

GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE & INDUSTRY  
(DEPARTMENT OF COMMERCE)  
DIRECTORATE GENERAL OF ANTI DUMPING & ALLIED DUTIES

New Delhi, the 3<sup>rd</sup> July 2006

**FINAL FINDINGS**

Subject: Anti-dumping investigation concerning imports of Nylon Filament yarn originating in or exported from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP-. Final Findings.

**No. 14/5/2005-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, thereof;

A. PROCEDURE:

1. The procedure described below has been followed:

(i) On 4<sup>th</sup> July 2005, the Designated Authority (hereinafter referred to as Authority), under the above Rules, announced a public notice (initiation notification) publicised in the Gazette of India, the initiation of an anti dumping investigation with regard to imports of Nylon filament yarn originating in or exported from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP (Also referred to as subject countries hereinafter). The Anti dumping proceeding was initiated following an application received from M/s. Modipon Limited, Modinagar, JCT Limited, Hoshiarpur, Shree Synthetics Limited, Ujjain and Gujarat State Fertilizers Company Limited, Vadodara (the applicants) and supported by Century Enka Limited-Pune on behalf of the domestic industry representing a major proportion of the domestic production of said product. Subsequent to the initiation, M/s Century Enka also submitted the required information, which was subsequently verified by the Authority. The application contained evidence of dumping of the said product and of material injury resulting there from, which was considered sufficient to justify the initiation of the proceedings.

(ii) Before initiation, the Authority notified the Embassies of subject countries in India about the receipt of fully documented application made by the applicant before proceeding to initiate the investigation in accordance with sub-rule (5) of Rule 5 supra;

(iii) According to sub rule (2) of the rule 6 supra, the Authority forwarded copy of the said public notice to the known exporting producers, importers, industry associations, embassies of the countries concerned and to the applicants and gave them an opportunity to make their views known in writing.

(iv) According to sub-rule (3) of Rule 6 supra, the Authority provided a copy of the application to all the known exporters and Embassies of subject countries in India. According to sub-rule (4) of Rule 6 supra, the Authority provided a copy of the relevant questionnaire to all the known exporters and Embassies of subject countries in India and other interested parties. The Embassies of subject countries in New Delhi were also informed about the initiation of investigation and requested to advise the exporters/producers from their countries to respond to the questionnaire within the prescribed time

(v) The Authority sent questionnaires, to elicit relevant information, to the following known exporters from subject countries.

**Indonesia:**

P.T Kolon Ina.  
Indonesia

PT GT Petrochem Industries TBK  
Jakarta Indonesia

P T Evershineetex  
INDONESIA 10250

PT. Gema Nusa Perkasa  
Indonesia

P.T. Toray Industries Indonesia (TIN)  
61-62, Jakarta 12069,  
Indonesia

Shinta Nylon Utama.,  
Indonesia

## **THAILAND**

Siam Tyre Cord Co., Ltd.  
Thailand

Thai Baroda Industries Limited  
THAILAND

Asia Fiber Public Company Ltd.  
Bangkok  
Thailand

Thai Taffeta Company Ltd  
Bangkok ,10110 Thailand

## **CHINA, PR**

Kolon Corporation  
Beijing, China PR

Kolon Nanjing Co.,Ltd.  
Jiangsu Province, China PR

Xiamen TongLun Industrial Co.,Ltd.  
Xiamen, 361100  
China PR

Wu Jiang Heng Yu Textile Co.,Ltd,  
Jiangsu province,  
China PR

Jinan Juda Fiber Co Ltd,  
Jinan Shandong, 250100-  
China PR

Guangdong Xinhui Meida Nylon Co. Ltd;  
Guangdong 529100  
CHINA PR

SHANDONG DACHENG CHEMICAL INDUSTRY GROUP  
CO.,LTD  
26 ZIBO SHANDONG  
CHINA PR

BASF-Huayuan Nylon Co.,Ltd.  
China PR

Qingdao Zhongtai Group Company  
China PR

Gaoyao Huajin Group Co., Ltd  
Guangdong,  
China PR

### **TAIWAN**

FORMOSA Company Limited  
640 TAIWAN R.O.C

Acelon Chemicals & Fiber Corporation  
Taiwan

CHUNG SHING TEXTILE CO.,LTD  
Taiwan

ZIG SHENG INDUSTRIAL CO., LTD  
TAIPEI , TAIWAN

FU-TA TEXTILE CO., LTD.  
Taichung Hsien Taiwan

### **MALAYSIA**

Hualon Corporation  
Malaysia 50200

### **KOREA RP**

Hyosung Corporation  
Seoul, 100-110, South Korea

Kohap Corporation  
Korea RP

Kolon Industries  
Korea RP

(vi) Eight exporters/producers have responded to the exporter's questionnaire in a substantial manner and notice of initiation:

1. M/s. Jinan Juda Fiber Co Ltd,  
Jinan Shandong, 250100-  
China PR
2. M/s. TKI, Korea RP
3. HYOSUNG Corporation, Korea RP.
4. Hualon Corporation  
Malaysia 50200
5. M/s. Suntex, Taiwan
6. M/s. Li Peng Enterprise Co., Taiwan
7. M/s. Asia Fibres  
Thailand
8. M/s. Thai Taffeta Company Ltd  
Bangkok ,10110 Thailand

In addition to above, M/s. Kolon Industries, Korea and M/s. Thai Synthetic Fiber Manufacturers Association, Thailand, have also submitted responses to the notice of initiation.

(vii) A copy of initiation notification along with the importers questionnaire were also sent to the various importers which were listed in the application. However, response in the form and manner of importers questionnaire has been received from M/s Sky Industries, Mumbai, M/s Doriwala industries, Surat, M/s Spica Elastic, Pune and others. However, very few importers have participated in the investigations despite repeated reminders to them.

(viii) The Authority notified Preliminary findings vide its Notification dated the 3rd February, 2006 with regard to Anti-Dumping Investigations concerning imports of Nylon Filament Yarn originating in or exported from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP and requested the interested parties to make

their views known in writing within forty days from the date of its publication. The Authority forwarded a copy of the preliminary findings to known interested parties, who were requested to furnish their views, if any, on the Preliminary Findings within forty days of the date of the letter. The Authority also forwarded a copy of the preliminary Findings to the Embassies/ of the subject countries/territory with a request to furnish their views on the Preliminary findings. None of the other importers have also responded to the importers questionnaire as per the details asked. However, a few importers and users association namely FIASWI, Gujarat, have responded to the initiation notification and they have submitted some comments, which have been taken into account subject to their being relevant to the investigation.

(ix) The Authority kept available non-confidential version of the evidence presented by various interested parties in the form of a public file maintained by the Authority and kept open for inspection by the interested parties;

(x) The Authority held a public hearing on 20<sup>th</sup> March 2006 to hear the interested parties orally, which was attended by representatives of the Domestic Industry and other interested parties. The parties attending the public hearing were requested to file written submissions of views expressed orally. Designated Authority in this finding has considered the written submissions thus received from interested parties. Arguments raised by interested parties before announcing of preliminary findings, which have been brought out in the Preliminary Findings notified earlier have not been repeated herein for sake of brevity. However, arguments raised by the interested parties have been appropriately dealt with in the Final Findings. The Authority conducted on-the-spot verification of the domestic industry to the extent considered necessary. Additional details regarding injury were sought from the applicants, which were also received. The Authority also conducted on spot verification of the information submitted by exporters from subject countries except M/s Jinan Juda from China PR after getting additional information and their concurrence. It may be noted that M/s Jinan withdrew its offer for verification of the information submitted when the authority had asked all exporters to offer their willingness for the verification of the data submitted by them. Later on, they again reversed their decision and requested the Authority to verify the data but then it was too late considering the fact that anti dumping investigations are time bound in nature.

(xi) \*\*\*\* in this notification represents information furnished by the interested parties on confidential basis and so considered by the Authority under the Rules. In accordance with Rule 16 of the Rules supra, the essential facts/basis considered for these findings was

disclosed to known interested parties on 15<sup>th</sup> June 2006 and comments received on the same are being considered in Final Findings. The investigation of dumping and injury covered the period from 1<sup>st</sup> January 2004 to 31<sup>st</sup> December 2004 (Also called the period of investigation or POI). The examination of trends in the context of injury analysis covered the period from 1<sup>st</sup> April 2001 to the end of period of investigation. (Also called Injury period).

(xii) The Authority sought and verified all the information it deemed necessary for the purpose of Final determination of dumping and resulting injury. The Authority conducted on the spot investigation of the domestic industry to the extent considered necessary. The cost of the production of the domestic industry was also analysed to work out the best cost of the production and the cost to make and sell the subject goods in India on the basis of Generally Accepted Accounting Principles based on the information furnished by the petitioner so as to ascertain if anti Dumping duty lower than dumping margin would be sufficient to remove injury to the domestic Industry.

(xiii) Copies of initiation notice were also sent to FICCI, CII, ASSOCHAM etc., for wider circulation.

## B. Product under Consideration.

2. 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.

3. Federation of Indian Art Silk Weaving Industry (FIASWI), Mumbai have submitted that Application contains scant information with regards to product information, price Effect, Dumping Margins and Injury Margins. It has been further submitted that high Tenacity Yarn of Nylon classified under Customs sub-heading 5402.10 and all man made filaments yarns not having Nylon Polyamides should not be included within the scope of the product under consideration and their import data should not be included within the volume and value of the imported goods. It has been submitted that the domestic industry does not manufacture all types of NFY Imports of NFY includes imports of Nylon 66, which is not produced in the country. It has been submitted that Nylon is synthesized in mainly two different ways using two different methods namely – using hexamethylene diamine and adipic acid to produce Nylon 66 and by self condensation of a single constituent e.g. amino acid producing Nylon 6 and physical and chemical characteristics of Nylon 6 and Nylon 66 are different. It has

also been submitted that in India only Nylon 6 is produced, whereas in USA and other developed countries Nylon – 66 is produced. Since Nylon 66 is not manufactured in India, it is being imported and therefore, this should be segregated from imports of NFY. Nylon 6 and 66 can not be used interchangeably in all aspects, as there are some difference in these two types, which depends upon the eventual product to be produced. It is therefore, appropriate to limit the investigation for Nylon 6. It has also been added that NFY used to manufacture Hook and Loop tape (Velcro Tapes) should not fall under PUC as domestic industry does not produce the same. It has also been added that prices of Nylon 66 is higher than Nylon 6, which would lead to distortion of cost of production, normal value, export price and also dumping margin. Even if it is not separated as entirely unlike article, it may be excluded for the purpose of dumping margin and injury determination. The Designated Authority should consider seconds quality either as joint product or co-product. Clubbing of denier is wrong and distorting since there is considerable difference in weight in different denier counts indicating different raw material requirements and different conversion ratios.

4. On the other hand, the domestic industry has submitted that 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. Generic chemical name of Filament Yarn of Nylon is polyamide yarn. Product is widely known as polyamide yarn also. It is called Nylon Filament Yarn in India and in trade practice/parlance. Nylon yarn description is used because it was invented in New York and commercialized in LONDON. The product under consideration claimed by the domestic industry 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.

5. The domestic industry has contended that different types of NFY are produced from the same production technology, manufacturing process, raw materials, plant & equipment and perform the same general purpose. There is a great amount of substitutability between different types of NFY. It has been submitted that mere value addition does not result in significant change in the product properties. Essential product properties remain the same as that of simple Nylon filament yarn. Nylon Filament

Yarn is produced in different luster such as bright, Semi dull and Full dull. It can be in Grey form or colored form. There is no significant difference in product properties in respect of NFY with different luster, even though physical appearance and associated costs & prices vary with luster. The domestic industry has further represented that Nylon 6 and Nylon 66 are one like product in view similar physical and chemical characteristics. In fact, encyclopedia of chemical technology by Kirk Othmer has defined the same physical and chemical properties in respect of NFY. It is further added that both nylon 6 and 66 are “polyamides” and are manufactured as continuous filament. It is further added that Nylon 6 is obtained from Caprolactam, whereas nylon 66 is obtained from Hexamethylenediamine and adipic acid and mere difference in raw materials does not render two as dislike products. They both have similar function and uses with nylon 66 having a greater use than Nylon 6. It is also represented that pricing of nylon 6 and 66 is in a close band. Whereas, sometime nylon 66 is costlier (such as in 2004), nylon 6 can also be costlier than nylon 66 (such as in 2005). However, over a longer period of 10 – 15 years, prices of nylon 6 and 66 have remained in a common band. The domestic industry has placed reliance upon various decisions of Designated Authority as also other investigating authorities in this regard. Difference in raw material or manufacturing process does not render two products dislike. It has been added by the domestic industry that so long as the two products have overlapping applications, there is enough jurisprudence that these should be treated as one like product. Different end applications of Polyester Films, BOPP films are referred to and relied upon. With regard to the quality difference, it has been submitted that Quality difference can be claimed and allowed by the Designated Authority only if substantiated. Designated Authority earlier provided adjustment on account of quality difference after substantiation by interested parties. Difference in quality does not mean different and unlike article. Reliance is being placed upon decision of CESTAT in the matter concerning EPDM. Domestic industry submits that physical and chemical characteristics of Nylon 6 and 66 are same or similar.

6. The Authority has considered the views of the various interested parties. In its examination, the Authority considers that different types of NFY are produced from the same production technology, manufacturing process, raw materials, plant & equipment and perform the same general purpose. There is a great amount of substitutability between different types of NFY. Even though the product has been grouped in discrete types according to denier, filaments, luster, color, orientation etc., these specific characteristics merely differentiate various types of NFY. However, different types contains the same basic characteristics of NFY. With regards to inclusion of Nylon 66 as a foreign like product and under the purview of the product under consideration, it is noted that both Nylon

6 and Nylon 66 have essentially the same or similar physical and chemical characteristics and both nylon 6 and 66 are “polyamides” and are manufactured as continuous filament. Further, essentially, all polyamides are melt spun and to such an extent, the manufacturing process and technology for nylon 6 and nylon 66 should be treated as the same. With regards to the functions and uses, at best, it can be said that nylon 66 has some additional end applications. However, existence of some additional end applications cannot render two products as dislike. With regards to the customs classification, it could be said that both nylon 6 and 66 have been classified under the same classification as “Synthetic Filament Yarn of Nylon”. After detailed examination, the Authority concludes that 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. The Authority considers it appropriate to exclude fishnet yarn, classifiable under customs classification no. 5402.10 beyond the scope of the subject goods, as they are high tenacity yarns. 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. With regard to the claim of the association (FIASWI) that some type of yarns are not produced in India, the Authority notes that all yarns of high tenacity as such are beyond the scope of the product under consideration. It was argued that the some of the product types are not produced in India and must be excluded from the scope of the product under consideration. Some of the product types cited in this regard included Nylon flame retardant yarn, air texturised yarn etc. The matter was examined and it was noted that JCT website [www.jctsf.com](http://www.jctsf.com) reads on front page that they are manufacturing Flame Retardant Yarns. It was also noted that UV stabilized yarn can be easily produced by any of the manufacturer by simply adding UV stabilizer in production. Further, these yarns are offered by M/s century Enka. It was also noted that air textured

yarn are just another way of texturising and it was informed that that even JCT is not able to fully utilize the texturising due to poor demand. Therefore, the Authority does not exclude any of these types from the purview of the product under consideration.

