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Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Anti Dumping & Allied Duties)  
F.No.14/7/2011-DGAD

## **Preliminary Findings**

Dated: 16<sup>th</sup> March 2012

### **Sub: Anti-dumping investigation concerning imports of Digital Offset Printing Plates originating in or exported from China PR and Japan -- Preliminary Findings**

Having regard to Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules thereof, as amended from time to time (hereinafter referred to as the AD rules).

#### **A. PROCEDURE**

The procedure described below has been followed.

1. The Designated Authority (hereinafter referred to as the Authority), under the above Rules, received a written application M/s TechNova Imaging Systems (P) Ltd, Mumbai (hereinafter referred to as the applicant) on behalf of the domestic industry, alleging dumping of **Digital Offset Printing Plates originating in or exported from China PR and Japan** (hereinafter referred to as subject country).
2. Preliminary scrutiny of the application revealed certain deficiencies, which were subsequently rectified by the Applicant. The application was, therefore, considered as properly documented.
3. The Authority, on the basis of sufficient evidence submitted by the Applicant to justify initiation of the investigation, decided to initiate the investigation against imports of the subject goods from the subject country.
4. The Authority notified the embassy of the subject countries in India about the receipt of dumping allegation before proceeding to initiate the investigation in accordance with sub-Rule 5(5) of the AD Rules.
5. The Authority issued a public notice dated 13<sup>th</sup> June 2011 published in the Gazette of India, Extraordinary, and initiating anti-dumping investigation concerning imports of the subject goods.
6. The Authority forwarded a copy of the public notice to all the known exporters (whose details were made available by the Applicant) and industry associations and

gave them opportunity to make their views known in writing in accordance with the Rule 6(2) of the AD Rules.

7. The Authority also forwarded a copy of the public notice to all the known importers of the subject goods in India and advised them to make their views in writing within forty days from the date of the letter.
8. The Authority provided a copy of the non-confidential version of application to the known exporters and the embassy of the subject country in India in accordance with Rule 6(3) of the AD Rules. A copy of the Application was also provided to other interested parties, wherever requested.
9. The Authority sent questionnaires to elicit relevant information to the following known exporters in subject country in accordance with Rule 6(4) of the AD Rules:

**Kodak (China) Graphic Communication**  
No 308, Wengjiao Rd, Xinyang Industrial District,  
Haicang, Xiamen 361022  
Fujian, P. R. China

**Kodak (Singapore) Pte Ltd.**  
151 Lorong Chuan, #05-01 (Lobby A),  
New Tech Park, Singapore 556741

**Fujifilm Printing Plate (China) Co. Ltd.**  
No.202 Longtan Road  
Suzhou Industrial Park – 215024  
Jiangsu Province, China

**Fujifilm Corporation**  
2-26-30 Nishi Azabu Minato-Ku  
Tokyo 106-8620  
Japan

**JinJiang Industrial Park**  
Chengdu, Sichuan, 610063, P.R.China

**The Second Film Factory of Lucky Group**  
718, South Station Road, Nanyang,  
Henan, China

10. In response to the initiation notification, the following exporters / producers from China PR and Japan have responded:
  - a) The Second Film Factory of Lucky Group
  - b) Fujifilm Printing Plate (China) Co. Ltd., China PR.
  - c) Fujifilm Corporation, Tokyo, Japan
  - d) Kodak (China) Graphic Communication (KCGCCL), China PR.
  - e) Kodak China Investment Company Limited (KCICL), China PR.
  - f) FUJIFILM Printing Plate (Suzhou) Co.,Ltd
  - g) FUJIFILM (China) Investment Co., Ltd.
  - h) Kodak (Singapore) Pte Ltd

11. Questionnaires were sent to the following known importers / users of subject goods in India calling for necessary information in accordance with Rule 6(4) of the AD Rules:

1) Kodak India Private Limited  
3rd Floor, Kalpataru Synergy  
Santacruz (E), Mumbai, Maharashtra

2) Fujifilm India Private Limited  
Plot No B-16, 2nd Floor,Block B-1  
Community Centre, Janakpuri  
New Delhi

3) Newstech (India) Pvt.Ltd.  
Prabhadevi, Mumbai, Maharashtra

4) Kapoor Imaging Pvt.Ltd.  
No. 6, 3<sup>rd</sup> Street, Balaji Nagar  
Royapettah, Chennai - 600014  
Tamil Nadu

5) Heidelberg India Pvt. Ltd.  
Jamin Pallavaram  
Chrompet, Chennai - 600 044.  
Tamil Nadu

In addition, the Authority wrote to following users for their comments on the initiation notification.

<b>Name</b>	<b>Address</b>
Pragati Offset Pvt. Ltd	17, Red Hills Road, Hyderabad- 500 004 Andhra Pradesh, India
K.Joshi & Co. (Pune)	1745/2 Sadashiv Peth, Near Bhikardas Maruti Temple, Pune 411 030
Silver Point Press pvt Ltd	165, Kohinoor Industrial Estate, Opp:Phoenix Mills, Tulsi Pipe Road, Lower Parel, Mumbai- 400 013
R R Donnelley- India, Asia	43 A, 1st Main Road, R A Puram, Chennai - 400 028
TCPL Packaging Ltd.	49, Shiv Smriti, Dr. Annie Besent Road, Worli, Mumbai - 400 018
Bennet,Coleman & Co. Ltd	Times of India Building, Dr.D N Road, Fort, Mumbai - 400 001

Jagran Prakashan Ltd	Jagran Building, 2, Sarvodaya Nagar, Kanpur - 208 005
Dainik Bhaskar Group of Publications	Dwarka Sadan, 6, Press Complex, M.P.Nagar, Bhopal, Madhya Pradesh- 462 011
Utility Printers	A-2, 155, Shah & Nahai Indl Estate, S J Marg, Lower Parel(w), Mumbai, Mumbai - 400063, Maharashtra State

12. In response to the initiation notification, the following importers /users have responded

- a. Kapoor Imaging Pvt.Ltd. , Chennai
- b. SP Global Impex Pvt. Ltd., Chennai
- c. Rave India, Gurgaon, Haryana
- d. Paras Offset Pvt. Ltd., New Delhi
- e. Thompson Press (India) Limited, Faridabad, Haryana
- f. Vatspac, New Delhi
- g. First Impression Corporate Services Pvt. Ltd, Noida U.P.
- h. Indian Graphics, Delhi
- i. G-Scan, New Delhi
- j. V.K. Box Industries Ltd.
- k. Press Touch Graphics, New Delhi
- l. Photone, Ahmedabad
- m. All India Federation of Master Printers, New Delhi and its affiliated regional associations
- n. J.R. Associates, New Delhi
- o. Graphitone, Pune
- p. Paranjpe Graphics
- q. Offset Printers Association, Calicut
- r. Kerala Master Printers Association, Calicut
- s. Rakesh Press, Delhi
- t. Kerala Master Printers Association, Thiruvantapuram
- u. Amar Ujala Publications Ltd., Noida
- v. Maxflex Imaging Systems Ltd., Mumbai
- w. Insight Print Communications Pvt. Ltd, Chennai
- x. MS Graphics Pvt. Ltd.
- y. RV Marketing Company Ltd., Bangalore
- z. Fujito India Pte. Ltd., Hyderabad
- aa. Graphics Enterprise, Kolkatta
- bb. Vinayak colour Offset, New Delhi
- cc. Ramneek Creations, Hyderabad
- dd. The Saraswati Printing works, kolkatta
- ee. Balaji prepress, Sivakasi
- ff. ICIT software centre Pvt. Ltd. Hyderabad
- gg. Halftone, Hyderabad
- hh. New Anuteya offset press, Vijaywada
- ii. Pixel Cube , Hyderabad
- jj. ICMC corporation Ltd., Chennai
- kk. Chaitanya Image Zone, Vijaywada
- ll. Express Printers, Vijaywada

mm. Srilekha Power Printers, Vijaywada  
nn. Foroscan Grafic Pvt. Ltd. Kolkata  
oo. Rajanya Offset Printers, Vijaywada  
pp. Cirrus Graphics Pvt. Ltd., New Delhi

13. The Authority made available non-confidential version of the evidence presented by various interested parties in the form of a public file kept open for inspection by the interested parties. During the investigation proceedings, exporters, importers/users associations under All India Federation of master printers(AIFMP) with affiliated associations as well as the domestic industries submitted information pertinent to the investigations and submissions made by all interested parties have been taken into account in present findings.
14. Information provided by interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis was directed to provide sufficient non confidential version of the information filed on confidential basis.
15. Further Information was sought from the applicant and other interested parties to the extent deemed necessary.
16. The Non-injurious Price based on the cost of production and cost to make and sell the subject goods in India based on the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) has been worked out so as to ascertain whether Anti-Dumping duty lower than the dumping margin would be sufficient to remove injury to the Domestic Industry;
17. Investigation was carried out for the period starting from 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2011(POI). The examination of trends, in the context of injury analysis covered the period from 2007-08, 2008-09, 2009-10 and POI.
18. Exchange rate for conversion of US\$ to Rs. Is considered for the POI as Rs.46.17 as per customs data.

## **B. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE**

19. The product under consideration in the present investigation is Digital Offset Printing Plates (hereinafter referred to as “Digital Plates” or subject goods). Digital Plates are used in the printing industry for transferring data as an image (dot patterns or text) onto paper or on non-absorbent substrates like tin sheets or poly films etc. In the printing process using digital plates, the digital workflow enables direct transfer of image from a ‘computer to the plate’ (CtP) using lasers unlike the analogue workflow that requires an intermediary film to transfer the image. Digital plates are made from high-purity litho-grade aluminum coils coated with a chemical coating. Digital plates may be either positive (non-exposed area forms image) or negative (exposed area forms image) working plates. The coating components, also known as ‘sensitizers’ vary for different types of plates.

20. In the initiation notification, the Digital plates were classified into three categories namely Thermal, Violet and CtCP(‘Computer-to-Conventional Plate’)based on their application. It was mentioned in the initiation notification that digital plates that are exposed using infra-red energy are called thermal plates while digital plates that are exposed using visible and near-visible light energy (violet lasers) are called violet plates. It was also mentioned that there are certain types of digital plates known as CtCP Plates (‘Computer-to-Conventional Plate’) that use ultra violet rays for exposure and transferring image directly from the computer to the plates. All types of digital plates in all dimensions are covered within the scope of the product under consideration.

**Views of Exporters, Importers, Consumers and other Interested Parties**

21. M/s Lucky Huaguang Graphics Co. Ltd., (Lucky) (producer and exporter in China) has made a claim that CtCP plates are not digital printing plates and should be excluded from the scope of product under consideration.
22. It has been claimed by other importers and user association that CtCP plates are conventional printing plates and are already attracting anti-dumping duty.
23. Similarly, Fuji Film Corporation, Japan, Fuji Film Printing Plates (China) Co. Ltd. various users and importers including All India Federation of Master Printers (AIFMP) have also tried to distinguish CTcP plates from digital plates and have requested for its exclusion from the scope of product under consideration. In addition, Fuji has also stated that their VP plates are conventional plates and not digital plates. Further, it has been submitted that “CtcP” stands for Computer to Conventional Plates and intention of the development of CtcP system is to make conventional plate available to realize lower material cost comparing with CTP system/plates. It has been submitted that CTcP could be realized due to growing affordability (lowering cost ) of laser, not by improvement/development of plate itself. Thus many customers use normal conventional plates for CTcP plates. However FUJIFILM has dedicated line-up of plate for CtcP based on the same recipe of conventional plates but just not having matt material which is commonly used for conventional plates. This dedicated type of CTcP plate is named as VPC-H in FUJIFILM plates line-up and introduced in China market but never imported into Indian market. All the conventional plates from FUJIFILM China factories are recognized as the subject of anti-dumping duty irrespective usage at customers’ site.
24. It has further been submitted that CTcP dedicated plates cannot be exposed with CTP setter due to its low sensitivity. Also, it cannot be used with conventional way of exposure by the reason of having no mat material. Without matt material, there is gap between film and plates ( image on film should be exposed to plates ) and this gap can keep unnecessarily air which cause shortage of exposure. Vice versa, CTP plates can not be exposed at CtcP setter. Thermal plates cannot react against laser of 405nm wave length by CtcP setter. Violet plates is meant for exposing against laser of 405nm wave length, but over exposed while being exposed at CtcP setter due to its having more sensitivity comparing with CtcP plates. M/s Fuji has represented that their VPS-A and VP plates from China should be classified with conventional plates, which is also the current subject of anti-dumping duty in India, and should be excluded from subject of investigation this time.

