

LEGAL NOTICE NO. 78

REPUBLIC OF TRINIDAD AND TOBAGO

THE ANTI-DUMPING AND COUNTERVAILING DUTIES ACT, 1992

AND

THE ANTI-DUMPING AND COUNTERVAILING DUTIES REGULATIONS, 1995

Made by the Minister in accordance with section 26 of the Anti-dumping and Countervailing Duties Act

NOTICE

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FINAL DETERMINATION BY THE HONOURABLE MINISTER OF ENTERPRISE DEVELOPMENT, FOREIGN AFFAIRS AND TOURISM ARISING OUT OF THE INVESTIGATION INTO THE ALLEGATION OF DUMPING OF THREE STRAND POLYPROPYLENE ROPES ORIGINATING IN INDIA

IN ACCORDANCE with the Anti-dumping and Countervailing Duties Act ^{No. 11 of 1992} (hereinafter referred to as “the Act”) and the Anti-dumping and ^{L. N. No. 25 of} Countervailing Duties Regulation, 1996 ¹⁹⁹⁶ (hereinafter referred to as “the Regulations”) the Minister of Enterprise Development, Foreign Affairs and Tourism, has made a preliminary determination that the goods, three strand polypropylene ropes originating in India are goods in respect of which he may make an Order imposing duty.

CASE HISTORY

Preliminary Determination

A preliminary determination was made by the then Minister of Trade and Industry and Consumer Affairs on 21st January, 2000 and published as Legal Notice No. 14 dated 24th January, 2000. Pursuant to that preliminary determination by Legal Notice No. 44 dated 22nd February, 2000 and published on 16th June, 2000, the Minister directed the Comptroller of Customs and Excise to secure payment of a provisional duty in the amount of 44 per cent *ad valorem* on three strand polypropylene ropes originating in India.

REASONS FOR THE FINAL DETERMINATION

For the purpose of this final determination the Authority concluded as follows:

- (i) The exporter of three strand polypropylene ropes from India was Tuff ropes PVT Limited.
- (ii) The Authority in its effort to obtain information it deemed necessary for the investigation, wrote to the exporter on 26th April, 2000 requesting the completion and return of confidential and non-confidential questionnaires by 14th June, 2000. The exporter did not respond to the Authority's letter.
- (iii) The local importer, Oilfield and Industrial Supplies Ltd. did not submit completed questionnaires to the Authority, nor did they express their views to the Authority throughout the investigations.
- (iv) In absence of co-operation from both exporters and importers, the Authority had no recourse but to make a final determination on the basis of the facts available.

CALCULATION OF DUMPING MARGIN

(i) *Normal Value*

The Authority has obtained evidence and information on retail and wholesale prices in India from the complainant Trinidad Rope Works Limited, the companies Mode Brothers and M.E. Goawala & Co., both manufacturers in India, and the High Commission of Trinidad and Tobago in India. The wholesale prices were adjusted downward by 5% to arrive at an *ex-factory* normal value. In the absence of actual information regarding transportation costs for the product from the factory to wholesale/retail outlets, the 5% adjustment was considered to be an appropriate percentage to account for delivery charges, a reasonable profit and general, selling and administrative costs.

(ii) *Export Price*

The Cost, Insurance and Freight price (hereinafter referred to as the "C.I.F. price") was obtained from an invoice from the exporter, Tuff Ropes Ltd. The Free on Board price (hereinafter referred to as the "F.O.B. price") was determined by deducting the insurance and freight charges of 12% from the C.I.F. price. The *ex-factory* export price was calculated by adjusting the F.O.B. price by 5%. This percentage was considered to be representative of costs associated with inland freight, transportation, warehousing, general administration, selling and a reasonable profit.

(iii) *Dumping Margin*

A dumping margin was calculated by comparing the average normal value to the export price as a percentage of the Cost, Insurance and Freight value.

Conclusion

The Authority verified the information submitted by the complainant and concluded that it was evident that they had suffered loss of market share and loss of profit. A direct link between the injury suffered by the complainant and the unfairly priced products was found.

In light of the above findings, the Authority concluded that the imports of three strand polypropylene ropes originating in India are being dumped in Trinidad and Tobago at prices that have and continue to cause material injury to the three strand polypropylene rope industry.

As a result the Minister of Enterprise Development, Foreign Affairs and Tourism in accordance with section 26 of the Act, gives notification that he has made a final determination that three strand polypropylene ropes originating in India are goods in respect of which he may ultimately make an Order imposing duty at the rate of 70%.

Made this 1st day of May, 2001.

M. ASSAM
*Minister of Enterprise Development,
Foreign Affairs and Tourism*