7. 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, slippers, 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. With regards to the observations made by some of the interested parties not to take into account of Nylon filament Yarn made from Nylon 66 because of its allegedly different characteristics, the Authority has considered all relevant information made available by interested parties with regard to whether or not nylon 6 and nylon 66 are one like products and notes that nylon 66 has been rightly included within the scope of product under consideration. The Authority holds nylon 6 and 66 as one like product, considering parameters such as physical and chemical properties, technology, manufacturing process, raw materials, functions and uses, tariff classifications etc. Nylon 66 is therefore, considered within the scope of present investigations.

C. Like Article.

8. The petitioners have claimed that goods produced by it are like articles to the goods originating in or exported from subject countries. There is no significant difference in the subject goods produced by the petitioners and those exported from subject countries. The domestic industry submits that subject goods produced in India and subject goods originating in or exported from subject countries are like articles. It has been submitted by various interested parties opposing the application that Nylon 6 manufactured by the domestic industry are not domestic like product to the Nylon 66 manufactured and exported from the subject countries to India because of the different physical, chemical features and uses as described above. It has also been submitted that domestic industry does not manufacture the Nylon 66 and hence, the NFY manufactured and sold by the domestic industry is not domestic like product to the Nylon 66 produced and exported from subject countries. Also, it has been submitted that like product examination should be based on the product denier, luster, color, orientation etc. On other hand, the domestic industry has contended that there is no significant difference in the subject goods

produced by the Indian industry in general and domestic industry in particular and those exported from subject countries. The Authority has examined all the submissions made by various interested parties and considers that rule 2 (d) specifies that like article means an article that is 'identical' or 'alike' in all respects to the articles under investigation or in the absence of such an article, another article having characteristics closely resembling those of the article under investigation. In order to establish that subject goods produced by the domestic industry is a Like Article to that exported from subject countries, characteristics such as technical specifications, manufacturing process, functions and uses and tariff classification have been examined. It has been found that subject goods produced by domestic industry has characteristics, which are similar to those imported from subject countries and to those sold in the market of exporting countries. Therefore, the two are like articles in accordance to the Rules. It is also noted that different types of NFY are produced from the same production technology, manufacturing process, raw materials, plant & equipment and perform the same general purpose. There is a great amount of substitutability between different types of NFY. Even though the product can be grouped in discrete types according to denier, filaments, luster, color, orientation etc., these specific characteristics merely differentiate various types of NFY. However, different types contain the same basic characteristics of NFY. Opposing interested parties have claimed that certain types of yarns are not produced in India. In this regard, after examination, it is noted that domestic Industry is required to produce like article in the absence of identical article, which is being exported from subject countries. After detailed examination, it is noted that subject goods produced and sold by the domestic industry in the domestic market are like product to the subject goods produced and sold to India from subject countries.

#### D. Domestic Industry

9. The application has been jointly filed by M/s. Modipon Limited, Modinagar, JCT Limited, Hoshiarpur, Shree Synthetics Limited, Ujjain and Gujarat State Fertilizers Company Limited, Vadodara. These producers have provided information relevant to the present investigations and have consented to participate in the proposed investigations.

10. It has been submitted by various interested parties opposing the application that the applicants takes domestic industry in keeping with the requirements of Rule 2(b). It has also been submitted that the import of subject goods may and not shall exclude the importers/producer from the scope of domestic industry. The Authority, therefore, must first decide whether it will include or exclude producers that may also be importers

from the scope of the domestic industry. Only after this examination/decision, standing of the applicants may be determined. It has also been claimed that there is no material in the public file to show that this exercise has been done for determination of standing of the domestic industry. It has also been submitted that the Authority may also seek, obtain and analyze the COP and performance data of Century Enka and Baroda Rayon with non confidential summaries both of such data and also the Authority's workings on the same and any difference between these companies respective performance in POI and the applicants performance. This will be required for both meaningful injury determination as well as for causal link determination.

11. On the other hand, the domestic industry has argued that the application has been jointly filed by M/s. Modipon Limited, Modinagar, JCT Limited, Hoshiarpur, Shree Synthetics Limited, Ujjain and Gujarat State Fertilizers Company Limited, Vadodara and these producers have provided information relevant to the present investigations and have consented to participate in the proposed investigations. The production of these applicant companies constitutes more than 50 % of total Indian production. In addition M/s Century Enka and M/s Baroda Rayon Corporation Ltd. are other producers of the subject goods/like article. M/s Century Enka has supported the present application. Production of the four petitioner companies constitute a major proportion in Indian production;

12. The Authority has examined the contention of various interested parties and after examination, it is noted that the application has been filed by M/s. Modipon Limited, Modinagar, JCT Limited, Hoshiarpur, Shree Synthetics Limited, Ujjain and Gujarat State Fertilizers Company Limited, Vadodara – jointly. These producers have provided all the information desired by the Designated Authority for the present investigations and offered verification of the information to the Designated Authority. It was argued by some of the interested parties that the non participation by Century Enka in the investigation is due to the fact that there is no injury to the company. Subsequently, the company (M/s Century Enka) has submitted the complete information relevant for the investigation, which has been verified by the Designated Authority. The production of these applicant companies including supporting company Century Enka constitutes more than 50 % of total Indian production. M/s Baroda Rayon Corporation Ltd. are other producers of the like article. The Authority has therefore, determined that (a) production of the four petitioner companies constitute a major proportion in Indian production; (b) domestic producers expressly supporting the application account for more than 50 per cent of total production of the like product produced by the domestic industry; and

(c) the application has been made by or on behalf of the domestic industry.

13. Thus, it is noted that the applicants constitute domestic Industry within the meaning of the rule 2(b) read with 2(d) and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

E. Dumping.

14. Under Section 9A(1) I of the Customs Tariff Act 1975, Normal value in relation to an article means:

The comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or

When there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either:-

Comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or

The cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6)";

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transhipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.

15. The Authority sent questionnaires to all the known exporters for the purpose of determination of normal value in accordance with Section 9A(1)(c). The following exporters from subject countries have responded to the Authority.

1. M/s Jinan Juda Fiber Co. Ltd (Jinan), China PR
2. Taekwang Industrial Co Ltd (TKI), Korea RP
3. HYOSUNG Corporation (Hyosung), Korea RP
4. Hualon Corporation (Hualon), Malaysia

5. Suntex Fiber Co Ltd.(Suntex), Chinese Taipei
6. LIPENG Enterprise Co., Ltd (Lipeng), Chinese Taipei
7. Asia Fiber Public Company Ltd (Asia fiber), Thailand
8. Thai Taffeta Co., Ltd (Thai taffeta), Thailand

16. The applicants had identified denier, luster, filaments, category, Colour, cross section, packing and grade as different parameters of the subject goods. The exporters have also identified the some of above parameters in their responses. Additionally, some of the exporters have identified a few other parameters also. The Authority recalls that during the preliminary findings, it had considered denier, lustre category (Textured, Partially oriented yarn, Draw Twisted, Fully oriented yarn, Fully drawn yarn) as essential product parameters for the purpose of comparison between the normal value and export price, pending further investigations. This was done as none of the exporters had submitted the information in the form and manner of the exporters questionnaire by giving the information PCN wise in terms of denier, luster, filaments, grade, packing, types, categories, dyeing etc. Some of the exporters did submit detailed information with regards to large number of parameters after the initiation, these were not submitted in the format prescribed by the Authority and the Authority could not analyse the data and determine the dumping the dumping margin based on all the parameters. However, after the preliminary findings and subsequent verification, the cooperating exporters submitted the required information in the form and manner of the format prescribed by the Authority ( and which could be analysed by the Authority).

#### E (1) China PR

##### Normal value determination for China

17. China PR, one of the subject countries under present investigation in the present proceedings, is a Non-Market Economy Country and therefore their normal value has to be determined in accordance with the Para 7 and 8 of Annexure I of the Anti Dumping Rules.

##### Legal provisions in India

*Para 7 of Annexure I under the Rules, which has been inserted by notification no. 44/99– Cus (NT) dated 15<sup>th</sup> July, 1999. Para 7 of Annexure-I states as under:*

“7. In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed

value in a market economy third country, or the price from such a third country to other countries, including India, or where it is not possible, on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted if necessary, to include a reasonable profit margin.

Market Economy Treatment (MET)

*“Para 8 of Annexure 1- Amended on 04.01.2002*

*(1) The term “non market economy country” means any country which the Designated Authority determines as not operating on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise, in accordance with the criteria specified in sub-paragraph (3)*

*(2) There shall be a presumption that any country that has been determined to be, or has been treated as a non-market economy country for the purpose of an anti dumping investigation by the Designated Authority or by the competent authority of any WTO member country during the three-year period preceding the investigation is a non-market economy country.*

*Provided, however, that a non-market economy country or the concerned firms from such country may rebut such a presumption by providing information and evidence to the Designated Authority that establishes that such country is not a non market economy country on the basis of criteria specified in sub-paragraph (3)*

*(3) The Designated Authority shall consider in each case the following criteria as to whether:*

*(a) the decision of concerned firms in such country regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs substantially reflect market values;*

*(b) the production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter trade and payment via compensation of debts;*

*(c) such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms, and*

*(d) the exchange rate conversions are carried out at the market rate;*

*Provided, however, that where it is shown by sufficient evidence in writing on the basis of the criteria specified in this paragraph that market conditions prevail for one or more such firms subject to anti-dumping investigations, the Designated Authority may apply the principles set out in paragraphs 1 to 6 instead of the principles set out in this paragraph.*

The Rules were further amended vide notification dated 10<sup>th</sup> March, 2003, which states as under:

- (4) *“Notwithstanding anything contained in sub-paragraph (2), the designated authority may treat such country as market economy country which, on basis of the latest detailed evaluation of relevant criteria, which includes the criteria specified in sub paragraph (3), has been, by publication of such evaluation in a public document, treated or determined to be treated as a market economy country for the purposes of anti-dumping investigations, by a country which is a Member of the “World Trade Organization”*”

18. Except one exporter/producer from China, none of the exporters/producers have responded to the Questionnaire sent by the Authority. The applicants had proposed the USA as the appropriate surrogate country for the purpose of calculating normal value in China and had furnished some evidence with regard with regard to price of the subject goods in USA during the period of Jan-Dec 2004. Following the initiation notification, China chamber of commerce for import and export of Textiles opposed the choice of USA as analogue country and requested instead to choose china PR or other Asian countries as they had many things in common. Further, none of the party except China chambers of commerce and industry from China or elsewhere has objected to selection of USA as the appropriate surrogate country nor has suggested any other appropriate country or has furnished any other reliable evidence for the purpose of calculation of Normal Value for China. It was also noted that no interested parties submitted any other comments as well as names of the producers/exporters in those analogue country who would be willing to submit the data to the Designated Authority in spite of the letter sent to all interested parties in this respect. Thereafter, the Authority requested producers of subject goods in the USA who were made known in the application by

domestic industry and asked them to submit the details regarding selling prices of the subject goods in their country and requested them to submit the required data to the Designated Authority. However, no producer in the chosen analogue country also submitted any response till date.

(a) Cooperation

19. One Chinese producer/exporter namely M/s Jinan Juda, has made themselves known during the process of investigation and they have responded to the exporters' questionnaire by giving information with regard to Questionnaire pertaining to market economy status and also various appendices mentioned in the exporters' questionnaire. However, after the preliminary findings, they did not accept the Authority request for verification of the information submitted by them. Twice, the exporter informed the Authority that they would not be able to offer any verification of the information submitted by them. In view of that the Authority treats the exporter as non cooperative. It is noted that the said exporter did offer verification when the verification team had already verified or was in the process of verifying the information pertaining to exporters from other countries after reviving necessary approval from competent authority. However, the offer from the exporter was considered late by the Authority due to the time bound nature of the investigation and the revised late offer was not accepted by the Authority.

(b) Normal Value & Export Price:

20. With regards to the responses filed by M/s Jinan Juda , it is noted that the cooperating exporters have significant state share holding. Again, it is noted that no substantive evidences have been submitted in their responses along with the relevant facts with which they want to rebut the presumptions as mentioned in para 8 of annexure 1 of the Anti dumping rules and Non market Questionnaire sent to them with regards to grant of market economy status to their company. In view of the above fact, the Authority has constructed the normal value on the basis of para 7 of the Annexure 1 of the Anti dumping rules. With regards to their export prices, it was noted that their export prices very significantly with the prices mentioned in the official statistics even when their quantities and dates of exports match with the exporters data. As there is a significant discrepancy in the import prices of the exporter and official statistics, the Authority for the purpose of the provisional findings did not

take into account the exporters price for determination of dumping margin and price undercutting. Instead, the Authority took into account the price reported in the official statistics for the purpose of determination of dumping margin. After the detailed investigation (after getting the information from concerned customs ports in terms of volume and price where these imported subject goods have been assessed) , it is noted that value of the subject goods exported by M/s Jinan juda varies significantly from unit values reported from and verified from the Customs port data where these goods landed and got assessed. In view of the above, the Authority has taken the unit prices of the subject goods of the cooperating exporter adjusted to the information received from the port data.

21. The Authority notes that petitioner had provided an evidence of price or constructed value in a market economy third country (USA in this investigation). While disputing the claim of the domestic industry to treat Chinese producers as non market economy, the Chinese producers, or importers or any other interested party made no substantiated claim nor advanced any substantiated evidence either with regard to price or constructed value in a market economy third country. There has been no response from the producers/exporters from USA either in response to the exporters questionnaire sent by the Authority. Under the circumstances, the Authority has determined that another option available is to determine normal value considering price actually paid or payable in India for the like product, duly adjusted, to include a reasonable profit margin. Price actually paid in India has not been considered for the reason that the same has been suppressed. Thus, the Authority has constructed the normal value by taking into account cost of production in India, duly adjusted, to reflect international raw material prices and optimum conversion costs, selling, general & administrative expenses and reasonable profit. It was noted in the preliminary findings that as the investigation proceeds further, the Authority would continue to examine on the appropriateness of any market economy third country for the purpose of determination of normal value as per para 7 of Annexure 1 of the Anti dumping rules should information about their appropriateness along with the information about their price or constructed value is received by the authority. As no relevant information has been received, the Authority has determined the normal value for the responding exporter as cost of production in India, duly adjusted, to reflect international raw material prices and optimum conversion costs, selling, general & administrative expenses and reasonable profit.

#### F (2) Other producers/exporters from China PR

22. None of the other producers/exporters after the initiation, has responded to the exporters' questionnaire by giving information with regard to market economy questionnaire and various appendices

mentioned in the exporters' questionnaire. As no information has been received from any exporter/producer from other than M/s Jinan Juda from China PR, the Authority has constructed the normal value on the basis of facts available as mentioned in the para 7 of the Annexure 1 of the Anti dumping rules. In this regard, it is noted that no information has been provided to the Authority with regards to the price or constructed value in the market economy third country (analogue country being the USA in this case) or the price from such a third country to other countries. As no information as mentioned above has been received, the Authority has constructed the normal value on the basis of normal value considering cost of production in India, duly adjusted including selling, general and administrative overheads and reasonable profit. The export price has been determined based on the transaction wise data of imports culled out from information provided by official statistics for subject goods.

