

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

**F.No. 6/40/2019-DGTR  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Trade Remedies)  
Jeevan Tara building, 4<sup>th</sup> floor 5, Parliament Street, New Delhi-110001**

Dated 19<sup>th</sup> January, 2021

**NOTIFICATION**

**FINAL FINDINGS**

**Case No. OI-31/2019**

**Subject: Anti-Dumping investigation concerning imports of “Newsprint in rolls or sheets, excluding glazed newsprint” originating in or exported from Australia, Canada, European Union, Hong Kong, Russia, Singapore and United Arab Emirates.**

Having regard to the Customs Tariff Act, 1975, as amended from time to time (hereinafter also referred to as “the Act”) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules 1995, as amended from time to time (hereinafter also referred to as “the Rules”) thereof.

**A. BACKGROUND OF THE CASE**

1. The Designated Authority (hereinafter referred to as “Authority”) received an application dated 10<sup>th</sup> December, 2019 from Indian Newsprint Manufacturers Association (hereinafter also referred to as “Applicant”) on behalf of domestic producers namely, Emami Paper Mills Limited, Khanna Paper Mills Limited and Shree Rama Newsprint Limited requesting initiation of anti-dumping investigation under the Act and the Rules on imports of “Newsprint, in rolls or sheets, excluding glazed newsprint”, (hereinafter also referred to as ‘subject goods’ or ‘product under consideration’ or ‘PUC’) originating in or exported from Australia, Canada, European Union, Hong Kong, Korea RP, New Zealand, Russia, Singapore and United Arab Emirates (UAE). The Applicant claimed dumping from Australia, Canada, European Union, Hong Kong, Korea RP, Russia, Singapore, New Zealand and UAE and consequent injury to the petitioning domestic producers. However, injury margin from New Zealand & Korea RP based on Directorate General of Commercial Intelligence and Statistics (DGCI&S) import data was negative. Accordingly, the present investigation was initiated against Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE.
2. The Authority, on the basis of prima facie evidence submitted by the Applicant, issued notification No. 6/40/2019-DGTR dated 20<sup>th</sup> January, 2020, published in the

Gazette of India, initiating the investigation in accordance with Section 9A of the Act read with Rule 5 of the Rules to determine existence, degree and effect of the alleged dumping of the subject goods, originating in or exported from Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE, and to recommend the amount of ADD, which if levied, would be adequate to remove the alleged injury to the Domestic Industry.

**B. PROCEDURE**

3. The procedure described herein below has been followed with regard to the investigation:
  - i. The Authority notified the Embassies of Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE in India about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with Sub-Rule (5) of Rule 5 supra.
  - ii. The Authority issued a public notice dated 20<sup>th</sup> January, 2020 published in the Gazette of India Extraordinary, initiating anti-dumping investigation concerning imports of the subject goods from Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE.
  - iii. The Authority sent a copy of the initiation notification dated 20<sup>th</sup> January, 2020 to the Embassies of Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE in India, the known producers and exporters from these countries, known importers, importer/user Associations, the Domestic Industry as well as other domestic producers, and other interested parties as mentioned in the application, and requested them to make their views known in writing within the prescribed time limit, in accordance with Rules 6(2) and 6(4) of the Rules.
  - iv. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters and to the Embassies of Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE in India in accordance with Rule 6(3) of the Rules supra.
  - v. The Embassies of Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE in India were also requested to advise the exporters/producers from their respective countries to respond to the questionnaire within the prescribed time limit. A copy of the letter and questionnaire sent to the known producers/exporters was also sent to them along with the names and addresses of the known producers/exporters from the subject countries.
  - vi. The Authority, upon several requests made by the interested parties from time to time, granted multiple extensions of time up to 20<sup>th</sup> May, 2020 to file their responses as well as submissions.
  - vii. The following Governments provided written submissions:

- 1) Embassy of Canada, New Delhi;
  - 2) Embassy of Hong Kong, New Delhi;
  - 3) Embassy of Spain, New Delhi;
  - 4) European Delegation, New Delhi;
  - 5) Ministry of Economic Development, Russian Federation;
- viii. The Authority sent questionnaires to the following known producers/exporters in Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE in accordance with Rule 6(4) of the AD Rules:
- 1) Adoniss Limited, Hong Kong
  - 2) Amigo Techpro Limited, Hong Kong
  - 3) Anika International FZE, UAE
  - 4) Catalyst Pulp and Paper Sales Inc., Canada
  - 5) Central National - Gottesman E, Austria
  - 6) Central National Asia Limited, Hong Kong
  - 7) Central National Canada ULC, Canada;
  - 8) Corner Brook Pulp And Paper Limited, Canada
  - 9) Elof Hansson Trade AB, Sweden;
  - 10) FIS Trading Gmbh, Austria;
  - 11) Focus Corporation, Korea RP;
  - 12) Go Paper GMBH UND CO. KG, Germany;
  - 13) Go Paper Pte Limited, Singapore;
  - 14) Indo Global Commercials (FZE), UAE;
  - 15) Inkor, Austria;
  - 16) International Fibre Resources P Limited, Singapore;
  - 17) Jacob Jurgensen Papier UND, Germany;
  - 18) Jeonju Paper Corporation, Korea RP;
  - 19) Joint Stock Company Volga, Russia;
  - 20) Kruger Inc., Canada;
  - 21) KTP Exports Pte Limited, Singapore;
  - 22) LLC Karjala-Pulp, Russia
  - 23) Mepco Gulf Commodities DMCC, UAE
  - 24) Norcell Asia, Singapore
  - 25) Otc Inc, Canada
  - 26) Papresa S.A, Spain;
  - 27) Print Media Trading FZE, UAE
  - 28) Resolute FP US Inc, Canada;
  - 29) Sandy Limited, Hong Kong;
  - 30) Stora Enso Langerbrugge N.V, Belgium
  - 31) Tradecom Services Pte Limited, Singapore
  - 32) Trigon Gulf FZCO, UAE;
  - 33) UPM Sales Oy, Tampere Finland
  - 34) Wilfried Heinzel Ag., Austria
- ix. In response, the following exporters/producers have filed the exporter's questionnaire response:
- 1) Amigo Techpro Limited, Hong Kong
  - 2) Anika International FZE, UAE;
  - 3) BD White Birch Investment LLC Delaware, USA;
  - 4) Central National Asia, Hong Kong

- 5) Central National Canada ULC, Canada;
- 6) Central National Gottesman Europe GMBH, Austria;
- 7) Central National Gottesman Inc., USA;
- 8) Corner Brook Pulp and Paper Limited, Canada;
- 9) FF Soucy WB General Partner Limited (GP), Canada;
- 10) FIS Trading GMBH, Austria;
- 11) Gebruder Lang GmbH Papierfabrik, Germany
- 12) Go paper GMBH & Co. KG, Germany;
- 13) Go Paper Pte Limited, Singapore;
- 14) Holmen Paper AB, Sweden;
- 15) Horizon Focus Limited, Hong Kong;
- 16) Indo Global Commercial FZE, UAE;
- 17) Inkor GmbH, Austria;
- 18) J. Ungerth AB, Sweden;
- 19) Jacob Jurgensenpapier und zellstoff GMBH, Germany;
- 20) Joint Stock Company Kondopoga Pulp and Paper Mill, Russia;
- 21) Joint Stock Company Volga, Russia;
- 22) JSC Solikamskbumprom, Russia;
- 23) Karjala Pulp LLC, Russia;
- 24) Kruger Brompton L.P., Canada;
- 25) Kruger Trois-Rivieres L.P., Canada;
- 26) Mepco Gulf Commodities DMCC, UAE;
- 27) Mondi Paper Sales GmbH, Austria;
- 28) Mondi Syktyvkar JSC, Russia;
- 29) OTCL Inc, Canada;
- 30) Papier Masson WB General Partner Limited, Canada;
- 31) Papresa S. A. (Papresa), Spain;
- 32) Print Media Trading FZE, UAE;
- 33) Printex SIA, Latvia;
- 34) PTG Paper Trading Group SA, Switzerland;
- 35) Resolute FP US Inc., Canada;
- 36) Rhein Papier GmbH, Germany
- 37) RKP Hongkong Limited, Hong Kong.
- 38) Sandy Limited, Hong Kong;
- 39) Stadacona WB General Partner Limited, Canada;
- 40) Stora Enso Langerbrugge NV, Belgium;
- 41) Stora Enso Paper AB, Sweden;
- 42) Stora Enso Sachsen GmbH, Germany;
- 43) Tradecom Services Pte Limited, Singapore;
- 44) Trigon Gulf FZCO, UAE;
- 45) UPM Communication Papers Oy, Finland;
- 46) UPM France S.A.S., France;
- 47) UPM GmbH, Germany
- 48) UPM Sales OY, Finland;
- 49) UPM-Kymmene (UK) Limited;
- 50) UPM-Kymmene Austria GmbH, Austria;
- 51) VC Paper Resources Pte Limited, Singapore;
- 52) White Birch Management Corporation, USA;
- 53) White Birch Paper Canada Company NSULC, Canada;
- 54) Wilferied Heinzl AG, Austria;

x. The Authority sent Importer's Questionnaire to the following known importers/ users of subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules:

- 1) Aaj Ka Anand Papers Limited, Maharashtra;
- 2) Aaj Press, Allahabad;
- 3) Aajkaal Publishers Private Limited, Kolkata;
- 4) ABP Private. Limited, Kolkata;
- 5) Acharan Printers Private Limited, Gwalior;
- 6) Action India, Delhi;
- 7) Action India, Delhi;
- 8) Active Sandesh, Rajasthan;
- 9) Aftab Press, Srinagar;
- 10) Akhbar e Mashriq Private Limited, Delhi;
- 11) Amar Ujala Limited, Uttar Pradesh;
- 12) Amar Ujala Publication Limited, Lucknow;
- 13) AnandaVikatan Publishers Private Limited, Tamil Nadu;
- 14) Arihant Media Promoters, Meerut;
- 15) Assam Tribune Private Limited, Assam;
- 16) Bennet Coleman & Co. Limited, Mumbai;
- 17) Bennett Coleman & Co Limited, Uttar Pradesh;
- 18) Bhaskar Prakashan Private. Limited, Madhya Pradesh;
- 19) Business Standard Private Limited, New Delhi;
- 20) Chaitanya Lok, Madhya Pradesh;
- 21) City Media, Ambala;
- 22) CMYK Printech Limited, New Delhi
- 23) Daily Hindi Milap, Andhra Pradesh;
- 24) Daily Metro Encounter, Jalandhar;
- 25) Daily Thanthi, Tamil Nadu;
- 26) Dainik (daily) Navajyoti, Rajasthan;
- 27) Dainik Bhaskar, Jaipur;
- 28) Dainik Jagran Press, Allahabad;
- 29) Dainik Savera News & Media Network, Punjab;
- 30) Delhi Press Patra Prakashan Private Limited, New Delhi;
- 31) Eastern Media Limited, Odisha;
- 32) Employment News, Delhi;
- 33) G. Shantikumari Devi, Manipur;
- 34) Gurgaon Mail, Haryana;
- 35) Gurgaon Today, Gurgaon;
- 36) H.T Media Limited, Delhi;
- 37) HT Media Limited, New Delhi;
- 38) Ideal Publications Trust, Kerala;
- 39) Insight Brandcom Private Limited, Assam;
- 40) Jagati Publications Limited, Andhra Pradesh;
- 41) Jagran Prakashan Limited (JW), Noida;
- 42) Jaipur Bureau, Jaipur;
- 43) Jannayak, Jaipur;
- 44) JK Printing & Publication, Jammu;
- 45) Kailash Print Media Private. Limited, Hamirpur;
- 46) Kasturi & Sons Limited, Chennai;

- 47) Khabron Ki Duniya, Rajasthan;
- 48) Living Media India Limited, Uttar Pradesh;
- 49) Lok Bharti, Kanpur;
- 50) Lok Prakashan Limited, Gujarat;
- 51) Madhya Pradesh Today Media Limited, Madhya Pradesh;
- 52) Madhya Pradesh Today Media Private, Bhopal;
- 53) Mail Today Newspapers Private Limited, Delhi;
- 54) Manjushree Talukdar, West Bengal;
- 55) Metro Herald, Ahmedabad;
- 56) Midday Info Media, Navi Mumbai;
- 57) Morning News, Jaipur;
- 58) Nava Bharat Press (Nagpur), Maharashtra;
- 59) Navajit Printers & Media Private Limited, Odisha;
- 60) Navlok Times, Agra;
- 61) Naya India, Delhi;
- 62) News Today Media Private Limited, Tamil Nadu;
- 63) Patrika, Gwalior;
- 64) People Samachar, Bhopal;
- 65) Pradhan Times, Haridwar;
- 66) Pratidin Akhabar, Maharashtra;
- 67) Punjab Kesari, Jalandhar;
- 68) Rajasthan Pradeep, Bikaner;
- 69) Rajhans Publications, New Delhi;
- 70) Rashtriya Chhavi, Ganganagar;
- 71) Ratan Offset, Bikaner;
- 72) Rozana Spokesman, Mohali;
- 73) Sakal Media Private Limited, Maharashtra;
- 74) Samyukta Karnataka, Karnataka;
- 75) Sandhya Border Times, Ganganagar;
- 76) Sangam Papers Corporation, Uttar Pradesh;
- 77) Sanmarg Private Limited, West Bengal;
- 78) Sarhad Kesri, Fazilka;
- 79) Satwik Production Private. Limited, Ranchi;
- 80) Saurashtra Trust, Maharashtra;
- 81) Seema Sandesh, Ganganagar;
- 82) Shah Times, Muzaffarnagar;
- 83) SPR Publication Private Limited, Andhra Pradesh;
- 84) Summa Real Media Private Limited, Odisha;
- 85) The Daily Kashmir Frontier, Srinagar;
- 86) The Hawk Daily, Haridwar;
- 87) The Hind Samachar Limited, Shimla;
- 88) The Indian Express (P) Limited, Noida;
- 89) The Printers (Mysore) Limited, Karnataka;
- 90) The Statesman Limited, West Bengal;
- 91) The Tribune Trust, Chandigarh;
- 92) Thomson Press India Limited, Delhi;
- 93) Times Press, Srinagar;
- 94) Trinity Printers And Publishers Limited, Delhi;
- 95) United Bharat, Allahabad;
- 96) Ushodaya Enterprises Private Limited, Telangana;

- 97) V5 Publications Private Limited;
  - 98) Vigilant Media Private Limited, Chandigarh.
  - 99) Vil Media Private Limited, Hyderabad;
  - 100) Visalaandhra Vignana Samithi, Andhra Pradesh;
- xi. In response, the following importers/users have responded and filed importer's questionnaire response/legal submissions:
- 1) ABP Private Limited
  - 2) Amar Ujala Limited
  - 3) Bennett, Coleman & Co. Limited.
  - 4) Dainik Bhaskar Corp. Limited
  - 5) Eastern Media Limited
  - 6) Hindustan Media Ventures Limited;
  - 7) HT Media Limited
  - 8) Jagran Prakashan Limited
  - 9) Lok Prakashan Limited
  - 10) Poddar Gobal Private Limited
  - 11) Sakal Media Private Limited
  - 12) The Malayala Manorama Co Limited
  - 13) THG Publishing Private Limited
  - 14) Ushodaya Enterprises Private Limited
- xii. The Authority forwarded a copy of the Notification to the following known user associations of subject goods in India calling for necessary information, in accordance with Rule 6(4) of the Rules:
- 1) The Indian Newspaper Association
- xiii. The following associations filed their response:
- 1) The Indian Newspaper Association
  - 2) Save Our Society
- xiv. In addition, the following have also submitted letters of registration/legal submissions:
- 1) Amar Ujala Limited
  - 2) Catalyst Pulp and Paper Sales Inc, Seattle, WC
  - 3) Confederation of European Paper industries (CEPI)
  - 4) D. B Corp Ltd.
  - 5) Employment News
  - 6) HT Media Limited
  - 7) HT Media Ventures Limited
  - 8) THG Publishing private Limited
- xv. The period of investigation (POI) for the purpose of the present investigation is 1<sup>st</sup> April, 2019-31<sup>st</sup> December, 2019 (9 months). The injury analysis period covers 2016-17, 2017-18, 2018-19 and the POI.
- xvi. Transaction-wise imports data for the POI and the preceding three years was procured from the DGCI&S and Directorate General of Systems (DGS). The Authority has relied upon data of DGCI&S and DGS for calculating the volume and value of imports of the subject goods in India.

- xvii. Further information was sought from the Applicants to the extent deemed necessary. Verification of the data provided by domestic industry was conducted to the extent considered necessary for the purpose of present investigation.
- xviii. The Authority made available the non-confidential version of the submissions made by various interested parties in the form of a public file kept open for inspection by the interested parties. A list of all interested parties was uploaded on 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 since the public file was not accessible physically due to ongoing global pandemic.
- xix. The domestic industry has submitted financial data duly certified by their Chartered/Cost Accountant. The Non-injurious Price (NIP) based on the optimum cost of production and cost to make & sell the subject goods in India based on the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the Rules has been worked out so as to ascertain whether anti-dumping duty (ADD) lower than the dumping margin would be sufficient to remove injury to the domestic industry.
- xx. In accordance with Rule 6(6) of the Rules, the Authority provided opportunity to the interested parties to present their views orally in a public hearing held on 4<sup>th</sup> December 2020 through video conferencing. The parties, which presented their views in the oral hearing, were requested to file written submissions of the views expressed orally, followed by rejoinder submissions.
- xxi. The submissions made by the interested parties, arguments raised and information provided by various interested parties during the course of investigation, to the extent the same are supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority in these Final Findings.
- xxii. The Authority, during the course of investigation, satisfied itself as to the accuracy of the information supplied by the interested parties, which forms the basis of these Final Findings, to the extent possible and verified the data / documents submitted by the domestic industry to the extent considered relevant and possible.
- xxiii. The information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted, and such information has been considered as confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.
- xxiv. Wherever an interested party has refused access to, or has otherwise not provided necessary information during the course of investigation, or has significantly impeded the investigation, the Authority considered such interested parties as



non-cooperative and recorded these Final Findings on the basis of the facts available.

xxv. In accordance with Rule 16 of the Rules, the essential facts of the investigation were disclosed to the known interested parties vide Disclosure Statement dated 24th December, 2020 and comments received thereon, considered relevant by the Authority, have been addressed in these final findings. The Authority notes that most of the post disclosure submissions made by the interested parties are mere reiteration of their earlier submissions. However, the post disclosure submissions to the extent considered relevant are being examined in these Final Findings.

xxvi. \*\*\* in these Final Findings represents information furnished by an interested party on confidential basis, and so considered by the Authority under the Rules.

xxvii. The exchange rate adopted by the Authority for the subject investigation is US\$1= ₹ 71.24.