## Views of the Domestic Industry

The following are the views of the domestic industry:

25. On the issue of CtCP plates and its inclusion within digital plates, it has been submitted that when printers started moving away from analogue printing to digital printing, they had to use digital plates. Since the digital plates were dearer than analogue plates, a less costly alternative was needed. For this purpose, a “computer to conventional plate” (CtCP) was developed with certain enhancements and modifications to the analogue plates. Since analogue plates were using UV sensitive rays, CtCP was also developed for plate setting using UV sensitive rays. For this reason, they are also called “UV-CtP”.
26. With regard to its differentiation from digital plates, it has been submitted that analogue plates are coated with an ‘Electro static Vacuum Assist (EVA)’ or ‘Matt Surface’ to make perfect contact between plate and film. In the case of CtCP, no such coating or matt surface is required thereby making its manufacturing process different from that of analogue plates. Further, a number of work-steps are manually carried out while using analogue plate including a step involving the use of ‘printing down frame’ for developing plates. In the case of CtCP / UV-CtP, use of ‘printing down frame’ is not required at all.
27. It has further been submitted that CtCP is a subset of CTP technology. The industry commonly understands CtCP as a digital plate only and not as an analogue plate. In this regard, the following may be noted: In the website of L&Y Printing material manufacturer in China, it has been stated as follows:

“CtCP plate is the short form for computer to conventional plate. **It is a form of CTP technology.**”
28. In the website of Jiangsu Yunyan Printing Plate Co Ltd, China, under the heading CTCP Plate, they indicate it as ‘UV-CTP’. The use indicated is ‘digital printing’.
29. Further, in the website of Lucky Huaguang Graphics Co Ltd, in the product description for CtCP plate it has been stated that it is a Positive Offset Plate for UV – CTP plate making. They have also grouped CtCP plate as one of the 12 CtP plates.
30. Cron - a plate manufacturer has listed out all the CtCP Plates that are compatible with their CronCtC Plate Setter machine. One of the CtCP Plates mentioned is Fuji’s “VP” model plates. This makes it evident that Fuji’s VP plates are not analogue plates but CtCP digital plates.
31. In paragraph 5 of the final findings dated 23<sup>rd</sup> August, 2007 concerning imports of PS Plates from Bulgaria, China PR, Malaysia, Singapore and South Korea, three types of digital plates were clearly mentioned i.e. “Digital Plates (Thermal or Violet or UV sensitive)”. Thermal plates use infrared lasers and violet plates use violet lasers. The UV sensitive digital plate is nothing CtCP or UV-CTP plates that use ultraviolet rays.

In paragraph 6 of the final findings, the authority held that the product under consideration does not cover digital plates. Reading both paragraph 5 and 6 of the final findings, one comes to the inescapable conclusion that CtCP/ UV-CtP stands specifically excluded from the scope of the earlier investigation. There is no merit whatsoever in the argument that CtCP is already covered in the earlier investigation concerning ‘PS Plates’.

### **EXAMINATION BY THE AUTHORITY**

32. The Authority has noted the arguments advanced by various interested parties. The primary issue to be decided in so far as scope of product under consideration is whether CtCP plates would qualify as digital plates and would be covered within the scope of product under consideration.
33. It is noted that offset printing plates are classified into two broad categories namely Analogue Plates and Digital Plates. In the case of analogue plates, images are transferred from a computer to the plate through Graphic Art Film. In the case of digital plates, print contents are transferred onto the plates directly from the computer system using a plate setter.
34. During the examination of submissions made by various interested parties, the following facts were noted by the Authority:
  - a) It was noted that analogue plates use metal halide lamps while digital plates including CtCP plates use various laser beams for creating images on them. The imaging time for digital plates including CtCP plates were much lower than that required for analogue plates.
  - b) The plate development process at the user end was also noted during the verification visit in the laboratory maintained at the plant. It was noted that the CtCP / UV-CTP were used in ultra violet plate setter, thermal plates were used in an infrared plate setter and violet plates were used in a violet plate setter. It was further noted that in the case of analogue plates, image was first transferred from the computer to a graphic art film and secondly, the image was transferred from the graphic art film to the plate. It was also noted that the development process included a number of manual work-steps including ensuring perfect contact between plate and film using the ‘printing down frame’ while exposing the plate to UV light. It was noted that these manual steps were not required while developing CtCP or UV-CTP using UV plate setter.
  - c) It was noted that analogue plates were coated with an Electro-static Vacuum Assist (EVA) or Matt Surface. In the case of CtCP, no such EVA coating or mat surface was required. Due to the absence of EVA coating on a CtCP, if it was used in analogue developing process, quality of image transfer would be poorer as compared to using an analogue plate. For the same reason, if the analogue plate was used in a digital plate setter, image quality would be poorer as the EVA coating would get rubbed on to the image surface. In addition, if analogue plate was used in a digital plate setter using UV light, laser consumption would be higher and laser head would get exhausted faster.
  - d) During the examination, it was noted from the information available on the website of L&Y Printing material manufacturer in China, Jiangsu

Yunyan Printing Plate Co Ltd, China and Lucky Huaguang Graphics Co Ltd, that Chinese manufacturers themselves treat CtCP plates as UV CTP plates. In fact, a search on CtCP plates showed that it is a type of UV CTP plates and various manufacturers characterize it accordingly.

- e) In response to arguments made by some of the interested parties during the investigation, the earlier final findings dated 23<sup>rd</sup> August, 2007 issued by the Authority was also seen. From Paragraph 5 and 6 of the said Final Findings concerning imports of PS Plates from Bulgaria, China PR, Malaysia, Singapore and South Korea, it is seen that digital plates (thermal, violet or UV sensitive) were excluded from the scope of the product under consideration in that investigation. Therefore, it is noted that it may not be correct to hold that UV-CTP was included within the scope of the earlier investigation.
- f) Further, on the issue of VP plates produced and exported by M/s Fuji film China to India and the arguments that these are conventional plates and not the digital plates, it is noted that some of imports of VP plates into India have been made from the exporter with the description indicating digital plates though in a subsequent letter, M/s Fuji has represented that these imports were incorrectly described as digital plates.
- g) On the basis of above examination, it is held that CtCP plates are in fact digital plates and are covered within the scope of product under consideration in the present investigation. Further, with regard to submission made by one of the exporters about exclusion of VP plates from the purview of product under consideration, the authority holds that Fuji's "VP plates" are CtCP digital plates and not analogue plates.

35. Accordingly, the product under consideration is defined as follows:

***The product under consideration in the present investigation is Digital Offset Printing Plates. Digital Plates are used in the printing industry for transferring data as an image (dot patterns or text) onto paper or on non-absorbent substrates like tin sheets or poly films etc. In the printing process using digital plates, the digital workflow enables direct transfer of image from a 'computer to the plate' (CtP) using lasers unlike the analogue workflow that requires an intermediary film to transfer the image.***

***Digital plates are made from high-purity litho-grade aluminium coils coated with a chemical coating. Digital plates may be either positive (non-exposed area forms image) or negative (exposed area forms image) working plates. The coating components, also known as 'sensitizers' vary for different types of plates.***

***Digital plates may be broadly classified into three categories namely Thermal, Violet and CtCP/UV-CtP ('Computer-to-Conventional Plate') based on their application. Digital plates that are exposed using infra-red energy are called Thermal plates. Digital plates that are exposed using visible and near-visible light energy (violet lasers) are called violet plates. Digital plates that are exposed using ultra violet rays for exposure are known as CtCP/UV-CtP. All types of digital plates in all dimensions are covered within the scope of the product under consideration.***

36. The subject goods fall under Tariff Item '8442.5020' of the Customs Tariff. However, there have been imports of the subject goods under other headings such as 3701.3000,

3704.0090, 3705.1000, 7606.9191 and 7606.9290 as well. Customs classifications are indicative only and in no way binding on the scope of the present investigation.

**Like Article**

37. Rule 2(d) of the AD Rules defines like article as follows:

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

The applicant has claimed that the subject goods, which are being dumped into India, are identical to the domestic like product produced by the domestic industry. The applicant has claimed that there is no known difference in applicant’s product and subject goods exported from the subject country and are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods and there is no significant difference in the subject goods produced by the applicant and those exported from the subject country and the both are technically and commercially substitutable.

38. The Authority has examined the matter and notes that there is no known difference in subject goods produced by the Indian industry and exported from subject country(ies). The subject goods produced by the Indian industry and that imported from subject country(ies) are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably. None of the opposing interested parties has raised any objection in this regard. In view of the above, the subject goods produced by the petitioner companies are being treated as domestic like articles to the product under consideration imported from subject countries in accordance with the anti-dumping Rules.

**C. SCOPE OF DOMESTIC INDUSTRY AND STANDING**

39. Rule 2 (b) of the AD rules defines domestic industry as under:

*“Domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in which case such producers may be deemed not to form part of domestic industry:*

40. It is noted that the application has been filed by M/s TechNova Imaging Systems (P) Ltd, Mumbai (hereinafter referred to as the applicant) on behalf of the domestic industry. The production of the applicant accounts for a major proportion of the total

domestic production of the like article and is more than 50% of total Indian production (comprises 100% of total domestic production). None of the interested parties have raised any issues with regard to standing and domestic industry status of the applicant. In view of the above and after examination, it is held that the applicant satisfies the requirements of Rule 2(b) and Rule 5(3) of the AD Rules.

## **D. DUMPING MARGIN**

### **D.1 NORMAL VALUE**

#### **China PR**

#### **MET Examination and normal value for all producers and exporters from China PR**

41. The Authority notes that in the past three years China PR has been treated as non-market economy country in the anti-dumping investigations by other WTO Members. Therefore, in terms of Para 8 (2) of the annexure 1 of AD rules, China PR has been treated as a non-market economy country subject to rebuttal of the above presumption by the exporting country or individual exporters in terms of the above Rules for the purposes of preliminary determination.
42. As per Paragraph 8 of the Annexure I to the Anti Dumping Rules as amended, the presumption of a non-market economy can be rebutted if the exporter(s) from China PR provide information and sufficient evidence on the basis of the criteria specified in sub paragraph (3) in Paragraph 8 and establish to the contrary. The cooperating exporters/producers of the subject goods from China are required to furnish necessary information/sufficient evidence as mentioned in sub-paragraph (3) of paragraph 8 in response to the Market Economy Treatment questionnaire to enable the Designated Authority to consider the following criteria as to whether:-
  - a) The decisions of concerned firms in China PR regarding prices, costs and inputs, including raw materials, cost of technology and labor, output, sales and investment are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs substantially reflect market values;
  - b) The production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter trade and payment via compensation of debts;
  - c) Such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms and
  - d) The exchange rate conversions are carried out at the market rate.

43. The Authority notes that responding producers/exporters of the subject goods from China PR have submitted their questionnaire responses and two of them have submitted response to the market economy questionnaire consequent upon the initiation notice issued by the Authority and have submitted response and have sought to rebut the non-market economy presumption. The questionnaire responses and the market economy responses of the responding producers and exporters have been examined for determination of normal value of the responding producers/exporter of the subject goods from the subject country as follows.

**Responding producers/Exporters seeking MET**

44. The following claims have been submitted by FUJIFILM PRINTING PLATE CO., LTD ,China (FFPB), Fujifilm Printing Plate (China) Co., Ltd (FFPS), China and M/s FUJIFILM (China) Investment Co., Ltd (FFCN) in respect of grant of market economy treatment. All the producers and exporters of subject goods have sought MET treatment.

