

**F.No.6/44/2020-DGTR  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Trade Remedies)  
4<sup>th</sup> Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi 110001**

Dated 30.09.2020

**INITIATION NOTIFICATION**

**OI Case No. 37/2020**

**Subject: Initiation of anti-dumping investigation concerning imports of Elastomeric Filament Yarn originating in or exported from Singapore.**

1. M/s Indorama Industries Limited (hereinafter also referred to as the 'Petitioner' or 'Applicant') has filed an application before the Designated Authority (hereinafter referred to as the 'Authority') in accordance with 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 Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time (hereinafter referred to as the 'Rules') for imposition of Anti-Dumping Duty on imports of Elastomeric Filament Yarn (hereinafter referred to as the 'subject goods' or 'PUC') from Singapore.

**A. Product under consideration**

2. The product under consideration in the present application is "Elastomeric Filament Yarn of all deniers". The subject goods are described in terms of the deniers and are sold generally in the range of 10 to 1680 deniers.
3. Following products are excluded from the scope of the product under consideration:
  - a. Coloured Elastomeric Yarns;
  - b. Elastomeric yarns on Beam;
  - c. Subject goods having brand name as "Lycra®" as the same is a specialized and fine quality product manufactured under process control conditions, which are patent protected.
  - d. Elastomeric Filament Yarn meant for hygiene requirements such as diapers are also excluded from the product under consideration.
4. The subject products are classified under Chapter Heading 54 of the Customs Tariff Act. The classification at the 8-digit level is 54024400 and 54041100 of the Customs Tariff Act, 1975. The custom classification is indicative only and not binding upon the product scope.

## **B. Like Article**

5. The applicant has claimed that the subject goods, which are being dumped into India, are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, quality, functions or end-uses of the dumped imports and the domestically produced subject goods and the product under consideration manufactured by the applicant. The two are technically and commercially substitutable and hence should be treated as 'like article' under the Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the applicant in India are being treated as 'Like Article' to the subject goods being imported from the subject country.

## **C. Domestic Industry & Standing**

6. The application has been filed by M/s Indorama Industries Limited. As per the information available there is only one other producer of the subject goods namely Hyosung India Private Limited. The applicant has claimed that they have neither imported the subject goods from Singapore nor are they related to any other producer/exporter of subject goods in Singapore or any importer in India. Further, the petitioners account for a major proportion in Indian production of the subject goods. Therefore, the Authority has considered the petitioners as the Domestic Industry within the meaning of the Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5 of the Rules.

## **D. Basis of alleged dumping**

### **a. Normal value**

7. The normal value for the subject country has been considered based on estimates of cost of production in the subject country on the basis of cost of production, duly adjusting selling, general & administrative expenses with reasonable profit.

### **b. Export Price**

8. The Authority has computed the export prices from Singapore based on Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction-wise import data. Adjustments have been made for ocean freight, marine insurance, port expenses, bank charges, commission, credit cost and handling charges.

### **c. Dumping Margin**

9. The normal value and the export price have been compared at ex-factory level, which prima facie shows dumping margin above the de-minimis level in respect of the PUC from Singapore. There is sufficient prima facie evidence that the PUC from Singapore is being dumped into the Indian market by the exporters from the Singapore.

## **E. Injury & Causal Link**

10. Information furnished by the Applicant has been considered for assessment of injury to the domestic industry. The Applicant has furnished prima facie evidence regarding the injury having taken place as a result of the alleged dumping, resulting in increased

volume of dumped imports in absolute terms and in relation to production and consumption in India. The Applicant has claimed that their performance has been adversely impacted in terms of financial losses and negative return on capital employed, as a result of increase in imports of product under consideration at a price below selling price and non-injurious price for the domestic industry. There is prima facie evidence of material injury being caused to the domestic industry by dumped imports from subject country to justify initiation of anti-dumping investigation.

**F. Initiation of Anti-Dumping Investigation**

11. On the basis of the duly substantiated written application by or on behalf of the Domestic Industry, and having satisfied itself, on the basis of the prima facie evidence submitted by the Domestic Industry, substantiating dumping of the product under consideration originating in or exported from the subject country, injury to the Domestic Industry and causal link between such alleged dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the Rules, the Authority, hereby, initiates an investigation to determine the existence, degree and effect of any alleged dumping in respect of the product under consideration originating in or exported from the subject country and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

**G. Subject country**

12. The subject country for the present investigation is Singapore.

**H. Period of Investigation**

13. The period of investigation (POI) for the present investigation is 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 (12 months). The injury period under investigation will, however, cover the periods April 2016 to March 2017, April 2017 to March-2018, April 2018 to March2019, and the period of investigation (POI).

**I. Procedure**

14. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

**J. Submission of information**

15. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at email address [adg12-dgtr@gov.in](mailto:adg12-dgtr@gov.in), [adv12-dgtr@gov.in](mailto:adv12-dgtr@gov.in), [jd13-dgtr@gov.in](mailto:jd13-dgtr@gov.in) and [dd15-dgtr@gov.in](mailto:dd15-dgtr@gov.in). It should be ensured that the narrative part of the submission is in searchable PDF/ MS Word format and data files are in MS Excel format. The known producers/exporters in the subject country, Government of the subject country through their Embassy in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.
16. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below.

17. 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.

**K. Time Limit**

18. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses [adg12-dgtr@gov.in](mailto:adg12-dgtr@gov.in), [adv12-dgtr@gov.in](mailto:adv12-dgtr@gov.in), [jd13-dgtr@gov.in](mailto:jd13-dgtr@gov.in) and [dd15-dgtr@gov.in](mailto:dd15-dgtr@gov.in) within thirty days from the date of receipt of the notice as per Rule 6(4) of the Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting country. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Rules.
19. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses within the above time limit.
20. The interested parties are further advised to keep a regular watch on the official website of DGTR i.e. [www.dgtr.gov.in](http://www.dgtr.gov.in) for any updated information with respect to this investigation.

**L. Submission of Information on Confidential basis**

21. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules. Failure to adhere to the above may lead to rejection of the response / submissions.
22. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file Confidential and Non-Confidential versions separately.
23. The “confidential” or “non-confidential” submissions must be clearly marked as “confidential” or “non-confidential” at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions.
24. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which is claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, 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.

25. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and 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, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.
26. 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 if 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.
27. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
28. 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.

M. **Inspection of Public File**

29. In terms of Rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. The modality of maintaining public file in electronic mode is being worked out.

N. **Non-cooperation**

30. 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 declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.



(B.B. Swain)

**Special Secretary and Designated Authority**