### E.3 Normal value in case of Market Economy Countries

#### Methodology for working out dumping margin for responding exporters

23. It was first determined that whether the total domestic sales of the subject goods with regard to their PCN (Product control nomenclature) by the producers/exporters in the subject country was representative when compared to their total sales of the subject goods ( for the same PCN) concerned sold in the exporting country. Thereafter, it was examined whether their sales (PCN wise) are under ordinary course of trade in terms of Rule 2 of the annexure I to the anti dumping rules. The exporters have provided transaction wise details of sales made in home market. The information has been relied upon to determine separate weighted average selling price for each type of NFY, considering denier, category, cross-section, dyeing, packing, grade and luster of the NFY sold in the home market. In case sales volume in the domestic market of a particular type of NFY is more than 5% of exports to India, the domestic price has been considered. In other cases, the cost of production determined by the Authority on the basis of the exporter data as per appendix 8 have been used to work out normal value, after adding reasonable profit margin. The cost of production claimed by the exporters have been admitted after suitable modification ( after preliminary findings and during the verification tour). It may be added that separate costs of manufacturing of the subject goods solely in terms of the grade were not accepted by the Authority and the exporter have since revised the information in terms of the Appendix 8. Also, wherever, the separate cost of the production has not been submitted by the responding exporter, the Authority has used the costs of production of the nearest denier/grade/type/filament. The

Authority worked out the profit margin of the profitable sales of the various PCN's and these have been added to the cost of the production of the those sales which were not made in the domestic market (corresponding to the sales made to India with regard to same PCN) to work out the constructed normal value for those corresponding PCN (to those exported to India) which were not sold in the domestic market.

24. The selling price of each PCN has been compared with the cost of production of same PCN. In cases where such prices were below cost of production PCN wise, then cost of production, with reasonable addition for profit ( as mentioned above) has been considered for determination of normal value. Wherever such selling prices were above cost of production of corresponding PCN, such selling prices have been considered for determination of normal value.

25. For the determination of the ordinary course of trade test, the cost of production of the product concerned was examined with reference to the records maintained by the producer. Further, all domestic sales transactions were examined with reference to the cost of production of the subject goods to determine whether the domestic sales were in the ordinary course of trade or not. Thus only the profitable transactions have been taken into consideration for the determination of normal value for the cooperating exporter where sales below costs exceed 20%. With regards to comments made by various interested parties post disclosure, it is clarified that product types not exported to India have not been included for determination of dumping margin. These have however been included for the purpose of determination of profits made by the company from the production and sales of the product under consideration in the domestic market. Further, the arguments by some of the interested parties to exclude PCN wherever their dumping margin is de minimus has not been accepted by the Authority as the Authority has determined one weighted average dumping margin for the product under consideration without zeroing.

#### Chinese Taipei

##### E. 4 M/s Suntex Fibers:

#### Normal value

26. During the provisional findings, the Authority had not accepted the cost of production data for the responding exporter as the required data was not in the format sent by the Authority to the exporter and also the fact that the data submitted by the exporter was incomplete.

After the preliminary findings and during the verification, the exporter submitted the domestic sales data and cost of production of Nylon-66 also. The cost of production data was also revised accordingly. It is recalled that the Authority had taken into account only three parameters for the purpose of dumping margin determinations for all the exporters as the exporters had not submitted the entire information for the product control number (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing). With the revised data, the sufficiency test was done PCN wise to determine whether the domestic sales were in sufficient quantity as compared to export sales to India for the corresponding PCN. Thereafter, 80-20 test was carried out to determine whether the domestic sales were in the ordinary course of trade or not. Following this, the entire domestic sales for the given PCN was accepted for the purpose of domestic sales price wherever more than 80% sales by quantity were more than the cost of production of the same PCN. Wherever the profitable sales were between 10% and 80% of the total quantity sold, only the profitable sales and not the total sales quantity and prices were taken into account for working out the domestic sales price for the corresponding PCN. Wherever the cost of production for the PCNs were not given, the authority has adopted the cost of production of the nearest denier wise cost of production submitted by the responding exporter. Thus, the normal value is was determined PCN wise for the responding exporter.

### EXPORT PRICE

27. Separate weighted average export price to India has been determined for each type of NFY, as explained above. Price adjustments have been claimed on account of adjustments like freight, insurance, warranty which were verified by the Authority. For the export sales to India, the authority verified the export sales in terms of various documents like shipping information, bill of lading, payment realization and invoices. The average PCN wise export sales to India (net of all the adjustments claimed by the exporter and verified by the Authority), were compared to the average PCN wise domestic sales to determine the dumping margin. Wherever, the domestic sales price of the corresponding PCN exported to India were not available, the authority worked out the constructed normal value for these PCNs by taking into account the cost of production and a suitable profit margin. The profit margin was worked out by taking into account the profit of profitable sales transaction divided by total profitable sales transactions. These dumping margin for individual PCN were weighted averaged for determination of a single dumping margin for the

responding exporter. After the analysis of the exporter's data, the dumping margin is worked out as US\$ \*\*\*\* or 8%.

#### E. 5 M/s Li Peng

##### Normal value

28. The Normal value has been determined as per methodology mentioned in the earlier paragraphs based on the domestic selling price of the subject goods of the exporter in the Chinese Taipei. It is recalled that the Authority had taken into account only three parameters for the purpose of dumping margin determinations for all the exporters as the exporters had not submitted the entire information for the product control number (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing). With the revised data, the sufficiency test was done PCN wise to determine whether the domestic sales were in sufficient quantity as compared to export sales to India for the corresponding PCN. Thereafter, 80-20 test was carried out to determine whether the domestic sales were in the ordinary course of trade or not. Following this, the entire domestic sales for the given PCN was accepted for the purpose of domestic sales price wherever more than 80% sales by quantity were more than the cost of production of the same PCN. Wherever the profitable sales were between 10% and 80% of the total quantity sold, only the profitable sales and not the total sales quantity and prices were taken into account for working out the domestic sales price for the corresponding PCN. Wherever the cost of production for the PCNs were not given, the authority has adopted the cost of production of the nearest denier wise cost of production submitted by the responding exporter. Thus, the normal value was determined PCN wise for the responding exporter.

##### Export price

29. M/s Li Peng has exported \*\*\*\* Kg of subject goods at a price of \*\*\*\*NTD to India during the POI. These exports match the official statistics with regards to the Quantity and names of the importers along with the dates. However, The prices charged by them very a great deal and as against a price of NTD \*\*\*\* during the POI as per their appendix 2, the weighted average CIF price as price as per the official statistics is only NTD \*\*\*\*. Thus, there is a huge

difference between price reported by the responding exporter and the price actually reported to Customs.

30. During the verification, the exporter confirmed that it had raised the commercial invoice for a lower amount as the balance amount was already paid by the importer through the TT payment. It was informed to the exporter that the export price recorded by the Indian customs pertain to the prices actually invoiced and shipped by the exporter to the Indian importer and hence, the only price evidenced by the commercial invoice and the payment realisation by L/C payment for the value given in the commercial invoice were taken into account for the purpose of determining the export price. The Adjustments on account of inland freight, commission, overseas freight, marine insurance, and other charges claimed by the exporter has been allowed after verifications. Separate weighted average export price to India has been determined for each type of NFY, as explained above. Price adjustments have been claimed on account of adjustments like freight, insurance, warranty. For the export sales to India, the authority verified the export sales in terms of various documents like shipping information, bill of lading, payment realization and invoices. The average PCN wise export sales to India (net of all the adjustments claimed by the exporter and verified by the Authority), were compared to the average PCN wise domestic sales to determine the dumping margin. Wherever, the domestic sales price of the corresponding PCN exported to India were not available, the authority worked out the constructed normal value for these PCNs by taking into account the cost of production and a suitable profit margin. The profit margin was worked out by taking into account the profit of profitable sales transaction divided by total profitable sales transactions. These dumping margin for individual PCN were weighted averaged for determination of a single dumping margin for the responding exporter. Post disclosure, the Authority has corrected the minor errors in the computation of dumping margin following comments made by the exporter. During the analysis of the exporter's data, the dumping margin is worked out as US\$ \*\*\*\* or 35.50%.

### South Korea

#### E.6 M/s Hyosung -Korea RP,

### Normal value

31. The Normal value has been determined as per methodology mentioned in the earlier paragraphs based on the domestic selling

price of the subject goods of the exporter in the Korea RP. During the provisional findings, the Authority had not accepted the cost of production data for the responding exporter as the required data was not in the format sent by the Authority to the exporter and also the fact that the data submitted by the exporter was incomplete. After the preliminary findings and during the verification, the Authority verified the domestic sales data with the records kept by the exporter. It is recalled that the Authority had taken into account only three parameters for the purpose of dumping margin determinations for all the exporters as the exporters had not submitted the entire information for the product control number (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing. However, subsequent to the preliminary finding and during the verification, the exporter submitted the revised appendices in terms of the PCNs revised by the authority. With the revised data, the sufficiency test was done PCN wise to determine whether the domestic sales were in sufficient quantity as compared to export sales to India for the corresponding PCN. Thereafter, 80-20 test was carried out to determine whether the domestic sales were in the ordinary course of trade or not. Following this, the entire domestic sales for the given PCN was accepted for the purpose of domestic sales price wherever more than 80% sales by quantity were more than the cost of production of the same PCN. Wherever the profitable sales were between 10% and 80% of the total quantity sold, only the profitable sales and not the total sales quantity and prices were taken into account for working out the domestic sales price for the corresponding PCN. Wherever the cost of production for the PCNs were not given, the authority has adopted the cost of production of the nearest denier wise cost of production submitted by the responding exporter. Thus, the normal value was determined PCN wise for the responding exporter.

#### Export price

32. It is recalled that the authority had accepted the export price of the responding exporter during the preliminary finding pending detailed examination and verification of the information by the authority. Subsequent to the preliminary findings, it was noted that the exporter has been exporting to India directly and also through various traders. For indirect exports, the exporter was raising the invoice on another trader who was allegedly and subsequently exporting to India. However, no evidence of any export price or payment by the importer or commission by the trader were submitted to the authority during the verification. During the filing of

response, these traders had not submitted information to the authority in terms of the prices and customers in India. During the verification process, it was submitted that the subject goods had shipped directly to India, however, the exporters of the subject goods did not provide any information with regard to the prices and various adjustments in their export to Indian customers. Though M./s. Hyosung did provide some fax copies of the shipment made to India by these traders, it could not substantiate along with the evidence that these subject goods had been shipped to India at a given price. Thereafter, the authority has taken into account only direct exports made to Indian customers by M/s. Hyosung for working out the export price to India. Separate weighted average export price to India has been determined for each type of NFY, as explained above. Price adjustments have been claimed on account of adjustments like freight, insurance, warranty. For the export sales to India, the authority verified the export sales in terms of various documents like shipping information, bill of lading, payment realization and invoices. The average PCN wise export sales to India (net of all the adjustments claimed by the exporter and verified by the Authority), were compared to the average PCN wise domestic sales to determine the dumping margin. Wherever, the domestic sales price of the corresponding PCN exported to India were not available, the authority worked out the constructed normal value for these PCNs by taking into account the cost of production and a suitable profit margin. The profit margin was worked out by taking into account the profit of profitable sales transaction divided by total profitable sales transactions. These dumping margin for individual PCN were weighted averaged for determination of a single dumping margin for the responding exporter. During the analysis of the exporter's data, the dumping margin is worked out as US\$ \*\*\*\* or 47.47%.

#### E.7 M/s Taekwang (TKI) -Korea,

##### Normal value

33. Substantial sales in the domestic market have been claimed as that of non-prime material and the cost of production of non-prime grade was claimed substantially lower than that of prime product. However, the authority had not accepted the lower cost of production for the non-prime grade and has taken it same as that of prime grade. After the preliminary findings and during the verification, the Authority verified the domestic sales data with the records kept by the exporter. It is recalled that the Authority had taken into account only three parameters for the purpose of dumping margin determinations for all

the exporters as the exporters had not submitted the entire information for the product control number (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing. However, subsequent to the preliminary finding and during the verification, the exporter submitted the revised appendices in terms of the PCNs revised by the authority. With the revised data, the sufficiency test was done PCN wise to determine whether the domestic sales were in sufficient quantity as compared to export sales to India for the corresponding PCN. Thereafter, 80-20 test was carried out to determine whether the domestic sales were in the ordinary course of trade or not. Following this, the entire domestic sales for the given PCN was accepted for the purpose of domestic sales price wherever more than 80% sales by quantity were more than the cost of production of the same PCN. Wherever the profitable sales were between 10% and 80% of the total quantity sold, only the profitable sales and not the total sales quantity and prices were taken into account for working out the domestic sales price for the corresponding PCN. Wherever the cost of production for the PCNs were not given, the authority has adopted the cost of production of the nearest denier wise cost of production submitted by the responding exporter. Thus, the normal value was determined PCN wise for the responding exporter.

### Export Price

34. During the verification, the exporter confirmed that it had raised the commercial invoice for an amount which it received the payment through T-T and balance L/C payment. It was also submitted by the exporters that they have realised the full payments against the shipments made to India for the said invoice. However, the information made available by the DGCIS (by correlating to the its customers in India) revealed that importers have filed bills of entries for a lesser value for the same quantity thereby the landed price for the subject transactions was much less than claimed by the exporter. In fact, in a few cases, the transaction amount as per DGCIS data tallied with the amount paid through L/C by Indian importers. During the verification process, it was informed to the exporter that the export price recorded by the Indian customs pertain to the prices actually invoiced and shipped by the exporter to the Indian importer and hence, the only price evidenced by the commercial invoice and the payment realisation by L/C payment or payment made by Indian importer for the value given in the commercial invoice were taken into account for the purpose of determining the export price. For this purpose, the Authority has taken into account the export price as claimed by the exporter

adjusted to the price reported in the DGCIS/port data for given transactions wherever, it showed a divergence. Separate weighted average export price to India has been determined for each type of NFY, as explained above. Price adjustments have been claimed on account of inland freight, insurance, credit costs, duty drawback etc which were verified by the Authority. For the export sales to India, the authority verified the export sales in terms of various documents like shipping information, bill of lading, payment realization and invoices. The average PCN wise export sales to India (net of all the adjustments claimed by the exporter and verified by the Authority), were compared to the average PCN wise domestic sales to determine the dumping margin. Wherever, the domestic sales price of the corresponding PCN exported to India were not available, the authority worked out the constructed normal value for these PCNs by taking into account the cost of production and a suitable profit margin. The profit margin was worked out by taking into account the profit of profitable sales transaction divided by total profitable sales prices. These dumping margin for individual PCN were weighted averaged for determination of a single dumping margin for the responding exporter. During the analysis of the exporter's data, the dumping margin is worked out as US\$ \*\*\*\* or 49.9%.

