

To be published in the Gazette of India Extra ordinary Part 1 Section1

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
(DIRECTORATE GENERAL OF ANTI-DUMPING & ALLIED DUTIES)**

New Delhi
Dated 8th November, 2013

Investigation Termination Notification

Subject: - Anti-dumping investigation concerning imports of Pentaerythritol, originating in or exported from Saudi Arabia.

No. **14/11/2011**-DGAD:- Having regard to the Customs Tariff Act 1975 as amended from time to time (hereinafter also referred as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter also referred as the Rules);

A. Background of the Case

1. WHEREAS, M/s Kanoria Chemicals & Industries Ltd (hereinafter also referred as the applicant) submitted an application before the Designated Authority (hereinafter also referred to as the Authority) under the Anti-dumping Rules, on behalf of the domestic industry, alleging dumping of Pentaerythritol (hereinafter also referred to as the subject goods), originating in or exported from Saudi Arabia (hereinafter also referred to as the subject country).
2. WHEREAS, the Authority notified the embassy of the subject country in India in accordance with sub-rule 5(5) of the Rules about the receipt of the said application alleging dumping of the subject goods from the subject country before proceeding to initiate the investigation.
3. AND WHEREAS, the Authority on the basis of prima facie evidence submitted by the applicant issued a public notice dated 22nd May, 2012 published in the Gazette of India, Extraordinary, initiating anti-dumping investigations concerning imports of the subject goods, originating in or

exported from the subject country, in accordance with the Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which, if levied would be adequate to remove the injury to the domestic industry.

B. Procedure

4. Procedure described below has been followed with regard to the present investigation after issuance of the public notice notifying the initiation of the anti-dumping investigation by the Authority:

- i. The Designated Authority sent copies of the initiation notification to the embassy of the subject country in India, known producers/exporters from the subject country, known importers in India and other interested parties. The known interested parties to this investigation were requested to file questionnaire response and make their views known in writing within prescribed time limit.
- ii. Copies of the letter, petition and questionnaire sent to the producers/ exporters were also sent to the Embassy of the subject country along with a list of known producers/exporters with the request to advise the producers/exporters from the subject country to respond to the questionnaire within the prescribed time.
- iii. The Authority sent exporter's questionnaires to elicit relevant information to the following known producers/exporters in the subject country in accordance with Rule 6(4) of the Rules:

1. Methanol Chemicals Company (Chemanol) Head Office: Novotel Business Park, Damam – Khobar Highway Building No. 3, 1st Floor, P.O. Box No. 3139, Damam – 31471
2. Methanol Chemicals Company (Chemanol) Corporate/ Work Office: Al Jubail Industrial Area Road 251, Crossing 198, P.O. Box No. 2101, Jubail – 31951
3. M/s. Perstorp Speciality Chemicals AB SE 284-80 Perstorp, Sweden

- iv. In response to the initiation notification M/s Methanol Chemicals Company (Chemanol) (producer) from Saudi Arabia and M/s

Perstorp Specialty Chemicals AB (exporter) from Sweden responded by filing exporter's questionnaire response.

- v. Importer's questionnaires were also sent to the following known importers/users of subject goods in India calling for necessary information in accordance with Rule 6(4) of the Anti-dumping Rules:

SN	Name of Company	SN	Name of Company
1	M/s. Perstorp Chemicals India (P) Ltd., Vapi	2	M/s. H.R. Trading Co., Pvt. Ltd., Mumbai
3	M/s. Sanman Trade Impex Pvt. Ltd., Mumbai	4	M/s. Leo Chemoplast Pvt., Ltd., Mumbai
5	M/s. Saraf Chemicals Ltd., Mumbai	6	M/s. Samir Dye Chem. Mumbai
7	M/s. Alcon Enterprises, Kolkata	8	M/s. Berger Paints India Ltd., Mumbai
9	M/s. A.V.M. Sales Pvt. Ltd., Kolkata	10	M/s. Century Inka Limited, Mumbai
11	M/s. Ciba Speciality Chemicals (India) Ltd., Mumbai	12	M/s. Addison Paints & Chemicals, Chennai
13	M/s. Decro Paints, Hyderabad	14	M/s. Coates of India Ltd., Mumbai
15	M/s. Dujodwala Paper Chemicals Ltd., Raigad	16	M/s. Hardcastle & WaulMafg. Co., Ltd., Mumbai
17	M/s. Gargi Industries Prop., Navi Mumbai	18	M/s. GoodlassNerolac Paints Ltd., Mumbai
19	M/s. Mitsu Industries Ltd., Mumbai	20	M/s. Hero Dye Chem Industries, Mumbai
21	M/s. Resins & Pigmenhts, Pithampur (MP)	22	M/s. Hindustan Inks & Resins Ltd., Mumbai
23	M/s. ChemiColour Agency, Kolkata	24	M/s. IVP Ltd., Thane
25	M/s. Shalimar Paints Ltd., Hawra	26	M/s. Jenson & Nicholson (I) Ltd., Kolkata
27	M/s. Dujodwala Paper Chemicals, Mumbai	28	M/s. Paras Dyes & Chemicals, Mumbai
29	M/s. Eastcorp International,	30	M/s. Vibgyor Paints Pvt.

