

**TO BE PUBLISHED IN PART I SECTION 1 OF THE GAZETTE OF INDIA,
EXTRAORDINARY**

**MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF ANTI-DUMPING &
ALLIED DUTIES**

INITIATION NOTIFICATION

NEW DELHI, THE 20th August, 2001

Subject:- Initiation of Anti-dumping investigations concerning imports of Partially Oriented Yarn (POY) from Republic of Korea and Turkey.

No.36/1/2001-DGAD.- The Directorate General of Anti-dumping and Allied Duties has received a petition for initiation of anti-dumping investigations against alleged dumping of Partially Oriented Yarn of Polyester(POY) imported from Republic of Korea and Turkey. M/s. Association of Synthetic Fibre Industry, 125 Uday Park, Ist Floor, New Delhi-110 049 have filed a petition in accordance with Customs Tariff Act 1975 as amended in 1995 and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 before the Designated Authority (hereinafter referred to as the Authority) alleging dumping of Partially Oriented Yarn from Republic of Korea and Turkey (also hereinafter referred to as subject countries) and requested for initiation of anti-dumping investigation and levy of anti-dumping duty.

2. Domestic Industry:- The petition has been filed by M/s. Association of Synthetic Fibre Industry, New Delhi on behalf of the domestic industry. The companies that have conveyed their willingness to participate in the proposed investigations are M/s Century Enka Ltd., M/s Indo Rama Synthetics(I) Ltd., M/s Reliance Industries, Ltd., and following companies are supporting the present petition viz M/s DCL Polyesters Ltd., M/s Sanghi Polyesters Ltd., M/s Recron Synthetics Ltd.. The share of participating and supporting companies account to about 65% of total Indian production during the period of investigation and therefore, have the standing to file the petition on behalf of the domestic industry.

3. Product Involved:- The product involved in the petition is Partially Oriented Yarn of Polyester(POY) (also hereinafter referred to as subject goods) originating in or exported from Republic of Korea and Turkey. The product is classified under Customs Tariff Heading 54.02 under HS Classification and 5402.42 under Indian

Customs Tariff Classification. The Petitioners have also stated that PFY classified under 5402.33 and Flat yarns classified under 5402.43 and other variants of yarns of polyester are also misclassified under the heading 5402.42 meant for 'Partially Oriented Yarns of Polyesters (POY)'. The classification is, however, indicative only and in no way binding on the present investigation.

4. Country Involved:- The countries involved in the present investigation are Republic of Korea and Turkey (subject countries).

5. Like Article:- The petitioners have claimed that the goods produced by them are like articles to the goods produced /originating in or exported from the subject countries. Goods produced by petitioners are treated as like articles to the goods imported from the subject countries within the meaning of the Rules.

6. Normal Value: The petitioner has claimed that they have not been able to get an accurate and adequate evidence with regard to domestic price in respect of POY in the subject countries . In the circumstances they have claimed the normal value based on the constructed cost of production on the basis of PET –CHAIN Strategic Analysis (1996-2006 OF Dweitt & Co., Incorporated) duly adjusted to include selling general and administrative expanses and the reasonable profit margin.

7. Export Price:- The petitioners have provided the import data as per Directorate General of Commercial Intelligence and Statistics (DGCI&S) latest available and have requested the Authority not to rely on the same, due to inclusion of misclassified imports of POY and other yarns which are not subject goods. They have claimed export price on the basis of data complied by MITCON Ltd , giving consignment-wise import information. There is sufficient prime facie evidence with regard to the export price of the subject goods from the subject countries.

8. Dumping Margin: There is sufficient prime facie evidence that export prices to India from subject countries were lower than the normal values in the said countries. Thus, there is sufficient evidence that the product under consideration is being dumped into India from Republic of Korea and Turkey .

9. Injury and Causal Link : The various parameters relating to injury affecting domestic industry such as production, capacity utilisation, market share, volume of imports, volume of sales of domestic industry, profitability, price undercutting etc. collectively and cumulatively, indicate that the domestic industry has suffered material injury on account of dumping.

10. Initiation of Anti Dumping Investigation: The Designated Authority, therefore, initiates anti dumping investigation into the existence, degree and effect of alleged dumping of POY originating in or exported from Republic of Korea and Turkey.

11. Period of Investigation: The period of investigation for the purposes of present investigation is 1st April,2000 to 31st March, 2001 (12 months)

12. Submission of Information: The exporters in the subject countries and importers in India known to be concerned are being addressed to submit relevant information in the form and manner prescribed and to make known their views to **Shri L.V.Saptharishi, Designated Authority and Additional Secretary to Government of India, Ministry of Commerce & Industry, Department of Commerce, Udyog Bhavan, New Delhi-110011**. Any other interested party may also make its submission relevant to the investigation in the prescribed form and manner within the time limit set out below.

13. Time Limit:- Any information relating to the present investigation may be sent in writing so as to reach the Designated Authority at the address mentioned above not later than 40 days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are however, required to submit the information within 40 days from the date of letter addressed to them separately.

14. Inspection of Public File:- In terms of Rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by the other interested parties after the expiry of time limit thus set out.

15. 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 or the information is incomplete in any respect, 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