

No.14/6/2006-DGAD
Government of India
Ministry of Commerce & Industry
(Department of Commerce)

New Delhi, the 24th August 2006

INITIATION NOTIFICATION

Subject: Initiation of Anti-dumping Investigations concerning import of Presensitised Positive Offset Aluminum plates originating in or exported from China PR, Bulgaria, Malaysia, Singapore and Korea RP

No.14/6/2006-DGAD. M/s Technova Imaging Systems (P) Ltd. Mumbai and Stovec Industries Limited, Ahmedabad have jointly 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 Presensitised Positive Offset Aluminum plates originating in or exported from China PR, Bulgaria, Malaysia, Singapore and Korea RP and have requested for initiation of anti-dumping investigations and levy of anti-dumping duties.

1. PRODUCT UNDER CONSIDERATION

The product under consideration in the present investigation is Presensitised Positive Offset Aluminum plates (also referred to as "PS Plates" or subject goods). The subject goods is primarily used in the printing establishments. There are various kinds of Aluminium Offset Plates, designed to suit the quality, speed & cost requirements of the users, and the imaging technology available to them e.g. Non-sensitised Grained Plates; Presensitised Plates (Positive or Negative working); Digital Plates (Thermal or Violet or UV sensitive). The thickness of the subject goods ranges between 0.15 mm to 0.40mm. The present application covers PS PLATES of all types of thickness ranging from 0.15 mm to 0.40mm with a variation of 0.03mm on either side.

PS Plates serve as an image-carrier on an offset printing machine, and is the final link in the lithographic offset printing process. It is used by the printing Industry on sheet-fed & web-fed offset printing machines for

printing of newspapers, flexible packaging materials, books, general commercial printing, and stationary, business forms. The subject goods are manufactured from coils or sheets of "litho-grade" Aluminium by electro-chemically treating the surface, followed by photo-sensitive coating, drying, and cutting the sheets to required dimensions. The subject goods falls under Chapter 84 of the Custom Tariff Act, 1975. While the classification of the PS plates at the eight digit level is 84425020, the subject goods are reported to have been imported under subheadings 37013000, 37040090, 37051000, 76069190, and 76069290 as well. However, the Customs classification is indicative only and is in no way binding on the scope of the present investigation.

2. DOMESTIC INDUSTRY STANDING

The application has been filed by M/s Technova Imaging Systems (P) Ltd, Mumbai . and Stovec Industries Limited, Ahmedabad, Gujarat. These producers have provided information relevant to the present investigations and have consented to participate in the proposed investigations. The production of these applicant companies constitute more than 50 % of total Indian production. The Authority has determined that production of the two petitioner companies constitute a major proportion in Indian production;

The Authority after examining the above, determines that the petitioners constitute 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.

3. COUNTRIES INVOLVED

The countries involved in the present investigation are China PR, Bulgaria, Malaysia, Singapore and Korea RP (hereinafter also referred to as subject countries).

4. LIKE GOODS

The petitioners have claimed that goods produced by it are like articles to the goods originating in or exported from subject countries. There is no significant difference in the subject goods produced by the petitioners and those exported from subject countries. Petitioners claim that the two are technically and commercially substitutable. Petitioners have provided transaction wise information on imports as compiled by Eximnet and have claimed that the subject goods and goods produced and supplied by the petitioner companies are being interchangeably used. For the purpose of present investigation, the goods produced by the petitioner companies are being treated as Like Articles to the product imported from the subject

countries within the meaning of the Rules supra.

5. NORMAL VALUE

The petitioners have claimed that China PR should be treated as non-market economy and have determined normal value in accordance with Para 7 and 8 of Annexure I of the Anti Dumping Rules. The petitioners have claimed normal value considering cost of production in India, duly adjusted to include selling, general, administrative overheads and reasonable profit.

In accordance with Para 7 to Annexure-I of the Rules, it is envisaged to choose USA as an appropriate market economy Country for the purpose of establishing normal value in respect of the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit laid down in this notification. With regard to other subject countries, petitioners have claimed normal values for the subject goods in Korea RP, Singapore, Bulgaria and Malaysia considering constructed cost of production including selling, general and administrative overheads and reasonable profit for subject countries. There is sufficient evidence of the Normal value claimed for the subject goods from subject countries

6. EXPORT PRICE

The petitioners have claimed export price of the subject goods from the subject countries as the weighted average import price in the proposed period, based on transaction wise import data provided by the Eximnet. 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 countries.

7. DUMPING MARGIN

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

8. INJURY AND CAUSAL LINK

The Petitioners have furnished information on various parameters relating to material injury and threat of material injury to the domestic industry. Parameters such as increase in the absolute volume of imports from the subject countries, increase in the market share of imports from the subject countries in total imports, significant increase in inventories, significant decline in the market share of the domestic industry, significant deterioration in profits, and return on investment, significant price undercutting and price depression, prima facie, indicate collectively and cumulatively that the domestic industry has suffered material injury on account of dumping of subject goods from subject countries. Factors such as significant increase in import volumes of subject goods from subject countries in absolute terms and in relation to total imports, significant price undercutting from subject countries, significant capacities in the subject countries have been claimed in support of their claim of threat of material injury on account of dumped imports from subject countries.

9. INITIATION OF ANTI DUMPING INVESTIGATIONS

The Designated Authority, in view of the foregoing paragraphs, 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.

10. PERIOD OF INVESTIGATION (POI)

The Period of Investigation for the purpose of the present investigation is 1st April 2005 to 31st March 2006 (12 months). However, the period for injury examination would cover periods from 1st April 2002 to the end of the POI.

11. SUBMISSION OF INFORMATION

The exporters in the subject countries and the importers in India known to be concerned with this investigation are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority at the following address

Directorate General of Anti Dumping & Allied Duties,
Ministry of Commerce & Industry,
Department of Commerce,
Government of India,
Room No. 240,
Udyog Bhavan, New Delhi – 1100 11.

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.

12. TIME LIMIT

a) General Time Limits

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 the letter addressed to them separately. It may be noted that no request, whatsoever, shall be entertained for extension in the prescribed time limit.

b) Specific time limit for selection of market economy country

Interested parties to the investigation may wish to comment on the appropriateness of the USA which, as mentioned in the Para 5 of this initiation notification, is envisaged as a market economy country for the purpose of establishing normal value in respect of the China PR. These comments must be submitted within two weeks from the date of publication of this notification.

13. 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.

14. 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.

(Christy L. Fernandez)
Designated Authority