	Kolkata		Ltd., Mumbai
31	M/s. Garware Polyester Ltd., Mumbai		

- vi. The initiation notification was also sent to the Indian Paints Association, Indian Resins Manufactures Association and Indian Small Scale Paints Association.
- vii. In response to the initiation notification, only M/s Perstorp Chemicals India Private Ltd (importer and reseller in India), a related company of M/s Perstorp Specialty Chemicals AB, Sweden filed importer questionnaire response.
- viii. While submissions were received from M/s Sandeep Organics Pvt Ltd in support of the domestic industry, The Indian Small Scale Paint Association and Indian Resins Manufactures Association made submissions opposing the domestic industry.
- ix. The Authority made available non-confidential version of the evidence presented by various interested parties in the form of a public file kept open for inspection by the interested parties.
- x. Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) to arrange details of imports of the subject goods for the past three years, including the period of investigation.
- xi. The Authority compared the import data received form DGCI&S and the data furnished by the domestic industry based on secondary source i.e. IBIS and relied upon the DGCI&S data in the present investigation.
- xii. Information was sought from the applicants to determine non-injurious price based on the cost of production and cost to make and sell the subject goods in India on the basis of Generally Accepted Accounting Principles (GAAP) and in terms of the principles laid down in Annexure III to the Rules to ascertain whether Anti-dumping duty lower than the dumping margin would be sufficient to remove injury to domestic industry.
- xiii. Investigation was carried out for the period (POI) starting from 1st January, 2011 to 31st December, 2011 (12 months). The injury analysis covered the periods from 2008-09, 2009-10, 2010-11 and the POI.

- xiv. In accordance with Rule 6(6) of the Rules, the Authority also provided opportunity to all interested parties to present their views orally in a public hearing held on 18th Feb, 2013. The parties which presented their views in the oral hearing were requested to file written submissions of the views expressed orally.
- xv. Verification of the information and data submitted by the domestic industry and other cooperating interested parties was carried out by the Authority to the extent deemed necessary.
- xvi. Information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted and such information has been considered as confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.
- xvii. Wherever an interested party has refused access to, or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has recorded these findings on the basis of the 'facts available' and treated such parties as non-cooperative.
- xviii. The Department of Revenue vide its Office Memorandum No.354/72/2013-TRU dated 10th May, 2013 allowed extension of time up to 21st November, 2013 for completing the subject investigation.
- xix. *** in this notification represents information furnished by an interested party on confidential basis, and so considered by the Authority under the Rules.
- xx. The exchange rate adopted for the POI is 1 US\$ = Rs.46.84.

C. Product Under Consideration and Like Article

- 5. Product under consideration in the present investigations is Pentaerythritol, an organic compound which finds application in manufacture of Alkyd Resin, Rosin Esters, Plasticizers, Printing Inks, Synthetic Rubber, Stabilizers for Plastics, Modified Drying Oils, Detonators, Explosives,

Pharmaceuticals, Core Oils and Synthetic Lubricants etc. The term “erythritol” indicates the presence of four hydroxyl groups and the prefix “penta” indicates that there are five carbon atoms in the molecule. Pentaerythritol can be of Technical grade or Nitration grade and both the grades are included within the scope of product under consideration in the present investigation. Pentaerythritol is classified under Customs sub-heading No. 2905.42 under chapter 29 of the Customs Tariff Act, 1975. However, the Customs classification is indicative only and in no way binding on the scope of the present investigation.

