

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

**Government of India Department  
of Commerce Ministry of  
Commerce & Industry  
Directorate General of Anti-Dumping & Allied Duties  
Jeevan Tara Building, New Delhi  
\*\*\*\*\***

Dated the 09.01.2017

**INTIATION NOTIFICATION**

**Case No. SSR-2/2017  
(Sunset Review)**

**Subject: Initiation of Sunset Review Investigation of Anti-dumping duty concerning imports of Nylon Filament Yarn originating in or exported from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP.**

**F.No.15/17/2016-DGAD**-Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (hereinafter referred to as the Authority) recommended imposition of Anti-Dumping Duty on imports of Nylon Filament Yarn (hereinafter referred to as subject goods) originating in or exported from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP (hereinafter referred to as subject countries). The final findings notification of the Authority was published vide notification No. 14/5/2005-DGAD dated 3<sup>rd</sup> July, 2006. On the basis of the findings, anti-dumping duty was imposed on the imports of the subject goods from subject countries by the Department of Revenue vide notifications No. 85/2006 – Customs dated 29<sup>th</sup> August, 2006.

2. Thereafter, the first SSR investigation concerning imports of NFY from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP was conducted. The Authority concluded the investigation and recommended duties via Final Finding Notification No. 15/14/2010- DGAD dated 19<sup>th</sup> November, 2011. Accordingly,

definitive anti-dumping duties were imposed vide Ministry of Finance Notification No. 3/2012-Customs, dated the 13<sup>th</sup> January, 2012.

#### **A . Initiation of Sunset Review**

3. WHEREAS in terms of Section 9A (5) of the Customs Tariff (Amendment) Act 1995, the antidumping duties 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. Whereas, in view of the duly substantiated application filed and in accordance with Section 9 A (5) of the Act, read with Rule 23 of the Anti-Dumping Rules, the Designated Authority hereby initiates sunset review in accordance to examine whether cessation of the duty would be likely to lead to continuation or recurrence of dumping and injury.

#### **B. Product under Consideration**

4. The product under consideration in the present investigation is Synthetic Filament Yarn of Nylon also known as Polyamide Yarns (also described as Nylon Filament Yarn and also referred to as subject goods). Nylon Filament Yarn is a synthetic filament yarn produced by polymerization of organic monomers. The product under consideration includes all kinds of synthetic filament yarns of Nylon or Polyamides, other than sewing thread, such as flat yarn - twisted and/or untwisted, fully drawn yarn (FDY), spin drawn yarn (SDY), fully oriented yarn (FOY), high oriented yarn (HOY), partially oriented yarn (POY), textured yarn – twisted and/or untwisted, and dyed yarn, single, double, multiple, folded or cabled, classifiable within Chapter 54 under customs subheading no. 5402, but excludes high tenacity yarn of nylon or other polyamides. The product includes all variants of Nylon Filament Yarn or Polyamide Yarns such as flat/textured/twisted/ untwisted, bright/semi-dull/ full-dull (or variants thereof), Grey/colored/ dyed (or variants thereof), single/ double/ multiple/ folded/ cabled (or variants thereof), whether or not sized, but excludes high tenacity yarn of nylon classifiable under customs sub- heading 5402.10 and fishnet yarn,

classifiable under customs classification no.5402.10. Accordingly, all types of high tenacity nylon filament yarn, classifiable under customs classification no. 5402.10 are beyond the scope of present investigations. The Customs classification, however, is indicative only and is in no way binding on the scope of the present investigation.

Nylon filament yarn has vast applications in textiles applications, which includes saree, dupatta, women's dress material / fashion wear, fancy causal knit wear, stockings and stocks, intimate wear and foundation wear, lingerie and night wear, briefs, panties, slips, kids wear, sports wear and active wear, swim wear and beach wear, outer wear, wind wear, fashion accessories, elastic tapes, show/footwear linings, laces/fancy tapes, tie/scarves, feather yarn, ribbons/satin ribbons, etc.

### **C. Procedure**

5. 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 dumping and injury would be likely to continue or recur if the duty were removed or varied
  - i. The review will cover all aspects of Notification 3/2012 – Customs dated 13<sup>th</sup>. January, 2012. The countries involved in this review investigation are China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP.
  - ii. The period of investigation for the purpose of the present review will be April 2015 to September, 2016. The injury investigation period will however cover the periods April'2012-March'2013, April'2013–March2014', April'2014-March'2015 and the POI.
  - iii. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

While submitting questionnaire response, producer/ exporter may have to demonstrate prevalence of market condition related to manufacture, production and sale of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may clarify and provide sufficient information on the following:

- a) Decision in regard to price, cost, input including raw material, cost of technology and labor, output, sales and investment, are made in response to market signal reflecting supply and demand and without significant state interference and weather cost of major inputs substantially reflect market value.
- b) Production costs and financial situation does not suffer from any distortion.
- c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
- d) Exchange rate conversions are carried out at the market rate.

**D. Submission of information**

6. The known exporters in the subject countries, the Government of the subject countries through their embassies in India, the importers and users in India known to be concerned with the product 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:

**The Designated Authority,  
Directorate General of Anti-Dumping & Allied Duties,  
Ministry of Commerce & Industry, Department of Commerce  
4th Floor, Jeevantara Building,  
5 Parliament Street, New Delhi -110001**

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.

**E. Time limit**

7. Any information relating to the present investigation 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 Authority may record its findings on the basis of the facts available on record in accordance with the Anti-Dumping Rules.

8. 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 and offer their comments to the domestic industry's application regarding the need to continue or otherwise the Antidumping measures within 40 days from the date of initiation of this investigation.

**F. Submission of Information on Non-Confidential basis**

9. 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

10. Information supplied without any confidential marking 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.

11. 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.

12. 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, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

13. 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.

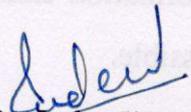
14. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

#### **G. Inspection of Public File**

15. 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.

#### **H. Non-cooperation**

16. 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.



(Dr. Inder Jit Singh)  
Additional Secretary & Designated Authority