

MINISTRY OF COMMERCE AND INDUSTRY
(Department of Commerce)
Directorate General of Anti Dumping & Allied Duties

INITIATION NOTIFICATION

New Delhi, the 29th July, 2003

Subject: Initiation of Anti-dumping investigation concerning import of Thermal Sensitive Paper from Indonesia, Malaysia and UAE.

No.14/2/2003-DGAD- M/s. Shree Krishna Paper Mills & Industries Limited, New Delhi have filed a petition in accordance with the 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 Thermal Sensitive Paper originating in or exported from Indonesia, Malaysia and UAE and requested for Anti Dumping investigations and levy of anti dumping duties.

PRODUCT UNDER CONSIDERATION

2. The product involved in the present petition is Thermal Sensitive Paper (TSP) (hereinafter referred as subject goods). Thermal Sensitive Paper is a paper coated with a special mix of chemicals for providing thermal sensitive properties to the base paper. Impression on the paper is created by virtue of controlled thermal heat exposed on the paper. Thermal Sensitive Paper is primarily used for recording messages for electronic equipments where the machine is used to record messages, reports through sensitivity of heat rays. Thermal Sensitive Paper is primarily used in fax machines. It is also used in ECG Machines and other medical equipment's, Seismographic machines, Airlines baggage tagging, tickets, boarding cards etc. Petitioners have claimed that TSP is classified under chapter 48 of the Customs Tariff Act. The product does not have a dedicated Customs Classification. However, it generally gets covered under sub-heading 4809.10 i.e. 'Carbon or similar copying paper'. Petitioners have also claimed that TSP is also cleared under different sub-headings of heading 4811 and 4816 of the Customs Tariff Classification. These Classifications are indicative only and are in no way binding on the scope of the present investigation.

DOMESTIC INDUSTRY

3. The petition has been filed by M/s. Shree Krishna Paper Mills & Industries Limited, New Delhi. The petitioner has claimed that it is the only producer of the subject goods in India and therefore, satisfy the criteria of standing to file the petition on behalf of the domestic industry in terms of Rule 5(3)(a) of the Rules supra.

COUNTRIES INVOLVED

4. The countries involved in the present investigation are Indonesia, Malaysia and UAE hereinafter referred to as the subject countries.

LIKE ARTICLE

5. The petitioners have claimed that the goods produced by them are like articles to the goods produced, originating in or exported from Indonesia, Malaysia and UAE. Therefore, for the purpose of the present investigation, the goods produced by the petitioners are being treated as 'like articles' to that imported from the subject country within the meaning of the Rules supra.

NORMAL VALUE

6. The petitioner has claimed normal value based on the constructed normal value of subject goods in case of Indonesia, Malaysia and UAE. The normal value for subject countries has been constructed on the basis of estimates of cost of production of subject goods duly adjusted to include selling, general and administrative expenses and a reasonable profit margin.

EXPORT PRICE

7. The petitioners have claimed export price from the subject country based on the secondary data sources. Adjustments have been claimed on account of ocean freight, insurance, commission, inland transportation in subject countries, port handling to arrive at the Export Price at ex-factory level.

DUMPING MARGIN

8. The Normal Value of the subject goods in the subject countries, which is claimed on the basis of constructed cost of production of the subject goods in India with reasonable addition for general, administrative and selling cost and for profits, is significantly higher than the net export price indicating prima-facie that the subject goods are being dumped by exporters from the subject countries.

INJURY AND CAUSAL LINK

9. Various parameters relating to injury such as production, capacity utilization, employment, wages, return on capital employed, cash profit, market share in demand, profit & loss, decline in the sales realization, price undercutting, price suppression and price depression, sub-optimal utilization of capacity and losses to the Domestic Industry due to non - realization of fair and reasonable price from sale of the subject goods, prima-facie indicate collectively and cumulatively that the Domestic Industry has suffered material injury on account of dumping.

INITIATION OF ANTI-DUMPING INVESTIGATIONS

10. 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.

PERIOD OF INVESTIGATION (POI)

11. The period of investigation for the purpose of present investigation is 1st April 2002 to 31st March 2003.

SUBMISSION OF INFORMATION

12. 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, Directorate General of Anti Dumping & Allied Duties, Department of Commerce, Ministry of Commerce & Industry, Government of India, 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.

TIME LIMIT

13. 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.

INSPECTION OF PUBLIC FILE

14. 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.

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