### **C. SCOPE OF PRODUCT UNDER CONSIDERATION (PUC) AND LIKE ARTICLE**

4. At the stage of initiation, the PUC was defined as follows:

*"Newsprint is an uncoated paper of a kind used for the printing of newspapers, of which not less than 50% by weight of the total fibre content consists of wood fibres obtained by a mechanical or chemi-mechanical process, unsized or very lightly sized, having a surface roughness Parker Print Surf (1 Mpa) on each side exceeding 2.5 micrometres (microns), weighing not less than 40 g/m<sup>2</sup> and not more than 65 g/m<sup>2</sup> and;*  
*a. in strips or rolls of a width exceeding 28 cm; or*  
*b. in rectangular (including square) sheets with one side exceeding 28 cm and the other side exceeding 15 cm in the unfolded state."*

#### **C.1 Submissions of the domestic industry**

5. The following submissions have been made by the domestic industry with regard to the scope of PUC or like article.

- i. The product under consideration is newsprint in rolls or sheets excluding glazed newsprint. Newsprint is commonly available in 40, 42 and 45 GSM. Domestic industry has majorly produced and sold 42 and 45 GSM newsprint but has the capacity to produce 40 GSM as same machines are used to produce 45, 42 and 40 GSM newsprint. 40 GSM has not been produced only because of lack of orders.
- ii. Newsprint of different GSM are similar in terms of physical properties, commercial and technical substitutability.
- iii. The product under consideration is classified under the HS code 48010090 but also imported under 480110010.
- iv. To manufacture newsprint, Indian industry uses recycled paper, which is converted to pulp/fibre where it loses all the properties of paper and is as good as pulp/fibre obtained from the wood directly. The process of obtaining fibre is a chemi-mechanical process as defined in customs classification 4801.

- v. The Designated Authority has held that domestic newsprint is like article to imported newsprint in the previous anti-dumping investigation.
- vi. It is submitted that 42 GSM cannot be excluded on grounds of low quantities, as the law only requires consideration of whether like article was produced. The domestic industry has not only produced 42 GSM, but has also supplied the same to the users participating in the investigation.
- vii. It has not been demonstrated that 45 and 42 GSM newsprint are not like article. The imports of 40, 42 and 45 GSM compete in the same market, as is evident from the fact that the users shifted to the 45 GSM produced by the domestic industry in 2018-19, when the price of imported products increased.
- viii. 40 GSM was priced higher in the injury period and accounted for lower share. During the period of investigation 40 GSM became cheaper, despite higher cost, which lead to increase in its demand.
- ix. Domestic producers have the capacity to manufacture 40 GSM newsprint as no new set up is required. 42 GSM has been produced by the domestic industry to the extent it had orders, 40 GSM has not been produced due to lack of orders.
- x. The users consumed the domestic newsprint in 2018-19, when the price of imported products was higher. However, when the price of imported products reduced in the period of investigation, the users shifted to the imported products. This shows that the imported and domestic products are like article, as no new machines were set up by the users.
- xi. Reliance on Oxo Alcohols Industries' Association Vs. DA is misplaced as the exclusion in the said case was on the basis that the domestic industry was not producing the like article, which is not the case in the present investigation.
- xii. Contrary to the contentions in this regard, there are no differences in the technical characteristics of product produced using pulp or recycled paper as raw material. In any case, a number of producers in the subject countries are also producing newsprint using recycled paper or mix of recycled paper and wood pulp.
- xiii. Irrespective of whether pulp or recycled paper is used, first fibre is extracted and the said fibre is used for production of newsprint.
- xiv. The petitioner has never stated that the quality of 42 GSM newsprint produced by it is not accepted by customers. but rather asserted, users are not buying from it due to presence of lower priced imports.
- xv. With regard to the contention that use of domestic newsprint on high-speed presses is not feasible, it is submitted that Shree Rama Newsprint has been supplying to TOI for past 25-30 years. The rewinders of domestic producers run at a speed much more than the high-speed machines of consumers and the newsprint does not tear on that. Further, the user associations should give details of how many users are using high speed machines, to substantiate their claim that users would suffer due to imposition of duties.
- xvi. Further, during the lockdown, printers wrote to government stating that they need newsprint produced by the domestic producers, including Emami Paper Mills and Lohia Paper and Board Private Limited, and that these producers should be allowed to operate.
- xvii. In reply to the contention that WAN-INFRA report stated that Indian newsprint needs improvement, it is submitted that the report was published in 2012 and the industry has developed and changed since then. In 2019, Indian newsprint was tested by the government in CPPRI labs and the reports showed that Indian newsprint is comparable to imported newsprint.

- xviii. No test report has been provided by the consumers to prove that the domestic and imported newsprint differ in quality. The users did not face any difficulty in using domestic newsprint in 2018-19 when the import prices were high. The decrease in demand of domestic newsprint is on account of cheap imports and not due to quality.
- xix. At the time of registration under the Newsprint Control Order, each producer was required to provide certificates from 3 newspapers that the quality of paper is satisfactory and acceptable to them for printing of their publication. Domestic newsprint conforms to BIS Standards.
- xx. The reference to website of Shree Rama Newsprint and Khanna Paper Mills that they produce only 45 and 48.8 GSM products is not warranted as different newsprint of GSMs are like article to each other. There is no requirement that each domestic producer produces each type of newsprint.
- xxi. Replying to the contention that specialty newsprint should be excluded, it is urged that the respondents have not clearly defined the product which warrants exclusion. Further, newsprint of different specifications can be produced on the same machines after minor modifications. Hence, bright or bulky cannot be distinguishing factors. These products are also commercially substitutable.
- xxii. The respondents have sought clarification if machine finished specialty products by UPM are within the scope, but they have not explained what sets these apart from newsprint manufactured in India. If they fall within the definition of product under consideration, they should be included.
- xxiii. Contrary to the claims of other interested parties, demand of 45 GSM is more than 10% which is evident from the data submitted.

## **C.2 Submissions of other interested parties**

- 6. The following submissions have been made by other interested parties with regard to the scope of PUC or like article:
  - i. Newsprint below 45 GSM, which includes 40, 42 and 43 GSM, is required to be excluded from the scope of the product under consideration as the domestic industry does not produce such products in commercial quantities.
  - ii. Imported newsprint of 40-42 GSM produced using wood pulp cannot be considered as like article to domestically produced newsprint produced using recycled paper which is inferior in terms of quality control, tensile strength, opacity, brightness, porosity, printability and production process and cannot be used in modern high-speed printing press. Further, various market studies substantiate such claims.
  - iii. Newsprints with lower grammage have more printable area, are used less in an equivalent print run, require less roll preparation, less tape, result in less paper waste, require fewer deliveries, are less damaged, have low storage requirements and have fewer web brakes. It is also environmentally better as well as economically viable since consumers benefit from a 6% saving between 45 GSM and 42.5 GSM and another six per cent from 42.5 GSM to 40 GSM.
  - iv. Domestic newsprint is not like article as compared to imported newsprint as per the DIPP Annual Report for 2010-11 which states that imports are required to meet domestic demand owing to the quality considerations since some newsprint manufactured in India is not very suitable for high speed printing presses.

- v. WAN-IFRA in its report compared the quality of Indian newsprint with imported newsprint and suggested that Indian Newsprint needs improvement in several areas such as grammage control as it causes huge loss to publishers and concluded that Indian newsprint was inferior in terms of grammage, shade of the newsprint, tensile strength and roughness.
- vi. Many publishers have complained of torn papers, pin holes and poor reel joints as reasons for web breaks and multiple mails exchanged with petitioner and domestic producers prove quality issues faced with domestically produced newsprint.
- vii. Website of Khanna Paper Mills and Shree Rama Newsprint indicate that they produce only 45 and 48.8 GSM newsprint.
- viii. It is a consistent practice of the Authority to exclude the products not manufactured by the domestic industry and the same was done in investigation related to high speed steel, cold rolled stainless steel sheets, hot rolled flat products of stainless steel, plain medium density fibre board, viscose filament yarn, coated paper, elastomeric filament yarn and Resin or other organic substances bonded wood or ligneous fibre boards.
- ix. CESTAT has supported exclusion of products not manufactured by domestic industry in Dead Burnt Magnesite (DBM) from China - Indian Refractory Makers Association Vs DA, Magnet User Association Vs. Designated Authority and Oxo Alcohol Industries vs. DA.
- x. Specialty newsprints like high bright, bulky, etc. which are different in terms of cost, GSM and technical specifications and are not manufactured by the domestic industry and should be excluded from the scope of product under consideration.
- xi. The Authority should compare the subject goods on an apple-to-apple comparison as the White Birch Group has sold various GSM newsprint and specialty newsprint in domestic market while in Indian market only certain GSMs are imported.
- xii. Product manufactured by the domestic industry is not commercially substitutable or interchangeable to the products sold by UPM Group and cannot be considered as "like article".
- xiii. Machine Finished Speciality products i.e. UPM Brite, UPM Eco Prime, UPM Opalite and UPM Books are not produced in India and a clarification is necessary as to whether these products are covered under the scope of the present investigation.
- xiv. Clarification by the Authority is required if Newsprint Hi-Brite, Newsprint Bulky, Newsprint Bulky Hi-Brite are included in the scope of present investigation.
- xv. Clarification by the Authority is required if newsprint produced from 100% recycled pulp which has more than 50% of wood fibre content through deinking process which is not a mechanical or chemi-mechanical process forms part of this investigation.
- xvi. Clarification by the Authority is required if high bulky printing newspapers produced using 50% wood fibre pulp and 50% recycled fibre pulp which is not a standard newsprint is covered under present investigation.
- xvii. The petition has defined unit of measurement of product under consideration in terms of area expressed as Lakh Square Meter whereas they have admitted that product under consideration is sold in MT.
- xviii. The petitioner has falsely claimed that they have capacity to produce Newsprint of 42 GSM while they have made submissions stating that they have not produced and sold said newsprint in commercial quantities.

- xix. The petitioner has wrongfully claimed that they have not produced Newsprint of 40 GSM due to lack of purchase orders despite 95% of imports in the country being of said newspaper. Such claim of the petitioner must be denied or the petitioner must be required to provide reason why the consumers have not placed any order with them.
- xx. The case which is cited by the domestic industry was investigated in 1997-98. Therefore, to compare those facts with the facts of the current case, on technical or commercial ground, is simply preposterous. Neither the interested parties raised the issue of inclusion of 40 GSM and 42 GSM within the scope of the product under consideration nor the Authority examined the same in the earlier investigation conducted by the Authority (Preliminary as well as Final Findings). Therefore, the claim made by the applicant producers that the Designated Authority in the previous anti-dumping investigation has already held that the newsprint manufactured by the domestic industry is like article to the newsprint imported in India is misplaced.
- xxi. Majority of imports in India are of Newsprint of 40-42 GSM which are high in demand as opposed to the petitioner's claim that Newsprint of 45 GSM is being imported into the country.
- xxii. Newsprint of 40-42 GSM cannot be produced on machinery used to produce Newsprint of 45 GSM without installing balancing equipment and necessary technological changes.
- xxiii. Newspaper Print Media houses who have invested heavily in high-speed printing presses prefer imported newsprint of lower grammage due to their consistent quality contrary to the petitioner's claim that majority media houses have lower speed machines which have no difficulty in using domestically produced Newsprint.
- xxiv. The quality of Newsprint of 45 GSM produced using recycled paper is bound to deteriorate by the process of recycling over and over again and therefore, it cannot match the quality of newsprint made out of virgin pulp/ fibre.
- xxv. As per the list of daily newspapers with circulation of more than 100,000 copies available with the Directorate of Advertising & Visual Publicity, such publishers use high speed printing machines which prefer Newsprint with lower grammage.
- xxvi. The domestic industry admitted in the oral hearing that production of newsprint of 42 GSM was only for trial which was not acceptable to the users.
- xxvii. The usage of domestic newsprint leads to loss of revenue from advertisements for newspaper publishers on account of its low printing quality.
- xxviii. The petitioner has falsely submitted that Newsprint of different GSMs are similar in terms of physical properties, commercial and technical substitutability, contrary to the WAN-IFRA report.

### **C.3 Examination by the Authority**

- 7. The submissions made by the domestic industry and other interested parties with regard to the PUC related issues have been examined and addressed hereunder.
- 8. Newsprint is an uncoated paper of a kind used for the printing of newspapers, of which not less than 50% by weight of the total fibre content consists of wood fibres obtained by a mechanical or chemi-mechanical process, unsized or very lightly sized, having a surface roughness Parker Print Surf (1 Mpa) on each side exceeding 2.5 micrometres

(microns), weighing not less than 40 g/m<sup>2</sup> and not more than 65 g/m<sup>2</sup> and apply only to paper;

- a. in strips or rolls of a width exceeding 28 cm; or
  - b. in rectangular (including square) sheets with one side exceeding 28 cm and the other side exceeding 15 cm in the unfolded state
9. Newsprint is generally made by a mechanical milling process, without the chemical processes that are often used to remove lignin from the pulp. The lignin causes the paper to become brittle and yellow when exposed to air or sunlight. Traditionally, newsprint was made from fibers extracted from various softwood species of trees (most commonly, spruce, fir, balsam fir or pine). However, an increasing percentage of the newsprint world over is now made with recycled fibers.
10. The Indian industry uses recycled paper to manufacture the product while a number of producers in subject countries manufacture the product under consideration using wood pulp. It is noted that some of the producers in the subject countries also use recycled paper to manufacture the subject goods. It is further noted that the use of different raw materials does not render the final product different. Recycled paper and wood are both first converted into pulp/fibre. The production process post the stage of obtaining pulp remains the same and the final product obtained is similar in terms of physical and chemical properties. Thus, the difference in raw material does not render the domestic newsprint distinct from newsprint produced using wood pulp.
11. Many interested parties have claimed that newsprint of 42 GSM and below should be excluded from the scope of product under consideration, as it is not being produced by the domestic industry. No producer can produce the product in significant volumes without demand from the customers. In this regard the authority notes that the domestic industry has produced and sold newsprint of 42 GSM in the present case and therefore exclusion of the same from scope of PUC is not warranted. The authority further notes that it is an admitted position that the production and sale of 42 GSM newsprint by the domestic industry is extremely low as compared to the demand of this particular grade in India and this fact would be duly considered by the authority while making its recommendation for levy of anti-dumping duty in this case.
12. The Authority notes that the domestic industry has admitted that it is not producing newsprint of less than 42 GSM. Therefore, the Authority holds to exclude newsprint of less than 42 GSM from the scope of product under consideration.
13. Some interested parties have also claimed that high bulk and high bright newsprint should be excluded from the scope of product under consideration. However, in the absence of a clear distinction and specification of the product, any product exclusion based on such non-specific parameters would be too vague to implement and may render any anti-dumping duty imposed ineffective. Further, the domestic industry has submitted that brightness and bulk can be achieved by making minor modifications to the production process, and this does not require additional investment. For instance, to achieve a higher brightness, a better waste paper may be used, or more bleaching may be done. Therefore, it cannot be considered that such products are commercially and technically distinct. Accordingly, the Authority does not find any merit in the request for these exclusions.

14. Machine finished speciality products such as UPM Brite, UPM Eco Prime, UPM Opalite and UPM Books identified for exclusion by the exporter are brand names. The interested parties have not identified products for which exclusion has been sought in terms of their attributes, specification and properties. Nor the interested parties have identified distinguishing features to enable separate categorisation of such products. Further, the interested parties have not shown how such products are not commercially and technically substitutable with the domestic product. Unless justification to that effect is given with requisite evidence, it will not be appropriate to exclude these from the scope of product under consideration.
15. After examining the submissions made by all the interested parties, the Authority notes that the product under consideration is “Newsprint in rolls or sheets, excluding
  - a. Glazed newsprint and
  - b. Newsprint of less than 42 GSM”.
16. Newsprint is classified under customs classification 4801. However, customs classification is indicative and not binding on the scope of product under consideration.
17. It is noted that imports of Newsprint of 42 and above GSM from Hong Kong in the POI is below *de-minimis* in terms of volume. Hence, the subject countries of this investigation are Australia, Canada, European Union, Russia, Singapore and UAE.

#### **D. DOMESTIC INDUSTRY AND STANDING**

##### **D.1 Submissions of the domestic industry**

18. The following submissions have been made by the Applicants with regard to the domestic industry and standing:
  - i. The present Application has been filed by the Indian Newsprint Manufacturers Association.
  - ii. The following producers have participated in the investigation and have provided the required information for the purpose of present petition:
    - a. Shree Rama Newsprint Limited
    - b. Emami Paper Mills Limited
    - c. Khanna Paper Mills Limited
  - iii. The petition has been supported by 24 domestic producers of the product. Two companies have provided data in the format prescribed for supporting producers.
  - iv. The petitioning domestic producers account for 32% of the total domestic production and along with supporters account for 83% of total domestic production.
  - v. When the three largest producers of newsprint are suffering due to dumping, there is no basis to the claim that small producers are not suffering. The application has been supported by numerous small producers.
  - vi. Domestic industry has requested the other producers to provide information but cannot compel them to do so. However, domestic producers expressed difficulty in compiling information according to prescribed format.
  - vii. Trade Notice 11/2018 states that parties which do not file information as per formats shall also be allowed to participate in the investigation. Exporters, importers and users routinely participate in investigation without filing responses.

