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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

NOTIS PEMULAN KAJIAN SEMULA PENTADBIRAN DUTI
ANTI-LAMBAKAN MENGENAI IMPORT *CELLULOSE FIBRE
REINFORCED CEMENT FLAT* DAN *PATTERN SHEETS* YANG
BERASAL ATAU DIEKSPORT DARI THAILAND

*NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW OF
AN ANTI-DUMPING DUTY WITH REGARD TO THE IMPORTS
OF CELLULOSE FIBRE REINFORCED CEMENT FLAT AND
PATTERN SHEETS ORIGINATING OR EXPORTED FROM
THE KINGDOM OF THAILAND*

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA DUTI TIMBAL BALAS DAN ANTI-LAMBAKAN 1993

NOTIS PEMULAAAN KAJIAN SEMULA PENTADBIRAN DUTI ANTI-LAMBAKAN
MENGENAI IMPORT *CELLULOSE FIBRE REINFORCED CEMENT FLAT* DAN
PATTERN SHEETS YANG BERASAL ATAU DIEKSPORT DARI THAILAND

(SR 01/19)

BERIKUTAN penyiaran Notis Penamatan Pengenaan Duti Anti-Lambakan yang akan Berlaku terhadap Import *Cellulose Fibre Reinforced Cement Flat* dan *Pattern Sheets* yang Berasal atau Dieksport dari Thailand [*P.U. (B) 543/2018*] pada 28 September 2018, Kerajaan telah menerima suatu permintaan bagi kajian semula pentadbiran terhadap pengenaan duti anti-lambakan bagi import *cellulose fibre reinforced cement flat* dan *pattern sheets* yang berasal atau dieksport dari Thailand (“dagangan subjek”) dan menurut subseksyen 28(6) Akta Duti Timbal Balas dan Anti-Lambakan 1993 [*Akta 504*] dan peraturan 34 Peraturan-Peraturan Duti Timbal Balas dan Anti-Lambakan 1994 [*P.U. (A) 233/1994*], Kerajaan memulakan suatu kajian semula pentadbiran.

Permintaan bagi kajian semula pentadbiran

1. Permintaan bagi kajian semula pentadbiran itu telah dibuat oleh—

Hume Cemboard Industries Sdn Bhd (579898-W)
No. 12, Jalan Tandang
46050 Petaling Jaya
Selangor Darul Ehsan
Malaysia

pengeluar dalam negeri di Malaysia bagi *cellulose fibre reinforced cement flat* dan *pattern sheets* melalui suatu petisyen.

Dagangan subjek

2. Dagangan subjek dikelaskan di bawah Nombor Kod Sistem yang Diharmonikan (Kod H.S.) dan Tatanama Tarif Berharmonis ASEAN (AHTN) 6811.82.20 00 dan 6811.82.90 00. Nombor Kod H.S. dan AHTN ini diberikan hanya untuk makluman dan tidak mempunyai kesan mengikat terhadap pengelasan dagangan subjek itu.

Duti anti-lambakan sedia ada

3. Duti anti-lambakan yang berkuat kuasa pada masa ini bagi dagangan subjek ialah duti anti-lambakan definitif yang dikenakan di bawah Perintah Kastam (Duti Anti-Lambakan) 2014 [*P.U. (A) 81/2014*] dan Perintah Kastam (Duti Anti-Lambakan) (Kajian Semula Pentadbiran) 2016 [*P.U. (A) 239/2016*].

Alasan bagi kajian semula pentadbiran

4. (1) Permintaan bagi kajian semula pentadbiran itu adalah berdasarkan alasan bahawa penamatan duti anti-lambakan berkemungkinan menyebabkan lambakan dan kemudatan itu berterusan atau berulang terhadap industri Malaysia.

(2) Pemohon mengemukakan bahawa sekiranya duti anti-lambakan ditamatkan, tahap pengimportan semasa dagangan subjek itu mungkin akan meningkat.

(3) Pemohon mengatakan bahawa pembatalan duti anti-lambakan itu akan memberi kesan negatif terhadap industri Malaysia dan berkemungkinan menyebabkan kemudatan itu berterusan atau berulang terhadap industri Malaysia.

(4) Kerajaan berpuas hati bahawa permintaan itu mengandungi alasan yang mencukupi untuk memulakan suatu kajian semula pentadbiran.

(5) Dalam membuat keputusan itu, Kerajaan juga telah meneliti harga dagangan subjek di pasaran dalam negeri di Malaysia berhubung dengan kemungkinan lambakan itu berterusan atau berulang.

Tatacara

5. (1) Setelah menentukan bahawa keterangan yang mencukupi wujud untuk mewajarkan suatu kajian semula pentadbiran duti anti-lambakan mengenai import dagangan subjek, Kerajaan memulakan kajian semula pentadbiran menurut subseksyen 28(6) Akta dan peraturan 34 Peraturan-Peraturan Duti Timbal Balas dan Anti-Lambakan 1994.

