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สภาอุตสาหกรรมฯ
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ถึง สภาอุตสาหกรรมแห่งประเทศไทย

กรมการค้าต่างประเทศ ขอแจ้งประกาศของหน่วยงาน Directorate General of Trade Remedies (DGTR) กระทรวงพาณิชย์และอุตสาหกรรม สาธารณรัฐอินเดีย ลงวันที่ ๒๙ มิถุนายน ๒๕๖๗ เรื่อง การเปิดไต่สวนการทุ่มตลาด (Anti - Dumping: AD) กับสินค้า Acrylic Fibre ที่มีแหล่งกำเนิดจากสาธารณรัฐประชาชนจีน สาธารณรัฐเปรู และประเทศไทย ในกรณีนี้ ผู้มีส่วนได้เสียสามารถเข้าร่วมกระบวนการไต่สวนและจัดส่งข้อมูลข้อเท็จจริงตามแบบสอบถามได้ภายใน ๓๐ วัน ตามเงื่อนไขและรายละเอียดที่ระบุในประกาศเปิดไต่สวน ทั้งนี้ สามารถดาวน์โหลดรายละเอียดประกาศดังกล่าวได้ตาม QR Code ที่แนบ มาเพื่อทราบและแจ้งสมาชิกให้ทราบโดยทั่วกัน



กองปกป้องและตอบโต้ทางการค้า

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โทรสาร ๐๒ ๕๕๗ ๔๗๔๑

รับเอกสารแล้ว
ชื่อผู้รับ พ. (นันท)
วันที่ 18 ต.ค. 2567 / น:29 น.
โทรศัพท์

DEPARTMENT OF COMMERCE
(Ministry of Commerce and Industry)
(DIRECTORATE GENERAL OF TRADE REMEDIES)

INITIATION NOTIFICATION

New Delhi, the 29th June, 2024

Case No. AD (OI)-14/2024

Subject: Initiation of anti-dumping investigation concerning imports of 'Acrylic Fibre' from China PR, Peru and Thailand.

F. No. 6/16/2024-DGTR.—Indian Acrylic Limited, Pasupati Acrylon Limited and Vardhaman Acrylics Limited (hereinafter referred to as the 'domestic industry' or 'applicants') 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 (herein also 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 (hereinafter referred to as the 'Rules') for initiation of an anti-dumping investigation on the imports of 'Acrylic Fibre' (hereafter referred to as 'subject goods' or 'product under consideration'), originating in or exported from China PR, Peru and Thailand (hereafter referred to as the 'subject countries').

2. The applicants have alleged that material injury is being caused to the domestic industry due to dumped imports of the product under consideration originating in or exported from the subject countries and has requested for imposition of anti-dumping duty on the imports of the product under consideration from the subject countries.

A. Product under consideration (PUC)

3. The product under consideration in the present investigation is acrylic fibre of all types and kinds. acrylic fibre is a long chain of synthetic polymer composed of at least 90% by weight of acrylonitrile, which is a major raw material to produce acrylic fibre. The terms acrylic fibre includes acrylic staple, acrylic tow and acrylic top. In other words, acrylic staple fibre, acrylic tow and acrylic top are known as acrylic fibre in the commercial parlance.

4. The unit of measurement considered in the present investigation for the product under consideration is Metric Tons (MT).

5. The product under consideration is classified under Chapter 55 of the Customs Tariff Act, 1975 under the sub-headings 55013000, 55033000 and 55063000. The product is also being imported under 55033010 and 55033090. The customs classification is only indicative and is not binding on the scope of the investigation.

6. The parties to the present investigation may provide their comments on the product under consideration and propose PCNs (with justification), if any, within 15 days of circulation of the receipt of intimation of initiation of the investigation. Submissions made without justification will not be considered by the Authority.

B. Like article

7. The applicants have claimed that there is no known difference between the subject goods exported from the subject countries and that produced by the applicants. Subject goods produced by the applicants and those imported from the subject countries 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. Consumers use the two interchangeably. The applicants have further claimed that the two are technically and commercially substitutable and, hence, should be treated as like article under the Rules. Therefore, for the purpose of the present investigation, the product produced by the applicants is being treated as like article to the product under consideration imported from the subject countries.

C. Subject countries

8. The subject countries in the present investigation are China PR, Peru and Thailand.

D. Period of investigation (POI)

9. The applicants had proposed the period of investigation as 1st April 2023 to 31st December 2023. However, the Authority has considered period of investigation as 1st April 2023 to 31st March 2024. The injury information period covers the financial year of 2020-21, 2021-22 and 2022-23 and the period of investigation.

E. Domestic industry and standing.

10. The application has been filed by Indian Acrylic Limited, Pasupati Acrylon Limited and Vardhaman Acrylics Limited. The production of the applicants constitutes 100% of Indian production of the product, and there are no other producers of the like article in India.
11. On the basis of the information furnished, the Authority notes that Indian Acrylic Limited has imported small quantity of the product under consideration from one of the subject countries during the period of investigation. The imports made by one of the applicants are insignificant in volume. The applicants have also stated that they are neither related to any exporter in the subject countries nor to importer of the subject goods.
12. Based on the information provided, it is *prima facie* considered that the applicants constitute 'domestic industry' within the meaning of Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules.

F. Normal value**I. China PR**

13. The applicants have submitted that China PR should be treated as a non-market economy, and that producers from China PR should be directed to demonstrate that market economy conditions prevail in the industry with regard to the production and sales of the subject goods. Unless the producers from China PR show that such market economy conditions prevail, their normal value should be determined in accordance with Para 7 of Annexure-I to the Anti-Dumping Rules, 1995.
14. The applicants have proposed to determine normal value for China on the basis of import price from Turkiye to India. The interested parties may offer their comments on the normal value methodology proposed by the applicants. The Authority for the purpose of initiation of this investigation has considered normal value for China based on price payable in India considering the cost of production in India after duly adjustment of selling, general and administrative expenses and reasonable profit.

