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

Dated the 27TH August, 2010.

NOTIFICATION

Initiation

(Sunset Review)

Subject : Initiation of Sunset Review Investigation of Anti-dumping duty concerning imports of Nylon Filament Yarn originating in or exported from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP.

F.No.15/14/2010-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 (hereinafter referred to as the Authority) recommended imposition of Anti Dumping Duty on imports of Nylon Filament Yarn (hereinafter referred to as subject goods) originating in or exported from China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP (hereinafter referred to as subject countries). The final findings notification of the Authority was published vide notification No. 14/5/2005-DGAD dated 3rd July, 2006. On the basis of the findings, anti dumping duty was imposed on the imports of the subject goods from subject countries by the Department of Revenue vide notifications No. 85/2006 – Customs dated 29th August, 2006.

2. Initiation of Sunset Review

WHEREAS in terms of Section 9A(5) of the Customs Tariff (Amendment) Act 1995, the antidumping duties imposed shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In this regard, Hon'ble Delhi High Court in WP No 16893 of 2006 has held that sunset review is mandatory. Therefore, pursuant to the stated orders of the Hon'ble High Court, the Designated Authority hereby initiates sunset review in accordance with section 9A(5) of the Act read with Rule 23 of Antidumping Rules, to examine whether cessation of the duty would lead to continuation or recurrence of dumping and injury.

3. Product under Consideration

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 polymerisation 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 and fishnet yarn, classifiable under customs classification no. 5402.10. 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.

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 socks, 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.

4. Procedure

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 85/2006 – Customs dated 29th August, 2006. The countries involved in this review investigation are China PR, Chinese Taipei, Malaysia, Indonesia, Thailand and Korea RP.
- ii. The period of investigation for the purpose of the present review is from 1st April 2009 to 31st March 2010. The injury investigation period will however cover the periods April'2006-March'07, April'2007–March'2008, April'2008-March'2009 and the POI.

- iii. 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.

5. Submission of Information:

The Domestic industry is required to submit information on the prescribed *pro forma* (Application for Domestic Industry) and information on likelihood of continuance or recurrence of dumping and injury or both substantiating the need for continuation of duty within forty days (40 days) of issue of this notification.

The exporters in the subject country, their government through their embassy in India, the importers and users in India known to be concerned, would be addressed separately to submit the 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
Room No. 243,
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. 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.

6. Time Limit:

On receipt of information from domestic industry, all interested parties, whose addresses are available, would be advised through a letter to offer their comments in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of issuance of such letter. Any other interested party, whose address is not available, may also submit comments/ information within 40 days from the date of application from Domestic industry. For this purpose, non-confidential version of the application would be placed in the public file. 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.

7. Inspection of Public File:

In terms of Rule 6(7), any interested party may inspect the public file containing non-confidential version of the evidences submitted by the 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 recommendation to the Central Government as deemed fit.

(P.K.Chaudhery)
The Designated Authority