

Department of Commerce
Ministry of Commerce and Industry
(Directorate General of Anti-Dumping and Allied Duties)
Jeevan Tara Building, 4th Floor,
5, Parliament Street,
New Delhi-110001

Dated July 22, 2015

**INITIATION NOTIFICATION
(Sunset Review)**

Initiation of Sunset Review of Anti-dumping Duty imposed on imports of Viscose Staple Fibre excluding Bamboo Fibre, originating in or exported from China PR and Indonesia.

F.No.15/9/2015-DGAD - Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also 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 also referred as the Rules), the Designated Authority (hereinafter also referred to as the Authority) recommended imposition of anti-dumping duty on imports of "Viscose Staple Fibre excluding Bamboo Fibre" (hereinafter also referred to as the subject goods), originating in or exported from China PR and Indonesia (hereinafter referred to as the subject country).

2. Whereas, the original investigation concerning imports of the subject goods from the subject countries was initiated by the Authority vide Notification No.14/6/2009-DGAD dated 19th March 2009 and preliminary finding was published by the Authority vide Notification No.14/6/2009-DGAD dated 5th August 2009. The final finding was published by the Authority vide Notification No.14/6/2009-DGAD dated 17th May 2010 and definitive anti-dumping duty was imposed by the Central Government vide Notification No.76/2010 dated 26th July 2010.

3. Whereas, the present petition has been filed by Association of Man-Made Fibre Industry of India (hereinafter referred to as Petitioner), on behalf of the domestic industry for the product under consideration. One of its members, M/s Grasim Industries Ltd. is the sole producer (hereinafter referred to as Petitioner Company). The petitioner has provided relevant financial information to file this application for the extension of period, modification and enhancement of existing anti dumping duties on imports of Viscose Staple Fibre excluding Bamboo Fibre (hereinafter referred to as VSF or subject good) from China PR and Indonesia (hereinafter referred to as subject countries). The petition is in the form and manner prescribed by the Designated Authority.

Country involved

4. The countries involved in this investigation are China PR and Indonesia.

Product under Consideration and Like Article

5. The product under consideration in the present investigation is "Viscose Staple Fibre excluding Bamboo Fibre. The product is classified under Chapter 55 of the Customs Tariff

Act under Customs Sub- heading No.550410. However, customs classification is indicative in nature and not binding on the scope of the investigation.

6. The Authority has noted as follows in the final findings of the original investigation,

“The product under consideration is “Viscose Staple Fibre (VSF) excluding Bamboo fibre”. Viscose Staple Fibre is described as “Viscose rayon staple fibre not carded/combed” under the Customs Tariff and is also known as “Rayon Fibre” in some markets. The product under consideration is classified under Custom Headings 5504.10.00. The Customs classification is indicative only and is in no way binding on the scope of the present investigation. Viscose Staple Fibre was the first man-made fibre, and unlike other man-made fibres, is not a synthetic fibre. It is made through wet spinning technology and is a regenerated cellulose fibre made from wood pulp, which is essentially cellulose extracted from a sustainable natural resource i.e. wood, by subjecting it to various chemical and mechanical processes. On account of its cellulosic base, viscose staple fibre properties are similar to those of natural cellulosic fibres than those of thermoplastic, petroleum based synthetic fibres such as nylon or polyester. Further, it has a distinct advantage of engineered specification and uniformity. Viscose Staple Fibre has silk-like aesthetic with superb drape, soft feel and retains rich brilliant colours. Fabrics made from it are moisture absorbent (even more than cotton), breathable, comfortable to wear, and easily dyeable in vivid colours. They do not build up static electricity, and are pill-resistant. Main strength of VSF is its versatility and ability to blend easily with nearly all other textile fibres to impart lusture, softness, absorbency and resulting comfort to the fabric made from such blends. Bamboo fibre, one of the types of Viscose Staple Fibre is excluded from the scope of this investigation. In the initiation notification, Designated Authority has specifically requested the interested parties to make their submissions with regard to exclusion of Bamboo Fibre. None of the interested parties had made any submissions in this regard.”

Since the proposed investigation is a sunset review investigation, the scope of the product under consideration is the same as that of original investigation

Like Article

7. 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;

8. Petitioner has claimed that there is no known difference in subject goods exported from subject countries and that produced by the Indian industry. Both the products have comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc.

Domestic Industry & Standing

9. M/s Grasim Industries Ltd. has provided required information as domestic industry. The Applicant is the sole Indian producer of the product under consideration. As submitted by the Petitioner Company, they have not imported the product under consideration from the subject countries during the POI. However, Petitioner Company’s group has production

setup in various countries including China and Indonesia [Birla Jingwai Fibres Company Limited, China and PT Indo Bharat Rayon, Indonesia]. On the basis of information furnished by the applicants, the Authority notes that no exports have been made to India by the related exporters in subject countries during the POI. Therefore, the Authority has considered the petitioner company as domestic industry within the meaning of the Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

Initiation of sunset review

10. WHEREAS, in view of the duly substantiated application filed and in accordance with Section 9 A (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 country 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.

Period of Investigation

11. The period of investigation (POI) is April 2014-March 2015 (12 months) for the purpose of present investigation. The injury investigation period will however cover the periods April 2011-March 2012, April 2012-March 2013, April 2013-March 2014 and the POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure

12. The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No.14/6/2009-DGAD dated 17th May 2010 (final findings of the original investigation).

13. 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.

Submission of Information

14. 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:

Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi-110001

15. 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.

Time Limit

16. 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.

17. 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.

Submission of information on confidential basis

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

Inspection of public file

24. 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.

Non-cooperation

25. 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.

Sd/-
(J.K. Dadoo)
Designated Authority