

# MINISTRY OF COMMERCE

## NOTIFICATION

New Delhi, the 30th December, 1996

### PRELIMINARY FINDINGS

**Subject:-** Anti-dumping investigation concerning imports of NBR originating in or exported from Germany and Korea RP-Preliminary Findings.

**No. 9/1/95-ADD** - having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty, on Dumped Article and for Determination of Injury), Rules 1995, thereof:

### A. PROCEDURE

2. The procedure described below has been followed:

- i. The Designated Authority (hereinafter referred to Authority), under the above Rules, received written request from M/s. Gujarat Apar Polymers Ltd., Mumbai on behalf of the domestic industry, alleging dumping of NBR originating in or exported from the Federal republic of Germany and the Republic of Korea (referred to a Germany and Korea respectively).
- ii. The Authority notified the Embassy of Germany and Korea about the receipt of dumping allegations made by the petitioner before proceeding to initiate an investigation in accordance with sub-rule 5) of Rule 5 supra.
- iii. The Authority a Public Notice dated 15th March, 1995 published in the Gazette of India, Extraordinary, initiating anti dumping proceedings concerning imports of NBR classified under heading 4002.59 of Schedule I of the Customs Tariff Act, 1975 and No.4002.59.00 under Indian Trade Classification (based on Harmonized Commodity description and Coding System) originating in or exported from the Germany and Korea.
- iv. The Authority forwarded copy of the public notice to the known exporters, importers industry association and to the complainant and gave them an opportunity to make their views known in writing and to request for an oral hearing.
- v. According to sub-rule (3) of Rules 6 supra, the Authority provided a copy of the petition to all known exporters and the Embassy of Germany and Korea. A copy of the petition was also made available to the importers, as requested.

- vi. The Embassy of Germany and Korea in New Delhi were also informed about the initiation of investigation and was requested to advise the exporters/producer from their country to respond. to the questionnaire within prescribed time. A copy of the petition, letter and questionnaire sent to the exporters was also sent to the Embassies
- vii. Response to the questionnaire was filed by the following:

**M/s.**

- Korea Kumho Petrochemical Company, Korea,
  - Bayer AG, Germany,
  - Bayer India Ltd., Mumbai,
  - Rishiroop Polymers Pvt. Ltd, Mumbai,
  - Golden Rolls Pvt. Ltd., Delhi,
  - Vako Seal, Mumbai,
  - Puneet Resin Pvt JM, Mumhai,
  - Lathia Industrial Supplies Company Pvt. Ltd., Ahmedabad
  - Inraco Ltd., Mumbai
  - Zenith Rubber & Plastic Works, Mumbai,
  - Precision Rubber Industries Pvt. Ltd, Mumbai.
  - Markwel Hose Industries Pvt. Ltd., Mumbai
- viii. A Public hearing was held by the Authority on 12th June, 1996 in order to provide opportunity to importers, exporters, petitioner, other interested parties and the Embassy of Germany and Korea. The hearing was attended by the following:

**M/s.**

- Gujarat Apar Polymers Ltd., Mumbai,
- Bayer AG, Germany through their authorised representatives M/s. Bayer India Ltd., Mumbai,
- Korea Kumho Petrochemical Company Ltd., through their authorised representatives M/s. Rishiroop Polymers Pvt. Ltd., Mumbai
- Puneet Resins Ltd.,
- Inarco Ltd.,
- Precision Rubber Industries Ltd.,
- K K Rubber Co (I) Pvt. Ltd..
- Parkman Polymer Industries,
- Shree Venkateshwaria Industries,
- CAPEXIL
- Lathia Industrial Supply Company,

- All Indian Rubber Industries Association,
  - Anil Rubber,
  - Golden Rolls Pvt. Ltd.,
  - Auto Seals A Rubber Industries Pvt. Ltd.,
  - Federation of Rubber Footwear Manufacturers,
  - Hindustan Polymers
  - Bombay Chemicals & Rubber Products,
  - ERC Air Ltd.
  - Synthetics & Chemicals Ltd.,
  - Flexo Industries.
  - Vinko Auto Ind. Ltd.,
  - Kohinoor India Ltd.,
- ix. All the parties who attended the said public hearing were advised to present their submissions made in the public hearing in writing for obtaining counter comments from the other party(ies) to the investigation and the written submissions made by the party(ies) were made available to the other party(ies) for their counter comments;
- x. The Authority sought and verified information deemed necessary for the investigation, and to this end investigations were carried out at the premises of the petitioner's head office and works;
- xi. The Authority conducted cost investigation and worked out optimum cost of production and cost of make and sell NBR in India on the basis of Generally Accepted Accounting Principle so as to ascertain as to whether anti dumping duty lower than the dumping margin would be enough to remove the injury,
- xii. The investigation covered the period from 1st Oct., 1994 to 31st March, 1995