**FUJIFILM PRINTING PLATE CO., LTD ,China (FFPB)**

**Submissions made by the company on the issue of MET and Dumping Margin**

45. M/s FFPB has claimed that it is \*\*\*\*owned by \*\*\*\*. In its submission, the company claims that it was a foreign (co-operative or equity) joint venture from \*\*\*\* and since \*\*\*\* it is a wholly-owned foreign enterprise. It has been submitted that before the year \*\*\*\*, the shareholder of the company is \*\*\*\* (the equity of \*\*\*\*%) and \*\*\*\* (the equity of \*\*\*\*%) 。 Since \*\*\*\*, the shareholder of the company is FUJIFILM (China) Investment Co., Ltd. which is the sole shareholder of the company which in turn is owned by M/s Fujifilm Corporation, Japan. It has also been submitted that it is not formed by locals and is not owned by the state partly or fully or by local/regional authorities. Further, it has been submitted that it is not the one in transformation from States nor local bodies to privatization. It has also been submitted that FUJIFILM (China) Investment Co., Ltd also owns FUJIFILM PRINTING PLATE (China) Co., Ltd as sole shareholder. It has also been added that FUJIFILM PRINTING PLATE (China) Co., Ltd produces and exports the concerned merchandise. It has also been added that none of the Director or shareholder is of local nationality. The producer and exporter has submitted that raw materials and utilities are procured at normal rates and not on special or subsidized rate. Further, no local/regional authority or state is involved in setting prices/ quantities for sale and there is no restriction on export, production or sale. It is also noted that M/s FFPB sells the subject goods in the domestic market to their exclusive distributor and their parent company namely M/s FUJIFILM (China) Investment Co., Ltd (FFCN) which in turn sells the subject goods to users in China PR.

**Fujifilm Printing Plate (China) Co., Ltd (FFPS), China PR**

**Submissions made by the company on the issue of MET and Dumping Margin**

46. M/s FFPS has claimed that it is \*\*\*\* % owned by \*\*\*\*, Shanghai. In its submission, the company claims that Company claims that it is a wholly-owned foreign enterprise which is owned by \*\*\*\*. which is the sole shareholder of the company which in turn is owned by M/s Fujifilm Corporation, Japan. It has also been submitted that It is not formed by locals and is not owned by the State partly or fully or by local/regional authorities. Further, it has been submitted that it is not the one in transformation from States nor local bodies to privatization. It has also been submitted that FUJIFILM (China) Investment Co., Ltd also owns FUJIFILM PRINTING PLATE (China) Co., Ltd as sole shareholder. It has also been added that FUJIFILM PRINTING PLATE (China) Co., Ltd produces and exports the concerned merchandise. It has also been added that none of the Director or shareholder is of local nationality. The producer and exporter has submitted that raw materials and utilities are procured at normal rates and not on special or subsidized rate. Further, no local/regional authority or State involved in setting prices/ quantities for sale and there is no restriction on export, Production or sale. It is also noted that M/s FFPS sells the subject goods in the domestic market to their exclusive distributor and their parent company namely M/s FUJIFILM (China) Investment Co., Ltd (FFCN) which in turn sells the subject goods to users in China PR.

**M/s FUJIFILM (China) Investment Co., Ltd (FFCN)**

**Submissions made by the company**

47. It is noted that M/s FFCN sells the subject goods in the domestic market to various users after buying it from M/s FFPB and M/s FFPS. It is also noted that this company is not involved in manufacture of subject goods in China PR and acts as shareholder for these two companies.

**Kodak group of Companies**

**Submissions made by the company**

48. The following claims have been submitted by Kodak (China) Graphic Communications Company Limited and Kodak (China) Investment Company Limited, China PR in respect of grant of market economy treatment.

**Kodak (China) Graphic Communications Company Limited China PR ( KCGCCL)-**

**Submissions made by the company**

49. It is noted from the response that the shareholders are foreign owned companies who are indirectly wholly owned by Eastman Kodak Co., a U.S. Company. It is also noted that the shares of the company are held by Kodak (China) Company Limited and Kodak (China) Investment Company Limited. Both companies are indirectly wholly-

owned by Eastman Kodak Co., a U.S. company. It has been submitted in their response that the Board of Directors (appointed by shareholders) controls the company and there is no director of the company of Chinese nationality. It has also been submitted that the operations and management of the company are handled by the board of directors as appointed by the shareholders. The group entities or the shareholders do not participate in the day to day operations and business decisions of the company. It has been submitted that the digital thermal printing plates manufactured by the company can be freely exported from China without any interference/ control from the Chinese government. There are no legislative enactments or measures taken by the government to control export business of the company. It has further been submitted that there is no control of government or of any of government body on the operations of the Company and there is no export quota for product concerned. With regard to procurement of raw material, it has been submitted that Aluminum is the main Raw Material for production of product concern, which is sourced from \*\*\*\*, China PR and also imported from \*\*\*\*. The Company has taken loans from group companies and interest is paid on the same. It has further been submitted that all the sales are made to group companies in China and outside China PR and there are no restrictions or any condition imposed by the government for selection of vendors and local/ regional authority or State Government are not involved in the setting prices of products/quantities manufactured by the company. Further, it has been submitted that chamber of Commerce is not at all involved in the setting of export prices or quantities of the subject merchandise. It has also been submitted that the profits generated by the company from the overall sales are disposed in accordance with the decision made by the Board of Directors. It has also been submitted that the company is in loss position in the past years as it is a newly set up company and loss is financed by entrust loan from group companies, which provided by Kodak group companies at market rate. Further, they have submitted that the bankruptcy and property laws of the country are equally applicable on the company. The Company does not have any special derogation or exemption and there are no restrictions on the distribution repatriation of profits and repatriation of capital invested. It has also been submitted that the FX rates in SAP are updated daily using Reuters from early morning US time the day before so every country can use the same rate for a 24 hour period) and the company is free to use the currency as per its own requirement and decisions. Further, the company has been never involved in barter trade. They have also stated that they do not have any group company into manufacturing or exporting of product under investigation i.e. digital thermal printing plates in China and the parent company does not own or control any other manufacturer/ exporter of digital thermal printing plates in China other than KCGCCL

### **Kodak (China) Investment Company Limited, China PR**

#### **Submissions made by the company**

50. It has been submitted that the company is a wholly owned foreign enterprise incorporated in Hong Kong and the company is a part of Kodak Group promoted by Eastman Kodak Company, USA. The Company purchases digital thermal printing plated manufactured by KCGCCL, China and is engaged in marketing and distribution of such products in China. The Company sells such merchandise through distributors and in certain cases to end customers as well. The operations and management of the company are handled by the board of directors as appointed by the

shareholders. The group entities or the shareholders do not participate in the day to day operations and business decisions of the company. It has been submitted that there is no control of government or of any of government body on the operations of the company. Further, the Company is not engaged in export of goods and is primarily engaged in marketing and distribution of goods in China. It has further been submitted that the product concern does not fall under any such list for export provisions or licensing and there is no export quota for product concerned. It has been submitted that Company is not involved in production of product concerned. The product concerned sold by the company in domestic market is manufactured by Kodak (China) Graphic Communication Co Limited – a related company.

51. It has been submitted that the Company purchases all its merchandise from \*\*\*\*- a Kodak Group company and sells such goods in the domestic market in China. There is no role the local/regional authority or state to determine the price or quantities. Prices and volumes are determined as per demand and supply prevailing in the domestic market. The sales prices of the goods are determined based on negotiations with customers which in turn are influenced by competitive pricing situation in China. The prices are not subject to review by any governmental organization. Sample copies of purchase orders are enclosed for reference. The Company is not engaged in export of the product concerned. All domestic sales prices are negotiated by the company independently with its customers. Further, the Chamber of Commerce is not at all involved in the setting of export prices or quantities of the subject merchandise. It has also been submitted that no local or regional authority or State is involved in setting prices/quantities. No special authorization is needed, as long as the company produces, sells the products within the business scope of the business license which is enclosed.
52. It has further been submitted that no public officers or government agents are members of the Board of directors or executives. Further, it has been claimed that there is one shareholder of the company which is Kodak (China) Ltd. It has further been submitted that the Board of Directors (appointed by shareholders) controls the company. The company has no relationship with any national, provincial, or local government, including ministries or offices of those governments. With regard to restrictions on the use of company's export revenues, it has been submitted **that there are no such restrictions. The Company is primarily engaged in domestic sales in China and therefore there are no exports made by the Company.** Further, the bankruptcy and property laws of the country are equally applicable on the company. The Company does not have any special derogation or exemption. The Company is a China VAT tax payer for its China domestic trading business and it regularly files its VAT return to China tax authority on monthly basis. Foreign exchange rates in SAP are updated daily using Reuters from early morning US time the day before (as such all the entities in the Kodak group can use the same rate for related foreign exchange activities within a 24 hour period, e.g. purchase of input, conversion of the proceeds of export sales, etc ). The company is free to use the currency as per its own requirement and decisions. It has been further submitted that the company has never been involved in barter trade.

**M/s Lucky Huaguang Graphics Co. Ltd. China PR ( Lucky)**

**Submissions made by the company**

53. The following claims have been submitted by M/s Lucky Huaguang Graphics Co. Ltd.  
**China PR (Lucky) in respect of grant of market economy treatment.**

It is noted that M/s Lucky Huaguang Graphics Co. Ltd is a subsidiary of LUCKY FILM GROUP OF CHINA, Enterprise owned by the whole People (enterprise legal person of state owned close cooperation) China enterprise. The company is involved in various business, however, LUCKY HUAGUANG GRAPHICS CO LIMITED is the only entity involved in production and sales of product concern. It has been stated that there is no control of any third person or another person commonly control a third person (e.g. a joint venture). There is no control of government of any of government body on exports. It has been submitted that product concern does not fall under any such list for export provisions or licensing. It has been submitted that Aluminum is the main Raw Material for production of product concern, which is sourced from \*\*\*\*. However, the Prices are determined as per market forces. With respect to various utilities, it has been submitted that Power and water is sourced from \*\*\*\* and \*\*\*\* water company respectively. However, it has been submitted that the Company is paying market price of power and there is no preferential prices available to the company. With respect to sourcing of raw material, it has been submitted that there is no restrictions or any condition imposed by the government. Company is free to decide its sourcing. Sourcing of key raw material is decided based on quality of input required and price is secondary. Once quality is tested and passes, only than a supplier is approved and even after that input received is tested regularly for quality test and every time, it has to pass the test. There is no role the local/regional authority or state to determine the price or quantities. Prices and volumes are determined as per demand and supply and cost of production of product concern. The Chamber of Commerce is not at all involved in the setting of export prices or quantities of the subject merchandise. No public officers or government agents are members of the Board of directors or executives. The executives are chosen either from internal promotion or recruitment from the market with reference to their working experience and capabilities. It has also been submitted that the company does not get any incentive on export sales. It is common practice throughout the world to allow zero VAT burden on export. Therefore VAT paid on inputs in refunded by the Government. The Company gets 13 % as VAT refund. All sales in the domestic market are undertaken by the company itself.

**Views of the Domestic Industry on the issue of MET treatment and dumping margin**

54. The following are the views of the domestic industry:

- i. Para 8(2) of Annex I to Antidumping Rules 1995 casts a presumption that any country that has been determined to be, or has been treated as NME country for purposes of an anti-dumping investigation by the Authority themselves or by the competent authority of any WTO member country during the three year period preceding the investigation, shall be treated as a NME country. The Authority itself, in every investigation conducted by it in the last three years, has treated China PR as a Non-Market Economy country. It is well known that almost every WTO member including USA and the European Union have repeatedly been treating China PR as a NME country.
- ii. Proviso to Paragraph 8(2) of Annex I to the Antidumping Rules 1995 provides that exporters may rebut the presumption by providing information and evidence that establishes China PR is not a NME country. However, in this case, none of the

exporters have provided any evidence to establish that China PR is not a NME country. No exporter has made any claim in this regard. Therefore, China PR shall be treated as a NME country for the purposes of this investigation.