- viii. The support letter of Aadityaaswin Paper Mills has been filed by the producer directly before the Authority and not through the Association.
- ix. The minutes of the meeting and list of members have been enclosed in the confidential version of the petition.
- x. Contrary to the allegation, the petitioner has identified producers and supporters. Other producers accounting for 17% production have not expressed support or opposition. Even if such producers are considered opposing the investigation, the test of standing is satisfied.
- xi. There is no merit in the contention that the supporters expressed support initially and subsequently refused to provide information as the supporters never purported that they shall be providing further data. The Authority initiated the investigation after satisfying itself with the information on record, that is, the letters of support.
- xii. In the present case no producer has expressed opposition. Even if supporters are excluded, the domestic producers will fulfil the requirement as laid down in Rule 5(3).
- xiii. Contrary to claims in this regard, under the explanation to Rule 5(3), the production of producers expressing support must exceed 50% of the production of that proportion of the producers expressing either support or opposition, and not the total Indian production.
- xiv. Responding to allegations in this regard, it is submitted that only one plant of Malu paper has switched to NPUC and the other plant has undertaken production and this is evident from the support letter itself. The production of Nepa Limited has been considered nil while determining standing.
- xv. The contention that Emami Paper has reported that Paper and paperboard contribute to 100% revenue and hence is not a producer of newsprint is misleading as newsprint is itself a part of paper and paperboard division.
- xvi. Responding to allegations that Khanna Paper derives major revenue from writing printing paper, it is submitted that Khanna Paper Mills is not required to show that product under consideration constitutes a major share of their total turnover.
- xvii. As against the contention of other interested parties, the Appellate body in EC – Fasteners did not hold that 27% cannot be major proportion but noted that major proportion should be determined providing ample data that ensures accurate analysis. In Lubrizol (India) Pvt. Ltd. vs. DA, it was held that 31% constitutes major proportion.
- xviii. In a number of investigations, the Authority has considered a share of about 30% as major proportion.
- xix. The other interested parties have not shown how the production constituted by the domestic producers is not representative of the domestic producers as a whole.

## **D.2 Submissions of other interested parties**

19. The following submissions have been made by other interested parties regarding the scope of domestic industry and standing:
  - i. As per the application, the total production of three Applicants in the POI is 31.2% and around 31% for the entire injury period. Even if the supporters are considered, the production number reaches 51%, which does not meet the requirements of a major proportion of domestic production as laid down under Rule 5 and 2(b) of the Rules and there are many rulings/orders by various authorities across world in this regard, both in letter and spirit.



- ii. The share of the applicant producers in the total production is only 31.2% and thus, cannot be considered as major proportion under Rule 2(b) of the AD Rules applying the test laid down in EC-Fasteners (China).
- iii. The petitioner fails to pass the mandatory test of standing of more than 50% as enunciated in Rule 5(3) of the AD Rules.
- iv. Petitioning companies having diversified business operation, an examination of whether non-newsprint operations have been excluded to determine eligibility is needed.
- v. 30-32% of producers cannot be representative of entire industry.
- vi. Companies supporting the petition have not complied with Trade Notices No. 13/2018 and 14/2018.
- vii. The supporters initially expressed their support but subsequently refused to provide information as required by the Trade Notice.
- viii. The petitioner has accepted that providing support to petitioning companies is only a signature campaign. Even though earlier supporting companies used to file support in form of a simple letter, the objective of Trade Notice is to get meaningful and sufficient information from the supporters.
- ix. In view of the refusal of the producers to participate even though they are before the Authority, an injury analysis cannot be meaningfully completed.
- x. The supporters' participation is required to be disregarded due to their non-compliance with aforementioned Trade Notices.
- xi. INMA has failed to provide documents such as copy of by-laws, memorandum of association, details of managing structure, copy of the minutes of the meeting in which it was resolved that the association will file the anti-dumping petition in its petition to enable the interested parties make meaningful comments.
- xii. The applicant association has not identified various categories i.e., applicant producers, supporter, opposing petitioner and neutral or silent producers, which is critical to apply 25% and 50% eligibility test to determine standing of the Domestic Industry.
- xiii. The Association has not submitted authorisation letters issued in its favour by the applicant producers authorising it to file the application and a list of members who supported, opposed or remained neutral with respect to the application.
- xiv. Emami paper has, in the activities section of Annual Report for FY 2019-20, reported that Paper and Paperboard contribute to 100% of turnover. Emami Paper has thus not produced Newsprint in 2019-20 and is not a domestic producer.
- xv. Manufacture of Writing Printing Paper accounts for 99.72% of turnover of Khanna Paper and therefore it cannot support the petition as it does not satisfy the definition of Domestic Industry.
- xvi. The petitioner has included some of domestic producers in list of supporters and at the same time also included them in list of units closed down (e.g., NEPA Limited and Malu Limited).
- xvii. The petitioner has not disclosed the names of the "other producers" in the updated petition which have been considered for determining the total production of the domestic producers in India.
- xviii. The estimates of total domestic production in India extended by the petitioner are mere assertions and not based on credible information.
- xix. The Authority must include other domestic producers as a constituent of the 'domestic industry' since the petitioner has consistently claimed that many Indian producers are on the verge of the shutdown on account of imports.

### **D.3 Examination by the Authority**

20. Rule 2(b) of the Rules defines domestic industry as under:

*“(b) “domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term ‘domestic industry’ may be construed as referring to the rest of the producers”.*

21. The application in the present case has been filed by Indian Newsprint Manufacturers Association (INMA) on behalf of the domestic industry. The following members (hereinafter referred to as the “petitioning domestic producers”) of INMA have provided their complete costing information.

- a. Emami Paper Mills Limited
- b. Khanna Paper Mills Limited
- c. Shree Rama Newsprint Limited

22. In addition to the aforesaid three companies, who have provided their costing data, following twenty-four (24) producers have supported the application.

- a. Akula Boards Private Limited
- b. Aadityaaswin paper Mills Private Limited
- c. Anand Triplex Board Limited
- d. Chadha Papers Limited
- e. Chamunda Papers Private Limited
- f. GVG Paper Mills Private Limited
- g. Lohia Paper & Board Private Limited
- h. Magnum Ventures Limited
- i. Malu Paper Mills Limited
- j. Nepa Limited
- k. N R Agarwal Industries Limited
- l. Rama Paper Mills Limited
- m. Sangal Papers Limited
- n. Sapphire Papers Mill (P) Limited
- o. Shree Krishna Paper Mills & Industries Limited
- p. Shree Rajeshwaranand Paper Mills Limited
- q. Shri Hari Krishna Papers Private Limited
- r. Shah Paper Mills Limited
- s. Shah Pulp & Paper Mills Limited
- t. Sri Ramadas Paper Boards Private Limited
- u. Sripathi Paper & Boards (P) Limited
- v. Surya Chandra Paper Mills Private Limited
- w. Vamshadhara Paper Mills Limited
- x. Venkatalakshmi Paper and Boards Private Limited

23. Further, Anand Triplex Board Limited and Malu Paper Mills Limited have provided the information prescribed vide Trade Notice 13/2018.

24. It is noted that the Association has submitted all the relevant documents, including registration certificate, memorandum and articles of association, list of members and minutes of the meeting wherein a decision was passed to file the said application. Thus, the arguments in this regard need no further examination.
25. Some interested parties have contended that the production of other products produced by the petitioning domestic producers should not be considered while determining standing. It is clarified that the Authority has considered only the production of like article for the purpose of the present analysis of standing and injury, in accordance with the law and consistent practice.
26. As per the evidence available on record, the production of the applicant domestic producers and supporters is as under.

Particulars	Production in POI	Share in total production
Applicant producers	189,532	32%
Supporters	303,593	51%
Applicant + Supporters	493,125	83%
Other producers	99,063	17%
Total	592,188	100%

27. The Authority notes that the applicant domestic producers account for 32% of the total production, and together with supporters account for 83% of the total production. Some interested parties have contended that supporters' data may be disregarded on account of non-filing of the relevant information in terms of Trade Notice 13/2018 and that their production may not be considered for the purpose of standing. They have further contended that a share of 32% cannot be considered as a major proportion of domestic production.
28. The Authority notes that "a major proportion of the total domestic production of the like article" as mentioned in Rule 2(b) is to be read with Rule 5 (3) of the Rules, which requires domestic producers expressly supporting the petition to account for not less than 25% of the total domestic production and the production of parties opposing the petition to be less than the production of petitioners and supporters of the petition. In the present case both these requirements are duly satisfied.
29. Further, the applicant producers have not imported the subject goods into India and are not related to an exporter or importer thereof. The Authority, therefore, holds that the applicant producers constitute domestic industry within the meaning of Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules.

## **E. CONFIDENTIALITY**

### **E.1 Submissions of the domestic industry**

30. The following submissions have been made by the domestic industry regarding confidentiality:
  - i. The exporters' questionnaire responses need to be rejected as excessive confidentiality has been claimed by the producers / exporters in terms of names of

- related parties and publicly available information. The whole response has been redacted instead of the confidential information and the requirements of Trade Notice 7/2018 have not been fulfilled.
- ii. Contrary to the allegations of the respondent, the domestic industry has justified the confidentiality claimed by it with good cause.
  - iii. Format H for domestic industry has been provided according to Trade Notice 10/2018. There is no requirement of providing Format H for individual producers.
  - iv. Contrary to the allegation, the non-injurious price of each producer has been provided. The calculation of price underselling is not required to be provided.
  - v. Production process and name of raw material is provided in the non-confidential petition. It is not possible to identify funds raised for the product under consideration separately.
  - vi. There is no requirement on the domestic producers to provide segment specific financial statements.

## **E.2 Submissions of other interested parties**

31. The following submissions have been made by other interested parties regarding confidentiality:
- i. The applicant has not provided product or business segment specific financial statements and have instead provided link to the website of the companies which only include consolidated financial statements for all business activities.
  - ii. The applicant has not shown good cause for claiming excessive confidentiality. The Appellate Body in European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China, held that the party claiming confidentiality must show good cause.
  - iii. The applicant has not made available the proper non-confidential version of the injury parameters as required under Rule 7 of the Rules and Article 6.5 of the WTO Anti-Dumping Agreement.
  - iv. Information related to sales value, PBIT, Total PBIT, interest, depreciation and price undercutting has been provided in trends instead of aggregate data as required under Trade Notice No.10/2018.
  - v. The applicant has claimed excessive confidentiality regarding (i) net selling price and price undercutting, (ii) share of domestic industry and supporters in Indian production, and (iii) Formats A to L which has prevented any reasonable comments on such submissions.
  - vi. Format H of individual producers does not even have the indexed numbers.
  - vii. The applicant has claimed funds raised are as per the balance sheet and claimed the balance sheet of Khanna paper confidential.
  - viii. The applicant must submit a statement of reasons as to why summarization of information is not possible, statement that “the summarization of the information is not possible” cannot fulfil the legal requirement.
  - ix. The right to provide comments on information used by the Authority is an important component of right available to the respondent as held in EC – Fasteners (China) and Guatemala – Cement II. In Clear Float Glass sunset review against Pakistan, Saudi Arabia and UAE, the Authority rejected the request for confidentiality of the domestic industry.
  - x. The Authority must evaluate the claims for confidentiality of information and not designate information as confidential without a proper examination as held by Supreme Court in Sterlite Industries (India) Ltd. v. Designated Authority.

- xi. Excessive confidentiality has been claimed in violation of Trade Notice No. 1/2013.
- xii. Since deficiency letter has been issued to producers/exporters, the same must be issued to the applicant.
- xiii. Producers/ exporters have submitted responses as per the questionnaire format prescribed by the Authority and complying with Trade Notice No. 10/2018.
- xiv. Sandy Limited, JSC Solikamskbumprom and Indo Global Commercials FZE have provided relevant information regarding related parties involved in production/sales/purchase of subject goods as per Trade Notice 10/2018.
- xv. The applicant has wrongly named Anika International FZE as having violated confidentiality norms without listing out which the norms were violated.

### **E.3 Examination by the Authority**

- 32. The Authority made available non-confidential version of the information provided by various interested parties to all interested parties through the public file containing non-confidential version of evidences submitted by various interested parties for inspection as per Rule 6(7) of the Rules.

- 33. With regard to confidentiality of information, Rule 7 of the Rules provide as follows:

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

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

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

- 34. Information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non confidential version of the information filed on confidential basis. The Authority made available the non-confidential version of the evidence submitted by various interested parties by directing the interested parties to share the non-confidential version of submissions with each other through e-mails. The information related to imports, performance parameters and injury parameters of domestic industry have been

made available in the public file. Business sensitive information has been kept confidential as per practice. The Authority notes that any information which is available in the public domain cannot be treated as confidential.

35. The Authority has considered the claims of confidentiality made by the Applicants and the opposing interested parties and on being satisfied about the same, the authority has allowed the claim on confidentiality. Due to Covid 19 pandemic, the Authority directed all the interested parties to share the non-confidential version of submissions made by each interested party with other interested parties through e-mail.

## **F. Miscellaneous Issues**

### **F.1 Submissions of the domestic industry**

36. The following submissions have been made by the domestic industry, in response to the contentions of other interested parties:
- i. Once the investigation is initiated, there is no requirement of filing updated petition, and instead, the domestic industry is required to provide updated data as per the period of investigation decided by the Authority. This requirement has been fulfilled by the domestic industry.
  - ii. At the stage of updating the data, there were some errors in earlier data which have been corrected. The change has not led to change in trend of injury parameters. Domestic industry is willing to offer complete verification of its data.
  - iii. Replying to the contention that the non-confidential petition has been filed after the date of initiation, it is submitted that the same is the practice of the Authority that non-confidential version is filed post initiation and there is no irregularity in filing such a petition 2 days later.
  - iv. The Authority had increased the period of investigation from 6 months to 9 months. Even if another quarter is added, it will be seen that the performance of domestic industry has deteriorated.
  - v. The imposition of anti-dumping duty is not against the public interest as anti-dumping duty does not restrict the imports into the country but only ensures that they are available at fair prices. There is no demand-supply gap in the country. While consumers have right to freedom of speech and expression, the producers also have a right to carry on their business.
  - vi. Contrary to the allegations, the imposition of anti-dumping duty is in public interest as it will reduce the unnecessary dependence on imports and help the country to move towards Aatmanirbhar Bharat. Freedom of speech and expression justifies the need of a strong domestic industry in India.
  - vii. COVID-19 has impacted both domestic producers and consumers. The pandemic does not justify dumping.
  - viii. The applicant has not requested for PCN but has merely stated that it has no objections.
  - ix. The production process of domestic producers is more environment friendly as it relies on wastepaper avoiding deforestation.
  - x. The petitioner has undertaken a thorough analysis of imports and selected only those countries which are dumping into India.
  - xi. Tradecom Services PTE Limited cannot be excluded from the scope of anti-dumping investigation as the investigation is concerning imports of subject goods

- originating in or exported from the subject countries. The exporter has submitted the certificate of origin to the Customs Authority.
- xii. The applicant has provided import data in PDF form as per the Trade Notice. CESTAT order was issued at the time when Authority did not allow the interested parties to procure DGCI&S data but now the practice has changed. No prejudice has been caused to the interested parties in the current investigation.

## **F.2 Submissions of other interested parties**

37. The following submissions have been made by other interested parties:
- i. The applicant has not shared the petition with updated period of investigation.
  - ii. Adoption of PCN methodology after the oral hearing will delay the issuance of the Final Findings.
  - iii. A period of 9 months is insufficient to make an objective assessment into alleged dumping and injury, and the causal link between the two particularly when such period coincides with a period when global markets for recycled Newsprint products started to stabilize and readjust after the initial shock from changing Chinese policies.
  - iv. The imposition of duty will adversely affect the interests of the user industry as well as Government's 'Make in India' initiative by raising the price of the raw materials.
  - v. In Newspaper Print Media industry, invariably the cost of production of Newspaper is higher than the sales price realized from a reader. Hence, advertisement revenue compensates losses incurred in the sale of Newspaper and has no bearing on cost of Newsprint as wrongly stated in the Petitions.
  - vi. The applicant must not be allowed to submit new information related to the applicant producers and supporters at such belated stage of the investigation.
  - vii. In compliance with the CESTAT order in case of Exotic Décor Pvt. Ltd. and Ors. v. Designated Authority, the Authority is requested to ensure excel version of soft copy of import data is made available by the petitioner for the period of investigation and the injury period before the Authority.
  - viii. Imposition of duty will be against public interest as there is a demand-supply gap, it will impact the price of newspaper which will affect the demand of newspaper and newsprint and it will render the reduced custom duty, redundant. It will also affect the Freedom of speech and expression.
  - ix. Since the outbreak of pandemic, the newspaper circulation has already been affected.

## **F.3 Examination by the Authority**

38. It is noted that the Authority initiated the present investigation based on the data/information provided by the domestic industry and by prima facie satisfying itself that there is sufficient evidence of dumping, injury and causal link.
39. Some of the interested parties have submitted that the period of investigation of 9 months is not sufficient to examine dumping and injury due to global supply shortage in 2018. The Authority notes that the period of investigation may range from 6 months to 18, depending on the facts of each case. The Committee on Anti-Dumping Practices has also recommended that the period of investigation should be of not less than 6 months, with an injury period of at least three years. The period of investigation and

injury period considered by the Authority are consistent with the recommendations of the Committee. Further, while the domestic industry proposed a period of 6 months as period of investigation, the Authority has considered a longer period of 9 months. The period of investigation considered by the Authority is appropriate as the import price fell sharply during this period. Further, the imports have increased significantly during this period, when compared to the preceding year – both in absolute terms and in relation to production & consumption. Further, the other interested parties have themselves claimed that the prices of newsprint had increased in 2018-19 due to global factors, and the period as aberrational. That being the case, such a period could not be considered within the scope of the period of investigation. Accordingly, the Authority holds that the period of investigation considered is appropriate.