## **B. PETITIONER'S VIEWS**

The petitioner has made the following submission:-

1. The investigation by the Authority confirmed massive dumping of NBR from Japan, on the request filed by the petitioner, and the Govt. has imposed Anti-dumping Duty on imports from Japan;
2. Imports of NBR have been got cleared under various custom codes under Chapter 40:
3. Normal value of NBR in the domestic market in Germany was US\$ 2248 per MT against which it was exported to India at CIF US\$ 1133 per MT or ex-works US\$ 814 per MT, establishing that NBR was dumped from Germany.
4. Exporters from Korea have been dumping NBR in India since a long lime. It has not been able to collect evidence showing prices in the domestic market in

Korea, and requested the Authority to consider normal value based on cost of production. Normal value in Korea at US\$ 2075 per MT and export price at US\$ 882 per MT establish dumping by Korea.

5. The various factors such as increase in imports, reduction in import prices, and factors affecting the petitioner such as production, capacity utilisation, sales volume, selling prices, financial losses etc. evidence the injury suffered by the petitioner, which was caused by the imports from Germany and Korea.
6. Dual commission was paid for exports from Korea, once to M/s. Korea Kumho & Co. (through whom the exports have been made by Korea Kumho) and again to indenting agent in India. The Authority should therefore consider 6% commission on exports from Korea for arriving *at ex-works* Export Price.
7. The customs duties should not be considered for working out landed cost of exports from Germany and Korea. Further, cost to customer should be considered by the Authority while arriving at the extent of injury suffered by the Domestic Industry.

## **C. VIEWS OF EXPORTERS, IMPORTERS AND OTHER INTERESTED PARTIES**

The exporters, importers, and a number of other interested parties have responded to the Authority and have raised a number of issues on like articles, Normal Value, Export Price, injury to the petitioner apart from other issues. The issues in brief are as under.

### **a. On Like Article:**

1. NBR is not an article but is a generic term for a group of articles. The term Acrylonitrile Butadiene Rubber or Nitrile Rubber is used in the rubber industry to define a class or type of NBR elastomers.
2. Technology and manufacturing process of Bayer and Apar are different. Product composition in the NBR exported by Bayer neither compares with its old product nor with the petitioners product range. Finishing differences in Bayer NBR and Apar NBR are also of significance.
3. Both Korean NBR and Bayer NBR are neither the same product as petitioner's NBR nor Apar NBR is substitutable with German or Korean NBR.
4. NBR imported from Germany & Korea and produced by the petitioner are different in terms of quality.
5. In the light of above arguments, NBR produced by the petitioner and NBR imported from Korea and Germany are not like articles.

### **b. On Normal Value:**

The petitioner has not furnished evidence in support of normal value in Korea. The cost of production constructed by the petitioner for Korean NBR is incorrect and inflated.

**c. On Export Price:**

The petitioner has furnished incorrect Export Price; from Korea. The Export Price from Korea during the relevant period was US\$ 1249 per MT. Further ocean freight, insurance and other costs have been wrongly estimated by the petitioner and the same are highly inflated. Actual cost on account of ocean freight, insurance and other costs are not more than US\$ 100 per MT in case of Korea.

**d. On Injury:**

1. Imports of NBR do not cause a threat of material retardation to the establishment of an industry nor does it cause a threat of material injury in future.
2. Quantum of imports from Korea during the period of investigation was 205.1 MT only and not 308 MT as claimed by the petitioner. Imports from Korea have declined and the same is negligible compared to total demand of Nitrile Rubber in the Country.
3. There is sharp increase in demand of NBR in the country, and the same cannot be met with by the petitioner.
4. Production, sales quantum, stocks and selling prices of the petitioner have continuously shown improvement. The petitioner has shown turnaround and registered profits.
5. Landed value of individual imports from Germany and Korea were significantly higher than those claimed by the petitioner,
6. Part of the material imported was for re-export, where the Indian consume of NBR have to be competitive in all respects.
7. The petitioners claim of price erosion is not supported in the balance sheet which suggests significantly higher selling price in the period of investigation.
8. The Authority had worked out, in the investigation relating to Japan, fair selling price for the petitioner at Rs. 86126 per MT. The petitioner is already selling NBR at Rs. 87500 par MT, and, therefore, no further relief is required for the petitioner.
9. Exports from Korea have not resulted in price undercutting in the Indian market.
10. The petitioner suffers from inherent deficiencies such as inadequate installed capacity wrong plant location, non-availability of raw material and high cost of critical raw materials adjacent to site, inadequate range of grades, inadequate

