

To be published in Part-I Section I of the Gazette of India Extraordinary

**F.No.15/26/2010-DGAD
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti-Dumping and Allied Duties)**

New Delhi, 1st March 2011

Initiation (Sunset Review)

Subject: Initiation of Sunset Review on anti-dumping duty imposed on imports of all Fully Drawn or Fully Oriented Yarn / Spin Draw Yarn / Flat Yarn of Polyester originating in or exported from Indonesia, Republic of Korea, Malaysia and Chinese Taipei

Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Antidumping 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 Authority) recommended imposition of provisional antidumping duty on imports of all Fully Drawn or Fully Oriented Yarn / Spin Draw Yarn / Flat Yarn of Polyester originating in or exported from Indonesia, Republic of Korea, Malaysia and Chinese Taipei (hereinafter referred to as subject countries) vide notification No. 14/3/2005-DGAD dated 3rd July 2006. The final findings of the Authority were published vide 14/3/2005-DGAD dated 26th December 2006. An amendment to the final findings was issued on 24th January 2007 amending para 146 of the final findings where subheading under column 2 of duty table was amended to incorporate customs subhead 5402.44, 5402.46 and 5402.47. The provisional duty was imposed vide Customs Notification No. 82/2006 on 21st August 2006 and definitive anti dumping duty was imposed on 20th February 2007 vide Customs Notification No.15/2007.

2. Initiation of Sunset Review

WHEREAS in terms of Section 9A(5) the Customs Tariff (Amendment) Act 1995 the antidumping duty imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In this regard, Hon'ble Delhi High Court in WP No 16893 of 2006 held that sunset review is mandatory. Therefore, the Authority hereby initiates sunset review in accordance with section 9A (5) of the Act read with Rule 23 of Antidumping Rules to examine whether cessation of the duty would lead to continuation or recurrence of dumping and injury.

3. Product under Consideration

The product involved in the original investigation the final findings of which was issued on 26th December 2006 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 5402.42” which was subsequently amended to incorporate customs sub heading 5402.44, 5402.46 and 5402.47 via amendment notification dated 24th January 2007. The product under consideration in the present sunset review is same as mentioned in the final findings vide notification no 14/3/2005-DGAD dated 26th December 2006 and amendment notification dated 24th January 2007 (hereinafter also referred to as subject goods). The customs classifications are indicative only and are in no way binding on the scope of this investigation. 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.

4. Procedure

- i) The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The authority will examine whether the continued imposition of the duties is necessary to offset dumping and 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. 14/3/2005-DGAD dated 26th December 2006 and Notification No. 14/3/2005-DGAD 24th January 2007.
- iii) The countries involved in this investigation are Indonesia, Korea RP, Malaysia and Chinese Taipei.
- iv) The period of investigation for the purpose of the present review is from 1st January 2010 to 31st December 2010. The injury investigation period will however cover the periods April 2007-March 08, April 2008–March 2009, April 2009-March 2010 and the POI.
- v) The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

5. Submission of Information:

The Domestic industry is to submit necessary information as required along with the information on likelihood of continuance or recurrence of dumping and injury or both substantiating the need for continuation of duty within forty days (40 days) from the issue of this notification.

The exporters in subject country, their government through their Embassy in India, the importers and users in India known to be concerned would be addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

**The Designated Authority,
Directorate General of Anti-Dumping & Allied Duties, (DGAD)
Department of Commerce
Ministry of Commerce & Industry
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. Any party making any

confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.

6. Time Limit:

On receipt of information from domestic industry, all interested parties, whose addresses are available, would be advised through a letter to offer their comments in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of issuance of such letter. Any other interested party, whose address is not available, may also submit comments/ information within 40 days from date of the response of the Domestic industry. For this purpose, non-confidential version of the application would be placed in the public file. If no information is received within the prescribed time limits 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.

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 Government as deemed fit.

(Vijaylaxmi Joshi)
Designated Authority