

THE IMPOSITION OF ANTI-DUMPING DUTY ON THE IMPORT OF POLYESTER STAPLE FIBER FROM INDIA, THE PEOPLE'S REPUBLIC OF CHINA AND TAIWAN (Regulation of the Finance Minister of the Republic of Indonesia No. 73/PMK.010/2016 dated April 27, 2016)

BY THE GRACE OF ALMIGHTY GOD

THE FINANCE MINISTER OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that based on provisions in Article 2 paragraph (1) of Government Regulation No. 34/2011 concerning Anti-Dumping Measures, Countervailing Measures, and Trade Safeguard Measures, imported goods may be subjected to import duty and anti-dumping duty if the export price of the imported goods is lower than its normal value and causes losses;
- b. that the Finance Minister has stipulated the imposition of anti-dumping duty on the import of polyester staple fiber in accordance with Regulation of the Finance Minister No. 196/PMK.011/2010 concerning the Imposition of Anti-Dumping Duty on the Import of Polyester Staple Fiber from India, the People's Republic of China, and Taiwan as already amended by Regulation of the Finance Minister No. 171/PMK.011/2011, which took effect until November 22, 2015;
- c. that based on provisions in Article 32, Article 33 paragraph (1), Article 34, and Article 35 paragraph (1) of Government Regulation No. 34/2011 concerning Anti-Dumping Measures, Countervailing Measures, and Trade Safeguard Measures, if the Indonesian Anti-Dumping Committee receives any application for interim review and sunset review, it will conduct interim review and sunset review to look into the possibility of dumping and losses still continuing and/or dumping and losses to be repeated if the imposition of anti-dumping duty is stopped;
- d. that based on the result of interim review and sunset review conducted before the end of the validity period of Regulation of the Finance Minister No. 196/PMK.011/2010 concerning the Imposition of Anti-Dumping Duty on the Import of Polyester Staple Fiber from India, the People's Republic of China, and Taiwan as already amended by Regulation of the Finance Minister No. 171/PMK.011/2011, the Indonesian Anti-Dumping Committee has proven that dumping practices are still done by the accused countries, that the

- volume of imports still increases significantly, and that there is a change in the condition/amount of margin dumping leading to the declining performance of the applicants;
- e. that the imposition of anti-dumping duty on polyester staple fiber continues to consider provisions as provided for in Government Regulation No. 34/2011 concerning Anti-Dumping Measures, Countervailing Measures, and Trade Safeguard Measures and Law No. 30/2014 concerning Government Administration;
- f. that based on the considerations as referred to in letters a, b, c, d, and e, to implement provisions in Article 23D paragraph (2) of Law No. 10/1995 concerning Customs Affairs as already amended by Law No. 17/2006, it is necessary to stipulate Regulation of the Finance Minister concerning the Imposition of Anti-Dumping Duty on the Import of Polyester Staple Fiber from India, the People's Republic of China, and Taiwan;

In view of Law :

1. Law No. 7/1994 concerning the Ratification of the Agreement Establishing the World Trade Organization (Statute Book of the Republic of Indonesia of 1994 No. 57, Supplement to Statute Book of the Republic of Indonesia No. 3564);
2. Law No. 10/1995 concerning Customs Affairs (Statute Book of the Republic of Indonesia of 1995 No. 75, Supplement to Statute Book of the Republic of Indonesia No. 3612) as already amended by Law No. 17/2006 (Statute Book of the Republic of Indonesia of 2006 No. 93, Supplement to Statute Book of the Republic of Indonesia No. 4661);
3. Law No. 30/2014 concerning Government Administration (Statute Book of the Republic of Indonesia of 2014 No. 292, Supplement to Statute Book of the Republic of Indonesia No. 5601);
4. Government Regulation No. 34/2011 concerning Anti-Dumping Measures, Countervailing Measures, and Trade Safeguard Measures (Statute Book of the Republic of Indonesia of 2011 No. 66, Supplement to Statute Book of the Republic of Indonesia No. 5225);

By paying attention to :