- iii. Paragraph 8(3) of Annex I to AD Rules provides that individual exporters may provide information and evidence to establish that market economy conditions prevail for them. The claim made by the co-operating exporters under this paragraph however should not be accepted for various reasons provided in subsequent paragraphs.
- iv. Aluminium industry is 'encouraged' by the Government of China with active State intervention in its business promotion:
  - a. The Chinese government issued the "Catalogue of Major Industries, Products, and Technologies Encouraged for Development in China" (Encouraged Industries Catalogue) in 2000 which identifies 526 products, technologies, and infrastructure facilities for business promotion. One of them is 'aluminium'. Another one is 'Fully automatic high-speed multi-color printing'. These two cover the raw material as well as the product under consideration. Both the industries are treated in China as 'encouraged' industries.
  - b. The Decision of the State Council on Promulgating the "Interim Provisions on Promoting Industrial Structure Adjustment" for Implementation (No. 40 (2005)) (Decision 40) references the Directory Catalogue on Readjustment of Industrial Structure (Industrial Catalogue), which outlines the projects which the Government of China PR deems "encouraged", "restricted" and "eliminated" and describes how these projects will be considered under government policies. Aluminum is mentioned as an industry in the Industrial Catalogue as an "encouraged project." For the "encouraged" projects, Decision 40 outlines several support options available from the government, including financing.
  - c. Guidelines on Acceleration of the Adjustment of the Aluminum Industry Structure (Aluminum Industry Guidelines), issued by the GOC in 2006, discusses support that is to be provided to producers of various types of aluminium products. For instance, under the heading "Increase Industry Concentration, Encourage Comprehensive Usage and Conservation of Resources," the Aluminum Industry Guidelines state:
    - i. Create favorable conditions for enterprises M&A and restructuring, and accelerate enterprises' merger and restructuring via economic means.
    - ii. Support aluminum, electrolytic aluminum, and aluminum processing enterprises to undertake merger and restructuring, establish internationally competitive enterprise group, realize advantage complementation, and increase industry concentration.
    - iii. Encourage private capital and foreign capital to participate in the reform, restructuring and transformation of state owned enterprises.
    - iv. Encourage backbone enterprises to keep raising technology and management levels, accelerate medium and small-sized aluminum processing enterprises' technology transformation, and improve resource utilization.
  - d. The Aluminum Industry Guidelines also make reference to lending activities. Under the heading, "Strengthen the Coordination and Cooperation of Credit

Policy and Industrial Policy and Establish Withdrawal Mechanism Under the Policies,” the Aluminum Industry Guidelines state:

*It is required to strictly abide by the rule that the minimum self-owned capital requirement for electrolytic aluminum projects shall be no less than 35 percent of the total investment. Financial institutions shall rationally allocate the lending credits taking into account the national macroeconomic adjustments, industrial policies, and ordinary lending principles. Financial institutions may continue to provide credits to oxide aluminum or electrolytic aluminum enterprises that are in compliance with national industrial policies and the market entrance threshold, provided such lending is in accordance with the ordinary lending principles. No credit shall be provided to those enterprises that do not conform to national industrial policies, do not satisfy the market entrance threshold, have obsolete manufacturing processes, have been classified as prohibited, or have been ordered to cease operation. In the event that credits are mistakenly provided to such enterprises, the financial institutions shall take appropriate measures to reclaim the credits and avoid financial risk.*

55. It has also been stated that support, in the form of financing, is also discussed in the “Nonferrous Metal Industry Adjustment and Revitalization Plan” (Nonferrous Metal Plan) that was issued by the GOC in 2009. Under the heading “Increase Dedication to Technology Improvement and Technology Reform” the Non-Ferrous Metal Plan states:

*Set aside some funds from new central investment. Use loan interest subsidies to support R&D and technology reform in the nonferrous metals industry. Increase the level of financial support directed toward reform of energy conservation technologies. The Nonferrous Metal Plan further references financing to the aluminum industry under the heading, “Continue to Implement the Financing Policy of ‘Encouragement and Discouragement’, ”Increase financing support to backbone enterprises in the nonferrous metals industry. Provide support to certain enterprises in issuing stock, enterprise bonds, and corporate bonds. Enterprises eligible to receive such support are those which are engaged in projects which, in addition to adhering to investment management prescriptions, are in compliance with industry policy as well as relevant environmental and land regulations; and implement acquisitions, restructuring, “Going Abroad” and technological reformation.*

56. It has been submitted that the prices of major raw material Aluminum is controlled by the Chinese Government. None of the producers or exporters have explained as to how the prices of Aluminum paid by them can be considered as reflecting market economy conditions. The Authority has in many cases rejected NME status where the exporter has failed to establish the prices of the major raw material to be under market economy conditions.

57. It has been stated that while the users of aluminum across the world follow London Metal Exchange ('LME') as the price index, Chinese industries follow the Shanghai Metal Exchange ('ShFE'). The local producers in China buy aluminum at prices based on ShFE. The ShFE is highly controlled by the Government and ShFE prices cannot be said to be fully market driven. The exercise of Government control in the functioning of ShFE and the regulations of commodity prices by the Government is evident from "Interim Provisions for the Control of Shanghai Metal Exchange" framed by the Chinese Government. Entire administration board of the ShFE is formed by Government of China PR and not a single person on the administrative board is independent from Government control.

58. The domestic industry has represented that the Canadian Authorities in their Anti-dumping and subsidy investigation against 'Certain Aluminum Extrusions originating in or exported from China PR' have concluded that there is government intervention in the operation of Aluminium industry in China PR. Further, the European Union council regulation (EC) No 925/2009 on imposing a definitive anti-dumping duty on imports of certain Aluminium Foil originating in Armenia, Brazil and the People's Republic of China' observed as under.

*This visit confirmed that the State has a primary role in the price setting on the SHFE and interferes with the price setting mechanisms, in particular given its position as both a seller of primary aluminium and a purchaser via the State Reserve Bureau and other State bodies. In addition, the State sets daily price limits via the rules of the SHFE which have been approved by the state Regulator, the China Securities Regulatory Commission (the 'CSRC'). It is also clear that the SHFE is a closed exchange for Chinese-registered companies and Chinese citizens and that there is no effective arbitrage between the SHFE and international exchanges outside China. This is evidenced in the price significant differences between the SHFE and the international exchanges such as the LME. Furthermore where a SHFE futures contract ends in physical delivery, this can only take place in an approved warehouse within the PRC, unlike international exchanges where delivery can take place worldwide. These delivery rules ensure that the domestic Chinese market remains insulated from the worldwide market and that the price distortion benefits only Chinese companies.*

59. The domestic industry has stated that the responses filed by the cooperating exporters are highly inadequate/ incomplete and by themselves prove that the exporters operate under NME conditions. With regard to the submissions made by M/s Lucky Huaguang Graphics Co Ltd that it is wholly owned by the Government of China, they have stated that how even by being state owned, the exporter distanced itself from Government Interference in decision making and functioning. With regard to submissions made by M/s Fuji Group - Fujifilm Printing Plate Co Ltd, it has been stated that one other related manufacturer of the subject goods in China PR has not filed its questionnaire response nor has claimed MET. It has further been added that when a related company engaged in production and export of the subject goods has not even claimed MET status, the group company that has sought MET shall also be not granted MET. With regard to submissions made by M/s Kodak Group, it has been

submitted that the exporter has failed to establish that the prices of the major raw material are decided under market economy conditions.

### **EXAMINATION BY THE AUTHORITY**

60. The Authority notes that in the past three years China PR has been treated as non-market economy country in the anti-dumping investigations by other WTO Members. Therefore, in terms of Para 8 (2) of the annexure 1 of AD rules, China PR has been treated as a non-market economy country subject to rebuttal of the above presumption by the exporting country or individual exporters in terms of the above Rules for the purposes of present determination.
61. As per Paragraph 8 of the Annexure I to the Anti Dumping Rules as amended, the presumption of a non-market economy can be rebutted if the exporter(s) from China PR provide information and sufficient evidence on the basis of the criteria specified in sub paragraph (3) in Paragraph 8 and establish to the contrary. The cooperating exporters/producers of the subject goods from China are required to furnish necessary information/sufficient evidence as mentioned in sub-paragraph (3) of paragraph 8 in response to the Market Economy Treatment questionnaire to enable the Designated Authority to consider the criteria enumerated therein.
62. The Authority notes that responding producers/exporters of the subject goods from China PR have submitted their questionnaire responses and they have submitted response to the market economy questionnaire consequent upon the initiation notice issued by the Authority and sought to rebut the non-market economy presumption. The questionnaire responses and the market economy responses of the responding producers and exporters have been examined for determination of normal value of the responding producers/exporter of the subject goods from the subject country as follows.

### **Examination of MET response of M/s Lucky Huaguang Graphics Co. Ltd**

63. It is noted that M/s Lucky Huaguang Graphics Co. Ltd, a subsidiary of LUCKY FILM GROUP OF CHINA, Enterprise is a state owned company. During the examination, it was noted that the company sources its major input from another state owned company and no evidence has been placed by the company that its prices reflect the market prices of inputs. In view of the fact that there is control of state in the said company and the company is state owned and also the fact that majority of the directors are from state owned company, it is considered appropriate at this stage not to grant market economy treatment to M/s Lucky pending further examination and verification of their claims about their market economy status.

### **Examination of MET Response of Fuji group of companies**

64. The examination of market economy status was carried out in respect of following three Fuji group of companies who have responded to the initiation notification and submitted response to MET questionnaire.
- a) Fujifilm Printing Plate Co., Ltd. ,China (FFPB)
  - b) Fujifilm Printing Plate (China) Co., Ltd (FFPS), China
  - c) Fujifilm (China) Investment Co., Ltd (FFCN)
65. During the examination of response of these three producers and exporters from China PR, it was noted that all three of them had claimed market economy status citing the fact that these M/s FFPB and M/s FFPS were owned by M/s FFCN which in turn is owned by M/s Fujifilm Corporation, Japan which is an independent company and all three companies have no state holdings. Their claim has been examined and it was noted that M/s FFPB was formed after M/s FFCN acquired the \*\*\*\*% stake of another company namely \*\*\*\*, LTD which is a state owned company in 2007. However, no evidence has been placed on record if the acquisition of the state owned company was carried out with market valuation of the shares of state owned company and if valuation had been independently carried out.
66. It is also noted that the major raw material, Aluminum is entirely being procured by the exporters locally from domestic miners in China PR. It is also noted that a significant portion of their procurement is done from state owned companies. Further, the producers and exporters have not substantiated as to whether the cost of major raw material substantially reflect the market value. The domestic industry has submitted that the Aluminum industry in China PR is being controlled by the Chinese Government through their Shanghai Metal Exchange. It is also noted from the response that other WTO members namely Canada and EU have already observed that the Chinese Aluminum market remains insulated from the worldwide market. Thus, for the purpose of the preliminary findings, pending detailed verification and examination, the Authority proposes to treat Fuji group of companies in China PR as not operating under market economy conditions. However, the submissions regarding Market Economy Claim of the exporters will be examined in detail during the course of investigation and verification by the Authority. The position in this regard is proposed to be reviewed during the course of investigation.

#### **Examination of MET Response of Kodak Group of companies**

67. The examination of market economy status was carried out in respect of following three two group of companies of Kodak who have responded to the initiation notification and submitted response to MET questionnaire.
- a) Kodak (China) Graphic Communications Company Limited, Kodak, China PR (KCGCCL)
  - b) Kodak (China) Investment Company Limited, China PR ( KCIICL), China PR
68. During the examination of response of these two producers and exporters from China PR, it was noted that both of them have claimed market economy status. It has been submitted that M/s KCGCCL is owned by M/s **KCIICL** and M/s Kodak ( China)

company Ltd and both these companies are owned by M/s Kodak China Ltd which is owned by Eastman Kodak company through its holding company M/s Eastman Kodak Holdings BV. It has been submitted that these companies are independent companies and all these companies have no state holdings. It has also been submitted that these companies have not been transformed from any state companies and there is an absence of state control in these companies.

