

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

**F.No.7/30/2019-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: 31.01.2020

INITIATION NOTIFICATION

MTR Case No. 11/2019

Subject: Initiation of Mid-Term Review to review the product scope of definitive Anti-Dumping duty imposed on ‘Nylon Filament Yarn’ originating in or exported from European Union and Vietnam.

1. M/s. Aquafil SpA (hereinafter referred to as the ‘Applicant’) has filed an application before the Designated Authority (hereinafter referred to as the “Authority”) in accordance with 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 Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time (hereinafter also referred to as the ‘Rules’) for initiation of limited mid-term review investigation to review the product scope and amend the definition of Bulk Continuous Filament in the antidumping duty investigation on imports of Nylon Filament Yarn (Multi Filament) (hereinafter referred to as “subject goods” or “product under consideration” or PUC) originating or exported from the European Union and Vietnam (hereinafter also referred to as subject countries). Final Findings in the said investigation were issued vide Notification No. 14/33/2016-DGAD dated 06.08.2018 and anti-dumping duty was imposed by the Central Government vide Custom Notification No. 50/2018-Customs (ADD) dated 5th October, 2018.

Product under Consideration

2. The product on which the anti-dumping measures is in force is Synthetic multi filament yarns of Nylon or Polyamides, such as flat yarn - twisted and/or untwisted, crimped yarn, 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. 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. Specifically excluded from the scope of product under consideration are all man-made filament yarns not having Nylon or Polyamides and mono filament yarn, high tenacity yarn of nylon, BCF (Bulk Continuous Filament) yarn. BCF yarn is crimped nylon filament yarn which has high tenacity of approximately 4 centi newton decitex and high denierage (approx. 650 to 1650 decitex) and is normally used in carpet making.

3. The Applicant has filed a limited mid-term review request for amendment in the definition of BCF by changing the upper limit of denierage from 1650 decitex to 10,000 decitex.
4. The present review is, therefore, only for the limited purpose of investigating the need for amending definition of BCF which was excluded from the scope of the product under consideration in the original investigation.

Grounds for Review

5. The grounds pleaded for review are as follows:
 - i. The Applicant now has the capacity to manufacture the BCF yarn with denierage in excess of 1650 decitex up to 10,000 decitex. The export of BCF with higher denierage to India is claimed to have commenced during the period subsequent to the period of investigation of original investigation.
 - ii. At the time of original investigation, the Domestic Industry i.e M/s JCT Limited, M/s Gujarat Polyfilms Pvt. Ltd, M/s Gujarat State Fertilizers and Chemicals Ltd., M/s Prafful Overseas Pvt. Ltd. & AYM Syntex (Formerly known as Welspun Syntex) had submitted that they do not manufacture or sell BCF.
 - iii. There is no change in the cost of investment or cost of production of BCF for manufacturing BCF with denierage upto 10,000 decitex since such manufacturing capacity has always been available with the Applicant and same can be produced with the existing production lines on the demand of customers.

Procedure

6. Having regard to the information provided by the Applicant indicating circumstances necessitating a review of the measure in force, the Authority now considers that a mid-term review of the Final Findings No. 14/33/2016-DGAD dated 06.08.2018 and the Customs Notification No. 50/2018-Customs (ADD) dated 5th October, 2018 limited to the specification of the product BCF excluded from existing anti-dumping measures is appropriate, in terms of the provision of Section 9(A) of Customs Tariff (Amendment) Act 1995 read with Rule 23 (1) supra. The Authority also notes that the Applicant M/s Aquafil SpA has provided prima facie evidence to establish the need for mid-term review. Accordingly, the Authority initiates a mid- term review of definitive Anti- Dumping Duty imposed on 'Nylon Filament Yarn' originating in or exported from the European Union and Vietnam, limited to the product scope.

Subject Countries

7. The countries involved in the present investigations are European Union and Vietnam.

Period of Investigation (POI)

8. Since the application is for limited purpose of change of specification of product excluded from the product under consideration, the Authority does not propose to evaluate either the quantum of dumping and injury, and therefore, stipulation of POI is not required.

Submission of Information

9. The exporters in the subject countries, their government through their Embassies in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.
10. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below. The information/ submission may be submitted to:

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

11. 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

12. Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above within thirty days from the date of receipt of the notice as per Rule 6(4) of the Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Authority or transmitted to the appropriate diplomatic representative of the exporting countries. 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 Rules.
13. 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 within the above time limit.

Submission of information on confidential basis

14. The parties making any submission (including Appendices/Annexes 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:
 - i. one set marked as Confidential (with title, number of pages, index, etc.), and
 - ii. the other set marked as Non-Confidential (with title, number of pages, index, etc.).
15. 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 two (2) sets of each.
16. The confidential version shall contain all information which is 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 cannot be disclosed.
17. 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 summarised 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, the 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.
18. 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.
19. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
20. 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

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

Non-cooperation

22. 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.

(Bhupinder S. Bhalla)
Additional Secretary & Designated Authority