1. Letter of the Trade Minister No. 793/M-DAG/SD/9/2015 concerning Request for Consideration over Recommendation from the Indonesian Anti-Dumping Committee (KADI) concerning Change in the Imposition of Anti-Dumping Duty on the Importation of Polyester Staple Fiber from the People's Republic of China, the Outcome of Interim Review and the Extended Imposition of Anti-Dumping Duty, the Outcome of Sunset

- Review of the Importation of Polyester Staple Fiber from India, the People's Republic of China and Taiwan;
2. Memorandum of the Trade Minister No. 879/M-DAG/MEMO/10/2015 concerning Decree of the Trade Minister and Recommendation from the Indonesian Anti-Dumping Committee (KADI) concerning Proposal for Extended Imposition of and Change in the Amount of Anti-Dumping Duty on the Importation of Polyester Staple Fiber from India, the People's Republic of China, and Taiwan;
 3. Letter of the Trade Minister No. 1053/M-DAG/SD/12/2015 concerning Decision on Extended Imposition of and Change in the Amount of Anti-Dumping Duty on the Importation of Polyester Staple Fiber from India, the People's Republic of China, and Taiwan;
 4. Final Report of the Indonesian Anti-Dumping Committee concerning the Result of Interim Review and Sunset Review of Import of Polyester Staple Fiber under Headings 5503.20.00.00 from India, the People's Republic of China, and Taiwan;

DECIDES :

To stipulate :

REGULATION OF THE FINANCE MINISTER CONCERNING THE IMPOSITION OF ANTI-DUMPING DUTY ON THE IMPORT OF POLYESTER STAPLE FIBER FROM INDIA, THE PEOPLE'S REPUBLIC OF CHINA, AND TAIWAN.

Article 1

Imported goods from India, the People's Republic of China, and Taiwan in the form of polyester staple fiber, with the description of goods: synthetic staple fiber, not carded, combed, or otherwise processed for spinning, from polyester as referred to in headings 5503.20.00.00, is subject to anti-dumping duty.

Article 2

The countries of origin and the name of companies producing and/or exporting the product subjected to anti-dumping duty as referred to in Article 1 and the amount of anti-dumping duty are as follows:

No.	Countries of Origin	Name of Exporters/Duty	Amount of Anti-Dumping Producers in Percentage (%)
1.	India	Reliance Industries Limited	5.82
		Ganesh Polytex Limited	16.67
		Other Exporters/ Producers	16.67
2.	People's Republic of China	Xiamen Xianglu Chemical Fiber Co. Ltd	13.0
		Jinjiang Kwan Lee Da	Not Subjected
		Hesne-Bonded Fabric Co., Ltd.	to Anti-Dumping Duty
		Huvis Sichuan Corporation	Not Subjected
		Other Exporters/ Producers	to Anti-Dumping Duty
3.	Taiwan	All Exporters/ Producers	16.10
			28.47

Article 3

- (1) The imposition of anti-dumping duty as referred to in Article 1 constitutes:
- general surcharge (Most Favoured Nation); or
 - preferential surcharge based on the schemes of international trade in goods agreement, if goods is imported from countries belonging to the schemes of international trade in goods agreement and meets provisions in the schemes of international trade in goods agreement.
- (2) If provisions in the schemes of international trade in goods agreement are not met, the imposition of anti-dumping duty on the importation of goods from countries belonging to the schemes of international trade in goods agreement as referred to in paragraph (1) letter b shall constitute general surcharge (Most Favoured Nation).

Article 4

The anti dumping duty tariff as referred to in Article 2 shall fully apply to the import of products as referred to in Article 1 whose import notification documents have received registry numbers from the local

customs office where the products are imported since this Ministerial Regulation came into force.

Article 5

This Ministerial Regulation shall come into force 10 (ten) working days after the date of promulgation and take effect for 3 (three) years after it was put into force.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On April 27, 2016

THE FINANCE MINISTER OF
THE REPUBLIC OF INDONESIA,

sgd.

BAMBANG P.S. BRODJONEGORO

Promulgated in Jakarta

On April 29, 2016

THE DIRECTOR GENERAL OF
LAW AND REGULATION OF THE LAW AND HUMAN RIGHTS MINISTRY
THE REPUBLIC OF INDONESIA,

sgd.

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
OF 2016 NO. 666

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