40. The interested parties have also highlighted certain irregularities in the data of the domestic industry. The Authority has verified the data of the domestic industry and has taken such verified data, after duly examining the adequacy and accuracy thereof. Only such verified data has been considered for the purpose of the present findings.
41. Some interested parties have submitted that imposition of anti-dumping duty is not in the public interest. It is noted that the imposition of anti-dumping duty will not restrict the imports into the country and will only ensure that the imported products are available at fair prices. The imposition of anti-dumping duty will not lead to scarcity of subject goods in India. There is no demand-supply gap in the Country. Dumping of the product has led to material injury to not only the present domestic industry, but also other domestic producers in the Country. Further, none of the interested parties have quantified how such imposition will not be in public interests.
42. Some interested parties have submitted that imposition of anti-dumping duty on the subject goods will affect the freedom of speech and expression in India. It is noted that there being sufficient capacity in India to meet the demand, the circulation of newspapers will not be impacted by the imposition of duties. In any case, the imports would continue to be available at un-dumped and fair prices, and thus, the availability of the product under consideration would not be impacted.
43. Some interested parties have submitted that imposition of anti-dumping duty will adversely affect Government's 'Make in India' initiative. It is however noted that protection of domestic industry from unfair and dumped imports will not be inconsistent with the Make in India initiative. Contrary to the arguments of the interested parties, the domestic industry contended that the country is self-sufficient in the product and imports are unnecessary.
44. Some interested parties have argued that the import data has been provided to them by the petitioner in the form which is not in the manner provided to the Authority. It is noted that the Authority had already authorised all the interested parties which sought authorisation for obtaining DGCI&S transaction-wise data. Further, the petitioner has provided import segregation methodology in the petition. The import data has been provided to the interested parties as per the Trade notice issued by the Directorate. This being the case no prejudice appears to have been caused to the interested parties
45. Tradecom Services PTE Limited has claimed that its goods should be excluded as they are not produced in the subject countries, and only exported from Singapore. It is



clarified that the scope of the present investigation is goods originating in the subject countries. The Authority has considered only those imports as imports from subject countries, which have been declared to customs authorities as goods originating in these subject countries. Any party is free to export goods originating in third countries without payment of anti-dumping duty, in the event of Authority recommending and Central Government imposing duty.

#### **G. NORMAL VALUE, EXPORT PRICE AND DETERMINATION OF DUMPING AND DUMPING MARGIN**

46. As per section 9A(1)(c) of the Act, the normal value in relation to an article means:

*(i) the comparable price, in the ordinary course of trade, for the like article when destined for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or*

*(ii) when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either -*

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

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

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

#### **G.1 Submissions of the domestic industry**

- i. The following submissions have been made by the domestic industry with regard to normal value, export price and dumping margin:
- ii. The applicant has referred to various market reports to determine the normal value in the subject countries. Wherever such reports were not available the normal value has been determined on the basis of imports into the subject countries.
- iii. Normal value for the European Union and Canada has been determined based on Intra-EU trade data & report of Resolute Forest Product for Canada, respectively. However, for other countries domestic selling price was not available and therefore import data of the PUC into that country has been relied upon.

- iv. The export price has been determined based on CIF price as per DGCI&S data duly adjusted for ocean freight, marine insurance, commission, port expenses and inland freight.
- v. The dumping margin is significant.
- vi. During the oral hearing, none of the exporters argued that there is no dumping, implying that all exporters are aware that there is significant dumping in the country.
- vii. Since the import price is the price of the like article when destined for consumption in the exporting country, it can serve as basis for normal value under Section 9A(1), in the absence of evidence regarding direct selling price.
- viii. As the import price and domestic selling price work in tandem with each other, the import price can be considered as consumption price in the domestic market of the subject countries for the purpose of normal value determination.
- ix. In the past as well, normal value was determined on the basis of imports into the subject country in the case of CPVC and Polystyrene at the stage of initiation, and also in the preliminary findings in the case of Rubber Chemicals viz. MBT, CBS, TDQ, PVI and TMT originating in or exported from China and PX 13 (6PPD) from China and Korea RP, and in final findings in the case of Rubber Chemicals namely 'PX13' originating in or exported from Chinese Taipei, European Union; 'MOR' originating in or exported from China PR, European Union & USA; and 'TDQ' originating in or exported from Chinese Taipei and European Union.
- x. Replying to contention that inability to obtain data cannot be a reason for erroneous determination of normal value, it was submitted that at the stage of petition, the applicant is only required to provide best available information.
- xi. On the contention that normal value determined is incorrect as information relied upon related to aggregate sale of newsprint in Canada, USA and export to other countries, it was submitted that the applicant was only required to provide prima facie evidence of dumping and cannot be expected to have information regarding actual prevailing prices in the country.
- xii. The public records did not indicate any difference between newsprint imported in Russia and that exported from Russia. No difference is apparent between prices of different GSM.
- xiii. The petitioner has no objection to adjustment for a fair comparison. A comparison cannot be made on GSM-wise basis as it is not a PCN. Different GSMs are used interchangeably. There was no PCN in the previous investigation as well.
- xiv. The interested parties should establish that the prices were unstable for both domestic and export markets. However, as the dumping margin is not de-minimis, it is evident that the prices were not unstable.
- xv. On the contention that the price increase in EU happened later as compared to India, the Authority is requested to consider date of invoice on one hand and imports into India on other hand for such determination.
- xvi. On the contention that the prices peaked in 2018 in India and in 2019 in EU and came back to levels of previous years, once demand and supply re-balanced it is submitted that the respondents have not provided data to show that dumping has not happened post period of investigation. Dumping law does not envisage an examination of why dumping occurred.
- xvii. The petitioner has no objection if the respondents are able to prove that they are not dumping by providing appropriate evidence. Indian printers enter into long

term agreements of 3 – 6 months. However, as soon as import prices declined such contracts with the domestic industry were cancelled.

## **G.2 Submissions of other interested parties**

47. The following submissions have been made by other interested parties with regard to determination of normal value, export price and dumping margin:
- i. Normal value, export price and dumping margin should be calculated based on the information submitted by the producers/ exporters after making due adjustments in the dumping margin calculations to ensure a fair comparison of normal values and export prices.
  - ii. The producers / exporters have filed questionnaire responses providing complete supply chain for majority of the export sales transactions originating in or exported from the subject countries.
  - iii. The petitioner has tried to misdirect the investigation by submitting that the producers/ exporters did not deny allegation of dumping, which is incorrect since the arguments of the interested parties cannot be appreciated in isolation.
  - iv. Determination of normal value for Papresa SA based on Intra-EU Trade value is erroneous since the product sold in EU is of different quality, is priced much higher and is different than product exported to India in terms of physical characteristics and end use, machines used for manufacturing, difference in production process and cost of production and factors affecting selling price and negotiations.
  - v. The normal value for Russia should be calculated based on significant sales in China rather than sales in Russian market.
  - vi. Corner Brook Pulp and Paper Limited, Kruger Trois-Rivieres L.P. and Kruger Brompton L.P have filed the questionnaire responses and individual dumping margins should be determined for them.  
Indian parent company of Indo Global Commercials FZE is not an importer of subject goods and thus, is not part of value chain in the present investigation.
  - vii. Poddar Global Private Limited, which is the parent company of Sandy Limited has participated in the investigation by way of filing the Importers' Questionnaire Response as is evident from the list of interested parties issued by the Authority on its website.
  - viii. Paper Trading Group (PTG) and its holding company Wallenberg SA are not related to companies engaged in production of subject goods.
  - ix. The normal value and export prices for Canada as determined by the petitioner are incorrect and the same should be based on the responses filed by the producers/ exporters in order to calculate their dumping and injury margin.
  - x. The normal value determination based on price of imports into the subject countries is violative of Section 9A(1)(c) of Customs Tariff Act.
  - xi. The normal value determined based on price of goods imported into Russia is inaccurate since imports in Russia are generally of newsprint of 48 GSM which is used by premium business press and is used for printing of reference books.
  - xii. The Authority should compare the subject goods on an apple-to-apple comparison as the respondent has sold various GSM newsprint and specialty newsprint in domestic market while in Indian market only certain GSMs are exported.
  - xiii. 6/9 months period of investigation had unstable global newsprint prices after global supply shortage in 2018 which led to exceptionally high price levels.

- xiv. DGTR is also requested to make adjustments in dumping margin calculations to ensure a fair comparison of normal values and export prices. Price increase on EU market happened later as compared to India due to market structure and was also significantly less pronounced when compared to India.
- xv. Prices peaked in 2018 in India and 2019 in the EU and came back to levels of previous years, once supply and demand re-balanced.
- xvi. Indian printers do not agree to enter into long-term price contracts and imports are made as spot sales. Therefore, any changes in global supply and demand have an immediate effect on the Indian market price.
- xvii. Comparison of export prices from Canada to USA and to India is not appropriate since it is not clear whether prices for same grammage of product have been considered. Further, prices of commodities are market driven and dependent on local economic conditions including length of supply contract, terms of delivery, etc.

### **G.3 Examination by the Authority**

48. Under section 9A (1) (c), normal value in relation to an article means:
- i. *The comparable price, in the ordinary course of trade, for the like article, when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6), or*
  - ii. *When there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either:*
    - a. *comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or*
    - b. *the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6);*
49. The Authority sent questionnaires to the known producers/exporters from the subject countries, advising them to provide information in the form and manner prescribed by the Authority. The following producers/exporters have participated in the present investigation.
- a. Amigo Techpro Limited, Hong Kong;
  - b. Anika International FZE, UAE;
  - c. BD White Birch Investment LLC Delaware, USA;
  - d. Central National Asia, Hong Kong;
  - e. Central National Canada ULC, Canada;
  - f. Central National Gottesman Europe GmbH, Austria;
  - g. Central National Gottesman Inc., USA;
  - h. Corner Brook Pulp and Paper Limited, Canada;
  - i. FF Soucy WB General Partner Limited (GP), Canada;
  - j. FIS Trading GmbH, Austria;
  - k. Gebruder Lang GmbH Papierfabrik, Germany
  - l. Go paper GmbH & Co. KG, Germany;

- m. Go Paper Pte Limited, Singapore;
- n. Holmen Paper AB, Sweden;
- o. Horizon Focus Limited, Hong Kong;
- p. Indo Global Commercial FZE, UAE;
- q. Inkor GmbH, Austria;
- r. J. Ungerth AB, Sweden;
- s. Jacob Jurgensenpapier und zellstoff GmbH, Germany;
- t. Joint Stock Company Kondopoga Pulp and Paper Mill, Russia;
- u. Joint Stock Company Volga, Russia;
- v. JSC Solikamskumprom, Russia;
- w. Karjala Pulp LLC, Russia;
- x. Kruger Brompton L.P., Canada;
- y. Kruger Trois-Rivieres L.P., Canada;
- z. Mepco Gulf Commodities DMCC, UAE;
- aa. Mondi Paper Sales GmbH, Austria;
- bb. Mondi Syktyvkar JSC, Russia;
- cc. OTCL Inc, Canada;
- dd. Papier Masson WB General Partner Limited, Canada;
- ee. Papresa S. A. (Papresa), Spain;
- ff. Print Media Trading FZE, UAE;
- gg. Printex SLA, Latvia;
- hh. PTG Paper Trading Group SA, Switzerland;
- ii. Resolute FP US Inc., Canada;
- jj. Rhein Papier GmbH, Germany
- kk. RKP Hongkong Limited, Hong Kong.
- ll. Sandy Limited, Hong Kong;
- mm. Stadacona WB General Partner Limited, Canada;
- nn. Stora Enso Langerbrugge NV, Belgium;
- oo. Stora Enso Paper AB, Sweden;
- pp. Stora Enso Sachsen GmbH, Germany;
- qq. Tradecom Services Pte Limited, Singapore;
- rr. Trigon Gulf FZCO, UAE;
- ss. UPM Communication Papers Oy, Finland;
- tt. UPM France S.A.S., France;
- uu. UPM GmbH, Germany;
- vv. UPM Sales OY, Finland;
- ww. UPM-Kymmene (UK) Limited;
- xx. UPM-Kymmene Austria GmbH, Austria;
- yy. VC Paper Resources Pte Limited, Singapore;
- zz. White Birch Management Corporation, USA;
- aaa. White Birch Paper Canada Company NSULC, Canada;
- bbb. Wilferied Heinzl AG, Austria

50. The responses of the cooperating producers/exporters have been examined for determining Normal Value, Export Price and Dumping Margin.
51. It is noted that Tradecom Service Pte Ltd. (referred to as 'Tradecom') has filed the Exporters' Questionnaire Response. Tradecom is not a producer of Newsprint. It is an exporter of Newsprint from Singapore. The Newsprint exported by Tradecom to India does not originate from any of the subject countries. No response has been filed by the

producer of the subject goods. Since the normal value is determined and anti-dumping duty is recommended on a producer-specific basis, the Authority finds that an individual dumping margin cannot be recommended for Tradecom in the absence of participation of the concerned producer.

52. It is noted that from the response filed by Joint Stock Company Kondopoga Pulp and Paper Mill that there is neither any domestic sales nor any exports made to India during the POI. Hence, the Authority finds that an individual dumping margin cannot be recommended for Joint Stock Company Kondopoga Pulp and Paper Mill.
53. Since the response of Resolute FP US Inc. was not complete, the Authority finds that an individual margin cannot be recommended for Resolute FP US Inc

#### **G.3.1. Determination of normal value**

54. For the determination of the ordinary course of trade test, the cost of production of the product concerned was examined with reference to the records maintained by the producer/exporter. Further, all domestic sales transactions were examined with reference to the cost of production determined by the Authority of the subject goods to determine whether the domestic sales were in the ordinary course of trade or not. In order to determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit-making transactions are more than 80% then the Authority considered all the transactions in the domestic market for the determination of the normal value. However, where the profitable transactions are less than 80%, only profitable domestic sales have been taken into consideration for the determination of normal value. However, wherever all transactions were found to be loss making or did not pass the sufficiency test or there was no response from a subject country(ies), the normal value has been constructed in terms of Rules.

#### **Normal Value for all producers from Australia**

55. The Authority notes that none of the producers from Australia have participated in the present investigation. Accordingly, the Authority has determined the normal value for Australia on the basis of facts available in terms of Rule 6(8) of the Rules and the same is indicated in the dumping margin table given below.

#### **Normal Value for cooperating producers from Canada**

##### **(i) White Birch Paper Company**

56. Based on the information furnished in the EQ responses, the Authority notes that White Birch Paper Company Group (WBG) is a producer of the subject goods and has exported the subject goods to India during the POI through unrelated traders. The group sells the subject goods in the domestic market as well as export markets including India under the brand name "White Birch Paper Company". It is further noted that FF Soucy WB General Partner Ltd. (GP) (Producer / Exporter), Papier Masson WB General Partner Ltd (Producer / Exporter), Stadacona WB General Partner Ltd (Producer / Exporter), White Birch Paper Canada Company NSULC (Holding company of the manufacturing companies / mills), BD White Birch Investment LLC Delaware, USA

(Management company), White Birch Management Corporation, USA (Management company), VC Paper Resources Pte Ltd, Singapore (Unrelated exported) and Amigo Techpro Ltd, Hong Kong (Unrelated exported) have filed respective questionnaires in the prescribed formats.

57. The weighted average of the normal value of the producing companies / mills have been considered as the normal value of WBG. The WBG has claimed Inland Freight, packing cost and storage as post factory expenses, and the same has been accepted by the Authority. The normal value determined as above is mentioned in the dumping margin table.

(ii) **Kruger Group**

58. Kruger Trois-Rivières L.P., Kruger Brompton L.P. and Corner Brook Pulp and Paper Ltd filed the questionnaire responses. During the POI, Kruger Brompton L.P. did not export the subject goods in India. These producers/ exporters have claimed adjustments on account of post sales expense which has been allowed by the Authority. Accordingly, normal value determined for Kruger Group is mentioned in the dumping margin table below.

**Normal Value for non-cooperating producers from Canada**

59. The Authority has determined normal value for non-cooperating producers/exporters from Canada on the basis of facts available in terms of Rule 6(8) of the Rules and the same is indicated in the dumping margin table given below.

**Normal Value for cooperating producers from EU**

(i) **Stora Enso Group**

60. During the POI, three legal entities i.e. Stora Enso Paper AB, Stora Enso Langerbrugge NV and Stora Enso Sachsen GmbH (hereinafter collectively referred to as "Stora Enso") that are part of the Stora Enso Group were involved in the production of PUC. These three entities have sold the PUC directly in the domestic market. Stora Enso has claimed adjustments on account of inland freight, insurance, debit/credit note, handling charge, storage, credit costs, commission and other expenses. The Authority has accepted all the adjustments. The normal value at ex-factory level for the three entities has been determined accordingly, and the same is shown in the Dumping Margin Table below.

(ii) **UPM Group**

61. During the POI, the following seven (7) legal entities that are part of the UPM group were involved in the production of PUC:
- a. UPM-Kymmene (UK) Ltd., United Kingdom
  - b. RheinPapier GmbH, Germany
  - c. UPM Communication Papers Oy, Finland
  - d. UPM France S.A.S., France
  - e. UPM GmbH, Germany
  - f. Gebrüder Lang GmbH Papierfabrik, Germany

g. UPM-Kymmene Austria GmbH, Austria

62. UPM-Kymmene Corporation ultimately holds the aforementioned UPM producing companies. UPM-Kymmene Corporation also holds UPM Sales Oy, Finland, which is the sales entity of the aforementioned producing entities. All the aforementioned UPM entities are hereinafter referred to as “UPM”. The aforementioned seven UPM producing entities sell the products in the domestic market through UPM Sales Oy. UPM Sales Oy which then sells the product concerned to independent customers. UPM has claimed adjustments on account of credit notes, inland freight, bank charges, credit cost, commission and other expenses. The Authority has accepted all the adjustments. The normal value at ex-factory level for the UPM entities has been determined accordingly, and the same is shown in the Dumping Margin Table below.

(iii) **Holmen Paper AB**

63. During the POI, Holmen Paper AB was involved in the production of PUC. Holmen Paper AB has sold the product under consideration directly in the domestic market. Holmen Paper AB has claimed adjustments on account of inland freight, credit cost, and other expenses. The Authority has accepted all the adjustments. The normal value at ex-factory level for Holmen Paper AB has been determined accordingly, and the same is shown in the Dumping Margin Table below.

