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F. No. 6/18/2024-DGTR

Government of India

Ministry of Commerce & Industry

Department of Commerce

Directorate General of Trade Remedies

4th Floor, Jeevan Tara Building,

5, Parliament Street, New Delhi -110001.

Date: 15th May 2025

FINAL FINDINGS

Case No. AD (OI) 16/2024

Subject: Anti-dumping investigation concerning imports of ‘Thiram in any form’ originating in or exported from the European Union.

A. BACKGROUND OF THE CASE

Having regard to the 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, 1995, as amended from time to time (hereinafter referred as the “Anti-Dumping Rules” or “the Rules”) thereof,

1. Swarup Chemicals Private Limited (hereinafter referred to as the “domestic industry” or “applicant”) has filed a duly substantiated application before the Designated Authority (hereinafter referred to as the “Authority”) for initiation of anti-dumping investigation concerning imports of Thiram in any form (hereinafter referred to as “product under consideration” or “PUC” or “subject goods”), from the European Union (hereinafter referred to as the “subject country”). Further, the application has been supported by Ambachem Industries and Sudama Chemtech Pvt. Ltd.
2. The Authority, on the basis of prima facie evidence submitted by the applicant, issued a public notice vide Notification No. 6/18/2024-DGTR dated 29th June 2024, published in the Gazette of India – Extraordinary, initiating the subject investigation in accordance with the Section 9A of the Act read with Rule 5 of the Rules to determine the existence, degree and effect of the alleged dumping of the subject goods originating in or exported from the subject country and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the alleged injury to the domestic injury.

B. PROCEDURE

3. The procedure described below has been followed with regard to the investigation:
- a. The Authority notified the embassy of the subject country in India about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with Rule 5(5) of the Anti-Dumping Rules.
 - b. The Authority issued a public notice dated 29th June 2024, published in the Gazette of India Extraordinary, initiating the anti-dumping investigation concerning imports of the subject goods from the subject country.
 - c. The Authority sent a copy of the initiation notification to the embassy of the subject country in India, the known producers and exporters from the subject country, the known importers/users in India, and the other interested parties, as per the addresses made available by the applicant. The interested parties were asked to provide relevant information in the form and manner prescribed in the initiation notification and make their submissions known in writing within the time limits prescribed in the initiation notification.
 - d. The Authority provided a copy of the non-confidential version of the application filed by the applicant to the known producers/exporters and to the embassies of the subject country in India in accordance with Rule 6(3) of the Rules.
 - e. The embassy of the subject country in India was also requested to advise the exporters/producers to submit their responses to the questionnaire within the prescribed time limit.
 - f. The Authority sent exporter's questionnaire to the following known producers/exporters in the European Union in accordance with Rule 6(4) of the Rules:

SN	Name of producers/exporters in the subject country
i.	Taminco Bv
ii.	Bayer AG
iii.	IPT Pergande GMBH

- g. In response to the above, none of the producers/exporters from the European Union have responded and filed exporter's questionnaire response.
- h. The Authority also sent questionnaire to the following known importers/users of the product under consideration in India calling necessary information in accordance with the Rule 6(4) of the Rules: -

SN	Name of users/importers of the product under consideration in India
i.	Bayer Vapi Pvt Ltd/ Bayer Crop Science Ltd
ii.	Indofil Industries Limited
iii.	Meenakshi Agro Chemicals
iv.	JMF Performance Materials Pvt Ltd
v.	Crop Care Federation of India
vi.	Bulk Drugs Manufacturers Association (India)
vii.	Indian Drug Manufacturers' Association

- i. In response to the questionnaire issued, Meenakshi Agro Chemicals has filed a user questionnaire response.
- j. Further, a submission was received from the European Commission and has been addressed in the final findings.
- k. Exporters, foreign producers and other interested parties who have not responded or not supplied relevant information to this investigation, have been treated as non-cooperating interested parties.
- l. The Authority issued an Economic Interest Questionnaire to all the known producers and exporters, importers, and the applicant. The economic interest questionnaire was also shared with the administrative line ministry. Only the applicant has filed the economic interest questionnaire. No other interested party has filed an economic interest questionnaire.
- m. The Authority had received letters from Gujarat Seed Industry Association, Seedsmen Association, Seed Industries Association of Maharashtra requesting to terminate the subject investigation. Their submissions have been considered in the present final findings.
- n. The period of investigation (POI) for the purpose of present investigation is 1st January 2023 to 31st December 2023 (12 months). The injury analysis period covers 2020-21, 2021-22, 2022-23 and the period of investigation.
- o. The interested parties were granted an opportunity to present their comments on the scope of the PUC and propose PCNs, if required, within a period of 30 days from the date of the initiation of the investigation. Subsequently, a meeting was held on 14th August 2024 to discuss the scope of the PUC and the PCN methodology.
- p. Based on the submissions received from the interested parties, the scope of the product under consideration and the PCN methodology for the investigation was notified on 18th October 2024.
- q. A list of all the interested parties was uploaded on the DGTR website along with the request therein to all of them to email the non-confidential version of their submissions to all the other interested parties.
- r. In accordance with Rule 6(6) of the Rules, the Authority provided an opportunity for the interested parties to present their views orally in a public hearing held on 7th February 2025 in hybrid mode. The parties who presented their views in the oral hearing were requested to file written submissions of the views expressed orally, followed by rejoinder submissions, if any.
- s. The information provided by the interested parties on a confidential basis was examined with regard to the sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted and such information has been considered as confidential and not disclosed to the other interested parties. Wherever possible, parties providing information on a confidential basis were directed to provide sufficient non-confidential versions of the information filed on a confidential basis.

- t. A request was made to the DG System to provide transaction-wise details of the imports of the subject goods for the injury period including the period of investigation. The same was received by the Authority and has been considered in this final findings.
- u. The Authority conducted the verification of the information provided by the applicant and other interested parties to the extent considered necessary for the purposes of the present investigation.
- v. The non-injurious price (hereinafter referred to as the 'NIP') has been determined based on the cost of production and reasonable profits of the subject goods in India, based on the information furnished by the applicant on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the AD Rules, 1995 so as to ascertain whether anti-dumping duties lower than the dumping margin would be sufficient to remove injury to the domestic industry.
- w. The Authority circulated the disclosure statement containing all essential facts under consideration for making the final recommendations to the Central Government to all interested parties on 13 April 2025. The Authority has examined all the post-disclosure comments made by the interested parties in these final findings to the extent deemed relevant. Any submission which was merely a reproduction of the previous submission and which had been adequately examined by the Authority has not been repeated for the sake of brevity.
- x. The Authority has considered all the arguments raised and information provided by all the interested parties to the extent the same is supported with evidence and considered relevant to the present investigation.
- y. "****" in this final findings represents information furnished by an interested party on a confidential basis and so considered by the Authority under the Rules.
- z. The exchange rate adopted by the Authority for the subject investigation is 1 US\$=Rs. 83.52.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

4. At the stage of initiation, the product under consideration was defined as under:

"3. The product under consideration in the present investigation is Thiram in any form including its technical and formulation form.

4. Thiram is used as a fungicide to prevent crop damage in the field and to prevent crops from deterioration in storage or transport. Thiram is also used as a seed, nut, fruit, and mushroom disinfectant from a variety of fungal diseases. In addition, it is used as an animal repellent to protect fruit trees and ornamentals from damage by rabbits, rodents, and deer. Thiram has been used in the treatment of human scabies, as a sunscreen, and as a bactericide applied directly to the skin or incorporated into soap.

5. The product under consideration is classified under Chapter 38 of the Customs Tariff Act, 1975 under heading 3808 92 30 of the Tariff Classification. The product under consideration has a dedicated classification. The customs classification is only indicative and the same is not binding on the scope of the investigation."