(2) Kajian semula pentadbiran itu akan menentukan sama ada penamatan duti anti-lambakan itu berkemungkinan menyebabkan, atau berkemungkinan tidak menyebabkan, lambakan dan kemudaratan itu berterusan atau berulang.

(3) Kajian semula pentadbiran itu juga akan meneliti keperluan sama ada duti anti-lambakan sedia ada diteruskan atau ditamatkan.

Soal selidik

6. (1) Bagi maksud mendapatkan maklumat yang disifatkan perlu bagi kajian semula pentadbiran itu, Kerajaan akan menghantar soal selidik kepada—

- (a) industri Malaysia dan mana-mana persatuan pengeluar di Malaysia;
- (b) pengeluar dan pengeksport dagangan subjek di Thailand;
- (c) pengimport dan mana-mana persatuan pengimport; dan
- (d) Kerajaan Thailand.

(2) Dalam apa-apa keadaan, semua pihak berkepentingan yang tidak dihubungi oleh Kementerian Perdagangan Antarabangsa dan Industri (MITI) adalah dijemput untuk menghubungi MITI secara bertulis, melalui faksimile atau e-mel, untuk mengetahui sama ada mereka disenaraikan dalam petisyen yang disebut dalam perenggan 1.

(3) Jika perlu, pihak berkepentingan itu boleh memohon bagi suatu salinan soal selidik itu dengan mengenal pasti jenis aktiviti perniagaan mereka yang berkaitan dengan kajian semula pentadbiran itu.

Pengumpulan maklumat

7. Semua pihak berkepentingan dijemput untuk memberikan pandangan mereka secara bertulis, khususnya, dengan menjawab soal selidik yang dialamatkan kepada mereka dan dengan memberikan keterangan menyokong.

Had masa

8. (1) Semua pihak berkepentingan yang memohon soal selidik hendaklah berbuat demikian tidak lewat daripada lima belas hari selepas penyiaran notis ini dalam *Warta*.

(2) Semua pihak berkepentingan mestilah menyatakan pandangan mereka secara bertulis dan mengemukakan jawapan soal selidik dalam masa tiga puluh hari dari tarikh penyiaran notis ini dalam *Warta* sekiranya pandangan dan jawapan itu hendak diambil kira semasa kajian semula pentadbiran, melainkan jika dinyatakan sebaliknya.

Pengemukakan bertulis, maklumat, jawapan soal selidik dan surat-menyurat

9. (1) Semua pengemukakan maklumat, jawapan soal selidik dan surat-menyurat mestilah dibuat secara bertulis dan dihantar melalui pos atau faksimile dan dengan jelas dinyatakan nama, alamat, alamat e-mel, nombor telefon dan faksimile pihak berkepentingan itu kepada—

Pengarah
Seksyen Amalan Perdagangan
Kementerian Perdagangan Antarabangsa dan Industri (MITI)
Tingkat 9, Menara MITI
No. 7, Jalan Sultan Haji Ahmad Shah
50480 Kuala Lumpur
Malaysia

Nombor telefon : (603) 6208 4632/4639/4640/4638
Nombor faksimile : (603) 6211 4429
Alamat e-mel : alltps@miti.gov.my

(2) Sekiranya pihak berkepentingan tidak memberikan maklumat yang perlu atau maklumat dan pandangan itu tidak diterima dalam bentuk yang memadai dalam had masa yang dinyatakan, Kerajaan boleh membuat penentuan berdasarkan fakta yang ada mengikut seksyen 41 Akta.

Bertarikh 21 Mac 2019

[MITI:ID/(S)/AP/AD/045/35-SR; PN(PU2)529/XXIII]

IGNATIUS DARELL LEIKING

Menteri Perdagangan Antarabangsa dan Industri

COUNTERVAILING AND ANTI-DUMPING DUTIES ACT 1993

NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW OF AN ANTI-DUMPING DUTY
WITH REGARD TO THE IMPORTS OF CELLULOSE FIBRE REINFORCED CEMENT FLAT
AND PATTERN SHEETS ORIGINATING OR EXPORTED FROM
THE KINGDOM OF THAILAND

(SR 01/19)

FOLLOWING the publication of a Notice of Impending Termination of the Imposition of Anti-Dumping Duties on Imports of Cellulose Fibre Reinforced Cement Flat and Pattern Sheets Originating or Exported from the Kingdom of Thailand [*P.U. (B) 543/2018*] on 28 September 2018, the Government has received a request for an administrative review on the imposition of an anti-dumping duty on the imports of cellulose fibre reinforced cement flat and pattern sheets originating or exported from the Kingdom of Thailand (“subject merchandise”) and pursuant to subsection 28(6) of the Countervailing and Anti-Dumping Duties Act 1993 [*Act 504*] and regulation 34 of the Countervailing and Anti-Dumping Duties Regulations 1994 [*P.U. (A) 233/1994*], the Government initiates an administrative review.

