

To be published in the Part 1 Section 1 of Gazette of India, Extraordinary

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
(DIRECTORATE GENERAL OF ANTI-DUMPING & ALLIED DUTIES)**

NOTIFICATION

New Delhi, the 4th April, 2006

Initiation

Subject: Initiation of antidumping investigation involving import of Compact Discs-Recordable (CD-Rs) from China PR, Hong Kong, Singapore and Chinese Taipei.

1. Initiation

F.NO. 14/15/2005-DGAD : WHEREAS Optical Disc Manufacturers Welfare Association, New Delhi (herein after referred to as the Applicant) has filed an application before the Designated Authority (hereinafter referred to as this Authority), in accordance with the Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (herein after referred as Rules), alleging dumping of **Compact Discs-Recordable (CD-Rs)** (herein after referred to as subject good), originating in or exported from the **China PR, Hong Kong, Singapore and Chinese Taipei** (herein after referred to as subject countries) and requested for initiation of Anti Dumping investigations for levy of anti dumping duties on the subject goods.

AND WHEREAS, the Authority finds that sufficient prima facie evidence of dumping of the subject goods from the subject countries, injury to the domestic industry and causal links 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.

2. Product under consideration

The product under consideration in this investigation is Compact Discs-Recordable (CD-Rs). CD-R is a polycarbonate disc containing a spiral groove on one side to guide the laser beam for writing and reading information. The disc is coated on the

side with the spiral groove with a very thin layer of vegetable-based organic dye and subsequently with a thin, reflecting layer of silver, a silver alloy or gold. Finally, a protective coating of a photo-polymerizable lacquer is applied on top of the metal reflector and cured with UV-irradiation. Recording on such a disc can be done only once and therefore, the disc is said to be of the type 'WORM' (Write Once Read Many times). The disc is an optical storage medium for digital data or music. The product is classified under ITC (HS) and Customs Classification No. 8523.90.50. However, the above classification is indicative only and is no way binding on the investigation.

3. Domestic industry and Standing

The application has been filed by Optical Disc Manufacturers Welfare Association, New Delhi, (ODMA) comprising of 8 producers of the subject goods in India. Four producers of the subject goods and members of ODMA have joined the application as the applicants and other four members of ODMA have supported the petition. The petitioner, therefore, accounts for complete production of subject goods in India and constitute domestic industry within the meaning of the Rules.

4. Like article

The petitioners and the producers from the subject countries use almost similar manufacturing processes. It therefore, appears that there is no difference in the products produced and sold by the domestic industry and imported from subject Countries/territories. The products are being directly imported by the user industries and also by traders for supply to other industries. The consumers are using the domestic and corresponding import products interchangeably. The products produced by the domestic industry and imported from subject Countries/territories being identical in all essential characteristics are treated as like article within the meaning of the term as per the Rules.

5. Normal value

The ex-works normal value of the subject goods in the subject countries, except China PR, have been estimated on the basis of information on the domestic selling price of the subject goods as reasonably available to the applicant domestic industry, after allowing admissible adjustments to arrive at ex-works prices. Normal value in respect of China PR has been estimated in terms of Annex I Para 7 and 8 of the Rules on the basis of Non-market economy presumption against that country, subject to rebuttal of the above presumption by individual exporters. The Authority may however, notify an appropriate third country, in the due course, for the purpose of determination of normal value in China PR in terms of the above provision.

6. Export price

The export price of individual products has been estimated on the basis of data collected from DGCI&S and other secondary sources. Adjustments on account of ocean freight, marine insurance, commission, inland transportation in the Countries/territories of export, port handling and port charges have been made to arrive at the Export Price at ex-factory level.

7. Dumping margin

On the basis of positive evidence placed by the applicants before the Authority it appears that the Normal Values of the subject goods in the subject countries are significantly higher than the net export prices to India, indicating prima-facie that the subject goods are being dumped in the Indian market by exporters from the subject countries. The dumping margins are estimated to be positive and above de minimis.

8. Injury and causal link

Petitioners have furnished information on volume and value of dumped imports from the subject countries and various parameters relating to injury to the domestic industry, on account of the product under consideration. Parameters, such as increase in volume of imports both in absolute terms and in relation to the demand of the products, loss in market share, price undercutting and underselling, Price depression, profitability and cash loss in the manufacturing of subject goods, prima-facie indicate that the dumped imports of the subject goods from the subject countries have cumulatively injured the Domestic Industry.

9. Procedure

a) Countries/territories involved The Countries/territories involved in the present investigation are the **Hong Kong, Singapore, Chinese Taipei and the Peoples Republic of China.**

b) Period of investigation (POI): The period of investigation (POI) for the purpose of present investigation is **1.10.2004 to 30.9.2005.** The injury investigation period will however, cover the period 2001-02 to 2004-05 and the POI.

- c) **Submission of information:** The exporters in the subject Countries/territories, their governments through their embassies/ representatives in India, the importers and users in India known to be concerned and the domestic industry are requested to submit relevant information in the form and manner prescribed and to make their views known to the:

**The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Government of India
Udyog Bhavan
New Delhi-110011.**

Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.

- d) **Time limit:** 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. The known exporters and importers, who are being addressed separately, are however, required to submit the information within **(40) forty days** from the date of the letter addressed to them.
- e) **Submission of information on Non-confidential basis:** In terms of Rule 6(7), of the Rules the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summary, a statement of reason thereof is required to be provided. In case where an 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.
- f) **Inspection of public file:** Any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties in terms of Rule 6 (7).

**Christy L. Fernandez
Designated Authority**