C.1 Submission of the other interested parties

5. The other interested parties have made the following submissions with regard to the scope of product under consideration and like article.
- a. Thiram Formulation should be excluded from the scope of the product under consideration.
 - b. Thiram formulation is neither imported nor importable into India and goods which are not imported cannot be included in the scope. Besides, the provisions of circumvention cannot be invoked as they are applicable only when the duties are imposed.
 - c. The import of formulation requires a specific license. There is not a single license for the entire formulation category.
 - d. None of the Indian importers nor other foreign suppliers (including European suppliers) have CIBRC registration for Thiram Formulation.
 - e. Obtaining license is a costly and time-intensive process spanning 3 to 4 years. This includes submitting test reports across two seasons over two years, with final product approval contingent upon CIBRC's rigorous evaluation and decision, often specific to the intended seed.
 - f. To project that users of Thiram technical will shift to Thiram Formulation if duties are imposed on Thiram Technical is misleading.
 - g. Thiram technical and formulation cannot be considered as like article in terms of Rule 2(d) of the Rules as they are not technically and commercially substitutable.
 - h. Thiram Technical is pure, active and cannot be used on the seeds directly. Thiram Formulation has good surfactants and upon approval of CBIC is allowed to be sold/manufacture in India. It is available in a variety of formulations i.e. WS, DS, FS and FF.
 - i. Formulation is conversion of Technical into a suitable lower concentration product and it costs minimum 15% for Powder Formulation and more than 40% for Formulation of FS formulation, as it requires grinding through dyno mills, chilling process, manpower, surfactants and carriers.
 - j. In the panel report adopted by the Committee on Subsidies and Countervailing Measures on 28 April 1992 - Concerning Wine and Grape Products - United States - Definition of Industry, it was concluded that since two separate industries existed for wine-grape growers and wineries, therefore, both cannot be said to be of same industry. Same principle should be applied here.

- k. The applicant has relied on the combined investigation of Hot and Cold Rolled products ignoring the fact that separate investigations for these products were also conducted and concluded. Decisions by quasi-judicial bodies are binding only on the specific parties involved in the original case.
- l. Since the respondent was not party to any of the previous investigations cited by the applicant industry, there had been no occasion for the Authority to deal with or address the issues raised herein.
- m. The applicant has withheld critical information relating to purchase of imported subject goods from respondent during the injury investigation period, requirement of registration of Thiram Formulation with CIBRC and currently no foreign supplier has license to export Thiram formulation to India.
- n. Amisulbrom, Azoxystrobin, Aureofungin, Bitertano, Captan etc. are some of the substitutes which can replace Thiram in the domestic market.

C.2 Submission of the applicant

- 6. The applicant has submitted as follows with regards to the scope of the product under consideration and like article:
 - a. Thiram in formulation form is not imported from the European Union currently. Due to high water content, transporting thiram in formulation form is commercially unviable due to higher shipping costs. Only thiram in technical form is imported from the European Union.
 - b. Thiram technical can be converted into lower concentration (formulation) by incurring an incremental cost in the region to 9-10%.
 - c. In case formulation is kept outside the scope of the measures, import price of formulation shall become lower than the price of technical after imposition of anti-dumping.
 - d. The product produced by the applicant and imports from the subject country share similar characteristics, manufacturing processes, and uses, making them commercially interchangeable.
 - e. Thiram technical is the concentrated form of the chemical compound, which is used as the base to prepare formulation. Thiram formulation is ready-to-use product that contains thiram as the active ingredient, but in a diluted or prepared form for application.
 - f. There is no specific provision in the WTO Anti-Dumping Agreement which provides for the parameters for determination of the product under consideration.
 - g. Thiram does not have independent use and must be compulsory processed into formulation.
 - h. Converting thiram to formulation involves simple dilution with low-cost solvents like China clay, S.C.M.C., SUNISPERSE, making it a minor incremental process. In the total raw material cost of formulation, cost of technical alone amounts to 90-95%.

- i. While average production hours of 1 MT of thiram is *** hrs, time in case of formulation is only *** hrs.
- j. The per unit investment in case of technical is more than Rs *** per MT while the per unit investment in case of formulation is in the region of Rs *** per MT.
- k. If the cost of other raw materials purchased from the market is excluded, cost of technical alone is around 90% of the cost of formulation. Value addition between technical to formulation is 0-10%.
- l. All forms of thiram must be included under the scope; otherwise, imports will shift from the technical form to the formulation.
- m. The major producer in European Union can supply both the forms of the product under consideration and therefore, inclusion of both is required.
- n. In various past investigations, the Authority has included both the product under consideration and its intermediate or further processed forms inside the same scope.
- o. Various authorities globally include wide range of products inside the scope of the product under consideration. The USITC expanded the scope of its investigation into imports of 2,4-D to include all herbicides containing 2,4-D, covering around 1,500 products made from 2,4-D.
- p. In the investigations for CVP-23 and Phthalocyanine pigments, US and China have included both the intermediate and finished forms of products in the scope of the product under consideration despite no direct exports of these intermediates.
- q. The imports of the product fall under free category. If user or importer can obtain a license for technical, it can very well obtain license for formulation.
- r. The other interested parties have not shown that obtaining a license for technical is impossible.
- s. The fact that the formulator has an extensive product portfolio demonstrates that formulation is neither a complex technology nor a significant process but merely converting a technical form to formulation form so that it can be used by the consumers.
- t. If technical and formulation have different licensing requirements, it does not mean that the product is different.
- u. Formulation is required to be included in any case for injury analysis, as imports of technical form have caused damage to formulation. It is the injury suffered in formulation which has in turn impacted technical.
- v. The price of the product under consideration is much lower than the other “substitutes” available in market. The interested party has not established that these products are technical and commercial substitutes to the product under consideration.
- w. Products which have been claimed as “substitutes” command significant higher prices than thiram formulations. Some products have been claimed as “substitutes” but it is the understanding of the applicant that there is no manufacturer of these products.

C.3 Examination by the Authority

7. At the time of initiation, the product under consideration was considered “Thiram in any form including its technical and formulation form”.
8. It is noted that Thiram is widely employed as a fungicide to prevent crop damage. Thiram is also used as a seed, nut, fruit, and mushroom disinfectant from a variety of fungal diseases. In addition, it is used as an animal repellent to protect fruit trees and ornamentals from damage by rabbits, rodents, and deer. Thiram has been used in the treatment of human scabies, as a sunscreen, and as a bactericide applied directly to the skin or incorporated into soap.
9. The product under consideration is classified under Chapter 38 of the Customs Tariff Act, 1975 under heading 3808 92 30 of the Tariff Classification. The product under consideration has a dedicated classification. The customs classification is only indicative and the same is not binding on the scope of the investigation.
10. The Authority invited comments from the interested parties on the proposed PCN methodology and scope of the product under consideration. Thereafter, the Authority held a meeting with all interested parties on 14th August 2024 to finalize the PCN methodology and the scope of the PUC.
11. The Authority after considering submissions made by all interested parties notified the following PCN codes vide notice dated 18th October 2024.

SN	PCN parameter	PCN Code
1	Thiram technical	‘TT’
2	Thiram formulation	‘TF’

12. The interested parties have objected to the inclusion of thiram formulation within the scope of the present investigation, primarily on the grounds that it has not been imported from the European Union and it cannot be imported due to regulatory requirements in India.
13. The Authority finds it pertinent to highlight that the scope of the ‘product concerned’ directly influences the objectives and effectiveness of the investigation. An overly broad product scope may lead to unwarranted protection and introduce unnecessary complexities into the investigative process. Conversely, an overly narrow scope may fall short of addressing the issue of injurious dumping in the domestic market and could result in ongoing injury, as importers or users may circumvent the imposed remedies. Considering these objectives, the Authority would now address the key issues involved as under.

