

Ministry of Commerce And Industry
(Department of Commerce)
(DIRECTORATE GENERAL OF ANTI-DUMPING AND
ALLIED DUTIES)

NOTIFICATION

New Delhi, the 27th August, 2002

Initiation (Review)

Subject:- Initiation of Review regarding anti-dumping duty imposed on Oxo Alcohols imports from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and European Union.

No. 40/1/2001-DGAD - The Designated Authority having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty on Dumped Articles and for Determination of Injury) Rules, 1995 thereof recommended imposition of definitive Anti Dumping duty on imports of various forms of Oxo Alcohols classified under Customs Code 2905 of Schedule I of the Customs Tariff Act 1975, originating in or exported from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and European Union vide Gazette Notification No. 15/1/99-DGAD dated 17th July, 2000. The Government of India imposed provisional Anti Dumping Duty vide Notification No.6/2000-Customs dated 27.1.2000. This was confirmed by Notification No. 109/2000-CUSTOMS dated 18th August, 2000, which has been partially modified by the orders dated 11.4.2001 of Hon'ble Customs, Excise and Gold (Control) Appellate Tribunal (CEGAT).

Product Under Consideration

2. Product under consideration is following acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives, known as Oxo Alcohols in the commercial and technical parlance and defined under customs sub-heading No. 2905 of Schedule I of the Customs Tariff Act, 1975.

- i. 2-Ethyl Hexanol (also known as 2-EHA)
- ii. Normal Butanol (also known as NBA)
- iii. Iso Butanol (also known as IBA)
- iv. Iso Octanol
- v. Iso Decanol

- vi. Normal Hexanol
- vii. Heptanol (Iso Heptanol and Normal Heptanol)
- viii. Nonanol (Iso Nonanol and Normal Nonanol)
- ix. Tri Decanol
- x. 2 Propyl Heptanol

The above Customs classification is, however, indicative only and is in no way binding on the scope of the present investigations.

Initiation

3. The Customs Tariff (Amendment) Act 1995 and the Rules made there under require the Authority to review, from time to time, the need for continuance of Anti Dumping Duty. The Authority issued public notice vide Notification dated 29th July, 1999 for initiation of investigations into dumping of Oxo Alcohols originating in or exported from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and European Union. The Designated Authority notified the final findings vide Notification 15/1/99-DGAG dated 17th July, 2000. In view of the changed circumstances, the Designated Authority now considers that a review of the Anti Dumping Duty recommended would be appropriate at this stage under the provision of Section 9A (5) of Customs Tariff(Amendment) Act 1995.

Procedure

4. Having decided to review the final findings notified vide No. 15/1/99-DGAD, dated 17th July, 2000, the Authority hereby initiates investigations to review the need for continued imposition of Anti Dumping Duty on imports of various forms of Oxo Alcohols originating in or exported from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and European Union in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment & Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995.

5. The review covers all aspects of Notification No. 15/1/99-DGAD, dated 17th July, 2000.

6. The period of investigation for the purpose of the present review is Ist April 2001 to 31st March 2002.

7. Oxo Alcohols Industries Association represented the domestic producers, viz., Messrs. Indu Nissan Oxo Chemical Industries Limited, Mumbai; National

Organic Chemical Industries Ltd., Mumbai and Andhra Petrochemicals Ltd., Hyderabad in the previous investigations. It has been reported that M/s. Indu Nissan Oxo Chemical Industries Ltd., Mumbai and M/s. NOCIL, Mumbai have suspended production of the subject goods. However, M/s. Andhra Petrochemicals Ltd., Hyderabad continues to produce the subject goods and represent the domestic industry.

8. Submission of Information: The exporters in subject countries, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the-

The Designated Authority

Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Udyog Bhavan
New Delhi-110011.

9. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.

Time Limit

10. Any information relating to the present review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days from the date of publication of this review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

Inspection of Public File:

11. In terms of Rules 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

12. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

L.V. Saptharishi,
Designated Authority

Ministry of Commerce And Industry
(Department of Commerce)
(DIRECTORATE GENERAL OF ANTI-DUMPING AND
ALLIED DUTIES)

New Delhi, the, 11th December, 2002

CORRIGENDUM

Subject:- Initiation of Review regarding anti-dumping duty imposed on Oxo Alcohols Imports from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and European Union.

No. 40/1/2001-DGAD- Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping duty on Dumped Articles and for Determination of Injury) Rules 1995, thereof the Designated Authority had initiated Review of anti-dumping duty imposed on certain forms of Oxo Alcohols vide notification No. 40/1/2001-DGAD dated 27th August 2002.

In the Initiation notification dated 27th August 2002, the Product under consideration has been described in the similar manner as in the original investigation i.e.: -

“Following Acyclic Alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives, known as Oxo Alcohols in the commercial and technical parlance and defined under customs sub-heading No. 2905 of Schedule I of the Customs Tariff Act, 1975:-

- i. 2-Ethyl Hexanol (also known as 2-EHA)
- ii. Normal Butanol (also known as NBA)
- iii. Iso Butanol (also known as IBA)
- iv. Iso Octanol
- v. Iso Decanol
- vi. Normal Hexanol
- vii. Heptanol (Iso Heptanol and Normal Heptanol)
- viii. Nonanol (Iso Nonanol and Normal Nonanol)
- ix. Tri Decanol
- x. 2 Propyl Heptanol”

Representations were received from exporters and importers as regards the scope of the Product under consideration. It has been pointed out that although the original investigation had been initiated in respect of 10 forms of Oxo Alcohols, the Designated Authority had restricted the investigations to Normal Butanol, Iso Butanol, Iso Decanol, Iso Octanol, 2-Ethyl Hexanol and Normal Hexanol as per the Preliminary Findings dated 3.12.99 and Final Findings dated 17.7.2000. Further, as per the orders dated 11.4.2001 of the Hon'ble CEGAT, Normal Hexanol was deleted from the list of Oxo Alcohols subject to anti-dumping duty. Therefore, only the following five types of Oxo Alcohols are presently subject to anti-dumping duty in respect of this investigation: -

- i. Normal Butanol,
- ii. Iso Butanol,
- iii. Iso Decanol,
- iv. Iso Octanol,
- v. 2-Ethyl Hexanol

Having regard to the provisions of Rule 23 of Rule *supra* and the arguments put forth by the exporters and importers, the Designated Authority has considered it appropriate to restrict the scope of the Product under consideration for the mid-term review in respect of the aforesaid five types of Oxo Alcohols. The Product under consideration under Para 2 of the Initiation (Review) Notification dated 27th August 2002 stands amended as under:-

“Following Acyclic Alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives, known as Oxo Alcohols in the commercial and technical parlance and defined under customs sub-heading No. 2905 of Schedule I of the Customs Tariff Act, 1975:-

- i. Normal Butanol,
- ii. Iso Butanol,
- iii. Iso Decanol,
- iv. Iso Octanol,
- v. 2-Ethyl Hexanol”

(L.V. Saptharishi)
Designated Authority