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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

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

NOTICE OF INITIATION OF AN ANTI-DUMPING DUTY INVESTIGATION WITH REGARD TO 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 PEMULAAN PENYIASATAN DUTI ANTI-LAMBAKAN MENGENAI *CELLULOSE FIBRE REINFORCED CEMENT FLAT* DAN *PATTERN SHEETS* YANG BERASAL ATAU DIEKSPORT DARI THAILAND

(AD 02/13)

MENURUT subseksyen 20(8) Akta Duti Timbal Balas dan Anti Lambakan 1993 [*Akta 504*] dan peraturan 8 Peraturan-Peraturan Duti Timbal Balas dan Anti-Lambakan 1994 [*P.U. (A) 233/1994*], Kerajaan Malaysia telah menerima suatu petisyen yang mengatakan bahawa import *cellulose fibre reinforced cement flat* dan *pattern sheets* yang berasal dari Thailand sedang dilambakkan di Malaysia dan menyebabkan kemudaratan material kepada industri dalam negeri di Malaysia yang mengeluarkan keluaran serupa ("industri Malaysia").

Petisyen

1. Petisyen itu telah dibuat oleh—

Hume Cemboard Industries Sdn. Bhd.
Level 9, Wisma Hong Leong
18 Jalan Tun Perak
50450 Kuala Lumpur,

pengeluar dalam negeri *cellulose fibre reinforced cement flat* dan *pattern sheets* bagi pihak industri Malaysia.

Keluaran

2. Dagangan subjek yang dikatakan sedang dilambakkan ialah *cellulose fibre reinforced cement flat* dan *pattern sheets* yang dikelaskan di bawah Nombor Kod Sistem yang Diharmonikan (Kod H.S.) 6811.82.100 dan 6811.82.900 dan Tatanama Tarif Berharmonis ASEAN (AHTN) 6811.82.00.10 dan 6811.82.00.90. Nombor Kod H. S. ini diberikan hanya untuk makluman tetapi tidak mempunyai kesan mengikat terhadap pengelasan dagangan subjek.

Pengataan lambakan

3. Pengataan lambakan adalah berdasarkan perbandingan di antara nilai normal dagangan subjek di Thailand dengan harga eksport yang bersamaan dengannya apabila dieksportkan ke Malaysia. Berdasarkan perbandingan ini, margin lambakan sebagaimana yang dikatakan oleh pempetisyen adalah ketara bagi pengeluar/pengeksport tersebut.

Pengataan kemudaran

4. Pempetisyen telah menyatakan dan telah memberikan keterangan bahawa import dagangan subjek dari negara yang dituduh telah meningkat dari segi jumlah mutlak kuantiti. Adalah dikatakan selanjutnya bahawa industri Malaysia telah mengalami kemudaran melalui kesan lambakan, antara lain, pemotongan harga, penyekatan harga, kemelesetan harga, tahap produktiviti dan kapasiti yang rendah, kehilangan keuntungan, pengurangan dalam guna tenaga dan pulangan pelaburan yang negatif.

Tatacara

5. Setelah menentukan bahawa keterangan yang mencukupi wujud untuk mewajarkan suatu penyiasatan duti anti-lambakan dan bahawa penyiasatan sedemikian adalah demi kepentingan awam, Kerajaan memulakan penyiasatan menurut subperaturan 7(1) Peraturan-Peraturan Duti Timbal Balas dan Anti-Lambakan 1994.

5.1 Senarai soalan

Bagi mendapatkan maklumat yang disifatkan perlu bagi penyiasatannya, Kerajaan akan menghantar senarai soalan kepada industri Malaysia dan mana-mana persatuan pengeluar di Malaysia, kepada pengeluar/pengeksport Thailand, kepada pengimport, kepada mana-mana persatuan pengimport yang dinamakan dalam petisyen, dan kepada Kerajaan Thailand.

Dalam apa-apa keadaan, semua pihak berkepentingan yang tidak dihubungi oleh Kementerian Perdagangan Antarabangsa dan Industri (MITI) diminta untuk menghubungi MITI melalui faksimile bagi mengetahui sama ada mereka disenaraikan dalam petisyen. Jika perlu, pihak berkepentingan itu boleh memohon satu salinan senarai soalan dengan memberitahu sifat aktiviti perniagaan mereka yang berkaitan dengan penyiasatan ini.

5.2 *Pengumpulan maklumat*

Semua pihak berkepentingan diminta memberikan pandangan mereka secara bertulis, khususnya dengan menjawab senarai soalan yang dialamatkan kepada mereka dan dengan mengemukakan keterangan menyokong.

Had masa

6. 6.1 *Pihak memohon senarai soalan*

Semua pihak berkepentingan yang memohon senarai soalan, hendaklah berbuat demikian, tidak lewat daripada 15 hari selepas penyiaran notis ini dalam *Warta Kerajaan Malaysia*.

