

F.No.14/7/2007-DGAD  
Government Of India  
Ministry Of Commerce & Industry  
Department of Commerce  
Directorate General Of Anti-Dumping & Allied Duties  
Udyog Bhavan, New Delhi

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Dated the 12th November, 2008

### **Initiation Notification**

**Subject: Initiation of anti dumping investigations concerning imports of Phosphoric Acid of all grades and all concentrations (excluding Agriculture/Fertilizer Grade) from Korea RP.**

F. No. **14/7/2007-DGAD** - Whereas M/s. Gujarat Alkalies & Chemicals Limited, Baroda and M/s Solaris Chemtach Limited, Karwar (hereinafter referred to as applicants) have jointly filed an application before the Designated Authority (hereinafter referred to as the Authority) in accordance with the Customs Tariff (Amendment) Act, 1995 and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as Rules) alleging dumping of Phosphoric Acid of all grades and all concentrations (excluding Agriculture/Fertilizer Grade) (hereinafter referred to as subject goods) originating in or exported from Korea RP (hereinafter referred to as subject country) and have requested for initiation of anti-dumping investigations and levy of anti-dumping duties.

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

### **Product under consideration and Like Article**

3. The product under consideration is Phosphoric Acid of all grades and all concentrations (excluding Agriculture/Fertilizer Grade) originating in or exported from Korea RP.

4. Phosphoric Acid is an inorganic chemical used for the production of sodium phosphate, calcium phosphate, magnesium phosphate, ammonium phosphate, etc. The subject goods are also being used in Pharmaceutical applications, beverages, seed processing, sugar juice clarification and sugar refining, food phosphate manufacturing, etc.

5. The product is classified under Customs Tariff heading 2809.20 and at Sl. No. 2809.20 20 as per Indian Trade Classification. The Customs and ITC HS classification is, however, indicative only and in no way binding on the scope of the present investigation.

6. The applicants have claimed that goods produced by them are like articles to the subject goods originating in or exported from Korea RP. There is no significant difference in the subject goods produced by the applicants and those exported from subject country and the two are technically and commercially substitutable. For the purpose of present investigation, the goods produced by the domestic industry are being treated as Like Article to the product imported from the subject country within the meaning of the Rules supra.

### **Domestic Industry**

7. The application has been jointly filed by M/s. Gujarat Alkalies & Chemicals Limited – Baroda and M/s Solaris Chemtack Limited – Karwar on behalf of the Domestic Industry. As per evidence available, applicants have the standing to file the case for Anti Dumping Investigations on behalf of the domestic industry as per Rule 2 (b) and Rule 5(3)(a) of Anti Dumping Rules.

### **Countries involved:**

8. The Country involved in the present investigation is Korea RP.

### **Normal Value**

9. The applicants have claimed that the product is not sold at retail level in Korea RP and therefore, they have not been able to get any information/evidence of price of subject goods in domestic market of Korea RP. The applicants therefore claimed Normal Value based on cost of production of the domestic industry including reasonable profit margin. The Authority has prima facie considered the Normal Value of the subject goods in the subject country on the basis of constructed values as made available by the applicants as per facts available and it has been considered by the Authority for the purpose of initiation.

## **Export Price**

10. The export prices have been claimed on the basis of data obtained from International Business Information System (IBIS), Mumbai. Price adjustments have been claimed on account of ocean freight, marine insurance, inland transportation, port handling and port charges etc. to arrive at the net export price. There is sufficient evidence of the export prices, claimed by the applicants for the subject goods from the subject country.

## **Dumping Margin**

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

## **Injury and Causal Link**

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

## **Period of Investigation (POI):**

13. The period of investigation (POI) for the purpose of present investigation is 1st April 2007 to 31st March 2008 (12 months). The injury investigation period will however, cover the period 2004-05, 2005-06, 2006-07 and the Period of Investigation.

## **Submission of information:**

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

The Designated Authority,  
Ministry of Commerce & Industry,  
Department of Commerce,  
Directorate General of Anti-Dumping & Allied Duties, (DGAD),

Room No. 240, Udyog Bhavan,  
New Delhi-110011

**Time limit**

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

**Inspection of public file**

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

17. All interested parties shall provide a Confidential and Non-confidential summary in terms of rule 7(2) for the confidential information provided as per rule 7 (1) of the Rules supra.

18. In case any interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(R. Gopalan)  
The Designated Authority