14. Technical Characteristics, Application and Nexus between Technical and Formulation form of the product:- It is undisputed that the essential technical characteristics of the product are inherent in its technical form. However, the technical form alone has no direct use or application and cannot fulfill its intended function without being transformed into a formulation. While the technical form embodies the core technical properties, it is the formulation that delivers the intended functional performance. The technical form is not usable in itself; its sole purpose is to be converted into a formulation.
15. Incremental or distinct manufacturing process-The production of the technical form involves significant technological input, including plant and equipment, investment, skilled labor, and production expertise. On the other hand, converting thiram technical into a formulation primarily involves a simple dilution process using solvents. Thus, the process of conversion from Technical to Formulation is considered incremental and the exclusion of Formulation form from the PUC undermines the objective of a trade remedy measure.
16. Importability: -The interested parties have contended that formulation form of the product is neither imported nor importable. The fact that import of formulation might involve higher transportation cost does not imply that it is not importable. The possibility of importation of formulation from the subject country cannot be ruled out. Exclusion of formulation from the purview of levy of anti-dumping duty may lead to direct export of formulation from the subject country, thereby nullifying the very purpose of entire exercise of providing remedy to the domestic industry against dumping of the product.
17. Licensing: -As regards requirement of a specific license for imports, the authority notes that mere requirement of a license does not imply that the product cannot be imported or may not be imported in future. Licensing requirements and norms are subject to change and are independent of trade remedy actions. The Authority does not consider it appropriate to take them into account for the investigation.
18. In view of the above, the Authority concludes that the scope of product under consideration in the present investigation is Thiram in any form including technical and formulation form.
19. The product under consideration produced by the Indian industry and imported from the subject country 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 and consumers can use them interchangeably. It is concluded that the goods produced by the applicant is like article to the product under consideration imported from the subject country.

D. SCOPE OF DOMESTIC INDUSTRY AND STANDING

D.1 Submission made by the other interested parties

20. The other interested parties have submitted as follows with regards to the scope of the domestic industry and standing:
- a. The applicant has been involved in purchasing imported Thiram Technical during the period of investigation.

D.2 Submission made by the domestic industry

21. The applicant have submitted as follows with regards to the scope of the domestic industry and standing:
- a. The applicant had purchased thiram in technical form in past from the domestic market due to shortage of supply of raw material.
 - b. The applicant has made no purchases in the period of investigation.
 - c. The applicant alone constitutes 70% share in total Indian production. The applicant along with the supporters constitute entire production in India.
 - d. There are other producers of formulation, but these producers cannot be considered for ascertaining total Indian production. These formulators are importing one form of product under consideration and processing it to make another form.
 - e. The imports and production of technical are already included in calculation of demand. Considering production of these entities will lead to double accounting.
 - f. Since these parties have imported the product under consideration, they cannot be considered as eligible domestic industry. Conversion of technical to Formulation is a small incremental process with a value addition of around 10%.
 - g. Since the major manufacturing process and the investment are required at the stage of technical, it is essential for a producer to produce technical to be considered as eligible domestic producer.

D.3 Examination by the Authority

22. Rule 2(b) of the Anti-Dumping Rules defines domestic industry as under:

“(b) "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 such case the term 'domestic industry' may be constructed as referring to the rest of the producers.”

23. The present application has been filed by Swarup Chemicals Private Limited. The Authority notes that apart from the applicant, there are two other producers of the subject goods in India i.e. Ambachem Industries and Sudama Chemtech Pvt. Ltd. who have supported the application as well. It is noted that these two domestic producers are

producing thiram both in technical and formulation form. Further, there are other domestic producers of subject goods which produce thiram in formulation form only.

24. The Authority considers that producers who do not have the manufacturing facilities for production of thiram technical and are engaged in merely converting technical into formulation form cannot be considered domestic industry within the meaning of Rule 2(b) for the reason that the product under consideration in the present investigation includes both the technical and formulation form and these producers have procured one form of the product under consideration and merely converted it to another form. Technical and formulation are merely two forms of the same product with major investment, production technology, manufacturing activities, plant & equipment, employment, raw materials, production skills involved in production of technical form. It is, therefore, essential for the domestic producers to be a manufacturer of technical form in order to be treated as an eligible domestic industry. The producers of formulation form of the product under consideration are procuring technical from either the producers of thiram technical in India or have imported it from the subject country. Since inclusion of such entities would lead to double counting, they have not been included in determination of Indian production and consequently standing.
25. On the submission of the other interested parties that the applicant has imported the product under consideration, Authority has examined the transaction wise import data and found that there are no imports of the product made by the applicant. The applicant has provided a clarification that it had purchased technical thiram from the domestic market prior to the period of investigation. The applicant has provided sufficient reason for the purchases made by it. There are no purchases in the period of investigation.
26. The table below shows the production of the applicant and the supporters (of only Technical Thiram).

SN	Particular	UOM	2020-21	2021-22	2022-23	POI
1	Swarup Chemicals Private Limited	MT	***	***	***	***
	Supporters					
2	Ambachem Industries	MT	***	***	***	***
3	Sudama Chemtech Pvt. Ltd.	MT	***	***	***	***
4	Total Production	MT	327	321	590	485

27. The applicant alone constitutes 70% share in total Indian production. In view of the above, considering the provisions of Rule 2(b) and facts of the case, the Authority concludes that the applicant accounts for a major proportion of the total domestic production of the subject goods. The Authority concludes that the applicant constitutes domestic industry within the meaning of the Rule 2 (b) and satisfy the criteria of standing in terms of Rule 5 (3) of the Rules.

E. CONFIDENTIALITY

E.1 Submission made by the other interested parties

28. The other interested parties have submitted as follows with regards to confidentiality:
- a. The respondent has given the non-confidential version in accordance with the confidentiality claim accepted by the Authority.
 - b. In any case, most of the information highlighted by the applicant industry is business sensitive and therefore always allowed to be claimed as confidential.
 - c. The applicant industry claimed their costing and pricing information as confidential.

E.2 Submission made by the applicant

29. The applicant has submitted as follows with regards to confidentiality:
- a. The respondent fails to adhere to the Trade Notice 10/2018. Information relating to cost, product, substitute of PUC and quantification of impact has been claimed confidential without providing any reasonable ground.
 - b. Annexures 1-5 and Exhibit 3 of the user questionnaire response have been claimed as completely confidential.
 - c. The user response is grossly deficient as the user has repeated the same exhibit five times in the response. Certain exhibits are also missing from the response.
 - d. The user has alleged that there is another factor which could have caused injury to the industry but the same has been claimed confidential.

E.3 Examination by the Authority

30. The Authority made available non-confidential version of the information provided by various interested parties to all interested parties as per Rule 6(7) and Trade Notice 10/2018 dated 7th September 2018 read with Trade Notice 01/2020 (as extended by the Authority till further notice).
31. With regard to confidentiality of information, Rule 7 of Anti-dumping Rules provides as follows:

“Confidential information: (1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule(2) of rule 12, sub-rule(4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.”

(2) The designated authority may require the parties providing information on a confidential basis to furnish a non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible to summary, such party may submit to the designated authority a statement of reasons why summarization is not possible.

(3) Notwithstanding anything contained in sub-rule (2), if the designated authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in a generalized or summary form, it may disregard such information."

32. The submissions made by the applicant and the other interested parties concerning confidentiality, to the extent considered relevant, were examined by the Authority and addressed accordingly. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted, and such information has been considered confidential and not disclosed to the other interested parties. Wherever possible, parties providing information on a confidential basis were directed to provide sufficient non-confidential versions of the information filed on a confidential basis. The Authority also notes that all the interested parties have claimed their business-related sensitive information as confidential.

F. DETERMINATION OF NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

F.1 Submissions made by other interested parties

33. The other interested parties have not made submissions with regard to normal value, export price and dumping margin.

F.2 Submission made by the applicant

34. The applicant has made the following submissions with regard to normal value, export price and dumping margin:
- i. Despite the margins claimed by the applicant, the European producer has not participated in the present investigation.
 - ii. The absence of response indicates that the actual normal value in the European market is far higher than the normal value claimed by the applicant.
 - iii. Thiram Formulation has been banned in various countries. The European Commission by implementing regulation (EU) 2018/1500 of 9 October 2018 prohibited the use of thiram. Further, the Commission also prohibited the usage of seeds treated with plant protection products containing thiram. Thiram is only approved under Regulation (EU) No 528/2012 of the European Parliament and of the Council (17) for use in biocidal products. As a result, the European producers

are now faced with surplus capacities and are exporting the product to other countries at extremely low prices.