6. With regard to like article, Rule 2(d) of the Rules provides as under:

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation.

7. The applicant claimed that there is no known difference in the subject goods produced by the domestic industry and that imported from the subject country. The subject goods produced by the domestic industry and the subject goods imported from the subject country are comparable in terms of characteristics such as physical and chemical characteristics, manufacturing process and technology, functions and uses, product specifications, distribution and market & tariff classification of the goods.
8. None of the interested parties has made any relevant submission with regard to the definition and scope of the product under consideration and the like article. The Authority notes that there is no significant difference in subject goods produced by the Indian industry and those exported from the subject country. The two are technically and commercially substitutable. Consumers use the two interchangeably. Subject goods produced by the petitioner company are being treated as like article to the subject goods imported from the subject country in accordance with the anti-dumping Rules.

D. Standing and Scope of Domestic Industry
Submission made by the Domestic Industry

9. Following submissions have been made by the domestic industry with respect to the standing and scope of the domestic industry:

- i. Asian Paints cannot be considered as an eligible domestic industry for the reason that the company has imported significant volumes of the product under consideration from the subject country.
- ii. The petitioner is not related to any exporter or importer of the alleged dumped goods. No imports have been made by the petitioner directly or indirectly from Saudi Arabia in the period of investigation. The petitioner constitutes a major proportion of Indian Production and therefore, should be treated as “domestic industry” within the meaning of the Rules.
- iii. Production of Asian Paints to the extent of captive consumption should not be included in the domestic production on the grounds that (i) such captive consumption does not compete with the dumped imports in the merchant market and therefore the company is unaffected by the dumping practices to such an extent; (ii) they have not actively participated in previous or the present investigations since they are not affected by the dumping to the extent that the petitioner is affected; (iii) the WTO decision on this subject does not state that captive consumption cannot be excluded. It merely states that injury examination cannot be restricted to one type if the domestic industry has both captive and merchant markets.

Submission made by producers/exporter/importers:

10. Following submissions have been made by the producers/exporters/importers with respect to the standing and scope of the domestic industry:
 - i. The petitioner held a mere 55% share of the total domestic production during the POI. As the other producer namely M/s Asian Paints holding more than 40% of the total domestic production has not participated in the investigation, the petitioner cannot be regarded as ‘domestic industry’ within the meaning of the statute.
 - ii. The captive market cannot be regarded as a market separate from the domestic market. Asian Paints manufactures the subject goods and also sells a significant portion of its production in the

open market. Hence, the production of Asian Paints cannot be excluded for determining the standing of Domestic Industry and also for injury analysis.

Examination by the Designated Authority

11. The Authority notes that in the present investigation initiation notification was provided to M/s Asian Paints. However, the company neither supported nor opposed the present antidumping investigation. The Authority further notes that M/s Asian Paints had also imported the subject goods from subject country during POI.
12. The Authority notes that the share of the applicant in the total domestic production of the subject goods constitutes more than 50%. In view of the above position, Authority notes that the applicant fulfills the requisite criteria to satisfy standing and constitutes the domestic industry as required under Rule Rule 2(b) and 5(3) of the Anti-dumping Rules.

E. Miscellaneous Issues Submission of the Domestic Industry

13. Following miscellaneous submission has been made by domestic industry:
 - i. Rule 5(3)(b) of the anti-dumping Rules requires the Designated Authority, to examine the accuracy and adequacy of the evidence provided in the application with regard to dumping, injury and causal link before it initiates an investigation. Domestic industry also refers and relies upon available jurisprudence in this regard. It is further submitted that initiation notification clearly shows that the authority has analysed the information and on being satisfied of adequacy and accuracy of the evidence, initiated the investigation. It is further submitted that the applicant provided all the relevant information supplied in the application that is all reasonably available to the applicant as required by Article 5.2.
 - ii. As submitted above there is no illegality in the initiation of investigation. The Designated Authority is not required to hold a detailed inquiry but he has to prima facie satisfy as to whether the application is supported by the evidence in relation to dumping, injury and causal link between the dumped import and alleged injury.

The Designated Authority rightly issued a public notice of initiation of investigation.

- iii. There is no legal basis for the argument. Period considered in the petition for establishing a case sufficient for investigations is different from the period of investigation that is considered by the authority for determination. While the two periods may be the same, the two need not be the same.
- iv. Excessive confidentiality claimed by the exporters.