69. With regard to procurement of raw material and utilities, it is noted that major raw material Aluminum is significantly procured from domestic market by the exporters locally from domestic miners in China PR. It is not clear from their response if significant portion of their procurement is done from state owned companies. However, it is noted from their response that the producers and exporters have not substantiated as to whether the cost of major raw material substantially reflect the market value. The domestic industry has submitted that the Aluminum industry in China PR is being controlled by the Chinese Government through their Shanghai Metal Exchange. It is also noted from the response that other WTO members namely Canada and EU have already observed that the Chinese Aluminum market remains insulated from the worldwide market. Thus, for the purpose of the preliminary findings, pending detailed verification and examination during the course of investigation, the Authority proposes to treat Kodak group of companies in China PR as not operating under market economy conditions. However, the submissions regarding Market Economy Claim of the exporters will be examined in detail during the course of investigation and verification by the Authority. The position in this regard is proposed to be reviewed during the course of investigation.

**Determination of Normal Value for all producers and exporters from China PR**

70. Under the circumstances, the Authority is not in a position to apply Para 8 of Annexure 1 to the Rules to the above named Chinese companies and has to proceed in accordance with Para 7 of Annexure- I to the Rules. According to these Rules, the normal value in China can be determined on any of the following basis:
- a. On the basis of the price in a market economy third country, or
  - b. The constructed value in a market economy third country, or
  - c. The price from such a third country to other countries, including India.
  - d. If the normal value cannot be determined on the basis of the alternatives mentioned above, the Designated Authority may determine the normal value on any other reasonable basis including the price actually paid or payable in India for the like product duly adjusted to include reasonable profit margin.
71. The Authority notes that for determination of normal value based on third country cost and prices, the complete and exhaustive data on domestic sales or third country export sales, as well as cost of production and cooperation of such producers in third country is required. Since no information with regard prices and costs prevalent in these markets could be accessed and also the responding Chinese companies have made no claim with regard to an appropriate market economy third country at this stage. Pending further examination of the issues, for the purpose of preliminary determination the Authority proceeds to provisionally construct the normal value, as indicated in the Initiation Notification, based on LME prices of aluminium,

consumption norms, conversion costs including selling, administrative and financial expenses as per best information available and a reasonable profit margin.

**Other Issues raised by Exporters and Examination by the Authority for determination of Dumping margins**

72. Various producers and exporters from subject countries have submitted that there is significant difference in cost and price of three types of digital plates i.e violet plates, thermal plates and CTCF plates ( or UV CTF plates) and these plates should be examined separately for the purpose of determination of dumping margin and injury analysis. The matter has been considered and based on examination of all issues in this case, it was considered appropriate to compare the imported subject goods in three types with domestically produced goods for determination of dumping margins and thereafter, one weighted average dumping margin has been determined for subject goods as a whole.

**Export Price And Dumping Margin for responding producers and exporters from China PR**

73. Separate export price to India in respect of all three types have been determined for each types of product under consideration as claimed by these responding producers and exporters and provisionally accepted by the Authority. Price adjustments have been claimed on account of adjustments like freight, insurance, warranty etc which have been accepted for the purpose for preliminary findings subject to onsite verification at a later stage. The export sales to India (net of all the adjustments claimed by the exporter and provisionally accepted by the Authority), were compared with the corresponding constructed normal values of their types to determine the dumping margin. These dumping margins for individual types were weighted averaged for determination of a single dumping margin for the responding exporter. After the analysis of the exporter's data, the dumping margin is worked out as mentioned in the table below.

**Dumping margin for related producers and Exporters**

74. It is noted that in the subject investigations many cooperating producers and exporters are related to each other and form a group of related companies. It has been the consistent practice of the Authority to consider related exporting producers or exporting producers belonging to the same group as one single entity for the determination of a dumping margin and thus to establish one single dumping margin for them. This is being done because calculating individual dumping margins might encourage circumvention of anti-dumping measures, thus rendering them ineffective, by enabling related exporting producers to channel their exports to India through the company with the lowest individual dumping margin.
75. In accordance with the above, the related exporting producers belonging to the same group were regarded as one single entity and attributed one single dumping margin

which was calculated on the basis of the weighted average of the dumping margins of the cooperating producers in the respective groups

**Export Price And Dumping Margin for Non cooperating producers and exporters from China PR**

76. Separate export price to India in respect of all three types have been determined for each three types of product under consideration as per facts available. Price adjustments have been allowed on the basis of facts available. The export sales to India (net of all the adjustments) were compared to the corresponding constructed normal values of the product type to determine the dumping margin. These dumping margin for individual types were weighted averaged for determination of a single dumping margin for the non cooperating producers and exporters. After the analysis of the data, the dumping margin is worked out as mentioned in the table.

**Normal value for M/s Fujifilm Corporation, Japan**

**Submissions by producer and exporter**

77. M/s FUJIFILM Corporation, Japan has responded to the initiation notification and has submitted response to the exporters questionnaire. It is noted that M/s Fujifilm Corporation is \*\*\*\*% owned by FUJIFILM Holdings Corporation. It is also noted that the responding producer and exporter has sold subject goods in their domestic market to their affiliate company M/s Fuji film Graphic systems (FFGS) which in turn has sold the subject goods to various dealers/distributors/ sales subsidiaries who in turn have sold the subject goods to dealers/independent users. It is also noted that in exports to India, they have stated that products sold to Indian market are the same as those to Japanese market except for \*\*\*\*type which is not sold to Japanese market because no violet system is adopted by Japanese newspaper companies. It has further been stated that Process-less plate which is manufactured and sold in Japanese market are different from CTP plates sold in India. It has also been submitted that while existing offset plates, including both CTP plates and conventional plates, require chemistry for development, FUJIFILM process-less plates do not need such chemistry. Existing plates cannot be developed by the same way that can be applied to process-less plates. Vice versa, process-less plates cannot be developed by the same way for exiting plates. Therefore, they have submitted that their process-plates and existing plates cannot be replaced thus their process-less plates like \*\*\*\*should be excluded from the subject of investigation.

**Determination of Normal value for M/s Fujifilm Corporation, Japan**

78. It was first determined that whether the total domestic sales of the subject goods by the producers/exporter in the subject country was representative when compared to their total sales of the subject goods concerned sold in the exporting country.

Thereafter, it was examined whether their sales are under ordinary course of trade in terms of Rule 2 of the annexure I to the anti dumping rules. Wherever the exporters have provided transaction wise details of sales made in home market and same has been accepted on provisional basis subject to detailed examination and onsite verification post preliminary findings by the Authority. The cost of production claimed by the exporters was then examined. It was noted that cost of production information submitted by M/s Fujifilm corporation was deficient. A deficiency letter was earlier issued to the company to submit the information in the form and manner of exporter's questionnaire. Though, M/s Fujifilm, Japan responded to the Authority's letter and submitted the revised information, it is noted that submitted information relating to cost of production was still deficient. It is noted that the raw material as per Product concern in Appendix 7 and Appendix 8 were not same and also figures claimed in Appendix 8 and Appendix 8 A to C are not reconciled. Further, there is a summing up error in all type of cost sheets in Appendix 8A to C. It is also noted that SGA expenses claimed in Appendix 9 were not reconciling with expenditure claimed in Appendix 7 and 8.

79. However, keeping in view the factual matrix of the response, and pending detailed investigation and onsite verification of information, the normal value has been determined for the purpose of preliminary findings after taking into account domestic selling price of subject goods in their domestic market.

**EXPORT PRICE AND DUMPING MARGIN for responding producer and exporter (M/s Fujifilm Corporation) from Japan**

80. Separate export price to India in respect of two types of product under consideration have been determined as claimed by the responding producer and exporter and provisionally accepted by the Authority. Price adjustments have been claimed on account of adjustments like freight, insurance, warranty etc which have been accepted for the purpose for preliminary findings subject to onsite verification at a later stage. The export sales to India (net of all the adjustments claimed by the exporter and provisionally accepted by the Authority), were compared with the corresponding normal values of the product type to determine the dumping margin. These dumping margin for individual types were weighted averaged for determination of a single dumping margin for the responding exporter. After the analysis of the exporter's data, the dumping margin is worked out as mentioned in the table below.

**Export Price And Dumping Margin for other producers and exporters from Japan**

81. The export price to India in respect other producers and exporters have been determined on the basis of best information available. Price adjustments have been taken into account of adjustments like freight, insurance, warranty etc. The export sales to India were compared to the corresponding constructed normal value to determine the dumping margin. After the analysis of the exporter's data, the dumping margin is worked out as mentioned in the table below.

Producer	Exporter	DM US\$/Sq M	DM%	Group DM US\$/Sq M	Group DM %
Fujifilm Corporation, Japan	Fujifilm Corporation, Japan	****	****	****	45-50%
Fuji Film Printing Plate Co. Ltd. China(FFPB)	Fuji Film Printing Plate Co. Ltd. China (FFPB).	****	****	****	35-40%
Fuji Film (China) Corporation Ltd.(FFPS)	Fuji Film (China) Corporation Ltd.(FFPS)	****	****	****	
M/s Kodak (china) graphics communication system Ltd.	M/s Kodak (china) graphics communication system Ltd.	****	****	****	20-25%
M/s Kodak (china) graphics communication system Ltd.	Kodak Singapore PTe. Ltd.	****	****	****	
Lucky Huanguang Graphics Co. Ltd.	Lucky Huanguang Graphics Co. Ltd.	****	****	****	75-80%
Any Other producer/exporter from China PR		****	****	****	110-115%
Any Other producer/exporter from Japan	Others	****	****	****	60-65%

## **E. INJURY**

### **Submissions made by importers, exporters, users and user associations**

#### **E.2. Response from other interested parties**

82. The following issues have been raised by the interested parties representing importers, exporters, users and user associations on the issue of Injury

a) It has been submitted that Technova increased their capacity three times from 6 Million Sqms to 18 Million SqMs during the period 2007-08 to 2010-11 and Production has increased from 2.54 Million Sq.Ms to 12.40 Million SqMs, an increase of almost five times. Further, their Capacity utilization increased to 69% in 2010-11.

- b) Exports Sales increased over 5 times from 0.16 Million SqMs to 0.83 SqMs during the period 2007-08 to 2010-11. The Market Share of the Petitioners has shown a steady growth from 51% in 2007-08 to 73% in 2009-10 and 71% in 2010-11.
- c) TechNova being the only plate manufacturing company in the country controls 71% of the domestic sales. While the company has achieved a phenomenal increase in its all round performance, it is difficult to believe that their profits have come down so dramatically and still they continue to dump in money on capital equipment.
- d) The number of employees have increased from the indexed figure of 100 in 2007-08 to only 158 in 2010-11. The Table in para 3g on page 34 reproduced here below shows that the productivity in SQM per Employee increased from 9667 in 2007-08 to 29960 in 2010-11 i.e. over 3 times.
- e) Technova has clearly pleaded before Safeguard authorities that it is suffering injury as a result of imposition of safeguard duty on aluminum products. Further, this safeguard duty was operative throughout the investigation period. The safeguard duty is no longer in force.
- f) The sales price of the different imported plates are at least 5-7% higher than the sales price of the respective TechNova plates. While imported plates are getting sold at higher prices compared to the TechNova plates, one wonders as to how the said imports are causing injury to TechNova.
- g) Thermal and Violet Plates are each a separate and distinguishable It was TechNova that caused market prices to decline, not imports. "Like Article" and should be examined separately.
- h) The prices from Japan have been generally higher than that from China. It is perhaps for this reason, that the details of price suppression and price depression have not been indicated for China and Japan separately in the petition.
- i) The claim of injury in the petition appears to be based on a grossly inflated cost of production. FFPB believes that aluminum constitutes a substantial component of the cost of production of printing plates that is about 50% or more. As against this the petitioner has claimed that the cost of aluminum is in the range of 35 to 40% of the total cost to make and sell. The Petitioner is misleading the Authority with a view to inflate the NIP, so as to create an evidence of injury, which is otherwise absent.
- j) A large number of importers and users have represented that there is no justification in imposition of anti dumping duties. However, it has been submitted by these importers and users that should the Authority reject the request the request of the users/importers for termination of the anti dumping investigations, separate reference prices for CtCP and CTP plates should be fixed by the Authority. It has also been submitted that one reference price may not be appropriate for CtCP and CTP plates.
- k) Technova's profitability and ROI has improved, as per the Petition, losses have steeply declined in the last three years.

