

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
(DEPARTMENT OF COMMERCE)

FINAL FINDINGS NOTIFICATION

New Delhi, the. 28.10.2002

Subject:- Anti-dumping investigation concerning imports of Sodium Nitrite from European Union (EU) and Taiwan –Final Findings.

No.54/1/2001-DGAD. - The Government of India having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, thereof:

A. PROCEDURE:

1. The procedure described below has been followed with regard to the investigations:
 - i. The Designated Authority (hereinafter referred to as Authority), under the Rules, received written application from M/s Deepak Nitrite Ltd., Nandesari, Baroda; on behalf of the domestic industry, alleging dumping of Sodium Nitrite originating in or exported from European Union (EU) and Taiwan ;
 - ii. The Designated Authority (hereinafter referred to as Authority), notified Preliminary Findings vide notification dated 1st February,2002 and requested the interested parties to make their views known in writing within 40 days from the date of its publication.
 - iii. The Authority forwarded a copy of Preliminary Findings to the known interested parties who were requested to furnish their views, if any, on the preliminary findings within 40 days of the date of the letter
 - iv. The Authority also forwarded a copy of preliminary findings to the Delegation of European Union in New Delhi and Taiwan Cultural Center, New Delhi with a request that exporters and other interested parties to furnish their views on the preliminary findings.
 - v. The Authority provided an opportunity to all interested parties to present their views orally on 25.6.2002. All parties presenting views orally were requested to file written submissions, of the views expressed orally. The parties were advised to collect copies of the views expressed by the opposing parties and offer rebuttals, if any.

- vi. The Authority made available the public file to all interested parties containing non-confidential version of all evidence submitted by various interested parties. All interested parties who made request for inspection, in writing, were allowed to inspect the public file;
- vii. Arguments raised by the interested parties before announcing the preliminary findings, which have been brought out in the preliminary findings notified have not been repeated herein for sake of brevity. However, the arguments raised by the interested parties have been considered in the preliminary findings and/or these findings.
- viii. In accordance with Rule 16 of the Rules supra, the essential facts/basis considered for these findings were disclosed to known interested parties and comments received on the same have also been duly considered in these findings.
- ix. The Authority sought and verified information deemed necessary for the investigation, and the investigations were carried out at the premises of Petitioner's ;
- x. The Authority also conducted cost investigation to workout optimum cost of production and cost of sales in India on the basis of Generally Accepted Accounting Principles.
- xi. The investigations covered the period of 1st April, 2000 to 31st March, 2001 (12 months);
- xii. *** in this notification represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules;

B Petitioner's Views:

2. On the various issues concerning present investigation, The domestic industry has submitted as under:

PROCEDURE:

2.1 The Designated Authority has followed an elaborate procedure in the present investigation. Notices were sent to known exporters in European union and Taiwan as also known importers and consumers in India. However, none of the exporter, importer and consumer responded to the Designated Authority in the prescribed form and manner nor did any interested party attended the oral hearing.

2.2 PRODUCT UNDER CONSIDERATION and LIKE ARTICLE

The product under consideration in the present investigation is Sodium Nitrite. Sodium Nitrite is an inorganic chemical classified under Chapter 28 at sub-heading

28.34.10 of the Customs Tariff Act. Sodium Nitrite is an oxidizing and reducing agent. It is a white crystalline powder mostly used in Pharmaceuticals industries for production of Paracetamol, Analgin, Theophylline, Caffeine, Dye industries, Lubricants, Construction chemicals, Rubber blowing agent, Heat transfer salts, meat processing, Textiles, etc.

There is no known difference in Sodium Nitrite produced by the Indian industry and Sodium Nitrite exported from European Union and Taiwan. Sodium Nitrite produced by the Indian industry and imported from European Union and Taiwan is comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably. Sodium Nitrite produced by the domestic industry is a like article to Sodium Nitrite imported from European Union and Taiwan in accordance with the anti-dumping Rules.

2.3 STANDING OF THE DOMESTIC INDUSTRY

The petition has been filed by M/s. Deepak Nitrite Ltd., Baroda. There are three other producers who have created capacities in India for production of Sodium Nitrite . The petitioner accounts for a major proportion of Indian production and thus satisfies the standing to file the present petition and constitute domestic industry within the meaning of Indian Rules.

