

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

New Delhi, the 6th December, 2004.

**Initiation Notification (Sunset Review)**

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

**No. 15/9/2003-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 or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, recommended imposition of provisional Anti Dumping duty on imports of certain forms of Oxo Alcohols originating in or exported from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and European Union falling under Sub-heading 2905 of Schedule I of Customs Tariff Act. The preliminary findings were published vide Notification No.15/1/99 dated 3.12.1999 and provisional duty was imposed on the subject goods vide Customs notification No. 6/2000 dated 27th January, 2000. The Designated Authority issued final findings on 17.7.2000 vide No.15/1/99-DGAD and definitive anti dumping duty was imposed by Customs as per notification No. 109/2000-Customs dated 18th August, 1 2000, which was partially modified as per the orders dated 11.4.2001 of Hon'ble Customs, Excise and Service Tax Appellate Tribunal (formerly CEGAT). The Designated Authority conducted a Mid-term Review of the anti dumping duty imposed and issued final findings vide Notification No.40/1/2001-DGAD dated 26.2.2004 (modified vide Corrigendum dated 16.3.2004) recommending anti dumping duty on imports of Acyclic Alcohols (Oxo Alcohols) viz. 2EHA, NBA, IBA and Iso Octanol from Poland, Saudi Arabia, Russia, Iran, USA and European Union falling under Sub Heading 2905 of first schedule of the Customs Tariff Act. Anti dumping duty as per the recommendations made in the final findings of the Mid-term Review were imposed vide Notification No.57/2004-Customs dated 20th April, 2004.

## **2. Initiation :**

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. M/s. Andhra Petrochemicals Ltd., Visakhapatnam have filed a petition

substantiating the need for sunset review of the antidumping duty imposed on the subject goods originating in or exported from subject countries and have requested for continuation of the anti-dumping duty imposed on certain forms of Oxo Alcohols. The Designated Authority considers that the sunset review of the Anti-Dumping Duty recommended would be appropriate at this stage under the provision of section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended.

### **3. Product Under Consideration**

The 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 (2EHA)
- ii. Normal Butanol (NBA)
- iii. Iso Butanol (IBA)
- iv. Iso Octanol,

(hereinafter referred to as subject goods)

### **4. Countries Involved:**

The countries involved in the present sunset review investigations are Poland, Saudi Arabia, Russia, Iran, USA and European Union (referred to as subject countries hereinafter).

### **5. Procedure**

- i. Having decided to review the final findings notified vide No. 40/1/2001-DGAD dated 26.2.2004 and final duty imposed by Notification No 57/2004-Customs dated 20th April, 2004, the Authority hereby initiates investigations to review whether cessation of anti-dumping duty is likely to lead to continuation or recurrence of dumping and injury on imports of subject goods originating in or exported from subject countries, 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.
- ii. The review covers all aspects of Notification No.40/1/2001-DGAD dated 26.2.2004.

- iii. 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 original investigation. 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., Visakhapatnam continues to produce the subject goods. They represented the domestic industry in the Mid-term Review concluded vide final findings Notification dated 26.2.2004 and have also made the application for this Sunset Review. The Authority proposes to consider the applicant M/s Andhra Petrochemicals Ltd., who are at present the sole producer of subject goods in India, to represent the domestic industry in accordance with the Rules supra.

## **6. Period of Investigation**

The period of investigation for the purpose of the present Sunset Review is 1st October, 2003 to 30th September, 2004 (12 months). The injury analysis shall cover the three preceding financial years i.e. 2001-02, 2002-03 & 2003-04 in addition to the POI.

## **7. Submission of Information**

The exporters in subject countries, their governments through their Embassies/ High Commissions in India, 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, Ministry of Commerce & Industry, Department of Commerce, Directorate General of Anti-Dumping & Allied Duties, (DGAD), Room No. 240, Udyog Bhavan, New Delhi-110011.

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.

## **8. Time Limit**

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 (40 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.

## **9. Inspection of Public File:**

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. 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.

**(Christy L. Fernandez)**  
Designated Authority