

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

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7th January, 2016

NOTIFICATION

Final Finding

Sub: Anti-Dumping Investigation concerning import of Plastic Processing Machines or Injection Moulding Machines from Chinese Taipei, Philippines, Malaysia and Vietnam.

F.NO. 14/03/2014-DGAD: Having regard to the Customs Tariff Act 1975 as amended in 1995 (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, (hereinafter referred to as the Rules) thereof,

1. WHEREAS Plastics Machinery Manufacturers Association of India, along with its members, viz. (a) M/s Toshiba Machine (Chennai) Pvt. Ltd., (b) M/s Ferromatik Milacron India Pvt. Ltd, (c) M/s Windsor Machines Limited, and (d) M/s Electronica Plastic Machines Ltd (herein after referred to as the applicants) had filed an application before the Designated Authority (hereinafter referred to as this Authority), in accordance with the Act, and the Rules, alleging dumping of certain Plastic Processing Machines or Injection Moulding Machines (hereinafter referred to as the subject goods), originating in or exported from Chinese Taipei, Philippines, Malaysia and Vietnam (herein after also referred to as subject countries) and requested for initiation of an investigation for levy of anti dumping duties on the subject goods.
2. AND WHEREAS, the Authority, on the basis of sufficient *prima facie* evidence of dumping, injury and causal links submitted by the applicants, issued a public notice dated 14th October, 2014, in accordance with the

Rule 6(1) of the Rules, published in the Gazette of India, Extraordinary, initiating Anti-Dumping investigations concerning imports of the subject good, originating in or exported from the subject countries, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which, if levied would be adequate to remove the injury to the domestic industry.

A. Procedure

3. Procedure described below has been followed with regard to this investigation, after issuance of the public notice notifying the initiation of the above investigation by the Authority.
 - i. In terms of sub-Rule 5 of Rule 5, the Authority notified the Embassies of the subject countries in India about the receipt of the application from the domestic industry requesting for initiation of antidumping investigation.
 - ii. The Embassies of the subject countries in New Delhi were also informed about the initiation of the investigations in accordance with Rule 6(2).
 - iii. The Designated Authority sent copies of initiation notifications dated 14th October, 2014 to the Embassies of the subject countries in India, known exporters from the subject countries, known importers in India and other interested parties, as per the information available with it, as well as the domestic industry. Parties to this investigation were requested to file questionnaire responses and make their views known in writing within prescribed time limit. Copies of the letter, petition and questionnaire sent to the exporter, were also sent to the Embassies of subject countries along with a list of known exporters/ producers with a request to advise the exporters/producers from the subject countries to respond to the questionnaire within the prescribed time.
 - iv. Copy of the non-confidential version of the petition filed by the domestic industry was made available to the known exporters and the Embassies of the subject countries in accordance with Rules 6(3) supra.
 - v. Exporters' Questionnaires were sent to the following known exporters from subject countries in accordance with the Rule 6(4) to elicit relevant information.
 - a. M/s Shasima Sdn Bhd, Malaysia
 - b. M/s Mk Plastics Machinery (M) Sdn Bhd, Malaysia
 - c. M/s Mekahsa Plastic Equipment, Malaysia
 - d. M/s Monefaith Sdn Bhd, Malaysia
 - e. M/s Arasan Automation, Malaysia
 - f. M/s Wilson Products & Marketing Co. Malaysia
 - g. M/s Efficient Growth Sdn Bhd, Malaysia

- h. M/s Sa Protech Enterprise, Malaysia
 - i. M/s Intertech Machinery Incorporation, Chinese Taipei
 - j. M/s Fure Shuen Machine Industry Co, Chinese Taipei
 - k. M/s Polystar Machinery Co Ltd, Chinese Taipei
 - l. M/s Yea Jing Machinery Co Ltd, Chinese Taipei
 - m. M/s Joiepack Industrial Co Ltd., Chinese Taipei
 - n. M/s Tianchen Plastic Machinery Co, Chinese Taipei
 - o. M/s Thanh Danh Company Ltd, Vietnam
 - p. M/s Soong Viet Trading & Machinery Co, Vietnam
 - q. M/s Beta Mechanical Co Ltd, Vietnam
- vi. The following producers/exporters, exporting the subject goods originating in or exported from the subject countries, have filed questionnaire responses:
- a. M/s Chen Hsong Machinery Chinese Taipei Co Ltd (Producer)
Chinese Taipei; with M/s Asian Plastic Machinery Co Ltd (Exporter)
 - b. M/s Jon Wai Machinery Works Co Ltd (Chinese Taipei)
- vii. Apart from the above responses the following exporters from the subject countries also filed partial/incomplete responses:
- a. M/s Huayuan Vietnam Machinery Co. Ltd (Vietnam)
 - b. M/s Chuan Lih FA Machinery Works Co. Ltd. (Chinese Taipei)
- viii. M/s Herovin Machineres Supplies Co (Philippines), vides its letter dated December 03, 2014, intimated the Authority that they are not involved in any export business of the subject goods to the Indian market.
- ix. Questionnaires were sent to the following known importers and consumers of subject goods in India calling for necessary information, in prescribed formats, in accordance with Rule 6(4):
- a. M/s Electronic Plastic Machine Ltd.(Tal Mulshi, Pune)
 - b. M/s Plastics Machinery Manufacturers Association of India.(New Delhi)
 - c. M/s Ferromatik Milacron India Pvt. Ltd. (Ahmedabad)
 - d. M/s Windsor Machines Ltd.(Thane)
 - e. M/s Toshiba Machines Pvt. Ltd.(Chennai)
 - f. M/s Bharat Box Factory Ltd.(Punjab)
 - g. M/s Kunstocom (India) Ltd.(New delhi)
 - h. M/s Sumi Motherson Group (Noida)
 - i. M/s Supreme Industries Ltd.(Mumbai)
 - j. M/s Vidyut Metallics Ltd (Mharashtra)
 - k. M/s Prince Plastics International Pvt. Ltd.(Thane)
 - l. M/s Prince Plastics International pvt. Ltd.(Mumbai)

- m. M/s Arun Plasto Moulders India Pvt. Ltd.(Tamil Nadu)
 - n. M/s Mouldwell Products (Tamil Nadu)
 - o. M/s Salzer Electronics Ltd.(Tamil Nadu)
 - p. M/s Riya Moulders(Chennai)
 - q. M/s CJ Polytech Pvt. Ltd.(Tamil Nadu)
 - r. M/s Tech Plastic Industries (Chennai)
 - s. M/s Sakkthi Polymers(Tamil Nadu)
 - t. M/s Tooling Temple (Tamil Nadu)
 - u. M/s Victorious Engineering Works (U.P)
 - v. M/s Ejobs Info Tech India Pvt .Ltd.(Coimbatore)
 - w. M/s Electronica Machine tools Ltd.(Pune)
 - x. M/s Moldwell Products India Pvt. Ltd.(Tamil Nadu)
 - y. M/s All India Plastic Manufactures Association (Mumbai)
- x. None of the importers/users of the subject goods have filed their responses.
- xi. All India Plastic Manufacturers of India, as Association representing user industry of Plastic Processing Machinery, have filed a combined injury submission opposing the claims of the domestic industry on various grounds
- xii. Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) to provide the transaction-wise details of imports of subject goods for the past three years, including the period of investigations, which was received by the Authority. The Authority has, relied upon the DGCI&S data for computation of the volume of imports and required analysis after due examination of the transactions and pruning the data for unrelated products;
- xiii. The Authority made available non-confidential versions of the evidences presented by various interested parties in the form of a public file kept open for inspection by the interested parties;
- xiv. Optimum cost of production and cost to make and sell the subject goods in India, based on the information furnished by the petitioner on the basis of Generally Accepted Accounting Principles (GAAP), was worked out so as to ascertain whether Anti-Dumping duty lower than the dumping margin would be sufficient to remove injury to Domestic Industry. The NIP has been determined by the Authority in terms of the principles laid down under Annexure III to the Anti-dumping Rules;
- xv. The confidentiality claims of various interested parties in respect of the data submitted by them have been examined. The information, which is by nature confidential or which has been provided on a confidential basis

by the interested parties, along with non-confidential summary thereof, has been treated confidential.

- xvi. Wherever an interested party has refused access to, or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has recorded the findings on the basis of the facts available.
- xvii. The Authority held a public hearing on 8th April, 2015 to hear the interested parties orally, which was attended to by representatives of interested parties. However, due to change in the Designated Authority thereafter, a fresh hearing was held on 19th August 2015. The interested parties were asked to file written submissions and rejoinders. The written submissions and rejoinders received from interested parties, to the extent relevant, have been considered in the finding;
- xviii. The Central Govt. has extended the period for completion of the investigation till 13th January 2016 in terms of Rule 17 of the Rules.
- xix. On the spot verification of the data of the domestic industry, as well as that of the cooperating exporters, was carried out to the extent considered necessary.
- xx. In accordance with the Rules the Authority disclosed the essential facts of the case to all interested parties vide a disclosure statement issued on 29.12.2015. The domestic industry and the All India Plastic Manufacturers Association filed their comments on the disclosure statement. The comments of the interested parties have been addressed in this finding to the extent relevant.
- xxi. *** in this finding represents information furnished by the interested parties on confidential basis and so considered by the Authority under the Rules.
- xxii. Investigation was carried out for the period starting from April 2013-March 2014 (POI). However, the injury investigation covers the period 2010-11, 2011-12, 2012-13 and 2013-14 (POI).
- xxiii. The Authority has taken weighted average exchange rate for the POI (April 2013- March 2014) as Rs 60.85/US\$.