## Malaysia

### E.8 M/s Hualon Corporation

#### Normal value

35. During the preliminary findings, it was noted that the exporter had not provided separate cost of production for different deniers and other parameters PCN wise. However, subsequent to the preliminary findings and during verification, the responding exporter submitted the required information in the form and manner of the exporters questionnaire letter and PCN wise. After the preliminary findings and during the verification, the Authority verified the domestic sales data with the records kept by the exporter. It is recalled that the Authority had taken into account only three parameters for the purpose of dumping margin determinations for all the exporters as the exporters had not submitted the entire information for the product control number (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing. However, subsequent to the preliminary finding and during the verification, the exporter submitted the revised appendices in terms of the PCNs revised by the authority. With the revised data, the sufficiency test was done PCN wise to determine whether the domestic

sales were in sufficient quantity as compared to export sales to India for the corresponding PCN. Thereafter, 80-20 test was carried out to determine whether the domestic sales were in the ordinary course of trade or not. Following this, the entire domestic sales for the given PCN was accepted for the purpose of domestic sales price wherever more than 80% sales by quantity were more than the cost of production of the same PCN. Wherever the profitable sales were between 10% and 80% of the total quantity sold, only the profitable sales and not the total sales quantity and prices were taken into account for working out the domestic sales price for the corresponding PCN. Thus, the normal value was determined PCN wise for the responding exporter.

### Export Price

36. It is recalled that the authority had accepted the export price of the responding exporter during the preliminary finding pending detailed examination and verification of the information by the authority. Subsequent to the preliminary findings, it was noted that the exporter has been exporting to India directly and also through various traders. For indirect exports, the exporter was raising the invoice on another trader who was allegedly and subsequently exporting to India. However, no evidence of any export price or payment by the importer or commission by the trader were submitted to the authority during the verification. During the filing of response, these traders had not submitted information to the authority in terms of the prices and customers in India. During the verification process, it was submitted that the subject goods had shipped directly to India, however, the exporters of the subject goods did not provide any information with regard to the prices and various adjustments in their export to Indian customers. M/s Hualon could not substantiate along with the evidence that these subject goods had been shipped to India at a given price. Thereafter, the authority has taken into account only direct exports made to Indian customers by M/s. Hualon for working out the export price to India. Separate weighted average export price to India has been determined for each type of NFY, as explained above. Price adjustments have been claimed on account of adjustments like freight, insurance, warranty. For the export sales to India, the authority verified the export sales in terms of various documents like shipping information, bill of lading, payment realization and invoices. The average PCN wise export sales to India (net of all the adjustments claimed by the exporter and verified by the Authority), were compared to the average PCN wise domestic sales to

determine the dumping margin. Wherever, the domestic sales price of the corresponding PCN exported to India were not available, the authority worked out the constructed normal value for these PCNs by taking into account the cost of production and a suitable profit margin. The profit margin was worked out by taking into account the profit of profitable sales transaction divided by total profitable sales prices. These dumping margin for individual PCN were weighted averaged for determination of a single dumping margin for the responding exporter. During the analysis of the exporter's data, the dumping margin is worked out as US\$ \*\*\*\* or 3.9%.

## Thailand

### E.9 M/s Thai Taffeta:

37. During the preliminary findings, it was noted that exporter had not submitted the complete information with regards to various appendices of the exporters questionnaire and therefore. During the preliminary findings, it was also noted that the exporter had not provided separate cost of production for different deniers and other parameters PCN wise in the prescribed format . However, subsequent to the preliminary findings and during verification, the responding exporter submitted the required information in the form and manner of the exporters questionnaire letter and PCN wise. After the preliminary findings and during the verification, the Authority verified the domestic sales data with the records kept by the exporter. It is recalled that the Authority had taken into account only three parameters for the purpose of dumping margin determinations for all the exporters as the exporters had not submitted the entire information for the product control number (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing. However, subsequent to the preliminary finding and during the verification, the exporter submitted the revised appendices in terms of the PCNs revised by the authority. With the revised data, the sufficiency test was done PCN wise to determine whether the domestic sales were in sufficient quantity as compared to export sales to India for the corresponding PCN. Thereafter, 80-20 test was carried out to determine whether the domestic sales were in the ordinary course of trade or not. Following this, the entire domestic sales for the given PCN was accepted for the purpose of domestic sales price wherever more than 80% sales by quantity were more than the cost of production of the same PCN. Wherever the profitable sales were between 10% and 80% of the total quantity sold, only the profitable sales and not the total sales quantity and prices were taken into account for working out the domestic sales price for the corresponding

PCN. Thus, the normal value was determined PCN wise for the responding exporter.

### Export price

38. Separate weighted average export price to India has been determined for each type of NFY, as explained above. Price adjustments have been claimed on account of freight, insurance, credit costs, customs clearances, packings etc., which have been verified. During the verification, the exporter confirmed that it had raised the commercial invoice for an amount which it received the payment through T-T and balance L/C payment. It was also submitted by the exporters that they have realised the full payments against the shipments made to India for the said invoice. However, the information made available by the DGCIS (by correlating to the its customers in India) revealed that importers have filed bills of entries for a lesser value for the same quantity thereby the landed price for the subject transactions was much less than claimed by the exporter. In fact, in a few cases, the transaction amount as per DGCIS data tallied with the amount paid through L/C by Indian importers. During the verification process, it was informed to the exporter that the export price recorded by the Indian customs pertain to the prices actually invoiced and shipped by the exporter to the Indian importer and hence, the only price evidenced by the commercial invoice and the payment realisation by L/C payment or payment made by Indian importer for the value given in the commercial invoice were taken into account for the purpose of determining the export price. For this purpose, the Authority has taken into account the export price as claimed by the exporter adjusted to the price reported in the DGCIS/port data for given transactions wherever, it showed a divergence. The Adjustments on account of inland freight, commission, overseas freight, marine insurance, and other charges claimed by the exporter has been allowed after verifications. Separate weighted average export price to India has been determined for each type of NFY, as explained above. Price adjustments have been claimed on account of adjustments like freight, insurance, warranty. For the export sales to India, the authority verified the export sales in terms of various documents like shipping information, bill of lading, payment realization and invoices. The average PCN wise export sales to India (net of all the adjustments claimed by the exporter and verified by the Authority), were compared to the average PCN wise domestic sales to determine the dumping margin. Wherever, the domestic sales price of the corresponding PCN exported to India

were not available, the authority worked out the constructed normal value for these PCNs by taking into account the cost of production and a suitable profit margin. The profit margin was worked out by taking into account the profit of profitable sales transaction divided by total profitable sales price. These dumping margin for individual PCN were weighted averaged for determination of a single dumping margin for the responding exporter. During the analysis of the exporter's data, the dumping margin is worked out as US\$ \*\*\*\* or 25.74%.

#### E.10 M/s Asia Fibre

##### Normal value

39. With regard to the determination of normal value, during preliminary findings, it was noted that the exporter had given the costing of only one product which is exported to India and also sold in the domestic market. However, subsequent to the preliminary findings and during verification, the responding exporter submitted the required information in the form and manner of the exporters questionnaire letter and PCN wise. After the preliminary findings and during the verification, the Authority verified the domestic sales data with the records kept by the exporter. It is recalled that the Authority had taken into account only three parameters for the purpose of dumping margin determinations for all the exporters as the exporters had not submitted the entire information for the product control number (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing. However, subsequent to the preliminary finding and during the verification, the exporter submitted the revised appendices in terms of the PCNs revised by the authority. With the revised data, the sufficiency test was done PCN wise to determine whether the domestic sales were in sufficient quantity as compared to export sales to India for the corresponding PCN. The said transaction was more in sufficient quantity. Thereafter, the normal value was worked out by taking into account the domestic sales price of the same PCN sold in the domestic market which was exporter to India.

##### Export Price

40. M/s. Asia Fibre has exported 9504 Kg quantity of India with a gross sales price per kg at the CIF level of US \$ 1.85/kg. For the purpose of final finding and after verification in this matter, the

adjustment claim by the responding exporter on account of packing, inland freight, overseas freight, overseas insurance and shipping charges have been allowed as claimed. After the analysis of the exporter's data, the dumping margin is proposed to work out as US\$ \*\*\*\* or 31%.

Indonesia

41. As there was no cooperation from any of the producers/exporters from Indonesia, the normal value has been constructed using the best facts available. The weighted average export price has been determined by taking the IBIS data. After examination, the dumping margin is worked out as US\$ \*\*\*\* or 118%.

(c) Comparison and Dumping Margin

42. For the purpose of a fair comparison between the normal value or (constructed normal value) as mentioned in the relevant paragraphs and export price at an ex factory level, due allowance in the form of adjustments was made for differences which affect prices and price comparability subject to their being verified after the provisional determination. For other producers and exporters from subject countries who have not responded to the initiation notification and those who have not submitted their exporters questionnaire, Normal value has been determined as per the facts available while the export price has been determined as per the price available in the official statistics. The Authority has worked out a Dumping margin for each of the different PCN (PCN or Product Description taking into account the denier, the filament, the cross section, the lustre, the grades, the colour and packing by making a comparison between the normal values and export price of the different PCN at ex factory level. This comparison was based on the weighted average selling price of each PCN of the subject goods manufactured by the producers/exporters and exported to India during the POI for which a comparable type of the subject goods could be found. Thus, weighted average overall dumping margin was determined by computing the dumping found on each type without zeroing negative dumping found on individual types. The comparison showed the existence of dumping of the subject goods by the exporters during the POI. The weighted average dumping margin, expressed, as a percentage to the export price has been determined.

Country	Producers/Exporters	DM US \$	DM%
China PR	M/s Jinan Juda Fiber Co. Ltd	****	83

	Others	****	83
Korea RP	Taekwang Industrial Co Ltd	****	49.9
	HYOSUNG Corporation	****	47.47
	Others	****	74
Malaysia	Hualon Corporation	****	3.9
	Others	****	53.7
Chinese Taipei	Suntex Fiber Co Ltd.	****	8
	Lipeng Enterprise Co., Ltd	****	35.5
	Others	****	68
Thailand	Asia Fiber Public Company Ltd	****	31
	Thai Taffeta Co., Ltd	****	25.74
	Others	****	59.45
Indonesia	All producers/exporters	****	118

## F. INJURY AND CAUSAL LINK

### METHODOLOGY FOR INJURY DETERMINATION AND EXAMINATION OF CAUSAL LINK

#### F.1 VIEWS OF EXPORTERS, IMPORTERS, USERS ETC

43. There is no injury to the domestic industry, injury if any, is not due to alleged dumping. The inter-se pricing and cost of the domestic producers has to be analyzed in order to determine whether some producers are making profit, whereas others are making losses and combined effect shows a loss to the domestic producers. It has also been submitted that there is neither volume injury nor price injury. Though dumping is denied, however, begs the question that if there was prior dumping for years how did the injury occur only during the POI, which indicates further that injury during the POI is attributable to causes other than dumping. Increased production of domestic industry shows attractiveness of the business of the domestic industry. It has also been submitted that the demand as also sales, imports increased. Since Century Enka have supported and Baroda Rayon have not opposed, the volume effect need be taken considering data of industry as a whole. Increase in sales of domestic industry shows absence of any adverse volume effect. The increase in sales, imports etc is with the increase in demand of product concern. Sales of other domestic producers has grown more substantially than domestic industry, prima facie, factors other than alleged dumping have

inhibited the ability of the applicant to increase sales commensurate with the increase by the other producers. It has also been added that applicants were unable to meet the increased demand of product in India, resultantly consumers were forced to import. The change in imports volumes and prices alleged during the POI was less than the sudden alleged deterioration in the applicants employment levels. Applicants have admitted productivity gains. Authority may treat the allegation of the applicants with great circumspection and look at labour problems and compare performance of other domestic producers. Overall employment at all domestic producers, importers, and users have likely to have risen. There is no price undercutting, which is evident from the fact that the applicants net sales realization rose even though the landed price of imports from subject countries allegedly declined. The NSR of nearly Rs. 17/- has been virtually admitted by the Applicants and has not been denied. It has also been submitted that inventories have declined. Since other domestic producers have increased production, utilization and sales more substantially, the Applicants allegation may be treated as utmost circumspection. Domestic sales of Applicants and other domestic producers have also grown substantially as has imported from other countries allegedly much higher prices. Hence price is not seen as the main factor. There was no price undercutting. There is no causal link, rather there is admission by the applicants for injury in POI and improvement in performance during POI. Volume of imports from other countries has higher growth than sales growth of applicants and cumulatively exceeds the cumulatively thresh-hold to avoid de-minimus exclusion. Imports price from some of the other countries are in the range from the subject countries during POI. In any case imports prices including from subject countries risen substantially during POI. The Authority have evaluated injury of the domestic industry based on selective data/information with regard to the injury parameters, which is inconsistent and is in contradiction with the actual performance of the petitioner companies with regard to the NFY segment, as reported in the annual report of the respective companies. The primary source of compiling information for this purpose is financial records of the respective companies. Therefore contradiction in the performance and annual reports is not justified. Analysis of the Designated Authority regarding capacity utilization is in contrast with the depicted by the JCT and Modipon in annual reports. Authority should reexamine the same. PBT situation of the domestic industry as per Designated Authority is in contrast with the annual report of JCT and Modipon. It is admitted fact that there is no ideal capacity with the applicants and they are not able to meet the demand of product in India. It has been submitted that there has been no

pressure upon prices of the domestic industry as prices has been increasing all along during the POI.

## F.2 VIEWS OF THE DOMESTIC INDUSTRY

44. It has been submitted that Annexure II prescribes for volume injury or price injury or both. It has been added that the domestic industry has faced both volume and price injury. Imports have increased from just 4000 MT to 16000 MT, resultantly domestic industry have lost sales and market share. Demand of product have shown significant positive growth in India, however, the domestic industry has not been able to maintain its market share. Increase in demand and lower increase in sales of the domestic industry resulted into loss of production by the domestic industry. Domestic industry has added its capacity, which was in anticipation of demand increase. Demand increased more that increase in capacity; however, due to available of dumped subject goods in the market, domestic industry has not been able to utilize its capacity to fullest extant. It has also been submitted that earlier, while volume of dumped imports was lower and price was relatively higher (in relation to raw material price), constituents of domestic industry has been able to achieve higher production. However with the increase in demand, imports increased more than increase in demand i.e. also a dumped prices, resultantly, capacity utilization of the domestic industry declined. Production of constituents of the domestic industry in the optimum utilization would have been 36785 MT, therefore, the domestic industry have lost significant volume due to sharp increase in dumped imports in India. Sharp increase in dumped imports at a price, which do not permit recovery of even raw material cost resulted into severe price injury to the domestic industry. It has also been argued that the demand of the product in the country shows positive growth and increased by 75% in the injury period. Though, sales of the domestic industry increased by 30%, however, increase in sales is significantly below the increase in demand of the product in the country, resulting into decline in market share of domestic industry from 63.47% to 47.86%. Further, Imports have captured significant market share, market share of imports increased from 12.49% to 28.02%. Export price of the product since last four years remained more or less stable (in-fact declined when compared to raw material prices) despite the fact that the raw material prices have increase by 49%. Increase in raw material prices, should have resulted into increase in export prices but, there is no proportionate increase in export price, which resulted into increase in imports from just 4078 MT in base year to more than 15900 MT in period of investigation showing 290%

increase. The fact of Caprolactam prices is more relevant for examination of dumping. One of the constituents of the domestic industry M/s. Gujarat State Fertilizers Company Limited is a producer of Caprolactam and have exported Caprolactam to subject country(ies). The price at which Caprolactam has been exported to subject country(ies) is even higher than price at which subject goods is being exported from these countries to India, which shows that the exporters are not even recovering their raw material cost. It is seen that the sales volume of the domestic industry increased. At the same time, there is a continuous increase in demand of subject goods in India. While the increase in sales is reflective of a new production line being shifted from PFY to NFY within the Country, which was well expected by the industry and industry has shifted its PFY capacity to NFY, however, the industry has not been able to get benefit of this increased demand as significant market share has been captured by the dumped imports. Domestic industry have also lost significant market share. It has also been argued that the performance of the domestic industry which has been improving till 2003-04 deteriorated again in period of investigation, which is directly due to severe increase in imports in India.