F.3 Examination by the Authority

F.3.1 Normal value for the European Union

35. The Authority has noted all the arguments of the interested parties and has examined all relevant aspects of the submissions as under.
36. Under Section 9A(1)(c) of the Act, normal value in relation to an article means:

“the comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either-

(a) comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or

(b) the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6):

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transhipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.”

37. The Authority sent questionnaires to the known producers/exporters in the subject country, advising them to provide information in the form and manner prescribed by the Authority. The Authority notes that none of the producers/exporters from European Union has participated in the present investigation. The Authority has determined normal value at ex-factory level on the basis of facts available in terms of Rule 6(8) of the AD Rules, 1995. The normal value so calculated is provided in the dumping margin table below.

F.3.2 Export Price for the European Union

38. In the absence of cooperation from any producer of the subject country, the Authority has determined the net export price based on the facts available in terms of Rule 6(8) of the AD Rules, 1995 and is provided in the dumping margin table below.

F.3.3 Dumping margin

39. Considering the normal value and the export price determined as explained above, the dumping margin is calculated and shown below.

SN	Particulars	Normal value	Net export price	Dumping margin		
		USD/MT	USD/MT	USD/MT	%	Range
1	Any producer	***	***	***	***	40-50

G. ASSESSMENT OF INJURY

G.1 Submissions made by other interested parties

40. The following submissions have been made by the other interested parties with regards to injury and causal link:
- a. The volume of the allegedly dumped imports from the EU have decreased by 8% in absolute terms between 2020 and 2023.
 - b. Imports from the EU have also decreased relative to the applicant's production (-32 index points) and relative to domestic consumption (-8 index points) over the same period.
 - c. The market share of imports decreased by 14 index points during the period considered, while the market share of the applicant increased significantly (+223 index points).
 - d. The applicant was able to increase the sales price by 11 index points between 2020 and 2023. Therefore, it is difficult to argue that import prices had a depressive effect on domestic prices.
 - e. Capacity remained stable throughout the period concerned while capacity utilisation and production increased by 16 index points between 2020 and 2023, and market share increased by 223%.
 - f. Domestic sales increased by 16 index points and domestic selling price increased by 11 index points; employment remained stable, and wages increased during the injury period (+34 index points).
 - g. The demand for the product concerned is remarkably stable. It increases by 4 index points in 2021-22 period, decreases by 2 index points the following year and then reaches the same level in the POI as in the base year (100 index points).
 - h. In last 11 years, gradually imports are increasing, due to increased awareness of this product and its efficiency.

- i. Imports are increasing at normal growth rate. The applicant industry has skipped import figures for 2018-19 and 2019-20 to create bias with the Authority about increased imports from the subject country.
- j. The applicant has misrepresented its production capacity, market share, and cost structures in the anti-dumping petition.
- k. The applicant has inflated its cost data by including costs associated with the formulation process in the cost of Thiram Technical, leading to an inaccurate portrayal of injury.
- l. The consolidation of injury data presented by the domestic industry lacks transparency and fails to account for key parameters such as market segmentation, regional demand variations, and differences in product types.
- m. The domestic industry has not provided adequate justification for the methodology used in its injury analysis, particularly concerning the consolidation of data from different product types and the calculation of profit margins and capacity utilization rates.

G.2 Submissions made by the applicant

41. The following submissions have been made by the domestic industry with regard to injury and causal link:
- a. The European Commission by implementing regulation (EU) 2018/1500 of 9 October 2018 prohibited the use of thiram. As a result, the European producers are now faced with surplus capacities and are exporting the product to other countries at extremely low prices.
 - b. Due to the restrictions imposed in European Union, low priced imports started entering the domestic market which led to significant decline in the performance of the applicant.
 - c. Since the primary product being produced is thiram technical, the entire data has been presented in terms of equivalent of thiram technical. There are no imports of thiram formulation.
 - d. The applicant has provided segregated costing as well as injury information for both formulation and technical.
 - e. The demand for the product increased in 2021-22, further increased in the year 2022-23, but declined marginally in the period of investigation.
 - f. The imports from the subject country declined till 2022-23 but have increased again in the period of investigation. The imports increased despite a decline in the demand.
 - g. While the applicant alone could have catered to the entire demand in the country, its share in the period of investigation was less than 27%.
 - h. The volume of imports from European Union have increased sharply in the post period of investigation period almost by 35%.
 - i. The imports from European Union in the post period of investigation have increased with a sharp decline in the import price.
 - j. The imports in relation to production increased in 2021-22, declined in 2022-23 but have increased again in the period of investigation.

- k. The imports in relation to consumption declined in 2021-22 and have remained at almost same level in the period of investigation.
- l. The landed price of the subject goods has been far below the selling price of the applicant consistently over the entire injury period. This has resulted in positive price undercutting despite the applicant selling the product at losses.
- m. The landed price of imports has been continuously below the cost of sales of the applicant.
- n. The prices of the domestic industry have remained depressed in the period of investigation.
- o. The capacity utilisation declined in 2021-22, increased in 2022-23 but has declined in the period of investigation. Even though the applicant has suffered losses with respect to its domestic sales, imports continue to prevent optimum capacity utilization.
- p. The domestic sales of the applicant have increased over the injury period. However, the applicant has been able to sell only because it sold at losses.
- q. The inventory with the applicant has increased over the injury period.
- r. The applicant has been able to meet only 27% of the Indian demand. Further, the market share of the Indian industry as a whole is also only around 40%.
- s. The applicant has been in losses over the entire injury period with only exception in 2022-2023.
- t. The profit before interest and tax improved in 2021-22, turned negative in 2022-23 and then declined steeply in the period of investigation.
- u. The volume and price parameters have remained far below the desired levels to such an extent that the applicant losses cumulated over the injury period are 1/3rd of the fixed assets deployed in the business.
- v. Since the applicant is finding it difficult to sell Thiram Technical in the domestic market, its production is impacted leading to high costs. This is leading to high costs for Thiram Formulation as well.
- w. The cash losses of the applicant have increased substantially and there is an acute shortage of cash flow in the business.

G.3 Examination By Authority

- 42. The Authority has taken note of the submissions made by the interested parties and has examined various parameters in accordance with the Rules after duly considering the submissions made by the interested parties. The injury analysis made by the Authority hereunder *ipso facto* addresses the various submissions made by the interested parties.
- 43. Rule 11 of the Rules read with Annexure II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on the domestic producers of such articles. In considering the effect of the dumped

imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article 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. For the examination of the impact of the dumped imports on the domestic industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Rules.

44. The applicant has provided segregated information on both technical and formulation form of the product. The volume for formulation has been provided at the level of equivalent of technical volume. The Authority has considered production and capacity utilization in respect of technical form since the primary production activity is in production of technical, and processing of technical into formulation is a mere incremental production process.
45. The applicant has sold both technical and formulation form in the domestic market, and market share of the domestic industry has been calculated considering both technical and formulation form of the product. The volume information of thiram formulation has been brought in equivalent to thiram technical using the actual per unit consumption norms of technical in production of formulation. Profits, cash profits, profit before interest and tax, return on investment and inventories have been considered by considering both the products. The following table represents the share of thiram technical in per unit of thiram formulation produced by the domestic industry.

