

To be published in Part –I Section I of the Gazette of India Extraordinary
No.35/1/2001- DGAD

Government of India
Ministry of Commerce and Industry

INITIATION NOTIFICATION

New-Delhi, the 23rd July, 2001

Subject: Initiation of anti-dumping investigations concerning import of Trimethoprim (TMP) originating in or exported from China.

No. 35/1/2001-DGAD - M/s Alpha Drugs India Ltd., and M/s Inventaa Chemicals Ltd., have 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 Trimethoprim (TMP) originating in or exported from China and have requested for initiation of anti-dumping investigations and levy of anti-dumping duties.

1. Product Involved: The product under investigation in the present case is Trimethoprim originating in or exported China. Trimethoprim is an organic chemical. It is a bulk anti-bacterial drug, directly used in formulations. Formulation of Trimethoprim is used in the combination of Sulphamethoxazole. Trimethoprim is produced primarily from 3,4,5 Trimethoxy Benzaldehyde.

Trimethoprim is classified under Customs sub-heading no. 293359.02 of Chapter 29 of the Customs Tariff Act, 1975. Trimethoprim is being cleared under a host of other custom subheadings also in addition to 293359.09 (Others). The classification is however indicative only and in no way binding on the scope of the present investigations.

2. Domestic Industry Standing: The petitioner has stated that the following four companies are the producers of Trimethoprim in India:-

- a. M/s Alpha Drugs India Ltd.,
- b. M/s Inventaa Chemicals Ltd.,
- c. M/s IPCA Laboratories Ltd., and
- d. M/s Zora Pharma.

M/s Alpha Drugs India Ltd., and M/s Inventaa Chemicals Ltd., have jointly filed the petition and are hereinafter referred to as petitioners. M/S IPCA Laboratories has supported the petition. The fourth producer, M/S Zora Pharma is an importer of Trimethoprim and is therefore excluded from the scope of the domestic industry. The petitioners account for 75.30% of the total domestic production and therefore satisfy the standing to file the present petition.

3. Country(ies) Involved: The country involved in the present investigations is the Peoples Republic of China (referred to as subject country hereinafter).

4. Like Goods: The petitioner has claimed that goods produced by it are like articles to the goods originating in or exported from China. Goods produced by the petitioner are being treated as Like Articles to the goods imported from the subject country within the meaning of the Rules.

5. Dumping and Dumping Margin:

Normal Value: The petitioners have claimed normal value in China on the basis of constructed cost of production of Trimethoprim.

Export price: The petitioners have claimed export price based on the data published by DGCIS and secondary sources. Considering the normal value and export price the dumping margin is significantly higher than the de-minimis limit.

There is sufficient evidence that the normal values of the product under consideration in China is significantly higher than the price at which it has been exported to India, indicating, prima facie, that the subject goods are being dumped by the exporters from China.

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 country.

8. Period of Investigation: The period of investigation for the purpose of the present investigations is 1st April, 1999 to 31st March 2000 (12 months).

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, 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 the event of imports increasing substantially, the Designated Authority may consider request for imposition of anti-dumping duty on retrospective basis.

14. 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