

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

Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
Udyog Bhawan, New Delhi

4th October 2011

Initiation Notification
(Mid-term Review)

Subject: Initiation of Mid-term Review regarding anti-dumping duty imposed on imports of Cable Ties from China PR and Chinese Taipei.

No 15/10/2011-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 (herein after referred to as AD Rules), the Designated Authority (herein after referred to as the Authority) vide Notification No14/10/2007-DGAD issued provisional findings on 23.09.2008 recommending provisional antidumping duty on the imports of Cable Ties (hereinafter referred to as subject goods) originating in or exported from China PR and Chinese Taipei (hereinafter referred to as subject countries). The provisional duties were imposed vide Customs Notification No 118/2008 dated 31.10.2008.

2. And whereas The Authority notified its final findings on 31st March 2009 recommending definitive antidumping duty on the imports of Cable Ties originating in or exported from subject countries. The definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 44/2009 -Customs, dated 30th April, 2009.

Product under Consideration

3. The Product under Consideration, as in the original investigation and also in the present review application is Cable Ties. As per the original investigation carried out by the Designated Authority the product has been defined as under. The scope of the product under consideration is the same in the present review.

“The product under consideration in the present petition is Cable Ties. Cable Ties consists of sturdy nylon tape with an integrated gear rack and on one end a ratchet within a small open case. This is an economical and versatile method of

Cable/Wire bunching systems. Cable Ties are known by several names e.g. non-releasable or releasable (reusable) tags, straps, zip ties, tie wrap, rat belt etc. and produced & sold in different sizes as per requirement of the customers. Cable Ties are a one piece moulded mechanism with no metal barbs or cumbersome wedges having fastening and self locking device. Once a non-releasable cable tie is pulled through, it prevents from being pulled back allowing tighter pulling only. Cable ties are generally single use devices. However reusable Cable Ties are also produced according to the demand of the customers.”

Initiation

4. 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. M/s Surelock Plastics Pvt. Ltd, has filed an application substantiating the need for Mid-Term Review of the anti-dumping duty earlier imposed on the subject goods originating in or exported from subject countries and have requested for modification in the form of anti dumping duty and enhancement in the quantum of the anti-dumping duty. The Designated Authority considers that the Mid Term Review of the anti dumping duty recommended earlier would be appropriate at this stage under the provisions of Section 9A(5) of the Customs Tariff (Amendment) Act, 1995 as amended read with Rule 23 of Anti Dumping Rules.

Countries Involved

5. The countries involved in the present investigations are **China PR and Chinese Taipei.**

Grounds for Review

6. The applicant has, inter-alia, listed following grounds for undertaking the midterm review

(a) With the imposition of antidumping duties in the current form, import price has increased substantially and artificially to a level where imports are being reported at a price close to the benchmark so that no antidumping duties is payable thereby making the current antidumping duties ineffective;

(b) There is significant increase in the input raw material prices. With increase in the input price, the normal value has increased substantially and the product is being exported at dumping prices. The dumping margin at current export price is significant.

(c) The imports of subject goods from subject countries are causing injury to the domestic industry and the landed price of imports is significantly below the non injurious price. The injury margin is significantly positive at the current landed price of imports.

(d) There is a significant change in the exchange rate.

(e) The existent measure has not achieved the intended result of removing the injury previously established and both the dumping margin and injury margin are significantly positive.

Procedure

7. Having decided to review the final findings notified vide Notification dated 31st March, 2009 and consequent anti dumping duty imposed vide Customs Notification No. 44/2009 -Customs, dated 30th April, 2009, the Authority hereby initiates investigations to review the need for continued imposition of anti dumping duty, and whether the form and quantum of anti dumping duty is required to be modified in accordance with the Customs Tariff (Amendment) Act, 1995 and AD Rules. The review covers all aspects of Notification dated 31st March 2009.

Period of Investigation

8. The period of investigation for the purpose of the present review is from Apr'10-Mar'11. However, injury analysis shall cover the years Apr'07-Mar'08, Apr'08-Mar'09, Apr'09-Mar'10 and Apr'10-Mar'11.

Submission of Information

9. The exporters in subject countries, their government through their Embassies//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,
Ministry of Commerce & Industry,
Department of Commerce,
Directorate General of Anti-Dumping & Allied Duties, (DGAD),
Room No. 240, Udyog Bhavan,
New Delhi-110011

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.

Submission of information on confidential basis.

11. 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. 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.

12. 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.

13. 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.

14. 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.

15. 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.

Time Limit

16. 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 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.

Inspection of Public File

17. 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.

Inspection of public file:

18. 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

19. 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.

(Vijaya Laxmi Joshi)
Designated Authority