Submission made by producers/exporters/importers:

- 14. Following miscellaneous submission has been made by producers/exporters/ importers and other interested parties.
 - i. The application filed by the petitioner is grossly erroneous and incomplete and therefore be terminated immediately.
 - ii. The investigation has been initiated without information for the POI since the petitioners only submitted the information relating to the POI 40 days after initiation.
 - iii. The demand for the subject goods in the country is far higher than the capacity of the petitioner. The huge demand and supply gap necessitates imports. Therefore injury to the domestic industry, if any, cannot be attributed to the imports but to the inefficiency of the domestic industry.

Examination by the Authority

- 15. As regards the submission that application filed by the petitioner is grossly erroneous and incomplete as it is not supported by adequate evidence to justify initiation, the Authority notes that the present investigation was initiated on the basis of prima facie evidence of dumping, injury and causal link in terms of the Anti-dumping Rules.
- 16. As regard to the submission that the investigation has been initiated without information for the POI, the Authority notes that there is no

provision in the Anti-dumping Rules which prevents the Authority from extending the POI during the course of an investigation.

17. As regards the argument that there is a huge gap between demand and supply and therefore imports are inevitable, the Authority notes that imposition of anti-dumping duty would not restrict the imports in any manner, and therefore, would not affect the availability of the product to the domestic consumers.
18. The Authority has examined the confidentiality claims of the interested parties. The Authority made available the non- confidential version of the evidences submitted by various interested parties in the form of public file.

F. Methodology for determination of Dumping Margin

Normal Value, Export Price and Dumping Margin

Submissions by the Domestic Industry

19. Submissions by the domestic industry are as follows:
 - i. Selling price of Chemanol in the domestic market of Saudi Arabia is not in the ordinary course of trade because of the relationship between Chemanol and Perstorp. The cost of production of Chemanol, the only supplier of the subject goods from Saudi Arabia, does not reasonably reflect the costs associated with production of the product under consideration. Perstorp has significant sales of the product under consideration in Sweden and European Union. Normal value should be determined on the basis of price of the product under consideration in the domestic market of European Union.
 - ii. It is also relevant to point out that given the relationship between Chemanol and Perstorp, it is quite probable that the transactions between the two parties are not in the ordinary course of trade. There clearly appears to be a barter situation between the two parties wherein one party has supplied production technology and other party is giving 85-90% of its production to Perstorp for sale in the international market in return to the technology supplied. Thus, neither costs of Chemanol are fully reflecting the costs associated with the product under consideration, nor the

transaction price between the two parties is adequately reflecting the arm's length prices.

- iii. Given the prices at which goods have been exported by Chemanol in Indian market and its claim of no dumping, it follows that Chemanol is not getting remunerative prices in the domestic market as well.
- iv. Perstorp is holding manufacturing facilities at Sweden, Germany, Belgium, Spain, India, Saudi Arabia (Chemanol), Taiwan and Japan. The company was first dumping from Sweden, which was shifted to Germany post imposition of duty. Even when the Designated Authority was conducting investigation in respect of imports from European Union (excluding Sweden), Perstorp shifted dumping to Saudi Arabia. Further, even when the Designated Authority is now conducting investigation in respect of Saudi Arabia, Perstorp has already partly shifted dumping to supplies from European Union. Thus, the current case is the fittest case to show that how multinationals are able to shift dumping from one country of another country and how they can easily evade the action taken by Govt. of India through supplies from new sources. Given that ultimately goods are being sold by one entity, this is clear abuse of the dumping law.

Submission made by Exporter/importers:

20. Following submissions have been made by exporter/producer/importers and other interested parties in this regard:
 - i. Section 9A does not allow CNV to be taken for a market economy country. The normal value for Saudi Arabia (market economy) has to be its domestic selling price since the petitioner has not contended that there are no sales of the subject goods in Saudi Arabia or that the Saudi Arabian market is influenced by a particular market situation. The domestic selling price of the subject goods in Saudi Arabia shall be the normal value. By no stretch of imagination can the domestic selling price in European Union be considered as the normal value.

