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Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Anti Dumping & Allied Duties)  
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Dated the 3<sup>rd</sup> July 2015

**Notification**

**Subject: Termination of Mid-term Review of anti-dumping duty imposed on imports of Digital Offset Printing Plates originating in or exported from China PR.**

**No. 15/27/2013-DGAD** - Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended (hereinafter referred to as AD Rules), on the basis of a petition filed by NOIDA Offset Printers' Association & Andhra Pradesh Printers' Association (associations of the user industries of the subject goods), providing positive information regarding changed circumstances and substantiating the need for a mid-term review of the anti-dumping duty imposed on the subject goods originating in or exported from China PR, in terms of Rule 23 supra, the Designated Authority (herein after referred to as the Authority), vide Notification Number No. 15/27/2013-DGAD dated 26<sup>th</sup> September 2014 initiated an investigation for midterm review of the antidumping duty on import of Digital Offset Printing Plates (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country), imposed vide Customs Notification No. 51/2012- Customs (ADD) dated 03.12.2012, pursuant to the recommendations of the Designated Authority in its final findings dated 3<sup>rd</sup> October, 2012, in the original investigation.

2. In their petition the petitioners claimed that the conditions of both dumping and injury have changed substantially requiring a review of the anti-dumping measure in force. They stated that the prices of Aluminum, which is basic raw material for manufacturing of the subject goods, have substantially decreased in the global market after imposition of duty, impacting the cost of production and therefore, the normal values of the exporters and the non-injurious price of the domestic industry necessitating a review of the degree and extent of dumping and injury and need for continuation or modification of the duty.

3. It was further submitted that due to significant appreciation of Indian Rupees, compared to the period of investigation in the original investigation, the landed price of imports of the subject goods in India has substantially increased without substantial increase in cost of production in India. Therefore, there is a likelihood that the injury margin is now negative, and therefore, necessitating a review for revocation of duty.

4. The petitioners argued that due to appreciation of rupee *vis-a-vis* US Dollar, the landed price of the subject goods has substantially increased much above the current non-injurious price of the domestic industry necessitating revocation of the duties.

5. The petitioners further claimed that the condition of the domestic industry has improved substantially and there is no apparent dumping of the subject goods from the subject country. Therefore, a review, to examine the need for continued imposition of anti-dumping duty on the subject goods originating in or exported from subject country was necessary as the conditions of dumping and injury has changed and the domestic industry is not suffering any injury.

6. Accordingly, the initiation notification stated that the review shall cover all aspects of Notification No. 14/07/2011-DGAD dated 3<sup>rd</sup> October, 2012, including the degree and extent of dumping and injury in view of the changed circumstances.

7. In accordance with the Rules all known interested parties, including the domestic industry, exporters, importers, and the Govt. of China PR were intimated about the initiation of the mid-term review seeking their response. In response to the initiation of the mid-term review investigation, the Domestic Industry for this product i.e., M/s Technova Imaging System Ltd. filed its cost and injury data for the review of their cost and injury information. One of the producing exporters from China i.e., M/s Kodak Graphic Communications Company Limited and its associated Companies, i.e, M/s Kodak (China) Investment Company Limited; and M/s Kodak India Private Limited filed their exporter's and importer's questionnaire responses.

8. However, the two petitioners i.e., NOIDA Offset Printer's Association and Andhra Pradesh Printer's Association, vide letters dated 31<sup>st</sup> January and dated 21<sup>st</sup> February 2015 respectively, withdrew their petition and have requested for termination of the investigation on the grounds that they have reached an understanding with the domestic industry for supply of state-of-art digital plates of global standards at globally competitive prices with total technical support etc. The petitioners have *inter alia* submitted that certain crucial developments have taken place after the filing of the mid-term review application and the circumstances which made them to file the mid-term review application have changed drastically. The Associations have entered into a MOU with the domestic industry i.e., M/s Technova Imaging Systems (P) Ltd. (TISPL), under which TISPL has assured them that

- i. *TISPL has no intention of depriving the users of the fair price products or to take unfair advantage of the antidumping duty imposed by the Government of India on the subject goods imported from China PR;*
- ii. *TISPL is committed to enhance the global competitiveness of the Indian printing industry by providing state of art digital plates of global standards at globally competitive prices with total technical support, easy availability, nationwide uniform and transparent pricing, technology updated training programs, and most importantly, uncompromising ethical business practices;*
- iii. *TISPL would welcome a dialogue with users industry to better understand their needs and customize its offering to serve them in best possible manner.*

9. The petitioner Associations have further submitted that they are fully satisfied with the commitments and assurance given by Technova with regards to quality and price of Digital Printing Plates to the user industry and members of the associations. Therefore, they do not insist to seek any modification in the existing antidumping duty as recommended by the Designated Authority and levied by the Ministry of Finance vide custom notification No. 511/2012- Customs (ADD) dated 3<sup>rd</sup> December, 2012.

10. In view of the above developments the Authority decided to give a hearing to all interested parties before deciding whether to terminate the investigation on the request of the petitioners or continue the investigation in view of the changed circumstances brought before it. Accordingly, a hearing was held on 15.05.2015. The hearing was attended by the representatives of the domestic industry i.e., M/s Technova; the participating producer/exporter from China i.e., M/s Kodak, China; and the All India Federation of Master Printers. Representative of the Chinese Embassy also attended the hearing. However, the petitioner associations did not attend the hearing.