B. Product under Consideration and Like Article

- 4. The product under consideration notified in the initiation notification is “all kinds of plastic processing or injection moulding machines, also known as injection presses, having clamping force not less than 40 tonnes, and not above 3200 tonnes, used for processing or moulding of plastic materials. The following types of products are however, excluded from the scope of the product under consideration:

- i. Blow Moulding Machines classified under Customs Tariff Classification No. 847730.
 - ii. Vertical injection moulding machines.
 - iii. All electric injection moulding machines wherein the mechanical movements such as injection, mould closing, mould opening, ejection, screw driver, etc. are controlled by independent servo motors and having digital control system and without Hydraulic Units.
 - iv. Multi-colour/ multi-mould machinery for making footwear, Rotary injection moulding machinery for making footwear and footwear sole/strap/heel injection moulding machine classified under the Customs Tariff Classification No. 8453.
5. Plastic Processing Machineries are classified under ITC (HS) and Customs Classification Number 8477. At the eight digit level the product is covered under Chapter 84771000 of the Customs Classification. However, the above classification is indicative only and no way binding on the scope of this investigation.
6. Petitioners have claimed that there is no known difference in subject goods produced by the Indian industry and subject goods imported into India from the subject countries. Subject goods produced by the Indian industry and imported in India are comparable in terms physical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. They are technically and commercially substitutable. The consumers are using the domestically manufactured and imported machines interchangeably. The Authority notes that none of the interested parties have put forth any argument regarding the scope and coverage of the product under consideration and like articles. Therefore, for the purpose of the present investigation, the goods produced by the petitioner are being treated as like articles of the product imported from the subject countries within the meaning of the Rules, 2(d) of the Rules.
7. It has been brought to the notice of the Designated Authority that the product description given in the initiation notification which reads as "Plastic Processing machines or Injection moulding machines" it gives an impression that all injection moulding machines using other materials such as rubber are also covered under the duty order. In this connection the Authority notes that the investigation covers plastic processing or injection moulding machines also known as injection presses used for processing or moulding of Plastic materials only. Therefore, machines used for moulding or injecting other materials such as rubbers or silicone are not covered under the scope of the 'product under consideration'. Therefore, for the

sake of clarity the product is hereinafter described as “Plastic Processing Machines or Injection Moulding Machines used for processing or moulding plastic materials with clamping force from 40 to 3200 MT”.

8. It is noted that the plastic processing machines are manufactured in various sizes and capacities described in terms of clamping forces. The domestic producers as well as the foreign producers manufacture different types of plastic processing machines with different clamping forces and different additional features and the machines with different capacities are used for moulding certain group of products. Domestic industry produces machines with different clamping forces and within those ranges the machines produced by the producers in the subject country are like articles and clearly technically and commercially substitutable. Therefore, these product types are *inter se* like products within their clamping force ranges and for the purpose of like to like comparison Plastic Processing Machines of different capacities/clamping forces have been treated as different product types in recent investigations and comparisons have been made on like to like basis to the extent possible. The same methodology has been used in the present investigation.

C. Domestic Industry and Standing

9. The present application has been filed by Plastics Machinery Manufacturers Association of India (hereinafter referred to as petitioner or PMMAI) on behalf of the producers of Plastic Processing Machines. Four of its members, (i) M/s Toshiba Machines; (ii) M/s Ferromatic Milacron; (iii) M/s Windsor India; and (iv) M/s Electronica Machines who are domestic producers of the product under consideration in India, have provided relevant information seeking imposition of anti dumping duty in force on imports of PPMs from subject countries and commanding over 90% of the total production of the subject goods in India, have provided relevant information
10. The Authority notes that though M/s Toshiba Machine (Chennai) Pvt. Ltd. is related to M/s Toshiba Machine (Vietnam) Co Ltd and M/s Toshiba Machine (Vietnam) Co Ltd manufactures only electric injection moulding machines, which is not a subject matter of present investigation. Therefore, the Authority holds that petitioners are eligible to be treated as part of the domestic industry within the meaning of the term in the Rules and accordingly, all the four domestic producers as above have been treated as the domestic industry for the purpose of this investigation within the meaning of the Rule 2(b) of the Rules and holds that the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

D. *De Minimis* Limits

11. The Authority has examined the transaction-wise import data received from the Directorate General of Commercial Intelligence and Statistics (DGCI&S) as well as the data furnished by the cooperating exporters from the subject countries for the purpose of this investigation. The Authority notes that the subject goods are manufactured and sold in various models/ capacities and identified in terms of their clamping forces. While the DGCI&S data source analysed shows the description of the goods, against certain transactions the exact clamping forces have not been mentioned. Since the product under consideration covers PPM with clamping force ranging from 40 MT to 3200 MT, based on the product description and prices the transactions falling within the broad parameters of the PUC have been considered for the purpose of volume analysis. However, for the purpose of like to like comparison only those transactions, in which actual model/clamping forces could be identified, have been considered.
12. On the basis of this examination the imports of the subject goods from the subject countries are found to be substantial and above the *de minimis* level.

E. Interested Parties to the investigation

13. The Authority notes that following producer/exporters of subject goods from Chinese Taipei have submitted their responses to the exporter's questionnaire and their data has been verified to the extent feasible.
 - a. M/s Asian Plastic Machinery Co Ltd (Exporter) M/s Chen Hsong Machinery Chinese Taipei Co Ltd (Producer) Chinese Taipei
 - b. M/s Jon Wai Machinery Works Co Ltd (Chinese Taipei)
14. M/s Herovin Machineries Supplies Co (Philippines) filed a letter stating that their business is limited to importation of Plastic injection moulding machines, its parts and accessories only for Philippines market and they have no interest in Indian market.
15. M/s Huayuan Vietnam Machinery Co. Ltd (Vietnam) has filed an incomplete response by post vide their letter dated 20th November 2014, without a non-confidential version of the same. They were intimated vide e-mails dated 31st December 2104, 21st July 2015 to file Appendices 4 to 8 of the Questionnaire and one complete set of Non-Confidential version of the Submissions made by them in terms of Rule 7 of Anti Dumping Rules read with Article 6.5 of the Agreement on Anti Dumping. However, the Company failed to file any document to complete the response or comply with the provisions of the Rules. Therefore, the partial response filed by the

Company has been rejected and the Company has been treated as non-cooperative.

16. M/s Chuan Lih FA Machinery Works Co. Ltd. (Chinese Taipei) filed a partial response vide their letter dated 17th Nov 2014. Vide e-mails dated 8th December 2014 and 21st July 2015, the Company was asked to submit the complete set of questionnaire response along with non-confidential version as per the format prescribed. However, the Company failed to file the complete questionnaire response in spite of opportunity being given. Therefore, the partial response filed by the Company has been rejected and the Company has been treated as non-cooperative.
17. None of the other producers/exporters from Philippines, Malaysia & Vietnam has filled any questionnaire response. The Governments of the subject countries have also not made any submissions before the Authority.
18. None of the importers or users of the subject goods have filed importers' questionnaire response/injury submissions. All India Plastic Manufacturers Association of India, as Association representing user industry of Plastic Processing Machinery in India, have filed a combined injury submission opposing the claims of the domestic industry on various grounds. Domestic industry has argued that though the user association has filed its submissions none of the members of the user association has filed any questionnaire response or provided any information regarding their volume of imports, import price etc.. The domestic industry further argues that the notice of initiation provides opportunities to all interested parties to provide relevant information to the Designated Authority. The Association has not provided any information whatsoever which is relevant to the present investigation. Therefore, they should be given the status of an interested party to this investigation.
19. In its post disclosure submissions the domestic industry has further argued that though *All India Plastic Manufacturers Association* has filed its submission none of the members of the user association has filed any questionnaire response or provided any information regarding their volume of imports, import price etc. The Association has however provided no information whatsoever which is relevant to the present investigation. Referring to a recent decision of the CESTAT in *M/s Merino Panel Products Ltd. vs. Designated Authority* in the MDF matter the domestic industry has argued that the Hon'ble CESTAT has held that a party cannot simply represent before the Designated Authority without establishing its status in an investigation. It has been further argued that in case the party claims itself a status of an association, then it must be a registered association under the relevant statutes. No such information has been provided by the

association and the association is participating in the investigations without establishing its locus. Therefore, the Authority should treat the association as non cooperative, otherwise it would become a practice that any party can claim status of interested party without providing any information and would be given all the rights of an interested party without fulfilling the duties of the same.

20. Relevant decision of the CESTAT in the above matter reads as follows:

“Unless a party demonstrates to the Authority that it is an importer / exporter of the subject article, it does not acquire the right to participate in the proceedings as an interested party. In respect of exporters, who have not filed the response to the Exporter Questionnaire, the Authority has considered them to be non-cooperating. This principle would apply equally to the importers. It was, therefore, incumbent on the importer to establish that it was an interested party by furnishing the information as required in the importer questionnaire in the course of the investigations. Failure to do so would be fatal to its claim as an interested party. The appellant did not file any information before the Authority to demonstrate that it was an importer of the article under investigation and hence could not be treated as an interested party”.

21. The Authority notes that the above interpretation of Rule 2(c) of the Rules by the CESTAT is limited with respect to right of an importer who has an obligation to file questionnaire response but did not do so but sought to agitate issues before the Tribunal. The Hon'ble Tribunal has not given any ruling with respect to right of the trade or business association as included in the said Rules. In this investigation the All India Plastic Manufacturers Association of India, as an association of the plastic manufacturers, has made certain arguments in respect of various aspects of the investigation without filing any detailed information with regard to the volume and value of imports by their members and information that can be used for determination of dumping and injury. Being a body representing the users of these machines who are also importers of the subject goods this association could have provided very useful information to help the Authority in making its determination based on facts. However, notwithstanding the fact that the Association has not filed any data and other information, in the interest of fairness and transparency their submission with regard to the other aspects of the investigation have been taken on record and examined along with the arguments made by other interested parties and have been addressed in these findings to the extent they are relevant and backed by verifiable evidence.

22. Therefore, the parties named at para 13 and 18, alongwith the domestic industry and the Governments of the countries involved have been treated as the interested parties to this investigation.