- l) Technova's inventories are insignificant considering the range of product in terms of thickness, size, type etc. . Full range is to be maintained for the customers throughout the country, considering these factors level of inventory is insignificant
- m) There is positive growth in all volume and price parameters.
- n) It has been submitted that earlier there were three plate manufacturer in India i.e M/s Technova imaging systems Pvt ltd, Stovac industries ltd and Lasta Neeraj pvt ltd. it has further been submitted that M/s M/s Technova has monopolised the PS plate manufacturing by eliminating the two competitors. They have questioned the right of a monopolistic firm to plead for imposition of anti dumping duty on digital plate when they have 75% market share.
- o) While the duty imposed on important printing rough materials and machinery and high, there are no restrictions on duty on printed materials to the country.
- p) It has been submitted that the import of digital plate which were reported in significant volume from Europe, now been reported from china and Japan. Thus, this is clear case of realignment of imports between different plants of same foreign produces. It has further been submitted that dumping claims are highly exaggerated. On the issue of injury, it has been submitted that the issue of injury to domestic industry on account of safeguard duty on aluminum plate should be considered. It has further been submitted that wide adverse implications of anti dumping duty on consumers for benefit of a monopoly producers whose performance is admittedly improving in last three year should be analyzed.
- q) It has been submitted by some of the users of subject goods from Newspaper industries that material injury or threat thereof cannot be based on statement, therefore, all the factors of injury should be analysed by the authority. It has further been represented that the levy of anti dumping duty on the digital offset printing plates will adversely affect finances of end user buyers like them and it could cause serious disturbance to the users of plates in specific Newspaper industry which is already affected by fluctuation in FOREX and Pricing of News Print. Therefore, it is suggested that apart from other factors, the Normal Value should be analyzed by examining both (a) Cost of production in the country of origin with reasonable addition for administrative, selling and general costs and for profits. ; and (b) Cost of production in India with reasonable addition for administrative, selling and general costs and for profits vis-à-vis domestic manufacturers apart from "the material injury" aspect. So that, Indian Domestic Manufacturer should not monopolize the market and sale their product at higher prices by eliminating any competition which would otherwise benefit the domestic print industry like us.

### **Submissions made by Domestic Industry**

83. The domestic industry has argued that:

- a) Import volumes from the subject countries reached an alarming level from a very low level during 2007-08.

- b) Relative to domestic production, imports from the subject countries have reached a level of 36% and relative to consumption in India, imports from subject countries constituted 27%.
- c) The price undercutting by Chinese exporters increased from 16% in the past two years to 21% in 2010-11.
- d) CIF Price and Landed Value showed a sudden and significant decline during the period of investigation.
- e) The domestic industry has enough capacity to meet the entire Indian demand and still it will be left with sufficient capacity to meet increase in future demands. However, they are not able to utilize their capacity due to dumped imports.
- f) The price for the Indian market is substantially lower compared to their prices in other country markets.
- g) Inventory of the domestic industry has increased substantially during the period of investigation, due to constant pressure of the dumped imports from the subject countries.
- h) Keeping in mind the increased demand and production, the overall profitability of the subject goods for the domestic industry has reduced drastically.
- i) The Petitioner has invested in establishing one of the best technologically advanced production plant to service the needs of the Indian printing industry by borrowing substantial loans from banks and financial institutions. Dumping from the subject countries has made it extremely difficult to break even and to service the debt.
- j) The performance of the domestic industry for product under consideration has deteriorated over the injury period.
- k) ROI (NFA Basis) of the domestic industry has significantly deteriorated over the injury period. This clearly shows the price depression and suppression effect of dumped imports from China PR that has resulted in significant losses to the domestic industry.
- l) The ROCE is too low compared to the standard ROCE allowed by the DGAD.
- m) The domestic industry has recorded a positive growth in volume terms and a significantly negative growth in monetary terms during the past three years
- n) The imports coming into India from the subject countries are far above the de minimis level of dumping margin.
- o) The domestic industry has requested the Authority to impose anti dumping duty on fixed duty basis. Further, they have also requested the Authority to fix the anti dumping duty separately for thermal, violet and CtCP or UV CTP plates separately. Further, it has been submitted with some illustrations from past cases that for the grades not exported to India during the POI, all others rate should be applied.
- p) With regard to imports made by Fuji, China they have represented that M/s Fuji China have exported large volumes of PS plates which are in fact digital plates and not the PS plates keeping in view the facts that these are priced much higher than analogue plates. They have requested the Authority to take into account these imports for determining dumping and injury margin for the producer and exporter. Further, it has been represented that as subsidiaries of M/s Fuji China and Fuji Japan have not submitted their response, they should be declared non cooperative.
- q) With regard to response from M/s Kodak, China PR , they have represented that since its subsidiaries in China PR and Singapore have not submitted their response, therefore, they should be termed non cooperative. Further, they have submitted that as per eximnet data, their total landed price is 245.18/Sq meter for the POI and the same should be accepted for determination of injury margin.

### **E.3. Examination by the Authority**

84. The Authority has taken note of submissions made by the interested parties. Annexure II of AD Rules provides for objective examination of both (a) the volume of dumped imports and the effect of the dumped imports on prices in domestic market for the like articles; and (b) the consequent impact on domestic producers of such products. While examining the volume effect of the dumped imports, the Authority is required to examine whether there has been a significant increase in dumped imports either in absolute term or relative to production or consumption in India. With regard to price effect of dumped imports, the Authority is required to examine whether there has been significant price undercutting by the dumped imports as compared to price of the like product in India, or whether the effect of such imports is otherwise to depress the prices to a significant degree, or prevent price increase which would have otherwise occurred to a significant degree.
85. With regard to the arguments made by various interested parties on the issue of Product under Consideration in general and inclusion of CtCP plate in particular, it is noted that the same has been analyzed under the para relating to product under consideration and like Articles. With regard to the fact that the Domestic industry in this case is a monopoly player and imposition of anti dumping duty would jeopardize the interest of small users it is noted that the argument relating to Indian Industry interest has been analyzed in the relevant paragraphs in this finding. With regard to some of the arguments of importers, users and associations that imposition of any Anti-dumping duty on digital plates will be unjust as printed materials are allowed duty free imports in this country, it is noted that this argument is not germane to the present investigation.
86. With regard to the arguments made by domestic industry that some of the PS plates imported by M/s. Fuji during the POI from China PR are in fact digital plates given the fact that prices of those import transactions bearing PS plates are similar to import prices for digital plates during the same period from their parent company, it is stated that the authority has taken into account exporter's data given in their response for the purpose of determination of dumping and injury in this present provisional finding. However, this is subject to further examination and on site verification of the producer's information which is expected to be completed before the final findings.
87. With regard to arguments made by the domestic industry that the landed value of subject goods exported from China PR by M/s. Kodak as per their information comes to Rs. 245 per square meter, it is stated that the matter is being examined by the authority and for the purpose of present provisional finding, the authority has provisionally taken into account the information submitted by the responding exporter and producer which is subject to further verification and examination.
88. With regard to arguments made by interested parties that injury to domestic industry is on account of safeguard duty on Aluminum and other arguments made by importers, and users for objective examination of all injury parameters concerning performance of domestic industry during the injury period, it is stated that the injury parameters mentioned in the findings have been determined after verifying and examining the records of the domestic industry.
89. With respect to arguments made by domestic industry to determine and impose anti dumping duties on fixed basis on one hand and arguments made by users, importers and exporters to impose anti duties, if required, on reference basis, the Authority notes that the matter was examined taking into account all the facts and submissions made

by various interested parties pertaining to this case and taking into account the views of all interested parties, for the purpose of provisional findings, reference price duties for three subtypes within product under consideration is being recommended.

90. With regards to the submissions made by various interested parties on injury to domestic industry, it is stated that the same has been provisionally determined in terms of mandatory injury parameters as per the rules and have been mentioned in appropriate paragraphs. As regards the impact of dumped imports on the domestic industry, Para (iv) of Annexure-II of AD Rules states as under:

*“The examination of the impact of the dumped imports on the domestic industry concerned, shall include an evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including natural and potential decline in sales, profits, output market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.”*

91. The Authority has examined the injury parameters objectively taking into account the facts and arguments of the interested parties.

Annexure II para (iii) of the AD Rules provides that in case imports of a product from more than one country are being simultaneously subjected to anti dumping investigations, the Designated Authority will cumulatively assess the effect of such imports, in case it determines that: -

- a. the margin of dumping established in relation to the imports from each country is more than two per cent expressed as percentage of export price and the volume of the imports from each country is three per cent of the import of like article or where the export of individual countries is less than three per cent, the imports collectively accounts for more than seven per cent of the import 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.

92. The Authority observes that:

- The margins of dumping from each of the subject countries are more than the limits prescribed above;
- Cumulative assessment of the effects of imports is appropriate since the exports from the subject countries directly compete with the like articles offered by the domestic industry in the Indian market. This is evident from the following:
  - a. The subject goods manufactured by the producers from the subject countries *inter-se* and in comparison to the product manufactured by the domestic industry has comparable properties. In other words, the subject goods supplied from various subject countries and by the domestic industry are *inter-se* like articles.
  - b. The information furnished to the Authority gives a reasonable indication that there are common parties who are resorting to use of imported material from various sources and domestic material. Imported

and domestic materials are, therefore, being used interchangeably and there is direct competition between the domestic product & imported product and inter-se imported product.

- c. Volume of imports from each of the subject countries is significant.
- d. Consumers make purchase decision on the basis of prices offered by various suppliers.

93. In view of the above, the Authority notes that it is appropriate to, cumulatively assess the effect of imports of the subject goods from China PR and Japan on the domestically produced like article, in the light of conditions of competition between the imported products and the like domestic product.

94. Annexure-II of the AD Rules provides for an objective examination of both, (a) the volume of dumped imports and the effect of the dumped imports on prices, in the domestic market, for the like articles; and (b) the consequent impact of these imports on domestic producers of such articles. With regard to the volume effect of the dumped imports, the Authority is required to examine whether there has been a significant increase in dumped imports, either in absolute term or relative to production or consumption in India. With regard to the price effect of the dumped imports, the Authority is required to examine whether there has been significant price undercutting by the dumped imports as compared to the price of the like product in India, or whether the effect of such imports is otherwise to depress the prices to a significant degree, or prevent price increases, which would have otherwise occurred to a significant degree.

95. As regards the impact of the dumped imports on the domestic industry para (iv) of Annexure-II of the Anti Dumping Rules states as follows:

*“The examination of the impact of the dumped imports on the domestic industry concerned, shall include an evaluation of all relevant economic factors and indices having a bearing on the state of the Industry, including natural and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of margin of dumping actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.”*

### **Volume Effect of dumped imports and Impact on domestic Industry**

#### **Import Volumes and share of subject countries**

96. It is noted that the imports from subject countries have recorded a significant increase in absolute terms during injury period including POI i.e. from 1.123 million SQM in 2007-08 to 4.233 million SQM during 2010-11 recording a significant increase during the injury period. It is also noted that the imports of the subject goods from subject countries have shown a significant increase over the injury period. Further, imports have increased significantly in absolute terms in every subsequent year. Imports from other countries have, at the same time, significantly declined.