11. The parties attending the hearing were advised by the Designated Authority to file their written submissions on the basis of which final decisions shall be taken. The views expressed by the interested parties in their respective oral as well as written submissions are as follows:

#### **Views of the Domestic Industry**

12. The domestic industry, i.e., M/s Technova, in its submissions, has *inter alia* submitted that the Domestic Industry and M/s All India Federation of Master Printers (AIFMP), which is the apex body of Commercial Printers' Associations in India comprising of about 67 affiliate Associations of Commercial Printers representing the commercial printers of their respective regions, including the petitioners, have entered into a Memorandum of Understanding. Under this MoU the Domestic Industry has *inter alia* undertaken to ensure fair pricing of the subject goods in line, with the prices of Aluminum and other major input materials. It is also agreed that based on the variation of the input costs a suitable formula was mutually deduced for any price revision by the Domestic Industry in a transparent and non-arbitrary manner. Both the Domestic Industry and the industrial users represented by the AIFMP, which includes the petitioners, agreed that the MoU protected the interests of the consumers of the subject goods in India, while it also protected the interests of the domestic industry from the unfair trade practices followed through rampant dumping of these plates by the exporters in China PR. Therefore, the Authority should terminate the investigation in terms of Rule 14 of the Rules since the applicants have withdrawn the petition.

13. The domestic industry has also raised the issue of *locus standi* of the associations who had filed the application for review and subsequently withdrew it on the grounds that they are only user associations and do not represent the importers to be treated as interested parties.

14. The domestic industry has also refuted the claim of changed circumstances information submitted by the petitioners for initiation of the investigation and has

submitted certain information with regard to the import volumes, demand, and exports from China etc. to substantiate that there is no changed circumstances to necessitate this review.

#### **Views of Exporter M/s Kodak, China**

15. M/s Kodak, China, in its brief submission, without going into the merits of the case, has submitted that it is the prerogative of the Authority to decide whether to continue with the present mid-term review or to terminate the same. Should the Authority decide to continue with the review, Kodak and its entities will cooperate and continue to participate in the investigation.

#### **Views of the Petitioners and the All India Federation of Master Printers**

16. The petitioner Associations i.e., NOIDA Offset Printer's Association and Andhra Pradesh Printer's Association did not attend the hearing and have not filed any written submission also. However, All India Federation of Master Printers, in its letter dated 17<sup>th</sup> June 2015, has reiterated the stand taken by the petitioners in their letters withdrawing the petition and has *inter alia* submitted that subsequent to the imposition of antidumping duty on Digital Printing Plates the Federation held various internal meetings among its constituent Associations as well with Technova to find solutions to ensure that the Antidumping duty imposed is not misused by the Domestic industry to its advantage by an arbitrary increase in the prices of the digital offset printing plates and after detailed deliberations both sides have entered into a Memorandum of Understanding (MOU) signed on 14<sup>th</sup> January 2014. Under the said MOU, Technova has undertaken to ensure fair pricing of its digital printing plates in line with the prices of Aluminum and major input materials. While the Aluminum prices will be monitored on a quarterly basis, the other major inputs costs, etc. will be monitored on an annual basis. Based on these inputs costs variation a suitable formula was a mutually agreed, on the basis of which the price revision would be made by Technova.

17. It has been submitted that this arrangement adequately protects the interest of the consumers of the Offset digital printing plates in the country, while it also protects the interest of the Domestic industry from the unfair trade practices followed through rampant dumping of these plates by the exporters in China PR. Thus, this MoU is a win-win situation for the domestic industry as well as for the consumers of the Printing Plates in India

18. Federation has further submitted that a similar MoU was signed with the domestic industry for the PS Analog Printing plates when antidumping duty was imposed against this product originating in and exported from China PR, Malaysia, Indonesia and South Korea in the year 2007. The arrangement had worked symbiotically and adequately protecting the interest of the Printing fraternity and hence this gave them sufficient confidence to enter into an agreement with Technova for the digital offset printing plates as well. Under the above circumstances, the Federation believes that the requirement of Mid Term Review of the existing antidumping duty on Digital Offset Printing Plates originating in or exported from China PR is unwarranted and hence be terminated.

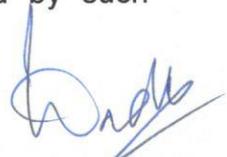
## Views of the Authority

19. The Authority has heard the parties and examined the written submissions filed by them on the above issue and notes that the investigation was initiated on the basis of a petition filed by two users' Associations. No other importer or user of the subject goods has come before the Authority for initiation of the review or support the same. The Petitioner Associations have withdrawn the petition and have requested the Authority to terminate the investigation as they have reached an understanding with the domestic industry about the price, quality and availability of the products. The domestic industry is also not in favour of continuation of the review investigation. Further, none of the exporters is interested in continuation of the review investigation.

20. Since none of the interested parties, including the petitioners, are interested in continuation of the present mid-term review investigation the Authority is of the view that no useful purpose would be served in continuing with the investigation on  *suo moto* basis.

21. In view of the above, the Authority holds that there is no need to continue with this mid-term review investigation and therefore, hereby terminates this investigation forthwith.

22. This is however, without prejudice to the rights of any interested party to seek a review of the duties in force at a future date, if the situation so warrants, provided sufficient positive information necessitating such a review is provided by such interested party in accordance with Rules.



**J. K. Dadoo**  
**Designated Authority**