control on quality and poor raw material consumption norms, resulting in injury to the petitioner.

11. A comparison of prices of various synthetic rubbers produced in India show that the increase in prices of NBR by the petitioner were over 41% as compared to other synthetic rubbers.

**e. Other Issues:**

1. There is no evidence of written complaint against Korea.
2. The Authority has clubbed two petitions (from Korea and Germany) which is improper.
3. The Authority has not verified the accuracy of the information furnished by the petitioner before proceeding to initiate.
4. Governments of the exporting countries were not informed prior to the commencement of initiation of the investigation.
5. The period of investigation considered by the Authority is arbitrarily fixed and is inappropriate.
6. The Authority has not allowed extension of time limit by way of public notice to the interested parties.

**D. EXAMINATION & FINDINGS BY THE AUTHORITY**

1. The submissions made by the exporter, importers, petitioner and other interested parties have been examined and considered while arriving at these findings and have been dealt at appropriate places in these findings.
2. On the issue of clubbing of the investigation of the two countries, Rule 19 of the rules supra requires the Authority to investigate into all cases from where the article appears to have been dumped. *It is*, therefore, proper *to* investigate imports from all such sources in a single investigation. Moreover, cumulative assessment of material injury to the Domestic Industry is appropriate under the facts and circumstances of the case, and therefore the Authority is justified in clubbing the two countries.
3. The Authority is required to *prime facie* verify the adequacy and accuracy of the information furnished by the petitioner and detailed verification is a part of the investigation. The very purpose of initiation of an investigation is to verify the correctness of the allegation levelled by the petitioner.
4. As brought out above, Government's of both the countries were notified before proceeding to initiate the investigation and the contention on this account is factually incorrect.
5. The period of investigation considered by the Authority is in accordance with the rules and most appropriate as the petitioner had alleged dumping of NBR

by the exporters from these countries during this period. The Authority is required to investigate the period for which the dumping allegation is made by the petitioner.

6. The rules do not prescribe extension of time by way of public notice, nor extension of time limit is obligatory on the part of the Authority. The Authority had allowed the time limits prescribed under the rules for responding to the Authority.

## **E. PRODUCT UNDER CONSIDERATION**

1. The product considered in the present investigation is Acrylonitrile Butadiene Rubber, also known as Nitrile Rubber and NBR. NBR is mainly used for manufacturing various rubber articles, such as Oil Seals, Hoses, Automotive products, Gaskets, Rice Dehusking Rolls, Printers fabrics, Oil field products, etc. Major raw materials required for manufacturing NBR are Acrylonitrile and Butadiene.
2. The importers and exporters have contended that a number of Nitrile Rubber grades are not being produced by the petitioner. The importers and exporters have cited Hydrogenated NBR and Carboxylated NBR as examples. The petitioner has argued that in so far as imports from Korea are concerned these grades are not being produced even by Korea Kumho and both the exporters have not exported these grades to India.
3. The Authority notes that it would not be appropriate to exclude a product from the scope of the present investigation in case it has not been exported to India, as the fact of dumping can neither be proved nor disproved. It would be more appropriate for the Authority to accept a specific request by an exporter for exclusion in case it desires to export any of such grades, which are hitherto neither being exported by it nor being manufactured by the petitioner. The Authority, therefore, confirms, for the purpose of these findings, that the scope of the present findings covers all types of NBR from these countries.
4. NBR is classified under Chapter 40 of Schedule I of the Customs Tariff Act, 1975. The petitioner had alleged that imports of NBR have been cleared under Customs Codes other than that meant for Nitrile Rubber also. It is also found that Bayer has confirmed exports of 1396 MT Nitrile Rubber during the period of investigation whereas the DGCIS statistics reveal imports of 219 MT only.