(iv) **Papresa S.A.**

64. During the POI, Papresa SA was involved in the production of PUC and sold the product under consideration directly in the domestic market. Papresa SA has claimed adjustments on account of discount and inland transportation. The Authority has accepted all the adjustments. The normal value at ex-factory level for Papresa SA has been determined accordingly, and the same is shown in the Dumping Margin Table below.

**Normal Value for non-cooperating producers from EU**

65. The Authority has determined normal value for non-cooperating producers/exporters from European Union on the basis of facts available in terms of Rule 6(8) of the Rules and the same is indicated in the dumping margin table given below.

**Normal Value for cooperating producers from Russia**

(i) **Mondi Group**

66. During the POI, Mondi Syktyvkar JSC was involved in the production of PUC and also directly sold the PUC in the domestic market. Mondi Syktyvkar JSC has claimed adjustments on account of inland freight, LC discounting charges, credit cost, commission, and other expenses. The Authority has accepted all the adjustments. The normal value at ex-factory level for Mondi Syktyvkar JSC has been determined accordingly, and the same is shown in the Dumping Margin Table below.



(ii) **Joint Stock Company "Solikamskbumprom"**

67. Joint Stock Company "Solikamskbumprom" (herein after also referred as "Solikam") is a public joint stock company registered and existing under the Russian Company laws. It is noted from the response that Solikam has sold the subject goods directly to unrelated customers in the domestic market. It is also noted that Solikam has exported the subject goods to India through various unrelated exporters. The company and the relevant exporters have also filed Exporter's Questionnaire response furnishing the requisite information.
68. Solikam sells PUC to its un-related exporter Inkor GmbH, Austria, Jacob Jurgensen Papier Und Zellstoff GmbH (Jacob), Germany and Go Paper GmbH & Co. (Go Paper), Germany. Jacob and Go Paper are related entities, which further sells the PUC to un-related entities in India. Inkor GmbH sells the PUC directly to India and through its un-related exporters Indo Global Commercials (FZE), UAE, Sandy Limited, Hong Kong and FIS Trading GmbH, Germany. Indo Global Commercials (FZE), UAE sells the PUC to un-related customers in India. Sandy Limited exports to its un-related exporter namely FIS Trading GmbH, Germany. Some minuscule quantities are also exported through Horizon Focus Limited and RKP Hongkong Limited. Furthermore, Sandy Limited also sells directly to its un-related customers in India and to its related importer Poddar Global Private Limited which furthers sells the PUC to Indian customers.
69. Solikam has claimed adjustments on account of inland transportation and credit cost, which has been allowed by the Authority. Accordingly, normal value so determined for Solikam is mentioned in the dumping margin table below.

(iii) **Karjala Pulp LLC**

70. During the POI, Karjala Pulp LLC was involved in the production of PUC and also directly sold the PUC in the domestic market. Karjala Pulp LLC has exported to India directly or through Go Paper Pte. Ltd, Printex SIA, Sandy Limited, Trigon Gulf FZXO, VimpeX Handelsgesellschaft MBH and West Asia Network DMCC. The relevant unrelated traders have filed questionnaire responses. Karjala Pulp LLC has claimed adjustments on account of inland freight, and credit cost. The Authority has accepted all the adjustments. The normal value at ex-factory level for Karjala Pulp LLC has been determined accordingly, and the same is shown in the Dumping Margin Table below.

(iv) **Joint Stock Company Volga**

71. During the POI, Joint Stock Company Volga was involved in the production of PUC and also directly sold the PUC in the domestic market. Joint Stock Company Volga has exported to India through PTG, Paper Trading Group S.A., Indo Global Commercials Private Limited, Sandy Limited, Th. Brunius, Korab International AB, NRS International PVT Limited, West Asia Network DMCC, PG Paper Company Ltd and Paptech India Private Limited. The relevant exporters have filed questionnaire responses. Joint Stock Company Volga has claimed adjustments on account of inland freight and credit cost. The Authority has accepted all the adjustments. The normal value at ex-factory level for Joint Stock Company Volga has been determined accordingly, and the same is shown in the Dumping Margin Table below.

### **Normal Value for non-cooperating producers from Russia**

72. The Authority has determined normal value for non-cooperating producers from Russia on the basis of facts available in terms of Rule 6(8) of the Rules and the same is indicated in the dumping margin table given below.

### **Normal Value for all producers from Singapore**

73. The Authority notes that none of the producers from Singapore have participated in the present investigation. While Tradecom has participated in the present investigation, it is not producing the product and hence, no normal value can be determined for it. Accordingly, the Authority has determined the normal value for Singapore on the basis of facts available in terms of Rule 6(8) of the Rules and the same is indicated in the dumping margin table given below.

### **Normal Value for all producers from UAE**

74. The Authority notes that none of the producers from UAE have participated in the present investigation. Accordingly, the Authority has determined the normal value for UAE on the basis of facts available in terms of Rule 6(8) of the Rules and the same is indicated in the dumping margin table given below.

### **G.3.2Determination of export price**

#### **Export price for all producers/exporters from Australia**

75. The Authority notes that none of producers/exporters from Australia have filed exporter's questionnaire response. In view of non-cooperation from the producers/exporters of Australia, the export price for subject goods from Australia has been computed based on the DGCI&S transaction-wise import data. Adjustments have been made for ocean freight, marine insurance, commission, inland freight expenses, port expenses and bank charges. The export price so determined is indicated in the dumping margin table below.

#### **Export Price for cooperating producers/exporters from Canada**

##### **(i) White Birch Paper Company**

76. Based on the information furnished in the Exporter Questionnaire responses, the Authority notes that WBG is a producer of the subject goods and has exported the subject goods to India during the POI through unrelated traders. During the POI, WBG exported to unrelated Indian customers through unrelated traders.
77. For arriving at the ex-factory export price, the Authority has considered the expenses incurred by all exporting entities as well as producer in the entire export chain to India. Accordingly, adjustments on account of rebate & commission, post sales adjustments, bank charges, documentation charges, ocean freight, inland transportation, packing, storage and profit & selling expenses of the traders have been adjusted from the invoice price. The weighted average export price of the producing companies has been

considered as the export price of WBG. Accordingly, the ex-factory export price is calculated and mentioned in the dumping margin table.

**(ii) Kruger Group**

78. The Authority notes that Kruger Trois-Rivières L.P. and Corner Brook Pulp and Paper Ltd exported the subject goods to unrelated customers in India. The Group has claimed adjustments on account of ocean freight, insurance, credit cost, commission, and other post sales expenses. The ex-factory export price so determined is indicated in the dumping margin table given below.

**Export Price for non-cooperating producers/exporters from Canada**

79. The Authority has determined export price of the non-cooperating producers/exporters from Canada on the basis of facts available in terms of Rule 6(8) of the Rules and the same is indicated in the dumping margin table given below.

**Export Price for cooperating producers/exporters from EU**

**(i) Stora Enso Group**

80. The three legal entities of Stora Enso i.e. Stora Enso Paper AB, Stora Enso Langerbrugge NV and Stora Enso Sachsen GmbH. have filed their questionnaire responses. The Authority notes that Stora Enso Paper AB and Stora Enso Langerbrugge NV have exported directly to Indian customers during the POI. The quantity reported by these producers has been adopted by the Authority as exports to India by Stora Enso for determining the dumping margin. The Authority, while calculating the export price for the producer has considered data of the producer Stora Enso Paper AB and Stora Enso Langerbrugge NV shipped to India for which complete chain of responses has been submitted to the Authority. Stora Enso has claimed adjustment on account of shipping cost, inland freight, commission storage, and credit cost and the same have been allowed. Accordingly, the export price for Stora Enso has been determined based on the weighted average export price of exports for which complete information in the chain for exports to India has been provided.

**(ii) UPM Group**

81. The producing entities of UPM have filed their questionnaire responses along with exporters/ traders UPM Sales Oy, and Print Media Trading FZE, Dubai, UAE. The Authority notes that only the following UPM producing entities i.e. UPM-Kymmene (UK) Ltd. (United Kingdom), RheinPapier GmbH (Germany), UPM Communication Papers Oy (Finland), UPM France S.A.S. (France), and UPM GmbH (Germany) have exported to Indian customers during the POI through their related entity UPM Sales Oy, which in turn sold the PUC to unaffiliated customers in India as well as through trader in Dubai i.e. Print Media Trading FZE, Dubai, UAE. The quantity reported by these producers / exporters has been adopted by the Authority as exports to India by UPM group for determining the dumping and injury margin. The Authority, while calculating the export price for the producer has considered data of the producing entities shipped to India for which complete chain of responses has been submitted with

the Authority. The UPM group has claimed adjustment on account of shipping cost, credit note, commission, credit cost, and bank charges and the same have been allowed. Accordingly, the export price for UPM has been determined based on the weighted average export price of exports for which complete information in the chain for exports to India has been provided.

**(iii) Holmen Paper AB**

82. Holmen Paper AB has filed its questionnaire responses along with its two independent traders Sandy Limited and J. Ungerth AB. Sandy Limited has in turn sold the PUC to India through Poddar Global Private Limited as well as directly in India. The Authority notes that Holmen Paper AB has exported to Indian customers during the POI through the two aforementioned traders. The quantity reported by these producers and traders has been adopted by the Authority as exports to India by Holmen Paper AB for determining the dumping margin. The Authority, while calculating the export price for the producer has considered data of the producer Holmen Paper AB shipped to India by Holmen Paper AB for which complete chain of responses has been submitted with the Authority. Adjustment on account of shipping cost, and credit cost, commission, LC discounting charges, bank charges, insurance, inland freight, packing cost, port and other related expenses have been claimed and the same have been allowed. Accordingly, the export price for Holmen Paper AB has been determined based on the weighted average export price of exports for which complete information in the chain for exports to India has been provided.

**(iv) Papresa S.A.**

83. During the POI, Papresa S.A. has exported to India through unrelated traders, i.e. Central National-Gottesman Europe and International Fibre Resources Pte Ltd. Central National-Gottesman Europe has filed a response. The quantity reported by these producers / exporters has been adopted by the Authority as exports to India by Papresa S.A. for determining the dumping and injury margin. The Authority, while calculating the export price for the producer has considered data of the producing entities shipped to India for which complete chain of responses has been submitted with the Authority. Papresa S.A. has claimed adjustment on account of inland transportation and packing cost and the same have been allowed. Accordingly, the export price for Papresa S.A. has been determined based on the weighted average export price of exports for which complete information in the chain for exports to India has been provided.

**Export Price for non-cooperating producers/exporters from EU**

84. The Authority has determined export price of the non-cooperating producers/exporters from European Union on the basis of facts available in terms of Rule 6(8) and the same is indicated in the dumping margin table given below.

**Export Price for cooperating producers/exporters from Russia**

**(i) Mondi Group**

85. Mondi Syktyvkar JSC has filed its questionnaire responses along with its trader, Mondi Paper Sales GmbH and Mepco Gulf Commodities DMCC, Dubai. The Authority notes that Mondi Syktyvkar JSC has exported to Indian customers during the POI through the trader, Mondi Paper Sales GmbH, who in turn sold to India through Mepco Gulf Commodities DMCC, Dubai. The quantity reported by these producers and traders has been adopted by the Authority as exports to India by Mondi Syktyvkar JSC for determining the dumping margin. The Authority, while calculating the export price for the producer has considered data of the producer Mondi Syktyvkar JSC shipped to India by Mondi Syktyvkar JSC for which a complete chain of responses has been submitted with the Authority. Mondi Syktyvkar JSC has claimed adjustment on account of shipping, credit cost, bank charges and debit note and the same have been allowed. Accordingly, the export price for Mondi Syktyvkar JSC has been determined based on the weighted average export price of exports for which complete information in the chain for exports to India has been provided.

(ii) Joint Stock Company "Solikamskbumprom"

86. The Authority notes that Solikam has exported the subject goods to India through various unrelated exporters. These exporters have also filed Exporter's Questionnaire response furnishing the requisite information. One of the unrelated exporters namely Sandy Limited, Hongkong has also exported to its related Indian Importer Poddar Global Private Limited. It is noted from the response filed by the related Indian Importer that it has earned sufficient profit on resale of the imported subject goods during the POI. The Company has claimed adjustments on account of ocean freight, inland transportation, credit cost and commission and the same have been allowed by the Authority. The ex-factory export price so determined is indicated in the dumping margin table given below.

(iii) Karjala Pulp LLC

87. The Authority notes that Karjala Pulp LLC has exported to India directly or through Go Paper Pte. Ltd, Printex SIA, Sandy Limited, Trigon Gulf FZXO, VimpeX Handelsgesellschaft MBH and West Asia Network DMCC. The Company has claimed adjustments on account of ocean freight, inland transportation, credit cost and commission and the same have been allowed by the Authority. The ex-factory export price so determined is indicated in the dumping margin table given below.

(iv) Joint Stock Company Volga

88. Joint Stock Company Volga has exported to India through PTG, Paper Trading Group S.A., Indo Global Commercials Private Limited, Sandy Limited, Th. Brunius, Korab International AB, NRS International PVT Limited, West Asia Network DMCC, PG Paper Company Ltd and Paptech India Private Limited. The Company has claimed adjustments on account of ocean freight, credit cost and packing cost and the same have been allowed by the Authority. The ex-factory export price so determined is indicated in the dumping margin table given below.

**Export Price for non-cooperating producers/exporters from Russia**

89. The Authority has determined export price of the non-cooperating producers/exporters from Russia on the basis of facts available in terms of Rule 6(8) and the same is indicated in the dumping margin table given below.

**Export price for all producers/exporters from Singapore**

90. The Authority notes that none of producers/exporters from Singapore have filed exporter's questionnaire response. In view of non-cooperation from the producers/exporters of Singapore, the export price for subject goods from Singapore has been computed based on the DGCI&S transaction-wise import data. Adjustments have been made for ocean freight, marine insurance, commission, inland freight expenses, port expenses and bank charges. The export price so determined is indicated in the dumping margin table below.

**Export price for all producers/exporters from UAE**

91. The Authority notes that none of producers/exporters from UAE have filed exporter's questionnaire response. In view of non-cooperation from the producers/exporters of UAE, the export price for subject goods from UAE has been computed based on the DGCI&S transaction-wise import data. Adjustments have been made for ocean freight, marine insurance, commission, inland freight expenses, port expenses and bank charges. The export price so determined is indicated in the dumping margin table below.

**G.3. Dumping margin**

92. Based on normal value and export price determined as above, the dumping margin for producers/exporters from the subject countries has been determined by the Authority and the same is provided in the table below:

Country	Producer	Normal Value (US\$/MT)	Export Price (US\$/MT)	Dumping Margin (US\$/MT)	Dumping Margin (%)	Dumping Margin Range (%)
Australia	All	***	***	***	***	10-20%
Canada	White Birch Paper Company	***	***	***	***	40-50%
	Kruger Group	***	***	***	***	20-30%
	All Others	***	***	***	***	50-60%
EU	Holmen Paper AB	***	***	***	***	10-20%
	Stora Enso Group	***	***	***	***	10-20%
	UPM Group	***	***	***	***	30-40%
	Papresa S. A.	***	***	***	***	60-70%
	All Others	***	***	***	***	65-75%
Russia	Karjala Pulp LLC	***	***	***	***	10-20%
	Mondi Syktyvkar JSC	***	***	***	***	20-30%
	JSC Solikamskumprom	***	***	***	***	20-30%

	Joint Stock Company Volga	***	***	***	***	10-20%
	All Others	***	***	***	***	30-40%
Singapore	All	***	***	***	***	10-20%
UAE	All	***	***	***	***	10-20%

93. It is noted that the dumping margins for the subject countries are more than the *de-minimis* limits prescribed under the Rules, and are significant.

## **H. ASSESSMENT OF INJURY AND CAUSAL LINK**

### **H.1 Submissions of the domestic industry**

94. The following submissions have been made by the domestic industry with regard to injury and causal link:

- i. Despite decline in demand, the volume of imports has increased.
- ii. The customers of newsprint industry determine price based on import price. While the prices are transacted on weight basis, the consumption is on length and width basis. Since the products of different GSM have different SQM per gram, price undercutting on weight basis can be misleading.
- iii. The subject imports are priced below the cost of sales and non-injurious price and have had a depressing effect on the prices of domestic industry.
- iv. Production, sales and capacity utilisation of the domestic industry has declined while the inventories have increased. The market share of the domestic industry increased till 2018-19 and then declined.
- v. The domestic industry has incurred losses which are more than double when compared with 2016-17 and is earning returns less than the bank interest on fixed deposits. The cash profits have also declined.
- vi. The domestic industry has recorded a negative growth over the injury period.
- vii. Post-period of investigation (April – June '20), the domestic industry has suffered aggravated injury which is evident from the following:
  - a. The import price has further declined and the volume has increased.
  - b. Sales, production and capacity utilisation have declined.
  - c. The domestic industry was forced to use the plant for production of other products.
  - d. Market share of domestic industry has declined and that of subject imports has increased.
  - e. The subject imports have had a suppressing / depressing effect on the prices of domestic industry.
  - f. The losses incurred by the domestic industry are 8 times more than the losses in the period of investigation and 18 times more than that in 2016-17.
  - g. The domestic industry has incurred cash losses and recorded negative return on investment.
- viii. The injury to the domestic industry is not on account of decline in demand which is evident from the fact that the demand declined but the imports increased. The domestic and foreign producers should have received the same impact. There is enough demand in the country as compared to the capacity of the Indian industry.
- ix. No other known factor such as imports from other countries, change in pattern of consumption, trade restrictive practices, development in technology, performance

- of other products, productivity and export performance have caused injury to the domestic industry.
- x. There is causal link between dumping and injury.
  - xi. Correlating price undercutting and profitability of domestic industry is not appropriate as the prices were suppressed due to dumped imports.
  - xii. Decline in demand has not caused injury as imports have increased despite the declining demand and have entered the market at price below the cost of domestic industry.
  - xiii. Increase in production of NPUC and decline in production of newsprint is a result of dumping and injury. A number of mills have closed or switched over to other products, as they are not able to sell their products.
  - xiv. Replying to contention that Shree Rama has stated that use of wastepaper has caused injury to the domestic industry, it is submitted that the prices of wastepaper between 2016-17 and period of investigation have declined but the losses have increased.
  - xv. The Authority is not required to conduct non-attribution analysis with features inherent in the domestic industry and injury to the domestic industry is to be seen as it exists.
  - xvi. The fire at Shree Rama Newsprint was in 2018-19, that is prior to the period of investigation, and the company earned profits in that year.
  - xvii. The applicant never agreed for exclusion of 2018-19 from injury analysis and only stated that domestic industry has suffered injury even if 2018-19 is disregarded and comparison is made to 2016-17.
  - xviii. Contrary to claims of interested parties, injury is not on account of increasing finance cost as the profit before interest has also declined.
  - xix. Statements regarding dumping in the annual reports of domestic producers have been overlooked by the consumers.
  - xx. The domestic producers were compelled to curtail production of newsprint and switch over to other products due to losses sustained in newsprint.
  - xxi. The volume of imports or price thereof from an individual country are not relevant as the respondents have not demonstrated that cumulative analysis of injury is not appropriate.
  - xxii. Lack of working capital of Hindustan Newsprint limited and Mysore Paper Mills is a consequence of adverse competition in the market. The order of shutdown by CPCB was later revoked.
  - xxiii. The statement regarding satisfactory performance of Emami Paper Mills in its annual report, relied upon by other interested parties, is related to the company as a whole and not for newsprint.
  - xxiv. The shutdown of PM1 of Shree Rama Newsprint happened in January 2020 and not in period of investigation. The production was lower due to lack of orders, as acknowledged in the annual report, because of dumping.
  - xxv. When compared to the previous year, the overall customs duty has increased and not declined. In case the dumping is not checked, the domestic industry will have to close down and in such a case the exporters are likely to sell at higher prices in India which will be against consumer interest.
  - xxvi. The CIF price of imports was below the cost of sales of the domestic industry in 2016-17 and 2017-18. Even though the price has increased, it is still below the cost of sales of the domestic industry.
  - xxvii. The producers were forced to lay off employees due to falling production.