F. Miscellaneous issues raised by the interested parties

F.1 Views of the other interested parties

23. The interested parties have raised several issues with respect to the present investigation, including methodologies of dumping determination adopted by the domestic industry in its petition and their injury claims. While the issues regarding the dumping and injury determination have been dealt in the appropriate places in this finding, the general issues raised by the parties to the investigation have been examined hereunder to the extent they are relevant. For the sake of brevity the submissions of the parties and issues raised therein have been summarized as follows:

- a. That excessive confidentiality has been claimed by the domestic industry and the most of the vital data pertaining to the claims of dumping and injury have been kept confidential thereby denying the interested parties to meaningfully understand and comment upon them;
- b. That the investigation has been initiated on the basis of incomplete and inadequate information filed by the domestic industry in its petition. It has been argued that costing Information in Section VI of the Application Proforma should have been filed separately for each constituent of the Domestic Industry;
- c. Transaction-wise DGCI&S data submitted by the domestic industry in the petition show that significant volume of products not covered under the scope of the product under consideration has been included in the Import data. The data includes used Injection moulding machines and parts and other items;
- d. That the allegations of dumping set out in the Petition are largely based on estimates and assumptions and not supported by evidence and the investigation should not have been initiated without adequate and accurate information on dumping and injury;

F.2 Views of the Domestic Industry

24. The domestic industry, in its submissions, has refuted the arguments of the interested parties. The submissions of the domestic industry, in this respect, have been summarized as follows:

- That the exporters have claimed most of the information as confidential

and no proper summarization is provided by them. Even product description has not been disclosed by the exporters.

- That the interested parties have not disclosed all such information that they are obliged to disclose under the Rules and practice being followed by the Designated Authority in this regard;
- That nothing excessive has been claimed confidential by the petitioners. The petitioners have provided sufficient reasoning to claim costing information as confidential.
- The petitioners have provided complete list of imports which includes not only the Product under Consideration but also products not covered under the product under consideration and therefore, complete information is available in the petition. Further, petitioners have provided a statement showing volume and value of imports of the product under consideration alone, which is in fact the prescribed requirement;

F.3 Examination by the Authority

25. Various miscellaneous issues raised by the interested parties have been examined. As far as the issues raised by the interested parties regarding the confidentiality claims are concerned, the Authority notes that to the extent possible and practicable the confidentiality claims of various parties submitting the information have been examined and confidentiality claims admitted on the basis of nature of information provided by the parties. As far as the submissions of the exporters are concerned, the information provided by the exporters, to the extent they are not business sensitive to the party providing the same, have been placed in the public file. In view of the above the objections of all parties with respect to confidentiality claims of the opposing parties have been disposed off.
26. As regards the transaction-wise import data submitted by the petitioners at the time of initiation and inclusion of certain items which are not covered under product under consideration is concerned the Authority notes that at the time of initiation prima facie evidence submitted by the domestic industry was relied upon. However, transaction-wise import data obtained from DGCI&S has been examined in detail and only those transactions clearly identified as products covered under the investigation have been taken into account for all determinations and the segregated data has been placed in the public folder.
27. As far as adequacy of information submitted by the petitioner in its application is concerned, the Authority notes that the prima facie evidence

submitted by the petitioner was examined by the Authority before initiation of the investigation and being satisfied with adequacy of the prima facie evidences the subject investigation was initiated. However, the actual determination is based on actual data of the responding exporters and other facts available with the Authority. Therefore, the interests of the parties have not been compromised in any manner.

28. Other issues raised by the interested parties have been addressed in the respective sections in this finding and not repeated here. In their post disclosure submissions the parties have essentially reiterated their stand on the general issues. Therefore, for the sake of brevity those arguments have not been repeated in the findings.

G. Methodology and Determination of Dumping Margin

29. The investigation was initiated against the goods originating in or exported from Chinese Taipei, Philippines, Malaysia and Vietnam. As noted earlier the following producers/exporters of the subject goods from Chinese Taipei alone have filed complete questionnaire responses:

- a. M/s Asian Plastic Machinery Co Ltd (Exporter) and M/s Chen Hsong Machinery Chinese Taipei Co Ltd (Producer) Chinese Taipei;
- b. M/s Jon Wai Machinery Works Co Ltd (Chinese Taipei)

30. No complete questionnaire response has been received from any producer/exporter from Philippines, Malaysia and Vietnam. Therefore, determination of the extent and degree of dumping, if any, has been examined based on the information submitted by the cooperating exporters, information submitted by the petitioner in its petition and other facts available with the Authority in accordance with the Rules as follows:

G.1 Chinese Taipei

31. As per the import data analysed 276 number of the subject machines have been imported from Chinese Taipei during the period under investigation. Two producing exporters from Chinese Taipei have filed complete questionnaire response and the information submitted by them has also been verified to the extent possible. Accordingly, dumping margins for the producers/exporters from Chinese Taipei have been determined as follows:

(i) M/s Chen Hsong Machinery Chinese Taipei Co Ltd (Producer) and M/s Asian Plastic Machinery Co Ltd (Exporter)

32. M/s Chen Hsong Machinery Chinese Taipei Co., Ltd. ("Chen Hsong") and M/s Asian Plastic Machinery Co., Ltd. ("Asian Plastic") have filed a combined questionnaire response as producer and exporter of the subject goods from Chinese Taipei respectively. Both Asian Plastics and Chen Hsong are [***] % subsidiaries of [***]. Asian Plastic and Chen Hsong

assume separate functions in the PPMs business. Chen Hsong undertakes the production and domestic sales and Asian Plastic is the exclusive sale company for the affiliate Chen Hsong for all export markets, except China. Asian Plastic does not source PPMs from other producers except Chen Hsong. Therefore, the information submitted by both the related entities has been examined together for determination of their dumping margins, if any.

(a) Normal Values

33. During the POI Chen Hsong sold [***] (Sets) of plastic processing machines of various sizes and clamping forces to various unrelated customers in Chinese Taipei for a total value of NTD [***].
34. However, out of about [***] models/product types sold in the domestic market only [***] models/product types corresponding match in the export sales transactions. Therefore, for the purpose of determination of the normal values of these comparable machines the domestic sales transactions have been examined along with the cost to make and sell as per the records of the Company. Necessary adjustments towards direct selling costs such as Rebate, Commission, Inland Freight, Forklift & Crane fee, Interest and Credit Costs, wherever applicable, have been applied to arrive at ex-works prices of the machines. In order to bring the machines to comparable level for like to like comparison with exported machines adjustments of costs of additional accessories and additional optional items, supplied by the Company along with the main machines, have also been made.
35. For the remaining product types exported to India, for which no comparable machines were sold in the domestic market, the Normal Values have been determined based on the third country export prices of the comparable product types, duly adjusted for the direct selling expenses, or cost of production plus a reasonable profit as per the information filed by the Company. Third country exports are also carried out by Asia Plastics. The Authority notes that the Company earned an average profit of [***%] on the sale of the product under consideration during the POI. Therefore, for the purpose of determination of the Normal value of the product types for which no comparable types were sold in domestic market this profit margin has been considered as reasonable profit margin as per the Rules.
36. The domestic industry, in its submissions has argued that the raw material cost and cost of production of M/s Chen Song Machinery Chinese Taipei Co. Ltd cannot be accepted for determination of their Normal value. It has been argued that this Company is procuring some of the raw materials from its affiliated Company and therefore, their costs do not reasonably reflect the costs associated with the production and sales of the product under

consideration. It has also been further argued that the Rules do not state that the cost of production determined based on records maintained by a company is sacrosanct and must be blindly adopted as the Section 9A(1)c refers to the cost of production in the country of origin and do not state the cost of production of the exporter.

37. In this connection the Authority notes that dumping is essentially the price behavior of individual producers/exporters. Therefore, the price behavior of the individual producer/exporter in its home market or third country market *vis a vis* the investigating country market is the subject matter of examination in an antidumping investigation. Only when the producers/exporters concerned do not file the required information for any meaningful determinations, facts available method, including cost of production in the country of origin, is adopted for determination of Normal value for the producers and exporters in that country. Therefore, when the producer/exporter concerned has provided information with regard to its domestic sales and its cost of production that cost cannot be ignored and replaced by other information, unless the cost information provided is found to be unreliable. The data submitted by the producers/exporters in Chinese Taipei have been verified to the extent feasible. Therefore, the arguments of the domestic industry in this regard have not been found to be acceptable. Accordingly, ex-works normal values have been determined at product type level as explained above. However, since the models sold by the company are business sensitive information the details of models and their normal values have been kept confidential.

38. The domestic industry, in its post disclosure submissions has argued that the PCN produced by an exporter and sold in the domestic or export market cannot be claimed as business sensitive information and therefore, should be disclosed. The Authority notes that the model/product type information filed by the exporters in this case contain business sensitive information about actual capacities and various other features of the machines sold in the domestic market and export market, which the exporter has claimed as confidential. The Authority has not devised specific PCNs in this case. Since this information is business sensitive they have been treated as confidential. In any case the comparison has been carried out on like to like basis as has been explained in detail in the findings and therefore, the interests of the other parties have not been compromised. Therefore, the Authority does not find any merit in this argument.

(b) Export Prices

39. During the POI Chen Hsong exported [***] machines to India for a total value of USD [***] through M/s Asia Plastics, covering [***] different product types to end users in India. The Sales are on various terms of delivery and

payment. Against certain transactions the exporter has also supplied additional/optional items with the main machines. Therefore, appropriate adjustments have been made to the export prices for like to like comparison with the Normal values. Since Chen Hsong and Asian are related and Asian operate as a sales arm of Chen Hsong for the exports to India, all direct selling expenses involved in export sales, incurred by Asian, such as International Freight, International Insurance, Custom Brokerage Fee, and FCL transport charges, Terminal Handling Charges, Harbor Service Fee, Trade Promotion Fee, Bank Charges and Credit Costs have also been adjusted from the invoice price of Asian to arrive at ex-works prices. The SGA expenses and profit margin of Asian have also been deducted to arrive at ex-works price at the level of the producer. Accordingly, ex-works export prices of Chen Hsong have been worked out for individual models/product types as explained above. However, since the models sold by the company are business sensitive information the details of models and their export prices have been kept confidential.