SN	Concentration	2020-21	2021-22	2022-23	POI
1	Total thiram technical consumption in formulation	***	***	***	***
2	Total thiram formulation production (Actual)	***	***	***	***
3	Proportion of thiram technical per unit of formulation	***	***	***	***

46. On the submission that the domestic industry has included formulation in order to show higher losses, it is seen that the domestic industry has suffered losses in both technical and formulation form of the product, and therefore, the contention that formulation has been included to escalate the losses is incorrect. Further, on the submission that the cost of technical has been inflated by including costs associated with the formulation process, the Authority has verified the data provided by the domestic industry. The Authority has satisfied itself that such records are in accordance with the generally accepted accounting

principles and reasonably reflect the costs associated with the production and sale of the product under consideration

47. The submissions made by interested parties with regard to injury and causal link which have been considered relevant by the Authority are examined and addressed as under.

a. Assessment of Demand/ Apparent Consumption

48. The Authority has determined the demand or apparent consumption of the product in India as the sum of domestic sales of the applicant, actual sales of supporters and the import from all sources. The domestic sales of the applicant and supporters have been considered as equivalent of technical form. The other suppliers of the formulation are producing formulation either from the imported or domestically sold technical. If the sales of the formulation of these entities are included, it would lead to double accounting. Therefore, formulation sales of these producers have not been considered.

SN	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	Sales of the domestic industry	MT	***	***	***	***
	Trend	Index	100	81	117	114
2	Sales of supporter	MT	***	***	***	***
	Trend	Index	100	251	259	191
3	Subject country import	MT	935	827	864	810
4	Other countries import	MT	-	-	-	-
5	Total demand	MT	1318	1253	1408	1,298
	Trend	Index	100	95	107	98

49. It can be seen that the demand for the product declined in 2021-22, further increased in 2022-23, but declined again in the period of investigation.

b. Volume effect of dumped imports

50. With regards to the volume of dumped imports, the Authority is required to consider whether there has been a significant increase in the dumped imports, either in absolute terms or relative to production or consumption in India. The table below shows the volume of imports from the subject country.

SN	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	Subject imports	MT	935	827	864	810
2	Other imports	MT	-	-	-	-
3	Total imports	MT	935	827	864	810
4	Subject country import in relation to					
A	Indian Production	%	144%	125%	82%	93%
	Trend	Index	100	86	57	64
B	Indian Demand	%	71%	65%	60%	62%
	Trend	Index	100	92	85	88
C	Total Imports	%	100%	100%	100%	100%

51. The imports from the subject country declined in 2021-22, increased marginally in 2022-23 but have declined again in the period of investigation. It is seen that the imports in relation to production and demand declined in 2021-22, further, declined in 2022-23 but increased again in the period of investigation. The imports maintain a significant proportion of domestic production and demand.

c. Price effect of dumped imports

52. With regard to the effect of the dumped imports on the prices, it is required to be analyzed whether there has been a significant price undercutting by the dumped imports as compared to the price of the like products in India, or whether the effect of such imports is otherwise to depress the prices or prevent the price increase, which otherwise would have occurred in the normal course. Further, the Authority is required to consider the impact of the dumped imports on the prices of the domestic industry by examining price suppression/ depression effects, if any.

i. Price undercutting

53. The Authority had notified the thiram technical and thiram formulation as two PCNs. Since PCNs have been adopted, PCN wise undercutting has been determined. There are no imports of thiram formulation and therefore, undercutting has been determined only for thiram technical.

54. The table below shows price undercutting over the period of investigation.

SN	Particulars	UOM	POI
1	Selling price	₹/MT	***
2	Landed price	₹/MT	***
3	Price undercutting	₹/MT	***
4	Price undercutting	%	***
5	Price undercutting	Range	15-25%

55. It is seen that the landed price of the imports is far below the selling price of the applicant resulting in positive price undercutting despite the applicant selling the product at losses.

56. The Authority has also examined the importer's data which shows a significant volume of imports from***, an exporter that has not cooperated in the investigation. The CIF price of these imports Rs *** per MT (Landed price Rs ***) is substantially lower than the domestic purchase price Rs *** per MT, confirming price undercutting. The Authority also notes that the importer itself is procuring from both foreign and domestic sources, but the volume of imports is far higher than purchases from the domestic industry [*** MT vs. ***MT], confirming the preferential sourcing from cheaper dumped imports.

ii. Price suppression and depression

57. The table below shows the information on changes in cost and selling price of **thiram technical**.

SN	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	Cost of sales	Rs/MT	***	***	***	***
2	Change	Rs/MT		(***)	***	(***)
3	Trend	Indexed	100	85	120	112
4	Selling price	Rs/MT	***	***	***	***
5	Change	Rs/MT		***	(***)	(***)
6	Trend	Indexed	100	150	137	134

- i. The data shows that in 2021–22, the selling price of Thiram Technical ₹***/MT exceeded its cost of sales ₹***/MT, resulting in a profitable year for the domestic industry. However, in subsequent years, this trend reversed.
- ii. In 2022–23, the cost rose sharply to ₹***/MT, while the selling price fell to ₹***/MT.
- iii. In the Period of Investigation (POI), the cost remained high at ₹***/MT, while the selling price further declined to ₹***/MT.
- iv. This trend indicates that while the domestic industry was able to cover its costs and earn profits in 2021–22, it experienced significant price suppression and depression in 2022–23 and POI, when increasing costs could not be matched with proportional increases in prices.

58. The table below shows the information on changes in cost and selling price of **thiram formulation**.

S N	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	Cost of sales	Rs/MT	***	***	***	***
2	Change	Rs/MT		***	***	***
3	Trend	Indexed	100	114	128	139
4	Selling price	Rs/MT	***	***	***	***
5	Change	Rs/MT		***	(***)	(***)
6	Trend	Indexed	100	129	122	118

A similar trend is observed in Thiram Formulation:

- i. The domestic industry earned some profits in 2020-21.
- ii. Further, in 2021–22, the selling price ₹***/MT was well above the cost of sales ₹***/MT, indicating a period of profitability.
- iii. However, in 2022–23, the cost rose to ₹***/MT, while the price dropped to ₹***/MT.
- iv. In the POI, while the cost increased further to ₹***/MT, the selling price declined to ₹***/MT, falling below cost.

- v. The analysis shows that the price suppression and depression were not constant throughout the injury period. The domestic industry earned profits in 2020-21 & 2021-22, but the inability to maintain price levels thereafter, particularly in the POI, demonstrates inability to raise prices in line with costs and actual decline in prices during the latter part of the injury period indicating price suppression and depression in the POI.

d. Economic parameters

i. Capacity, production, capacity utilization and domestic sales

59. The table below shows the information on capacity, production, capacity utilization and domestic sales over the injury period.

SN	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	Installed capacity of technical	MT	***	***	***	***
	Trend	Index	100	100	100	100
2	Production of technical	MT	***	***	***	***
	Trend	Index	100	59	151	135
3	Capacity utilization of technical plant	%	***	***	***	***
	Trend	Index	100	59	151	135
4	Technical transferred to formulation	MT	***	***	***	***
	Trend	Index	100	29	119	118
5	Production of formulation (Equivalent of technical)	MT	***	***	***	***
	Trend	Index	100	70	106	95
6	Domestic sales of technical	MT	***	***	***	***
	Trend	Index	100	213	304	323
7	Domestic sales of formulation (Equivalent of technical)	MT	***	***	***	***
	Trend	Index	100	65	95	89
8	Total sales	MT	***	***	***	***
	Trend	Index	100	81	117	114

60. It is seen that the applicant alone has capacity sufficient to cater the entire demand in the country. The capacity has remained constant over the injury period. It is also seen that the production of the applicant declined in 2021-22, increased in 2022-23 but has declined in the period of investigation.
61. The capacity utilization declined in 2021-22, increased in 2022-23 but has declined again in the period of investigation. The capacity utilization of the applicant is abysmally low. The domestic sales of the domestic industry declined in 2021-22, increased in 2022-23 and declined in the period of investigation.

ii. Market share

62. The information on the market share of different entities is given below: -

SN	Market share of	UOM	2020-21	2021-22	2022-23	POI
1	Domestic industry	%	***	***	***	***
	Trend	Index	100	85	109	115
2	Supporter	%	***	***	***	***
	Trend	Index	100	264	243	194
3	Indian industry	%	29%	34%	39%	38%
	Trend	Index	100	117	133	130
3	Subject country import	%	71%	66	61	62%
	Trend	Index	100	93	86	88

63. The market share of the domestic industry declined in 2021-22, increased in 2022-23 but has declined again in the period of investigation. The market share of the Indian industry increased till 2022-23 but has declined in the period of investigation. The market share of the imports declined till 2022-23 but has increased again the period of investigation. The Indian industry has sufficient capacity to cater the entire demand in the country but the Indian industry's share has reached a maximum of 40% during the injury period.

iii. Inventories

64. The inventory position with the domestic industry over the injury period is given in the table below:

SN	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	Opening inventory	MT	***	***	***	***
2	Closing inventory	MT	***	***	***	***
3	Average inventory	MT	***	***	***	***
4	Trend	Index	100	97	97	125

65. It is seen that the inventory with the domestic declined up to 2022-23 but has increased in the period of investigation.

iv. Profitability, cash profit and return on capital employed

66. The performance of the domestic industry has been examined in respect of profitability, profits, cash profits, PBIT, and return on investment.

