

Government of India
Ministry of Commerce & Industry
Department of Commerce

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

Dated the 3rd July 2006.

Initiation Notification
(Mid-term Review)

Subject: Initiation of Mid-term Review regarding anti-dumping duty imposed on imports of Acrylic Fibre originating in or exported from Thailand.

No. 15/13/2006-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), vide Notification Number 26/1/2001-DGAD dated 06.8.2002, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive antidumping duty on import of Acrylic Fibre (hereinafter referred to as subject goods) originating in or exported from Thailand, USA and Korea RP (hereinafter referred to as subject countries). The original anti dumping investigation was initiated on 13.9.1996 and definitive anti dumping duty was recommended vide final findings Notification No. 47/ADD/IW, dated 14.10.1997. Subsequently mid-term review was undertaken vide Notification No. 21/1/99-DGAD, dated 26.4.1999 and definitive anti dumping duty was recommended vide final findings Notification No. 21/1/99-DGAD, dated 19.4.2000. Sunset review of the anti dumping duty was initiated vide Notification No. 26/1/2001-DGAD, dated 07.8.2001 and the final findings were issued vide Notification No. 26/1/2001-DGAD, dated 06.8.2002.

And whereas definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 106/2002-Customs, dated 09.10.2002.

2. Product Under Consideration

The product involved in the original investigation and this current review is Acrylic Fibre. Acrylic Fibre is a long chain of synthetic polymer composed of at least 85% by weight of Acrylonitrile which is the major raw material for production of acrylic fibre. It is broadly described in terms of colour, length and denier of the fibre. It is used for the purpose of manufacturing apparels, household items and it has a great industrial use etc. It is classified under Chapter 55 of the Customs Tariff Act, 1975. It is further classified under the heading 550330 of schedule-I of Custom Tariff Act and 55033000 as per Indian Trade Classification. The classification is, however, 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. The Designated Authority considers that the mid term review of the anti dumping duty recommended would be appropriate at this stage under the provision of rule 23 of AD Rules and section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended. In terms of the above provision one of the exporters, M/s. Thai Acrylic Fibre Company Ltd., Thailand of the subject goods, 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 Thailand.

4. Countries Involved

The country involved in the present investigation is Thailand.

5. Grounds for Review

The applicant has claimed that the conditions of dumping have changed substantially requiring a review of the anti-dumping measure in force. The Designated Authority had recommended anti dumping duty on imports of Acrylic Fibre from Thailand vide its final finding dated 6.8.2002 in the sunset review and the duties were subsequently notified vide custom notification No. 106/2002-Customs, dated 9.10.2002. The applicant is subjected to anti dumping duty @US\$ 0.16/Kg. The applicant has claimed that a period of 3 ½ years has already been lapsed since the imposition of existing duty and the dumping margin determined in the sunset review as 12.39% had undergone significant changes due to change in market conditions, cost and prices of subject goods. The applicant has prima facie filed the positive evidence regarding the dumping margin and claimed that it has come down significantly warranting removal of existing duty.

The applicant has claimed that they are not dumping the subject goods in India. Therefore, the applicant has requested for the need for mid term review of the anti-dumping duty imposed on the subject goods originating in Thailand and/or exported by the applicant, as the domestic industry is not suffering any injury.

6. Procedure

Having regard to the information provided by the applicant 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. 26/1/2001-DGAD dated 06.8.2002 and the definitive anti dumping duty imposed by Notification dated 09.10.2002 is appropriate in view of the changed circumstances, in terms of the provision of Section 9A (5) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra. The review covers all aspects of Notification No. 26/1/2001-DGAD dated 06.8.2002.

7. Period of Investigation

The period of investigation for the purpose of the present review is 1st April 2005 to 31st March 2006 (12 months). However, injury analysis shall cover the years 2002-2003, 2003-2004, 2004-2005 and April 2005-March 2006.

8. Submission of Information

The exporters in subject countries, their government through their Embassies/High Commissions in India/representatives, 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 letter 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.

(Christy Fernandez)
Designated Authority