(c) Dumping Margin

40. The normal values of the individual models/product types, so determined at ex-works level, have been compared with the ex-works export prices of the corresponding models/product types at the same level as described above to arrive at the individual dumping margins at the model/product type levels and then weighted average dumping margin for the product as a whole has been determined. The weighted average dumping margin of the product as a whole has thus been determined as US\$ [***] i.e. [***] %.

(ii) M/s Jon Wai Machinery Works Co Ltd (Chinese Taipei)

41. M/s Jon Wai Machinery Works Co. Ltd., Chinese Taipei has filed a questionnaire response as producer and exporter of the subject goods from Chinese Taipei. The company produces Plastic Processing Machines of various sizes/capacities and configuration as per Customers requirement for which various components and machine parts are sourced from within Chinese Taipei and also other countries. The company sells the machines directly to end users in the home market as well as in its export markets. The dumping margin of this producer/exporter has been determined as follows:

(a) Normal Values

42. During the POI the company sold only [***] machines of [***] different types in the domestic market for a total value of NTD [***]. However, only [***] machines types sold to Indian market have equivalent domestic sales transactions. For the product types not sold in the domestic market an attempt was made to analyse the third country export data to see if normal

value for the remaining product types can be determined based on third country export prices. It was noted that [***] product types/models sold to India had matching product types/models exported to third countries. Therefore, for these models the normal values of the matched models have been determined based on their selling prices duly adjusted for as direct selling expenses as per the verified details in the questionnaire response of the exporter. The Company has not supplied any additional or optional accessories/components with the machines in the domestic market/third country. Therefore, no such adjustment is required in the domestic/third country sales.

43. For the product types not having like product domestic sales or third country sales normal values have been determined based on cost of production plus SGA expenses as per the records of the Company and a reasonable profit. The Authority notes that the Company did not earn any profit on the sale of the product under consideration during the POI. Therefore, for the purpose of determination of the Normal value of the product types, for which no comparable types were sold in domestic market or third country market, a profit margin of [***%] has been considered as reasonable profit margin as per the Rules. Accordingly, ex-works normal values have been determined at product type level as explained above. However, since the models sold by the company are business sensitive information the details of models and their normal values have been kept confidential.

(b) Export Prices

44. During the POI the Company exported [***] Plastic processing machines covering [***] different machine types, to India for a total value of US\$ [***]. The sales are directly to unaffiliated end users in India on FOB/CIF/CFR terms. In certain transactions commission has been paid to the sales agents. No additional components or optional items have been supplied with the machines. Therefore, no adjustment is required in this respect. The expenses towards Commission, International Freight, International Insurance, Inland Freight, Custom Brokerage Fee, Terminal Handling Charges, Harbor Service Fee, Trade Promotion Fee, Negotiation Interests, Bank Charges and Credit Costs, wherever applicable, have been adjusted from the export sales prices to arrive at the ex-works export prices of individual product types. However, since the models sold by the company are business sensitive information the details of models and their export prices have been kept confidential.

(c) Dumping Margin

45. The normal values of the individual product types so determined at ex-works level have been compared with the ex-works export prices of the

corresponding product types at the same level as described above to arrive at the individual dumping margins at the product type level and then weighted average dumping margin for the product as a whole has been determined. The weighted average dumping margin of the product as a whole has thus been determined as US\$[***] i.e. [***] %.

(iii) All other exporters from Chinese Taipei

46. As per the import data total 276 no of the subject goods were imported from Chinese Taipei during the POI out of which the responding exporters account for total [***] machines. Therefore significant volume of the subject goods have been exported by other exporters from Chinese Taipei during this period. In the absence of cooperation from these exporters dumping margin for all non-cooperative exporters from Chinese Taipei has been determined based on facts available taking into account the information provided by the cooperating exporters from Chinese Taipei as US\$ [***]/ [***] %.

G.2 Philippines, Malaysia and Vietnam

47. None of the exporters from Philippines, Malaysia and Vietnam has filed any questionnaire response. As per the import data available with the Authority significant number of the subject goods have been imported from Philippines, Malaysia and Vietnam during the POI. Therefore, dumping margins for the exporters from these countries have been determined on facts available basis.

(a) Normal Values in Philippines, Malaysia and Vietnam

48. Since none of the producers or exporters in Philippines, Malaysia and Vietnam has provided any information for determination of the normal values of the subject goods in these countries, the Authority has determined the Normal values in these countries on facts available basis, as per the Rules, taking into account information provided by the domestic industry and other facts available with the Authority. In the absence of information on actual costs and prices in the domestic markets of the exporting countries or their exports to third countries, the Authority has constructed the Normal Values in these countries based on constructed cost plus reasonable profit. The Authority further notes that the product under consideration includes a number of product types, corresponding to different clamping forces. Thus, the Authority has constructed the normal values of each product type by taking into account cost of production of the comparable products manufactured by the domestic industry in India plus a reasonable profit.

49. The Authority notes that the associated costs and prices of different models/product types vary depending upon the clamping force and other

configurations. Therefore, normal values of the product types actually imported from each of the subject countries as above have been determined separately for fair comparison with their respective export prices taking into account the cost of manufacturing of the domestic industry for the closest model/product type manufactured by the domestic industry during the POI. Wherever the domestic industry did not produce a matching product type with identical clamping force a conservative approach has been adopted by determining the normal value based on the cost of the machine with nearest clamping force to enable like to like comparison after making due allowance for any differences that affect price comparability. Because of the very nature of the product, involving several components and parts manufactured in other countries and used by the machine producers across the globe, to the extent possible due account has been taken of the international prices of such components and parts imported by the domestic industry.

50. During the POI the following models/product types of the subject goods were imported from Philippines, Malaysia and Vietnam. Therefore, the normal values of these models have been determined adopting the above general principles as shown in the dumping margin tables given in dumping margin paragraph below.

(b) Export Prices: Philippines, Malaysia and Vietnam

51. As per the DGCI&S import data examined during the POI 73 pieces, 98 pieces and 149 pieces of the subject goods have been imported from Philippines, Malaysia and Vietnam respectively. Export Price for all exporters in Philippines, Malaysia and Vietnam have been determined on the basis of import prices reflected in transaction-wise data for the POI from DGCI&S. Model/product type-wise average CIF price reflected in the import data has been adjusted for inland and ocean freights and insurance, handling and other selling expenses based on facts available to arrive at ex-works export prices as given in the dumping margin table given below.

(c) Dumping Margin: Philippines, Malaysia and Vietnam

52. The normal values of the individual product types in Philippines, Malaysia and Vietnam so determined at ex-works level have been compared with the ex-works export prices of the corresponding product types at the same level as described above to arrive at the individual dumping margins at the model/product type level and then weighted average dumping margin for the product as a whole has been determined for each country as follows:

(i) Philippines

53. Dumping margin for all exporters in Philippines has thus been determined as under:

Clamping Force (MT)	Qty	Net Export Price in US\$	NV US\$	DM US\$	DM %
100	***	***	***	***	
120	***	***	***	***	
130	***	***	***	***	
140	***	***	***	***	
160	***	***	***	***	
188	***	***	***	***	
200	***	***	***	***	
230	***	***	***	***	
250	***	***	***	***	
280	***	***	***	***	
300	***	***	***	***	
400	***	***	***	***	
500	***	***	***	***	
600	***	***	***	***	
650	***	***	***	***	
Grand Total	73	***	***	***	55-65%

(ii) Malaysia

54. Dumping margin for all exporters in Malaysia has thus been determined as under:

Clamping Force	Qty	Net Export Price in US\$	NV US\$	DM US\$	DM %
60	***	***	***	***	
88	***	***	***	***	
90	***	***	***	***	
100	***	***	***	***	
120	***	***	***	***	
130	***	***	***	***	
140	***	***	***	***	
150	***	***	***	***	
158	***	***	***	***	
160	***	***	***	***	
170	***	***	***	***	
200	***	***	***	***	
280	***	***	***	***	
320	***	***	***	***	
380	***	***	***	***	
390	***	***	***	***	
458	***	***	***	***	

500	***	***	***	***	
550	***	***	***	***	
600	***	***	***	***	
680	***	***	***	***	
800	***	***	***	***	
Grand Total	98	***	***	***	75- 85%

(iii) Vietnam

55. Dumping margin for all exporters in Vietnam has thus been determined as under:

Clamping Force	Qty	Net Export Price in US\$	NV US\$	DM US\$	DM %
60	***	***	***	***	
86	***	***	***	***	
90	***	***	***	***	
120	***	***	***	***	
160	***	***	***	***	
200	***	***	***	***	
250	***	***	***	***	
280	***	***	***	***	
320	***	***	***	***	
380	***	***	***	***	
470	***	***	***	***	
530	***	***	***	***	
600	***	***	***	***	
700	***	***	***	***	
1000	***	***	***	***	
Grand Total	149	***	***	***	40-50%

Dumping margin table

SI No.	Country	Producer	Exporter	DUMPING MARGIN US\$ / PC	DUMPING MARGIN %
1	Chinese Taipei	M/s Chen Hsong Machinery Chinese Taipei Co Ltd	M/s Asian Plastic Machinery Co Ltd	***	5-15%

2	Chinese Taipei	M/s Jon Wai Machinery Works Co Ltd	M/s Jon Wai Machinery Works Co Ltd	***	0-10%
3	Chinese Taipei	All Others	All Others	***	40-50%
4	Philippines	All producers	All Exporters	***	55-65%
5	Malaysia	All producers	All Exporters	***	75-85%
6	Vietnam	All producers	All Exporters	***	40-50%

56. The dumping margins so determined have been found to be above *de minimis*.

H. Determination of Injury and Causal Links

57. Rule 11 of Antidumping 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 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.

