

NO.14/9/2002-DGAD
Ministry of Commerce & Industry
(Department of Commerce)
(DIRECTORATE GENERAL OF ANTI-DUMPING AND
ALLIED DUTIES)

NOTIFICATION

New Delhi, the 22nd May, 2002

Initiation (Sunset Review)

Subject: Initiation of Sunset Review regarding anti-dumping duty imposed on Pure Terephthalic acid (PTA) originating in or exported from Indonesia, Korea RP and Thailand.

No. 14/9/2002-DGAD - The Designated Authority having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995 recommended imposition of provisional Anti Dumping duty on imports of PTA (hereinafter referred to as subject goods) originating in or exported from Indonesia, Korea (RP) and Thailand (hereinafter referred to as subject countries) falling under Sub-heading 2917.36, and the findings were published vide Notification no. 14/1/96-ADD dated 4th September 1997 and provisional duty was imposed on the subject goods vide Customs notification No. 85/97 dated 21st Nov 1997. The Designated Authority came out with final findings on 19th March 1998 and definitive anti dumping duty was imposed by Customs as per notification no 13/98 dated 28th April 1998. A new shipper review was also initiated on 13th Oct 1998 and 12th November 1998 for the subject goods originating in and exported by Siam Mitsui PTA Co Ltd and PT Amoco Mitsui PTA Indonesia respectively vide No 7/2/98-DGAD and the final findings were notified on 16th June 1999. A review of Anti-Dumping duty concerning subject goods from Korea RP was also carried out by the Designated Authority and the final findings were notified on 29th May, 2000 vide file No. 26/1/98-DGAD and duties were notified by Customs vide notification No. 99/2000 and 100/2000 dated 11th July, 2000.

1. Product Under Consideration

Product under consideration is Pure Terephthalic Acid (PTA). PTA is classified under sub-head 2917.36 of Schedule I of the Customs Tariff Act, 1975 The Classification is,

however, indicative only and is in no way binding on the scope of the present investigations.

2. Initiation

The Customs Tariff (Amendment) Act 1995 and the Rules made there under require the Authority to review, from time to time, the need for continuance of Anti Dumping Duty. The Designated Authority issued public notice vide Notification No.26/1/98-DGAD dated 3rd March, 1999 for initiation of review for the continuance of Anti Dumping Duty imposed on PTA originating in or exported from Indonesia, Korea (RP) and Thailand and considered appropriate to continue the imposition of Anti Dumping Duty vide Notification dated 29th May 2000. The Designated Authority now considers that the sunset review of the Anti Dumping Duty recommended would be appropriate at this stage under the provision of Section 9A (5) of Customs Tariff (Amendment) Act 1995. Reliance Industries Ltd (RIL) has submitted a representation for continuance of Anti Dumping Duty on PTA originating in or exported from Indonesia, Korea (RP) and Thailand for a further period of 5 years.

3. Procedure

Having decided to review the final findings notified vide No 14/1/96-DGAD dated 19th March 1998 and final duty imposed by Notification No 13/98 dated 28th April 1998, the Authority hereby initiates investigations to review whether cessation of antidumping duty is likely to lead to continuation or recurrence of dumping and injury on imports of PTA originating in or exported from Indonesia, Korea (RP) and Thailand in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment & Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995.

4. The review covers all aspects of Notification No.14/1/96-ADD, dated 19th March 1998 and subsequent review notification No.7/2/98-DGAD dated 12th November 1998 and 13th Oct 1998 and review notification No 26/1/98-DGAD dated 29th May 2000.

5. The period of investigation for the purpose of the present review is 1st April 2001 to 31st December 2001.

6. Submission of Information:

The exporters in subject countries, their governments through their embassies 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
Udyog Bhavan
New Delhi-110011.

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.

L. V. Saptharishi
Designated Authority