- ii. The export prices to India from Saudi Arabia have been higher than the domestic selling prices in Saudi Arabia. Therefore the alleged dumping is factually incorrect.
- iii. Chemanol is getting remunerative prices in the domestic market for the subject goods and their capacity utilization is also optimal.
- iv. Perstorp entered into a License and Technical Assistance Agreement with Chemanol several years before the investigation against European Union was initiated by the authority.
- v. In the present investigation, the subject goods are exported to India directly from Saudi Arabia which is the country of origin. Therefore, in terms Section 9A of the Customs Tariff Act, 1975 and Article 2.5 of the WTO: ADA, the domestic selling price of the subject goods in Saudi Arabia shall be the normal value.
- vi. Perstorp and Chemanol are not related to each other. Chemanol has only entered into a License & Technical Assistance Agreement and Off Take Agreement with Perstorp Specialty Chemicals AB, Sweden. In terms of the License & Technical Assistance Agreement, Perstorp has granted Chemanol a license and right to use Perstorp Technology for design, construction, operation and maintenance of its production facilities. In consideration for the licenses and rights granted to Chemanol, it is required to pay a license fee and running royalty to Perstorp as per the terms and conditions of the License & Technical Assistance Agreement.
- vii. Under the Off Take Agreement, there is no such condition which restricts the rights and powers of Chemanol to decide the price at which it can sell the subject goods in the domestic market of Saudi Arabia. In fact, Chemanol is free to decide the price at which it wants to sell the subject goods in the domestic market of Saudi Arabia.

Such License & Technical Assistance Agreements and Off Take Agreements are very common in the present era of Industrialization. Merely because Chemanol and Perstorp have entered into such agreements, it cannot be said that they are related to each other or that the domestic selling price of Chemanol is not in the ordinary course of trade.

- viii. The authority should disregard the contention raised by the petitioner that normal value in the present investigation should be determined on the basis of price of the product under consideration in the domestic market of European Union.
- ix. The contention of the petitioner that the cost of production of Chemanol does not reasonably reflect the costs associated with production of the product under consideration is unsubstantiated.

Examination by the Authority

- 21. As regards the submission of domestic industry that the cost of production of Chemanol does not reasonably reflect the costs associated with production of the product under consideration and since Perstorp has significant sales of the product under consideration in Sweden and European Union, normal value for subject country should be determined on the basis of price of the product under consideration in the domestic market of European Union, the Authority notes that Section 9A(1)(c) of the Act provides as follows:

“(c) “normal value”, in relation to an article, means –

(i) the comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or (ii) when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such

sales do not permit a proper comparison, the normal value shall be either -

(a) comparable representative price of the like article when exported from the exporting country or territory to an appropriate third country as determined in accordance with the rules made under sub-section (6); or

(b) the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6):

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transhipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.”

22. The Authority notes that there is no relationship between Chemanol and Perstorp and the transactions entered into by them were in the ordinary course of trade governed by terms and condition of agreements entered into by the two unrelated companies. The Authority has verified the cost of production details submitted by Chemanol and found that the same is based on the accounts maintained by the company in terms of the Generally Accepted Accounting Standards in Saudi Arabia issued by the Saudi Organization for Certified Public Accountants (SOCPA). The Authority finds no merit in the submissions of the domestic industry to determine the normal value on the basis of price of the product under consideration in the domestic market of European Union. The Authority, therefore, has determined the normal value in terms of Section 9A(1)(c) of the Act and by taking comparable price in the ordinary course of trade, for the like article, when meant for consumption in Saudi Arabia.

Methodology adopted for determination of Normal value

23. It was first determined by the Authority that whether the total domestic sales of the subject goods by the producers/exporters concerned in the subject country was representative when compared

to their total sales of the subject goods in the exporting country. Thereafter, it was examined whether their sales are under ordinary course of trade in terms of Rule 2 of the Annexure I to the Anti-dumping Rules. Wherever the exporters have provided transaction wise details of sales made in home market and same has been accepted by the Authority after verification of information, the said verified information has been relied upon to determine the average selling price of the subject goods sold in the home market. For the determination of the ordinary course of trade test, the cost of production of the product concerned was examined with reference to the records maintained by the producer. Further, all domestic sales transactions were examined with reference to the cost of production of the subject goods to determine whether the domestic sales were in the ordinary course of trade or not. Since the Authority found that more than 20% of the domestic sales were loss making, the profitable transactions only have been taken into consideration for the determination of normal value.