58. The Authority notes that the application for imposition of antidumping duty has been filed by Plastics Machinery Manufacturers Association of India (hereinafter referred to as petitioner or PMMAI) on behalf of the producers of Plastic Processing Machines. Four of its members, (i) M/s Toshiba Machines; (ii) M/s Ferromatic Milacron; (iii) M/s Windsor India; and (iv) M/s Electronica Machines, who are domestic producers of the product under consideration in India, who commands a major proportion of total production of the subject goods in India. In terms of Rule 2(b) of the Rules the petitioner has been treated as the domestic industry for the purpose of this investigation. Therefore, for the purpose of this determination the cost and injury information of the petitioner, constituting the domestic industry as defined in Rule 2(b), has been examined.

(i) Views of Exporter, importers and other Interested Parties regarding the injury claims of domestic industry

59. The exporters, importers and other interested parties to this investigation, in their respective submissions, regarding the injury and causal link, have inter alia argued:

- a) That the allegation of material injury by the domestic industry is unsubstantiated. Economic indices, including investment, capacity and investments, inventory, labour, decline in volume of imports etc. demonstrate that the Domestic industry is performing well. Despite the state of declining demand in the country, the Domestic Industry has enhanced its production capacity by 34%;
- b) That the decline in sales, and consequently production, is because of decline in demand for the product in the country as stated by the petitioners.
- c) That the import data would show that in absolute term, relative to production in India or consumption in, imports have declined. This clearly establishes that there is no volume effect. Therefore, the claims of the petitioners that the Domestic producers suffered injury due to a drop in sales due to imports from the countries concerned does not stand;
- d) That during 2010-11 when imports from the subject countries were highest levels, the profitability of the Petitioner was at its peak. In 2013-14, when imports decreased, the Domestic industry's profitability also declined. The profitability of the Domestic industry has been affected due to unwarranted enhancement of capacity by the Domestic industry;
- e) That Audit Report of Windsor stated that Decline in demand was due to overall drop in economic growth, stagnation of policies/decision making, apprehensions about forthcoming elections and hence most of the new investments were deferred; Scarcity of Power in some parts of the country, forced customers to defer their expansion plans and new projects which ultimately resulted in lower orders and delay in lifting of finished machines;
- f) That total imports in the India from Subject Countries are less than 24% whereas; the Petitioner has an impressive market share of over 61%. The same has increased by 7% during the POI and market share of the imports from subject countries have declined;

- g) That the capacity utilization slightly decreased by 10% during the same period due to new capacity for Plastic Processing Machines being added. The capacity utilization in recent years was at record levels, if new capacities are not considered;
- h) That heavy investments made by the Domestic industry during the 2010-11 to 2013-14 periods completely undermine the allegation that the Domestic industry suffered material injury during that time;
- i) That Anti-dumping measures on imports of PPM originating in the countries concerned would not be in the Domestic interest since anti-dumping measures would:
 - i. increase the price of finished goods produced by the hundred thousands of user industry and harm buyers and ultimately consumers;
 - ii. have a negative impact on competition in the market; and
 - iii. Threaten a more significant number of jobs in the downstream industry than the number of jobs allegedly at risk in the Domestic industry.

(ii) Views of the domestic industry

60. The domestic industry, in its submissions, has *inter alia* argued as under:
- i. That after the imposition of anti-dumping duty on imports of product under consideration from China; Malaysia, Philippines, Chinese Taipei and Vietnam started dumping the product under consideration into India;
 - ii. That the demand for the product under consideration has declined over the injury period. Auto sector growth has declined by about 16%, due to which the machines used in this sector are idle. Resultantly, these machines are being used for packaging and other sectors. Thus, while decline in demand in auto sector has led to lower demand in this sector, at the same time, it has triggered a decline in demand in other sectors as well;
 - iii. That dumped imports of the product under consideration are entering the Indian market in significant volumes from the subject countries;
 - iv. That the landed price of imports were substantially below the selling price of the Domestic Industry thereby causing significant

price undercutting;

- v. That whereas the cost of production has seen an increase since the base year, the selling prices have not increased in proportion to increase in cost. Imports are suppressing the prices of the product in the Country. The domestic industry is being forced to prevent price increases to the extent where it is suffering significant reductions in profits;
- vi. That the Domestic Industry enhanced its capacity in the years 2011-12 and further in 2012-13 in anticipation of growth in the market keeping in view the projections. However, unfortunately, demand for the products being produced by the consumers saw a significant decline, as a result of which demand for product under consideration declined significantly in the last four years;
- vii. The decline in sales and consequently production is because of decline in demand for the product in the Country. Since product is largely made to order item, the domestic industry produces the product largely against confirmed orders. Thus, decline in sales is adversely impacting production and consequently capacity utilization.
- viii. That the performance of the domestic industry deteriorated in terms of production, domestic sales, capacity utilization, profits, return on investments, cash flow. Consequent impact of dumping on the domestic industry has been significantly adverse.
- ix. That with continuous presence of dumped imports in the Indian market, the domestic industry, in order to sustain in the market, is left with no option but to sell the goods at sub-optimal prices. The domestic industry was prevented from raising its prices in proportion to increase in costs.
- x. That the domestic industry has faced negative growth in terms of sales, production, capacity utilization, profits and return on investment. This is clearly due to dumping of the product under consideration in the market.
- xi. That while the injury to the domestic industry has occurred largely on account of dumping from subject countries and decline in demand for the product in the country, not imposing anti dumping duties shall lead to significantly intensified injury to the domestic industry. Thus, performance of the domestic industry shall deteriorate further in the event anti dumping duties are not imposed.

- xii. That the subject goods are capital goods items and therefore, the domestic industry is required to plan its capacity expansion keeping in view the future industry outlook. The outlook of the industry at that point in time were showing promising future demand for the plastic industry was high and therefore, a healthy increase in demand for the processing/moulding machinery industry. The projections lay down for 2020 showed that demand for product under consideration shall increase to about 15000 machines per annum. Considering the present capacity and potential demand for the product, a number of industry producers, including the petitioners, invested significant amounts in capacity expansion. However, demand for the product has declined significantly and therefore, the domestic industry is now suffering injury both from dumping from several sources as also decline in demand. Under these circumstances, non imposition of anti dumping duty shall lead to intensified injury to the domestic industry
- xiii. That dumping need not be the only factor of injury to the domestic industry. Domestic industry is suffering injury both from dumping from various sources as also decline in demand. Further, while it is appreciated that the decline in demand has been partly responsible for the decline in production and sales, the presence of subject imports due to dumping by the foreign producers has aggravated injury to the domestic industry
- xiv. That the industry was earlier suffering from Chinese dumping. While some of the Chinese companies shifted to Vietnam and continued dumping, producers in other countries joined such Chinese companies in dumping the product in the Country. The market share of the domestic industry should have naturally improved with imposition of ADD on Chinese imports. The continued dumping with change of source has however significantly undermined the remedial effects of the ADD imposed
- xv. That the market share of imports has remained significant to cause injury to the domestic industry.
- xvi. That Anti dumping duty is imposed against unfair priced dumped imports and the significance and purpose of anti-dumping duty is to maintain a level-playing field and prevent dumping, while allowing for healthy competition. The domestic industry of product under consideration is suffering material injury due to presence of dumped imports. Thus, legally, it is not necessary to

establish that imposition of anti dumping duty shall not have significant adverse impact on the consumers.

- xvii. That imposition of anti dumping duty shall have insignificant impact on the downstream industry which can be seen from the fact despite imposition of anti dumping duty on Chinese machines; no such adverse effect is seen.

61. The domestic industry has requested to impose antidumping duty in the form of fixed duties.

(iii) Examination of the issues by the Authority

62. The Authority notes the arguments of the domestic industry and other interested parties and various issues raised therein and has addressed them in the relevant paragraphs hereunder.

I. Examination of Injury and Causal Link:

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

I.1 Cumulative Assessment of Injury

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

- a) the margin of dumping established in relation to the imports from each country/ territory is more than two percent expressed as percentage of export price and the volume of the imports from each country is three percent of the imports of the like article or where the export of the individual countries is less than three percent, the imports cumulatively accounts for more than seven percent of the imports of like article, and;
- b) Cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like

domestic articles.

65. In the present case, the weighted average margins of dumping from each of the subject countries have been found to be more than the *de minimis* limits prescribed; and the volume of dumped imports from each of the subject countries is more than the limits prescribed;
66. The Authority notes that the subject goods are capital goods with a wide range of clamping forces and are supplied by the domestic industry as well as foreign suppliers with varying configurations and specifications within the same clamping force ranges. Within the comparable ranges the prices of the goods imported from the subject countries are in narrow price ranges indicating that the dumped goods are *inter se* competing amongst themselves as well as with the domestic goods. Therefore, the Authority considers it appropriate to cumulatively assess the effects of the dumped imports from the subject countries.

I.2 Examination of actual and potential impact of dumped imports

67. Annexure II to the Anti Dumping Rules, in its relevant parts, provides that *the examination of the impact of the dumped imports on the domestic industry concerned, shall include an evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices; the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.*
68. In accordance with the above Rules all economic parameters affecting the Domestic Industry as indicated above have been examined as under: -

(a) Volume Effects of Dumped Imports:

(i) Import volumes and share of subject countries:

69. For examination of the volume and prices of the imports from various sources the Authority has relied upon the transaction-wise data from DGCI&S and individual transactions have been examined based on the product descriptions to identify the product under consideration. The machines not falling within the scope of the product under consideration have been pruned as per the product description given in the transaction-wise data. The transaction-wise data so examined has been placed in public folder notwithstanding the appeal of the Govt. pending before the Hon'ble Supreme Court in SanDisk matter. The volume of imports during the injury investigation period, as per this analysis, is as follows:

Particulars	Unit	2010-11	2011-12	2012-13	2013-14 (POI)	% Share
Subject Countries Import						
Chinese Taipei	Nos	706	716	406	276	32%
Malaysia	Nos	102	87	109	106	12%
Philippines	Nos	73	151	41	74	9%
Vietnam	Nos	0	77	228	155	18%
Subject Country as a whole	Nos	881	1,031	784	611	71%
Trend		100	117	89	69	
China (ADD already in force)	Nos	98	36	46	29	3%
Trend		100	37	47	30	
Other Countries	Nos	571	415	243	219	25%
Trend		100	73	43	38	
Total Imports	Nos	1,550	1,482	1,073	859	100%
Trend		100	96	69	55	

70. The Authority notes that total import of the subject goods from the subject countries, as well as from all countries, has declined significantly during the injury investigation period. The subject countries account for about 71% of the total imports during the POI, up from about 51% in the base year. However, the decline in imports needs to be examined in the context of demand and market shares.

