

TO BE PUBLISHED IN THE GAZETTE OF INDIA – EXTRAORDINARY-PART-I, SECTION-1

No 15/32/2013-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Anti Dumping & Allied Duties)
Udyog Bhawan, New Delhi

Dated the 17th April, 2014

Initiation Notification

(Sunset Review)

Subject: Sunset Review of Anti-dumping Duty imposed on imports of Nylon Tyre Cord Fabric (NTCF), originating in or exported from China PR.

No 15/32/2013-DGAD:- Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the AD Rules), the Designated Authority (hereinafter referred to as the Authority) initiated the original anti dumping investigation in respect of the imports of Nylon Tyre Cord Fabric (hereinafter referred to as the subject goods or NTCF or product under consideration) originating in or exported from China PR and definitive anti dumping duty was recommended vide Final Findings Notification No. 14/20/2003-DGAD dated 9th March, 2005. Accordingly, definitive anti dumping duties were imposed vide Ministry of Finance Notification No 36/2005-Customs dated 27th April, 2005 on all imports of the subject goods originating in or exported from China PR (hereinafter referred to as the subject country). Thereafter, the Designated Authority, in terms of section 9A (5) of said Act, received a substantiated application from the Association of Synthetic Fibre Industry, New Delhi, requesting for review and continuation with enhancement of the anti-dumping duties levied on the subject goods, for another five years on the grounds that the dumping had continued in spite of imposition of anti-dumping duty on imports of subject goods from China PR and the domestic industry continued to suffer injury on account of dumping by the subject country. It was also claimed that expiry of measure against the subject country would be likely to result in continuation or recurrence of dumping and injury to the domestic industry. The Designated Authority initiated the Sunset Review anti-dumping investigations and concluded that the expiry of anti dumping duty would lead to continuation or recurrence of dumping, injury or both. The Final Findings recommending continuation of anti dumping duty were notified by the Authority on 31st March, 2009 vide Notification No. 14/20/2008-DGAD and definitive duties on the subject goods imported from subject country were extended by the Department of Revenue vide Notification No. 41/2009-Customs dated 29th April, 2009.

Request for Review

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

3. And, 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, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

4. And, whereas, in terms of the above provisions, the Association of Synthetic Fibre Industry, New Delhi, on behalf of two of its member companies, namely, M/s SRF Ltd and M/s Century Enka Ltd has approached the Authority with a duly substantiated application requesting for sunset review of the anti-dumping duties earlier imposed on the imports of the subject goods originating in or exported from the subject countries vide Ministry of Finance Notification No 41/2009-Customs dated 29th April, 2009 and seeking the continuation of anti-dumping duty on the imports of the subject goods originating in or exported from the subject country. The request is based on the grounds that dumping of the subject goods originating in or exported from the subject country has continued in spite of the imposition of anti-dumping duties on the import of the subject goods from the subject country and the domestic industry continues to suffer injury on account of dumping from the subject country. The applicant has further argued that the expiry of the measure against the subject country would be likely to result in continuation or recurrence of dumping and injury to the domestic industry.

5. And, the Authority, on the basis of prime facie evidence of dumping and injury to the domestic industry given by the applicant, considers that initiation of sunset review proceedings for the anti-dumping duties in force would be appropriate to examine the need for continuation of such duties to offset dumping from the subject country and to examine as to whether the injury to the domestic industry is likely to continue or recur if the duties were removed or varied.

Domestic Industry and Standing

6. The application has been filed by the Association of Synthetic Fibre Industry, New Delhi on behalf of two of its member companies, namely, M/s SRF Ltd and M/s Century Enka Ltd (hereinafter referred to as the applicant or the domestic industry) who have provided the relevant information. As per the information available, the applicants account for a major proportion in Indian production of the subject goods and, therefore, constitute domestic industry

within the meaning of the Rules and has the standing to file the application within the meaning of the Rules.

Initiation

7. Having satisfied itself on the basis of the positive prima facie evidence submitted by the domestic industry substantiating significant dumping margin and the need for a review in respect of the subject country, the Authority hereby initiates a Sunset 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 duties would be likely to lead to continuation or recurrence of dumping and injury.

Product under Consideration and Like Article

8. The product under consideration in the present review investigation is Nylon Tyre Cord Fabric (NTCF) originating in or exported from China PR. 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. The classification is, however, indicative only and in no way binding on the scope of the present investigation. This being sunset review of investigations previously conducted, there is no change in the scope of product under consideration from the previous investigations.

9. Further, the applicant submitted that the product manufactured by the domestic industry and the subject good imported into India from the subject country are like articles within the meaning of the Anti-dumping Rules; that there is no known difference between the subject goods imported from the subject country and that produced by the domestic industry; that the subject good produced by the domestic industry and imported from the subject country are comparable in terms of essential product characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods; that the consumers can use and are using the two interchangeably and that the two are technically and commercially substitutable. After examination, the Authority concludes that the subject good produced by the domestic industry are like article to that imported from the subject country.

Procedure

10. The investigation will determine as to whether the expiry of the measures would be likely to lead to continuation or recurrence of dumping and injury. The Authority will examine as to 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 duties were removed or varied.

- i. The review will cover all aspects of the Notification No. 14/20/2008-DGAD dated 31st March, 2009 and the Notification No. 41/2009-Customs dated 29th April, 2009.
- 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 October 2012 to September 2013 and for the injury analysis, data of the previous three years, viz., 2010-11, 2011-12, 2012-13 and the POI will be considered.
- iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules shall be mutatis mutandis applicable in this review.

Submission of Information

11. The exporters in the subject country, their government through their 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 at the following address:

The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
Room No 240, Udyog Bhavan, New Delhi-110011

12. 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.

Time Limit

13. Any information relating to the present review 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 the letter from the Authority communicating the initiation of this investigation. 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 AD Rules.

14. 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 within forty days (40 days) from the date of the letter from the Authority communicating the initiation of this investigation. The information must be submitted in hard copies as well as soft copies.

Submission of information on confidential basis

15. The parties making any submission (including Appendices/Annexure attached thereto), before the authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:-

(a) one set marked as Confidential (with title, number of pages, index, etc.), and

(b) the other set marked as Non-Confidential (with title, number of pages, index, etc.).

16. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority and the Authority shall be at liberty to allow the other interested parties to inspect such submissions. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in five (5) sets of each.

17. The confidential version shall contain all information which are by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information can not be disclosed.

18. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and 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, party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.

19. 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 if 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.

20. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim shall not be taken on record by the Authority.

21. 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.

Inspection of Public File

22. In terms of Rule 6(7) of the AD Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

Non-cooperation

23. 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.

J S Deepak
Designated Authority