## **F. LIKE ARTICLES**

1. Definition of like article states as under:

“Like Article means an article which is identical or alike in all respect to the

article under investigation for being dumped in India or in the absence of such an article another article which although not alike in all aspects, has characteristics closely resembling those of the articles under investigation.”

2. Major argument of the importers/exporters, as brought out in detail above that the product composition of Apar NBR and NBR imported from Germany and Korea is different, and Apar NBR is not substitutable with Bayer or Korea Kumho NBR.
3. The argument advanced by the exporters and importers that German and Korean NBR are not substitutable with Apar NBR is not backed with sufficient evidence. Contrary to the argument on substitutability advanced by the exporters and importers, the Authority notes that various users have switched their requirement between domestic produce and overseas supplies, which clearly establish that the NBR produced by the petitioner was substituted by the NBR imported from Germany and /or Korea.
4. It is also observed that all Nitrile Rubber are copolymers of Acrylonitrile and Butadiene and serve the same general purpose of providing resistance to petroleum chemicals, though the same have different specific end applications. The Authority finds that the manufacturing process, equipments, and other facilities needed for producing different grades of NBR are common, and does not involve any special equipment to produce different grades of NBR.
5. In the light of the foregoing, the Authority concludes that NBR produced by the petitioner is a like article to the NBR imported from Germany and Korea RP.

## **G. DOMESTIC INDUSTRY**

The petition was filed by M/s. Gujarat Apar Polymers Ltd., Maker Chamber III, 1st Floor, Nariman Point, Mumbai-400 021. M/s. Synthetics & Chemicals Ltd. has also created capacity to produce Nitrile Rubber. Production of the petitioner, however, accounted for the majority of the production in India and, therefore, the petitioner constitute domestic industry in accordance with Rule 2(b) supra.

## **H. NORMAL VALUE:**

1. Both the exporters, Bayer and Korea Kumho furnished information containing inter-alia, the following for the period of investigation for their sales in home market, export to Indian and exports to other countries:
  - Sales quantity and sales realisation;

- Selling Price, Commission/discounts, Packaging, Freight & Insurance, FOB prices, charges before FOB and after ex-works and ex-works export price per unit of sales and for the quantities sold;
  - Selling price, variable cost, packaging, marginal profit per unit of sales and for the quantities sold have also been furnished by Bayer, though the exporter has not furnished details leading to cost of production and profit made from sales in each market, as requested by the Authority.
2. Since both the exporters have furnished ex-works price, for sales in the domestic market, the Authority has relied upon the same and considered normal value on the basis of weighted average ex-works selling prices in the domestic market for both the exporters have furnished ex-works selling prices, no further adjustment is required to be made in the same.
  3. Rishirop Polymers Pvt. Ltd. (Rishirop), on behalf of Korea Kumho has claimed difference in the sales in the domestic market and exports to India. It has been claimed that the sales in the domestic market or export, to other Countries by Korea Kumho are of all types of NBR grades and hence are not comparable to exports to India which are of single grade. The Authority notes that Korea Kumho has furnished details of selling prices in the domestic market and exports to India for the same and comparable grade i.e. KNB 35L and, therefore, the contention of Rishirop on this account is rejected. It has been further claimed by Rishirop that the domestic price in Korea is higher because of difference in import duty on raw materials in case of domestic sales and exports, association of technical service support and quality guarantees, and volume of sales in the two markets. The Authority, however, notes that the exporter was requested, vide the questionnaire sent to it, to furnish cost to Other Countries, in response to which the exporter has stated that the said details were not available. The contention of Rishirop is, therefore not acceptable for want of sufficient evidence.

## **I. EXPORT PRICE**

1. The export price has been determined on the basis of weighted average ex-works export price claimed by Bayer and Korea Kumho. Since the exporters have furnished the relevant details for working out the ex-works export price, the details furnished by the importers have not been relied upon.
2. The petitioner has contended that the exporter from Korea has paid dual commission on sales to India, once to M/s. Kumho & Co., through whom exports have been made to India and again to the Indian indenting agent M/s. Rishirop Polymers. It is Proposed that the exporter be addressed suitably after preliminary findings in this regard for a consideration in the final findings.

