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F. No. 6/18/2024-DGTR

Government of India, Department of Commerce

Ministry of Commerce & Industry

(Directorate General of Trade Remedies) 4<sup>th</sup> Floor, Jeevan Tara Building,

5, Parliament Street, New Delhi- 110001

Date: 29<sup>th</sup> June 2024

**INITIATION NOTIFICATION**

Case No. - AD(OT)-16/2024

**Subject: Initiation of an anti-dumping investigation concerning imports of 'Thiram in any form' from the European Union.**

1. Swamp Chemicals Private Limited (hereinafter referred to as the "applicant") has filed an application before the Designated Authority (hereinafter referred to as the "Authority") in accordance with the Customs Act of 1976 as amended from time to time (hereinafter referred to as the Act) and the Customs (Anti-Dumping) Rules, 1987 and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury (MCA, 1995) as amended from time to time (hereinafter referred to as the "Rules") to initiate an anti-dumping investigation concerning imports of Thiram in any form (hereinafter referred to as the "subject goods" or the "product under consideration"), originating in or exported from the European Union (hereinafter referred to as the "subject country").

2. The applicant has alleged that material injury is being caused to the applicant due to the dumped imports from the subject country, and has requested the imposition of anti-dumping duty on the imports of the subject goods originating in or exported from the subject country.

**A. Product under consideration (PUC):**

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

4. Thiram is used as a fungicide to protect crop plants in the field and to prevent graft from deterioration through its treatment. Thiram is also used as a seed coat, fruit and mushroom disinfectant from a variety of fungal diseases. In addition, it is used as an animal repellent in poultry and fish pens and to minimize tree damage by insects, rodents and other animals (by poisoning in the treatment of nutcracker, etc.) in agriculture. It is used as a bactericide applied directly to the skin or incorporated into...

5. The product under consideration is classified under Chapter 38 of the Customs Tariff Act, 1975 under heading 3808 92 01 of the Tariff Classification. The product under consideration has a dedicated classification. The customs classification is only indicative and the same is not binding on the scope of the investigation.

6. The parties to the present investigation can provide their comments on the product under consideration and provide their specific justifications, if any, within 30 days of the initiation of the subject investigation. Submissions made without sufficient and relevant evidence may not be considered by the Authority.

7. The applicant has claimed that the product produced by them is identical to the imported product. The product produced by the applicant is comparable to the imported goods from the subject country in terms of technical specifications, manufacturing process or technology, functions & uses, price distribution, marketing and retail classification of the goods. The two are technically and commercially substitutable and should be treated as like articles under the rules. Therefore, for the purpose of the present investigation the product produced by the applicant is being treated as like article to the product under consideration imported from the subject country.

#### 8. Subject country

8.1 The subject country in the present investigation is the European Union.

#### 9. Period of investigation (POI)

9.1 The period of investigation (POI) in the present investigation is from 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2022 or period of 12 months. The inquiry period in the investigation will cover the periods 2021-22, 2022-23 and 2022-24 and the period of investigation.

**E. Domestic industry and standing.**

10. The application has been filed by the Swaraj Chemical Private Limited. Support letter has been filed by Laxmi Chem Industries. It has been submitted that Swaraj Chemical Pvt. Ltd is the one other producer of the product in India.
11. Based on the information available, the production of the applicant accounts for a major proportion of the domestic production of like article in India. Further, the applicant is not related to any exporters in the subject country nor to any importers in India.
12. In view of the above, the Authority *prima facie* considers that the applicant constitutes "domestic industry" within the meaning of Rule 2(b) of the Rules and the applicant satisfies the criteria of standing in terms of Rule 5(1) of the R.

**F. Normal value, export price and dumping.**

Normal value.

13. The applicant has claimed that there is no published information regarding the normal price of the product in the domestic market in the European Union. He submitted that the applicant has committed that there are restrictions imposed in the European Union on the sale of the product and therefore it is unclear if there are sufficient sales of the product under consideration in the domestic market of the European Union. The applicant has, therefore, proposed the normal value based on the cost of production with reasonable addition for administrative, selling & general overhead for product. The normal value proposed by the applicant has been considered for initiation of the investigation.

Export Price.

14. The applicant has adopted the CIF import price in India as reported by the DGCI as published data. However, the authority has considered FOB system transaction only data. Since the importation is on CIF basis, adjustments have been made in account of ocean freight marine insurance, commission, inland freight, port expenses and bank charges to arrive at the factory export price.

Dumping margin.

15. Considering the normal value and the export price as determined above, the dumping margin has been determined. It is noted that the dumping margin is significant and above the *de minimis* level. Thus, there is sufficient *prima facie* evidence that the normal value for the product under consideration is higher than the price at which it is exported from the subject country indicating that the product originating or exported from the subject country is being dumped in the Indian market by the exporters.