Particulars	Unit	2007-08	2008-09	2009-10	2010-11 (POI)
Imports from subject countries	Million sqm	1.123	1.554	2.481	4.233
Japan	Million sqm	0.008	0.120	1.749	3.536
China	Million sqm	1.116	1.434	0.732	0.697
Trend	Indexed	100	138	221	377
Imports from Other Countries	Million sqm	0.964	0.791	0.298	0.291
Trend	Indexed	100	82	31	30
Total Imports	Million sqm	2.087	2.344	2.779	4.524
Trend	Indexed	100	112	133	217
Domestic Production	Million sqm	2.29	4.52	8.16	11.91
Imports from subject countries relative to domestic production		49%	34%	30%	36%
Demand	Million sqm	4.35	6.36	10.39	15.47
Imports from subject countries relative to consumption		26%	24%	24%	27%

**Imports from the subject countries relative to consumption in India and production of domestic industry**

97. It is noted that relative to domestic production, imports from the subject countries had declined to 30% during 2009-10 from 49% during 2007-08. However, the same reached a level of 36% during the POI. It is noted that similar trends were noted with regard to share of imports of subject goods from subject countries relative to consumption in India where the imports of subject goods declined from 26% to 24% before increasing their share during the POI where imports from subject countries relative to consumption constituted 27%.

**Sales and demand**

98. The Authority notes that the demand of subject goods has been determined by adding domestic sales of domestic like product with imports of subject goods from all countries. The Authority notes that demand for the subject goods had grown each year and it is further noted that demand of subject goods had increased significantly during the injury period.

Particulars	2007-08	2008-09	2009-10	2010-11 (POI)
Total Domestic sales (million)	2.26	4.02	7.61	10.94

Particulars	2007-08	2008-09	2009-10	2010-11 (POI)
SQM)				
Trend	100	178	337	484
Total Imports (million SQM)	2.087	2.344	2.779	4.524
Trend	100	112	133	217
Demand (million SQM)	4.35	6.36	10.39	15.47
Trend	100	146	239	356
Imports from subject countries (million SQM)	1.123	1.554	2.481	4.233
Trend	100	138	221	377
Share of imports from subject countries in total imports	54%	66%	89%	94%

### **Market shares**

99. It is noted that the market share of imports of subject goods from the subject countries as a proportion to total imports has increased significantly in the POI, as against the base year. In terms of demand, it is noted that their share has increased marginally during the injury period though the same has increased significantly during the POI from the preceding year. It is also noted that as the demand for the product has increased significantly, share of domestic industry showed increasing trend each year during the injury period in line with increase in demand of subject goods in India. However, during the POI, the share of domestic industry declined as against the preceding year.

Market Share	2007-08	2008-09	2009-10	2010-11 (POI)
Demand (million SQM)	4.35	6.36	10.39	15.47
Total Domestic sales (million SQM)	2.26	4.02	7.61	10.94
Share of Domestic Industry %	52%	63%	73%	71%
Trend	100	122.77	142.38	137.52
Share of Subject countries%	26%	24%	24%	27%
Trend	100	93.45	91.38	104.74
Share of Other countries %	22%	12%	3%	2%
Trend	100	55.39	12.81	8.39

### **Price Effect of the Dumped imports on the Domestic Industry**

#### **Price Undercutting**

100. With regard to the effect of the dumped imports on prices, it has been examined 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. In this regard, a comparison was made between the landed value of the product concerned and the average selling price of the domestic industry net of all rebates and taxes, at the same level of trade. The prices of the domestic industry were determined at the ex factory level. This comparison showed that during the period of investigation, the subject goods originating in subject countries were imported in the Indian market at prices which were lower than the Domestic industry selling prices. It is thus noted that imports of subject goods were undercutting the domestic prices and margin of undercutting is considered significant in case of imports from China PR.

101. The impact on the prices of the domestic industry on account of the dumped imports from the subject countries have been examined with reference to the price undercutting, price underselling, price suppression and price depression, if any. For the purpose of this analysis the cost of production, Net Sales Realization (NSR) and the Non-injurious Price (NIP) of the Domestic industry have been compared with the landed cost of imports from the subject countries.

<b>Particulars</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Domestic Sales Realisation (Rs. Per SQM)	****	****	****	****
Domestic Sales Realisation (Index)	100.00	97.69	90.45	85.84
<b>Landed Value</b>				
Subject countries (Rs. Per SQM)	****	****	****	****
Subject countries (Rs. Per SQM)	100.00	109.44	89.32	79.36
China (Rs. Per SQM)	****	****	****	****
China (Rs. Per SQM)	100.00	104.83	97.64	89.88
Japan (Rs. Per SQM)	****	****	****	****
Japan (Rs. Per SQM)	100.00	111.01	104.00	93.69
<b>Price Undercutting</b>				
Subject countries (Rs. Per SQM)	****	****	****	****
Japan (Rs. Per SQM)	100.00	-91.50	108.66	190.03
China (Rs. Per SQM)	****	****	****	****
Japan (Rs. Per SQM)	100.00	68.85	61.41	69.50
Japan (Rs. Per SQM)	****	****	****	****
Japan (Rs. Per SQM)	100.00	-120.65	-131.64	-42.96
<b>Price Undercutting %</b>				
Subject countries	3%-13%	(3%-13%)	5%-15%	10%-20%
China	20%-30%	11%-21%	11%-21%	14%-23%
Japan	3%-13%	(3%-13%)	5%-15%	(1%-11%)

102. It is noted from above that the imports of subject goods from the subject countries undercut the prices of the domestic industry by 15% during the POI. Individually, price undercutting in the case of China was 19% while there was no undercutting in case of Japan.

**Price underselling:**

103. The Authority has also examined price depression, price suppression and price underselling if any, suffered by the domestic industry on account of dumped imports from subject countries. After due examination, it is noted that the domestic industry has suffered significant price underselling from china, however, no underselling from Japan is observed during the investigation period

<b>Particulars</b>	<b>POI</b>
Non-injurious Price	****
<b>Price Underselling</b>	
Subject countries	****
China	****
Japan	****
<b>Price Underselling %</b>	
Subject countries	15%-25%
China	15%-25% %
Japan	(5%) -5%

**Price Depression**

104. It is noted that the domestic industry had to reduce its selling prices during the injury period. The price depression i.e. reduction in prices during the injury period was 14% as shown in the table below. The price depression suffered by the domestic industry is considered significant.

Particulars	2007-08	2008-09	2009-10	2010-11
Domestic Sales Realisation (Rs. Per SQM)	****	****	****	****
Domestic Sales Realisation (Index)	100.00	97.69	90.45	85.84
Price Depression Year on Year		****	****	****
Price Depression Year on Year %		0%-10%	5%-15%	11%-20%
Price Depression Cumulative		7.55	31.13	46.17

**Price Suppression**

105. It is noted that the Domestic Industry is adversely affected by the reason of price suppression. It is noted that though both the cost to make and sell as well as selling price of the domestic industry has declined during the injury period except in 2008-09, the decline in the selling price is more than the decline in cost to make and sell the subject goods. The price suppression is considered significant.

(Rs. Per SQM)

Particulars	2007-08	2008-09	2009-10	2010-11
Landed value Subject countries	****	****	****	****
Increase(Decrease) from base year		9.44%	-10.68%	-20.64%
Cost to make and sell	****	****	****	****
Increase(Decrease) from base year		18.24%	-1.30%	-3.87%
Domestic Selling Price	****	****	****	****
Increase(Decrease) from base year		-2.31%	-9.55%	-14.16%

### **Economic parameters of the domestic industry**

106. Annexure II to the AD Rules requires that a determination of injury shall involve an objective examination of the consequent impact of these imports on domestic producers of like product. The Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments. An examination of performance of the domestic industry reveals that the domestic industry has suffered material injury. The various injury parameters relating to the domestic industry are discussed below.

### **Capacity, Production, Capacity Utilization**

107. The performance of the domestic industry in terms of capacity, production, capacity utilization, sales and market share is as under:-

(Million sqms)

Particulars	2007-08	2008-09	2009-10	2010-11(POI)
Capacity	6.00	18.00	18.00	18.00
Indexed	100	300	300	300
Production	2.47	4.73	8.84	12.46
Indexed	100	192	358	505
Capacity utilization (%)	41%	26%	49%	69%
Indexed	100	63.93	119.41	168.31

108. It is noted that the production and capacity utilization of Domestic industry has increased in POI as compared to base year. Further it is noted that the demand for the product has increased by 256% and the Domestic Industry had unutilized capacity of 31% in POI. Thus, it is noted that there was a further scope for increase in production of subject goods by domestic industry during the POI. It is further noted

that the domestic industry has enough capacity to meet the Indian demand and still it will be left with sufficient capacity to meet increase in future demands.

### Domestic Sales

109. It is noted that the domestic sales as well as demand in India have increased over the injury period. Thus, the domestic industry has increased its market share in the domestic market during the injury period. However, it has been submitted that the domestic industry lost significant sales due to dumped imports of subject goods from subject countries.

(Million sqms)

<b>Particulars</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11 (POI)</b>
Domestic Sales	2.26	4.02	7.61	10.94
Indexed	100	178	337	484
Export Sales	0.16	0.21	0.74	0.83
Indexed	100	129.81	451.56	506.52
Demand	4.30	6.36	10.39	15.47
Demand Indexed	100	146.43	239.03	355.88

### Inventories

110. It is noted that the inventory of the domestic industry has increased substantially during the period of investigation. It is noted that imports of subject goods from subject countries could have aided the increase in the inventory level of the domestic industry.

<b>Inventory</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11 (POI)</b>
Inventory (Million Sq. Mtr.)	****	****	****	****
Inventory (Million Sq. Mtr.) (Indexed)	100	227.30	474.82	784.75

### Profits

111. The profitability of the domestic industry in respect of domestic like product has been examined. It is noted that profitability of the domestic industry for the subject goods has significantly deteriorated during POI. In fact, the domestic industry has incurred a significant loss during the POI.

<b>Particulars</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11 (POI)</b>
Profit/Loss on domestic sales (Rs. Lakhs)	****	****	****	****
Profit/Loss on domestic sales	100	-414.08	-142.13	-386.08

(Rs. In lakhs indexed)				
Profit/Loss on domestic sales (Rs. Per SQM)	****	****	****	****
Profit/Loss on domestic sales (Rs. Per SQM Indexed)	100	-232.70	-42.19	-79.69

### **Cash Flows**

112. It is noted that the cash flows of the domestic industry have seen a significant declining trend. Impact on cash flow has been determined considering profit before depreciation but after interest cost.

Particulars	2007-08	2008-09	2009-10	2010-11 (POI)
Cash Profit	****	****	****	****
Cash Profit (Rs. Per SQM)	****	****	****	****
Cash profit (Indexed)	100	-149.72	68.39	-28.44
Cash Profit (Rs. Per SQM) Indexed	100	-84.14	20.30	-5.87

### **Return on Capital Employed and ability to raise Investments**

113. It has been submitted that the domestic industry has been pumping in fresh capital every year to make the industry stronger both in physical and monetary terms. The return on capital employed has been determined considering profit before interest and capital employed for the product concerned. It is noted that return on capital employed has significantly deteriorated in POI as compared to base year.

Particulars	2007-08	2008-09	2009-10	2010-11 (POI)
Capital employed (Domestic) (Rs. Lacs)	****	****	****	****
Capital employed (Rs. Lacs) (Indexed)	100	201	322	396
Return On Capital Employed (%) (Domestic)	****	****	****	****
Return On Capital Employed (%) (Indexed)	100	5	40	23

114. With regard to ability to raise investments, it is noted that the domestic industry has enhanced capacities during injury period for which fresh investments have been made. It is, however, noted that the enhancement of capacity has to be seen along with significant increase in demand of the product in the country and the fact that domestic industry has been profitable in the past with regard to production and sale of the product in the Country.

115. The Petitioner has argued that given the current state of affairs where the product is consistently not performing well because of persistent dumping, substantial fresh investments cannot even be imagined. It is provisionally held that continued dumping of the product and decline in financial performance are bound to adversely impact the ability of the domestic industry to raise capital investments.