SN	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	Profit/(Loss)	₹/MT	***	***	***	***
	Trend	Index	100	572	-115	-352
2	Profit/(Loss)	₹ Lacs	***	***	***	***
	Trend	Index	100	461	-135	-400
3	PBIT	₹ Lacs	***	***	***	***
	Trend	Index	100	224	23	-53

4	Cash Profit	₹ Lacs	***	***	***	***
	Trend	Index	100	389	-27	-222
5	ROCE	%	***	***	***	***
	Trend	Index	100	176	16	-37

67. It is seen that the domestic industry was in profits in the 2020-21. The performance improved in the 2021-22 when the import volume declined. As the imports increased in 2022-23, the profitability declined and the domestic industry suffered losses. The situation has intensified in the period of investigation as the losses have increased sharply.
68. It is also seen that while the domestic industry recorded cash profits till 2021-22, it has suffered cash losses in 2022-23 which have increased in the period of investigation. The domestic industry had positive return on capital employed till 2022-23 but it has turned negative in the period of investigation.
69. The Authority considers that the fact that the domestic industry has suffered cash losses and negative return on capital employed shows that the losses suffered are not due to any idle capacity.
- v. Employment, wages and productivity
70. Employment, wages and productivity of the domestic industry over the injury period are given in the table below:

SN	Particulars	UOM	2020-21	2021-22	2022-23	POI
1	No of employees	Nos	***	***	***	***
	Trend	Index	100	104	98	100
2	Salary & Wages	₹ Lacs	***	***	***	***
	Trend	Index	100	106	120	132
3	Productivity per day	MT/Days	***	***	***	***
	Trend	Index	100	65	128	115
4	Productivity per employee	MT/Nos	***	***	***	***
	Trend	Index	100	62	130	115

71. It is seen that the number of employees has remained at almost same level in the injury period. The salary and wages have increased over the injury period. The productivity declined in 2021-22 but has improved in 2022-23 and further declined in the period of investigation.
- vi. Growth
72. The growth of the domestic industry in terms of capacity, production, domestic sales volume, PBT, PBIT, cash profits and the return on capital employed is as per given table below:

SN	Particulars	Unit	2021-22	2022-23	POI
1	Production	Y/Y	-41%	155%	-10%
2	Sales	Y/Y	-19%	45%	-2%
3	Market share	Y/Y	-10%	27%	-1%
4	Profit/loss	Y/Y	361%	-120%	-205%
5	Cash profit	Y/Y	289%	-107%	-735%
6	ROCE	Y/Y	76%	-91%	-335%
7	Inventory	Y/Y	-3%	1%	29%

73. It is seen that the domestic industry has recorded a negative growth in all the parameters in the period of investigation.

vii. Magnitude of dumping

74. The magnitude of dumping is an indicator of the extent to which the imports are being dumped into India. The investigation has shown that the dumping margin is positive and significant in the period of investigation.

viii. Ability to raise capital investment

75. The applicant has experienced substantial negative growth across price indicators. The parameters have remained well below the expected levels, resulting in losses. Due to underutilization of its current production capacity and ongoing financial losses, the applicant's ability to raise capital investment has been adversely affected.

ix. Factors affecting domestic prices

76. As outlined above, the applicant has been unable to sell at profitable prices. The dumped imports are undercutting the applicant's pricing, forcing them to sell below their production cost. Consequently, these imports have prevented the applicant from setting prices necessary to sustain its business operations.

H. NON-ATRIBUTION ANALYSIS

77. As per the Rules, the Authority, inter alia, is required to examine any known factors other than the dumped imports which are injuring or are likely to cause injury to the domestic industry, so that the injury caused by these other factors may not be attributed to the dumped imports. Factors which may be relevant in this respect include, inter alia, the volume and prices of imports not sold at dumped prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and the domestic producers, developments in technology and the export performance and the productivity of the domestic industry. It has been examined below whether the factors listed under the Rules could have contributed to the injury suffered by the domestic industry.

a. Volume and price of imports from third countries

78. It is seen that entire imports of the subject goods are entering India from the subject country. There are no imports from any other country in the period of investigation.

b. Contraction in demand

79. While the demand for the product has fluctuated slightly over the injury period, it has remained at broadly the same level. Therefore, a decline in demand cannot be a cause of injury.

c. Changes in the pattern of consumption

80. There has been no known material change in the pattern of consumption of the product under consideration.

d. Trade restrictive practices

81. No interested parties have produced any evidence relating to any known trade restrictive practice, which could have caused injury to the domestic industry.

e. Development of technology

82. The Authority notes that the technology for the production of the subject goods has not undergone any change. Hence, development in technology has not caused injury to the domestic industry.

f. Export performance

83. It is noted that the domestic industry has not exported the subject goods during the injury period. Therefore, export performance is not the cause of injury to the domestic industry.

g. Performance of other products

84. The Authority has considered data relating to the performance of the subject goods only. Therefore, the performance of the other products produced and sold by the domestic industry is not a possible cause of injury to the domestic industry.

I. MAGNITUDE OF INJURY MARGIN

85. The Authority has determined the non-injurious price for the domestic industry on the basis of principles laid down in the Rules read with Annexure III. The non-injurious price has been determined by adopting the information/data relating to the cost of production provided by the domestic industry. The non-injurious price has been compared with the landed price of the product under consideration from the subject country for calculating the injury margin. For determining the non-injurious price, the best utilization of the raw materials and utilities and the best utilization of production capacity has been considered. It is ensured that no extraordinary or nonrecurring expenses were charged to the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (i.e., average net fixed assets plus average working capital) for the PUC was allowed as pre-tax profit to arrive at the non-injurious price. The NIP so determined has been considered for calculating injury margin.

86. Based on the landed price and NIP determined as above, the injury margin for the producer/exporter as determined by the Authority is provided in the table below:

SN	Particulars	Non-injurious price	Landed price	Injury margin		
		USD/MT	USD/MT	USD/MT	%	Range
1	Any producer	***	***	***	***	25-35

J. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

J.1 Submissions of other interested parties

87. The following submissions have been made by the other interested parties with regards to public interest:
- a. Market potential of this product is huge as compared to the current demand in India. Therefore, the duties are not in the interest of Indian farmers.
 - b. To understand the impact on the farmers, it is essential to understand real requirements of seeds per acre. For example, around 3500 KGs of Potato seeds will be required per acre. This implies that cost of Thiram Formulation will be around Rs. 1750 per acre (3500*.50). Considering 20% anti-dumping duties on Thiram Formulation addition cost to farmers will be Rs. 350 per acre. As per the available information, minimum support price for Potato in Uttar Pradesh is Rs. 650 per 100 Kgs of potato.
 - c. As per the label demand of 34000 for the subject goods, the capacity with the applicant industry is very miniscule.
 - d. The duties would not be in public interest due to the fact that the subject goods are used as an essential commodity by farmers and therefore, any additional burden of duties will have very significant adverse impact on the large population.
 - e. While imposing the duties, the interest of downstream industry and ultimate users needs to be considered for the overall growth of the nation.
 - f. There are other viable substitutes available in the market. In case the price of formulation increases, the farmer will purchase other substitutes.
 - g. Thiram plays a key role in protecting seeds from soil. If anti-dumping duty is imposed, the farmers may ignore the use of thiram which will cause huge loss to crop yield.

