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Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti dumping & Allied Duties)

Dated the 23rd November, 2009

Initiation Notification
(Review)

Subject: Initiation of Review regarding anti dumping duties imposed on imports of All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn originating in or exported from Indonesia, Korea RP, Malaysia and Chinese Taipei.

No. 14/03/2005-DGAD – Whereas 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 (hereinafter referred to as AD Rules), vide Notification Number 14/03/2005-DGAD dated 26.12.2006 published in the Gazette of India, Extraordinary Part I, Section I, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive anti dumping duty on imports of Fully Drawn Yarn (hereinafter referred to as subject goods) originating in or exported from Indonesia, Malaysia, Korea RP and Chinese Taipei (hereinafter referred to as subject country).

And whereas definitive anti dumping duty was imposed on the subject goods vide Customs Notification No.15/2007-Customs dated 20th February, 2007.

2. Grounds for review Initiation

The Customs Tariff(Amendment) Act 1995 and the AD Rules made there under require the Authority to review from time to time the need for continuance of anti dumping duty. Under these rules, a request has been received from M/s Recron (Malaysia) Sdn Bhd for change of name from M/s Hualon Corp (M) Sdn Bhd to Recron

Malaysia Sdn Bhd in the aforesaid investigation as the ownership and all businesses of M/s Hualon have been transferred to M/s Recron Malaysia. In the aforesaid investigation, M/s Hualon, Malaysia was subject to the anti dumping duties. It has also been informed by M/s Hualon that with this transfer, the full ownership of the business including the management systems are transferred to M/s Recron and M/s Hualon has ceased all its manufacturing as well as business operations (including exports) in Malaysia.

Another request has been received from M/s Woongjin Chemicals Co Ltd Korea RP to replace their name in place of Saehan Industry, Korea RP as under a share transfer agreement dated 07.12.2007, the company namely Saehan Industry, Korea RP has been taken over by Woongjin Chemicals Co Ltd. In the aforesaid investigation, M/s Saehan Industry was not subject to the

anti dumping duties in case of exports made by them. However, they were subject to anti dumping duty in case of exports made through any other exporter.

In view of the above requests, the Designated Authority considers that the review of the anti dumping duty recommended would be appropriate at this stage under the provision of Rule 23 of AD Rules and Section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended and decides to initiate the same.

3. Product Under Consideration

The product under consideration involved in the original investigation and also in the present review application 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 5402.43 (hereinafter also referred to as subject goods). The above-mentioned product in commercial market parlance is generally known as 'Fully Drawn Yarn'. 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. During the course of the original investigation it has been noticed that significant quantity of the subject goods have also been imported under customs heading 5402.42. Therefore, for the purpose of this review the goods imported under customs heading 5402.43 and 5402.42 have been considered. However, these classifications are indicative only and are no way binding on the scope of this investigation.

4. Countries involved

The countries involved in the present review are Korea RP and Malaysia.

5. Procedure

Having regard to the information provided by the applicants indicating changed circumstances due to change in ownership necessitating a review of the measure in force, the Designated authority now considers that a review of the final findings notified vide No. 14/03/2005-DGAD dated 26.12.2006 published in the Gazette of India, Extraordinary Part I, Section I, and the Definitive anti dumping duty imposed by Customs Notification No.15/2007 dated 20th February, 2007 is appropriate in terms of the provisions of Section 9(A) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra.

6. Period of Investigation

The Period of Investigation (POI) for the purpose of the present review is January to October, 2009 (10 months).

7. Submission of Information

The exporters in subject country, their government through their Embassy in India/representatives, 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 & Allied Duties,
Ministry of Commerce & Industry,
Department of Commerce
Room No.240,
Udyog Bhavan,
New Delhi-110107.**

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.

8. Time Limit

Any information (confidential as well as non- confidential) relating to the present review 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 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 AD Rules. The Authority shall hold a public hearing after the expiry of the aforesaid period.

9. 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 Governments as deemed fit.

(R. Gopalan)
The Designated Authority