6.2 *Pihak menjawab senarai soalan*

Semua pihak berkepentingan mestilah mengemukakan pandangan mereka secara bertulis dan mengemukakan jawapan senarai soalan dalam masa 30 hari dari tarikh penyiaran notis ini jika pandangan dan maklumat itu hendak diambil kira semasa penyiasatan, kecuali jika dinyatakan sebaliknya.

Maklumat bertulis, jawapan senarai soalan dan surat-menyurat

7. Semua maklumat dan permohonan mestilah dibuat secara bertulis dan mestilah 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 14, Blok 8, Kompleks Pejabat Kerajaan

Jalan Duta

50622 Kuala Lumpur

MALAYSIA

Nombor Telefon: (603) 6200 0111/115/123

Nombor Faksimile: (603) 6203 1745

Sekiranya pihak berkepentingan tidak memberikan maklumat yang diperlukan atau maklumat dan pandangan itu tidak diterima dalam bentuk yang mencukupi dalam had masa yang ditetapkan, Kerajaan boleh membuat penentuan awal atau muktamadnya berdasarkan fakta yang ada mengikut seksyen 41 Akta Duti Timbal Balas dan Anti-Lambakan 1993.

Bertarikh 26 Jun 2013

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

DATO' SRI MUSTAPA BIN MOHAMED
Menteri Perdagangan Antarabangsa dan Industri

COUNTERVAILING AND ANTI-DUMPING DUTIES ACT 1993

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

(AD 02/13)

PURSUANT to subsection 20(8) of the Countervailing and Anti-Dumping Duties Act 1993 [*Act 504*] and regulation 8 of the Countervailing and Anti-Dumping Duties Regulations 1994 [*P.U. (A) 233/1994*] the Government of Malaysia has received a petition alleging that imports of cellulose fibre reinforced cement flat and pattern sheets from the Kingdom of Thailand are being dumped in Malaysia and are causing material injury to the domestic industry in Malaysia producing the like product (the “Malaysian industry”).

Petition

1. The petition was lodged by—

Hume Cemboard Industries Sdn. Bhd.
Level 9, Wisma Hong Leong
18 Jalan Tun Perak
50450 Kuala Lumpur,

the domestic producer of cellulose fibre reinforced cement flat and pattern sheets on behalf of the Malaysian industry.

Product

2. The subject merchandise allegedly being dumped is cellulose fibre reinforced cement flat and pattern sheets classified under Harmonized System Code (H. S. Code) Number 6811.82.100 and 6811.82.900 and ASEAN Harmonised Tariff Nomenclature (AHTN) 6811.82.00.10 and 6811.82.00.90. This H. S. Code Number is given only for information but have no binding effect on the classification of the subject merchandise.

Allegation of dumping

3. The allegation of dumping was based on comparison of the normal values of the subject merchandise in the Kingdom of Thailand with their corresponding export prices when exported to Malaysia. Based on these comparisons, the dumping margins as alleged by the petitioner are significant for that producers/exporters.

Allegation of injury

4. The petitioner has stated and has provided evidence that imports of the subject merchandise from the alleged country have increased in terms of absolute quantity. It was further alleged that the Malaysian industry suffered through the effects of dumping, among others, price undercutting, price suppression, price depression, low productivity and capacity, decline in profitability, decrease in number of employment and negative return on investment.

Procedure

5. Having determined that there is sufficient evidence to warrant an anti-dumping duty investigation and that such an investigation is in the public interest, the Government initiates an investigation pursuant to subregulation 7(1) of the Countervailing and Anti-Dumping Duties Regulations 1994.

5.1 Questionnaires

In order to obtain information deemed necessary for its investigation, the Government will send questionnaires to the Malaysian industry and to any association of producers in Malaysia, to the producers/exporters in the Kingdom of Thailand, to the importers, to any association of importers named in the petition, and to the Government of the Kingdom of Thailand.

In any event, all interested parties not contacted by the Ministry of International Trade and Industry (MITI) are invited to contact MITI by facsimile in order to find out whether they are listed in the petition. If necessary, such interested parties may request for a copy of the questionnaires by identifying the nature of their business activities concerned with this investigation.

5.2 *Collection of information*

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

6. 6.1 *Parties requesting questionnaire*

All interested parties requesting for a questionnaire, shall do so, not later than 15 days after the publication of this notice in the *Government Gazette* of Malaysia.

6.2 *Parties submitting questionnaire response*

All interested parties must present their views in writing and submit questionnaire response within 30 days of the date of publication of this notice if such views and submissions are to be taken into consideration during the investigation, unless otherwise specified.

Written submissions, questionnaires responses and correspondences

7. All submissions and requests must be made in writing and must indicate 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 14, Block 8, Government Offices Complex

Jalan Duta

50622 Kuala Lumpur

MALAYSIA

Telephone Number: (603) 6200 0111/115/123

Facsimile Number: (603) 6203 1745

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 preliminary or final determination on the basis of the facts available in accordance with section 41 of the Countervailing and Anti-Dumping Duties Act 1993.

Dated 26 June 2013

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

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