

MINISTRY OF COMMERCE
(Directorate General of Anti-Dumping & Allied Duties)

NOTIFICATION

New Delhi, the 29th July, 1999

Sub:- Initiation of anti-dumping investigation concerning import of Oxo Alcohols from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and The European Union.

F.No. 15(1)/99-DGAD.-The Oxo Alcohols Industries Association has filed a petition in accordance with the Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff (Identification, Assessment and Collection and Anti-Dumping Duty on dumped articles and for Determination of injury) Rules, 1995 before the Designated Authority (herein after referred to as the Authority) alleging dumping of Oxo Alcohols from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and The European Union. They have requested for anti-dumping investigations and levy of anti-dumping duties.

Product involved

The product under consideration in the present petition is the 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 the Customs Tariff of India:

- 2-Ethyl Hexanol (also known as 2-EHA)
- Normal butanol (also known as NBA)
- Iso butanol (also known as IBA)
- Iso Octanol,
- Iso Decanol,
- Normal Hexanol,
- Heptanol (Iso Heptanol and Normal Heptanol),
- Nonanol (Iso Nonanol and Normal Nonanol),
- Tri Decanol,

2 Propyl Heptanol.

The petitioner has alleged that there is a great amount of substitutability between these types of acyclic alcohols. It has further alleged that all these above types of acyclic

alcohols are nothing but alcohols, produced by oxo process, having different carbon numbers. The carbon number in a particular type of acyclic alcohol would depend on the carbon number of the olefin used. Higher the carbon numbers in the olefin, higher the carbon number in the acyclic alcohol and vice-versa. The petitioner has, however, alleged that the difference in the carbon number does not make the two acyclic alcohols as different products and the two still serve the same general purpose. The product thus still remains acyclic alcohols, popularly known as Oxo Alcohols in the commercial parlance.

Unless otherwise specified, oxo alcohols mentioned in this notification means the above mentioned acyclic alcohols, classified as acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives under the Customs Tariff of India, falling under Customs heading 2905. The classification is, however, indicative only and is not binding on the scope of the present investigation.

Domestic industry:

The petition has been filed by Oxo Alcohols Industries Association on behalf of Indu Nissan Oxo Chemical Industries Limited, Mumbai, National Organic Chemical Industries Limited, Mumbai and Andhra Petro Chemicals Limited, Hyderabad. The production of the petitioners constitute a major proportion in the total domestic production. The petitioners, therefore, satisfy the standing to file the present petition and constitute domestic industry within the meaning of the Rules.

Countries involved

The petitioners have alleged dumping of the subject goods from Poland, South Korea, Indonesia, Saudi Arabia, Russia, Iran, USA and The European Union (herein referred to as the subject countries/territories)

Like Articles

The petitioners have claimed that goods produced by them "like article" to the goods exported, originating in or exported from the subject countries/territories. Goods produced by the petitioners are being treated as like articles to the goods imported from the subject countries/territories within the meaning of the Rules.

Normal value:

The petitioners have claimed normal value in Poland, and the European Union on the basis of the prices of subject goods in the European Union. The normal value in case

of USA has been claimed on the basis of the prices published by ICIS-LOR. The normal values in case of Republic of Korea, Russia, Iran, Indonesia and Saudi Arabia have been claimed on the basis of constructed value in these countries. There is sufficient prime facie evidence of normal value of the subject goods in the subject countries/territories.

Export price:

The export price has been claimed on the basis of data compiled by the Directorate General of Commercial Intelligence & Statistics, Calcutta and information on actual imports compiled from the customs ports. Price adjustments have been claimed on account of ocean freight, marine insurance, commission, Inland transportation, port handling and port charges, tank charges to arrive at ex-factory price. Petitioners have also claimed special pecking charges in case of Iran in view of alleged small import volumes. There is sufficient prime facie evidence of export price of the subject goods from the subject countries/territories.

Dumping margin

There is sufficient prima-facie evidence that the normal value of the subject goods in the subject countries/territories is significantly higher than the export price indicating prima-facie that the subject goods are being dumped by the exporters from the subject countries/territories.

Injury & Causal Link

Various parameters relating to injury such as increase in volume of imports in absolute terms and compared to consumption of the subject goods in India, decline in the export price, and parameters relating to the domestic industry such as production, capacity utilization, sales volumes, selling prices, profitability, etc. collectively and cumulatively prima-facie indicate that domestic industry has suffered material injury on account of dumping.

Initiation of anti-dumping investigation

The Designated Authority, in view of the forgoing paragraph, initiates anti-dumping investigation into the existence, degree, and effect of alleged dumping of the subject goods originating in or exported from the subject countries/territories

Period of investigation

The period of investigation for the purpose of present investigation is 1st April 1998 to 31st March 1999 (i.e. 12 months).

Submission of information:

The exporters in the subject countries and the importers in India known to be concerned are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority Ministry of Commerce, Directorate General of Anti Dumping and Allied Duties, Udyog Bhawan, New Delhi 110 011 Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limits set out below.

Time Limit

Any information relating to the present investigation 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 notification. The known exporters and importers, who are being addressed separately, are, however, required to submit the information within forty days from the date of letter addressed to them separately.

Inspection of public file In terms of Rule 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.

RATHI VINAY JHA...
Designated Authority