45. Domestic industry has made losses in base year, which could be due to storm/flood in Gujarat, which is one of the major consumption area for product under consideration. Subsequently, domestic industry has been improving itself from such effect. However, imports from subject countries started significantly at dumped prices, resulted into severe losses to the domestic industry in period of investigation. Productivity of the domestic industry, has been increasing, however increased productivity did not help the domestic industry in terms of profits as profitability which was improving again deteriorated in period of investigation due to sharp increase in imports at dumped prices. Return on investments (profit before interest) shows the same trend as that of profits Capacity, Production and Capacity Utilization. Landed value of imported product from each of the subject countries was significantly lower than net sales realization of the domestic industry, causing severe price undercutting in the Indian market. The domestic industry has not been able to increase its price in line with the increase in raw material cost, which is due to the fact that dumped impost from subject countries have increased significantly. Dumping Margin from each of the subject countries is significant. Domestic industry has been forced to restrict its production and reduce its prices, therefore, losses of the domestic industry, after reduction increased in period of investigation. Employment level of the domestic industry remained more or less constant. Wages of the domestic industry in absolute term have increased. At the same time,

production of the domestic industry has increased which resulted into reduction of wages per unit of production. The Designated Authority is required to determine injury to "domestic industry" and not "Indian industry". The Designated Authority has verified information filed by the petitioner companies. Further, practicing cost accountants have also certified these information.

46. There are arguments of opposing interested parties that selling price of the domestic industry disclosed in the preliminary finding is very near to non-injurious price of the domestic industry and NIP. It is submitted by the domestic industry that the data submitted by the domestic industry have been verified to the extent desired. Domestic industry has provided all necessary information for the purpose of the injury analysis including profits. The information clearly shows that the domestic industry have made losses. Regarding little difference in NIP and selling price, domestic industry submits that the NIP determined by the Designated Authority is on lower side and requires reconsideration. NIP of the domestic industry needs to be revised upward. Regarding profits being made by Century Enka, domestic industry submits that the allegation made by the opposing interested parties is wrong as Century Enka has at best made a sub-optimal profit in the relevant period. The company since then has provided relevant information to the Authority in this regard. Domestic industry has furnished imports of NFY from all sources. It may be seen that imports from other than subject countries are either negligible or the export price is higher. Petitioner has examined imports from all sources in detail, which shows that material is being exported from other countries also. However, volume is de-minimus. It cannot, therefore, be said that the imports from other countries have also caused injury to the domestic industry. Demand of the product under consideration shows a significant positive trend. Possible decline in the demand has not, therefore, caused material injury to the domestic industry. With regards to the technology, it is submitted that the technology adopted by domestic industry is comparable to the technology adopted by other players' world-over. There is no significant difference in the manufacturing process. In fact, technology for production is fairly matured, established and standardized, with little technological innovations and developments. There are no other factors for this injury but for the dumping.

#### Examination by the Authority

47. A number of interested parties have argued that the quality of the product under consideration plays an important role in determination of dumping & injury. The Authority considers that this quality claim is nothing but gradation of the product into various categories, which is done after the goods are produced. The product properties remains essentially remains the same and the products with different qualities are employed for similar functions & uses. There is no dispute that the associated cost of production of products with different qualities remains the same. In fact, quality is a matter of pricing and varies from company to company. As regards dumping, as stated earlier, the Authority has considered prices in the domestic market in respect of product of the same quality. However, in those situations where product of the same quality is not available, the Authority is required to consider another product with most closely resembling product characteristics. Therefore, the Authority is required to consider prices of another product with difference in quality. As regards the difference in quality, the exporters could have claimed a quantified price adjustments, which has not been done. It would not be appropriate to consider cost of production in these cases, as cost of production can be considered only when price of like article in the domestic market is not available. Accordingly, the Authority has considered prices of most comparable quality product and made allowance for the difference in quality on the basis of best information available in the absence of any claim from the exporters.

48. As regards injury determination, the Authority considers that the Rules require determination of injury to the domestic industry producing like article. There is no dispute that the imported product and domestic products with the sole difference in quality are like articles. At best, the comparison could have been done after making allowance for the difference in quality on the basis of quantified claim. It has been argued that the injury to the domestic industry should be determined separately for different product types. The Authority however notes that the Rules require determination of injury to the domestic industry. Domestic industry has been defined as producers as a whole (or a major proportion thereof) engaged in production of like article. Further, like article has been defined as a product which is identical or most closely resembling to the imported product. Considering these various provisions, the Authority holds that injury to the domestic industry is required to be determined in terms of "like article as a whole" and not in terms of various types forming part of the like article.

49. Annexure II to the Anti dumping Rules requires that a determination of injury shall involve an object examination of the

consequent impact of these imports on domestic producers of such products. The Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow inventories, employment, wages, growth, ability to raise capital investments.

50. The Designated Authority in accordance to the Rules, have examined various economic parameters and indices as discussed hereunder:

Annexure II (iv) to the Rules states as under:-

*(iv) the effect of the dumped imports shall be assessed in relation to the domestic production of the like article when available data permit the separate identification of that production on the basis of such criteria as the production process, producers sales and profits. If such separate identification of that production is not possible, the effects of the dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided.*

51. Injury information has been provided by the domestic industry in respect of like article to the extent feasible and separately available. However, in case a particular information is not separately available in respect of the like article, because separate identification of that information is not feasible, information has been relied upon in respect of narrowest group/range of products, which includes the like article and for which the necessary information was available.

52. It is recalled that the Designated Authority had asked domestic industry to provide detailed injury information for objective examination of various factors of injury to the domestic industry. For this purpose information for 2001-02, 2002-03, 2003-04 and period of investigation was sought by the Authority. During the examination and verification of the records and after onsite verification, it was noted that the domestic industry had been making losses in the first year of injury period. It was claimed that the losses in the first year was due to massive earthquake which

had hit Gujarat, significantly disrupting the Surat market, which consumed about 65-70% of the product. In this regard, it was submitted that the directors report of the Shree Synthetics for the year 2000-01 mention that

*“The natural calamity i.e. devastating earthquake has disrupted the business in Gujarat, the major consuming state of the product of your company as strike resorted by weavers due to imposition of duty by Government has further bearing on the margins.*

53. Further, Directors Report for 2000-01 in case of M/s Modipon states that

- “(I) Surat, the largest market for Synthetic Filament Yarn, was adversely affected by strike / partial closure by Weavers and Fabric Traders on account of hike in power tariff as well as change in the Excise Duty structure on Fabric by bringing ad-volorem rates as against the compounded levy on chambers.*
- (ii) in view of major earthquake in Gujarat, the business activities in and around Surat were badly affected.....*
- (iii) In the Union Budget 2000-01, an anomaly was created in the import duty structure. The imports duty on NFY and PFY was lowered at 20%, whereas import duty on Caprolactum, DMT, PTA and MEG (Raw Materials) was fixed at 27.5%. Due to this anomaly in the import duty structure, substantial imports NFY and PFY were made during this period from Indonesia, Taiwan, China etc.*

54. It was thus claimed along with evidence that there were several factors responsible for the adverse performance of the domestic industry during the base year and the request was made that first year should be excluded from for examination of injury to the domestic industry. However, as a matter of consistent practice, the Designated Authority has not excluded the first year for examination of injury, however, merely because, domestic industry was facing injury in 2001-02 presumably due to other causes. However, it is again reiterated that it is not the performance of the domestic industry during the POI vis a vis its performance in the base year that is material, rather, it is trend of the various indicators during the injury period and also during the POI that is important for concluding the injury to the domestic industry.

## Import statistics

55. Some interested parties disputed consideration of IBIS data for determination of import volumes. A number of interested parties collected IBIS transaction wise import data made available by petitioners through public file. However, nothing of these parties made any submissions establishing that the determination of import volumes on this basis was inappropriate. Further, neither the responding consumer associations nor other interested parties brought any other evidence with regard to import volumes from the subject countries.

The Authority did not consider import volumes on the basis of DGCI&S data in the preliminary findings, as the IBIS evidence showed that the product was cleared in a very large number of customs classification, as listed below:- [from preliminary findings]

5402.39, 5402.59, 54020000, 54020200, 54020400, 54020900, 540210, 54021000, 54021001, 54021002, 54021003, 54021009, 54021010, 54021090, 54021100, 54021500, 54022000, 54022001, 54022010, 54022090, 54022400, 54022430, 54022900, 54023000, 54023001, 54023100, 54023200, 54023300, 54023900, 54023901, 54023909, 54023910, 54023920, 54023990, 54024000, 54024100, 54024101, 54024109, 54024200, 54024201, 54024210, 54024300, 54024900, 54024901, 54025100, 54025200, 54025400, 54025900, 54025901, 54025909, 54025910, 54025990, 54026000, 54026100, 54026200, 54026300, 54026900, 54026901, 54026901, 54026910, 54026920, 54026940, 54026950, 54026990, 54029000, 54029900

56. In view of arguments raised by the interested parties, the Authority further collected imports information from the DGCI&S for other customs classifications in which the imports were reported. The information submitted by DGCIS showed full chapter entries of 54 chapter which run into more than 8800 transactions. However, after examination of the information, it was noted that many of the entries were blank or the product information is incomplete. Therefore, it was not possible to cull out the information from DGCIS information.

Further, the Authority reviewed the entire import data provided by the IBIS to examine whether any imports of products other than product under consideration were included in that information. It was found that the imports transactions considered for cumulating

imports indeed pertains to the product under consideration only. The Authority therefore concludes that it would not be inappropriate to rely upon IBIS information for determination of import volumes.

It is therefore considered more appropriate to base the Final findings on information compiled by secondary sources. The volume and price of imports of subject goods from subject countries as culled out from the secondary source data was kept in the public file for the information of all interested parties. With regards to arguments from the other interested parties about the inclusion of other products of chapter 54 in the imports statistics in their post disclosure statements, it is clarified that the Authority has considered imports of NFY as defined in the product under consideration only for the purpose of injury assessment. Imports of other products have been segregated and not included in volume of import from subject countries.

#### Cumulative assessment

57. Annexure II (iii) to the Anti Dumping Rules provide that in case imports of a product from more than one country are being simultaneously subjected to anti dumping investigations, the designated authority will cumulatively assess the effect of such imports, in case it determines that:

- (a) the margin of dumping established in relation to the imports from each country is more than two percent expressed as percentage of export price and the volume of the imports from each country is three percent of the imports of the like article or where the export of the individual countries less than three percent, the imports cumulatively accounts for more than seven percent of the imports of like article, and;
- (b) Cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

The Authority finds that

- i) the margins of dumping from each of the subject country are more than 2% (de-minimus) as may be seen from the earlier paragraphs;

- ii) the volume of imports from each of the subject countries is more than 3%;
- iii) The Domestic industry produces various deniers of product under consideration and the same deniers are also being produced by producers in subject countries also. The product manufactured by the producers from the subject countries inter-se and in comparison to the product manufactured by domestic industry has comparable properties. Thus, subject goods supplied by the domestic industry are like articles to the subject goods exported by various subject countries.
- iv) It is noted that imported products and domestic like products are being interchangeably used. Evidence of imports by various parties and correlation of the same with customer wise sales of the domestic industry makes it evident that there are a number of parties who have resorted to purchase from the domestic industry and imports from subject countries. It is further noted that subject goods exported by various countries compete in the same market;
- v) The subject goods supplied by various producers from different subject countries are being marketed in India during the same periods through comparable sales channels
- vi) Price undercutting is positive and significant in respect of subject countries.
- vii) The domestic producer and exporters in the subject countries are selling the product to the same category of consumers.

58. In view of the above, it is held that cumulative assessment of impact of imports on the domestic industry would be appropriate in the present case.

#### Assessment of demand

59. For the calculation of the Domestic consumption/demand of the product under consideration, the authority added the sales volume of the domestic industry and other Indian producers to the total imports into India. Domestic industry has determined import volume and value based on the data collected from secondary source i.e. International Business Information Services. Domestic industry has claimed that information provided by secondary source includes information of imports reported on very selected ports. It is further claimed that DGCI&S is the only agency in India covering all ports. Designated Authority has requested DGCI&S to

provide the said information on transaction to transaction basis, which was received by the Designated Authority. Designated Authority has examined the information and found that the information provided by the DGCI&S is not useful as it does not contain complete description of import transaction and in absence of which segregation of imports of subject goods and other goods is not possible. Therefore, Designated Authority has considered and therefore relied upon the data of the IBIS for the purpose of import statistics with regards to the quantity and price of the subject goods for the purpose of provisional findings further examination. A copy of the import data taken into account by the Authority is also kept in the public file for the benefit of all interested parties.

	2001-02	2002-03	2003-04	POI
Sales of Domestic industry	25,996	29,687	30,922	35,138
Sales – Indexed	100.00	114.20	118.95	135.17
Sales of Other Indian Producers	2,000	2,000	2,000	2,000
Sales Captive	0	161	223	284
Imports – Subject Countries	4,078	6,204	12,131	16,350
Imports – Subject Countries – Indexed	100.00	152.12	297.48	400.94
Imports – Other Countries	588	1,280	2,560	3,262
Demand	32,662	39,332	47,836	57,035
Demand – Indexed	100.00	120.42	146.46	174.62

From the above table, it may be concluded that the demand of the subject goods in the country shows positive growth and increased by 75% in the injury period.

