

To be published in Part-I Section I of the Gazette of India Extraordinary

Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi

D
a
t
e

t
h
e

1
6
t
h

O
c
t
o
b
e
r

2
0
0
8

INITIATION NOTIFICATION

Subject: Initiation of Anti-dumping investigations on imports of Tyre Curing Presses originating in or exported from China PR.

No.14/22/2007-DGAD, M/s Larsen & Toubro Ltd. has filed an application before the Designated Authority (herein after referred to as the Authority) 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(herein after referred to as Rules) for initiation of anti dumping investigation concerning alleged dumping of Tyre curing Presses (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country).

2. AND WHEREAS, the Authority finds that sufficient prima facie evidence of dumping of subject goods by the subject country, injury to the domestic industry and causal links between the dumping and injury exist, the Authority hereby initiates an investigation into the alleged dumping, and consequent injury to the domestic industry in terms of the Rules 5 of the said Rules, to determine the existence, degree and effect of any alleged dumping and to recommend the amount of antidumping duty, which if levied would be adequate to remove the injury to the domestic industry.

Domestic Industry

3. Application has been filed by M/s Larsen & Toubro Ltd. through M/s TPM Consultants, New Delhi on behalf of the domestic industry. As per the evidence available applicant has the standing to file the case for anti dumping investigation on behalf of domestic industry as per Rule 2(b) and Rule 5(3)(a) of Anti Dumping Rules.

Product under consideration

4. The product under consideration for the investigation is Tyre Curing Presses also known as Tyre Vulcanisers or Rubber Processing Machineries for tyres. The product is classified under Custom Tariff heading 84775100.

5. Tyre curing press is a machine where tyres get their final shape and tread pattern. Hot molds shape and vulcanise the tyres. The molds are engraved with the tread pattern, the sidewall markings of the manufacturer and those required by law. Tyres are cured at about 300 degree Fahrenheit for around 10 minutes to 24 hours depending on their size. The tyres are removed from their molds and taken to final finish and inspection.

6. Tyre curing press may be supplied along with vertical chuck loaders (VCL), post cure inflators (PCI) and segmented mold operator (SMO), which are essentials/accessories with the machine operations. However, these are separate essentials and machine can be supplied without these essentials also. Tyre curing

press with or without these accessories are within the scope of the product under consideration.

7. Tyre curing presses may be mechanical, or hydraulic or hybrid type. The press properties are defined in terms of a number of parameters, such as size, press load, inside dia, day open, max. green tyre weight, bead dia range, bead cylinder, etc. Tyre curing presses of all sizes, constructions, hydraulic or mechanical are within the scope of the product under consideration.

Like Article

8. The applicant has claimed that there are no known differences in subject goods produced by the applicant and exported from China PR. Both products have comparable characteristics in terms of parameters such as physical and chemical characteristics, manufacturing process and technology, functions and uses, product specifications, pricing, distribution and marketing and tariff classification, etc. The goods produced by the domestic industry are comparable to the imported goods from China PR in terms of essential product properties. Therefore, for the purpose of the present investigation, the subject goods produced by the applicant in India are being treated as 'Domestic Like Article' to the subject goods being imported from the subject country.

Country(s) involved

9. The country involved in the present investigation is China PR.

Normal Value

10. The Authority notes that the applicant has proposed that India be treated as surrogate country for determining normal value for China PR. The Authority seeks comments of the interested parties on the proposal of the domestic industry.

11. The applicant has constructed the normal value for China PR on the basis of cost of production of the domestic producers in terms of provisions of para 7 of Annexure-1 of Anti-dumping Rules. The Authority has prima-facie considered the normal value of subject goods in subject country on the basis of constructed values as made available by the applicant and it has been considered by the Authority for the purpose of initiation.

Export Price

12. The export prices have been claimed on the basis of data obtained from International Business Information Services (IBIS), Mumbai. Price adjustments have been claimed on account of Ocean freight, marine insurance, inland freight, expenses on VAT difference, sales commissions etc. to arrive at the net export price. There is sufficient evidence of export prices claimed by the applicant for the subject goods from the subject country.

Dumping Margin

13. There is sufficient evidence that the normal values of the subject goods in the subject country are significantly higher than the net export prices indicating prima-facie that the subject goods are being dumped by the exporters from the subject country.

Injury and Causal Link

14. The applicant has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of increased volume of dumped imports, price undercutting, lost sales and substantial decline in performance of the domestic industry. There is sufficient prima-facie evidence of the material injury being suffered by the applicant caused by dumped imports from subject country.

Period of Investigation

15. The period of investigation (POI) for the purpose of present investigation is 1st April 2007 to 31st March 2008 (12 months). The injury investigation period will however cover the periods April,2004-March,05, April,2005–March,2006, April,2006-March,2007 and the POI.

Submission of information

16. The exporters and importers known to be concerned and domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other party interested to participate in the present investigation may write to:

The Designated Authority
(Directorate General of Anti-Dumping & Allied Duties)
Government of India
Ministry of Commerce & Industry
Department of Commerce
Udyog Bhavan, New Delhi-110011.

Time limit

17. Any information relating to this investigation should be sent in writing so as to reach the Authority at the above address not later than 40 days from the date of publication of this notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record their findings on the basis of the facts available on record in accordance with the Rules supra.

INSPECTION OF PUBLIC FILE

18. In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

19. All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7 (2), for the confidential information provided as per Rule 7 (1) of the Rules supra.

20. In case any interested party refuses access to and 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 Governments as deemed fit.

(R. Gopalan)
The Designated Authority