(ii) **Demand and Market Share:**

71. The demand and market share of the domestic industry and the subject countries in the domestic market has been assessed taking into account the production and sales of the domestic industry and imports as follows:

Demand	Unit	2010-11	2011-12	2012-13	2013-14 (POI)
Sales of Domestic Industry	Nos.	2,025	1,959	1,773	1,662
Trend		100	97	88	82
Sales of Other Indian Producers	Nos.	203	196	177	166
Trend		100	97	88	82
Imports from Subject country					
Chinese Taipei	Nos	706	716	406	276
Malaysia	Nos	102	87	109	106
Philippines	Nos	73	151	41	74
Vietnam	Nos	-	77	228	155
Subject Country as a	Nos	881	1,031	784	611

whole					
Trend		100	117	89	69
Imports from China	Nos.	98	36	46	29
Trend		100	37	47	30
Other Countries	Nos.	571	415	243	219
Trend		100	73	43	38
Total Demand	Nos.	3,778	3,637	3,023	2,687
Trend		100	96	80	71

72. The above data indicates that during the injury investigation period the demand of the subject goods in the domestic market declined by about 29% compared to the base year. The sale of the domestic industry has declined by about 18% in the same period. Imports from the subject countries have also declined by about 31% during the same period.

73. As far as the demand scenario is concerned, the domestic industry has submitted that the demand of the subject goods has been adversely affected by the general economic slowdown and specifically because of the demand glut in the auto component industry sector, which is one of the largest users of these machines, during the last few years. It has been contended that this being a global phenomenon, the plastic processing machine industry everywhere is under pressure and therefore, dumping has started from several sources to use up the existing capacities in these countries. A significant part of the demand in India has been occupied by dumped imports from several sources, including the subject countries.

74. The trend in shares of various players in the domestic market during the injury investigation period has been examined as follows:

Market Share	Unit	2010-11	2011-12	2012-13	2013-14 (POI)
Sales of Domestic Industry	%	54%	54%	59%	62%
Sales of Other Indian Producers	%	5%	5%	6%	6%
Imports from Subject country					
Chinese Taipei	%	19%	20%	13%	10%
Malaysia	%	3%	2%	4%	4%
Philippines	%	2%	4%	1%	3%
Vietnam	%	-	2%	8%	6%
Subject Country as a whole	%	23%	28%	26%	23%
Imports from China	%	3%	1%	2%	1%
Other Countries	%	15%	11%	8%	8%
Total Demand/Consumption	%	100%	100%	100%	100%

75. The above data indicates that the market share of the domestic industry has increased by about 8% during the POI as compared to the base year though in absolute term the sales have substantially declined. The share of the subject countries in total domestic demand remains at the same level of the base year in POI after increase in 2011-12 and 2012-13. While the sales of domestic industry has significantly declined the market share shows a significant increase. Therefore, Authority notes that in a period of declining demand scenario the market shares of various players may not provide a clear indication of the impacts of the imports.

b) Price Effect of the Dumped imports on the Domestic Industry

76. With regard to the impact of the dumped imports on prices, the Authority is required to consider whether there has been a significant price undercutting by the dumped imports as compared with the price of the like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. Accordingly, the impact on the prices of the domestic industry on account of dumped imports of the subject goods from the subject countries have been examined with reference to price undercutting, price underselling, price suppression and price depression.

77. The Authority notes that the subject goods are capital goods with varying capacities and configurations. Therefore, for the purpose of the undercutting and underselling analysis the cost of production, net sales realization (NSR) and the non-injurious prices (NIP) of the domestic industry for each model/product type based on their clamping force have been compared with landed value of dumped imports of corresponding models/product types of the subject goods imported from the subject countries before consolidating them at the product level from each country.

78. The non-injurious prices of each model/product types manufactured and supplied by the domestic industry have been determined as per the consistent practice of the Authority by appropriately considering the cost of production for the product under consideration during the POI as per the principles laid down in Annex-III of the Rules.

(i) Price undercutting effect of the dumped imports

79. Price undercutting has been determined by comparing the landed values individual models/product types of dumped imports from the subject countries over the entire period of investigation with the net sales realization of the corresponding models sold by the domestic industry and thereafter weighted average price undercutting of the product as a whole for each of the subject countries have been determined to see whether the imports are significantly undercutting the prices of the domestic industry.

For this purpose landed values of imports has been calculated by adding 1% handling charge and applicable customs duty to the value reported in the DGCI&S import data. In order to determine the net sales realization of the domestic industry, any rebates, discounts, commissions, etc. offered by the domestic industry and the central excise duty paid have been deducted from the total sales realization.

80. The price undercutting of the subject goods from each of the subject countries, at the product level, works out as follows:

	Chinese Taipei	Malaysia	Philippines	Vietnam Soc Rep	Overall
Weighted average Price Undercutting (Rs)	***	***	***	***	***
Price Undercutting (%)	0-10%	65-75%	40-50%	30-40%	15-25%

81. The above data indicates that at the weighted average level the dumped imports from each of the subject countries are significantly undercutting the prices of the domestic industry.

(ii) Price underselling effect of the dumped imports

82. For examining the underselling effects of the dumped imports first the landed values of imports of comparable models/product types have been compared with the Non-Injurious Prices determined for the corresponding product types and thereafter weighted average of the underselling margins have been worked out at product level for each of the subject countries. The weighted average underselling margins work out as follows:

	Chinese Taipei	Malaysia	Philippines	Vietnam Soc Rep	Total
Underselling margin (Rs)/Pc.	(***)	***	***	***	***
Underselling margin (%)	(0-10)%	40-50%	25-35%	20-30%	10-20%

83. The above data shows that at the weighted average level the landed values of the dumped imports from Malaysia, Philippines and Vietnam are significantly below the non-injurious prices of the domestic industry. But in case of Chinese Taipei the underselling margin at the weighted average level has been found to be negative. However, the Authority notes that the exporters from Chinese Taipei have submitted their questionnaire response and the underselling margins of these exporters have been also been

determined and relied upon as recorded in the relevant section in this finding.

(iii) Price Suppression, Depression effects of dumped imports

84. To examine whether the domestic prices are suppressed or depressed due to the presence of dumped imports from subject countries the trend of weighted average sales realization of the domestic industry has been compared with the cost of sales and the landed values of dumped imports at weighted average level.

Particulars	Unit	2010-11	2011-12	2012-13	2013-14
Weighted average Cost of Sales	Rs./No.	***	***	***	***
Trend	Index	100	115	121	127
Weighted average Net Sales Realisation of DI	Rs./No.	***	***	***	***
Trend	Index	100	106	108	114
Weighted average Landed Value					
Chinese Taipei	Rs./No.	32,90,886	25,89,317	34,64,495	42,33,910
Trend	Index	100	79	105	129
Malaysia	Rs./No.	21,23,614	19,74,631	23,29,541	18,31,239
Trend	Index	100	93	110	86
Philippines	Rs./No.	16,97,109	15,93,097	13,02,944	24,11,463
Trend	Index	100	94	77	142
Vietnam Soc Rep	Rs./No.	-	20,27,780	23,63,552	30,88,308
Trend	Index	-	100	117	152

85. The above data indicates that while the weighted average cost of sales have increased significantly in the injury investigation period the weighted average selling price has not increased at the same rate indicating price suppression. However, the Authority notes that the cost and prices of the subject goods vary significantly depending upon the capacity and other configurations and therefore, any comparison based on weighted average basis may not provide a clear and meaningful understanding of the price suppression or depression effects of the dumped imports.

c) Examination of other injury factors

(i) Actual and potential impact on capacity, production, capacity utilization and sales

86. The table below shows the capacity, production, capacity utilization and sales of the domestic industry for the product under consideration during the injury investigation period.

Particulars	Unit	2010-11	2011-12	2012-13	2013-14 (POI)
Capacity	Nos	3,650	4,200	4,600	4,600
Trend		100	115	126	126
Production	Nos	2,260	2,229	2,053	2,069
Trend		100	99	91	92
Capacity Utilization	%	62%	53%	45%	45%
Trend		100	86	72	73
Domestic sales	Nos	2,025	1,959	1,773	1,662
Trend		100	97	88	82

87. The Authority notes that the domestic industry has enhanced its capacities in 2011-12 and 2012-13. While the capacity has gone up by 26% compared to the base year the production has gone down by about 8% and the domestic sales are down by about 18%. The interested parties have argued that the decline in production and sales of the domestic industry is solely on account of decline in demand and not because of the alleged dumped imports.

88. The domestic industry has submitted that the demand for plastic processing machines between 2004-05 and 2010-11 was quite significant and registered good growth during this period. As per the demand projections based on the outlook of various user industries given in Plast-India Report of 2012 the demand for plastic processing machines was expected to reach a level of about 1,50,000 machines per year by 2020. Considering the growth in the industry that was taking place and the potential growth for the product in the Country, major producers of plastic processing machines in India expanded their capacities with significant fresh investments. However, unfortunately, because of general economic slowdown, demand for the products being produced by the users of these machines, specifically auto-component sector, saw a significant decline. As a result of this demand for product under consideration declined significantly in the last four years. At the same time the dumped imports are entering the Indian market at significant volumes and at significantly dumped prices. Consequently, production and domestic sales of the domestic industry were affected.

