

**MINISTRY OF INDUSTRY AND TRADE**  
TRADE REMEDIES ADMINISTRATION OF  
VIETNAM

**No.: 28 /TH-PVTM**

Trade Remedies Administration of Vietnam  
Ministry of Industry and Trade  
The Socialist Republic of Vietnam  
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*Hanoi, 10 April 2020*

(Unofficial Translation)

Embassy of the Republic of India in Vietnam  
58-60 Tran Hung Dao Street, Hoan Kiem District, Hanoi

Regarding: Vietnam to launch investigation into anti-dumping duties on a certain polyester filament yarn products originating from the People's Republic of China, Republic of India, Republic of Indonesia and Malaysia.

Kind attn.: Embassy of the Republic of India in Vietnam

The Trade Remedies Administration of Vietnam (*Investigating Authority*) has the honour to inform that the Ministry of Industry and Trade of the Socialist Republic of Vietnam on 06 April issued Decision No. 1079/QD-BCT regarding the investigation into anti-dumping duties on a certain polyester filament yarn products under HS Codes: 5402.33.00, 5402.46.00, 5402.47.00 originating from the People's Republic of China, Republic of India, Republic of Indonesia and Malaysia (Case No. AD10) imported to Vietnam.

The Trade Remedies Administration of Vietnam has the honour to enclosed herewith the Decision, the Notice on the launching of the investigation into anti-dumping duties on a certain polyester filament yarn products, and the public version of the Request forms filled and submitted by representatives of the manufacturing sector of Vietnam. These papers are also open to public on the official portal of the Ministry of Industry and Trade ([www.moit.gov.vn](http://www.moit.gov.vn)) and that of the Investigating Authority ([www.pvtm.gov.vn](http://www.pvtm.gov.vn) or [www.trav.gov.vn](http://www.trav.gov.vn)).

In order to protect the rights and benefits of the businesses of the Republic of India, the Investigating Authority requests the Embassy to forward the Decision, the Notice on the launching of investigation, and the public version of the above-mentioned filled Request forms to the concerned businesses involved in manufacturing and exports to have their comprehensive and full cooperation with the Investigating Authority throughout the investigating period.

The Trade Remedies Administration of Vietnam avails itself of the opportunity to renew to the Embassy of India the assurances of its highest consideration./.

(Signed and sealed)

**Le Trieu Dung**

Director General

Trade Remedies Administration of Vietnam

Ministry of Industry and Trade

The Socialist Republic of Vietnam

Repeated to: Embassy of Vietnam in the Republic of India  
Vietnam's Trade Division in the Republic of India

MINISTRY OF INDUSTRY AND TRADE

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No.: 1079/QD-BCT

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness

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Hanoi, 06 April 2020

(Unofficial Translation)

### DECISION

**Investigation into anti-dumping duties on a certain polyester filament yarn products originating from the People's Republic of China, Republic of India, Republic of Indonesia and Malaysia.**

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### MINISTER OF INDUSTRY AND TRADE

Pursuant to the Law on Foreign Trade Management No. 05/2017/QH14 dated 12 June 2017;

Pursuant to the Decree No. 10/2018/ND-CP dated 15 January 2018 of the Government providing detailed regulations on a certain articles of the Law on Foreign Trade regarding trade remedies;

Pursuant to the Decree No. 98/2017/ND-CP dated 18 August 2017 of the Government defining the functions, tasks, powers and organizational structure of Ministry of Industry and Trade;

Pursuant to the Circular No. 37/2019/TT-BCT dated 29 November 2019 of the Minister of Industry and Trade providing detailed regulations on trade remedies;

Pursuant to Decision No. 3752/QD-BCT dated 02 October 2017 of the Minister of Industry and Trade defining the functions, tasks, powers and organizational structure of the Trade Remedies Administration of Vietnam;

At the request of the Director General of the Remedies Administration of Vietnam,

### DECIDE:

**Article 1.** To launch the investigation into anti-dumping duties on a certain polyester filament yarn products under HS Codes: 5402.33.00, 5402.46.00, 5402.47.00 originating from the People's Republic of China, Republic of India, Republic of Indonesia and Malaysia (Case No. AD10) with details as per the Notice attached with this Decision.

