

MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
(Directorate General of Anti-Dumping & Allied Duties)

NOTIFICATION

New Delhi, the 16th September, 2008

Initiation

(Sunset Review)

Subject : Initiation of Sunset review of Anti-dumping duty on import of Nylon Tyre Cord Fabric (NTCF) from China PR.

No. 14/20/2008-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, the Designated Authority (herein after referred to as Authority) recommended imposition of Anti Dumping Duty on imports of Nylon Tyre Cord Fabric (NTCF) (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country). The preliminary findings and final findings of the Authority were published vide notifications dated 30.6.2004 and dated 9.3.2005 respectively. On the basis of findings, provisional duty and definitive anti dumping duties on the subject goods imported from subject country were imposed by the Department of Revenue vide notifications No. 72/2004-Cus. dated 26.7.2004 and notification No. 36/2005-Cus. dated 27.4.2005 respectively.

2. Request for Review

WHEREAS in terms of the Customs Tariff (Amendment) Act 1995 the antidumping duty imposed shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition.

AND WHEREAS notwithstanding the above provision the authority is required to review, on the basis of a duly substantial request made by or on behalf of the domestic industry, within a reasonable period of time prior to the date of the expiry of the measure, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

AND WHEERAS, in terms of the above provisions, the Domestic Industry has approached the authority with a duly substantiated application requesting for such a review, the Designated Authority considers that initiation of sunset review proceedings for the Anti Dumping Duty in force would be appropriate to examine the need for continued imposition of such duty to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied or both.

3. Grounds for review

The request is for continuation and enhancement of the antidumping duty in force. The request is based on the grounds that dumping has continued in spite of imposition of antidumping duty on import of the subject goods from China PR and the domestic industry continues to suffer injury on account of dumping from the subject country. The applicant has further argued that expiry of the measure against this country would be likely to result in continuation or recurrence of dumping and injury to the domestic industry.

4. Initiation

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.

5. Product under Consideration

The product is a fabric of nylon, meant largely for tyre cord. NTCF finds application in different kinds of automotive tyres.

Forms and Grades

Nylon tyre cord fabric is produced from Caprolactam. Caprolactam is processed to obtain nylon chips. The chips are processed further to obtain yarn. Yarn is processed further to obtain fabric. NTCF is produced in a number of different deniers. NTCF is used for reinforcement of tyres. The product is sold as “Grey fabric” or “Dipped fabric”. However, it is eventually consumed only in dipped form. In those cases where the product is purchased in grey form, dipping is done by the purchasers. All types of nylon tyre cord fabric are within the scope of the product under consideration and are classified under the Customs sub heading No.5902.10.00 of Customs Tariff Act.

The product investigated in the original investigation was NTCF therefore, the scope of the product under consideration in this review would remain same.

6. Procedure

I) The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The authority will examine whether the continued imposition of the duties is necessary to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied, or both.

i. The review will cover all aspects of Notification No.14/20/2003-DGAD dated 9.3.2005.

ii. The country involved in this review investigation is China PR.

iii. The period of investigation (POI) for the purpose of the present review is from 1st April 2007 to 31st March 2008. However, for the injury examination, the period is April 2004-March 2005, April 2005-March 2006, April 2006-March 2007 and POI.

iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

II) Submission of Information:

The exporters in subject country, their government through its embassy in India, 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 Authority in the following address:

The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
Udyog Bhavan
New Delhi-110011. Fax: 91-11-23063418

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 make a non-confidential version of the same available to the other parties.

III) Time Limit:

Any information relating to the present sunset 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 Sunset 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 Rules supra.

IV) Inspection of Public File:

In terms of Rule 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