Normal value determined for Chemanol, Saudi Arabia

24. M/s Methanol Chemicals Company (Chemanol) has reported total domestic sales of *** MT of subject goods during POI for the total invoice value of US\$ ***. The per unit value works out to US\$ *** /MT. The following adjustments have been claimed and allowed by the Authority:

- a. Credit Cost - US\$ *** /MT
- b. Packing Cost - US\$*** /MT
- c. Inland Freight - US\$*** /MT

After making the total adjustment of US\$ US\$ *** /MT on account of the above adjustments, the normal value in respect of M/s Methanol Chemicals Company (Chemanol), Saudi Arabia has been determined by the Authority as US\$ *** /MT.

Non Cooperative Exporters

25. As per available information, the Authority notes that M/s Methanol Chemicals Company (Chemanol) is the only exporter of the subject goods from Saudi Arabia during the POI. The domestic industry has also submitted that M/s Chemanol is the only supplier of subject

goods from Saudi Arabia. No other producer/exporter from the subject country has responded in the present investigation. Since M/s Methanol Chemicals Company (Chemanol) is the only exporter of the subject goods from the subject country which responded in the present investigation, the Authority notes that determination of residual normal value is not relevant.

EXPORT PRICE

26. The total export to India by M/s Methanol Chemicals Company (Chemanol), Saudi Arabia, during the POI, through M/s Perstorp, Sweden, was *** MT, at the gross value of US\$ ***. The exports had been made through M/s Perstorp, Sweden in terms of the off-take agreement.
27. The goods were shipped from Saudi Arabia to India directly, but the invoices were raised on Perstorp Specialty Chemicals AB Sweden, who in turn raised invoices on the Indian customers. Perstorp deducted marketing fee of *** % of the invoice value and paid the balance to Chemanol. In terms of the agreement, Chemanol gives *** days credit period to Perstorp.
28. The following adjustment have been claimed and allowed by the Authority while determining the net export price:
 - a. Credit Cost - US\$ *** MT
 - b. Packing Cost - US\$ *** MT
 - c. Inland Freight - US\$ ***/MT
 - d. Marketing fee - US\$ *** /MT
29. After making the total adjustment of US\$ *** /MT on account of the above adjustments, the weighted average net export price to India has been determined at US\$ *** /MT.

Non-cooperative exporters

30. As per available information, the Authority notes that M/s Methanol Chemicals Company (Chemanol) is the only exporter of the subject goods from Saudi Arabia during the POI. The domestic industry has also submitted that M/s Chemanol is the only supplier of subject

goods from Saudi Arabia. No other producer/exporter from the subject country has responded in the present investigation. Therefore, the Authority does not consider it relevant to determine any export price for the non-cooperative exporters from the subject country.

Dumping Margin

- 31. After comparing the aforesaid normal value and export price as determined, the dumping margin for M/s Methanol Chemicals Company (Chemanol), Saudi Arabia has been determined as US\$ *** /MT and *** % (Range % 0-10).

Conclusions

- 32. As per available information, the Authority notes that M/s Methanol Chemicals Company (Chemanol) is the only exporter of the subject goods from Saudi Arabia during the POI. The domestic industry has also submitted that M/s Chemanol is the only supplier of subject goods from Saudi Arabia. No other producer/exporter from the subject country has also responded in the present investigation. The Authority further notes that the dumping margin as determined above in respect of M/s Methanol Chemicals Company (Chemanol), Saudi Arabia is de minimus.
- 33. In terms of Rule 14 (c) of the Anti-dumping Rules, the Designated Authority shall, by issue of a public notice, terminate an investigation immediately if it determines that the margin of dumping is less than 2% of the export price. Rule 14 (c) of the Anti-dumping Rules inter alia states as follows:

“14. Termination of investigation. - The designated authority shall, by issue of a public notice, terminate an investigation immediately if –
(a);
(b);
*(c) **it determines that the margin of dumping is less than two per cent of the export price;***
(d);
or
(e)”

34. The Authority notes that the margin of dumping is de minimus in respect of M/s Methanol Chemicals Company (Chemanol), Saudi Arabia, who are the only exporter of the subject goods from the subject country during the POI.
35. In view of the position explained above, the Authority in terms of Rule 14(c) of the Anti-dumping Rules, hereby terminates the present investigation, which was initiated vide Notification No. 14/11/2011-DGAD dated 22nd May, 2012.

J.S. Deepak
Designated Authority