

(TO BE PUBLISHED IN THE GAZETTE OF INDIA,  
EXTRA ORDINARY PART 1 – SECTION I)

F.No 15/07/2008-DGAD  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce

(Directorate General of Anti Dumping & Allied Duties)  
Udyog Bhawan, New Delhi  
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Dated the 12.08.2008

Initiation Notification  
(Mid-Term Review)

Subject: Initiation of mid-term review regarding anti-dumping duty imposed on imports of Nylon Filament Yarn originating in or exported from Malaysia.

No. 15/07/2008-DGAD - Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional 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 the Authority) notified its final findings vide Notification No. 14/5/2005-DGAD dated 03.07.2006 recommending definitive antidumping duty on import 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.

And whereas definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 85/2006 dated 29.08.2006.

## **2. Product under consideration**

The product under consideration in the present investigation is Synthetic Filament Yarn of Nylon also known as Polyamide Yarns. Nylon Filament Yarn is a synthetic filament yarn produced by polymerization of organic monomers. 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 socks, 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.

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.

### **3. Initiation**

The Customs Tariff (Amendment) Act 1995 and the AD Rules made there under require the Authority to review from time to time the need for continuance of anti-dumping duty. In terms of the above provision the domestic producers of the subject goods M/s Gujarat State Fertilizers Company Limited, M/s Century Enka Limited & M/s JCT Limited have filed an application substantiating the need for mid term review of the anti-dumping duty imposed on the subject goods originating in or exported from Malaysia. The need for review has been established on the basis of significant increase in dumping margin after imposition of anti dumping duties. Further, M/s.Hualon Corporation (M) SDN.BHD.Malyaysia ( the exporter attracting individual dumping margin and anti dumping duty) has also filed an application intimating that in view of an arrangement, all their exports will be in the name of Recron ( Malaysia) Sdn. Bhd. and accordingly duties applicable to M/s Hualon may be made applicable to M/s Recron. In view of the evidence provided and the request received, the Designated Authority considers that the mid term review of the Anti Dumping Duty recommended in respect of imports from Malaysia would be appropriate at this stage under the provisions of rule 23 of AD Rules and Section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended.

### **4. Countries Involved**

The country involved in the present investigation is Malaysia.

## **5. Grounds for Review**

The Indian producers in their application have claimed that the conditions of dumping have changed substantially with regard to imports from Malaysia requiring a review of the anti-dumping measure in force and have requested the Authority for the review for re-determination of dumping margin in respect of imports of subject goods from Malaysia on the grounds that dumping margin has increased since the determination by the Designated Authority. Considering the estimates of normal value and export price in the current period, it has been claimed that the exports from Hualon Corpn. are at prices significantly below the normal value and the margin of dumping is substantially higher than what was determined before. The applicants have provided sufficient positive evidence to prima facie establish the need for mid term review. The authority have also received a request from M/s.Hualon Corporation (M) SDN.BHD.Malyaysia ( the exporter attracting individual dumping margin and anti dumping duty) intimating that in view of an arrangement, all their exports will be in the name of Recron ( Malaysia) Sdn. Bhd. and accordingly duties applicable to M/s Hualon may be made applicable to M/s Recron.

## **6. Procedure**

Having regard to the information provided by the applicants indicating changed circumstances necessitating a review of the measure in force, the Designated Authority now considers that a Mid Term Review of the Final Findings notified vide No. 14/5/2005-DGAD dated 03.07.2006 and the definitive Anti Dumping Duty imposed vide Customs Notification No. 85/2006 dated 29.08.2006 is appropriate in view of the changed circumstances, in terms of the provisions of Section 9A (5) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra. The review covers all aspects of Notification No. 14/5/2005-DGAD dated 03.07.2006.

## **7. Period of Investigation**

The period of investigation for the purpose of the present review is 1st April, 2007 to 31st March, 2008 (12 months). However, injury analysis shall cover the years 2004-05, 2005-2006, 2006- 2007 and 2007-2008.

## **8. Submission of Information**

The exporters in subject country, their government through their Embassy/ representative, the importers and users in India known to be concerned 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:

The Designated Authority,  
Ministry of Commerce & Industry,  
Department of Commerce,  
Directorate General of Anti-Dumping & Allied Duties, (DGAD),  
Room No. 240, 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.

### **9. 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 initiation of this review 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.

### **10. 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.