**Article 2.** The procedures and process of the investigation are to be performed as per the law and regulations on trade remedies of Vietnam.

**Article 3.** This Decision is to take effect since the date of signing.

**Article 4.** Chief of Office of the Ministry, Director General of the Trade Remedies Administration of Vietnam and Heads of the concerned bodies and parties are to implement this Decision./.

**Recipients:**

- As per Article 4;
- Government' s Office;
- MOF, MOFA, MIC;
- Vice Ministers;
- Website of: Government, MOIT;
- GDVC (Department of Import & Export Tax;
- Department of Supervision and Management);
- Departments: Industry; Import & Export;
- Departments: Asia and Africa Market, Science & Technology, Multilateral Trade Policy, Legal Affairs;
- Office of BCDLNHNQT on economics;
- For Archive.

**MINISTER**

(Signed and sealed)

**Tran Tuan Anh**

**NOTICE**

**Investigation into anti-dumping duties on a certain polyester filament yarn products originating from the People’s Republic of China, Republic of India, Republic of Indonesia and Malaysia.**

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*(Enclosed with the Decision No. 1079/QD-BCT dated 06 April 2020 of Minister of Industry and Trade)*

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**1. Basic information**

On 07 November 2019, the Trade Remedies Administration of Vietnam of the Ministry of Industry and Trade (Investigating Authority) received dossiers requesting for the imposition of anti-dumping measures on a certain polyester filament yarn products under HS Codes: 5402.33.00, 5402.46.00, 5402.47.00 originating from the People’s Republic of China, Republic of India, Republic of Indonesia and Malaysia. (Requesting dossiers). The Requesting Party includes representatives of the domestic manufacturing sector, namely Vietnam Petrochemical and Fiber Joint Stock Company, Formosa Industries Company Limited, and Century Synthetic Fiber Corp.

On 22 November 2019, the Trade Remedies Administration of Vietnam issued the Note No. 1056/PVTM-P1 requesting the Requesting Party to supplement and clarify a number of items in the Requesting Dossiers. On 31 December 2019 and 09 January 2020, the Trade Remedies Administration of Vietnam received the additional paper to supplement and clarify the information of the Requesting Party. As per Point 1 under Article 30 of the Decree No. 10/2018/ND-CP dated 15 January 2018 of the Government providing detailed regulations on a certain articles of the Law on Foreign Trade (Decree No. 10/2018/ND-CP), on 21 January 2020, the Investigating Authority issued the Note No. 45/PVTM-P1 confirming the validity and completion status of the Requesting Dossiers as per Article 28 of the Decree No. 10/2018/ND-CP.

As per Item c, Point 5, Article 70 of the Law on Management of Foreign Trade and Article 5.5 of WTO’s Anti-dumping Agreement, on 30 January 2020, the Investigating Authority issued a letter to the Embassies of China, India, Indonesia and Malaysia in Vietnam informing the receipt of the valid and complete dossiers.

As per Article 79 of the Law on Management of Foreign Trade regarding the basis for launching an investigation on anti-dumping duties, the Investigating Authority identified that:

- The Party requesting for the imposition of anti-dumping measures meet the criteria of having representation role for the domestic manufacturing sector; and

- There is concrete evidence of the significant damage caused by the dumped imported goods to the domestic manufacturing sector.

The Investigating Authority have also sought comments from concerned bodies and authorities regarding the scale of the products and the details of the domestic manufacturing sector.