- xxviii. Any cost relating to the expansion project / abandonment of the project have not been included in determining the cost, revenue and profitability of the product under consideration, and the loss suffered is not on account of such expenses.
- xxix. Khanna Paper Mills suffered fire in 2012 and 2015, which is prior to period of investigation and thus, not relevant.
- xxx. The non-injurious price claimed by the producers is based on their actual data and an inter-se comparison is not appropriate.
- xxxi. In Indian Spinners Association vs. DA, relied upon by the other interested parties, the parties had provided evidence that domestic industry historically recorded a lower rate of return. On that basis it was contended that return of 22% is not correct in determining non-injurious price. As against this, the Tribunal has routinely held that 22% should be considered as a reasonable return.
- xxxii. The decision for capacity expansion was taken when the industry was profitable.
- xxxiii. Investment by Emami Mills Limited was in packaging board and not newsprint and was undertaken in 2018-19.

## **H.2 Submissions of other interested parties**

95. The following submissions have been made by the other interested parties with regard to injury, likelihood and causal link:
- i. Post-POI developments are not relevant for an original investigation, particularly when the non-confidential version of data for such period has not been shared by the petitioner. The Authority has followed such practice in findings like Tolune di-isocyanate and Acrylic fibre.
  - ii. The domestic industry has provided post-POI data for the first quarter of financial year at the final stages of the investigation, which should not be accepted.
  - iii. An increase in the volume of subject imports was to fill the demand-supply gap in the market.
  - iv. Market share of the domestic industry has remained stable through the injury period and the period of investigation.
  - v. Price undercutting by imports from subject countries is negative in the period of investigation and the previous year.
  - vi. Domestic industry has been able to increase its selling price commensurate with the increase in cost of sale.
  - vii. While both the import price and selling price declined in the period of investigation due to adjustment after global shock, the difference in decline is pronounced, i.e, 21%, implying that imports have no price effect.
  - viii. Imports from Canada should not be cumulatively analyzed with subject countries as they differ from both, domestic and other imported newsprint. Further, domestic industry has not suffered any injury due to imports from Canada.
  - ix. Imports from Canada have declined through the injury period and there is marginal increase in the period of investigation.
  - x. The market share of imports from Canada remained stable in relation to total imports through the injury period and period of investigation.
  - xi. Price undercutting by imports from Canada is negative in the period of investigation and the previous year and there has been no decline in the landed price of exports from Canada.
  - xii. It is an admitted position that the domestic industry is selling subject goods in the domestic market at a price below the landed value of imports from the subject

- countries proving that the domestic industry has not attempted to benchmark its domestic price with the landed value despite sufficient scope for price increment.
- xiii. The volume of imports from subject countries have not increased consistently, either in absolute terms or in relative terms to domestic production.
  - xiv. Market share of imports from the subject countries has not increased consistently or drastically.
  - xv. There is no consistency in the domestic Industry's return on capital employed, and it does not have any correlation with the volume of imports.
  - xvi. There is no substantial decline in the employment provided by the domestic industry, implying no correlation to the volume of imports.
  - xvii. The domestic industry has not provided non-injurious price range and price underselling/injury margin in the original or updated petition.
  - xviii. The data submitted by the domestic industry on relevant economic parameters is unreliable and inconsistent and does not permit objective examination of material injury.
  - xix. The installed capacity of the domestic industry has increased during the period of investigation.
  - xx. Capacity utilization has increased in 2018-19 but declined in the period of investigation.
  - xxi. Downfall in only 9 months cannot be a ground of alleged dumping and consequently for imposition of duty.
  - xxii. Domestic sales and production of specified so called supporting domestic producers during the period of investigation is higher than sales for base year i.e., 2016-17.
  - xxiii. Imports from Russia have decreased between 2017-18 and period of investigation and further in post- period of investigation period.
  - xxiv. Price undercutting for imports from Russia is negative in the period of investigation.
  - xxv. Imports from the EU have not increased in either absolute or relative terms in the period under investigation and decreased since 2017-18.
  - xxvi. The import price trend merely reflects the cyclical nature of prices for newsprint.
  - xxvii. Economic data demonstrates that fiscal year 2018-19 was an exceptional year when global paper industry experienced radical shifts in business environment due to policy changes by the Government of the China PR and any downward movement in economic parameters for the Domestic Industry is result of global market conditions stabilizing after initial shock from changing China PR's policies and cannot be attributed to alleged dumped imports.
  - xxviii. The applicant agreed to exclude 2018-19 for the purpose of injury analysis during the oral hearing. The Authority should ignore this period.
  - xxix. Decline in capacity utilisation of the domestic Industry is due to multiple factors – shifts in consumer preference from print media to digital media, declining advertisement revenues, markets stabilizing and readjusting after the storm caused by change in policies by China PR Government, and diversification of business activities.
  - xxx. Factors such as slowdown in economy, cost competitive raw material, increasing competition from electronic media etc are the cause of injury to the domestic industry. Same have been stated in the annual reports of Emami Paper Mills and Shree Rama Newsprint. Decline in demand and increase in finance cost of the applicants are also factor of injury.

- xxxi. Increase in export sales by the domestic industry may have led to decline in domestic sales forcing Indian customers to import newsprint.
- xxxii. Increase in production of non-PUC products by the domestic industry from 16,535 MT in previous year to 96,203 MT in the period of investigation may have led to decline in production of product under consideration which cannot be attributed to the imports.
- xxxiii. The domestic industry is suffering injury due to its inefficiency caused by devastating accidents and incurring wasteful expenses, which have contributed towards their reduced profitability.
- xxxiv. A major fire at the factory of Shree Rama newsprint in May 2018 led to a loss of newsprint worth 847.09 Lakhs.
- xxxv. Closure or shutting down of production cannot be attributed to alleged dumping of the product under consideration.
- xxxvi. Exports are not under compulsion but on account of export obligation undertaken by the domestic industry to be met for taking advantage of schemes under the Foreign Trade Policy.
- xxxvii. COVID pandemic has impacted market of newspaper. Imposition of ADD will force print industry to import Newsprint at high cost on account of technical non-feasibility of use of domestically produced Newsprint.
- xxxviii. Poor quality of product manufactured domestically is forcing users to import.
- xxxix. Shutdown of 67 newsprint paper mills following the orders of National Green Tribunal and Central Pollution Control Board for violation of pollution control norms has adversely impacted the domestic industry. Further, Emami Paper Mills Ltd. has also been notified by the Central Pollution Control Board as one of the most polluting mills.
- xl. Unorganized collection of waste paper to be recycled and used as raw material in production has led to stoppage of production and uneconomic productivity.
- xli. Absorption of import duty by exporter/producer has adversely impacted domestic industry.
- xl.ii. The submission made by the petitioner that price undercutting on weight basis is misleading is erroneous in as much as the petitioner cannot conveniently oppose determination of price undercutting on weighted basis only because the price undercutting determined in petition is negative. Further, the petitioner in its submissions have relied on an injury margin calculation that is also based on weight as the unit of measurement for unit prices, clearly establishing that the petitioner is selectively relying on data which corroborates their claims and advocating for rejection of parameters that contradict their claim of injury
- xl.iii. Injury, if any, to the Domestic Industry is self-inflicted or a consequence of global demand and supply rebalancing following a major market shock.
- xliv. 50% of manufacturing entities were closed or discontinued prior to the period of investigation as per DIPP Verified data. Further, number of entities engaged in the production of subject goods during 2018-19 and 2019-20 remained the same implying that domestic producers have not discontinued production due to alleged dumped imports.
- xl. v. The petitioner's comparison of export price from Canada to USA and that from Canada to India to demonstrate declining export prices is irrelevant in the present investigation in light of Article 2.1 of the Anti-Dumping Agreement and Section 9A (1) of the Customs Tariff Act. Further, source of such information has not been provided in the submissions.

- xlvi. Import price from the subject countries was lower than cost of sales of the domestic industry only in 2017-18. Import price was much higher than cost of sales in 2018-19 and period of investigation.
- xlvii. The domestic industry was able to recover cost of sales in 2018-19 and make reasonable profits. Additionally, the import prices were higher than the selling price in 2018-19 and period of investigation.
- xlviii. The increase in inventories of the domestic industry was only in 2018-19 due to increased production and expansion of capacities by the domestic industry in anticipation of continuing boom in the newsprint market caused by change in Chinese policies.
- xlix. If the import data of 40 and 42 GSM is excluded, the remaining volumes are very low for any injury.
  - 1. Post-POI period of April-June 2020 was at the start of COVID pandemic, during which market fluctuations prompted by global lockdown were particularly hard for newsprint industry. An analysis of such data during final stages of investigation is likely to be skewed.
  - li. The performance of other domestic producers in India is irrelevant as injury analysis is conducted taking into consideration the constituents of the Domestic Industry and not all the other producers.
  - lii. Hindustan Newsprint Ltd, which was ordered shut due to pollution reasons could not operate due to lack of working capital.
  - liii. Mysore Paper Mills, stopped production in November 2015 due to certain losses as it could not operate due to lack of working capital

### H.3 Examination by the Authority

- 96. The Authority has taken note of the arguments and counter-arguments of the interested parties with regard to injury to the domestic industry. The injury analysis by the Authority hereunder addresses the various submissions made by the interested parties.
- 97. Article 3.3 of WTO agreement and para (iii) of Annexure II of the Rules provides that in case where imports of a product from more than one country are being simultaneously subjected to anti-dumping investigation, the 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 is more than 2% expressed as a percentage of export price and the volume of the imports from each country is 3% (or more) of the import of like article or where the export of individual countries is less than 3%, the imports collectively account for more than 7% of the import of like article, and
  - b. Cumulative assessment of the effect of imports is appropriate in the light of the conditions of competition between the imported article and the like domestic articles.
- 98. At the time of initiation of the investigation, imports of Newsprint of all GSM was considered. However, during the course of the investigation, as explained above, the Authority limited the scope of the PUC to 42 and above GSM only. Since the imports of Newsprint of 42 and above GSM from Hong Kong during the POI is below *de-minimis*, Hong Kong has not been included in the injury analysis hereinbelow.
- 99. The Authority notes that:

- a. The subject goods are being dumped into India from the subject countries. The margin of dumping from each of the subject countries is more than the de minimis limits prescribed under the Rules.
  - b. The volume of imports from each of the subject countries is individually more than 3% of the total volume of imports.
  - c. Cumulative assessment of the effects of import is appropriate as the exports from the subject countries not only directly compete with the like articles offered by each of them but also the like articles offered by the domestic industry in the Indian market.
100. In view of the above, the Authority considers it appropriate to cumulatively assess the effects of dumped imports of the subject goods from Australia, Canada, European Union, Hong Kong, Russia, Singapore and UAE on the domestic industry.
101. Rule 11 of the Rules read with its Annexure-II thereto 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 to the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. For the examination of the impact of the dumped imports on the Domestic Industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Rules.
102. The submissions made by the Domestic Industry and other interested parties during the course of investigations with regard to injury and causal link and considered relevant by the Authority are examined and addressed as under:

**I. Assessment of Demand / Apparent Consumption**

103. The Authority has defined, for the purpose of the present investigation, demand or apparent consumption of the product concerned in India as the sum of domestic sales of the domestic industry and other Indian producers and imports from all sources. The demand so assessed is given in the table below.

Particulars	Unit	2016-17	2017-18	2018-19	POI	
					Actual	Annualized
Subject imports	MT	9,19,952	8,89,047	7,73,119	6,83,688	9,11,585
Australia	MT	65,679	45,034	43,148	26,102	34,802
Canada	MT	2,57,966	1,91,659	1,54,782	1,06,447	1,41,929
European Union	MT	2,00,399	2,08,787	1,52,274	1,58,648	2,11,531
Russia	MT	3,95,883	4,42,770	3,56,242	3,16,123	4,21,497
Singapore	MT	-	794	35,095	35,625	47,500

UAE	MT	26	2	31,579	40,744	54,325
Other imports	MT	5,00,071	2,84,835	3,26,566	1,41,624	1,88,833
Domestic sales by domestic industry	MT	3,28,205	3,33,728	3,53,235	2,01,275	2,68,367
Sales of Other Indian Producers	MT	7,65,480	7,59,618	7,97,828	3,99,220	5,32,293
Sales of Indian industry	MT	10,93,685	10,93,346	11,51,063	6,00,495	8,00,660
Demand	MT	25,13,708	22,67,228	22,50,748	14,25,808	19,01,077

104. It is seen that the demand for the subject goods has declined over the injury period, whereas, the imports from the subject countries have declined till 2018-19 but increased in the period of investigation.

## II. Volume Effects of Dumped Imports

105. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in India. For the purpose of injury analysis, the Authority has relied on the transaction wise import data procured from DGCI&S. The import volumes of the subject goods from subject countries and share of the dumped import during the injury investigation period are as follows:

Particulars	Unit	2016-17	2017-18	2018-19	POI	
					Actual	Annualized
Australia	MT	65,679	45,034	43,148	26,102	34,802
Canada	MT	2,57,966	1,91,659	1,54,782	1,06,447	1,41,929
European Union	MT	2,00,399	2,08,787	1,52,274	1,58,648	2,11,531
Russia	MT	3,95,883	4,42,770	3,56,242	3,16,123	4,21,497
Singapore	MT	-	794	35,095	35,625	47,500
UAE	MT	26	2	31,579	40,744	54,325
Subject imports	MT	9,19,952	8,89,047	7,73,119	6,83,688	9,11,585
Indian Production	MT	10,99,833	10,67,232	12,01,495	5,92,188	7,89,584
Imports in relation to Indian production	%	84%	83%	64%	115%	115%
Imports in relation to consumption	%	37%	39%	34%	48%	48%

106. It is seen that:

- The volume of imports from the subject countries declined till 2018-19 by 16% and then increased by 18% in the POI.
- Whereas overall demand declined by 24% over the injury period, and by 16% as compared to previous years, subject imports have increased when compared to the preceding year.
- The volume of subject imports has increased significantly in relation to production and consumption in India.

- iv. The subject imports account for highest share in consumption in the country, with imports from subject countries and non-subject countries accounting for majority share, and the domestic producers commanding minority share.

### III. Price Effect of Dumped Imports

107. In terms of Annexure II (ii) of the Rules, with regard to the effect 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. In this regard, a comparison has been made between the landed price of imports from the subject countries with the net sales realization of domestic industry for the subject goods.

#### i. Price Undercutting

108. To determine price undercutting, a comparison has been made between the landed value of the product and the average selling price of the domestic industry, net of all rebates and taxes, at the same level of trade. The prices of the domestic industry were determined at the ex-factory level.

