

Government of India
Ministry of Commerce & Industry
(Directorate General of Anti Dumping and Allied Duties)

New Delhi, the 3rd March, 2003

INITIATION NOTIFICATION

Subject: Initiation of Anti-dumping investigations concerning import of **Sun/ Dust Control Polyester Film** originating in or exported from Taiwan & UAE.

No. 14/53/2002 DGAD. M/s. Garware Polyester Limited, Garware House, 50A, S.N. Marg, Vile Parle (East) , Mumbai 400 057, has filed a petition before the Designated Authority (hereinafter referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended in 1995, the Customs Tariff (Identification, Assessment Collection of Anti-Dumping Duty on Dumped Articles for Determination of Injury) Rules, 1995 alleging dumping of Sun / Dust Control Polyester Film originating in or exported from Chinese Taipei (Taiwan) & UAE and have requested for initiation of anti-dumping investigations and levy of anti-dumping duty.

1. Product Involved: The product under investigation in the present case is Specialty Polyester Film i.e. Sun / Dust Control Polyester Film originating in or exported from Taiwan & UAE. Sun / Dust Control Polyester Film is applied to the inner side of the glass windows. Its main function is to reduce the solar heat glare, ultra violet light and glare that normally would enter through the windows. This film also provides increased shatter resistance. The Sun / Dust Control Polyester Film is classified under Customs Tariff Heading 39 20 69 under Chapter 39 of the Customs Tariff Act, 1975, and 39.20.69.04 under Indian Custom Tariff Classification. The Classification is however indicative only in no way binding on the scope of the present investigations.

2. Domestic Industry Standing: The petition has been filed by M/s. Garware Polyester Limited, Mumbai and is the sole producer of Sun / Dust Control Polyester Film in the country. The petitioner represent 100% of the Indian production of Sun/ Dust Control Polyester Film and satisfy the standing to file the present petition.

3. Country(ies) Involved: The territory/country involved in the present investigations are Taiwan & United Arab Emirates (UAE) (referred to as subject countries hereinafter).

4. Like Article: The petitioner has claimed that goods produced by it are like articles to the goods originating in or exported from the subject countries. Goods produced by

the petitioner are being treated as Like Articles to the goods imported from the subject country/territory within the meaning of the Rules.

5. Dumping & Dumping Margin:

Normal Value: The petitioner has claimed normal value on the basis of estimate of cost of production, duly adjusted for selling, general and administrative expanses with reasonable profit.

There is sufficient prime facie evidence with regard to normal value of Sun/ Dust Control Polyester Film in the subject countries.

Export Price: The petitioner has claimed that export price based on the data published by the Directorate General of Commercial Intelligence and Statistics,(DGCI &S) Calcutta can not be relied upon due to reporting of imports in a number of different 'units of measurements'. Petitioner has relied upon information based on data collected from Secondary source, for the period April to September, 2002. However, with regard to UAE, petitioner has relied upon the data published by the DGCI&S, as few imports of this material is claimed to have been shown in the data compiled by the Secondary Sources. Adjustments have been claimed from the export price on account of Ocean Freight, Marine insurance, Commission, Inland Transportation Port handling port charges.

There is sufficient prime facie evidence with regard to export price of Sun / Dust Control Polyester Film from the subject countries.

Considering the normal value export price, the dumping margins are significantly higher than the de-minimus limits, there is sufficient prima facie evidence that the normal value of the product under consideration in the subject countries is significantly higher than the price at which it has been exported to India indicating that subject goods are being dumped by exporters from subject countries.

6. Injury Causal Link: The various economic indicators relating to domestic industry such as volume of imports, their share, decline in the export price, price undercutting, profit/loss etc. collectively cumulatively, indicate that the domestic industry has suffered injury. There is sufficient prima facie evidence that the import of product under consideration have caused material injury to the domestic industry.

7. Initiation of Anti-Dumping Investigation: In view of the foregoing, the Designated Authority initiates anti-dumping investigations to determine the existence, degree & effect of alleged dumping of the subject goods originating in or exported from the subject countries/territories.

8. Period of Investigation: The period of investigation for the purpose of the present investigations is 1st April, 2002 to 31st December, 2002 (9 months).

9. Submission of Information: The exporters in the subject countries the importers in known to be concerned are being addressed separately to submit relevant information in the form manner prescribed to make their views known to the Designated Authority, Ministry of Commerce, Directorate General of Anti-dumping Allied Duties, Udyog Bhavan, New Delhi-110011. Any other interested party may also make its submissions relevant to the investigation in the prescribed form & manner within the time limit set out below.

10. Time Limit: Any information relating to the present investigations 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 notification. The known exporters, importers, who are being addressed separately, are, however, required to submit the information within forty days from the date of letter addressed to them separately.

Anti-dumping investigations being a time bound exercise, the Designated Authority may record its findings on the basis of facts available on record in accordance with the Rules supra, if no response is received within the time stipulated or the information is incomplete in any respect.

11. Inspection of Public File: In terms of Rule 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

12. 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 make such recommendations to the Central Government as deemed fit.

(L. V. SAPTHARISHI)
DESIGNATED AUTHORITY