

MINISTRY OF COMMERCE AND INDUSTRY
(Department of Commerce)
Directorate General of Anti-dumping & Allied Duties

INITIATION NOTIFICATION
(Mid-term Review)

New Delhi, the 3rd September, 2004

Subject : Initiation of Mid Term Review of Anti-dumping duty imposed on imports of Acrylic Fibre below 1.5 Denier from Italy.

No.15/17/2004-DGAD - Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and Determination of Injury) Rules, 1995 (herein after referred to as the Rules), vide Notification No.43/1/2001-DGAD dated 12th August, 2002, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive anti dumping duty on import of Acrylic Fibre below 1.5 denier (hereafter referred to as subject goods) originating in or exported from Italy (hereinafter referred to as subject country).

AND WHEREAS definitive anti dumping duty was imposed on the subject goods vide Customs Notification No.95/2002 -Customs dated 12th September, 2002.

2. Request for Review

WHEREAS the Rules require the Authority to review from time to time, the need for continued imposition of Anti Dumping Duty and if it is satisfied on the basis of information received by that there is no justification for continued imposition of such duty, the authority may recommend to the Central Government for its withdrawal.

International Rayon and Synthetic Fibres Committee (CIRFS)- hereinafter referred to as applicant has made a request for review of anti dumping duty imposed on imports of subject goods due to changed circumstances with regard to injury. The request for the review has been fully supported by the European Commission (EC).

CIRFS, who had participated in the original investigation, has requested for the review on the grounds that there is absence of price undercutting by imports from European Union. In support of their request, the applicant has furnished information regarding CIF price of European exporters, its landed value and Asian prices of subject goods. An additional ground seeking the review is the situation of the Indian

industry. It has been claimed by the applicant that the domestic industry suffers from serious inefficiency rather than injurious imports.

3. Initiation

Having regard to the positive information furnished by the applicant regarding the absence of price undercutting by imports from EU countries indicating changed circumstances, the Designated Authority considers that a Mid-term Review of anti dumping duty imposed as per the aforesaid notification is appropriate in view of the changed circumstances in terms of provisions of Section 9A (5) of the Customs Tariff Act read with Rule 23 of the above Rules.

Having decided to review the final findings issued vide Notification No.43/1/2001-DGAD dated 12th August, 2002, the Authority hereby initiates the investigation in terms of the Rules to review whether continued imposition of the duty on imports of subject goods originating in or exported from subject country is necessary.

4. Product under consideration

The product under consideration in the original investigation was acrylic fibre below 1.5 denier and for the present review also the product under consideration is acrylic fibre below 1.5 denier. The product is covered under Heading No.5501.30 and 5503.30 of Chapter 55 of the First Schedule of the Customs Tariff Act and ITC HS Classification. This classification, however, is indicative only and is in no way binding on the scope of the present investigation.

5. Procedure

- i. This review will be covered by the provisions of Rule 23 and other relevant provisions of the Rules supra. The investigation in this review will determine whether the continued imposition of the duty is necessary to offset dumping, whether the injury would be likely to continue or recur if the duty were removed or varied, or both.
- ii. The review will cover all aspects of Notification No. 43/1/2001-DGAD dated 12th August, 2002.
- iii. The period of investigation (POI) for the purpose of the present review will be 1st April 2003 to 31st March 2004. However, injury analysis shall cover the period of three preceding years also in addition to the POI.
- iv. The country involved in this investigation is Italy.

6. Submission of Information

The exporters in subject country, the Government of the subject country through its Embassy in India, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the-

The Designated Authority

Directorate General of Anti-Dumping and Allied Duties

Department of Commerce

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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.

7. Time Limit

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 from the date of publication of this review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

8. Inspection of Public File

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

In case where an interested party refuses access to, or 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 Government as deemed fit.

(Abhijit Sengupta)
Designated Authority