Particulars	Unit	2016-17	2017-18	2018-19	POI
<b>Subject Countries</b>					
Landed value	Rs./MT	35,221	34,081	49,962	39,692
Net sales realisation	Rs./MT	***	***	***	***
Trend	Indexed	100	106	132	105
Price undercutting	Rs./MT	***	***	***	***
Price undercutting	Indexed	***	***	***	***
Price undercutting	%	***	***	***	***
Price undercutting	% Range	(0-10)	0-10	(0-10)	(0-10)
<b>Australia</b>					
Landed value	Rs./MT	36,743	37,205	53,086	40,623
Net sales realisation	Rs./MT	***	***	***	***
Trend	Indexed	100	106	132	105
Price undercutting	Rs./MT	***	***	***	***
Price undercutting	Indexed	***	***	***	***
Price undercutting	%	***	***	***	***
Price undercutting	% Range	(0-10)	(0-10)	(10-20)	(10-20)
<b>Canada</b>					
Landed value	Rs./MT	35,486	33,672	50,606	39,026
Net sales realisation	Rs./MT	***	***	***	***
Trend	Indexed	100	106	132	105
Price undercutting	Rs./MT	***	***	***	***

Particulars	Unit	2016-17	2017-18	2018-19	POI
Price undercutting	Indexed	***	***	***	***
Price undercutting	%	***	***	***	***
Price undercutting	% Range	(0-10)	0-10	(0-10)	(0-10)
<b>European Union</b>					
Landed value	Rs./MT	35,612	34,622	47,500	39,207
Net sales realisation	Rs./MT	***	***	***	***
Trend	Indexed	100	106	132	105
Price undercutting	Rs./MT	***	***	***	***
Price undercutting	Indexed	***	***	***	***
Price undercutting	%	***	***	***	***
Price undercutting	% Range	(0-10)	0-10	(0-10)	(0-10)
<b>Russia</b>					
Landed value	Rs./MT	34,599	33,687	50,337	39,849
Net sales realisation	Rs./MT	***	***	***	***
Trend	Indexed	100	106	132	105
Price undercutting	Rs./MT	***	***	***	***
Price undercutting	Indexed	***	***	***	***
Price undercutting	%	***	***	***	***
Price undercutting	% Range	(0-10)	0-10	(0-10)	(0-10)
<b>Singapore</b>					
Landed value	Rs./MT	-	33,246	49,671	40,021
Net sales realisation	Rs./MT	-	***	***	***
Trend	Indexed	-	106	132	105
Price undercutting	Rs./MT	-	***	***	***
Price undercutting	Indexed		***	***	***
Price undercutting	%	-	***	***	***
Price undercutting	% Range	-	10-20	(0-10)	(0-10)
<b>UAE</b>					
Landed value	Rs./MT	33,799	44,453	50,495	39,866
Net sales realisation	Rs./MT	***	***	***	***
Trend	Indexed	100	106	132	105
Price undercutting	Rs./MT	***	***	***	***
Price undercutting	Indexed	***	***	***	***
Price undercutting	%	***	***	***	***
Price undercutting	% Range	0-10	(10-20)	(0-10)	(0-10)

109. It is noted that price undercutting for subject countries as a whole was positive for 2017-18 only and negative in rest of the injury period and POI.



## Price Suppression and Depression

110. In order to determine whether the effect of imports is to depress prices to a significant degree or prevent price increases which otherwise would have occurred, the information given by the domestic industry for the changes in the costs and prices over the injury period has been compared with the landed value.

Particulars	Unit	2016-17	2017-18	2018-19	POI
Selling price	Rs./MT	***	***	***	***
	Indexed	100	106	132	105
Cost of sales	Rs./MT	***	***	***	***
	Indexed	100	107	122	107
Landed price	Rs./MT	35,221	34,081	49,962	39,692
	Indexed	100	97	142	113

111. It is noted that landed price, as well as cost of sales and selling price of the domestic industry have increased in 2018-19 over the base year. However, when compared to 2018-19, it is seen that the landed price, cost of sales and selling price have declined during the POI. Further, selling price has declined more than the cost of sales and the domestic industry has been forced to sell the product at a loss. Hence, the subject imports have depressed/suppressed the prices of the domestic industry.

### ii. Price Underselling

112. The Authority has examined price underselling suffered by the domestic industry on account of dumped imports from the subject countries. For this purpose, the NIP, determined based on average NIP for the domestic industry, has been compared with the landed price of imports, as obtained from the DGCIS import data.

Particulars	Unit	Canada	European Union	Russia	UAE	Singapore	Australia	Subject Countries
Non-injurious price	₹/MT	***	***	***	***	***	***	***
Landed price	₹/MT	39,026	39,207	39,849	39,866	40,021	40,623	39,692
Price underselling	₹/MT	***	***	***	***	***	***	***
Price underselling	%	***	***	***	***	***	***	***
Price underselling	Range	0-10%	0-10%	0-10%	0-10%	0-10%	Negative	0-10%

113. It is noted that the price underselling for subject countries except Australia is positive, indicating that the imports are entering the market at injurious prices.

## IV. Impact on Economic Parameters of the Domestic Industry

114. Annexure II to the Rules requires that the determination of injury shall involve an objective examination of the consequent impact of dumped imports on domestic producers of such products. With regard to consequent impact of dumped imports on

domestic producers of such products, the Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased 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. Various injury parameters relating to the domestic industry are discussed herein below.

**i. Production, Capacity, Capacity Utilization and Sales Volumes**

115. The performance of the domestic industry with regard to production, domestic sales, capacity and capacity utilization is as follows:

Particulars	Unit	2016-17	2017-18	2018-19	POI	
					Actual	Annualised
Capacity	MT	4,04,400	4,04,400	4,14,400	3,10,800	4,14,400
Production PUC	MT	3,36,659	3,33,160	3,86,604	1,89,532	2,52,709
Production NPUC	MT	51,242	36,619	16,535	72,152	96,203
Production Total	MT	3,87,901	3,69,779	4,03,139	2,61,684	3,48,912
Capacity utilization	%	96%	91%	97%	84%	84%
Domestic sales	MT	3,28,205	3,33,728	3,53,235	2,01,282	2,68,376

116. It is noted that:

- The capacity of domestic industry has increased over the injury period.
- However, the capacity utilisation, production and sales of domestic industry have decreased during the POI.
- It is further noted that while part of the decline in domestic sales may be attributable to the decline in demand, during the period of investigation, the percentage decline in domestic sales exceeds the percentage decline in demand significantly.

**ii. Market Share in Demand**

117. Market share of alleged dumped imports and domestic industry have been examined as below:

Particulars	Unit	2016-17	2017-18	2018-19	POI
Subject imports	%	37%	39%	34%	48%
Other imports	%	20%	13%	15%	10%
Domestic industry	%	13%	15%	16%	14%
Other producers	%	30%	34%	35%	28%
Indian industry	%	44%	48%	51%	42%

118. It is noted that the share of imports from the subject countries has increased from 37% to 48% while the share of Indian industry as a whole has declined from 44% to 42%.

The market share of the domestic industry increased in 2017-18 and 2018-19, but declined during the period of investigation.

### iii. Inventories

119. Inventory position of the domestic industry over the injury period is given in the table below:

Particulars	Unit	2016-17	2017-18	2018-19	POI	
					Actual	Annualised
Opening inventory	MT	3,143	7,235	1,976	30,508	30,508
Closing inventory	MT	7,235	1,976	30,508	12,403	12,403
Average inventory	MT	5,189	4,605	16,242	21,455	21,455
Trend	Indexed	100	89	313	413	413

120. It is seen that the average inventories of domestic industry have quadrupled over the injury period indicating build-up of inventories. Further, even when compared to the preceding year, the inventories of the domestic industry have shown an increase.

### iv. Profits, Cash Profits and Return on Capital Employed

121. Profits, return on investment and cash profits of the domestic industry over the injury period is given in the table below:

Particulars	Unit	2016-17	2017-18	2018-19	POI	
					Actual	Annualised
Cost of sales	₹/MT	***	***	***	***	***
	Indexed	100	107	122	107	107
Selling price	₹/MT	***	***	***	***	***
	Indexed	100	106	132	105	105
Profit/(loss)	₹/MT	***	***	***	***	***
	Indexed	-100	-152	335	-210	-210
Profit/(loss)	₹ Lacs	***	***	***	***	***
	Indexed	-100	-155	361	-171	-171
Cash profits	₹ Lacs	***	***	***	***	***
	Indexed	100	75	472	28	37
Return on capital employed	%	***	***	***	***	***
	Indexed	100	51	614	80	80

122. It is noted that:

- The domestic industry incurred losses during 2016-17 and 2017-18. While the situation of the domestic industry improved and it earned profits in 2018-19, its profitability has suffered again during the period of investigation.
- The domestic industry has earned highest losses during the period of investigation, when compared over the injury period.
- The cash profits and return on capital employed of the domestic industry have also shown a decline when compared to the preceding year, as well as when compared to the base year.
- The domestic industry is earning negligible returns on its capital employed.

**v. Employment, Wages and Productivity**

123. The Authority has examined the information relating to employment, wages and productivity, as given below:

Particulars	Unit	2016-17	2017-18	2018-19	POI	
					Actual	Annualised
No. of employees	Nos	2711	2722	2753	2652	2652
	Indexed	100	100	102	98	98
Productivity per day	MT/Day	124	122	140	95	95
	Indexed	100	99	113	77	77
Productivity per employee	MT/Nos	935	925	1,074	702	702
	Indexed	100	99	115	75	75
Wages	₹ Lacs	***	***	***	***	***
	Indexed	100	94	130	53	70

124. It is seen that the number of employees has decreased over the injury period, with a decline in wages. The productivity of the domestic industry has also declined with a decline in production.

**vi. Growth**

Particulars	Unit	2017-18	2018-19	POI Annualised
Capacity	%	-	2.47	-
Production	%	(4.67)	8.60	(13.98)
Domestic sales	%	1.68	5.94	(25.86)
Profit/(loss) per unit	%	(52.11)	487.17	(544.60)
Cash profit	%	(25.46)	397.78	(435.54)
Return on capital employed	%	(48.61)	562.59	(533.58)

125. It is seen that the domestic industry has recorded a negative growth in terms of both volume and profitability parameters during the period of investigation. Further, the decline in the profitability parameters is extremely steep, indicating significant adverse impact of the dumped imports.

**vii. Ability to Raise Capital Investment**

126. The Authority notes that the domestic industry is incurring significant losses, and has earned a low return on its capital employed. Clearly, the ability of the domestic industry to raise capital investment has been adversely affected by the subject imports.

**viii. Factors Affecting Prices**

127. With regard to factors affecting prices, the Authority notes that the subject imports command a dominant share in the market, holding 54% of the demand. It is also noted

that the price of the domestic industry increased when the price of imports increased in 2018-19. But the domestic industry was forced to reduce its prices, when the price declined in the period of investigation, and sell at a loss.

**ix. Magnitude of Dumping**

128. It is noted that the subject goods are being dumped into India and the dumping margin is positive and significant.

**I. MAGNITUDE OF INJURY MARGIN**

129. The Authority has determined the NIP for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The NIP of the PUC has been determined by adopting the verified information/data relating to the cost of production for the POI. The NIP has been considered for comparing the landed price from the subject countries for calculating injury margin. For determining the NIP, the best utilisation of the raw materials by the domestic industry over the injury period has been considered. The same treatment has been carried out with the utilities. The best utilisation of production capacity over the injury period has been considered. It is ensured that no extraordinary or non-recurring expenses were charged to the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (i.e. average net fixed assets plus average working capital) for the PUC was allowed as pre-tax profit to arrive at the non-injurious price as prescribed in Annexure III of the Rules and being followed.

130. Based on the landed price and non-injurious price determined as above, the injury margin for producers/exporters has been determined by the Authority and the same is provided in the table below: -

Country	Producer	Non-Injurious Price (US\$/MT)	Landed Price (US\$/MT)	Injury Margin (US\$/MT)	Injury Margin (%)	Injury Margin (Range in %)
Australia	All	***	***	***	***	Negative
Canada	White Birch Paper Company	***	***	***	***	0-10%
	Kruger Group	***	***	***	***	10-20%
	All Others	***	***	***	***	10-20%
EU	Holmen Paper AB	***	***	***	***	0-10%
	Stora Enso Group	***	***	***	***	0-10%
	UPM Group	***	***	***	***	0-10%
	Papresa S. A.	***	***	***	***	10-20%
	All Others	***	***	***	***	10-20%
Russia	Karjala Pulp LLC	***	***	***	***	0-10%
	Mondi Syktyvkar JSC	***	***	***	***	10-20%
	JSC Solikamskbumprom	***	***	***	***	10-20%

Country	Producer	Non-Injurious Price (US\$/MT)	Landed Price (US\$/MT)	Injury Margin (US\$/MT)	Injury Margin (%)	Injury Margin (Range in %)
	Joint Stock Company Volga	***	***	***	***	0-10%
	All Others	***	***	***	***	20-30%
Singapore	All	***	***	***	***	0-10%
UAE	All	***	***	***	***	0-10%

#### **J. CAUSAL LINK AND NON-ATTRIBUTION ANALYSIS**

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

##### **a. Volume and Prices of Imports from Third Countries:**

132. It is seen that the subject imports account for 86% of total imports in the period of investigation. Other than the subject countries, there are significant imports from Korea RP and New Zealand. However, the Authority has already examined such imports at the stage of initiation and concluded that they are not injurious. Even now, it is noted that the price of such imports is significantly higher than the price of the subject imports and thus, they are not injurious to the domestic industry.

133. Other than Korea RP and New Zealand, the imports from other countries are insignificant in volume and thus, not capable of causing any injury to the domestic industry.

##### **b. Contraction in Demand**

134. It is seen that the demand of the subject goods has declined over the injury period. However, the imports have increased despite the declining demand, thereby taking away the market of the domestic producers. As a result of dumping, the market share of the domestic industry and Indian industry has declined during the period of investigation. Thus, the injury suffered by the domestic industry is not on account of contraction in demand.

##### **c. Developments in Technology**

135. It is noted that the technology for producing subject goods has not undergone any change and therefore, could not have caused injury to the domestic industry.

**d. Conditions of Competition and Trade Restrictive Practices**

136. It is noted that there are no trade restrictive practices in India which could have caused injury to the domestic industry.

**e. Export Performance of the Domestic Industry**

137. It is noted that the injury analysis is based on domestic performance. Hence, the injury is not on account of the export performance of the domestic industry.

**f. Productivity**

138. The productivity of the domestic industry has declined only due to the decline in production and thus, the injury to the domestic industry is not on this account.

**g. Performance of other products of the company**

139. It is noted that domestic industry has segregated its performance with respect of different products. The performance of other products those are being produced and sold by the domestic industry are not a cause of injury.

**J.1 Conclusion on Injury and Causal Link**

140. The Authority notes the following:

- a. There is significant dumping of the subject goods in the Indian market.
- b. The imports have increased in absolute terms as well as in relation to production and consumption despite decline in demand.
- c. The increased imports have taken away the market share of the domestic producers and the domestic industry.
- d. The domestic industry has suffered a decline in its production, sales and capacity utilization, while its inventories have increased.
- e. The imports have depressed/suppressed the prices of the domestic industry.
- f. The losses of the domestic industry have increased, and its cash profits and return on capital employed have declined.
- g. The growth of the domestic industry in terms of both volume and profitability parameters is negative.
- h. The price underselling is positive.
- i. Price suppression/depression has caused deterioration in performance of the domestic industry on account of profits, cash profits and return on capital employed.
- j. Increase in market share of the subject countries has prevented increase in market share of the domestic industry. Further, the performance of domestic industry has deteriorated in respect of production, sales and capacity utilisation.
- k. It is thus seen that the dumping of the product has caused adverse volume and price effect on the domestic industry.

## K. POST DISCLOSURE COMMENTS

141. The Authority notes that most of the submissions made by the interested parties in response to the disclosure statement are repetitive in nature and the interested parties have largely reiterated their earlier submissions, which have already been examined and addressed by the Authority. Following are new submissions made by the domestic industry and other interested parties on the disclosure statement.

### K.1 Submissions of the domestic industry

142. The domestic industry has submitted as under:

- a. The domestic industry can produce newsprint below 42 GSM as well. Newsprint of various GSM is produced using same machines, technology and raw material, and thus, any producer producing Newsprint of 42 or 45 GSM can produce newsprint of less than 42 GSM. The certificates from technology providers of the domestic industry also demonstrate their capability to produce newsprint of 40 GSM.
- b. Chaddha Papers Limited had communicated to the Ministry of Commerce and Industry as well, regarding ability and willingness to produce newsprint of 40 GSM depending on the orders from users.
- c. Website of Shree Rama Newsprint Limited states that their machines can produce newsprint of 40 GSM and above.
- d. The domestic industry has produced other papers of 40 GSM on same machines and thus, can produce newsprint of 40 GSM also but has failed to do so due to lack of demand in the market.
- e. Newsprint with 40 GSM, 42 GSM and 45 GSM have no difference other than GSM and have comparable technical and physical characteristics. Further, they are used interchangeably by the users and compete in the same price range. Thus, subject goods of different GSMs are like article. As held in the case of Kajaria Ceramics Ltd. v. Designated Authority, substitutable products can be included in the scope of levy.
- f. Exclusion of newsprint below 42 GSM would defeat the purpose of the anti-dumping duties as the users are likely to switch to imports of newsprint of 40, 41 and 41.5 GSM which are technically and commercially substitutable. As held in Huawei Technologies Co. Ltd. v. Designated Authority, coverage of product should be such that the purpose and intent of levy is achieved.
- g. Even the BIS Standards allow tolerance of 4% in GSM.
- h. Domestic industry is suffering injury due to imports of newsprint of 42 or 45 GSM besides imports of newsprint of 40 GSM, which has taken away the market of domestic industry and has had adverse price impact, forcing the industry to sell at losses.
- i. Exclusion of newsprint of less than 42 GSM would be inconsistent with past practices of the Authority where substitutable or comparable goods have been included in the scope of product under consideration.
- j. Since exclusion of newsprint of less than 42 GSM is not warranted, exclusion of Hong Kong as well is not warranted.
- k. Difference in GSM of the imported and domestic goods must be adjusted while determining the price undercutting and injury margin.
- l. Injury margin and price undercutting should be determined by taking into account only the injurious imports, as held by the WTO Panel Report in EC – Anti-



- Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil and the Tribunal in Kothari Sugars & Chemicals Limited v. Designated Authority.
- m. While the domestic industry is forced to compete with the current booking price of imports, there is considerable time lag of almost 3 months between the placement of order and actual imports, which has not been considered in determination of injury margin.
  - n. There exists no demand-supply gap in the country and the country is self-sufficient in the product.
  - o. Dumping of subject goods is an attempt to drive the Indian producers out of market and has been noted in market reports as well.
  - p. A number of plants had already closed down earlier due to adverse conditions of competition. More plants have shut down since the initiation as per recent report of Fastmarkets RISI.
  - q. Newsprint industry has been generating employment directly as well as indirectly for individuals engaged in collection of waste paper and if such industry is put out of operation, the livelihood of 10 lakh people will be impacted, at a time when the country is reeling under the effects of the pandemic and global recession.
  - r. The domestic industry contributes significantly to sustainable development by using recycled waste paper, in contrast to foreign producers who use wood pulp, which has higher impact on the environment. Further, in the event of closure of Indian industry, waste papers destined for recycling are likely to end up in landfills, causing a set back to the objective of sustainable development.
  - s. Imposition of duty shall boost the foreign exchange reserves by reducing unnecessary imports.
  - t. Imposition of duty is not likely to have adverse impact on users, who earn significant revenues through advertising and not through sale of newspapers.
  - u. Considering the significant decline in prices over and subsequent to period of investigation, trigger price or benchmark form of duty should be recommended.