## **J. COMPARISON**

1. For the purpose of fair comparison between the normal value and the export price, the Authority took into the information furnished by the exporters and the best information available. The Authority has compared weighted average normal value with weighted average export price for individual exporter, which indicate the following Normal Value, Export Price and dumping margins:

US\$ per MT

### **Dumping Margin**

Bayer AG, Germany 1367.00

Koreas Kumho Petrochemical

Company Ltd., Korea RP 284.30

2. The Authority notes that the normal value and export price during the investigation period only are relevant for deciding dumping, and the current export price to India or international prices are not relevant for the purpose,

## **K. INJURY**

- Under Rule 11 supra, Annexure-II, when a finding of injury is arrived at, such finding shall involve determination of the injury to the domestic industry, “...taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles....”. In considering the effect of the dumped import” on prices, it is considered necessary to examine whether there has been *a* significant price undercutting *by* the dumped imports as compared with the price of the like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.
- Annexure- II (iii) under rule 11 supra further provides that in case where imports of product from *more* than one country are being simultaneously subjected to Anti-Dumping investigation, the designated authority will cumulatively assess the effect of such imports, only when it determines that (a) the margin of dumping established in relation to the imports from each country is more than two percent expressed as percentage of export price and the

volume of the imports from each country is three percent of the imports of the like article or where the export of the individual countries less than three percent, the imports cumulatively accounts for more than seven percent of the imports of like article and (b) cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

- The Authority notes that the margin of dumping and quantum of imports from Germany and Korea are more than the prescribed limits. Cumulative assessment of the effect of imports is appropriate since the imports from Germany and Korea and supplies from the petitioner are directly competing in the Indian market.
- For the examination of the impact of imports on the domestic industry in India, the Authority considered such further indices having a bearing on the state of the industry as production, capacity utilisation, sales quantum, stock, profitability, net sales realisation, the magnitude and margin of dumping etc. in accordance with Annexure II (iv) of the rules supra.

#### **a. Volume and Market Share of Dumped Imports**

Total imports of Nitrile Rubber in India increased from 3109 MT in 1992-93 to 5635 MT in 1993-94 and 4639 MT during the six month period of investigation. Imports from Germany and Korea increased from 883 MT (1993) to 2167 MT (1994) and were 1619 MT during the period of investigation. The Authority notes that imports from Germany and Korea increased in absolute terms during the period of investigation. The share of the two countries in the total imports of NBR in India, as a consequence, increased from 11% (1993-94) to 35% during the period of investigation.

Market share of Germany and Korea in the total consumption of NBR in India rose from 8% (1993-94) to 27% during the period of investigation.

#### **b. Production and Capacity Utilisation**

Production of NBR of the Domestic Industry increased from 2178 MT (1992-93) to 2380 MT (1993-94) and was 1573.210 MT during the period of investigation. The authority, however, notes that the petitioner has been forced to produce non NBR items (which otherwise does not require such plant & machinery as are available with the petitioner) and the utilisation of capacity in so far as NBR is concerned is still far lower than the capacities created.

#### **c. Sales in Absolute Quantity**

Sales of the Domestic Industry in absolute terms increased from 1916 MT (1992-93) to 2271 MT (1993-94) and were 1427.670 MT during the period of investigation. The market share of the petitioner declined by 6% during the period of investigation as compared to 1993-94.

#### **d. Selling Price Trend**

Average net realisation per MT of sales (after excluding duty and discounts) were Rs. 61793 (1992-93), Rs. 58592 (1993-94) and Rs. 65406 (during the period of investigation). The reduction in custom duty coupled with decline in the CIF import price from both the countries forced the Domestic Industry to sell NBR at unremunerative prices significantly below the Cost of Production.

#### **e. Stock**

Stock of the petitioners during the period of investigation ranged between 199 MT to 461 MT.

#### **f. Profit/Loss**

The petitioner has suffered financial losses from sale of NBR at price lower than the cost of production. The Authority notes that even though the petitioner has reported profits in its published annual account, the same is because of sale of non-NBR items and transfer of business of M/s. Apar Ltd. In so far as its NBR operations are concerned, the same are in losses.

#### **g. Conclusion on Injury:**

The Authority concludes that:

- The circumstances warrant consideration of injury on cumulative basis for imports from, both the countries;
- The imports of NBR have increased in absolute terms from the two countries during the period of investigation;
- The share of Germany and Korea in the total demand in the country increased significantly during the investigation period.
- Exports from Germany and Korea forced the domestic industry to keep its prices to unremunerative levels, and prevented the domestic industry from recovering its full cost of production, resulting in losses to the Domestic Industry.
- Various indicators relating to domestic industry such as production, capacity utilisation, sales quantities, average sales realisation, stock, losses collectively

and cumulatively establish that the domestic industry has suffered material injury, even though some of the parameter have shown improvement.