II. Peru and Thailand

15. The applicants have relied on the price published in the CMA report for the purpose of determining normal value for Peru and Thailand. For the purposes of initiation, the Authority has considered the same for determining the normal value for Peru and Thailand.

G. Export price

16. The export price of the subject goods has been determined by considering the CIF price of the subject goods, as reported in the DG Systems transaction wise data. The price adjustments have been made on account of ocean freight, marine insurance, commission, inland freight, port expenses, and bank charges to arrive at ex-factory export price.

H. Dumping margin

17. The normal value and export price have been compared at the ex-factory level, which *prima facie* shows that the dumping margin is not only above *de-minimis* level, but also significant. Thus, there is *prima facie* evidence that the product under consideration is being dumped in the Indian market by the exporters from the subject countries.

I. Injury and Causal Link

18. The applicants have provided *prima facie* evidence with respect to the injury suffered because of dumped imports. The volume of the subject imports from the subject countries has increased in absolute terms as well as relative term despite no demand supply gap. The price undercutting from the subject countries is positive. The price depression caused by the dumped imports have prevented the domestic industry from increasing its prices to recover the full cost and achieve a reasonable rate of return and has suffered significantly in profitability. Because of dumped imports from the subject countries, the production and capacity utilisation of the domestic industry have declined. The market share and return on capital employed of the domestic industry too have declined in the period of investigation. There is sufficient *prima facie* evidence of material injury being caused to the domestic industry due to dumped imports from the subject countries to justify the initiation of the anti-dumping investigation.

J. Initiation of Anti-Dumping Investigation

19. On the basis of the duly substantiated application filed by or on behalf of the domestic industry, and having satisfied itself, on the basis of the *prima facie* evidence submitted by the domestic industry, substantiating

dumping of the product under consideration originating in or exported from the subject countries, injury to the domestic industry and causal link between such alleged dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the Rules, the Authority, hereby, initiates the investigation to determine the existence, degree and effect of any alleged dumping in respect of the product under consideration originating in or exported from the subject countries and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

K. Procedure

20. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

L. Submission of information

21. All communication should be sent to the Designated Authority via email at email addresses dir16-dgtr@gov.in and dd17-dgtr@gov.in with a copy to adg16-dgtr@gov.in and adv13-dgtr@gov.in. It must be ensured that the narrative part of the submission is in searchable PDF/MS-Word format and data files are in MS-Excel format.
22. The known producers/exporters in the subject countries, the governments of the subject countries through their embassies in India, and the importers and users in India who are known to be associated with the product under consideration are being informed separately to enable them to file all the relevant information within the time limits mentioned in this initiation notification. All such information must be filed in the form and manner as prescribed by this initiation notification, the Rules, and the applicable trade notices issued by the Authority.
23. Any other interested party may also make submission relevant to the present investigation in the form and manner as prescribed by this initiation notification, the AD Rules, 1995 and the applicable trade notices issued by the Authority within the time limits mentioned in this initiation notification.
24. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other interested parties.
25. Interested parties are further advised to keep a regular watch on the official website of the Designated Authority <http://www.dgtr.gov.in/> for any updated information with respect to this investigation.

M. Time limit

26. Any information relating to the present investigation should be sent to the Authority via email at the email addresses dir16-dgtr@gov.in and dd17-dgtr@gov.in with a copy to adg16-dgtr@gov.in and adv13-dgtr@gov.in within 30 days from the date on the non-confidential version of the documents filed by the domestic industry would be circulated by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting countries as per Rule 6(4) of the Rules. 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.
27. 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.
28. Where an interested party seeks additional time for filing of submissions, it must demonstrate sufficient cause for such extension in terms of Rule 6(4) of the AD Rules, 1995 and such request must come within the time stipulated in this notification.

N. Submission of information on confidential basis

29. Where any party to the present investigation makes confidential submissions or provides information on a confidential basis before the Authority, such party is required to simultaneously submit a non-confidential version of such information in terms of Rule 7(2) of the Rules and in accordance with the relevant trade notices issued by the Authority in this regard.
30. Such submissions must be clearly marked as 'confidential' or 'non-confidential' at the top of each page. Any submission that has been made to the Authority without such markings shall be treated as 'non-confidential' information by the Authority, and the Authority shall be at liberty to allow other interested parties to inspect such submissions.
31. 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 is 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.

32. The non-confidential version of the information filed by the interested parties should be a replica of the confidential version with the confidential information preferably indexed or blanked out (where indexation is not possible) and such information must be appropriately and adequately summarized depending upon the information on which confidentiality is claimed.
33. 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.
34. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on a 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 containing a sufficient and adequate explanation in terms of Rule 7 of the Rules, 1995, and appropriate trade notices issued by the Authority, as to why such summarization is not possible, must be provided to the satisfaction of the Authority.
35. The interested parties can offer their comments on the issues of confidentiality claimed by the other interested party within 7 days from the date of circulating of the non-confidential version of the documents.
36. Any submission made without a meaningful non-confidential version thereof or a sufficient and adequate cause statement in terms of Rule 7 of the Rules, and appropriate trade notices issued by the Authority, on the confidentiality claim shall not be taken on record by the Authority.
37. 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.
38. 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.

O. Inspection of Public File

39. A list of registered interested parties will be uploaded on the DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions/response/information to all other interested parties. Failure to circulate non-confidential version of submissions/response/information might lead to consideration of an interested party as non-cooperative.

P. Non-cooperation

40. 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 declare such interested parties 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.

ANANT SWARUP, Designated Authority