

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

**File No. 7/22/2019-DGTR
Government of India Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building,
5, Parliament Street, New Delhi – 110001**

Dated the 21st November, 2019

Case No. SSR 10 /2019

INITIATION NOTIFICATION

Sub: - Initiation of Sunset Review of Anti-Dumping Duty imposed on imports of Nylon Tyre Cord Fabric from China PR.

1. **File No.7/22/2019-DGTR:** Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter referred as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred as the Rules), the Designated Authority (hereinafter referred to as the Authority) recommended imposition of anti-dumping duty on imports of “Nylon Tyre Cord Fabric” (hereinafter referred as the subject goods), originating in or exported from China PR (hereinafter collectively referred to as the subject country).
2. Whereas, the original investigation concerning imports of the subject goods from the China PR was initiated by the Authority and thereafter, Final Finding Notification was issued by the Authority vide Notification No. 14/20/2003-DGAD dated 9th March, 2005 recommending imposition of definitive duty. On the basis of recommendations made by the Authority in the final findings, definitive anti-dumping duty was imposed vide Notification No. 36/2005-Customs dated 27.04.2005.
3. Whereas, a Sunset Review (SSR) investigation was initiated by the Authority in respect of the imports of the subject goods originating in or exported from the subject country vide Notification No 14/20/2008-DGAD dated 16th September, 2008. The Authority vide Final Findings Notification No. 14/20/2008-DGAD dated 31st March, 2009 concluded that the expiry of anti-dumping duty would lead to continuation or recurrence of dumping and consequent injury and recommended continued imposition of the anti-dumping.
4. Whereas, a second sunset review investigation was initiated and the Authority recommended continuation of duties vide Notification No. 15/13/2013-DGAD dated 13th April, 2015 and the same was imposed vide Notification No. 30/2015-Customs (ADD) dated 12th June, 2015.

5. Whereas, the Association of Synthetic Fibre Industry, on behalf of its members, M/s SRF Ltd. and M/s Century Enka Ltd. (hereinafter referred to as 'Petitioners') have filed a review petition for continued imposition of Anti-dumping duty on imports of Nylon Tyre Cord Fabric from China PR, in accordance with the Act and Rules.
6. Whereas, based on the facts and data, the Authority is of the opinion that there is a need to review for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the China PR.

A. Product under Consideration

7. The product under consideration in the petition is the same as the original investigations, which was defined as follows in the final findings-

"The product under consideration in the present petition is Nylon Tyre Cord fabric (NTCF) originating in or exported from China. The subject good is a fabric of nylon, meant largely for tyre cord. NTCF finds application in different kinds of automotive tyres such as bus & truck tyres, two wheeler tyres, cycle tyres, Light commercial Vehicles tyres, Animals Driven vehicles etc.

Nylon Tyre Cord fabric is produced using different deniers of yarn. The fabric is used for reinforcement of tyres. The product is sold as "Grey fabric " and also "Dipped fabric". These are only different forms of the product under consideration. The Indian Tyre Industry is buying both grey and dipped fabric. All types of NTCF are within the scope of the product under consideration and are classified under Chapter 59, Custom subheading no. 5902.10.00 of the Customs Tariff Act."

8. Since the investigation being a sunset review investigation, product under consideration remains the same as defined in the previously conducted investigation. Further, no significant developments have taken place over the period.

B. Like Article

9. Rule 2(d) with regard to like article provides as under: -

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

10. Petitioners have claimed that there is no known difference in the subject goods produced by the Indian industry and exported from subject country. Subject goods produced by the Petitioners and imported from the subject country are comparable in terms of physical & technical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably.
11. The scope of the product under consideration has been kept the same as was considered by the Designated Authority at the time of previous final findings. Subject goods produced by the petitioner companies are being treated as 'like article' to that being imported from the subject country for the purpose of the present review investigation.

C. Domestic Industry

12. The petition for initiation of sunset review is being filed by the Association of Synthetic Fibre Industry, on behalf of its members, M/s SRF Ltd. and M/s Century Enka Ltd. As per the information available, the applicants account for a major proportion in Indian production of the subject goods.
13. The applicants have not imported the subject goods & are not related to any exporter in the subject country. Although Century Enka Ltd. was related to a user, Birla Tyres Ltd. during period of investigation, the said relationship did not exist at the time of initiation.
14. As per the evidence available on record, the production of the applicant accounts for a major proportion in the total domestic production of the like article. The petitioners thus constitute eligible domestic industry within the meaning of Rule 2 (b) of the Anti-Dumping Rules and satisfy the criteria of standing in terms of Rule 5 (3) of the Rules supra.

D. Initiation of Sunset Review Investigation

15. Having satisfied itself, on the basis of the prima facie evidence submitted by the domestic industry, substantiating the likelihood of continuation/ recurrence of dumping and injury, in accordance with Section 9A(5) of the Act read with Rule 23 of the Anti-Dumping Rules, the Authority hereby initiates a sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the subject countries and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

E. Subject Country

16. The subject country involved in the present sunset review investigation is China PR.

F. Period of investigation

17. The period of investigation (POI) for the present investigation is July 2018 to June 2019 (12 Months) and the injury investigation period is from April 2016 to March 2017, April 2017 to March 2018 and April 2018 to March 2019 and POI. Further, the data beyond POI will also be examined to determine the likelihood of dumping and injury.

G. Procedure

18. The review will cover all aspects of the final findings published vide Notification No. 15/13/2013-DGAD dated 13th April, 2015 recommending imposition of anti-dumping duty on imports of Nylon Tyre Cord Fabric from China PR.
19. The provisions of Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

H. Submission of Information

20. The known exporters in the subject country, the Government of the subject country through its embassy in India, the importers and users in India known to be concerned with the

product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

**The Designated Authority
Directorate General of Trade Remedies
Department of Commerce
Ministry of Commerce and Industry
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001**

21. 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. Any party making any confidential submission before the Authority is required to submit a non-confidential version of the same to be made available to the other parties.

I. Time Limit for Registration of Interested Parties and Filing of Response

22. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their comments to the Domestic Industry's application regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the date of initiation of this investigation.
23. 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 publication of this Notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Anti-Dumping Rules.

J. Submission of Information on Confidential Basis

24. In case confidentiality is claimed on any part of the questionnaire response/ submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non- Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page and accompanied with soft copies.
25. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies of the confidential version and two (02) copies of the non-confidential version must be submitted by all the interested parties.
26. For information claimed as confidential, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

27. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.
28. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
29. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information

K. Inspection of Public File

30. In terms of rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidences submitted by other interested parties.

L. Non-Cooperation

31. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(Sunil Kumar)
Special Secretary & Director General