- The Authority is thus led to the inescapable conclusion that the domestic industry has suffered material injury.

## **L. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES**

1. The purpose of anti dumping duties, in general, is to eliminate dumping which is causing injury to the domestic industry and to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country.
2. It is recognized that the imposition of anti dumping duties might affect the price levels of the products manufactured using NBR and consequently might have some influence on relative competitiveness of these products. However, fair competition on the Indian market will not be reduced by the anti dumping measure particularly if the levy of the anti dumping duty is limited, to the amount necessary to redress the injury to the domestic industry. On the contrary, imposition of anti dumping measures would remove the unfair advantages gained by dumping practices, would prevent the decline of the domestic industry and help maintain availability of wider choice to the consumers of NBR. The Authority notes that the imposition of anti dumping measures would not restrict imports from Germany and Korea in any way, and therefore would not affect the availability of the product to the consumers. The consumers could still maintain two or more sources of supply.
3. To ascertain the extent of Anti-dumping duty necessary to remove the injury to the domestic industry, the Authority has relied upon reasonable selling price of NBR in India for the domestic industry, by considering the optimum cost of production at optimum level of capacity utilisation for the domestic industry.
4. Injury caused to the domestic industry from factors other than dumping, if any, have not been considered while recommending the amount of Anti Damping Duty necessary to remove the injury to the domestic industry caused by dumped imports.
5. The reduction in custom duties does not affect the dumping per se. In so far as the injury is concerned, the Authority has calculated the level of injury being faced by the domestic industry after considering the custom duties prevailing during the period of investigation,
6. The Authority notes that the demand of NBR in India is more than the capacities available within the country. However, the Authority does not recommend restriction on imports or supplies from any particular source, and therefore, availability of NBR to the consumers would not be affected in the event of imposition of Anti-dumping Duty.

7. Landed Value: Since Bayer has furnished landed values of exports to India, which have been supplied to it by the indenting agent, i.e. Bayer India Ltd., the Authority has worked out the weighted average landed value on the basis of the same. In case of imports from Korea Kumho, the exporter has furnished transaction wise import details and has not furnished landed value. The Authority has, therefore, worked out landed value on the basis of weighed average CIF Export Price furnished by the exporter and the expenses after CIF on the basis of expenses incurred by Bayer.

## M. CONCLUSIONS

1. The Authority, after considering the foregoing, concludes that:
  - NBR originating in or exported from Germany and Korea has been exported to India below its normal value, resulting in dumping by these exporters;
  - The Domestic Industry has suffered material injury;
  - The injury has been caused cumulatively by the imports from Germany and Korea.
2. The Authority considers it necessary to impose anti dumping duties provisionally, pending final determination, on all imports of NBR originating in or exported from Germany and Korea in order to remove material injury to the domestic industry, pending investigation.
3. The Authority considered whether a duty lower than the dumping margin would be sufficient to remove the injury. The weighted average landed price of the imports for each exporter, for the purpose, was compared with the fair selling price of the domestic industry, determined for the period of investigation. Wherever the difference was less than the dumping margin, a duty lower than the dumping margin is recommended. Accordingly, it is proposed that provisional anti dumping duties as set out below be imposed, from the date of notification to be issued in this regard by the Central Government, on all imports of NBR, falling under Chapter 40 of the Customs Tariff; originating in or exported from Germany and Korea, pending final determination.

S. No.	Name of the Exporter	Amount of Duty (Rs. per MT)
1.	<b>Country of Origin : Germany</b>	
	Bayer AG, Germany	11557
	Exporters other than above	11557
2.	<b>Country of origin: Republic of Korea</b>	
	Korea Kumho Petrochemical Co. Ltd.	8975
	Exporters other than above	8975

The known exporters, importers, petitioner, and other interested parties are being addressed separately by the Authority, who may make known their views, within forty days from the date of the despatch of the letter. Any other interested party may also make known its views within forty days from the date of publication of these finding.

**DIPAK CHATTERJEE,**  
Designated Authority and Addl. Secy.