

Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 8th October 2007

Initiation Notification (Sunset Review)

Subject: Sunset review of anti-dumping duty imposed on Acrylic Fibre originating in or exported from Korea RP and Thailand.

No. 10/7/2006- DGAD - Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (herein after referred to as AD Rules), vide Notification Number 26/1/2001-DGAD dated 06.8.2002, the Designated Authority (herein after referred to as the Authority) notified its final findings recommending definitive antidumping duty on import of Acrylic Fibre (hereinafter referred to as subject goods) originating in or exported from Thailand, USA and Korea RP (hereinafter referred to as subject countries). The original anti dumping investigation was initiated on 13.9.1996 and definitive anti dumping duty was recommended vide final findings Notification No. 47/ADD/IW, dated 14.10.1997. Subsequently, mid-term review was undertaken vide Notification No. 21/1/99-DGAD, dated 26.4.1999 and definitive anti dumping duty was recommended vide final findings Notification No. 21/1/99-DGAD, dated 19.4.2000. Sunset review of the anti dumping duty was initiated vide Notification No. 26/1/2001-DGAD, dated 07.8.2001 and the final findings were issued vide Notification No. 26/1/2001-DGAD, dated 06.8.2002.

And whereas definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 106/2002-Customs, dated 09.10.2002. Further Designated Authority initiated mid term review on 06.07.2006.

2. Product Under Consideration

The product involved in the original investigation and this sunset review is Acrylic Fibre. Acrylic Fibre is a long chain of synthetic polymer composed of at least 90% by weight of Acrylonitrile which is a major raw material for production of acrylic fibre. It is broadly described in terms of colour, length and denier of the fibre. It is used for the purpose of manufacturing apparels, household items and it has a great industrial use etc. It is classified under Chapter 55 of the Customs Tariff Act, 1975. It is further classified under the heading 550330 of schedule-I of Custom Tariff Act and 55033000 as per Indian Trade Classification. The classification is, however, indicative only and is in no way binding on the scope of the present investigation.

3. Request for review and initiation

Forum of Acrylic Fibres Manufacturers, New Delhi through the participating companies, viz., M/s. Indian Acrylics Ltd and M/s. Vardhman Acrylics Ltd., has filed a petition under section 9A(5) of the Customs Tariff Act, 1975 as amended in 1995 read with Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 requesting sunset review of anti dumping duties earlier imposed on imports of Acrylic fibre from Thailand, Korea and USA. In its application, the applicant has substantiated the need for a review of the anti dumping duty imposed on the subject goods originating in or exported from Thailand & Korea RP. The petitioner has claimed with prima facie evidence that cessation of anti dumping duty imposed on subject goods from both these countries is likely to lead to continuation or recurrence of dumping and injury and have requested to continuation and enhancement of the anti dumping duty imposed on subject goods from subject countries for a further period of 5 years.

Having satisfied itself on the basis of the positive evidence submitted by the domestic industry substantiating the need for a review, the Authority hereby initiates a review in accordance with Section 9 A (5) of the Act, read with Rule 23 of Antidumping Rules, to review the need for continued imposition of duties in force and whether the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

4. Country involved

The countries involved in the present investigation are Korea RP and Thailand.

5. Procedure

Having decided to review the final findings issued vide Notification No. 26/1/2001-DGAD, dated 06.8.2002. and whereas definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 106/2002-Customs, dated 09.10.2002. the Authority hereby initiates investigation to review whether cessation of anti dumping duty is likely to lead to continuation or recurrence of dumping and injury on imports of Acrylic fibre originating in or exported from Thailand & Korea RP. in accordance with the Customs Tariff (Amendment) Act 1975 and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. in terms of the provision of Section 9A (5) of Customs Tariff (Amendment) Act 1995 read with Rule 23 supra. The review covers all aspects of Notification No. 26/1/2001-DGAD dated 06.8.2002 except for the exclusion of USA.

6. Period of Investigation

The period of investigation for the purpose of the present review is 1st April 2006 to 31st March 2007 (12 months). However, injury analysis shall cover the years 2003-2004, 2004-2005, 2005-2006 and April 2006-March 2007.

7. Submission of Information

The exporters in subject countries, their government through their Embassies/High Commissions in India/representatives, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the:

The Designated Authority,
Ministry of Commerce & Industry,
Department of Commerce,
Directorate General of Anti-Dumping & Allied Duties, (DGAD),
Room No. 240, Udyog Bhavan,
New Delhi-110107

Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.

8. Time Limit

Any information relating to the present review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of letter of this review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Antidumping Rules.

9. Inspection of Public File

In terms of Rules 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(R. Gopalan)
Designated Authority