**G. Injury and causal link.**

16. The information furnished by the applicant has been considered for the assessment of injury. The applicant has furnished *prima facie* evidence regarding the injury because of

the alleged dumping, resulting in a significant loss. The applicant has claimed that despite no demand-supply gap, the volume of subject imports has increased. The applicant is operating with significantly low capacity utilization and market share. The applicant is operating with financial losses, cash losses and a negative return on capital employed. There is sufficient *prima facie* evidence of material injury being caused to the applicant by the dumped imports of the subject goods from the subject country to justify the initiation of the anti-dumping investigation.

#### **H. Initiation of anti-dumping investigation.**

17. On the basis of the duly substantiated written application by the applicant, and having satisfied itself, on the basis of *prima facie* evidence submitted about the dumping of the product under consideration originating in or exported from the subject country, injury to the domestic industry and causal link between such alleged dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the Rules, the Authority, hereby, initiates an investigation to determine the existence, degree and effect of any alleged dumping in respect of the product under consideration originating in or exported from the subject country and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

#### **I. Procedure**

18. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

#### **J. Submission of information**

19. All communication should be sent to the Designated Authority via email at email addresses [dir16-dgt@gov.in](mailto:dir16-dgt@gov.in) and [dd15-dgt@gov.in](mailto:dd15-dgt@gov.in) and with a copy to [adg16-dgt@gov.in](mailto:adg16-dgt@gov.in) and [adv13-dgt@gov.in](mailto:adv13-dgt@gov.in). It must be ensured that the narrative part of the submission is in searchable PDF/MS Word format and data files are in MS Excel format.
20. The known producers/exporters in the subject country, the government of the subject country through its embassy in India, and the importers and users in India who are known to be associated with the subject goods are being informed separately to enable them to file all the relevant information within the time limits mentioned in this notification. All such information must be filed in the form and manner as prescribed by this initiation notification, the Rules, 1995 and the applicable trade notices issued by the Authority.
21. Any other interested party may also make a submission relevant to the present investigation in the form and manner as prescribed by this initiation notification, the Rules, 1995 and the applicable trade notices issued by the Authority within the time limit mentioned in this initiation notification.

22. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other interested parties.
23. Interested parties are further advised to keep a regular watch on the official website of the Designated Authority <http://www.dgtr.gov.in/> for any updated information with respect to this investigation.

**K. Time limit**

24. Any information relating to the present investigation should be sent to the Designated Authority via email at email address- [dcl16-dgtr@gov.in](mailto:dcl16-dgtr@gov.in) and [ad15-dgtr@gov.in](mailto:ad15-dgtr@gov.in) and with a copy to [adgl6-dgtr@gov.in](mailto:adgl6-dgtr@gov.in) and [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in) within 30 days from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting country as per Rule 6(4) of the Rules. If no information is received within the stipulated time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record and in accordance with the Rules, 1995.
25. All the interested parties are hereby advised to register themselves in the subject investigation and file their questionnaire responses within the above time limit as stipulated in this notification.
26. Where an interested party seeks additional time for filing of submissions, it must demonstrate sufficient cause for such extension in terms of Rule 6 (4) of the Rules, 1995 and such request must come within the time stipulated in this notification.

**L. Submission of information on confidential basis**

27. Where any party to the present investigation makes confidential submissions or provides information on a confidential basis before the Authority, it is required to simultaneously submit a non-confidential version of such information in terms of Rule 7(2) of the Rules and in accordance with the relevant trade notices issued by the Authority in this regard.
28. Such submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission which has been made to the Authority without such markings shall be treated as "non-confidential" information by the Authority, and the Authority shall be at liberty to allow other interested parties to inspect such submissions.
29. The non-confidential version of the information filed by the interested parties should essentially be a replica of the confidential version with the confidential information preferably indexed or blanked out (where indexation is not possible) and such

information must be appropriately and adequately summarized depending upon the information on which confidentiality is claimed.

30. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on a confidential basis. However, in exceptional circumstances, the party submitting the confidential information may indicate that such information is not susceptible to a summary, and a statement of reasons containing a sufficient and adequate explanation in terms of Rule 7 of the Rules, 1995 and appropriate trade notices issued by the Authority, as to why such summarization is not possible, must be provided to the satisfaction of the Authority. The other interested parties can offer their comments on the confidentiality claimed within 7 days of receiving the non-confidential version of the document.
31. Any submission made without a meaningful non-confidential version thereof or without a sufficient and adequate cause statement in terms of Rule 7 of the Rules, 1995 and appropriate trade notices issued by the Authority, on the confidentiality claim shall not be taken on record by the Authority.

**M. Inspection of public file**

32. A list of registered interested parties will be uploaded on the DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions to all other interested parties. Failure to circulate non-confidential version of submissions/response/ information might lead to consideration of an interested party as non-cooperative.

**N. Non-cooperation**

33. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period or within the time stipulated by the Authority in this initiation notification, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.



(Anant Swarup)  
Designated Authority