#### Import volumes and market share

60. With regard to the volume of the dumped imports, it has been examined whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in India. Annexure-II (ii) of the Anti-dumping rules provides as under :-

*“While examining the volume of dumped imports, the said authority shall consider whether there has been a significant increase in the dumped imports, either in absolute term or relative to production or consumption in India .....*”

61. After examination of the import data, it is noted that volume of dumped imports has increased in absolute terms from subject countries during the injury period. It is also noted that the volume of imports shows sharply increasing trend. Further, the imports in relation to production and demand increased as is evident from the

	2001-02	2002-03	2003-04	POI
Imports				
China	944	1,020	1,890	2,254
Indonesia	1,016	1,495	4,515	4,563
Malaysia	815	1,358	1,896	3,455
Thailand	323	908	805	1,370
Korea	712	924	2,080	3,060
Taiwan	267	498	945	1,648
Subject Countries	4,078	6,204	12,131	16,350
Other Countries	588	1,280	2,560	3,262
Total Imports	4,666	7,484	14,692	19,612
Market Share in Imports				
China	20.24	13.64	12.86	12.91
Indonesia	21.78	19.98	30.73	21.91
Malaysia	17.47	18.15	12.91	17.21
Thailand	6.92	12.13	5.48	6.69
Korea	15.25	12.35	14.16	15.49
Taiwan	5.73	6.65	6.43	8.03
Subject Countries	87.39	82.89	82.57	82.24
Other Countries	12.61	17.11	17.43	17.76
Demand	32,662	39,332	47,836	57,035
Market Share in Demand				
China	2.89	2.59	3.95	3.95
Indonesia	3.11	3.80	9.44	8.00
Malaysia	2.50	3.45	3.96	6.06
Thailand	0.99	2.31	1.68	2.40
Korea	2.18	2.35	4.35	5.37
Taiwan	0.82	1.27	1.98	2.89
Subject Countries	12.49	15.77	25.36	28.67
Other Countries	1.80	3.25	5.35	5.72
Domestic industry	79.59	75.89	65.11	62.11
Indian Industry	85.71	80.97	69.29	65.61
Production of Domestic industry	26,019	30,159	31,303	36,100
Imports in relation to production of domestic industry				
China	3.63	3.38	6.04	6.24
Indonesia	3.91	4.96	14.42	12.64
Malaysia	3.13	4.50	6.06	9.57
Thailand	1.24	3.01	2.57	3.80
Korea	2.74	3.06	6.64	8.48
Taiwan	1.03	1.65	3.02	4.56
Subject Countries	15.67	20.57	38.75	45.29
Other Countries	2.26	4.24	8.18	9.04

table below.

62. It is thus noted that the Imports have increased in absolute term from just 4078 MT to 16350 MT and imports have increased in relation to demand of the product in the Country from 12.49% to 28.67% and imports have increased in relation to production of the product by the domestic industry from 19.46% of production to 58.42% in period of investigation. More ever, while market share of the subject countries in demand have increased from just 12.49% to 28.67% that of the Indian industry has declined from 86% to 66%. In view of the above, it is concluded that that the dumped imports from subject countries show adverse volume effect.

#### Price effect of imports

63.. With regard to the effect of the dumped imports on prices, it has been examined whether there has been a significant price undercutting by the dumped imports as compared with the price of the like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. In order to assess the effect of imports on the domestic market an analysis of import prices over the injury period was made. It was noted that the exporters from subject countries have not increased their prices, due to increase in raw material price internationally. It is further noted that Nylon Filament Yarn is a petrochemical product and is produced from Nylon Chips, which is produced from Caprolactum and Caprolactam is produced from Benzene, which is another petrochemical product. Prices of Caprolactum have increased very significantly in the last two years. Increase in prices of Caprolactum is due to increase in Benzene prices, which is due to increase in crude oil prices. Increase in crude oil price is well known international phenomena. It therefore, does not appear likely that producers of subject countries have not got affected due to the increase in Caprolactum prices. Caprolactam prices over the years is given in the table below:-

	2001-02	2002-03	2003-04	POI
Caprolactam Price	42.71	54.30	57.17	80.12
Indexed	100.00	127.14	133.86	187.59
Export Price				
China	72.55	86.85	82.43	82.79
Indonesia	61.02	70.97	82.78	77.71
Malaysia	132.57	107.91	105.78	101.26
Thailand	78.90	80.83	65.70	57.53
Korea	67.05	75.36	74.58	76.66
Taiwan	65.23	72.81	70.28	65.21
Subject Countries	80.74	83.91	82.81	80.24

Indexed	100.00	103.94	102.56	99.38
Imports price as a % of Caprolactam Price				
China	169.86	159.94	144.18	103.34
Indonesia	142.87	130.71	144.80	96.99
Malaysia	310.40	198.73	185.03	126.39
Thailand	184.73	148.85	114.91	71.80
Korea	157.00	138.79	130.46	95.68
Taiwan	152.72	134.09	122.93	81.39
Subject Countries	189.04	154.54	144.85	100.15
Landed Price of Imports				
China	87.93	105.26	99.90	100.34
Indonesia	73.95	86.02	100.33	94.18
Malaysia	160.68	130.79	128.21	122.73
Thailand	95.62	97.96	79.62	69.72
Korea	81.27	91.34	90.40	92.91
Taiwan	79.05	88.25	85.18	79.03
Subject Countries	97.85	101.70	100.36	97.25

It is evident from the above that Caprolactum prices have increased significantly over the years, however, export price from subject countries have not increased with the increase in prices of Caprolactum in respect of their exports to India. Import prices as a % of Caprolactum price is also examined by the Designated Authority from which it was found that earlier, the export price was 89% higher than Caprolactam prices, declined significantly and became equal to caprolactam price in the period of investigation. Thus, there is a big fall in the effective realization of the exporters in respect of their exports to India. Further, decline in the CIF export price appears to have a direct adverse impact on the domestic industry and reduction in the landed price of import appears to have been responded by domestic industry by effecting price declines resulting in loss of market share. Net sales realization of Domestic Industry is considered as selling price, excluding of taxes & duties, rebates, discounts & commissions and freight & transportation. Entire sales volumes of the domestic industry have been included in the calculations. Landed price of imports has been determined considering weighted average CIF import price, with 1% landing charges<sup>1</sup> and applicable basic customs duty.

64. A comparison for product concerned was made between the landed value of exported product and the average selling price of the domestic industry for domestic market net of all rebates and taxes for sales made to unrelated customers, at the same level of trade. The prices of the domestic industry were determined at the ex factory level. The CIF prices of the subject country concerned were adjusted for post

importation applicable duties. This comparison showed that during the period of investigation, the subject goods originating in each of the subject countries were sold in the Indian market at prices which undercut the domestic industry's prices when expressed as a percentage of the domestic selling prices of the domestic industry as is evident from the table below.

65. It is seen that import prices (after including basic customs duties) has been significantly below the net sales realization of the domestic industry, thus resulting in significant price undercutting. It is evident from the above that the price effect of dumped imports on the domestic industry has been very significant and has adversely affected the domestic industry.

	2001-02	2002-03	2003-04	POI
Export Price				
China	72.55	86.85	82.43	82.79
Indonesia	61.02	70.97	82.78	77.71
Malaysia	132.57	107.91	105.78	101.26
Thailand	78.90	80.83	65.70	57.53
Korea	67.05	75.36	74.58	76.66
Taiwan	65.23	72.81	70.28	65.21
Subject Countries	80.74	83.91	82.81	80.24
Landed Price				
China	87.93	105.26	99.9	101.89
Indonesia	73.95	86.02	100.33	94.67
Malaysia	160.68	130.79	128.21	121.86
Thailand	95.62	97.96	79.62	71.81
Korea	81.27	91.34	90.4	95.28
Taiwan	79.05	88.25	85.18	80.32
Subject Countries	97.85	101.7	100.36	98.35
Net Sales Realization of Domestic industry	****	****	****	****
Price undercutting				
China				60-70
Indonesia				65-75
Malaysia				40-50
Thailand				90-100
Korea				65-75
Taiwan				80-90
Subject Countries				60-70

Price Undercutting from responding exporters

Exporters name	CIF Price	Landed Price	Net Selling price Rs	Net selling price US\$	Price Undercutting	Price Undercutting %	Price Undercutting range %
M/s Jinan Juda, China PR	****	****	****	****	****	****	25-40%
M/sTKI, Korea RP	****	****	****	****	****	****	8-20%
M/s Hyosung, Korea RP	****	****	****	****	****	****	25-35%
M/s Suntex , Chinese taipei	****	****	****	****	****	****	10-20%
M/s Li Peng, Chinese taipei	****	****	****	****	****	****	15-26%
M/s Thai Taffeta, Thailand	****	****	****	****	****	****	10-20%
M/s Asia Fibers, Thailand	****	****	****	****	****	****	30-50%
M/s Hualon, Malaysia	****	****	****	****	****	****	15-25%

### Price suppression

66. In addition to significant price undercutting, dumped imports have caused severe price suppression in the Indian market as is evident from the following table: -

	2001-02	2002-03	2003-04	POI
Net Sales Realization of the domestic industry	****	****	****	****
Year by year change	-	7.01	11.74	11.72
Export Price	80.74	83.91	82.81	80.24
Year by year change	-	3.18	(1.11)	(2.57)
Landed Value of imported material	97.85	101.70	100.36	98.35
Year by year change	-	3.85	(1.34)	(2.01)
Caprolactam Price	42.71	54.30	57.17	80.12
Indexed	100.00	127.14	133.86	187.59

54. It is noted that noted that Caprolactam is the critical factor for determination of cost of production of the product under consideration. Any movement in the price of Caprolacuum whether positive or negative make immediate impact to every producer worldover. Accordingly, with the change in Caprolactam prices, prices of product should also change with same ratio. However, this did not appear to have happened with the domestic industry as is

evident from the above table. It may be seen that in 2002-03, Caprolactam price increase significantly over previous year, whereas prices of domestic industry increased by 5.28% in the same period. Similarly, in 2003-04, Caprolactam price again increase significantly over previous year, whereas prices of domestic industry increased by 8.10% in the same period and during the POI, Caprolactam price again increased significantly over previous year, whereas prices of domestic industry increased only by 7.93% in the same period. After the issuance of the disclosure statement, various interested parties have raised arguments that the authority should take international price of caprolactam into account while analysing the price effect and trends of the evolution of the import prices from subject countries. It has also been argued that prices of the caprolactam on a month wise basis should be adopted as its international prices vary a great deal. The matter has been examined and it is clarified that the Authority has not considered caprolactam price at/for one particular point of time. The Authority has considered weighted average price of caprolactam during POI for the purpose of analyzing evolution of import prices from subject country ( and price effect analysis) for the subject goods. However, for the purpose of the effect on the domestic industry, the Authority has taken into account price paid by the domestic industry during the period for the purpose of present findings as per its consistent practice. One of the interested party, M/s Hyosung argued that it has not caused price suppression. In this regard, the Authority notes that price suppression/depression is required to be determined cumulatively from the subject countries and not from individual countries.. It is also pointed out that the price undercutting in respect of exports made by Hyosung was positive and significant. On the basis of the foregoing, it may be concluded that the domestic industry has not been able to increase its price in line with the increase in raw material cost, which is due to the fact that dumped imports from subject countries have increased significantly. On the basis of the above, it may be concluded that the dumped imports have caused price suppression in the Indian market.

Share of subject countries in Production:

	2001-02	2002-03	2003-04	POI
Imports volume from various sources				
China	944	1,020	1,890	2,254
Indonesia	1,016	1,495	4,515	4,563
Malaysia	815	1,358	1,896	3,455

Thailand	323	908	805	1,370
Korea	712	924	2,080	3,060
Taiwan	267	498	945	1,648
Subject Countries	4,078	6,204	12,131	16,350
Other Countries	588	1,280	2,560	3,262
Share of Various Sources				
China	20.24	13.64	12.86	12.91
Indonesia	21.78	19.98	30.73	21.91
Malaysia	17.47	18.15	12.91	17.21
Thailand	6.92	12.13	5.48	6.69
Korea	15.25	12.35	14.16	15.49
Taiwan	5.73	6.65	6.43	8.03
Subject Countries	87.39	82.89	82.57	82.24
Other Countries	12.61	17.11	17.43	17.76

	2001-02	2002-03	2003-04	POI
Imports volume from various sources				
China	944	1,020	1,890	2,254
Indonesia	1,016	1,495	4,515	4,563
Malaysia	815	1,358	1,896	3,455
Thailand	323	908	805	1,370
Korea	712	924	2,080	3,060
Taiwan	267	498	945	1,648
Subject Countries	4,078	6,204	12,131	16,350
Other Countries	588	1,280	2,560	3,262
Production of Domestic industry	26,019	30,159	31,303	36,100
Imports in relation to production				
China	3.63	3.38	6.04	6.24
Indonesia	3.91	4.96	14.42	12.64
Malaysia	3.13	4.50	6.06	9.57
Thailand	1.24	3.01	2.57	3.80
Korea	2.74	3.06	6.64	8.48
Taiwan	1.03	1.65	3.02	4.56
Subject Countries	15.67	20.57	38.75	45.29
Other Countries	2.26	4.24	8.18	9.04

67. It is evident from the above, dumped imports from subject countries have increased in relation to production of the domestic industry.

Market share in Demand:

68. Over the period under consideration, the share of the dumped imports from the subject countries in relation to demand or consumption in India is given in the following table.

	2001-02	2002-03	2003-04	POI
Imports volume from various sources				
China	944	1,020	1,890	2,254
Indonesia	1,016	1,495	4,515	4,563
Malaysia	815	1,358	1,896	3,455
Thailand	323	908	805	1,370
Korea	712	924	2,080	3,060
Taiwan	267	498	945	1,648
Subject Countries	4,078	6,204	12,131	16,350
Other Countries	588	1,280	2,560	3,262
Demand / consumption in India	32,662	39,171	47,614	56,750
Share of Various Sources				
China	2.89	2.61	3.97	3.97
Indonesia	3.11	3.82	9.48	8.04
Malaysia	2.50	3.47	3.98	6.09
Thailand	0.99	2.32	1.69	2.41
Korea	2.18	2.36	4.37	5.39
Taiwan	0.82	1.27	1.99	2.90
Subject Countries	12.49	15.84	25.48	28.81
Other Countries	1.80	3.27	5.38	5.75

69. It is evident from the above, dumped imports from subject countries have captured significant market share in demand of product under consideration in India.

#### Evolution of Price over the period under consideration

70. In the injury period, average CIF prices of the imports originated in subject countries have been as under:

	2001-02	2002-03	2003-04	POI
Average Export Price Rs/Kg				
China	72.55	86.85	82.43	82.79
Indexed	100.00	119.71	113.62	114.12
Indonesia	61.02	70.97	82.78	77.71
Indexed	100.00	116.32	135.67	127.35
Malaysia	132.57	107.91	105.78	101.26
Indexed	100.00	81.40	79.79	76.38
Thailand	78.90	80.83	65.70	57.53
Indexed	100.00	102.44	83.27	72.92
Korea	67.05	75.36	74.58	76.66
Indexed	100.00	112.39	111.23	114.33
Taiwan	65.23	72.81	70.28	65.21
Indexed	100.00	111.63	107.74	99.97

Subject Countries	80.74	83.91	82.81	80.24
Indexed	100.00	103.94	102.56	99.38
Caprolactam Prices	42.71	54.30	57.17	80.12
Indexed	100.00	127.14	133.86	187.59
Export price as % of raw material price				
China	169.86	159.94	144.18	103.34
Indonesia	142.87	130.71	144.80	96.99
Malaysia	310.40	198.73	185.03	126.39
Thailand	184.73	148.85	114.91	71.80
Korea	157.00	138.79	130.46	95.68
Taiwan	152.72	134.09	122.93	81.39
Subject Countries	189.04	154.54	144.85	100.15

71. It is noted that the CIF export price from China, Indonesia, Malaysia, Thailand, Korea and Taiwan have declined in relation to the raw material prices. Export price from subject countries were 189 % of raw material prices in the base year declined to just 100% in period of investigation.