J.2 Submissions of the domestic industry

88. The following submissions have been made by the domestic industry with regards to public interest:
- a. For crop protection, thiram is usually applied as a fungicide to prevent various fungal diseases. Farmers usually apply 1-2 litres of thiram per hectare. The impact of a 30% antidumping duty will be only 15 paisa on a seed packet of Rs 50 per kg. This fact has also been accepted by user industry and association during oral hearing.

- b. The applicant has not only sufficient capacity to meet the entire Indian demand during the period of investigation but become a global supplier.
- c. According to the domestic industry's estimates, around 35-40 kg of potatoes can be grown from 1 kilogram of seed potatoes. It may also be considered that thiram formulation as fungicide alone has very low application in potato seeds.
- d. The applicant being established in the same national territory as the consumers, will keep the consumer's interest in mind.
- e. Public interest does not limit itself to consumer industry's interest alone and is a much wider term, which covers in its ambit the interest of the applicant and the ultimate public at large.
- f. The imposition of the anti-dumping measures on imports of the product under consideration would be in the interest of the domestic producers and consumers.
- g. Anti-dumping duty is not a protection to the industry, but rather a remedial tool to bring fair market competition in the country.
- h. The users have not provided any evidence to demonstrate that the imposition of duty will lead to increase in cost.
- i. The purpose of anti-dumping law was well recognized, appreciated and stated by the Hon'ble Supreme Court in the matter of Reliance Industries Ltd. Versus Designated Authority [case number 2006 (202) E.L.T. 23 (S.C.)].

J.3 Examination by the Authority

- 89. The Authority considered whether imposition of the recommended anti-dumping duty will be against public interest. This determination is based on consideration of information on record and interests of various parties including the domestic industry, foreign producers and consumers.
- 90. The Authority issued gazette notification inviting views from all the interested parties, including importers, consumers and other interested parties. The Authority also prescribed a questionnaire for the users to provide the relevant information with regard to the present investigation, including possible effect of the anti-dumping duty on their operation. The Authority sought information on, inter-alia, interchangeability of the product supplied by the various suppliers from different countries, ability to switch sources, the effect of the anti-dumping duty on the consumers, the factors that are likely to accelerate or delay the adjustment to the new situation caused by the imposition of the anti-dumping duty.
- 91. The Authority notes that the purpose of anti-dumping duty, 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.

92. The Authority further notes that imposition of anti-dumping duty does not restrict imports. Imports will continue to happen at fair prices. Anti-dumping duty ensures that the imports are entering the Indian market at fair prices and a level playing field is maintained between the foreign exporters and the applicant.
93. The Authority prescribed an Economic Interest Questionnaire and invited submissions from all interested parties. Among the respondents, only the domestic industry submitted quantified information on the likely impact of the proposed anti-dumping duty on farmers in the questionnaire. The Authority notes the submission of the domestic industry that in the treatment of 1 kg of seed, only 2–2.5 grams of the product under consideration is used. At prevailing prices, the cost of 2 grams of Thiram is estimated at less than ₹0.50, and the imposition of an anti-dumping duty of 30% would raise the cost by approximately ₹0.15 per kg of seed. The other interested parties have not disputed the above contention of the domestic industry.
94. In its written submission, the importer has attempted to illustrate the impact of anti-dumping duties by citing an example related to potato cultivation. It has been submitted that the use of Thiram formulation for seed treatment would result in an additional cost of ₹350 per acre due to a 20% anti-dumping duty. However, the importer has not provided any supporting evidence or documentation to substantiate the agronomic assumptions used in its calculation—such as seed requirement per acre, Thiram dosage levels, or the treatment cost structure.
95. Accordingly, the Authority concludes that the imposition of anti-dumping duty would not materially affect the cost structure of farming operations. On the contrary, the duty is necessary to ensure the long-term availability of Thiram at fair prices, maintain the viability of domestic producers, reduce over-dependence on imports, and ensure supply stability for an essential agrochemical used in seed treatment. The Authority, therefore, finds that the proposed anti-dumping duty is not against public interest, and aligns with the broader objective of safeguarding fair competition without imposing any undue burden on Indian farmers.

K. POST DISCLOSURE COMMENTS

K.1 Submissions by other interested parties

96. The following comments to the disclosure statement have been filed by the other interested parties.
- i. The Authority has not dealt with the report by the Panel adopted by the Committee on Subsidies and Countervailing Measures on 28 April 1992 - Concerning Wine and Grape Products - United States. Both Thiram Technical and Thiram Formulation are not technically as well as commercially substitutable and can they be considered as like articles.

- ii. The Authority had also not dealt with our submissions that two-way substitutability is necessary for considering product as like article, as done by the Authority in various final findings.
- iii. The Authority has also not provided the law or jurisprudence which provide power to the Hon'ble Authority to include products in the product under consideration on the pretext of circumvention of the duties in the original/ fresh investigation.
- iv. The Authority has not made any analysis relating to loss of sales due to viable substitutes available in the Indian market, since availability of substitutes have direct impact on the Causal Link as well as injury determination.
- v. The Authority is requested to confirm whether freight is included in the net sales realization or not, whether freight is not included in both, cost of sales as well as selling price.
- vi. The Authority is requested to confirm that data of Formulation is also considered in the analysis.
- vii. The import prices are much higher than the cost of the Domestic Industry and therefore, the Authority should recommend non-imposition of the duties in the interest of downstream users.

K.2 Submissions by the applicant.

97. The following comments on the disclosure statement have been filed by the applicant.
 - i. Allocating expenses between the two forms based on production value is not appropriate since value of thiram technical is also included in the value of formulation.
 - ii. While the Authority has acknowledged that technical to formulation is not a significant process, the production process from technical to formulation is a mere incremental process. However, the Authority has allocated expense based on production value ratio. The disclosure statement is based on different standards for determination of product under consideration and for determination of non-injurious price.
 - iii. While average production hours of 1 MT of thiram is *** hrs. The same in case of formulation is only *** hrs. Because the major production hours are incurred in production of thiram technical, major costs are associated in thiram technical. Considering production value as an appropriate ratio has resulted in unduly low cost of thiram technical.
 - iv. In the verification papers filed, applicant provided evidence of actual production hours. These pertained to post period of investigation. The documents for the period of investigation could not be shown at the time of physical verification, as these documents are now in possession of other Government department.
 - v. The fact that relevant records for the period of investigation could not be shown at the time of physical verification is no limitation to adoption of production hours. Production hours can be determined even from the records for the subsequent period. It is not a case that the production hours consumed in the period of

- investigation would have been different from production hours consumed in post period of investigation
- vi. Considering production value as a ratio has resulted in a reduced manufacturing cost by atleast by Rs *** per MT.
 - vii. The Authority has allocated fixed assets between thiram technical, and formulation based on production value. The approach is inconsistent with Authority's view in the disclosure wherein it has been held that major plant and equipment and investments are involved in thiram technical.
 - viii. The DGTR has calculated a production value ratio of *** % in case of thiram technical. However, this production value ratio is low. The production value ratio should be at least ***%. Production value ratio determined is low due to incorrect value of production value for captively transferred input
 - ix. Raw materials consumption ratio is more appropriate than production value ratio. This is due to the fact that prices of technical are highly suppressed due to dumping of the product in the country.
 - x. From the non-injurious price disclosed, LPG cost has been allocated between thiram technical and thiram formulation. LPG cost cannot be allocated to formulation. Entire LPG cost is required to be charged to technical only.
 - xi. While the applicant has suffered material injury, the user industry has taken undue benefit of low-priced imports and earned significant profits. Since the applicant is finding it difficult to sell Thiram Technical in the domestic market, its production is impacted leading to high costs. This is leading to high costs for thiram formulation as well. The applicant again competes with other formulators who have access to low cost thiram technical and is finding challenges in selling Formulation at remunerative prices

K.3 Examination by the Authority

98. The Authority has examined the post-disclosure submissions made by the interested parties. It is observed that the majority of these submissions are reiterations of arguments and contentions that have already been examined and addressed to the extent deemed necessary in the relevant paragraphs of these final findings. For the sake of brevity, the Authority has refrained from repeating responses to such comments in this post-disclosure examination. However, any new submissions raised for the first time in the post-disclosure submissions, as well as those previously addressed but deemed necessary to examine further are addressed hereunder.
99. With regard to comments on technical and commercial substitutability, the Authority notes that thiram technical is the essential active ingredient used in the manufacture of thiram formulation. The two are intrinsically linked in the production chain. Without thiram technical, thiram formulation cannot be produced and thiram technical has no other use than in production of thiram formulation. Inclusion of formulation form is additionally important and necessary considering the fact that process of conversion from Technical to Formulation is merely incremental.