(ii) Actual and potential impact on profit/loss, cash flow, returns on capital employed

89. Performance of the domestic industry with respect to the profitability parameters are as follows:

Particulars	Unit	2010-11	2011-12	2012-13	2013-14
Profit/ Loss	Rs. Lacs	***	***	***	***
Trend	Index	100	45	20	18
Profit/ Loss before Tax & Interest	Rs. Lacs	***	***	***	***
Trend	Index	100	53	25	22
Cash Profits	Rs. Lacs	***	***	***	***
Trend	Index	100	52	30	28
Capital Employed	Rs. Lacs	***	***	***	***
Trend	Index	100	129	167	196
Return on capital employed	%	60-70%	25-35%	5-15%	0-10%
Trend	Index	100	41	15	11

90. The above data indicates that though the domestic operations of the domestic industry have remained profitable during the entire injury investigation period but the net profit of the Company and the return on capital employed has declined sharply since 2011-12. The cash profit has also declined significantly during the injury period.

(iii) Actual and potential impact on Employment and Wages

91. The data on employment and wages given below indicates increase in employment and wages though the productivity remains more or less same. The Authority notes that the domestic industry produces plastic processing machines of wide range of capacities and some of them are not included in this investigation. The industry has also added capacities during this period. Therefore, the information on employment and wages may not provide a very clear picture of the condition of the industry with respect to the product under consideration.

Particulars	Unit	2010-11	2011-12	2012-13	2013-14
Employment	Nos.	***	***	***	***
Trend	Index	100	107	108	109
Wages	Rs. Lacs	***	***	***	***
Trend	Index	100	131	145	166
Productivity	Nos./Day	***	***	***	***
Trend	Index	100	99	91	92

92. The above data indicates that while the employment has increased by about 9% over the base year, the wages have increased by about 66% in the same year. The wage increase is significant. Therefore, employment and wages have not been considered as significant factors of injury. However, the potential of growth in employment and wages needs to be seen in the context of the profitability of the industry which has significantly declined. The productivity has declined significantly due to decline in production as noted earlier.

(iv) Actual and potential impact on Inventories

93. Inventory holding of the domestic industry has not been significantly impacted and has remained constant as can be seen from the table below. However, this needs to be seen in the context of increase in exports and decline in production, while the domestic sales have declined during this period.

Particulars	Unit	2010-11	2011-12	2012-13	2013-14
Inventory	Nos.	***	***	***	***
Trend	Index	100	200	120	100

(iv) Actual and potential impact on ability to raise fresh Investment

94. The Authority notes that the domestic industry has made fresh capital investments for expansion during the injury investigation period, apparently keeping in view healthy growth in demand for the product in the domestic market as well as export market. The sale of the domestic industry in the export markets shows a healthy growth during the period of investigation whereas the sales in domestic market declined significantly. Therefore, the ability of the domestic industry to make fresh investment during the period prior to the period of investigation was not significantly affected as the profitability in the first two years of the POI was promising. However, the sharp decline in profitability in the last two years is likely to significantly affect fresh investment in this sector.

(vi) Actual and potential impact on growth

95. Overall analysis of the performance of the domestic industry shows that the domestic industry has faced negative growth in terms of sales, production, capacity utilization, profits and return on investment. Though the employment, wages, investment and inventory did not show any decline during the POI the potential impact of the dumped imports on these parameters could be significantly high as the profitability significantly declines and the demand remains low.

(vii) Magnitude of Dumping and Dumping Margins

96. The dumping margins of the dumped imports determined for the subject countries in the previous section are significantly above *de minimis* level.

(viii) Factors affecting prices

97. Examination of trends in the volume of dumped imports and prices of the dumped imports from the subject countries, and the domestic prices indicate that the decline in demand in the domestic market and presence of significant dumped imports from the subject countries through their volume and price effects have affected the prices of the domestic industry.

(d) Injury Margins

98. The Non-injurious prices of the subject goods, for the domestic industry, has been determined for individual models/product types on the basis of their clamping force as per the principles laid down in Annex-III to the Anti-dumping Rules for fair comparison with the respective landed values of imports for determination of injury margins first at the model/product type level and thereafter injury margins of the product as a whole, from various sources from the subject countries, have been determined as follows:

	Injury Margin US\$/PC	Injury Margin %
Chinese Taipei		
M/s Chen Hsong Machinery Chinese Taipei Co Ltd (Producer) and M/s Asian Plastic Machinery Co Ltd (Exporter)	***	0-10%
M/s Jon Wai Machinery Works Co Ltd (Chinese Taipei)	(***)	(20-30)%
All others	***	25-35%
Malaysia	***	40-50%
Philippines	***	25-35%
Vietnam Soc Rep	***	20-30%

99. The above data indicates that the weighted average of the injury margins of dumped imports from Malaysia, Philippines and Vietnam are positive and significant. As far as Chinese Taipei is concerned, the weighted average injury margin of M/s Jonwai Machinery Works Co., Ltd., Chinese Taipei was found to be negative and the weighted average injury margin of other exporters from that country have been found to be positive. In its post disclosure submissions the domestic industry has raised certain issues regarding determination of NIP. The issues have been examined and the Authority notes that NIP has been determined as per the consistent practice and principles laid down in annexure-III of the Rules.

(e) Causal link and other factors

100. The Rules mandates the Authority to examine the causal links between the dumped imports and the injury caused to the domestic industry on account of the dumped imports. The Authority has examined whether other known factors could have caused injury to the domestic industry. The following issues brought to the notice of the authority have been examined alongwith the mandatory non-attribution factors, as per information available with the authority to see factors other than dumped imports, if any, could have contributed to injury to the domestic industry. Accordingly, the following parameters have been examined:

i) Volume and prices of imports from other sources

101. Import data examined shows that the subject goods are also being imported from other countries not under this investigation. The Authority notes that the anti dumping duties are currently in force against import of subject goods up to 1000 MT clamping force imported from China PR. The volume of imports from China PR as well as its share in imports has substantially declined after imposition of anti dumping duties. The volume of imports from the subject countries accounts for over 71% of total imports during the POI. Imports from the other countries, not alleged to be dumping, are at higher prices. Therefore, the imports from other sources are not affecting the domestic industry.

ii) Contraction in demand and / or change in pattern of consumption

102. The Authority notes that there is a significant decline in demand of the products in the domestic market since the base year and the interested parties have argued that the performance of the domestic industry has been affected because of the decline in demand and not because of the alleged dumped imports. The domestic industry has however, contended that the subject goods are majorly used in electrical, packaging, medical, home appliances and auto sector. Auto sector growth has declined by about 16% during this period, due to which the machines used in this sector are either idle or being used for packaging and other sectors. Thus, while decline in demand in auto sector has led to lower demand in this sector, at the same time, it has triggered a decline in demand in other sectors as well. Therefore, overall demand for the injection machines has declined during this period.

103. The authority notes that the demand for the subject goods in the domestic market declined by about 29% during the POI. This decline is due to economic slowdown in general and decline in the auto sector in particular. Auto component sector is one of the major consumers of these capital

goods. This decline in demand has affected the sales of the domestic industry to a significant extent. However, the dumped imports from the subject countries and the other countries account for about 24% of the demand in India in a declining market and have thereby worsened the condition of the domestic industry through their volume as well as price effects.

iii) Trade restrictive practices of and competition between the foreign and domestic producers

104. The Authority notes that there are a number of producers of the subject goods in India. No argument has been made by any interested party regarding unfair competition or trade restrictive practices adopted by any domestic players. The volume and value of goods imported during the period of investigation show that the goods are entering the Indian market without any restriction. The foreign producers and domestic industry are competing in the Indian market. Thus investigation has not shown that conditions of competition or trade restrictive practices are responsible for the alleged injury to the domestic industry.

iv) Development in technology: -

105. No information has been supplied by any interested parties to indicate that there is any significant change in injection moulding technology or development of new generation machines affecting the production and sale of the subject goods in India by the domestic industry. The investigation carried out does not show any significant change in technology or change in preference in plastic moulding industry which could have affected the sector.

v) Export performance of the domestic industry: -

106. The volume of exports of the domestic industry has increased substantially during the injury investigation indicating price competitiveness of the Indian producers in the international market. The export sales have been found to be significantly profitable. However, the injury analysis in the previous section is based on the domestic performance of the domestic industry. Prices and profitability in the domestic and export markets have been segregated by the Authority for the purpose of assessing injury to the domestic industry.

vi) Productivity of the Domestic Industry

107. Productivity of the domestic industry has declined due to the decline in production, due to dumping and decline in demand, in the injury investigation period and not because of any other factor. Therefore, decline

in productivity cannot be treated as a factor causing injury to the domestic industry.

J. Post Disclosure Comments of the domestic industry and other Interested parties on Injury and Causal Links

J.1 Domestic Industry

108. The domestic industry, in its post disclosure comments, has submitted that that negative margin in case of M/s Jon Wai Machinery, Chinese Taipei does not imply that the DA shall not impose ADD on imports from Jon Wai Machinery. It has been argued that there are significant imports below NIP and therefore, Designated Authority is requested to consider only those export transactions where landed prices of imports are below the NIP. It has been submitted that this method of computation of injury margin is fully consistent with the decision of CESTAT in the matter of KOTHARI SUGARS & CHEMICALS LIMITED Versus DESIGNATED AUTHORITY wherein the CESTAT held that the injury margin is required to be determined after considering only those export transactions where injury margin is positive. It has been further submitted that this is also the practice being employed by European Commission. Domestic industry has further argued that the Rules have not made any specific prescription with regard to determination of injury margin and have only prescribed the methodology for determination of NIP. Therefore, petitioner requests the Authority to consider positive injury margin transactions in case of this exporter and fix injury margin accordingly.