2.4 DUTY IN US \$

Even though the provisional duties are in terms of US \$, it is submitted that the final duties may also be recommended in terms of US \$ only, so that erosion in the quantum of protection does not take place on account of changes in the exchange rate. However, the duties may please be recommended in terms of reference price. The provisional duties are in terms of fixed amounts. Taking advantage of the situation, the exporter seems to have absorbed the anti dumping duty recommended by reducing the prices. Thus, the dumping and injury continued in spite of imposition of anti dumping duty. It is, therefore, requested that the final duties may kindly be recommended in terms of reference price.

D. Views of Exporters, Importers and other interested parties:

3.0 M/S TAIPEI ECONOMIC AND CULTURAL CENTRE:

They have stated that they have been informed by M/s. Chain Fong Co., Ltd. Taiwan that they have never exported the subject goods to India during the period of investigation. On the contrary, they have imported Sodium Nitrite from M/s. Deepak Nitrite Limited, India.

4.0 M/s. ROHA DYECHEM PVT.LTD.

- i. They have stated that as an actual user of Sodium Nitrite, they use to extent of 390 MT per annum on an average in the manufacture of Dye-stuff.
- ii. Consequent to imposition of anti dumping duty on Sodium Nitrite originated in and exported from China, the domestic producers started rising the prices of the product.
- iii. The imports from subject countries is around 5% and such meager imports is not causing any injury to the domestic industry.
- iv. The domestic industry is proposing to block imports of Sodium Nitrite practically from all over seas companies so as to insulate themselves from any competition.
- v. Small units/exporters who are in an unorganised sectors cannot avail duty free license for small quantities and escape from payment of anti dumping duty.
- vi. The domestic industry has been earning enormous profit through price rise.
- vii. The Authority may consider that through measures of anti dumping duties, the inefficient units may not get unwarranted protection.

5.0 M/S. ASIATIC IND. AHMEDABAD

The importers have stated that

- i. Taiwan is not in the manufacture of Sodium Nitrite and one of the exporter from UK have also informed that they have not supplied Sodium Nitrite to India. While M/s. BASF has not replied to the questionnaire.
- ii. Sodium Nitrite can be produced by the direct route and also it is a bio product in several fertilisers plants in other countries. In India, M/s. Deepak Nitrite is making Sodium Nitrite directly which is high cost and also making several other products which may not be compatible in local market.
- iii. They have requested the Authority to withdraw anti dumping duty being imposed on Chinese products as well as duties against EU and Taiwan.

6.0 Authority's Position:

- i. As regards to claims of interested parties that there are no exports from Taiwan and the Petitioners have exported the subject goods to Taiwan, Authority notes that conclusive evidence regarding imports statistics as reported from DGCI &

S, Kolkatta and detailed transaction information received from other reliable source indicate that there are imports from Taiwan. Further, the issue of exports of subject goods by the petitioner is not germane to this investigation.

- ii. Authority notes that the codes 'CHI' & 'CHP' used by Custom Authorities (Chennai) for imports from Peoples Republic of China and Chinese Taipei (Taiwan) respectively are uniformly used by Custom Authorities in India.

E. EXAMINATION OF ISSUES RAISED:

7.0 The submissions made by the exporters, importers petitioners and other interested parties have been examined, considered and have been dealt with at appropriate places therein.

F. Product under consideration:

8.0 The product under consideration in the investigation is Sodium Nitrite originating in or exported from EU and Taiwan. The product is classified under Customs Tariff heading 2834.10. The classification is, however, indicative only and in no way binding on the present investigations. Sodium Nitrite is an oxidizing as also a reducing agent. It is a white crystal powder mostly used in pharmaceutical industries, dye industry, lubricants, construction chemicals, meat processing, textiles etc.

G. LIKE ARTICLE:

9. Definition of Like Article states as under:

- a. "Like Article means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation."
- b. The Authority finds that Sodium Nitrite produced by the petitioners and the subject product imported from EU and Taiwan are comparable in terms of characteristics such as physical and chemical characteristics, manufacturing process and technology, function and uses, products specifications etc. Therefore, the two are technically and commercially substitutable.
- c. In light of the foregoing, Authority concludes that Sodium Nitrite produced by the petitioner is a Like Article to the Sodium Nitrite imported from European and Taiwan.

