

To be published in Part –I Section I of the Gazette of India Extraordinary
No.17/1/2001- DGAD

Government of India
Ministry of Commerce and Industry

INITIATION NOTIFICATION

New-Delhi, the 9th March,2001

Subject: Initiation of anti-dumping investigations concerning import of Ferro Silicon originating in or exported from Ukraine.

No.17/1/2001-DGAD - M/s Indian Metals and Ferro Alloys Ltd., Bhubaneshwar, 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 Ferro Alloys originating in or exported from Ukraine 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 Ferro Silicon originating in or exported from Ukraine. Ferro Silicon is an alloy of iron and silicon containing calcium, aluminium, carbon etc., as impurities. Silicon constitutes the major proportion in Ferro Silicon. It is primarily used as a deoxidiser in the production of steel and alloy steels.

Ferro Silicon is classified under Customs sub-heading no. 7202.21 and 7202.2100 of Chapter 72 of the Customs Tariff Act, 1975. 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 companies are the producers of Ferro Silicon in India:-
 - a. M/s Indian Metals and Ferro Alloys Ltd.,
 - b. M/s Nava Bharat Ferro Alloys Ltd.,
 - c. M/s VBC Ferro Alloys Ltd.,
 - d. M/s Alok Ferro Alloys Ltd.,
 - e. M/s Nav Chrome Ltd.,
 - f. M/s Ispat Alloys Ltd.,
 - g. M/s GMR Vasavi Industries;

- h. M/s Indsil Electrosmelts Ltd.,
- i. The Silcal Metallurgic Ltd.,
- j. The Travancore Electro Chem;
- k. Sandur Manganese and Iron Ores;
- l. Visvesvarya Iron & Steel Co.Ltd.,
- m. Universal Ferro & Allied Chemicals

M/s Indian Metals and Ferro Alloys Ltd., Bhubaneswar, has filed the petition and is hereinafter referred to as the petitioner. M/s VBC Ferro Alloys Ltd., Hyderabad has supported the petition. The petitioner accounts for 50.2% of the total domestic production and therefore satisfies the standing to file the present petition.

- 3. **Country(ies) Involved:** The country involved in the present investigations is Ukraine (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 Ukraine. 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 Ukraine on the basis of constructed cost of production of Ferro Silicon.

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

There is sufficient evidence that the normal values of the product under consideration in Ukraine 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 Ukraine.

- 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 August, 2000 (17 months).
9. **Submission of Information:** The exporters in the subject countries 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. It may kindly be noted that no requests whatsoever shall be entertained for extension of the above-stated time limit for submission of the required information.
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