As per Article 70 of the Law on Management of Foreign Trade regarding the procedures and the process of the investigation on trade remedies cases and Article 79 of the Law on Management of Foreign Trade regarding the basis for launching an investigation on anti-dumping duties, the Ministry of Industry and Trade decides to launch the investigation into anti-dumping duties on the products under investigation originating from the People's Republic of China, Republic of India, Republic of Indonesia and Malaysia (Case No. AD10).

## 2. Details of the investigation

Items under investigation will be carried out as per Article 80 of the Law on Management of Foreign Trade and Article 32 of the Decree No/ 10/2018/ND-CP with details as under:

### 2.1. Goods subject to investigation

#### a) Product description:

Name of product: Polyester Filament Yarn

Scientific name/ English name: Polyester Filament Yarn

Widely-used name: Filament yarn from polyester, POY, DTY, FDY, Polyester Drawn Textured Yarn, Polyester Partially Oriented Yarn, Polyester Fully Oriented Yarn, etc.

Polyester Filament Yarn are categorized under HS Codes as follows:

<b>HS Code</b>	<b>Description</b>	<b>Normal Tariff</b>	<b>MFN Tariff</b>	<b>ACFTA Tariff</b>	<b>ATIGA Tariff</b>	<b>CPTPP Tariff</b>
<b>SECTION XI</b>	TEXTILES AND TEXTILE ARTICLES					
<b>Chapter 54</b>	Man-made Filaments; Strip And The Like of Man-made Textile Materials					
<b>5402</b>	Synthetic filament yarn (other than sewing thread), not					

	put up for retail sale, including synthetic monofilament of less than 67 decitex.					
	- High tenacity yarn of nylon or other polyamides, whether or not textured:					
<b>5402.33.00</b>	- - Of polyesters	4.5%	3%	0%	0%	0%
<b>5402.46.00</b>	- - Other, of polyesters, partially oriented	4.5%	3%	0%	0%	0%
<b>5402.47.00</b>	- - Other, of polyesters	4.5%	3%	0%	0%	0%

The Ministry of Industry and Trade may amend, supplement the list of the HS Codes of the goods under investigation to match with the description of goods under investigation and may decide other alteration (if any).

**b) Origin of the goods to be under investigation:** China, India, Indonesia and Malaysia.

## **2.2. Summary of the allegation of the anti-dumping activities and damages recorded for the domestic manufacturing sector**

### **a) Result of the appraisal of the dossiers as requested**

#### **(i) Criteria for the submission of the dossiers:**

For this case, the total yield of both Requesting Party and Supporting Party makes up 67.4% of the total amount of similar goods manufactured domestically and there is no domestic manufacturer giving their objection. Thus the Requesting Parties meet the criteria as per Point 2 Article 79 of the Law on Management of Foreign Trade on the following points:

+ Total yield of both Requesting Party and Supporting Party makes up at least 25% of the total weight or quantity of similar goods manufactured by domestic sector; and

+ Total yield of the Requesting Party and the Supporting Party must be more than that of the Objecting Party.

**(ii) Allegation of the anti-dumping activities:** The Requesting Party managed to provide reasonable grounds to calculate the anti-dumping amplitude for the dumped goods under investigation originating from China, India, Indonesia and Malaysia.

(iii) Allegation of causing damages: The Requesting Party managed to provide reasonable information which could prove the signs of the significant damages towards the domestic manufacturing sector with details as under:

- There is an absolute and relative rise in the quantum of goods imported from China, India, Indonesia and Malaysia.

- There is a sign of the difference in prices as import price is always much lower than the set price of the products manufactured domestically.

- There is a reduction of revenue, revenue rate, yield, usage coefficient of the efficiency of the domestic manufacturing sector, while the segment of similar goods from China, India, Indonesia and Malaysia is on the rising trend.

(iv) Causal relation: Dossiers of the Requesting Party managed to prove the existence of the causal relation between dumped imported goods and the significant damage caused to the domestic manufacturing sector.

Therefore, the Investigating Authority has acknowledged that the Dossiers of the Requesting Party meet all of the criteria as per the regulations of the law on anti-dumping duties and proposed to the Minister of Industry and Trade to decide to launch the investigation.

