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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

NOTIS PERMULAAN PENYIASATAN DUTI ANTI-LAMBAKAN MENGENAI IMPORT FILEM-FILEM *BIAXIALLY ORIENTED POLYPROPYLENE* YANG BERASAL ATAU DIEKSPORT DARI *CHINESE TAIPEI*, THAILAND, REPUBLIK RAKYAT CHINA, REPUBLIK INDONESIA DAN REPUBLIK SOSIALIS VIET NAM

NOTICE OF INITIATION OF AN ANTI-DUMPING DUTY INVESTIGATION WITH REGARD TO IMPORTS OF BIAXIALLY ORIENTED POLYPROPYLENE FILMS ORIGINATING OR EXPORTED FROM CHINESE TAIPEI, THE KINGDOM OF THAILAND, THE PEOPLE'S REPUBLIC OF CHINA, THE REPUBLIC OF INDONESIA AND THE SOCIALIST REPUBLIC OF VIET NAM



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

AKTA DUTI TIMBAL BALAS DAN ANTI-LAMBAKAN 1993

NOTIS PERMULAAN PENYIASATAN DUTI ANTI-LAMBAKAN MENGENAI IMPORT
FILEM-FILEM *BIAXIALLY ORIENTED POLYPROPYLENE* YANG BERASAL ATAU
DIEKSPORT DARI *CHINESE TAIPEI*, THAILAND, REPUBLIK RAKYAT CHINA, REPUBLIK
INDONESIA DAN REPUBLIK SOSIALIS VIET NAM

(AD 03/12)

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 filem-filem *biaxially oriented polypropylene* yang berasal atau diekспорт dari *Chinese Taipei*, Thailand, Republik Rakyat China, Republik Indonesia dan Republik Sosialis Viet Nam 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—

San Miguel Yamamura Plastic Films Sdn. Bhd.
No. 172, Jalan Usaha 5
Ayer Keroh Industrial Estate
75450 Melaka
MALAYSIA,

pengeluar dalam negeri filem-filem *biaxially oriented polypropylene* bagi pihak industri Malaysia.

Keluaran

2. Dagangan subjek yang dikatakan sedang dilambakkan ialah filem-filem *biaxially oriented polypropylene* yang dikelaskan di bawah Nombor Kod Sistem yang Diharmonikan (Kod H.S.) 3920.20.200 and Tatanama Tarif Berharmonis ASEAN (AHTN) 3920.20.00.20 (“dagangan subjek”). Nombor Kod H.S. ini diberi 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 *Chinese Taipei*, Thailand, Republik Rakyat China, Republik Indonesia dan Republik Sosialis Viet Nam 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-negara yang dikatakan telah meningkat dari segi kuantiti mutlak. Adalah dikatakan selanjutnya bahawa industri Malaysia telah mengalami kemudaran melalui kesan lambakan, antara lain, pemotongan harga, kemelesetan harga, pengurangan syer pasaran, pengurangan penjualan tempatan, penurunan kadar keuntungan, penurunan dalam aliran tunai dan pulangan pelaburan baru dan ketidakupayaan menambahkan modal.

Tatacara

5. Setelah menentukan bahawa keterangan yang mencukupi wujud untuk mewajarkan suatu penyiasatan duti anti-lambakan dan bahawa penyiasatan itu 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 di *Chinese Taipei*, Thailand, Republik Rakyat China, Republik Indonesia dan Republik Sosialis Viet Nam, kepada pengimport, kepada mana-mana persatuan pengimport yang dinamakan dalam Petisyen, dan kepada Kerajaan *Chinese Taipei*, Thailand, Republik Rakyat China, Republik Indonesia dan Republik Sosialis Viet Nam.

Dalam apa-apa keadaan, semua pihak berkepentingan yang tidak dihubungi oleh Kementerian Perdagangan Antarabangsa dan Industri (MITI) adalah diminta untuk menghubungi MITI melalui faksimile atau e-mel bagi mengetahui sama ada mereka disenaraikan dalam petisyen. Jika perlu, pihak berkepentingan itu boleh memohon suatu salinan senarai soalan dengan mengenal pasti 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 suatu 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 40 hari dari tarikh penyiaran notis ini jika pandangan dan pengemukaan itu hendak diambil kira semasa penyiasatan, kecuali jika dinyatakan sebaliknya.

Pengemukaan bertulis, jawapan senarai soalan dan surat-menyurat

7. Semua pengemukaan 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 0113
Nombor Faksimile: (603) 6201 6394
E-mel: alltps@miti.gov.my

Sekiranya pihak berkepentingan itu 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 24 Julai 2012
[MITI:ID/(S)/AP/AD/045/26; PN(PU2)229/X]

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 IMPORTS OF BIAXIALLY ORIENTED POLYPROPYLENE FILMS
ORIGINATING OR EXPORTED FROM CHINESE TAIPEI, THE KINGDOM OF THAILAND,
THE PEOPLE'S REPUBLIC OF CHINA, THE REPUBLIC OF INDONESIA AND THE
SOCIALIST REPUBLIC OF VIET NAM

(AD 03/12)

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 biaxially oriented polypropylene films originating or exported from Chinese Taipei, the Kingdom of Thailand, the People's Republic of China, the Republic of Indonesia and the Socialist Republic of Viet Nam 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—

San Miguel Yamamura Plastic Films Sdn. Bhd.
No. 172, Jalan Usaha 5
Ayer Keroh Industrial Estate
75450 Melaka
MALAYSIA,

the domestic producer of biaxially oriented polypropylene films on behalf of the Malaysian industry.

Product

2. The subject merchandise allegedly being dumped are biaxially oriented polypropylene films classified under Harmonized System Code (H.S. Code) Number 3920.20.200 and ASEAN Harmonized Tariff Nomenclature (AHTN) 3920.20.00.20 ("subject merchandise"). These H.S. Code Numbers are given only for information but have no binding effect on the classification of the subject merchandise.

Allegation of dumping

3. The allegation of dumping is based on a comparison of the normal values of the subject merchandise in Chinese Taipei, the Kingdom of Thailand, the People's Republic of China, the Republic of Indonesia and the Socialist Republic of Viet Nam with their corresponding export prices when exported to Malaysia. Based on this comparison, 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 countries 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 depression, reduction in market share, reduction in domestic sales, decline in profitability, decline in cash flow and no new investment and ability to raise capital.

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 Chinese Taipei, the Kingdom of Thailand, the People's Republic of China, the Republic of Indonesia and the Socialist Republic of Viet Nam, to the importers, to any association of importers named in the Petition, and to the Government of Chinese Taipei, the Kingdom of Thailand, the People's Republic of China, the Republic of Indonesia and the Socialist Republic of Viet Nam.

In any event, all interested parties not contacted by the Ministry of International Trade and Industry (MITI) are invited to contact MITI by facsimile or e-mail 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 40 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 0113
Facsimile Number: (603) 6201 6394
E-mail: alltps@miti.gov.my

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 24 July 2012
[MITI:ID/(S)/AP/AD/045/26; PN(PU2)229/X]

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