Request for administrative review

1. The request for the administrative review was lodged by—

Hume Cemboard Industries Sdn Bhd (579898-W)
No. 12, Jalan Tandang
46050 Petaling Jaya
Selangor Darul Ehsan
Malaysia

the domestic producer in Malaysia of cellulose fibre reinforced cement flat and pattern sheets by way of a petition.

Subject merchandise

2. The subject merchandise is classified under the Harmonized System Code (H.S. Code) Number and ASEAN Harmonised Tariff Nomenclature (AHTN) 6811.82.20 00 and 6811.82.90 00. These H.S. Code Number and AHTN are given only

for information and have no binding effect on the classification of the subject merchandise.

Existing anti-dumping duties

3. The anti-dumping duties currently in force on the subject merchandise are definitive anti-dumping duties imposed under the Customs (Anti-Dumping Duties) Order 2014 [*P.U. (A) 81/2014*] and Customs (Anti-Dumping Duties) (Administrative Review) Order 2016 [*P.U. (A) 239/2016*].

Grounds for administrative review

4. (1) The request for the administrative review is based on the grounds that the termination of anti-dumping duties would be likely to lead to a continuation or recurrence of dumping and injury to the Malaysian industry.

(2) The applicant presented that if the anti-dumping duties are terminated, the current import level of the subject merchandise is likely to increase.

(3) The applicant alleged that the removal of the anti-dumping duties will give a negative impact to the Malaysian industry and would be likely to lead to a continuation or recurrence of injury to the Malaysian industry.

(4) The Government is satisfied that the request carries sufficient grounds to initiate an administrative review.

(5) In coming to the decision, the Government has also examined the prices of the subject merchandise in the domestic market in Malaysia in relation to the likelihood of a continuation or recurrence of dumping.

Procedure

5. (1) Having determined that there is sufficient evidence exists to warrant an administrative review of the anti-dumping duties with regard to the imports of subject merchandise, the Government initiates an administrative review pursuant to subsection 28(6) of the Act and regulation 34 of the Countervailing and Anti-Dumping Duties Regulations 1994.

(2) The administrative review will determine whether the termination of the anti-dumping duties would be likely, or unlikely, to lead to a continuation or recurrence of dumping and injury.

(3) The administrative review will also examine the need for the continuation or termination of the existing anti-dumping duties.

Questionnaire

6. (1) In order to obtain information deemed necessary for the administrative review, the Government will send questionnaires to—

- (a) the Malaysian industry and any association of producers in Malaysia;
- (b) the producers and exporters of subject merchandise in the Kingdom of Thailand;
- (c) the importers and any association of importers; and
- (d) the Government of the Kingdom of Thailand.

(2) In any event, all interested parties not contacted by the Ministry of International Trade and Industry (MITI) are invited to contact MITI in writing, by facsimile or e-mail, in order to find out whether they are listed in the petition referred to in paragraph 1.

(3) If necessary, such interested parties may request for a copy of the questionnaires by identifying the nature of their business activities related to the administrative review.

Collection of information

7. All interested parties are invited to make their views known in writing, in particular, by responding to the questionnaires addressed to them and by providing supporting evidence.

Time limit

8. (1) All interested party requesting for a questionnaire shall do so not later than fifteen days after the publication of this notice in the *Gazette*.

(2) All interested parties must present their views in writing and submit questionnaire responses within thirty days of the date of publication of this notice in the *Gazette* if such views and responses are to be taken into consideration during the administrative review, unless otherwise specified.

Written submission, information, questionnaire response and correspondence

9. (1) All submissions of information, questionnaire responses and correspondences must be made in writing and sent by post or facsimile and with clear indication of the name, address, e-mail address, telephone and facsimile numbers of the interested parties to—

Director
Trade Practices Section
Ministry of International Trade and Industry (MITI)
Level 9, MITI Tower,
No. 7, Jalan Sultan Haji Ahmad Shah
50480 Kuala Lumpur
Malaysia

Telephone number : (603) 6208 4632/4639/4640/4638
Facsimile number : (603) 6211 4429
E-mail address : alltps@miti.gov.my

(2) If the interested parties do not provide the necessary information or the information and views are not received in adequate form within the specified time limit, the Government may make its determination on the basis of the facts available in accordance with section 41 of the Act.

Dated 21 March 2019

[MITI:ID/(S)/AP/AD/045/35-SR; PN(PU2)529/XXIII]

IGNATIUS DARELL LEIKING
Minister of International Trade and Industry