100. With regard to comments that the loss of domestic sales is due to availability of the other substitutable product in the domestic market, the Authority notes that the import volume of the product under consideration from the subject country are significant when seen in comparison to the demand in the country. With such high volume of imports and low domestic sales of the domestic industry, it cannot be considered that the loss of domestic sales is due to availability of other substitutable products. It is also noted that though interested parties provided a list of substitutable products, the domestic industry contended that most products are not commercially produced in the country and the price of these products are much higher than the product under consideration. The interested parties have provided no evidence of existence of technical and commercial substitutability between these products. Therefore, the Authority found no merit in the contention made by the other interested parties.
101. As regards the comments whether freight cost is part of net sales realization, the disclosure statement issued expressively mentions that while selling price has been considered for evaluating suppression/depression, price undercutting has been calculated considering net selling price. Expenses such as freight, discount and commission, to the extent applicable, have been excluded for calculation of net selling price.
102. As regards methodology adopted by the authority for determination of NIP, it is noted that the domestic industry has adopted different allocation methodology for various expenses i.e. production hours ratio for expenses upto manufacturing expenses, sales value ratio for post manufacturing expenses, etc. During on-site verification, the domestic industry could not substantiate its claim in respect of production hours with supporting evidence. Therefore, the authority has adopted production value ratio for allocation of common expenses upto manufacturing, which is the most appropriate methodology consistently applied. It may be noted that the domestic industry had claimed post manufacturing expenses for the PUC by allocating common expenses based on sales value ratio which they themselves have admitted that they have calculated wrongly on lower side. All the contentions in respect of allocation of expenses raised by the domestic industry, has been appropriately addressed as per the consistent practice of the Authority.

L. CONCLUSION

103. Having regard to the contentions raised, information provided, and submissions made by the interested parties and facts available before the Authority, as recorded in the above findings, and on the basis of above analysis of the dumping, injury and causal link to the domestic industry, the Authority concludes as follows:
- a. The product under consideration is Thiram in any form, including its technical and formulation form. The scope of the product includes thiram technical and thiram formulation. All forms of thiram are within the scope of the product under consideration.

- b. While the product under consideration has been imported in technical form, it has been consumed in formulation form only. There has been no consumption of technical form as such. Conversion of technical to formulation form is merely an incremental process. Thiram technical and Thiram formulation are not distinct products, but simply different stages of the same product.
- c. The product supplied by the domestic industry is a like article to the imported product.
- d. The applicant constitutes 'domestic industry' within the meaning of Rule 2(b) of the Rules. Apart from applicant, there are two other producers of the product under consideration. Both have supported the present investigation.
- e. The application satisfies the criteria of standing in terms of Rule 5(3). Production of the applicant constitutes a major proportion in the total Indian production.
- f. None of the exporters from European Union has participated in the investigation. Therefore, the normal value has been determined based on the facts available. Export price has been determined on the basis of DG systems data, and facts available with regard expenses incurred upto ex-factory level of the exporters.
- g. Considering the normal value and export price for the subject goods, the dumping margin for the subject goods from the subject country has been determined. It is seen that dumping margin is significantly positive. It is thus established that the imports of the product under consideration have entered the Indian market at significantly dumped prices.
- h. The imports from European Union hold majority share in the Indian consumption, despite no demand-supply gap in India. Further, these imports are quite significant in relation to production in India. The imports constitute 100% of the imports of the product in the country.
- i. Even when Indian industry holds capacities sufficient to cater to the entire Indian demand, imports command majority share in the Indian consumption.
- j. The landed price of Thiram technical is materially below the selling price of the domestic industry.
- k. Over the injury period, the increase in selling prices has not been in line with the increase in the cost of sales and the domestic industry's prices are suppressed.
- l. Production, capacity utilization, and domestic sales of the domestic industry remained abysmally low during the entire injury period despite significant demand in the Country, owing to majority share held by the dumped imports.
- m. The availability of imported technical form at dumped prices has adversely impacted the domestic industry's both sales and prices of formulation.
- n. Performance of the domestic industry has steeply declined in respect of profits, cash profits, and return on investment over the injury period. The domestic industry has suffered financial losses, cash losses and negative return on capital employed in the investigation period.
- o. Domestic industry has recorded negative growth in both volume and price parameters over the injury period.

- p. The Indian industry has sufficient capacity to cater the entire demand in the country but the Indian industry's share has reached a maximum of 40% during the injury period, with dumped imports holding majority share.
- q. The investigation has not shown any other factor which could have caused injury to the domestic industry.
- r. The applicant competes with other formulators who have access to low cost thiram technical. Access to dumped imports has adversely impacted the operations of domestic industry in respect of formulation as well.
- s. The domestic industry has suffered losses in both technical and formulation form of the product individually and collectively.
- t. Despite the issuance of an economic interest questionnaire, consumers of the product have not provided any quantification of how imposition of proposed anti-dumping duty would adversely impact the downstream industry and public at large.
- u. The domestic industry quantified impact of proposed duty and demonstrated that the imposition of anti-dumping duty would have an insignificant impact on end consumer and public at large.
- v. Given the nature of the product, industry and the extent of the injury caused by dumped imports, the Authority considers the imposition of anti-dumping duty for a period of five (5) years would not be against public interest, and is necessary and appropriate.

M. RECOMMENDATION

- 104. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the domestic industry, exporters, importers and other interested parties to provide positive information on the aspect of dumping, injury and causal link. Having initiated and conducted the investigation into dumping, injury and causal link in terms of the provisions laid down under the Anti-Dumping Rules, the Authority is of the view that imposition of duty is required to offset dumping and injury. Therefore, the Authority considers it necessary and recommends the imposition of anti-dumping duty on imports of the subject goods from the subject countries.
- 105. Having regard to the lesser duty rule followed by the Authority, the Authority recommends the imposition of an anti-dumping duty equal to the lesser margin of dumping and the margin of injury, so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of anti-dumping duty on the imports of the subject goods, originating in or exported from subject country for a period of 5 years from the date of notification to be issued in this regard by the Central Government, equal to the amount mentioned in Col. 7 of the duty table appended below.

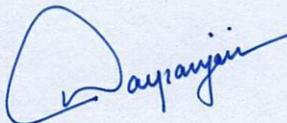
Duty Table

SN	Heading/ subheading*	Description of the goods	Country of origin	Country of export	Producer	Amount	UOM	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	3808 92 30	Thiram in any form	European Union	Any country including European Union	Any	733	MT	US\$
2	-do-	-do-	Any country other than European Union	European Union	Any	733	MT	US\$

**The Customs classification is indicative only and not binding on the scope of the product under consideration.*

N. FURTHER PROCEDURE

106. An appeal against the order of the Authority arising out of the final findings shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the relevant provisions of the Act



(Darpan Jain)
Designated Authority