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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

NOTIS PEMULAAAN KAJIAN SEMULA PENTADBIRAN DUTI
ANTI-LAMBAKAN MENGENAI IMPORT *POLYETHYLENE
TEREPHTHALATE* YANG BERASAL ATAU DIEKSPORT
DARI THAILAND

*NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW OF
AN ANTI-DUMPING DUTY WITH REGARD TO THE IMPORTS
OF POLYETHYLENE TEREPHTHALATE ORIGINATING OR
EXPORTED FROM THE KINGDOM OF THAILAND*



DISIARKAN OLEH/
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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 *POLYETHYLENE TEREPHTHALATE* YANG BERASAL ATAU
DIEKSPORT DARI THAILAND

(SR 01/15)

BERIKUTAN penyiaran Notis Penamatan Pengenaan Duti Anti-Lambakan yang akan Berlaku terhadap Import *Polyethylene Terephthalate* yang Berasal atau Dieksport dari Thailand dalam P.U. (B) 408/2015 pada 20 Oktober 2015, Kerajaan Malaysia telah menerima suatu permintaan bagi kajian semula pentadbiran terhadap pengenaan duti anti-lambakan bagi import *polyethylene terephthalate* dengan kelikatan lebih daripada 0.70 dL/g 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 Malaysia memulakan suatu kajian semula pentadbiran.

Permintaan bagi kajian semula pentadbiran

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

MPI Polyester Industries Sdn. Bhd.
No. 1 Jalan Gungur 28/30
Seksyen 28
40000 Shah Alam
Selangor Darul Ehsan
Malaysia,

pengeluar dalam negeri di Malaysia bagi *polyethylene terephthalate* melalui suatu petisyen.

Dagangan subjek

2. Dagangan subjek yang dikatakan sedang dilambakkan dikelaskan di bawah Kod Sistem yang Diharmonikan (Kod H.S.) 3907.60 000 dan Tatanama Tarif Berharmonis ASEAN (AHTN) 3907.60.90 00. Kod H.S. dan AHTN ini diberikan hanya untuk makluman dan tidak mempunyai kesan mengikat terhadap penjenisan dagangan subjek.

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) 2011 [*P.U. (A) 142/2011*].

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 kemudaratannya berterusan atau berulang terhadap industri Malaysia.

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

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

(4) Kerajaan Malaysia berpuas hati bahawa permintaan itu mengandungi alasan yang mencukupi untuk memulakan suatu kajian semula pentadbiran. Dalam membuat keputusan ini, Kerajaan Malaysia juga telah meneliti harga dagangan subjek di pasaran dalam negeri di Malaysia berhubung dengan kemungkinan lambakan yang 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 Malaysia 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 ini akan menentukan sama ada penamatan duti anti-lambakan itu berkemungkinan menyebabkan, atau berkemungkinan tidak menyebabkan, lambakan dan kemudaratan itu berterusan atau berulang. Kajian semula pentadbiran ini juga akan meneliti keperluan sama ada duti anti-lambakan sedia ada diteruskan atau ditamatkan.

Soal selidik

6. (1) Kerajaan Malaysia akan menghantar soal selidik untuk mendapatkan maklumat yang disifatkan perlu bagi kajian semula pentadbiran itu 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 diundang untuk menghubungi MITI secara bertulis, melalui faksimili atau e-mel, untuk mengetahui sama ada mereka disenaraikan dalam petisyen yang disebut dalam perenggan 1. Jika perlu, pihak berkepentingan itu boleh memohon bagi suatu salinan soal selidik itu dengan mengenal pasti sifat aktiviti perniagaan mereka yang berkaitan dengan kajian semula ini.

Pengumpulan maklumat

7. Semua pihak berkepentingan diundang memberikan pandangan mereka secara bertulis, khususnya, dengan menjawab soal selidik yang dialamatkan kepada mereka dan dengan mengemukakan 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 mengemukakan pandangan mereka secara bertulis dan mengemukakan maklum balas terhadap soal selidik dalam masa tiga puluh hari dari tarikh penyiaran notis ini dalam *Warta* sekiranya pandangan dan maklum balas itu hendak diambil kira semasa kajian semula, melainkan jika dinyatakan sebaliknya.

Pengemukaan bertulis, maklum balas soal selidik dan surat-menyurat

9. (1) Semua pengemukaan maklumat, maklum balas soal selidik dan surat-menyurat mestilah dibuat secara bertulis dan dihantar melalui pos atau faksimili dan dengan jelas menyatakan nama, alamat, alamat e-mel, nombor telefon dan faksimili 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 4635/4640

Nombor faksimili : (603) 6211 4429

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 Malaysia boleh membuat penentuan berdasarkan fakta yang ada mengikut seksyen 41 Akta.

Bertarikh 13 April 2016

[MITI:ID/(S)/AP/AD/045/43-SR; PN(PU2)529/XX]

DATO' SRI MUSTAPA BIN MOHAMED
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 POLYETHYLENE TEREPHTHALATE
ORIGINATING OR EXPORTED FROM THE KINGDOM OF THAILAND

(SR 01/15)

FOLLOWING the publication of the Notice of Impending Termination of the Imposition of Anti-Dumping Duties on Imports of Polyethylene Terephthalate Originating or Exported from the Kingdom of Thailand in P.U. (B) 408/2015 on 20 October 2015, the Government of Malaysia has received a request for an administrative review on the imposition of an anti-dumping duty on the imports of polyethylene terephthalate of intrinsic viscosity of more than 0.70 dL/g 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 Regulation 1994 [*P.U.(A) 233/1994*], the Government of Malaysia initiates an administrative review.

Request for administrative review

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

MPI Polyester Industries Sdn. Bhd.
No. 1 Jalan Gungur 28/30
Seksyen 28
40000 Shah Alam
Selangor Darul Ehsan
Malaysia,

the domestic producer in Malaysia of polyethylene terephthalate by way of a petition.

Subject merchandise

2. The subject merchandise allegedly being dumped is classified under the Harmonized System Code (H.S. Code) 3907.60 000 and ASEAN Harmonised Tariff Nomenclature (AHTN) 3907.60.90 00. These H.S. Code 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 2011 [*P.U.(A) 142/2011*].

Grounds for administrative review

4. (1) The request for the administrative review is based on the grounds that the termination of the 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 of Malaysia is satisfied that the request carries sufficient grounds to initiate an administrative review. In coming to this decision, the Government of Malaysia 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 of Malaysia initiates an administrative review pursuant to subsection 28(6) of the Act and regulation 34 of the Countervailing and Anti-Dumping 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. The administrative review will also examine the need for the continuation or termination of the existing anti-dumping duties.

Questionnaires

6. (1) In order to obtain information deemed necessary for the administrative review, the Government of Malaysia 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. If necessary, such interested parties may request for a copy of the questionnaires by identifying the nature of their business activities in relation to this review.

Collection of information

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

Time limit

8. (1) Any 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 submissions, questionnaires responses and correspondences

9. (1) All submissions of information, questionnaires 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, Menara MITI
No. 7, Jalan Sultan Haji Ahmad Shah
50480 Kuala Lumpur
Malaysia

Telephone number : (603) 6208 4635/4640
Facsimile number : (603) 6211 4429
E-mail : 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 of Malaysia may make its determination on the basis of the facts available in accordance with section 41 of the Act.

Dated 13 April 2016

[MITI:ID/(S)/AP/AD/045/43-SR; PN(PU2)529/XX]

DATO' SRI MUSTAPA BIN MOHAMED
Minister of International Trade and Industry