**Employment, wages & productivity:**

116. The number of employees, wages as well as the productivity per employee is as follows:

<b>Particulars</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11(POI)</b>
No. of employees	****	****	****	****
No. of employees (Indexed)	100.00	244.18	329.36	448.87
Productivity (SQM Per Employee)	****	****	****	****
Productivity Per Employee (Indexed)	100.00	78.74	108.87	112.61
Wages and Salaries	****	****	****	****
Wages and salaries per SQM	****	****	****	****
Wages and salaries (indexed)	100	191	342	472
Wages and salaries per SQM (indexed)	100	97	96	91

117. It is noted that the productivity has increased over the injury period. The employment and wages have also increased over the injury period. Productivity per employee have also increased after as Steep fall in the year 2008-09 This parameter does not indicate any injury to the domestic industry.

**Growth**

118. The domestic industry has recorded a positive growth in volume terms and a significantly negative growth in financial terms during the past three years. It is noted that inventories have surged over the period. With regard to price parameters, it is noted that whereas cost of sales, selling price and return on investment have shown a declining trend, the growth in profits and cash profits has been negative on year on year basis.

**Factors Affecting Domestic Prices And Evidence Of Lost Contracts**

119. It has been submitted that the quality of the goods produced by the domestic industry is on par with the imported goods. It is also noted that the domestic industry has sufficient capacity to meet the entire demand in the country and therefore, availability of material is not a constraint. Delivery problems are also almost non-existent. The sales quantities of the domestic industry is picking up with the increase in demand and as a result of the efforts taken by the domestic industry to develop the market for digital plates in India. Still, the domestic industry is not able to procure

orders at remunerative prices. Thus, market conditions are favorably disposed towards using the product produced by the domestic industry and yet the market is forcing the domestic industry to sell the product at very low prices. It is noted that decline in operating performance of domestic industry could be because of dumped imports coming into the country at significantly low prices. It is also noted that some of the Indian customers quote the prices at which the imported goods are coming into the country and have asked the domestic industry to match the imported prices. It is thus noted that the major factor affecting the level of domestic prices is the price at which the imported goods enter the country.

### **Magnitude and Margin of Dumping**

120. It is noted that the imports coming into India from the subject countries are above the de minimis level of dumping margin. .

### **Causal Link**

121. The Authority has examined whether other factors listed under the AD Rules could have contributed to injury to the domestic industry. The examination of causal link has been done as follows:

### **Imports from third countries**

122. The Authority has collected the transaction-wise imports data of the subject goods from secondary sources. It is noted that imports beyond de-minimus limits had been reported only from EU. Since there are significant imports from EU, the import price from EU has been examined in detail and compared with import price from subject countries. It is found that import prices from EU were consistently higher than import prices from subject countries.

### **Contraction in demand**

123. The Authority notes that the demand for the subject goods has shown significant improvement during the injury period. Possible contraction in demand could not have caused injury to the domestic industry.

### **Changes in the pattern of consumption**

124. The pattern of consumption with regard to the product under consideration has not undergone any change, nor there did any quantify allegation in this regard. The investigation so far has not shown existence of alternate competing products and possible injury being caused by such alternate products.

### **Trade Restrictive practices of and competition between foreign and domestic producers**

125. It is noted that there is a single market for the subject goods where dumped imports from subject countries compete directly with the subject goods supplied by

the domestic industry. It is noted that the imported subject goods and domestically produced goods are like articles and are used for similar applications/end uses. There is no evidence of trade restrictive practices of and competition between the foreign producers and domestic producers causing injury to the domestic industry.

#### **Developments in Technology**

126. There is no allegation of developments in technology, nor the investigation so far has shown that possible injury to the domestic industry could have been caused by developments in technology.

#### **Export performance**

127. The petitioner has significant exports. However, the Authority has considered only domestic operations and domestic profitability.

#### **Productivity of the Domestic Industry**

128. It is noted that there is no material change in productivity of the domestic industry. Possible decline in productivity cannot be the reason for the established injury to the domestic industry.

#### **Effect of dumped imports**

129. The Authority notes that the following parameters show that material injury to the domestic industry is due to dumped imports.

(a) The dumped imports from subject countries have significantly increased over the injury period. Resultantly, the market share of the dumped imports in the total imports of subject goods have increased.

(b) Dumped imports from subject countries is depressing the prices of the domestic industry. As, the domestic industry has tried to align its selling prices close to the landed prices, there has been a decline in prices more than decrease in cost of production. It is noted that price depression being felt by the domestic industry is due to lower prices of dumped imports from subject countries and this depression has increased from 2006-07 when the volume of imports have also increased significantly.

(c) Thus, it is noted that the domestic industry is forced to decrease prices in due to presence of dumped imports in the market resulted in decline in profits and return on investment.

130. The Authority has determined non-injurious price for the domestic industry taking into consideration cost of production of the domestic industry. This non-injurious price of the domestic industry has been compared with the landed values of the subject imports to determine injury margin. In line with the determination of dumping margins, the injury margin has also been determined for the related companies together taking them as one entity. The injury margins have been worked out as follows:

**Table showing Injury Margin**

Producer	Exporter	IM US\$/Sqm	IM%	IM Group US\$/Sqm	Group IM %
Fujifilm Corporation, Japan	Fujifilm Corporation, Japan	****	****	****	1-3
Fuji Film Printing Plate Co. Ltd. China(FFPB)	Fuji Film Printing Plate Co. Ltd. China(FFPB).	****	****	****	18-23
Fuji Film (China) Corporation Ltd.(FFPS)	Fuji Film (China) Corporation Ltd.(FFPS)	****	****	****	
M/s Kodak (china) graphics communication system Ltd.	M/s Kodak (china) graphics communication system Ltd.	****	****	****	2-8%
M/s Kodak (china) graphics communication system Ltd.	Kodak Singapore PTe. Ltd.	****	****	****	
Lucky Huanguang Graphics Co. Ltd.	Lucky Huanguang Graphics Co. Ltd.	****	****	****	50-55
Any Other producer/exporter from China PR		****	****	****	72-77
Any Other producer/exporter from Japan		****	****	****	3-9

131. The level of dumping margins and injury margins as determined are considered significant.

**G Conclusion on Injury and causation**

132. There has been a significant increase in the volume of dumped imports from subject countries at the absolute level. The market share of dumped imports in total imports of subject goods has also increased significantly. It is also noted that the dumped imports were undercutting the prices of the domestic industry in the market. It is also determined that the dumped imports have had significant adverse price effect in terms of price depression and price underselling. Further, the dumping margins from responding producers and exporters from subject countries have been determined and is considered significant.

133. It is noted that dumped imports of subject goods from subject countries have adversely impacted the inventory levels of the domestic industry. Further, it is also noted that the dumped imports have had significant adverse price effect in terms of price depression and price suppression which in turn have led to significant deterioration in profits and return on investments. Therefore, the Authority concludes that the domestic industry has suffered material injury and such injury has been caused significantly by price and volume effects of dumped imports from the subject country.

134. The Authority therefore, provisionally holds that material injury to the domestic industry has been caused by the dumped imports of subject goods from the subject countries.

#### **I. Indian industry's interest & other issues:**

135. The Authority notes that the purpose of anti-dumping duties, in general, is to eliminate injury caused to the Domestic Industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the Country. Imposition of anti-dumping measures would not restrict imports from the subject country in any way; and therefore, would not affect the availability of the product to the consumers.

136. It is recognized that the imposition of anti-dumping duties might affect the price levels of the product manufactured using the subject goods and consequently might have some influence on relative competitiveness of these product. However, fair competition in the Indian market will not be reduced by the anti-dumping measures, particularly if the levy of the anti-dumping duty is restricted to an 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 the subject goods.

#### **J. Recommendations**

137. After examining the submissions made by the interested parties and issues raised therein; and considering the facts available on record, the Authority concludes that:

- (a) The product under consideration has been exported to India from the subject countries below Normal values.
- (b) The domestic industry has suffered material injury on account of subject imports from subject countries.
- (c) The material injury has been caused by the dumped imports of subject goods from the subject countries.

138. The Authority notes that the investigation was initiated and it was notified to all interested parties. Adequate opportunity was given to the exporters, importers and other interested parties to provide information on the aspects of dumping, injury and causal link. Having initiated and conducted a investigation into dumping, injury and the causal link thereof in terms of the AD Rules and having established positive dumping margins as well as material injury to the domestic industry caused by such dumped imports, the Authority is of the view that imposition of duty is required to offset dumping and injury. Having regard to the lesser duty rule followed by the Authority, the Authority recommends imposition of definitive anti-dumping duty equal to the lesser of margin of dumping and margin of injury, so as to remove the injury to the domestic industry. For the purpose of determining injury, the landed value of imports of product under consideration has been compared with the non-injurious price of the domestic like product produced by domestic industry determined for the period of investigation.

139. With regard to duty structure, keeping into account factual matrix of the case and having regard to contentions raised, information provided and submissions made by interested parties, it is deemed appropriate to recommend benchmark/reference form of anti dumping duties on provisional basis, equal to the difference between the amount indicated in the column 9 of the table below and landed value, to be imposed from the date of notification to be issued in this regard by the Central government on all imports of subject goods originating in or exported from subject countries.

S. No	Sub heading or Tariff Item	Description of goods	Country of origin	Country of export	Producer	Exporter	Specification	Amount	Currency	Unit
1	2	3	4	5	6	7	8	9	10	11
1	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191, 7606.9290	Digital Offset Printing Plates*	Japan	Japan	Fujifilm Corporation, Japan	Fujifilm Corporation, Japan	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
2	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191, 7606.9290	Digital Offset Printing Plates*	Japan	Japan	Any combination other than serial no 1		Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
3	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191, 7606.9290	Digital Offset Printing Plates*	Japan	Any other than subject countries	Any	Any	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm

4	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	Any other than subjec t countr ies	Japan	Any	Any	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
5	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	Fuji Film Printin g Plate Co. Ltd. China( FFPB)	Fuji Film Printin g Plate Co. Ltd. China( FFPB)	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
6	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	Any combination other than serial no 5		Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
7	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	Fuji Film (China ) Corpor ation Ltd.(F FPS)	Fuji Film (China ) Corpor ation Ltd.(F FPS)	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
8	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	Any combination other than serial no 7		Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
9	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	M/s Kodak (china) graphi cs comm unicati on system Ltd.	Kodak Singap ore Pte. Ltd..	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
10	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76	Digital Offset Printing Plates*	China PR	China PR	Any other combination of producer and exporter at 9 above		Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm

	06.9290									
							CtCP**	5.26	US\$	Sqm
11	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	Lucky Huang uang Graphi cs Co. Ltd.	Lucky Huang uang Graphi cs Co. Ltd.	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
12	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	Any combination other than serial no 11		Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
13	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	China PR	Any combination other than all above		Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
14	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	China PR	Any other than subjec t countr ies	Any	Any	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm
15	8442.502, 3701.3000, 3704.0090, 3705.1000, 7606.9191,76 06.9290	Digital Offset Printing Plates*	Any other than subjec t countr ies	China PR	Any	Any	Violet	6.60	US\$	Sqm
							Thermal	5.84	US\$	Sqm
							CtCP**	5.26	US\$	Sqm

\*Conversion factor From Kg to Sq mtr is 1 Kg=1.318 sq mts, for 28 mm thickness plate. If the thickness of the plate varies, the square meter for kg of the product will vary proportionately. 1 Sq mtr=0.7588 kg.

\*\* Computer to Conventional Plate also known as UV- CTP plate.

Landed value of imports for the purpose shall be the assessable value as determined by the Customs under the Customs Act, 1962 and all duties of customs except duties under sections 3, 3A, 8B, 9 and 9A of the Customs Tariff Act, 1975.

### **Further Procedure**

140. The following procedure would be followed subsequent to notifying the preliminary findings: -
- (a) The Authority invites comments on these findings from all interested parties and the same would be considered in the final findings;
  - (b) Exporters, importers, the applicant and other interested parties known to be concerned may make known their views, within forty days from the date of the publication of the these Preliminary findings in the official gazette. Any other interested party may also make known its views within forty days from the date of publication of these findings;
  - (c) The Authority would hold a hearing to hear the views of various interested parties orally;
  - (d) The Authority would conduct further verification to the extent deemed necessary;
  - (e) The Authority would disclose essential facts as per the AD Rules before announcing final findings.

(Vijaylaxmi Joshi)  
Designated Authority