

**TO BE PUBLISHED IN PART I SECTION 1 OF THE GAZETTE OF INDIA,
EXTRAORDINARY**

**MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF ANTI-DUMPING &
ALLIED DUTIES**

INITIATION NOTIFICATION

NEW DELHI, THE 16th AUGUST, 2001

Subject:- Initiation of Anti-dumping investigations concerning imports of Compact Fluorescent Lamps (CFL) originating in or exported from China PR & Hongkong.

No.34/1/2001-DGAD.- The Directorate General of Anti-dumping and Allied Duties has received a petition for initiation of anti-dumping investigations against alleged dumping of Compact Fluorescent Lamps (CFL) imported from China PR and Hongkong. M/s. Indo Asian Fusegear Ltd., 207-208, Hemkunt Tower, 98, Nehru Place, New Delhi-110 019 and M/s. Osram India Ltd., Signature Towers, 11th Floor, Tower B, South City-I, Gurgaon-122 001 (Haryana) have filed a petition in accordance with 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 referred to as the Authority) alleging dumping of Compact Fluorescent Lamps (CFL) from China PR & Hongkong (also hereinafter referred to as subject countries) and requested for initiation of anti-dumping investigation and levy of anti-dumping duty.

2. Domestic Industry:- The petition has been filed by M/s. Indo Asian Fusegear Ltd, New Delhi and M/s. Osram India Ltd, Gurgaon on behalf of the domestic industry. The petitioners have claimed that they account for about 59% of the production during the period of investigation and therefore, have the standing to file the petition on behalf of the domestic industry. It has been reported that there are three more producers of subject goods, namely, M/s.Phoenix Lamps India Ltd., Export Processing Zone, Phaze-II, Noida-201 305, and M/s.Starlite Lighting Limited, Satpur, Nasik which are mainly export oriented units and M/s. Punjab Anand Lamp Industries Ltd, Mohali has negligible production of CFL.

3. Product Involved:- The product involved in the petition is Compact Fluorescent Lamp (CLF) originating in or exported from China PR & Hongkong. The product is

classified under Customs Tariff Heading 85.39.31 under HS Classification and 85.39.31.00 under Indian Customs Tariff Classification. The classification is, however, indicative only and in no way binding on the present investigation. The product covered in this investigation are Compact Fluorescent Discharge Lamps (CFL) with one or more glass tubes and which have all lighting elements, all electronic components and cap integrated in the lamp foot. Compact Fluorescent lamps without choke or ballast are also included.

4. Countries Involved:- The countries involved in the present investigation are China PR and Hongkong .

5. Like Article:- The petitioners have claimed that the goods produced by them are like articles to the goods produced and originating in or exported from the subject countries. Goods produced by petitioners are treated as like articles to the goods imported from the subject countries within the meaning of the Rules.

6. Normal Value: The petitioners have claimed that ChinaPR is a non-market economy country in terms of Notification No. 28/2000-NT dated 31st May, 2001. The petitioners have also furnished domestic sale prices prevalent in China PR and have stated that it did not reflect the fair value of the goods. They have requested that India be treated as a surrogate country and the normal value based on the constructed cost of production of the domestic industry in India of subject goods duly adjusted to include selling, general and administrative expanses and the reasonable profit margin be adopted. As regards to Hong Kong the petitioners have stated that there are no manufacturing facilities at Hongkong. The goods imported from Hongkong are of Chinese origin; the basis of normal value should be the same for China PR and Hongkong.

7. Export Price:- The petitioners have provided the export price as per Directorate General of Commercial Intelligence and Statistics (DGCI&S) latest available and import information received from secondary source (M/s. Impex Statistics Services, Mumbai). Thus there is sufficient prime facie evidence with regard to prevailing export price into India from subject countries.

8. Dumping Margin: There is sufficient prime facie evidence that export price to India from subject countries were lower than the normal value in the said country. Thus, there is sufficient evidence that the product under consideration is being dumped into India from subject countries .

9. Injury and Causal Link: The various parameters affecting domestic industry relating to injury such as production, capacity utilisation, market share, volume of imports, volume of sales for domestic industry, profits, stocks, price undercutting etc.

prime facie indicate collectively and cumulatively, that the domestic industry has suffered material injury on account of dumping.

10. Initiation of Anti Dumping Investigation: The Designated Authority, therefore, in view of the foregoing, initiates anti dumping investigation into the existence, degree and effect of alleged dumping of Compact Fluorescent Lamps (CFL) originating in or exported from China PR & Hongkong.

11. Period of Investigation: The period of investigation for the purposes of present investigation is 1st April,2000 to 31st March, 2001 (12 months).

12. Submission of Information: The exporters in the subject countries and importers in India known to be concerned are being addressed to submit relevant information in the form and manner prescribed and to make known their views to **Shri L.V.Saptharishi, Designated Authority and Additional Secretary to Government of India, Ministry of Commerce & Industry, Department of Commerce, Udyog Bhavan, New Delhi-110011**. Any other interested party may also make its submission relevant to the investigation in the prescribed form and manner within the time limit set out below.

13. Time Limit:- Any information relating to the present investigation may be sent in writing so as to reach the Designated Authority at the address mentioned above not later than 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 days from the date of letter addressed to them separately.

14. 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 the other interested parties after the expiry of time limit thus set out.

15. 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 or the information is incomplete in any respect, 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.

(L.V. SAPTHARISHI)
Designated Authority