**b) Period of investigation (POI): (1)**

- Period of investigation to identify anti-dumping activities: 01 January 2019 – 31 December 2019.

- Period of investigation to identify damages caused to the domestic manufacturing sector:

Year 1: 01 January 2017 – 31 December 2017;

Year 2: 01 January 2018 – 31 December 2018;

Year 3: 01 January 2019 – 31 December 2019.

**Note: (1)** – This is the period the Investigating Authority collected the information and data to identify the existence of the anti-dumping activities, the existence of the damages or the threats to cause damages or the significant deterrence against the formation of the domestic manufacturing sector and the causal relation between behaviors and damages as stated above.

**c) Proposal on the to-be-set tariff by the Requesting Party: (2)**

The Requesting Party is proposing to impose anti-dumping duties on the goods under investigation as under:

<b>Country/ Territory of Origin</b>	<b>Proposed set tariff</b>
<b>China</b>	<b>17.0%</b>
<b>India</b>	<b>54.9%</b>

<b>Indonesia</b>	<b>60.6%</b>
<b>Malaysia</b>	<b>6.4%</b>

**Note: (2)** – These tariff rates are the allegation of the Requesting Party, not the conclusion of the Investigating Authority

### **3. Procedures and process of investigation**

#### **3.1. Register the Concerned Party**

a. As per Article 6 of the Circular No. 37/2019/TT-BCT dated 29 November 2019 of the Minister of Industry and Trade on providing detailed regulations on a certain trade remedies. (Circular No. 37/2019/TT-BCT), organizations and individuals as mentioned in Article 74 of the Law on Management of Foreign Trade may register to be acknowledged as Concerned Party of the case with the Investigating Authority to access the information circulated publicly throughout the period of investigation, submit comments, information and evidence, relevant to the items of investigation as mentioned in this Notice.

b) Organizations and individuals register to be Concerned Party by filling the Registration Form for Concerned Party in Annex I, issued along with the Circular No. 37/2019/TT-BCT and submit to Investigating Authority at the address mentioned in this Notice in sixty (60) working days since the date of the issuance of decision to launch the investigation by submitting an official Note with the filled Registration Form for Concerned Party via either of the following ways: (i) by post or (ii) by email.

c) To ensure your rights and benefits, the Investigating Authority would suggest organizations and individuals involved in activities of manufacturing, importing and using goods under investigation to register to become the Concerned Party to enjoy the right to access information, provide information and raise opinions throughout the period of investigation.

#### **3.2. Questionnaire**

Pursuant to Article 35 of Decree No. 10/2018/ND-CP:

In fifteen (15) days since the date of the issuance of the decision to launch the investigation, the Investigating Authority must send the questionnaire to the following subjects:

- The Party submitting the dossiers requesting for the imposition of anti-dumping duties;
- Other domestic manufacturers known by the Investigating Authority;
- The Party requested to be imposed with anti-dumping duties known by the Investigating Authority;
- Importers under investigation;

- Diplomatic Missions of the countries of origin of the goods under investigation;

- Other concerned Parties considered crucial by the Investigating Authority.

### **3.3. Sample selection**

In case the quantity of the foreign manufacturers and exporters, and the domestic importers and manufacturers is too significant, or the the quantity of the products demanded to be imposed with anti-dumping measures is too significant. The restriction of the scale of investigation is to be carried out as per Article 36 of the Decree No. 10/2018/ND-CP.

### **3.4. Spoken and written forms of communications**

a) Spoken and written forms of communications used throughout the period of investigation is Vietnamese. The Concerned Party has the right to use their country's spoken and written forms of communications, but an interpreter/ translator is required in this case.

b) Non-English information and documents provided by the Concerned Party must be translated into Vietnamese. The Concerned Party must guarantee the truthfulness and precision of the information, and hold the responsibility before the law for the translated information.

