

No.14/19/2003- DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry

New Delhi, the 20th October, 2003

INITIATION NOTIFICATION

Subject: Initiation of anti-dumping investigations concerning import of Toluene Di-Isocyanate from Chinese Taipei (Taiwan), EU, Japan, Korea RP and USA.

No. 14/19/2003-DGAD- M/s TPM Consultants Pvt. Ltd., New Delhi, on behalf of M/s. Narmada Chematur Petrochemicals Limited, has filed a petition 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 Toluene Di-Isocyanate from Chinese Taipei (Taiwan), EU, Japan, Korea RP and USA and has requested for initiation of anti-dumping investigations and levy of anti-dumping duties.

1. Product Under Consideration:

The product under consideration in the present petition is Toluene Di-Isocyanate. Toluene Di-Isocyanate (TDI) is an organic chemical. It is a clear liquid and is used for production of Flexible Polyurethane Foam, which in turn is used in various applications.

TDI is manufactured in various grades.

Toluene Di-Isocyanate is an organic chemical classified under Chapter 29 of the Customs Tariff Act. The detailed custom classification of TDI, is 29291002.

2. Domestic Industry Standing:

The Present petition is being filed by M/s. Narmada Chematur Petrochemicals Limited who is the sole domestic producer in India.

3. Country(ies)/ Territory Involved: The countries/territory involved in the present investigations are Chinese Taipei (Taiwan), EU, Japan, Korea RP and USA (referred to as subject countries/territory hereinafter).

4. Like Goods: The petitioner has claimed that goods produced by it are like articles to the goods originating in or exported from Chinese Taipei (Taiwan), EU, Japan, Korea RP and USA. Goods produced by the petitioner are being treated as Like Articles to the goods imported from the subject countries/territory within the meaning of the Rules.

5. Dumping and Dumping Margin :

Normal Value: The petitioner has constructed the normal value in case of Chinese Taipei (Taiwan), EU, Japan, Korea RP and USA on the basis of price prevailing in the domestic market of the exporting countries.

Export price: The petitioner has claimed export price based on the import figures after making necessary adjustments.

Considering the normal value and export price the dumping margins are higher than the de-minimis limit.

There is sufficient evidence that the normal values of the product under consideration in the Chinese Taipei (Taiwan), EU, Japan, Korea RP and USA are significantly higher than the prices at which it has been exported to India, indicating, prima facie, that the subject goods are being dumped by the exporters from Chinese Taipei (Taiwan), EU, Japan, Korea RP and USA.

6. Injury and Causal Link: The various economic indicators relating to domestic industry such as production, sales, profit/loss etc. collectively and cumulatively, indicates that the domestic industry has suffered injury. There is sufficient prima facie evidence that the imports of the product under consideration have caused material injury to the domestic industry.

7. Initiation of Anti-Dumping Investigation: In view of the foregoing paragraph, the Designated Authority initiates anti-dumping investigations to determine the existence, degree and effect of alleged dumping of the subject goods originating in or exported from the subject countries/territory.

8. Period of Investigation: The period of investigation for the purpose of the present investigations is from 1st April, 2002 to 30th June, 2003 (15 months).

9. Submission of Information: The exporters in the subject countries/territory 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, Directorate of Anti-Dumping, Udyog Bhavan, 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 investigations 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. Anti-dumping investigations being a time bound exercise, the Designated Authority may record its findings on the basis of facts available on record in accordance with the Rules supra, if no response is received within the time stipulated or the information is incomplete in any respect.

12. 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.

13. 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.

(L.V.SAPTHARISHI)
DESIGNATED AUTHORITY