## SITUATION OF THE DOMESTIC INDUSTRY

### Situation of the Domestic Industry

72. For the examination of the impact of the imports on the domestic industry in India, the Authority considered such indices having a bearing on the state of the industry as production, capacity utilisation, sales quantum, stock, profitability, net sales realisation, the magnitude and margin of dumping, etc. in accordance with Annexure II (iv) of the Rules supra. It is noted that application for imposition of anti dumping duty has been jointly filed by Modipon Fibers, JCT Limited, Gujarat State Fertilizers Company Limited and Shree Synthetics Limited. These producers account for major proportion of total Indian production. The application, therefore, satisfy the standing and petitioner constitutes domestic industry within the meaning of the Rules. The Designated Authority

therefore, has examined injury to the domestic industry as prescribed under the Rule 11 of Rules.

### Sales Volume

73. Sales volume of the domestic industry has been as under:

	2001-02	2002-03	2003-04	POI
Sales of Domestic industry MT	25,996	29,687	30,922	35,138
Indexed	100.00	114.20	118.95	135.17
Imports from Subject Countries MT	4,078	6,204	12,131	16,350
Indexed	100.00	152.12	297.48	400.94
Demand	32,662	39,332	47,836	57,035
Indexed	100.00	120.42	146.46	174.62
PBT Lakhs	_*	_*	_*	_*
Imports from subject countries	(100.00)	(44.33)	(14.61)	(41.93)
Market share of subject countries in demand	12.49	15.77	25.36	28.67
Market share of domestic industry in demand	79.59	75.89	65.11	62.11
Market share of Indian industry in demand	85.71	80.97	69.29	65.61

74. It is seen that the sales volume of the domestic industry has increased. At the same time, there is a continuous increase in demand of subject goods in India. The increase in sales could also be reflective of a new production line being shifted from PFY to NFY within the Country, and accordingly, the industry has shifted its PFY capacity to NFY. However, the domestic industry has not been able to get benefit of this increased demand as significant market share has been taken by the dumped imports from subject countries. It is also examined that whether lost market share is taken over by the dumped imports and it has been found that other Indian producers have also lost significant market share as is evident from following table:-

	2001-02	2002-03	2003-04	POI
Market Share in Demand (%)				
Domestic industry	79.59	75.89	65.11	62.11
Other Indian Producers	6.12	5.08	4.18	3.51
Indian Industry	85.71	80.97	69.29	65.61
Subject Countries	12.49	15.77	25.36	28.67
Other Countries	1.80	3.25	5.35	5.72

## Profits

75. Profitability position of the domestic industry has been as under:

	2001-02	2002-03	2003-04	POI
Profit/Loss on Domestic sales	****	****	****	****
Indexed	-100	-44	-15	-42
Interest	****	****	****	****
Indexed	100	124	115	121
Profit/Loss on Domestic sales before interest	****	****	****	****
Indexed	-100	-18	18	-16
Imports - Subject Countries	4,078	6,204	12,131	16,350
Export Price Subject Countries	80.74	83.91	82.81	80.24
Landed Price Subject Countries	97.85	101.70	100.36	98.35
Net Sales Realization of Domestic industry	****	****	****	****
Indexed	100	105	114	123
Caprolactam Price	56.65	63.62	70.10	89.19
Indexed	100	112	124	157

It is evident from the above that performance of the domestic industry which has been improving till 2003-04 deteriorated again in period of investigation, which could be due to significant increase in dumped imports into India. The domestic industry has made losses in base year, which could be due to variety of factors which includes inter alia storm and earthquake in Gujarat, which is one of the major consumption area for product under consideration. However, subsequently, domestic industry appeared to be improving itself. However, imports from subject countries started significantly at dumped prices and which appears to be resulted into significant losses to the domestic industry in period of investigation.

## Productivity

76. The productivity of the domestic industry is given in the table below.

	2001-02	2002-03	2003-04	POI
Turnover of the domestic industry	****	****	****	****
Indexed	100	120	135	166
Employees in No	****	****	****	****
Indexed	100	97	106	104
Turnover per Employee	****	****	****	****
Indexed	100	123	127	160
Production	26,019.11	30,158.94	31,302.97	36,100.25
Indexed	100	116	120	139
Productivity per Employee	7.79	9.28	8.81	10.42
Indexed	100	119	113	134
Per day production (350 days)	74.34	86.17	89.44	103.14
Indexed	100	116	120	139
Profit/Loss on Domestic sales	****	****	****	****
Indexed	-100	-44	-15	-42
Interest	****	****	****	****
Indexed	100	124	115	121
Profit/Loss on Domestic sales before interest	****	****	****	****
Indexed	-100	-18	18	-16
Imports - Subject Countries	4,078.00	6,204.00	12,131.00	15,906.00
Export Price Subject Countries	80.74	83.91	82.81	80.24
Landed Price Subject Countries	97.85	101.70	100.36	98.35
Net Sales Realization of Domestic industry	****	****	****	****
Indexed	100	105	114	123
Caprolactam Price	56.65	63.62	70.10	89.19
Indexed	100	112	124	157

It is evident from the above, productivity of the domestic industry, has been increasing. Thus, this parameter is not a cause for injury to the domestic industry.

### Return on Investment

77. Return on investments (profit before interest) shows the same trend as that of profits as is evident from the table below.

Unit: In lakhs

	2001-02	2002-03	2003-04	POI
Profit/Loss on Domestic sales	****	****	****	****
Indexed	-100	-44	-15	-42
Interest	****	****	****	****
Indexed	100	124	115	121

Profit/Loss on Domestic sales before interest	****	****	****	****
Indexed	-100	-18	18	-16
GFA of Domestic industry	****	****	****	****
Indexed	100	109	118	132
NFA of Domestic industry	****	****	****	****
Indexed	100	97	98	101
Working Capital of Domestic industry	****	****	****	****
Indexed	100	107	111	120
Capital Employed - GFA	****	****	****	****
Indexed	100	109	117	131
Capital Employed - NFA	****	****	****	****
Indexed	100	100	102	105
Return on Capital Employed - GFA	****	****	****	****
Indexed	-100	-16	15	-12
Return on Capital Employed - NFA	****	****	****	****
Indexed	-100	-18	18	-15
Imports from Subject Countries	****	****	****	****
Export price - Subject Countries	80.74	83.91	82.81	80.24
Landed Price - Subject Countries	97.85	101.70	100.36	98.35
Demand	32,662	39,332	47,836	57,035

It is noted from the above that Return on capital employed, which has been improving earlier deteriorated in period of investigation.

### Capacity, Production and Capacity Utilization

78. The Capacity, Production and Capacity Utilization of the domestic industry has been as under:

Unit: MT

	2001-02	2002-03	2003-04	POI
Capacity	32,640	37,000	43,900	48,200
Indexed	100.00	113.36	134.50	147.67
Production	26,019	30,159	31,303	36,100
Indexed	100.00	115.91	120.31	138.75
Capacity Utilization	79.72	81.51	71.31	74.90
Indexed	100.00	102.25	89.45	93.96
Imports - Subject Countries	4,078	6,204	12,131	16,350
Indexed	100.00	152.12	297.48	400.94
Sales	25,996	29,687	30,922	35,138
Indexed	100.00	114.20	118.95	135.17
Demand	32,662	39,332	47,836	57,035
Indexed	100.00	120.42	146.46	174.62
Export price - Subject Countries	80.74	83.91	82.81	80.24

Rs/Kg				
Landed Value - Subject Countries Rs/Kg	97.85	101.70	100.36	98.35
Market Share in Demand (%)				
Domestic industry	79.59	75.89	65.11	62.11
Other Indian Producers	6.12	5.08	4.18	3.51
Indian Industry	85.71	80.97	69.29	65.61
Subject Countries	12.49	15.77	25.36	28.67

It is evident from the above, domestic industry has added capacity by converting from PFY to NFY in anticipation of demand of product in India. As per anticipation, demand of the product shows positive trend. However the domestic industry appears to have been forced to curtail the production, which has resulted in decline in capacity utilization apparently due to sharp increase in imports. Post disclosure, M/s FIASWI has argued that capacity additions reported at the year end might have been considered, whereas the effective capacity during the period would be lower. The Authority notes in this regard that the normatted capacity utilization for the domestic industry considered for the purpose of non injurious price is higher than capacity utilization achieved by the domestic industry throughout the injury period. Therefore, it is clear that the domestic industry was faced with unutilized capacity.

#### Factors affecting domestic prices

79. The imports from subject countries are resulting in price undercutting and price underselling in the Indian market. The landed price of imports from subject countries as a whole is significantly below the non injurious price of the domestic industry. . It is noted that the exporters from subject countries have not increased their prices, due to increase in raw material price internationally. It is further noted that Nylon Filament Yarn is a petrochemical product and is produced from Nylon Chips, which is produced from Caprolactum and Caprolactam is produced from Benzene, which is another petrochemical product. Prices of Caprolactum have increased very significantly in the last two years. Increase in prices of Caprolactum is due to increase in Benzene prices, which is due to increase in crude oil prices. Increase in crude oil price is well known international phenomena. It therefore, does not appear likely that producers of subject countries have not got affected due to the increase in Caprolactum prices. Import prices as a % of Caprolactum price is also examined by the Designated Authority from which it was found that earlier, the export price was 43% higher than Caprolactam prices, declined significantly and became just 89% of caprolactam price in the

period of investigation. Thus, there is a big fall in the effective realization of the exporters in respect of their exports to India. Further, decline in the CIF export price appears to have a direct adverse impact on the domestic industry and reduction in the landed price of import appears to have been responded by domestic industry by effecting price declines resulting in loss of market share. It is noted that none of the other factors except dumped imports appears to have influenced the pricing of the domestic industry.

### Magnitude of Dumping Margin

80. The dumping Margin from each of the subject countries has been determined and is considered significant.

### Inventories

81. Inventories position with the domestic industry has been as under:

	2001-02	2002-03	2003-04	POI
Inventories MT	3,087.60	2,931.71	2,847.94	2,362.94
Indexed	100.00	94.95	92.24	76.53
Sales volume MT	25,996	29,687	30,922	35,138
Inventories as % of sales	100.00	114.20	118.95	135.17
Demand MT	32,662	39,332	47,836	57,035
Indexed	100.00	120.42	146.46	174.62
Production MT	26,019	30,159	31,303	36,100
Indexed	100.00	115.91	120.31	138.75
Imports from Subject Countries MT	4,078	6,204	12,131	16,350
Export price - Subject Countries Rs/Kg	80.74	83.91	82.81	80.24
Landed Value - Subject Countries Rs/Kg	97.85	101.70	100.36	98.35
Market Share in Demand (5)				
Domestic industry	79.59	75.89	65.11	62.11
Other Indian Producers	6.12	5.08	4.18	3.51
Indian Industry	85.71	80.97	69.29	65.61
Subject Countries	12.49	15.77	25.36	28.67

It is noted that the sales volume of the domestic industry has increased. The domestic industry appears to have made continued efforts to maintain its sales in line with the increase in demand resulting into piling up of inventory.

### Cash Flow and Cash Profit

82. All the constituents of the domestic industry are multi product companies; therefore, examination of cash flow of the entire company may not be appropriate for the injury purposes. The Authority therefore, has examined cash profit situation of the domestic industry, which is given in the following table.

	2001-02	2002-03	2003-04	POI
PBT	****	****	****	****
Indexed	-100	-44	-15	-42
Depreciation	****	****	****	****
Indexed	100	90	104	122
Cash Profit	****	****	****	****
Indexed	-100	-4	65	30
Imports from Subject Countries	4,078	6,204	12,131	16,350
Export price - Subject Countries	80.74	83.91	82.81	80.24
Landed Value - Subject Countries	97.85	101.70	100.36	98.35
Market Share in Demand				
Domestic industry	79.59	75.89	65.11	62.11
Other Indian Producers	6.12	5.08	4.18	3.51
Indian Industry	85.71	80.97	69.29	65.61
Subject Countries	12.49	15.77	25.36	28.67

It is evident from the above that cash profit situation of domestic industry, which has been improving earlier deteriorated during the period of investigation.

### Employment

83. . Employment level of the domestic industry has been as under:

	2001-02	2002-03	2003-04	POI
No. of Employees	****	****	****	****
Indexed	100.00	97.37	106.49	103.79
Sales (MT)	25,996	29,687	30,922	35,138
Employees per unit of Sales	0.13	0.11	0.11	0.10
Production (MT)	26,019	30,159	31,303	36,100
Employees per unit of Production	0.13	0.11	0.11	0.10

It is evident from the above employment level of the domestic industry remained more or less constant. It is however noted that the domestic industry are multi-product companies and therefore,

employment levels of the company per se may not be a conclusive indicator of injury to the domestic industry.

Wages and Ability to raise capital

84. Wages of the domestic industry has been as under:

	2001-02	2002-03	2003-04	POI
Wages	****	****	****	****
Indexed	100	109	114	127
Production	****	****	****	****
Indexed	100	116	120	139
Wages - per unit of production	****	****	****	****
Indexed	100	106	106	110

It is noted from the above that wages of the domestic industry in absolute term have increased. At the same time, production of the domestic industry have increased which resulted into reduction of wages per unit of production.

Growth

85. Status of various parameters of growth are given in the Following table.

	2001-02	2002-03	2003-04	POI
Sales vis-à-vis demand				
Sales	100.00	114.20	118.95	135.17
Demand	100.00	120.42	146.46	174.62
Production vis-à-vis demand				
Production	100.00	111.69	114.48	128.06
Demand	100.00	120.42	146.46	174.62
Imports vis-à-vis demand				
Imports	100.00	152.12	297.48	400.94
Demand	100.00	120.42	146.46	174.62
Raw material price vis-à-vis export price				

Export Price	100.00	103.94	102.56	99.38
Caprolactam price	100.00	112.30	123.74	157.44
Selling price of domestic industry vis-à-vis landed price of imports				
Selling Price	100.00	105.20	113.90	122.58
Landed Price	100.00	103.94	102.56	99.38
Turnover vis-a-vis profits				
PBT	(100.00)	(44.33)	(14.61)	(41.93)
Sales Value	100.00	120.14	135.48	165.69
Market Share of domestic industry vis-à-vis Market share of subject countries				
Market Share of domestic industry in demand	79.59	75.89	65.11	62.11
Market share of subject countries in demand	12.49	15.77	25.36	28.67
Market Share of Indian industry vis-à-vis Market share of subject countries				
Market Share of Indian industry in demand	85.71	80.97	69.29	65.61
Market share of subject countries in demand	12.49	15.77	25.36	28.67
Productivity vis-à-vis profits				
Productivity	100.00	119.04	112.98	133.67
Profits	(100.00)	(44.33)	(14.61)	(41.93)

The table above shows that majority of the injury parameters have been adversely affected during the injury period and are showing negative growth.