H. DOMESTIC INDUSTRY:

10. (a) The petition has been filed by M/s. Deepak Nitrite Ltd., Baroda on behalf of domestic industry. There are three other producers, i.e. M/s. Punjab Chemicals and Pharmaceuticals Ltd., M/s. National Fertilizers Ltd. and Rashtriya Chemicals and Fertilizers Ltd. who have created capacities for production of Sodium Nitrite in the country. The petitioner accounts for around 64% of production of domestic industry during the period of investigation.

(b) In light of the foregoing, the Authority concludes that the petitioner has the standing to file the petition on behalf of the domestic industry under the rules.

I. DUMPING:

11. Under Section 9A (1)(c), normal value in relation to an article means:

- a. "the comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or
- b. when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either-
 - i. comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or
 - ii. the cost of production of the said article in the country of origin alongwith reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6):

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transshipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin".

12.0 Views of Domestic Industry on DUMPING :

None of the exporters from subject countries responded to the Designated Authority in the form and manner prescribed. The Authority is, therefore, fully justified in proceeding with best available information. The Authority has determined normal value on the basis of constructed cost of production. The petitioners submit that the

determination of normal value done in the preliminary findings is required to be confirmed.

With regard to export price, they have submitted that expenses like Ocean freight, Marine insurance, Commission, Inland freight, Port expenses have to be reduced from the CIF export price to determine ex-factory export price. The petitioner requests the Designated Authority to kindly allow these adjustment to determine ex-factory export price.

Views of the Exporters

13. M/S BASF, AKTIENGENSELLSCHAFT, GERMANY:

- i. They have stated that they have decided not to fill in the questionnaire concerning dumping and have opined that it is evident that due to the 41.3% regular duty there has to be dumping;
- ii. The Authority gave opportunity to the Representative of M/s BASF New Delhi Office to discuss the issue and clarified that unless the information sought for by the Authority is in the form and manner prescribed, the exporter would be treated as a 'non-cooperative' exporter and the question of seeking additional information would arise only after the receipt of the information from the exporter in the prescribed format.
- iii. The information sought for has not been furnished by M/s BASF, and in the circumstances, the Authority has treated the exporter as 'non-cooperative'.

14. M/S TERRA NITROGEN (UK) LIMITED, STOCKTON-ON-TEES TS17 6PT :

The exporter has stated that they did not export Sodium Nitrite into India during the period of investigation and thus they have no comments to offer.

No other exporter from EU or Taiwan have responded to this investigation.

15.1 NORMAL VALUE:

The petitioner has claimed normal value in Europe on the basis of the prices at which Sodium Nitrite has been exported to third countries (Czech Republic). The claim has been supplemented with the estimates of cost of production. The normal value claimed is US \$ **** per MT on the basis of export price to third countries. The Authority has assessed normal value at US \$ **** /MT on the basis of estimates of cost of production which is lower than the export price to third countries.

It is also claimed that the petitioner is also exporting the subject product to the European Union. The prices at which the petitioner is exporting the subject goods to European Union are much higher than the prices at which the exporters from European Union are exporting the subject product to India. Thus, even considering the petitioner's own export price to European Union, there would be dumping of the subject goods by the exporters from the European Union.

Normal value in case of Taiwan has been claimed on the basis of the estimates of cost of production. The Authority determines the normal value at US \$ ***/MT.

15.2 EXPORT PRICE:

The petitioner has claimed export price based on the data published by the DGCI&S, Calcutta. Adjustments have been claimed from the export price on account of Ocean Freight:, Marine insurance, Commission, Inland Transportation and Port handling and port charges has been allowed to arrive at the net export price. Accordingly the Authority determined net export price at US \$ ***PMT and US\$ ***PMT in case of European Union and Taiwan respectively.

