

Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
Directorate General of Anti Dumping & Allied Duties  
Udyog Bhawan, New Delhi

Dated the 26<sup>th</sup> November, 2010

**Initiation Notification**  
**(Mid Term Review)**

**Sub: Initiation of Mid Term Review on the anti-dumping duty imposed on Phenol originating in or exported from Korea RP.**

**NO. 15/31/2010- DGAD** Whereas, 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 (herein after referred to as 'AD Rules'), vide Notification No. 14/5/2006-DGAD dated 7<sup>th</sup> Jan., 2008 the Designated Authority (herein after referred to as 'the Authority') notified its final findings for imposition of Anti Dumping Duty on import of Phenol (hereinafter referred to as 'subject goods') originating in or exported from Korea RP (hereinafter referred to as 'subject country').

2. And WHEREAS antidumping duty was imposed on the subject goods vide Customs Notification no: 30/2008 dated 3<sup>rd</sup> March, 2008.

3. And WHEREAS a petition for Mid Term Review has been received by the Authority from M/s **LG Chem. Ltd., Korea RP** substantiating the need for Mid Term Review of the anti dumping duty earlier imposed.

**Product under Consideration**

4. The Product under Consideration, as in the original investigation and also in the present review application is **Phenol**. As per the original investigation carried out by the Designated Authority the product has been defined as under:

*“Phenol is a basic organic chemical normally classified under Chapter 29 of the Customs Tariff Act. The product is classifiable under Customs Tariff heading no. 2907.11. The product is marketed in two grades Crystalline and Hydrated. The two grades are differentiated on the basis of flow characteristics of Phenol. The product is marketed in two forms - loose and packed. Loose sales are normally in bulk, whereas packed consignments can be of much smaller container loads. Phenol is used in the manufacture of Phenol formaldehyde Resins, Laminates, Plywood, Particle Boards, Bisphenol-A Alkyl Phenols Pharmaceuticals, Dephenyl Oxide etc.”*

**Initiation**

5. The Customs Tariff (Amendment) Act 1995 and the AD Rules made there under require the Authority to review from time to time the need for continuance of anti-dumping duty. M/s **LG Chem. Ltd., Korea** has filed an application substantiating the need for Mid - Term Review of the anti-dumping duty earlier imposed on the subject goods originating in or

exported from Korea. The Designated Authority considers that the Mid – Term Review of the anti dumping duty recommended earlier would be appropriate at this stage under the provisions of Section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended read with Rule 23 of Anti Dumping Rules.

### **Country (ies) Involved**

6. The country involved in the present investigation is **Korea RP**.

### **Grounds for Review**

7. The Applicant has claimed that due to change in major parameters, like increase in price of basic raw materials, increase in export price of subject goods to India coming from Korea RP and substantial increase in domestic prices in India as also substantial increase in domestic price of the subject goods in Korea RP, there is a need to review the Anti Dumping Duty imposed by the Designated Authority. It has further been argued that the dumping from Korea RP by the subject exporter does not exist at all and there is a need for downward revision of the DM and consequent duty in place.

### **Procedure**

8. Having decided to review the final findings notified vide Notification No. 14/5/2006-DGAD dated 11<sup>th</sup> Jan., 2007 earlier and consequent anti dumping duty imposed vide Customs Notification no: 30/2008 dated 3<sup>rd</sup> March, 2008, the Authority hereby initiates investigations to review the need for continued imposition of anti dumping duty, and whether the quantum of anti dumping duty is required to be modified in accordance with the Customs Tariff (Amendment) Act, 1995 and AD Rules. The review covers all aspects of Notification No. 14/5/2006-DGAD dated 11<sup>th</sup> Jan., 2007 so far as they have a relationship with PUC as also so far as they have a relationship with Korea RP.

### **Period of Investigation**

9. The period of investigation for purpose of the present review is proposed to be fixed as 1st July, 2009 to 30th June, 2010 (12 months) and injury analysis shall cover the years 2007-08, 2008-09, 2009-10 and the POI.

### **Submission of Information**

10. The exporters in the subject country, their government through their Embassy in India/representatives, 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. 243, Udyog Bhavan,  
New Delhi-110011**

11. 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**

12. 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 hereinabove 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 AD Rules.

### **Non-confidential summary**

13. All interested parties must provide a non-confidential summary of any information provided on a confidential basis in terms of Anti-Dumping Rule 7(2), which will be subject to acceptance in terms of Rules 7(1) and 7(2) of the AD Rules.

### **Inspection of Public File**

14. 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.

P. K. Chaudhery  
The Designated Authority