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Government of India
Ministry of Commerce & Industry
Department Of Commerce
(Directorate General of Anti-Dumping & Allied Duties)

New Delhi Dated the 15, September, 2008.

INITIATION NOTIFICATION

Sub: Initiation of anti-dumping investigations concerning imports of Cathode Ray Colour Television Picture Tubes originating in or exported from Indonesia.

No. 14/15/2008--DGAD. M/s Samtel Color Limited has filed an application before the Designated Authority (hereinafter referred to as the Authority) in accordance with the Customs 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 alleging dumping of complete or incomplete cathode ray colour television picture tubes originating in or exported from Indonesia and have requested for initiation of anti-dumping investigations and levy of anti-dumping duties.

2. PRODUCT UNDER CONSIDERATION

The product under consideration in the present petition is “complete or incomplete cathode ray colour television picture tubes”, more elaborately described as “thermionic, cold cathode or photo cathode valves and tubes such as vacuum or vapor or gas filled valves and tubes, mercury arc rectifying valves and tubes, also called cathode ray tubes, television camera tubes or cathode ray colour television picture tubes, or colour television picture tubes, or colour picture tubes etc.” and has been referred to as Colour Picture Tubes or “CPT” in this petition. These products are mainly applied in colour television sets. Video and computer monitor cathode ray tubes are however sought to be kept beyond the scope of the present petition.

The subject goods fall under Chapter 85 of the Custom Tariff Act, 1975 under subheading no. 8540.11. The customs classification is indicative only and is in no way binding on the scope of the present investigation.

3. DOMESTIC INDUSTRY STANDING

The application has been filed by M/s Samtel Color Limited. The petitioner has provided information relevant to the present investigations. The subject goods are also produced by JCT Ltd., BPL Display Devises Limited and Hotline CPT Limited. Production of the petitioner constitutes more than 50% of Indian production. The production by M/s BPL and Hotline, however, have stopped during the injury period. Production of the petitioner company constitutes a major proportion in Indian production. The Authority after examination, has determined, that the petitioner constitutes domestic Industry within the meaning of the rule 2(b) read with 2(d) and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

4. COUNTRIES INVOLVED

Petition has been filed seeking imposition of anti dumping duties on imports of the product under consideration from Indonesia (hereinafter also referred to as subject country).

5. LIKE GOODS

The petitioner has claimed that goods produced by domestic industry are like articles to the goods originating in or exported from subject country. It has been stated that there is no significant difference in the subject goods produced by the petitioner and those exported from subject country. Petitioner claims that the two are technically and commercially substitutable. For the purpose of present investigation, the goods produced by the petitioner are being treated as Like Articles to the product imported from the subject country within the meaning of the Rules supra.

6. NORMAL VALUE

The petitioner has claimed normal value in Indonesia for the subject goods on the basis of constructed value method by considering estimates of cost of production including selling, general & administrative overheads and reasonable profit. Normal value has been separately determined for all sizes.

7. EXPORT PRICE

Petitioner has claimed export price of the subject goods from the subject country on the basis of import price in the proposed period, based on transaction wise import data provided by the DGCI&S, secondary sources (IBIS and Infodrive) and actual information on imports reported at ICD, Dadri. Export price has been separately determined for all sizes.

Adjustments have been claimed on account of ocean freight, marine insurance and inland transportation in the country of exports, port handling and port charges to arrive at ex-factory export price. There is sufficient evidence of the export price for the subject goods from the subject country.

8. DUMPING MARGIN

Normal value and export price have been compared at ex-factory level, separately for all sizes, which shows significant dumping margin from Indonesia for each of the product. It is considered that there is sufficient prima facie evidence that the normal value of the subject goods in the subject country is significantly higher than the ex-factory export price indicating, prima facie, that the subject goods are being dumped by exporters from the subject country.

9. INJURY AND CAUSAL LINK

Petitioner has furnished information on various parameters relating to material injury to the domestic industry. Parameters such as increase in imports in absolute terms as also relative to production and consumption in India, significant price undercutting and underselling, increase in inventories, decline in production and market share after increase upto 2006-07, significant deterioration in profits, cash flow and return on investment, increase in sales volumes less than increase in demand, prima facie, collectively and cumulatively indicate that the domestic industry has suffered material injury on account of dumping of subject goods from subject country. There is sufficient prima facie evidence that the domestic industry has suffered material injury as a result of these dumped imports. The Authority notes that investigations are also being conducted at present in respect of imports from Korea, Thailand, Malaysia and China.

10. INITIATION OF ANTI DUMPING INVESTIGATIONS

AND WHEREAS, the Authority finds that sufficient prima facie evidence of dumping of subject goods from the subject country, injury to the domestic industry and causal link between dumping and injury exist, the Authority hereby initiates an investigation into the alleged dumping and consequent injury to the domestic industry in terms of the Rule 5 of the said Rules to determine the existence, degree and effect of the alleged dumping and to recommend the amount of antidumping duty, which if levied would be adequate to remove the injury to the domestic industry.

11. PERIOD OF INVESTIGATION (POI)

The Period of Investigation for the purpose of the present investigation is 1st July, 2007 to 30th June, 2008 (12 months). However, the period for injury examination would cover periods from 1st April 2005 to the end of the POI.

12. SUBMISSION OF INFORMATION

The exporters in the subject country and its Government through its embassy in India, importers and users in India known to be concerned and the domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other party interested to participate in the present investigation may write to:

The Designated Authority,
Directorate General of Anti-Dumping & Allied Duties
Ministry of Commerce & Industry,
Department of Commerce,
Room No. 240, Udyog Bhavan,
New Delhi-110011

As per Rule 6(5) of Rule supra, the Designated Authority is also providing opportunity to the industrial users of the article under investigation, and to representative consumer organizations who can furnish information which is relevant to the investigation regarding dumping, injury and causality. Any other interested party may also make its submissions relevant to the investigation within the time limit set out below.

13. 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 (40) 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 (40) forty days from the date of the letter addressed to them. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record their findings on the basis of the facts available on record in accordance with the Rules supra.

14. SUBMISSION OF INFORMATION ON NON-CONFIDENTIAL BASIS

In terms of Rule 7, the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summarization, a statement of reason thereof, is required to be provided.

15. INSPECTION OF PUBLIC FILE

In terms of Rule 6(7), Designated Authority maintains a public file. Any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

16. NON COOPERATION

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 Designated Authority may record findings on the basis of facts available and make such recommendations to the Central Government as deemed fit.

(R. Gopalan)
Designated Authority