15.3 DUMPING MARGIN:

The Rules relating to comparison provides comparison of normal value and export price provides as follows:

"While arriving at margin of dumping Designated Authority shall make a fair comparison between the export price and the normal value. A comparison shall be made at the same level of trade, normally at ex-works level and in respect of sales made and as nearly possible the same time. Due allowance shall be made in each case on its merits, for differences which occur price comparability including differences in conditions and terms and sales, taxation, levels of trade quantities, physical characteristics and any other differences which are demonstrated to affect price comparability".

15.4 For the purpose of fair comparison between normal value and export price the Authority took into account the information furnished by the petitioner and other published information available with the Authority.

The dumping margin comes as under:

US \$ per MT	European Union	Chinese Taipei
Normal value	****	****
Export price	****	****

Dumping margin	****	****
Dumping margin % of EP	71.37%	102.98%

K. INJURY & CAUSAL LINK :

16. (a) Under Rule 11 supra, Annexure-II, When a finding of injury is arrived at, such finding shall involve determination of the injury to the domestic industry, " taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles...." In considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree;

(b) Rule (iii) of the Annexure II to the Rules requires that in case imports of a product from more than one country are being simultaneously subjected to anti-dumping investigation, The Authority will cumulatively assess the effect of such imports. Such assessment can be, however, made only if it is determined that:

- i. the margin of dumping in relation to the imports from each country is more than two percent expressed as percentage of export price and the volume of the imports from each country is three percent of the import of the like article in India, and
- ii. the cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic article.

17. The Authority notes that the margin of dumping and quantum of imports from subject country are more than the limits prescribed above. Cumulative assessment of the effects of imports is appropriate since the export prices from the subject country were directly competing with the prices offered by the domestic industry in the Indian market.

18. For the examination of the impact of imports on the domestic industry in India, the Authority has considered such further indices having a bearing on the state of the industry such as quantum of Imports production, capacity utilisation, sales quantum, stock, market share, profitability, net sales realisation, the magnitude and margin of dumping etc. in accordance with Annexure II (iv) of the rules supra.

(a) IMPORTS AND MARKET SHARE: Imports from subject countries and other countries in India as also their share in terms of total imports in India as well as demand of sodium nitrite in India are shown below.

All figures are in MT	1997-98	1998-99	1999-00	2000-01
European Union(EU)	525	520	692	638
Taiwan	160	0	372	676
Total subject countries	685	520	1064	1314
Other countries				
China	3095	2144	3422	1539
Others	145	229	2	67
Total imports in to the country	3925	2893	4488	2920
Sale of domestic industry	14231	13978	16456	14996
Sales of other producers	7919	7465	7440	8323
Demand in the country	26075	24336	28384	26239
Share of subject countries in total imports (%)				
EU	13.38	17.97	15.42	21.85
Taiwan	4.08	0.00	8.29	23.15
Subject Countries	17.45	17.97	23.71	45.00
Market share in Demand				
EU	2.01	2.14	2.44	2.43
Taiwan	0.61	0.00	1.31	2.58
Subject Countries	2.63	2.14	3.75	5.01
Other Countries	12.43	9.75	12.06	6.12
Domestic industry	54.58	57.44	57.98	57.15
Other Domestic Producers	30.37	30.67	26.21	31.72
Total All Countries	100.00	100.00	100.00	100.00

The Authority notes that:-

- i. The imports from European Union and Taiwan have cumulatively increased in absolute term.
- ii. Share of imports from European Union and Taiwan have increased, individually and collectively, in terms of imports of the subject goods in India.
- iii. Share of imports from European Union and Taiwan, individually and collectively, have increased in terms of demand of the subject goods in India.
- iv. Imports from the subject countries have increased in relation to production and consumption in India.

(b) DECLINE IN EXPORT PRICE: Export prices from the subject countries have declined significantly, as is evident from the table below:

Year	Export price Rs./Kg	Export price US \$/kg.
1997-98	****	****

1998-99	****	****
1999-00	****	****
2000-01	****	****

The Authority notes that the decline in the export price in terms of US \$ is more significant than the decline in terms of Indian Rupee. The decline in export price has directly resulted in decline in landed value of the imported material as is evident from the table below:

Year	Landed price Rs./ Kg.*
1997-98	****
1998-99	****
1999-00	****
2000-01	****

Evidently, the export price from the subject countries have declined, except in the year 1999-00, resulting in decline in landed price of imported material, forcing the domestic industry to keep their selling price significantly below than the fair selling price of the domestic industry, which should have been increased after imposition of Anti Dumping against dumped imports from China.

