

**15/6/2005-DGAD**  
GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE & INDUSTRY  
DEPARTMENT OF COMMERCE  
(DIRECTORATE GENERAL OF ANTI-DUMPING & ALLIED DUTIES)

New Delhi, 7<sup>th</sup> November 2008

**Subject: Antidumping duty on white cement from UAE and Iran, Submission of price undertaking by M/s. Ras Al Khaimah Co UAE.**

In accordance with the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, I am directed by the Designated Authority to disclose essential facts under consideration before the Designated Authority in the matter relating to antidumping investigations relating to White Cement from UAE and Iran, and relating to submission of a price undertaking by M/s. Ras Al Khaimah Co UAE.

2. The information contained in this statement contains the essential facts under consideration of the Designated Authority, which would form the basis for the decision. The reproduction of facts does not tantamount to either acceptance or rejection of any facts/arguments or the claim by the applicant. Notwithstanding, facts given in this statement, the Designated Authority would consider all replies received, on merits, in order to arrive at a final decision.

3. The procedure described below has been followed so far with regard to imposition of anti dumping duties on imports of this product from UAE and Iran.

i. The Designated Authority (hereinafter referred to as Authority), under the Rules, received written application from J K Cements Limited and Grasim Industries Limited alleging dumping of white cement originating in or exported from Iran and UAE.

ii. The Authority, on the basis of sufficient prima facie evidence submitted by the petitioner decided to initiate investigations against imports of subject material from the subject countries. The Authority notified the Embassies of the subject countries about the receipt of dumping allegation before proceeding to initiate the investigations in accordance with sub-rule 5(5) of the Rules;

iii. The Authority issued a public notice dated 6th December 2000 published in the Gazette of India, Extraordinary, initiating anti-dumping investigations concerning imports of White Cement originating in or exported from the subject countries;

iv. The Authority forwarded a copy of the public notice to the known exporters (whose details were made available by the petitioner) and industry associations and gave them an opportunity to make their views known in writing in accordance with rule 6(2);

v. The Authority forwarded a copy of the public notice to the known importers in India and advised them to make their views known in writing within forty days from the date of the letter;

vi. The Authority provided a copy of the non-confidential petition to the known exporters and the Embassies of the subject countries in accordance with rules 6(3) supra;

vii. The Embassies of the subject countries in New Delhi were informed about the initiation of the investigations in accordance with rule 6(2) with a request to advise the exporters/producers from their country to respond to the questionnaire within the prescribed time. A copy of the letter, petition and questionnaire sent to the exporter was also sent to the Embassies, along with a list of known exporters/producers;

viii. The Authority notified Preliminary Findings vide Notification No. 64/1/2000-DGAD dated the 22nd February 2001, forwarded a copy of the Preliminary Findings to known interested parties, who were requested to furnish their views, if any, on the Preliminary Findings within forty days of the date of the letter;

ix. The Authority also forwarded copy of the Preliminary Findings to the Embassies of subject countries in New Delhi with a request to furnish their views on the Preliminary Findings;

x. The Authority, after holding a public hearing, notified final findings vide Notification No 64/1/2000-DGAD. Dated 30th August 2001, recommending imposition of anti dumping duty on dumped imports from subject countries as detailed below:

Sl. No.	Country / Exporter	Amount Of ADD (US \$ / MT)
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1.	. UAE (all exporters excluding M/s Ras Al Khaimah Co. for White Cement & Construction Materials)	32
2.	Iran (all exporters)	38

xi. Government of India, imposed final duty recommended vide notification no. 99/2001 dated 3.10.2001.

xii. Domestic industry filed application for review and continuation of anti dumping duty against Iran and UAE. Based on the duly substantiated application in terms of Section 9A (5) of the Customs Tariff Act, Authority initiated sunset review investigations vide notification dated 28.2.2006, to examine whether the expiry of the duty would lead to continuance or recurrence of injury to the domestic industry.

xiii. The Designated Authority held an oral hearing which was attended by the following parties:

- J K Cements Limited
- Grasim Industries Limited
- TPM Consultants (on behalf of above petitioners)
- Representative of Government of UAE
- Advocate of Exporter from UAE

xiv. A legal Counsel on behalf of the company was present at the time of the oral hearing. The Counsel had demanded copies of relevant documents relating to the case and some time for filing their response. They were advised by the Authority to file a questionnaire response in the form and manner prescribed. However, neither any information in the prescribed format nor any other submissions were made by the company.

xv. The Designated Authority issued disclosure statement on 7th Feb 2007, a copy of which was sent to the present applicant also. The company did not file any response, but conveyed its willingness to extend a price undertaking. The DGAD advised the exporter to file an undertaking in the form and manner required. The company was reminded filing the undertaking. However, no undertaking was received from the company.

xvi. The Designated Authority notified final findings vide notification dated 27.02.2007 recommending extension of anti dumping duties for a further period of 5 years. The Ministry of Finance implemented the duties vide notification dated 12.04.2007

4. After issuance of Final Findings, the applicant once again reiterated its request for acceptance of price undertaking. The applicant was advised to follow the prescribed procedure and file a duly documented price-undertaking proposal. The exporter, however, did not file any undertaking.

5. After a number of communications and interactions, the exporter has now finally filed a duly documented price undertaking vide their letter dated 22nd September 2008 in accordance with Rule 15 of the Rules.

6. The authority had initiated sunset review under Section 9A (5) read with Rule 23. The Authority considers price undercutting can be accepted by the Authority from an exporter either during the course of investigation or thereafter anytime after completion of investigations.

7. Various terms and conditions of the price-undertaking proposal given by the exporter have been examined. The exporter has filed the undertaking in the prescribed format. The prices offered by the exporter are also found acceptable, considering the dumping margin and injury margin determined in the Sunset Review investigations.

8. In view of the above, the Authority invites comments from interested parties to the price undertaking proposal given by the exporter. If accepted, the Authority would recommend to the Central Govt. for acceptance of the price undertaking and withdrawal of present anti dumping duty against the subject exporter..

9. Interested parties may offer their comments, if any, latest by 30th Nov., 2008 in Room No. 216C, Udyog Bhavan, NewDelhi-110011.

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Deputy Secretary (Foreign  
Trade)

For Designated Authority

Tel no-23062817

To

1. Domestic Industry Thru TPM Consultants
2. M/s. Ras Al Khaimah Co UAE
3. All other interested parties thru official website of DOC.