### **3.5. Information security**

The Investigating Authority performs information security as per Point 2 Article 75 of the Law on Management of Foreign Trade and Article 11 of the Decree No. 10/2018/ND-CP.

### **3.6. Cooperation throughout the period of investigation**

As per Article 10 of Decree No. 10/2018/ND-CP:

a) If any of those acknowledged as Concerned Party denies to participate in the case, or to provide necessary evidence, or to deter significantly the completion of the investigation, the conclusion of the investigation for that Concerned Party will be given based on the existing information.

b) If any of those acknowledged as Concerned Party provides imprecise or misleading evidence, the evidence will not be considered and the conclusion of the investigation for that Concerned Party will be based on the existing information.

c) The Investigating Authority recommends those acknowledged as Concerned Party to cooperate fully throughout the period of investigation to ensure your legal rights and benefits.

## **4. Temporary measures:**

### **4.1. Management of import of investigated goods**

Since the date of issuance of the decision of launching the investigation till the end of the period of the anti-dumping investigation, the Investigating Authority may request for import declaration for the goods under anti-dumping investigation in order to serve the investigation purposes. The import declaration is not restricted to amount, weight, or value of the imported goods.

The order for the procedures of import management of goods under investigation is as per Article 8 of Decree No. 10/2018/ND-CP and the Declaration Form in Annex II issued along with Circular No. 37/2019/TT-BCT. The Ministry of Industry and Trade will issue a detailed notice in case this measure is to be taken.

#### **4.2. Imposition of temporary anti-dumping duties**

As per the conclusion of the preliminary investigation, the Investigating Authority may propose to the Minister of Industry and Trade to decide on the imposition of temporary anti-dumping duties as per Point 1 Article 81 of the Law on Management of Foreign Trade and Article 37 of Decree No. 10/2018/ND-CP. The temporary anti-dumping duties are not to exceed the amplitude for the dumped goods in the conclusion of the preliminary investigation.

#### **5. Consultancy**

Those belonging to the Concerned Party have the right to demand for private consultancy with the Investigating Authority as per Point 1 of Article 13 of the Decree No. 10/2018/ND-CP under the condition that this consultancy session will not affect the period of investigation.

Before concluding the investigation, the Investigating Authority will organize a public consultancy session with the Concerned Party. The Investigating Authority has the responsibility to inform on the organization of the consultancy session to Concerned Party no later than thirty (30) days before the date of the session. The organization of the public consultancy session is as per Points 2, 3, 4, and 5 of Article 13 of the Decree No. 10/2018/ND-CP.

#### **6. Imposition of anti-dumping duties in effect on a retrospective basis**

a) In case the final conclusion of the Investigating Authority identifies there are significant damages caused or threats to cause significant damages to the domestic manufacturing sector, the Minister of Industry and Trade may decide to impose the anti-dumping duties on a retrospective basis.

b) The anti-dumping duties imposed will be in effect on a retrospective basis for imported goods within ninety (90) days before the imposition of temporary anti-dumping duties if the imported goods is acknowledged as dumped goods; the weight and amount of dumped goods imported into Vietnam that surge abnormally during the period since the launch of the investigation till the official imposition of temporary anti-dumping duties and cause damages that are highly unlikely to be resolved to the domestic manufacturing sector.

#### **7. Contact details**

Trade Remedies Administration of Vietnam - Ministry of Industry and Trade

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Tel: +84.24.2220.5304

Email: [maitrh@moit.gov.vn](mailto:maitrh@moit.gov.vn) (Ms. Tran Hoang Mai)

The Decision and Notice on the case may be accessed and downloaded from the official portal of the Ministry of Industry and Trade: [www.moit.gov.vn](http://www.moit.gov.vn); or the Trade Remedies Administration of Vietnam: [www.trav.gov.vn](http://www.trav.gov.vn) or [www.pvtm.gov.vn](http://www.pvtm.gov.vn)