

To be published in Part-I Section I of the Gazette of India Extraordinary

**Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 5th May, 2009

INITIATION NOTIFICATION

Subject: Initiation of Anti-dumping investigations on imports of Recordable Digital Versatile Disc [DVD] of all kinds from Malaysia, Thailand and Vietnam.

No.14/16/2009-DGAD, M/s Optical Disc Manufacturers Welfare Association, New Delhi has filed an application before the Designated Authority (herein after referred to as the 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 to as Rules) for initiation of anti dumping investigation concerning alleged dumping of Recordable Digital Versatile Disc [DVD] of all kinds (hereinafter referred to as subject goods) originating in or exported from Malaysia, Thailand and Vietnam. (hereinafter referred to as subject countries).

2. AND WHEREAS, the Authority finds that sufficient prima facie evidence of dumping of subject goods by 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.

Domestic Industry

3. Application has been filed by M/s Optical Disc Manufacturers Welfare Association, New Delhi through TPM Consultants, New Delhi on behalf of the domestic industry. As per the evidence available applicant has the standing to file the case for anti dumping investigation on behalf of domestic industry as per Rule 2(b) and Rule 5(3)(a) of Anti Dumping Rules.

Product under consideration

4. The product under consideration is “Recordable Digital Versatile Disc [DVD] of all kinds)” which is being dumped in the Indian market by the exporters from Malaysia, Thailand and Vietnam.

5. DVD can be of a number of types, such as DVD-R, DVD+R, DVD-RW, DVD+RW, mini DVD-R, mini DVD-RW. A DVD can be recorded once or several times.

6. The product is classified under ITC (HS) and Customs Classification No. 8523. However, the above classification is indicative only and is no way binding on the investigation.

Like Articles

7. The applicant has claimed that the goods produced by them are “like articles” to the goods originating in or exported from the subject countries. Recordable Digital Versatile Disc [DVD] produced by the domestic industry and imports from subject countries are comparable, technically and commercially substitutable in terms of physical, technical characteristics, functions and uses. Therefore, for the purpose of investigation the Recordable Digital Versatile Disc [DVD] produced by the applicant is being treated as like articles of Recordable Digital Versatile Disc [DVD] imported from subject countries within the meaning of the Anti Dumping Rules.

Countries involved

8. The countries involved in the present investigation are Malaysia, Thailand and Vietnam.

Normal Value

9. The Authority notes that the applicant has proposed that Vietnam be treated non market economy, and also notes that for determining normal value the applicant has considered normal value determined for Malaysia as the normal value in Vietnam .The Authority notes that the applicant has claimed normal value of subject goods in subject countries based on estimated cost of production by considering the published prices of major input and estimates of conversion cost by taking appropriate values of utilities of the major producer of the domestic industry. For the purpose of initiation, the Authority has prima-facie considered the normal value of subject goods in subject countries on the basis of estimated cost of production as made available by the applicant .

Export Price

10. The export prices have been claimed on the basis of data obtained from Impex Statistics. Price adjustments have been claimed on account of Ocean freight, overseas insurance in the countries of export, inland freight, port expenses, commissions and bank charges to arrive at the net export price. There is sufficient evidence of export prices claimed by the applicants for the subject goods from the subject countries.

Dumping Margin

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

Injury and Causal Link

12. The applicant has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form deteriorating losses because of increased volume of dumped imports, price undercutting and price underselling by imports from subject countries. There is sufficient prima-facie evidence of the material injury being suffered by the domestic industry caused by dumped imports from subject countries.

Period of Investigation

13. The period of investigation (POI) for the purpose of present investigation is 1st April 2008 to March 2009 (12 months). The injury investigation period will however cover the periods April,2005-March,06, April,2006–March,2007, April,2007-March,2008 and the POI.

Retrospective imposition of duties

14. The applicant has requested for retrospective imposition of duty on the ground that there is history of dumping and injury is caused by massive dumping of article imported in a relatively short time. The interested parties may make their submissions in this regard.

Submission of information

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

**The Designated Authority
(Directorate General of Anti-Dumping & Allied Duties)
Government of India
Ministry of Commerce & Industry
Department of Commerce
Udyog Bhavan, New Delhi-110011.**

Time limit

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

INSPECTION OF PUBLIC FILE

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

18. All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7 (2), for the confidential information provided as per Rule 7 (1) of the Rules supra.

19. In case any interested party refuses access to and 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 Governments as deemed fit.

(R. Gopalan)
The Designated Authority