(c) PRODUCTION, SALES AND CAPACITY UTILIZATION: Production, sales and capacity utilization of the petitioner with respect to Sodium Nitrite/Nitrate (as capacity of 27000 MT includes nitrite and nitrate) has been as under:

In MT	Capacity @	Production @	Capacity Utilisation(%)	Sales Volume
1997-98	27,000	24425	90.46	****
1998-99	27,000	24325	90.09	****
1999-00	27,000	27964	103.57	****
2000-01	27,000	26429	97.89	****

Note: @ Includes Sodium Nitrite and Nitrate capacity

It is evident from the above, production, sales and capacity utilization of the domestic industry increased upto 1999-00. However, all the three parameters have declined in 2000-01. The domestic industry should have increased sales volumes and hence production and capacity utilization in 2000-01 after imposition of Anti Dumping Duty on imports from China. However, the dumping from Taiwan and EU prevented the domestic industry from increasing its sales and hence production and capacity utilization.

(d) SELLING PRICE: The net sales realization of the Petitioners with respect to Sodium Nitrite are given in the table given below.

Period	Net sales realization (Rs. Per MT.)
1997-98	****
1998-99	****
1999-00	****
2000-01	****

Sales realization of the domestic industry declined significantly in 1999-00. The increase in the sales realization in 2000-01 is due to steep increase in the cost of production. Sales realization is required to be seen along with the cost of production of the domestic industry. Cost of production of the domestic industry increased in 2000-01, whereas the domestic industry was unable to increase the selling prices proportionately. The imports have thus prevented the domestic industry from effecting legitimate price increases.

It is also relevant to point out that the domestic industry should have increased prices much more than the increase in 1999-00. The NIP fixed by the Designated Authority in the previous investigations was US \$****. Thus, the domestic industry is suffering severe price depression/suppression in the market. Also relevant to note that the export price from the subject countries declined continually, except in 1999-2000, resulting in decline in the landed price of imports. In 1999-2000, the increase in the sales volume of the domestic industry and increase in export price from subject countries have to be seen together. Decline in the export price from the subject countries forced the domestic industry to sell even below the cost of production.

(e) PROFITABILITY: The selling prices of the domestic industry remained unremunerative in spite of imposition of Anti Dumping Duty on imports from China. Dumping from China coupled with fresh dumping from the subject countries has resulted in wiping out of profits of the petitioner. Profit/loss of the domestic industry have been as under:-

Rs./MT	Cost of production	Selling Price	Profit/Loss
1998-99	****	****	****
1999-00	****	****	****
2000-01	****	****	****

(f) Authority notes that inspite of decline in production and sales of the domestic industry, stocks with them have increased during the period of investigation;

(g) Employment and Wages: Authority notes that the domestic industry has been forced to cut its costs on all fronts. Appointment of fresh persons is almost seem to be restricted in all areas of the company.

19. CONCLUSION:

The Authority thus observe that:

- a. The imports from EU and Taiwan have increased sharply during the period of investigations.
- b. The production and Capacity utilisation has shown a decline in period of investigation compared to previous year.
- c. There is a decrease in sales and consequently increase in closing stock.
- d. The market share of imported goods from EU & Taiwan has gone up whereas the share of petitioner in total demand has come down.
- e. The cost of production have gone up, during the period of investigation but the realisation have gone down in the later part of the POI and thus the petitioner has suffered losses in the later part of POI. Though in the earlier part, they have earned profit.
- f. Imports from subject country resulted in price under cutting in Indian market;
- g. The Authority, after considering the above, concludes the domestic industry has suffered material injury from the imports of Sodium Nitrite originating from EU & Taiwan.

