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SECTION-1**

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

February 25, 2011

**Initiation Notification
(Sunset Review)**

Subject: Sunset Review of anti-dumping duty imposed concerning imports of *Viscose Filament Yarn* originating in or exported from China PR.

No.15/23/2010-DGAD Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred to as the AD Rules), the definitive anti-dumping duty was originally imposed vide notification No. 14/23/2004-DGAD dated 4th April 2006 on imports of Viscose Filament Yarn (hereinafter referred to as the subject goods) originating in or exported from China PR (hereinafter referred to as the subject country); whereupon the Anti-dumping duty was imposed vide Customs Notification No.45/2006 dated 24th May 2006. And whereas these findings were modified in a mid-term review investigation vide final findings No.15/8/2007-DGAD dated 22nd May 2009; whereupon the Anti-dumping duty was modified vide Customs Notification No.81/2009 dated 13th July 2009.

2. Product under consideration

The product involved in the original investigation was considered as Viscose Rayon Filament Yarn up to 150 deniers (and \pm 4% permissible variation thereof) including mono filament yarn of less than 67 decitex also known as viscose filament yarn or VFY, Rayon Filament Yarn, Art Silk Yarn, Cellulose Yarn or Rayon Yarn and includes all yarns made of 100% viscose yarns such as dyed yarn, flat yarn, microfilament microyarn, twisted yarn (with the exclusion of embroidered yarn), doubled/ multiple ply yarn etc of VFY unless specifically excluded in this paragraph (also referred to as subject goods herein after) originating in or exported from China PR. However, the subject goods do not include sewing thread, fur yarn, fire retardant yarn, engineered yarn, embroidered yarn and air texturised yarn. The product under consideration for the purposes of this review remains the same as was in the original investigation.

The subject goods are classified under Customs sub-heads 54033100, 54033200, 54033300, 54034110, 54034120, 54034130, 54034140, 54034150, 54034160, 54034170, 54034180, and 54034190 though they have been reported to have been imported (in the investigations previously held on the subject) under other chapter heads as well (like chapter 55). Thus, Customs classifications are indicative only and in no way binding on the scope of these investigations.

3. Initiation:

In view of the order of the Hon'ble Delhi High court in the matter of *Indian Metal and Ferro Alloys Ltd V/s Designated Authority*, Writ Petition (Civil) No. 16893 of 2006 and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the AD Rules, the Authority hereby initiates a

sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods and to examine whether the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury.

4. Countries/territory involved:

The country involved in this investigation is China PR.

5. Period of Investigation:

The Period of Investigation (POI) for the purpose of the present review is 1st October 2009 to 30th September 2010 (12 months). However, injury analysis shall cover the years 2007-08, 2008-09, 2009-10 & POI. The data beyond POI may also be examined to determine likelihood of dumping and injury.

6. Procedure:

Having decided to review the final findings issued vide Notification No. 14/23/2004-DGAD dated 4th April 2006 that was modified in the mid-term review investigation vide final findings No.15/8/2007-DGAD dated 22nd May 2009 whereupon the Anti-dumping duty was imposed vide Customs Notification No.45/2006 dated 24th May 2006 and Customs Notification No.81/2009 13th July 2009 respectively; the Authority hereby initiates investigation to review the need for continued imposition of the duties in force and to examine whether cessation of the anti-dumping duty is likely to lead to continuation or recurrence of 'Dumping' and 'injury' on imports of the subject goods originating in or exported from the subject country in accordance with the Act and the AD Rules. The review covers all aspects of Notification No. 14/23/2004-DGAD dated 4th April 2006 (final findings of the original investigation) that was modified in the mid-term review investigation vide final findings No.15/8/2007-DGAD dated 22nd May 2009.

7. Submission of Information:

The known exporters in subject country, the government of the subject country through its embassy in India, the importers and users in India known to be concerned with the subject goods 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 Authority at the following address:

**Government of India
Ministry of Commerce and Industry
Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Room No.240, Udyog Bhawan,
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 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 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 domestic producers of the subject goods are being issued a questionnaire to respond within 40 days substantiating the need for continued imposition of the AD measures.

All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter within 40 days from the date of initiation of this investigation. All such interested parties, that intimate so, would be requested to offer their comments to the domestic producers' response(s) within 40 days from the date of issuance of the letter to them regarding the need to continue or otherwise the AD measures.

9. Submission of information on confidential basis.

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.

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.

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 Designated Authority.

The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Designated 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.

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 Designated Authority. The Designated 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.

10. 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 other interested parties.

11. Non-cooperation

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.

(Vijaylaxmi Joshi)
Designated Authority