

Government of India
Department of Commerce
Ministry of Commerce & Industry
Directorate General of Anti-Dumping & Allied Duties

New Delhi the 23rd October 2002

INITIATION NOTIFICATION

Subject: Initiation of Anti-Dumping investigations concerning imports of Measuring Tapes from China PR.

No.14/31/2002-DGAD. M/s FMI Limited, Ludhiana and M/s. Freemans Measures Ltd., Ludhiana on behalf of the Domestic industry have jointly filed a petition, 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 before the Designated Authority (hereinafter referred to as the Authority) alleging dumping of Measuring Tapes from China PR (hereinafter referred to as the subject country) and requested for Anti-Dumping investigations and levy of Anti-Dumping Duties.

1. Domestic Industry:- The petition has been filed by M/s. FMI Limited, Ludhiana and M/s. Freemans Measures Ltd., Ludhiana on behalf of the domestic industry. These petitioners companies represent 90% of the production of the subject goods under consideration. As per the evidence available petitioners have the standing to file the case for anti dumping investigation on behalf of domestic industry as per rule 5 of Anti Dumping Rules.

2. Product under consideration:- The product under consideration is "Measuring Tapes" its parts and components etc., all type of steel measuring and fibre glass tapes and their parts or components are the subject matter of the present petition. It is generally used for measuring the length, breadth etc. of an object. It is used by foreman, mason, carpenter, forestry departments and tailors etc. Measuring Tapes are manufactured from tempered high quality carbon steel blade, phosphated and coated with special enamel to withstand corrosion and rust. Measuring tapes are used for :-

- a. high precision professional jobs;
- b. measuring depth, width, or length of an object;
- c. contraction and surveys.

In technical terms the measuring tapes are defined in terms of length and width of a tape, raw material used i.e. steel or fibre glass and, finally precision with which dimensions are marked on the tape. It is classified under Chapter 90 of the Customs Tariff Act under sub-headings 9017, 9017.80, 9017.8001, 9017.90. The petitioner has stated that subject goods are being imported under above mentioned sub-headings. The Custom classification is indicative only and not binding on the scope of investigation.

3. Countries involved: The country involved in the present investigation is China PR.

4. Like articles: The petitioner has claimed that the subject goods produced by them are the like articles to the goods originating in or exported from the subject country. The goods produced by Indian Industry are imported from China are comparable in terms of characteristics such as product specification, manufacturing process and technology, functions and uses, pricing, distribution and marketing and tariff classification of goods. These two are technically and commercially substitutable and may be used interchangeably. Therefore, for the purpose of investigation the measuring tapes produced by the petitioner is being treated as like article of measuring tapes (hereinafter referred to as subject goods) imported from subject country within the meaning of the Anti Dumping Rules.

5. Normal value: The Authority notes that the petitioner has claimed normal value of subject goods in China on the basis of constructed cost of production after addition for selling, general and administrative expenses treating China PR as non-market economy. The Authority proposes to examine the claim of the petition in the light Para 7 & 8 of Annexure-II of anti dumping rules as amended. Thus the authority has prima facie, considered the normal value of the subject goods in subject country on the basis of constructed cost of production as made available by the petitioner and it has been considered by the Authority for the purpose of initiation.

6. Export Price: The export price has been claimed on the basis of data obtained from Director General Commercial Intelligence and Statistics, Kolkata and compiled from secondary sources. Price adjustments have been claimed on account of Ocean freight, marine insurance, inland transportation in the country of exports, port handling and port charges, commissions etc to arrive at the net export price. There is sufficient evidence of export price and the adjustments claimed for the subject goods from the subject country.

7. Dumping margin: There is sufficient evidence that the normal value of the subject goods in the subject countries is significantly higher than the net export price indicating prima-facie that the subject goods are being dumped by the exporters from the subject country.

8. **Injury and Causal Link** : The petitioners have furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of fall in their market share because of increased volume of dumped imports, decline in sales volume and utilisation of capacity, lost sales and substantial decline in profitability for the domestic industries. The Authority notes that the landed value of dumped imports significantly below the cost of production of the domestic industry resulting in severe price suppression/depression to the domestic industry which does impose a threat to material injury. There is prima-facie sufficient evidence of the material injury being suffered by the petitioner caused by dumped imports from subject country.

9. **Initiation of Anti-Dumping investigation:** The Authority in view of the foregoing paragraphs, initiates anti-dumping investigation into the existence, degree and effect of alleged dumping of the subject goods originating in or exported from the subject country.

10. **Period of investigation:** The period of investigation for the purpose of present investigation is 1st April 2001 to 30th June, 2002.

11. **Submission of information:** 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

Udyog Bhavan, New Delhi-110011.

12. **Time limit:** 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.

13. **INSPECTION OF PUBLIC FILE:** 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.

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

15. 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.

(L V SAPTHARISHI)
Designated Authority