## **K.2 Submissions of other interested parties**

143. The other interested parties reiterated their submissions with regard to scope of product under consideration, like article, quality of domestic newsprint, injury and causal link. Additionally, the other interested parties submitted as under:
- a. Newsprint produced using virgin pulp is more sustainable, than that produced using recycled pulp and thus, can be used for high speed and high-quality printing and thus, the two are different in terms of quality and end use.
  - b. The WAN-INFRA report, which shows inferior quality of domestic newsprint, has not been considered.
  - c. The interested parties have submitted test reports which show major quality deficiencies of domestic newsprint and that it even fails to satisfy some of the reference points in the Indian and International standards for Newsprint.
  - d. The users have submitted copies of email correspondence with domestic producers complaining about quality issues in domestic newsprint.
  - e. The domestic industry has not produced newsprint with 42, 42.5 and 43 GSM during the period of investigation and thus, newsprint below 44 GSM should be excluded.
  - f. Newsprint of 42 GSM should also be excluded as applicants have not produced it in commercial quantities during the period of investigation.

- g. Almost 85-90% of the imports are of 42 GSM and below, which the domestic industry is not able to supply and as a result, the users are forced to import. At least 10 domestic mills should be able to produce and sell quality 42 GSM newsprint to fulfil this demand.
- h. Domestic newsprint of 42 GSM cannot be used on high speed printing machines as it would lead to constant bad printing quality, web breaks, ink seepage and printing latches.
- i. Heinzl exported Improved Newsprint, which is higher priced, has brightness levels of 70 plus and is used for newspaper supplements and magazines. Such newsprint is not produced in India. The price of such newsprint being higher, there can be no dumping or injury to the domestic industry.
- j. NewsPress HB, which is of less than 42 GSM and UPM Eco Lite, which is of less than 40 GSM should be excluded.
- k. Supporting mills have low capacity and produce inferior newsprint and any injury suffered by them cannot be attributed to imports.
- l. During the period of investigation, global newsprint prices were not stable, after, admittedly, a global supply shortage had led to exceptionally high price levels in 2018.
- m. There is a demand-supply gap as the production of Indian producers is 11,11,493 MT less than the demand in the country.
- n. Singapore should also be excluded from the scope of investigation since it is merely a trading hub / invoicing country for the PUC of other originating subject countries. If Singapore is included in the investigation, it may lead to absurd situation wherein any exports / billing from Singapore even if originating in non-subject country would get subjected to anti-dumping duties in India.
- o. Individual dumping and injury margin should be determined for Corner Brook Pulp and Paper Limited, Kruger Trois-Rivieres L.P. and Kruger Brompton L.P. based on the information submitted in the questionnaire response.
- p. Questionnaire response by White Birch Paper Company must be rejected since such response has been filed post the stipulated time allowed by the Authority. There is compensatory arrangement between White Birch Paper Company, its traders namely VC Paper Resources Pte Ltd, Singapore, Amigo Techpro Ltd, Hong Kong and importers of subject goods. The trading entities of White Birch Paper Company are engaged in over-invoicing of goods to India to reflect higher landed value and compensate the importer by way of credit notes.
- q. The normal value for Papresa SA should not be determined based on domestic selling price as the products sold by Papresa in EU and in India are not like products.
- r. The landed price for Volga needs to be corrected.
- s. Laakirchen Papier AG and Wilfried Heinzl AG Austria should be allowed an individual dumping margin.
- t. Injury parameters annualized for the period of 9 months, have been compared with full financial years in the injury period, which is not appropriate.
- u. The imports have occurred to meet the demand-supply gap. Even if the domestic producers are able to sell their entire production, imports are necessary to meet the demand particularly of lower GSM.
- v. Demand for subject goods declined in the period of investigation, with a commensurate decline in imports from Canada. However, imports from EU and Russia have increased despite declining demand, causing injury to the domestic industry which cannot be attributed to Canadian imports.

- w. The domestic industry is in a profitable position and no injury can be claimed on this account.
- x. The losses of the domestic industry are on account of huge interest costs.
- y. The fact that the domestic industry is expanding capacities is an indicator that the imports have not impacted the ability to raise capital investments. Further, Shree Rama Newsprint Limited has been regularly investing in plant and machinery, paying off their loans and raising fresh short-term loans.
- z. Injury margin for the subject goods as a whole from all subject countries is below 2.5% which cannot be said to have caused material injury to the domestic industry as required under Rule 17 of the Anti-dumping Rules.
- aa. The Authority has inexplicably increased landed price of imports from Australia, whereas high priced newsprint of 40 GSM is now excluded from the scope.
- bb. The Authority should examine injury to the domestic industry due to imports from New Zealand and Korea RP based on the revised product scope, to ascertain whether newsprint of 42 GSM and above from these countries is causing injury to the domestic industry.
- cc. The Authority has failed to factor in the breakdowns and fires and out-of-order printing machines during the period, as in case of Shree Rama Newsprint, and increase in raw materials costs.
- dd. Decline in economic parameters is due to the increase in production of other products, lack of raw material, contamination in imported raw material and low recycling rates in the country.
- ee. The impact of cost of capacity expansion on the cost structure of subject goods during or immediately before the period of investigation has not been examined resulting in the non-injurious price determination and injury analysis being vitiated.
- ff. The Authority has not considered the fact that as many as 46 domestic producers of newsprint have shutdown due to pollution issues and not due to dumping.
- gg. The issue of Emami Paper Mills reporting 100% of its revenue from Paper and Paperboard has not been addressed by the Authority.
- hh. The publishers are facing challenges on account of reduction in advertisement revenue and decline in readership due to increase in use of digital media. The publishers are operating on tight margins, and just break even.
- ii. Imposition of anti-dumping duty would make the reduction in customs duty from 10% to 5% redundant.
- jj. Newspaper is a product with about 24 crore copies in circulation every day. Any additional cost on publishers in the form of payment of anti-dumping duty would be a burden on common man and the avowed objective of making the news available to public at large.

### **K.3 Examination by the Authority**

144. The Authority notes that most of the submissions by the domestic industry and other interested parties are repetitive in nature. These submissions have already been examined at appropriate places in this Final Findings. Further, the Authority has examined additional submissions of the interested parties as under:

- a. With regard to the request for exclusion of newsprint of 42 GSM, it is noted that the domestic industry has produced and sold newsprint of 42 GSM even though such production and sales are in limited quantity. So, newsprint of 42 GSM is not

being excluded from the scope of product under consideration. However, the authority is mindful of the fact that production of 42 GSM newsprint by domestic industry is very low and extremely inadequate to meet the demand of 42 GSM newsprint in India. Huge gap between the demand and domestic supply of 42 GSM is clearly evident and the same has been considered by the Authority while recommending the imposition of anti-dumping duty.

- b. As regards exclusion of newsprint of less than 42 GSM, it is noted that the domestic industry does not manufacture newsprint of less than 42 GSM and therefore it has been found appropriate to exclude newsprint of less than 42 GSM from the scope of product under consideration.
- c. With regard to the domestic industry's submission that the difference in GSM of the imported and domestic goods must be adjusted while determining the price undercutting and injury margin, the Authority notes that the domestic industry itself has contended that newsprint of different GSMs are used interchangeably and hence this argument of the domestic industry is contradictory to its own submission. It is noted that the price undercutting and injury margins have been calculated for the PUC as a whole.
- d. With regard to the domestic industry's contention that the lag in placement of order and actual imports has not been considered in determination of injury margin, the Authority notes that the lag has been factored in the calculation of landed value and accordingly in the determination of the injury margin.
- e. Regarding demand-supply gap in the country, the Authority notes that demand-supply gap cannot justify dumping and that the imports at fair price should not hurt the interest of the consumers.
- f. With regard to claim of other interested parties about inferior quality of the newsprint produced by the domestic industry, the Authority notes that no product exclusion can be permitted on the ground of quality of the PUC. However, the authority would duly address the quality and supply concerns raised by opposing interested parties, particularly with regard to 42 GSM newsprint manufactured by the domestic industry, while recommending imposition of anti-dumping duty in this case.
- g. As regards determination of individual dumping and injury margins, it is noted that the same is computed on the basis of information furnished in the questionnaire response by the co-operating producer(s)/exporter(s). However, wherever manufacturers form part of a group, the weighted average margin is determined for the group as a whole. It is further noted that a trader without any linkage with any producer cannot be given an individual margin.
- h. Regarding the comparison of the data of POI with that of full financial years, the Authority notes that data of full financial years have been compared with that of annualised (12 months) data of the POI.

- i. With regard to assessment of injury by imports from individual countries, the Authority notes that a cumulative assessment has been undertaken after due examination of the requirements laid down in para (iii) of Annexure II to the Rules.
- j. With regard to the submissions made by other interested parties regarding injury to the domestic industry, it is noted that all relevant parameters of injury have been appropriately examined in this finding.
- k. As regards the issue raised in respect of landed price of imports from Australia, it is noted that the Authority has relied on DGCIS import data in the absence of participation of any producer of newsprint from Australia.
- l. With regard to the submission of other interested parties that the Authority should examine injury to the domestic industry due to imports from New Zealand and Korea RP also, the Authority notes that the current investigation is limited only against the subject countries mentioned in the initiation notification.
- m. With regard to examination of injury due to other factors, it is noted that the Authority has carried out non-attribution analysis to establish the causal link between the dumped imports and the injury to the domestic industry.
- n. With regard to the request made by Volga for correction of its landed value, the authority has examined the request made by the interested party and has made suitable corrections in the present final findings.
- o. The interested parties have suggested exclusion of Singapore from the scope of investigation on the ground that it is a trading hub / invoicing country for the PUC of other originating subject countries. In this regard, it is noted that the goods have been exported from Singapore claiming the same as originating in Singapore, and therefore Singapore is one of the subject countries in the present investigation.

#### **L. INDIAN INDUSTRY'S INTEREST**

- 145. The Authority notes that the purpose of anti-dumping duty, in general, is to eliminate injury caused to the Domestic Industry by the unfair trade practices of dumping so as to 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/territory in any way, and, therefore, would not affect the availability of the product to the consumers.
- 146. It is recognized that the imposition of anti-dumping duty might affect the price levels of the product manufactured using the subject goods and consequently might have some influence on relative competitiveness of this product. However, fair competition in the Indian market will not be reduced by the anti-dumping measure, particularly if the levy of the anti-dumping duty is restricted to an amount necessary to redress the injury to the domestic industry. On the contrary, imposition of anti-dumping measure would remove the unfair advantages gained by dumping practices, prevent the decline in the performance of the Domestic Industry and help maintain availability of wider choice to the consumers of the subject goods.

147. The authority notes that the production and sales of 42 GSM newsprint by domestic industry is very low and extremely inadequate to meet the demand of 42 GSM newsprint in India. Besides a significant portion of imports of newsprint into India are of 42 GSM. There is a clear asymmetry between the quantity of imports of 42 GSM newsprint and the production of 42 GSM newsprint by the domestic industry. Huge difference in demand and domestic supply of 42 GSM is evident and cannot be overlooked by the Authority while recommending the imposition of anti-dumping duty on 42 GSM newsprint. Accordingly, the authority recommends that anti-dumping duty should not be levied on imports of newsprint of 42 GSM.

## **M. CONCLUSION**

148. Having regard to the contentions raised, submissions made, information provided and facts available before the Authority as recorded above and on the basis of the above analysis of dumping and consequent injury to the domestic industry, the Authority concludes that:
- a. The product under consideration has been exported at dumped prices from the subject countries.
  - b. The domestic industry has suffered material injury.
  - c. There is causal link between dumping of the product under consideration and injury to the domestic industry.
  - d. The production and sales of newsprint of 42 GSM by the domestic industry is extremely low taking into account the demand for this product in India. The domestic industry may not be able to immediately substitute imports of 42 GSM newsprint through domestic supply and meet the domestic demand of 42 GSM newsprint.

## **N. RECOMMENDATIONS**

149. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the domestic industry, exporters, importers and other interested parties to provide information on the aspects of dumping, injury and the causal link. Having initiated and conducted an investigation into dumping, injury and the causal link thereof in terms of the Rules and having established positive dumping margin as well as material injury to the domestic industry caused by such dumped imports, the Authority is of the view that imposition of anti-dumping duty is necessary to offset dumping and injury.
150. The Authority has considered 42 GSM newsprint as part of the product under consideration because domestic industry is actually producing and selling 42 GSM newsprint. However, the production of 42 GSM newsprint by domestic industry is extremely low and very inadequate to meet the demand of 42 GSM newsprint in India. On the other hand, approx. 60% imports of newsprint into India are of 42 GSM. There is thus a clear asymmetry between the quantity of imports of 42 GSM newsprint and the production of 42 GSM newsprint by the domestic industry. The difference in demand and domestic supply of 42 GSM is evident and cannot be overlooked while recommending imposition of anti-dumping duty on 42 GSM newsprint. Imposition of

anti-dumping duty on 42 GSM newsprint will also increase cost burden on newspaper industry. This is because domestic newsprint industry may not be able to immediately substitute imports of 42 GSM newsprint through domestic supply and meet even reasonable portion of the domestic demand of 42 GSM newsprint. Thus, to balance the interest of domestic industry and the consumers, it is considered appropriate not to recommend imposition of anti-dumping duty on imports of 42 GSM newsprint.

151. In view of above, the Authority, in terms of provisions contained in Rule 17(1) (b) read with Rule 4(d) of the Rules, recommends imposition of anti-dumping duty equal to the lesser of margin of dumping and the margin of injury, so as to remove the injury to the Domestic Industry. The Authority accordingly recommends imposition of anti-dumping duty equal to the amount indicated in Column 7 of the table below on all imports of goods described in Column 3 of the duty table originating in or exported from Canada, European Union, Russia, Singapore, Australia and UAE for a period of five years, from the date of notification to be issued in this regard by the Central government.
152. The landed value of imports for this purpose shall be assessable value as determined by the Customs under Customs Act, 1962 and applicable level of custom duties except duties levied under Section 3, 3A, 8B, 9, 9A of the Customs Tariff Act, 1975.

#### DUTY TABLE

S. No.	Heading	Description	Country of origin	Country of export	Producer	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	4801	Newsprint*	Australia	Any Country including Australia	Any	NIL	USD	MT
2	4801	Newsprint*	Any Country other than Canada, European Union, Russia, Singapore, Australia and UAE	Australia	Any	NIL	USD	MT
3.	4801	Newsprint*	Canada	Any Country including Canada	i. White Birch Paper Company ii. FF Soucy WB L.P. iii. Papiers Masson WB L.P. iv. Stadacona WB L.P.	14.70	USD	MT
4	4801	Newsprint*	Canada	Any Country including Canada	i. Corner Brook Pulp and Paper Limited ii. Kruger Trois-Rivières L.P. iii. Kruger Brompton L.P.	54.25	USD	MT
5.	4801	Newsprint*	Canada	Any	Any producer other than	81.38	USD	MT

				Country including Canada	at serial numbers 3 and 4			
6.	4801	Newsprint*	Any Country other than Canada, European Union, Russia, Singapore, Australia and UAE	Canada	Any	81.38	USD	MT
7	4801	Newsprint*	European Union	Any Country including European Union	i. Stora Enso Paper AB, Sweden ii. Stora Enso Langerbrugge n.v., Belgium iii. Stora Enso Sachsen GmbH, Germany	48.78	USD	MT
8	4801	Newsprint*	European Union	Any Country including European Union	i. Gebruder Lang GmbH Papierfabrik, Germany ii. Rhein Papier GmbH, Germany iii. UPM Communication Papers Oy, Finland iv. UPM France SAS, France v. UPM GmbH, Germany vi. UPM-Kymmene (UK) Ltd, United Kingdom vii. UPM-Kymmene Austria GmbH, Austria	23.26	USD	MT
9	4801	Newsprint*	European Union	Any Country including European Union	Holmen Paper AB, Sweden	48.49	USD	MT
10	4801	Newsprint*	European Union	Any Country including European Union	Papresa, S.A., Spain	74.95	USD	MT
11	4801	Newsprint*	European Union	Any Country including European Union	Any producer other than at serial numbers 7, 8, 9 and 10.	91.31	USD	MT



12	4801	Newsprint*	Any Country other than Canada, European Union, Russia, Singapore, Australia and UAE	European Union	Any	91.31	USD	MT
13	4801	Newsprint*	Russia	Any Country including Russia	Joint Stock Company Mondi Syktyvkar	88.60	USD	MT
14	4801	Newsprint*	Russia	Any Country including Russia	Joint Stock Company Solikamskbumprom	14.27	USD	MT
15	4801	Newsprint*	Russia	Any Country including Russia	Karjala Pulp LLC	50.09	USD	MT
16	4801	Newsprint*	Russia	Any Country including Russia	Joint Stock Company Volga	35.34	USD	MT
17	4801	Newsprint*	Russia	Any Country including Russia	Any producer other than at serial numbers 13, 14, 15 and 16 above.	98.60	USD	MT
18	4801	Newsprint*	Any Country other than Canada, European Union, Russia, Singapore, Australia and UAE	Russia	Any	98.60	USD	MT
19	4801	Newsprint*	Singapore	Any Country including Singapore	Any	5.15	USD	MT
20	4801	Newsprint*	Any Country other than Canada, European Union, Russia, Singapore, Australia and UAE	Singapore	Any	5.15	USD	MT

21	4801	Newsprint*	UAE	Any Country including UAE	Any	7.33	USD	MT <sup>a</sup>
22	4801	Newsprint*	Any Country other than Canada, European Union, Russia, Singapore, Australia and UAE	UAE	Any	7.33	USD	MT

*\*The product on which anti-dumping duty is being recommended is newsprint, in rolls or sheets, excluding:*

- a. Glazed newsprint*
- b. Newsprint of 42 GSM and less than 42 GSM.*

#### **L. FURTHER PROCEDURE**

153. An appeal against the order 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.



(B. B. Swain)

Special Secretary & Designated Authority