Other Arguments of the other interested parties and their examination by the Authority

86. (i) With regards to the arguments made by M/s FIASWI and others, it is noted that under Rule 6, an association of consumers is permitted to provide information which is relevant to the investigation regarding dumping, injury and causality. It is however noted that barring arguments opposing imposition of anti dumping duties, the association has presented no information that is relevant to the investigation regarding dumping, injury and causality. Nor members of the association have filed relevant information. Most of the submissions with regard to non imposition of anti dumping

duties are also mere statements unsubstantiated with relevant evidence. Resultantly, the Authority is unable to verify veracity of the claims/submissions made by the association.

(ii) With regards confidentiality claimed by the Applicants, it is noted that that the petitioners have provided detailed reasons for claiming information confidential. The Authority has examined the claim of confidentiality made by the petitioners and is satisfied with regard to same.

(iii) The Authority notes that IBIS information is not selectively accessible to the petitioners. While IBIS has provided information to the petitioners on confidential basis, it was open for the association to procure the information independently from the IBIS and advance its arguments. While disputing the claim of the petitioners with regard to volume of imports, the Authority notes that the association has preferred to rely upon information published by ASFI, while it was open to the association to consolidate the information by directing its members to provide relevant information to the Authority. In any case, the transaction wise import statements which have been taken into account in the findings had been placed in the public file for the benefit of all interested parties.

#### Conclusions on injury

87. There has been significant increase in the volume of dumped imports from subject countries at the absolute level and also in relation to total demand of subject goods into India. These imports have increased significantly from the 2001-02 to the POI and these had significant price effect on account of dumped imports resulting into price suppression and price undercutting. In fact, the prices of the domestic industry have been suppressed on account of dumped imports from subject countries. The undercutting margin has been determined from the subject countries for the POI and are considered as significant. Though the sales volume has increased during the injury period in absolute terms, the domestic industry has suffered significant decline in market share. Sub-optimal increase in respect of a parameters in period of investigation, such as production (36% lower increase than demand), sales volumes (39% lower increase than demand), capacity utilization (6% decline during the injury period), continuous financial losses (losses increase again in POI), further deterioration in financial losses, decline in market share in demand (16.11%), positive price

undercutting, negative return on capital employed, significant dumping margin, negative growth in respect of a number of parameters show significant deterioration in the performance of the domestic industry over the injury period. Some parameters such as employment and wages do not reflect injury to the domestic industry. On the basis of the above analysis, it is concluded that the domestic industry has suffered material injury.

#### H. Causal link

##### (a) Introduction

88. In order to reach its conclusions on the cause of the injury suffered by the domestic industry and in accordance with Article 3.5 of Agreement of Anti Dumping and as per para (v) of Annexure II under Rule 11 under Customs Tariff Act as amended, the Authority examined the impact of all known factors and their consequences on the situation in that industry. Known factors other than the dumped imports, which could at the same time have injured the domestic industry, were also examined to ensure that the possible injury caused by these other factors was not attributed to the dumped imports.

##### (a) Effect of dumped imports

1. Significant increase in the volume of dumped imports has resulted significant decline in market share of the domestic industry. Decline in market share of the domestic industry as a consequence of increase in the market share of the dumped imports from subject countries prevented the domestic industry from increasing their sales commensurate with the increase in the demand in the market. As a result, the sales of the domestic industry did not increase to such an extent that the domestic industry could have optimally utilized its capacity. Consequently, growth in production, sales and capacity utilization of the domestic industry suffered as a result of decline in the market share of the domestic industry.
2. Significant price undercutting caused by the domestic industry prevented the domestic industry from increasing its prices to the extent of increase in inputs costs. Resultantly, profits, cash flow and return on investment of the domestic industry deteriorated after showing consistent improvement. Whereas the domestic industry was able to increase its prices significantly and recover from past injuries between the period 2000-01 and 2003-04, the performance of the domestic industry once again deteriorated in the investigation period as compared to 2003-04 due to inability of the domestic industry to effect price increases. It is therefore found that the

- dumped imports prevented the domestic industry from effecting legitimate price increases.
3. Significant price undercutting and substantial increase in volume of dumped imports prevented the domestic industry from recovering from past injuries suffered on account of different factors. In fact, performance of the domestic industry in terms of profits, cash flow, return on investment deteriorated once again after improving significantly.

#### Effect of Other factors

(a) Performance of Other Domestic producers:

89. There was other domestic producers of the subject goods during the period under consideration apart from the applicant. However, after the preliminary findings, the other producer M/s Century Enka submitted the required information and the Authority verified their cost of production and injury data. Now, the domestic industry includes M/s Century Enka also whose performance through all the 15 parameters have been analysed by the Authority in the earlier paragraphs. Apart from that there is no other domestic industry except for some small companies whose production is minimal.

(d) Contraction of demand or Changes in the pattern of consumption

90. The Authority notes that there is no contraction in the overall demand during the period under consideration. On the contrary, the overall demand has increased significantly during the injury period. The Authority also concludes that there is no apparent change in the pattern of consumption.

(e) Volume and Prices of imports not sold at the dumped prices

91. According to the available information, the total import volume of the product concerned originating in countries other than subject countries are de-minimus and therefore, they are considered not to have had any impact on the domestic industry.

(f) Trade Restrictive practices of and competition between foreign and domestic producers

92. The Authority notes that there is a single market for the subject goods where dumped imports from the subject countries compete directly with the subject goods produced by the domestic industry. The authority further notes that the imported product is sold to meet the similar commercial grades and specification as domestically produced subject goods. It is further noted that the imported subject goods and domestically produced goods are like articles and are used for similar applications/end uses.

(g) Developments in Technology, Export performance and productivity of the Domestic Industry

93. On the basis of the examination of the records of the petitioner, the authority holds that developments in technology, has not been a relevant factor for the injury to the domestic industry.

94. With regard to the export performance of the domestic industry, the authority notes that though there has been improvement in the exports of the domestic industry during the period under consideration, it still forms a very not so significant part of the total sales of the domestic industry. It is further noted that the various performance with respect to various economic indicators have been determined with respect to domestic sales only. Hence, the authority holds that material injury suffered by the domestic industry may not as a result of the export performance of the domestic industry.

95. As regards improvement in productivity, the authority notes that during the period under consideration, the productivity measures as output per person employed per year has rather improved during the injury period. On the basis of the examination, the authority holds that the productivity per se is not the cause for the injury to the domestic industry.

(h) Conclusion on causation

96. Significant increase in the volume of dumped imports has resulted significant decline in market share of the domestic industry. It is further seen that decline in market share of the domestic industry as a consequence of increase in the market share of the subject imports prevented the domestic industry from increasing their sales commensurate with the increase in the demand in the market. As a result, the sales of the domestic industry did not increase to such an

extent that the domestic industry could have optimally utilized its capacity. Consequently, growth in production, sales and capacity utilization of the domestic industry suffered as a result of decline in the market share of the domestic industry. Significant price undercutting caused by the dumped imports prevented the domestic industry from increasing its prices to the extent of increase in inputs costs. Resultantly, profits, cash flow and return on investment of the domestic industry deteriorated after showing consistent improvement. Significant price undercutting and substantial increase in volume of dumped imports prevented the domestic industry from recovering from past injuries which the domestic industry suffered on account of different factors. In fact, performance of the domestic industry in terms of profits, cash flow, return on investment deteriorated once again after improving significantly. It is, therefore, concluded that the dumped imports originating in the subject countries have caused material injury to the domestic industry within the meaning of Rule 11 of Anti Dumping rules and article 3.5 of the Agreement of Anti Dumping.

#### I. Indian Industry interest.

97. The purpose of anti dumping duties in general is to eliminate dumping which is causing injury to the domestic industry and to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country.

98. The Authority recognizes that the imposition of anti dumping duties might affect the price levels of the products manufactured using subject goods and consequently might have some influence on relative competitiveness of these products. However, fair competition on the Indian market will not be reduced by the anti dumping measures. On the contrary, imposition of anti dumping measures would remove the unfair advantages gained by dumping practices, would prevent the decline of the domestic industry and help maintain availability of wider choice to the consumers of subject goods.

99. The Authority notes that the imposition of anti dumping measures would not restrict imports from subject countries in any way, and therefore, would not affect the availability of the product to the consumers. The consumers could still maintain two or even more sources of supply.

#### J. CONCLUSIONS:

100. The Authority has, after considering the foregoing, come to the conclusion that:

- A. The subject goods have been exported to India from the subject countries below its normal value.
- B. The Domestic Industry has suffered material injury;
- C. However, no injury has been caused in respect of imports of Nylon flame retardant yarn, Nylon air texturised yarn, Nylon 66 and Nylon 11 yarn, Nylon 170/24 and 280/14 denier yarn used for hook and loop tape fasteners, Nylon 6 monofilament, U.V treated yarn wherever their landed price is higher than Rs 172.per Kg.
- D. The injury has been caused cumulatively by the dumped imports from Subject Countries.

101. The Authority considers it necessary to impose definitive anti dumping duty on all imports of subject goods from subject countries in order to remove the injury to the domestic industry. The margin of dumping determined by the Authority is indicated in the paragraphs above. The Authority proposes to recommend the amount of anti dumping duty equal to the margin of dumping or less, which if levied, would remove the injury to the domestic industry. For the purpose of determining injury, the landed value of imports is proposed to be compared with the non-injurious price of the petitioner company determined for the period of investigation. At the stage of the preliminary findings, the Authority has recommended one benchmark for different types of product under consideration. It has been heavily argued that this was not proper and interested parties have argued for a number of different benchmarks. However, the Authority notes that it would not be feasible to recommend a number of different benchmarks for the reason that all types of products have not been exported by all the companies. In fact, a number of exporters have exported only few types of the product, whereas the number of products produced and sold by the Foreign Producers in their home market and domestic industry in Indian market is fairly large. Therefore, it is not possible to determine benchmark for the types not exported to India. Having examined all relevant consideration, the Authority is of the view that the most appropriate form of duty in the facts & circumstances of the present case is fixed amount of anti dumping duty. Accordingly, the Authority considers it appropriate to recommend fixed form of anti dumping duties.

102. Accordingly, the Authority considers it appropriate to recommend to the central government for imposition of definitive anti dumping duties on all types of nylon filament yarns excluding

Nylon flame retardant yarn, air texturised yarn, Nylon 66 and Nylon 11 yarn, 170/24 and 280/14 denier used for hook and loop tape fasteners, Nylon 6 monofilament, U.V treated yarn if the excluded subject goods landed price is above Rs 172 falling under Custom Heading 54 originating in or exported from subject countries. Landed value of imports for the purpose shall be the assessable value as determined by the Customs under the Customs Act, 1962 and all duties of customs except duties under sections 3, 3A, 8B, 9 and 9A of the Customs Tariff Act, 1975. The Anti-Dumping duty shall be the amount mentioned in column 9 for the subject goods originating in or exported from the countries mentioned below: -

TABLE										
S. No	Sub heading or Tariff Item	Description of goods	Specification	Country of origin	Country of export	Producer	Exporter	Amount	Unit of Measurement	Currency
1	2	3	4	5	6	7	8	9	10	11
1	54	Nylon Filament yarn	*as mentioned below	Any	China PR	M/s Jinan Juda	M/s Jinan Juda	63	Kg	Indian rupees
2	54	Nylon Filament yarn	*as mentioned below	Any	China PR	Any except M/s Jinan Juda	Any except M/s Jinan Juda	63	Kg	Indian rupees
3	54	Nylon Filament yarn	*as mentioned below	Any	Chinese Taipei	Suntex Fiber Co Ltd.	Suntex Fiber Co Ltd.	8.99	Kg	Indian rupees
4	54	Nylon Filament yarn	*as mentioned below	Any	Chinese Taipei	LIPENG Enterprise Co., Ltd	LIPENG Enterprise Co., Ltd	34.41	Kg	Indian rupees
5	54	Nylon Filament yarn	*as mentioned below	Any	Chinese Taipei	Any except M/s Suntex Fiber Co Ltd.and M/s LIPENG Enterprise Co., Ltd	Any except M/s Suntex Fiber Co Ltd.and M/s LIPENG Enterprise Co., Ltd	41.43	Kg	Indian rupees
6	54	Nylon Filament yarn	*as mentioned below	Any	Indonesia	Any	Any	77.93	Kg	Indian rupees
7	54	Nylon Filament yarn	*as mentioned below	Any	Malaysia	Hualon Corporation	Hualon Corporation	4.24	Kg	Indian rupees
8	54	Nylon	*as	Any	Malaysia	Any except	Any	34.80	Kg	Indian

		Filament yarn	mentioned below		a	above	except above			rupees
9	54	Nylon Filament yarn	*as mentioned below	Any	Thailand	Asia Fiber Public Company Ltd	Asia Fiber Public Company Ltd	25.77	Kg	Indian rupees
10	54	Nylon Filament yarn	*as mentioned below	Any	Thailand	M/s Thai Taffeta	M/s Thai Taffeta	22.40	Kg	Indian rupees
11	54	Nylon Filament yarn	*as mentioned below	Any	Thailand	Any except M/s Thai taffeta and M/s Asia Fiber	Any except M/s Thai taffeta and M/s Asia Fiber	32.03	Kg	Indian rupees
12	54	Nylon Filament yarn	*as mentioned below	Any	Korea RP	Taekwang Industrial Co Ltd	Taekwang Industrial Co Ltd	23.74	Kg	Indian rupees
13	54	Nylon Filament yarn	*as mentioned below	Any	Korea RP	HYOSUNG Corporation	HYOSUNG Corporation	44.96	Kg	Indian rupees
14	54	Nylon Filament yarn	*as mentioned below	Any	Korea RP	Any except M/s Taekwang Industrial Co Ltd and M/s HYOSUNG Corporation	Any except M/s Taekwang Industrial Co Ltd and M/s HYOSUNG Corporation	51.94	Kg	Indian rupees
15	54	Nylon Filament yarn	*as mentioned below	China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP	Any except China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP	Any	Any	77.93	Kg	Indian rupees

\* Synthetic filament yarn including synthetic monofilament of less than 67 decitex, of nylon or other polyamides, excluding all high tenacity yarn of nylon including fishnet yarn of nylon. No anti dumping duty shall be payable on imports of Nylon flame retardant yarn, Nylon air texturised yarn, Nylon 66 and Nylon 11 yarn, 170/24 and Nylon 280/14 denier yarn used for hook and loop tape fasteners, Nylon 6 monofilament, U.V treated yarn if their landed price is above Rs 172

103. An appeal against the order of the Central government shall lie before the Customs Excise and Service Tax Appellate tribunal, in accordance with the Act.

104. The Authority may review the need for continuation, modification or termination of the definitive measures, as recommended herein, from time to time, as per the relevant provisions of the Act, and public notices issued in this respect from time to time. No request for such a review shall be entertained by the Authority unless the same is filed by an interested party within the time limit stipulated for this purpose.

(Christy L.Fernandez)

ADDITIONAL SECRETARY & DESIGNATED AUTHORITY