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F NO15/3/2014-DGAD

Government of India

Ministry of Commerce & Industry

Department of Commerce

(Directorate General of Anti Dumping & Allied Duties)

Dated 24 th March, 2014

Initiation Notification (Sunset Review)

Subject: Initiation of Sunset Review (SSR) Investigation in respect of imports of All Fully Drawn or Fully Oriented Yarn / Spin Draw Yarn / Flat Yarn of Polyester (non-textured and non-POY) and other yarns originating in or exported from China, Thailand and Vietnam.

F.No.15/03/2014-DGAD - Having regard to the Customs Tariff Act, 1975 as amended in 1995 (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the Rules), the Designated Authority (hereinafter referred to as the Authority) recommended imposition of Anti Dumping Duty on imports of All Fully Drawn or Fully Oriented Yarn / Spin Draw Yarn / Flat Yarn of Polyester (non-textured and non-POY) and other yarns(hereinafter also referred as subject goods) from China, Thailand and Vietnam The final findings notification of the Authority was published vide Notification No. 14/03/2008-DGAD dated the 29 th September 2009. On the basis of the findings, anti dumping duties on the subject goods imported from the subject countries were imposed by the Department of Revenue vide Notification No. 124/2009-Customs dated 11 th November , 2009.

Whereas, M/s Reliance Industries Ltd., M/s Wellknown Polyesters Ltd., M/s Garden Silk Mills Ltd. and M/s Alok Industries Ltd. (hereinafter referred to as "domestic industry") have filed an application before the Authority in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from China, Thailand and Vietnam, and consequent injury and have requested for review, continuation and enhancement of the anti-dumping duties, imposed on the imports of the subject goods, originating in or exported from China, Thailand and Vietnam.

Domestic Industry

1. The application for the sunset review has been filed by M/s Reliance Industries Ltd., M/s Wellknown Polyesters Ltd., M/s Garden Silk Mills Ltd. and M/s Alok Industries Ltd. on behalf of the domestic industry. Two of the non-applicant producers namely JBF Industries Ltd. and Sumeet Industries Ltd. are also supporting this application. The applicant Producers accounts for 52% share in the total domestic production and therefore constitute the domestic industry within the meaning of the Rules.

Product Under Consideration and Like Article

2. The product under consideration in the present application, as defined in the original investigation, is All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non-POY) and other yarns conforming to the tariff description of Customs Heading 5402.47 (hereinafter also being referred to as “subject goods”). The product in commercial market parlance is generally known as “Fully Drawn Yarn” (FDY). The subject goods are used for manufacture of apparel/household textiles, and other industrial textiles. Technical specifications of the subject goods are defined in terms of their deniers, tenacities, lustres, colours (like semi dull, bright, super bright, full dull, Dope dyed), cross section and shrinkage.

3. The product under consideration is classified under the category “Man made filaments” in Chapter 54 of the Customs Tariff Act, 1975 and further under 5402.47 as per Customs Classification. However, Customs classification is indicative only and is in no way binding on the scope of the present investigation. Petitioners have claimed that the subject goods, which are being dumped into India, are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, functions or end-uses of the dumped imports and the domestically produced subject goods. Hence, the goods produced by the domestic industry are ‘Like Article’ to dumped goods from China, Thailand and Vietnam. There is no difference in the dumped goods and the product under consideration manufactured by the petitioners. The two are technically and commercially substitutable and hence should be treated as ‘like articles’ under the Anti Dumping Rules. The subject goods produced by the petitioner is being treated as ‘like article’ to the subject goods being imported from the subject countries for the purpose of the present review investigation.

Countries involved

4. The present petition is filed in respect of the dumping of the product concerned from China PR, Thailand and Vietnam. It is noted that there have been no imports from Vietnam during the entire injury period. The Domestic Industry has also expressed its inability to provide any data or evidence indicating the prices from Vietnam to other countries. Therefore Vietnam has been excluded. Accordingly, the countries involved in the present Sunset Review investigation are China and Thailand and are also referred as subject countries hereinafter.

Period of Investigation

5. The period of investigation (POI) for the purpose of present investigation is 1st October, 2012 to 30th September, 2013 (12 months). However, for the purpose of analyzing injury, the data of previous three years, i.e. April 2010 to March 2011, April 2011 to March 2012, April 2012 to March-2013 and the period of investigation (POI) has been considered.

Initiation of Sunset Review

6. In view of the duly substantiated application filed and in accordance with Section 9A(5) of the Act, read with Rule 23 of the Anti-dumping Rules, the Authority hereby initiates a sunset review investigation to review the need for continued imposition of anti dumping duties in force in respect of the subject goods, originating in or exported from the subject countries and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Procedure

7. The present sunset review covers all aspects of the final findings of the original investigation vide final findings Notification No. 14/03/2008-DGAD dated 29th September, 2009.

8. The provisions of Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

Submission of Information

9. The known exporters in the subject countries, the government of the subject country(ies) through its embassy in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

Government of India
Ministry of Commerce and Industry
Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Room No.240 Udyog Bhawan,
New Delhi.

10. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.

Time Limit

11. Any information relating to the present review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 days) from the date of publication of this Notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.

12. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire's responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the AD measures within 40 days from the date of initiation of this review investigation.

Submission of information on confidential basis

13. In case confidentiality is claimed on any part of the questionnaire's response/submissions, the same must be submitted in two separate sets (a) marked as confidential (with title, index, number of pages, etc.) and (b) other set marked as non-confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.

14. Information supplied without any mark shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies each of the confidential version and the non-confidential version must be submitted.

15. For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

16. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out / summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, party submitting the confidential information may indicate that such information is not susceptible of summary; a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.

17. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the 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 authorize its disclosure in generalized or summary form, it may disregard such information.

18. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

Inspection of public file

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

Non-cooperation

20. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

(J S Deepak)
Designated Authority