L. CAUSAL LINK:

20. IMPORTS FROM OTHER COUNTRIES:

The imports are primarily from China, European Union and Taiwan. Against China, Anti Dumping Duty is already in force. Imports from other countries are de-minimus. The prices from other countries are higher. Imports from other countries are, therefore, not causing injury to the domestic industry. Imports of Sodium Nitrite in India as per DGCIS are as under:

Country	Qty/Kg	Share %
Subject countries		
Taiwan	675580	23.14
European Union	637716	21.84
Countries attracting duties		
China	1539742	52.72
Other Countries		
Singapore	3000	0.10
USA	64282	2.20
Total	2462446	100.00

21. DEMAND & OTHER FACTORS:

- i. There is no significant change in demand of sodium Nitrite in India. Possible decline in demand has, therefore, not contributed to any injury to the domestic industry. The technology adopted by the petitioner is comparable to the technology adopted by other producers world wide and there is no significant difference in the manufacturing process.
- ii. The landed value of imports from EU & Taiwan is lower than the selling prices of domestic industry indicating price under cutting. As a direct consequence, the net sales realisation of domestic industry in 1998-99 has remained more or less stagnant and is finding difficult to hold its prices.
- iii. In view of the above, Authority notes that the injury to domestic industry has been caused by the dumped imports.

M. INDIAN INDUSTRY'S INTEREST AND OTHER ISSUES:

22. The purpose of anti dumping duties, in general, is to eliminate dumping which is in general interest of the country. It is recognised that the imposition of anti dumping duties might affect the price levels of the products manufactured using the subject goods and consequently might have some influence on relative competitiveness of these products. However, fair competition on the Indian market will not be reduced by the anti dumping measures, particularly if the levy of the anti dumping duty is restricted to an amount necessary to redress the injury to the domestic industry. On the contrary, imposition of anti dumping measures would remove the unfair advantages gained by dumping practices, would prevent the decline of the domestic industry and help maintain availability of wider choice to the consumers of sodium nitrite. Imposition of anti dumping measures would not restrict imports from the subject countries in any way, and therefore, would not affect the availability of the product to the consumers.

23. To ascertain the extent of anti-dumping duty necessary to remove the injury to the domestic industry, the Authority relied upon reasonable selling prices of Sodium Nitrite in India for the domestic industry, by considering the optimum cost of production at optimum level of capacity utilisation for the domestic industry.

N. LANDED VALUE:

24. The landed value of imports from EU & Taiwan have been determined on the basis of weighted average export price of Sodium Nitrite from EU & Taiwan, after adding the prevailing level of customs duties and one percent landing charges.

O. CONCLUSIONS;

25. The Authority, after considering the foregoing, concludes that:

- a. Sodium Nitrite originating in or exported from EU & Taiwan has been exported to India below normal value resulting in dumping;
- b. The domestic industry has suffered material injury.
- c. The injury has been caused cumulatively by the dumped imports of the subject goods from the subject country/ territory.

26. The Authority after considering the foregoing, concludes that :

- a. The Authority recommends imposition of definitive anti dumping duty on all imports of Sodium Nitrite falling under Chapter 28 of the Custom Tariff Act originating in or exported from European Union and Taiwan.
- b. The Authority considered recommending the amount of anti dumping duty equal to the margin of dumping or less, which if levied, would remove the injury to domestic industry. The average landed price of the imports, for the purpose, was compared with the non-injurious price of the petitioner company, determined for the period of investigation. Wherever the difference was less than the dumping margin, a duty lower than the dumping margin is recommended.
- c. Accordingly, the Authority confirms the preliminary findings with regard to imposition of anti dumping duty and recommends imposition of definitive Anti-dumping Duty on Sodium Nitrite from European Union and Taiwan. The Anti-dumping Duty shall be the amount mentioned in column (3) below on all imports of Sodium Nitrite originating in or exported from Territory of European Union and Taiwan falling under Chapter28 of the Customs Tariff.

Country / Territory	Exporters	Amount US \$ /MT
(1)	(2)	(3)
Territory of European Union	All Exporters	51.83
Taiwan	All Exporters	107.85

28. Landed value of imports for the purpose shall be the assessable value as determined by the customs under the Customs Act, 1962 and all duties of customs except duties levied under Section 3, 3A,8B and 9, 9A of the Customs Tariff Act, 1975.

29. Subject to above, the Authority confirms the preliminary findings dated 1.2.2002.

30. An appeal against this order shall lie to the Customs, Excise and Gold (Control) Appellate Tribunal in accordance with the Act supra.

(LV Saptharishi)
Designated Authority