly higher than the price at which it has been exported to India, indicating prima facie, that the subject goods are being dumped shall be dumped by the exporters from Austria, Czech Republic, Russia, Romania, and Ukraine.

6. **Injury and Causal Link :** The various economic indicators relating to domestic industry such as production, sales, profit /loss etc. collectively and cumulatively, indicates that the domestic industry has suffered injury. there is

sufficient prima facie evidence that the imports of the product under consideration have caused material injury to the domestic industry.

7. **Initiation of Anti-Dumping Investigation:** In view of the foregoing paragraph, the Designated Authority initiates anti-dumping investigations to determine the existence, degree and effect of alleged dumping of the subject goods originating in or exported from the subject countries.
8. **Period of- Investigation:** The period of investigation for the purpose of the present investigations is 1st April, 1997 to 30th September, 1998 (18 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 known to the Designated Authority. Ministry of Commerce, Directorate of Anti- Dumping, 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. Anti-dumping investigations being a time bound exercise, the Designated Authority may record its findings on the basis of facts available on record in accordance with the Rules supra, if no response is received within the time stipulated or the information is incomplete in any respect.
12. **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.
13. 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 finding 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