J.2 Other Interested parties

109. The All India Plastic Manufacturers Association, in its post disclosure submissions, has mostly reiterated its arguments and has inter alia argued that

- The investigation should not have been initiated since the Petition did not contain sufficient and consistent evidence of dumping and/or injury.
- The alleged injury suffered by the Petitioner is not material and accordingly the application of the anti-dumping measures is not justified.
- Injury allegedly suffered by the Domestic Industry is due to factors other than imports from subject countries. Lower demand of the subject goods in India affected the Domestic industry's output.

- Domestic industry's volume of domestic sales is declining during the reference period. This should not have been seen in isolation. The same is to be examined in relation with total demand.
- Domestic producers suffered injury due to a drop in sales in 2013-14 and that such a drop in sales would be attributable to imports from the countries concerned.
- Market share of the Domestic Industry increased by 7% during the POI and market share of the imports from subject countries have declined.
- The profitability of the Domestic industry has been affected due to unwarranted enhancement of capacity by the Domestic Industry.
- The total production (installed) capacity of the Domestic industry has increased by 33% from 2010-11 to 2013-14.
- The capacity utilisation slightly decreased by 10% during the same period, but this should be seen in the light of, the significant increase in investments which proves that the Domestic industry was competitive, as it had significant financial resources to invest in capacity increases all over the production chain.
- Inventory with the Domestic Industry are continuously decreasing thus this indicator does not support a finding of material injury.
- Allegation of material injury is unsubstantiated. Economic indices, including investment, capacity and investments, inventory, labour, decline in volume of imports etc. demonstrate that the Domestic industry is performing well.
- The imposition of anti-dumping measures on imports of PPM originating in the countries concerned would not be in the Domestic interest.
- Anti-dumping measures would increase the price of finished goods produced by the hundred thousands of user industry and harm buyers and ultimately consumers and have a negative impact on competition in the market for the products and threaten a more significant number of jobs in the downstream industry than the number of jobs allegedly at risk in the Domestic Industry.
- The imposition of anti-dumping measures would not be in the larger interest of Indian industry, as it will trigger price increases.

J.3 Examination by the Authority

110. As regards the comments of the domestic industry with regard to the injury margins of M/s Jon Wai Machinery are concerned, without prejudice to the decision of the Hon'ble CESTAT in the Kotahri Sugar matter quoted by the domestic industry, the Authority notes that the factual matrix of the case and the arguments based on which the methodology adopted in that matter was decided by the Hon'ble CESTAT are materially different. The said order clearly mentions and makes a distinction in the order itself while referring to the Bed Linen case argued in that matter and observing that

“We also do not think the Panel Report in the case of Bed Linen has application to the present case. That was a case where the exporters had co-operated with the investigation and filed full data about normal value and export prices. The parties had, however, complained about inclusion/exclusion of the prices of certain varieties. The product under consideration was vast in variety. That was also not a case where duty was imposed on variable basis. In such a case, the effect of substantial imports below the non-injurious price from one country does not arise, Relevance of and weightage for various parameters differ in injury and causal link analysis depending upon the factual situation in each case”.

111. The factual matrix of this case is different. It is not a case where there is no response from Taiwan. The exporters concerned from Taiwan have filed complete information on their export to India and on the basis of detail examination weighted average margin of injury for M/s Jon Wai Machinery has been found to be negative. In fact at the product type/model level also the injury margin has been found to be negative for all product types/models exported by this Company. Therefore, the Authority does not find any merit in the arguments of the domestic industry to apply the ratio of Kothari Sugar judgment of the Hon'ble CESTAT for imposition of duty on M/s Jon Wai Machinery by computing injury margin on the basis of transactions below NIP.

112. As regards the comments of All India Plastic Manufacturers Association is concerned, the Authority notes that the Association has mostly re-iterated most of its arguments which have already been addressed in the relevant places in this findings. The Authority notes that the investigation was initiated as per the Rules and after due consideration of prima facie evidence submitted. The information submitted by the domestic industry and other interested parties have been duly examined and various determinations, including the injury to domestic industry, are based on the material facts on record. All injury parameters have been examined keeping in view the submissions made by the interested parties, including AIPMA during the course of the investigation as recorded above. Therefore, the

post disclosure submissions of the AIPMA have been disposed off accordingly.

K. Conclusion on Injury and causal Links

113. The above analysis indicates that the performance of the domestic industry has deteriorated during the injury investigation period on account of decline in production, sales and capacity utilization; decline in profits and return on investments. Subject goods imported from the subject countries significantly undercut the prices of the domestic industry and also have significant underselling effect on the domestic industry's selling prices at the weighted average level, except for Chinese Taipei. The injury suffered by the domestic industry is significant and material.
114. As noted earlier, combination of various factors, such as significant volume of imports from the subject countries at dumped prices, continued dumping from China PR and decline in domestic demand, appear to have affected the performance of the domestic industry during the investigation period.

L. Indian industry's interest & other issues

115. The interested parties have argued that Anti-dumping measures on imports of PPM originating in the countries concerned would not be in the Domestic interest since anti-dumping measures would increase the price of finished goods produced by the hundred thousands of user industry and harm buyers and ultimately consumers and will have a negative impact on competition in the market and threaten a more significant number of jobs in the downstream industry than the number of jobs allegedly at risk in the Domestic industry. The Authority notes that the purpose of anti-dumping duties, in general, is to eliminate injury caused to the Domestic Industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures would not restrict imports from the subject country in any way, and, therefore, would not affect the availability of the subject goods to the consumers.

M. Conclusions:

116. After examining the issues raised and submissions made by the interested parties and facts made available before the Authority, as recorded in this finding, the Authority concludes that the subject goods are entering the Indian market from the subject countries at dumped prices and performance of the domestic industry has deteriorated in the current injury period due to the impact of the dumped imports from the subject countries coupled with decline in demand in the recent years. The injury suffered by the domestic industry is significant and material.

N. Recommendations:

117. The Authority notes that this investigation was initiated and notified to all interested parties and adequate opportunity was given to exporters, importers and other interested parties to provide positive information and verifiable evidence on various aspects of dumping, injury and causal links. Having conducted the investigation as per the procedure prescribed and having established that the goods from the subject countries are entering the Indian market at dumped prices and causing injury to the domestic industry through the volume and price effects the Authority considers it necessary and appropriate to recommend imposition of anti-dumping duty on imports of subject goods, from the subject countries, in the form and manner described hereunder.

118. Having regard to the lesser duty rules followed by the Authority, the Authority recommends imposition of anti-dumping duty equal to the lesser of margin of dumping and margin of injury so determined in this finding for the period under investigation, so as to remove the injurious effects of the dumped imports on the domestic industry. Accordingly, antidumping duty as a percentage of the landed value of the goods, as indicated in Col 9 of the duty table given below, is recommended to be imposed on all imports of subject goods originating in or exported from the subject countries for a period of five years from the date of notification to be issued in this regard by the Central Government. Landed value of imports for this purpose shall be the assessable value as determined by the customs under the Customs Act, 1962 and all duties of customs except duties levied under Section 3, 3A, 8B, 9 and 9A of the Customs Tariff Act, 1975.

Duty Table

SN	Sub Heading or Tariff Item	Description of Goods	Specification	Countries of origin	Countries of Export	Producer	Exporter	Duty Amount	Unit of Measure
1	2	3	4	5	6	7	8	9	10
1	8477.1000**	Plastic Processing Machines or Injection Moulding Machines used for processing or moulding plastic materials***	Clamping Force equal to or more than 40 tonnes and equal to or less than 3200 tonnes	Chinese Taipei	Chinese Taipei	M/s Chen Hsong Machinery Chinese Taipei Co Ltd	M/s Asian Plastic Machinery Co Ltd	6.06	%
2	-Do-	-Do-	-Do-	Chinese Taipei	Chinese Taipei	M/s Jon Wai	M/s Jon Wai	NIL	%

						Machinery Works Co Ltd	Machinery Works Co Ltd		
3	-Do-	-Do-	-Do-	Chinese Taipei	Chinese Taipei	Any combination other than the above		27.98	%
4	-Do-	-Do-	-Do-	Chinese Taipei	Any	Any	Any	27.98	%
5	-Do-	-Do-	-Do-	Any other than the subject countries	Chinese Taipei	Any	Any	27.98	%
6	-Do-	-Do-	-Do-	Philippines	Any	Any	Any	30.85	%
7	-Do-	-Do-	-Do-	Any other than the subject countries	Philippines	Any	Any	30.85	%
8	-Do-	-Do-	-Do-	Malaysia	Any	Any	Any	44.74	%
9	-Do-	-Do-	-Do-	Any other than the subject countries	Malaysia	Any	Any	44.74	%
10	-Do-	-Do-	-Do-	Vietnam	Any	Any	Any	23.15	%
11	-Do-	-Do-	-Do-	Any other than the subject countries	Vietnam	Any	Any	23.15	%

Note:

*** Above classification is indicative only and no way binding on the scope of the product under consideration for the purpose of imposition of antidumping duty.*

****The following types of products are excluded from the scope of the product under consideration for the purpose of imposition of antidumping duty:*

- i. Blow Moulding Machines classified under Customs Tariff Classification No. 847730.*
- ii. Vertical injection moulding machines.*
- iii. All electric injection moulding machines wherein the mechanical movements such as injection, mould closing, mould opening, ejection, screw driver, etc. are controlled by independent servo motors and having digital control system and without Hydraulic Units.*
- iv. Multi-colour / multi-mould machinery for making footwear, Rotary injection moulding machinery for making footwear and footwear*

sole/strap/heel injection moulding machine classified under the Customs Tariff Classification No. 8453.”

O. Further Procedure

119. An appeal against the orders of the Central Government that may arise out of this recommendation shall lie before the Customs, Excise and Service tax Appellate Tribunal in accordance with the relevant provisions of the Act.
120. The Authority may review the need for continuation, modification or termination of the definitive measure as recommended herein from time to time as per the relevant provisions of the Act and the Rules, and Public Notices issued in this respect from time to time. No request for such a review shall be entertained by the Authority unless the same is filed by an interested party as per the time limit stipulated for this purpose.

A. K. Bhalla
Designated Authority