

MINISTRY OF COMMERCE

NOTIFICATION

New Delhi, the 1st July, 1999

Subject : Initiation of anti-dumping investigation concerning import of Optical Fibre from South Korea.

No. 24/1/99-DGAD.-M/s Sterlite Industries Ltd. has filed a petition in accordance with fine 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 Optical Fibre from South Korea and requested for anti-dumping investigation and levy of anti-dumping duties.

1. Product Involved : The product involved in the present petition is Optical Fibre (also referred as subject goods hereinafter) originating in or exported from South Korea.

Optical Fibre is classified under custom sub-heading No. 9001.10 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 Sterlite Industries Ltd. with registered office at Aurangabad, Maharashtra. There are five producers of Optical Fibre in India out of whom one manufacturer is an importer of the alleged dumped product from the subject country and hence does not form part of the domestic industry under the. Rules. Thus there are only four manufacturers including the petitioner to be considered for. domestic industry. standing. The petitioner's share constitutes 79.40% of the total production of the domestic industry. Hence they have the requisite standing to file the petition..-

3. Country involved : The country involved in the present investigation is South Korea (also referred to as subject country hereinafter).

4. Like Goods : The petitioner have claimed that there is no difference between their product -and- the. allegedly dumped product from the subject country. Both conform to the same set of technical specifications and have the same end-use. Therefore they are prima-facie treated as like articles within the meaning of the Rules.

5. Dumping and Dumping margin

- a. Normal value: The petitioner have claimed normal value on the basis of comparable export prices of the subject country to the other countries. There is sufficient prima facie evidence with regard to normal value of Optical Fibre in the country under reference.
- b. Extort price : The petitioner have claimed the export price from the subject country based on CIF data from Indian ports. They have claimed-, adjustments in respect of insurance and freight to arrive at the net export price at the factory level.
- c. Dumping Margin : Considering the normal value r and export price as detailed above, the dumping margin which is arrived at is significantly higher than the de-minimus limits.

This 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 market share, profitability, price, capacity utilisation and inventory 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 of alleged dumping of the subject goods originating in or exported from the subject country.

8. The period of investigation for the purpose of present investigation is Ist April 1998 to 28th February, 1999.

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, Ministry of Commerce, Anti-Dumping Division, Udyog Bhawan, 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 investigation 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 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.

RATHI VINAY JHA...
Designated Authority