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F. No. 14/26/2016-DGAD
Government of India
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
(DIRECTORATE GENERAL OF ANTI-DUMPING & ALLIED DUTIES)
4th Floor Jeevan Tara Building, 5, Parliament Street, New Delhi-110001

Dated 1st February, 2018

NOTIFICATION

FINAL FINDINGS

Subject: Anti-dumping investigation concerning imports of “Methyl Ethyl Ketone” or MEK, originating in or exported from China PR, Japan, South Africa and Taiwan.

No. 14/26/2016-DGAD: Having regard to the Customs Tariff Act, 1975, as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules thereof, as amended from time to time (hereinafter referred to as the AD rules) thereof M/s Cetex Petrochemicals Limited (hereinafter also referred to as “the petitioner” or “the applicant”) has filed an application before the Designated Authority (hereinafter also referred to as “the Authority”) in accordance with the Act and the AD Rules, for initiation of anti-dumping investigation concerning imports of “Methyl Ethyl Ketone” or MEK (also referred to as “the subject goods”), originating in or exported from China PR, Japan, South Africa and Taiwan (also referred to as “the subject countries”) and requested for levy of anti-dumping duties on the subject goods.

2. Whereas, the Authority, on the basis of prima facie evidence submitted by the applicant, issued a public notice vide Notification No. 14/26/2016 -DGAD dated 9th February, 2017 published in the Gazette of India, Extraordinary, initiating the subject investigations in accordance with the Rule 6(1) of the Rules to determine the existence, degree and effect of the alleged dumping of the subject goods, originating in or exported from the subject countries, and to recommend the amount of anti-dumping duty, which, if levied, would be adequate to remove the alleged injury to the domestic industry.

A. PROCEDURE

3. The procedure described herein below has been followed by the Authority with regard to this subject investigation:

- i. The Authority notified the embassies of the subject countries in India about the receipt of the present anti-dumping application before proceeding to initiate the investigations in accordance with sub-rule 5(5) of the AD Rules.
- ii. The Authority issued a Notification dated 9th February, 2017, published in the Gazette of India Extraordinary, initiating anti-dumping investigation concerning imports of the subject goods.
- iii. The Authority sent a copy of the initiation notification to the embassies of the subject countries in India, known producers/exporters from the subject countries, known importers/users and the domestic industry as well as other domestic producers as per the addresses made available by the applicant and requested them to make their views known in writing within 40 days of the initiation notification in accordance with Rule 6(2) of the AD Rules.
- iv. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters, known importers and to the embassies of the subject countries in India in accordance with Rule 6(3) of the AD Rules.
- v. The Authority sent exporter's questionnaire to the following known producers/exporters in the subject countries , whose details were made available by the applicant , to elicit relevant information in accordance with Rule 6(4) of the Rules:
 - a. Guangzhou Lifly Chemicals Co. Ltd., China PR
 - b. Qingdao Hisea Chem Co. Ltd, China PR
 - c. Xilan Chemicals Co. Ltd., China PR
 - d. Tianjin Jiateng Chemical Products Co. Ltd., China PR
 - e. Zibo Xiangda Chemical Co. Ltd., China PR
 - f. Maruzen Petrochemical Co. Ltd., Japan
 - g. Idemitsu Kosan Co. Ltd., Japan
 - h. TASCOS Group, Taiwan
 - i. Ronder Corporation, Taiwan
 - j. LCY Chemical Corp., Taiwan
 - k. Sasol Limited, South Africa
 - l. Tag Solvent Products (Pty) Ltd., South Africa
- vi. The Embassies of the subject countries in India were also requested to advise the exporters/producers from the subject countries to respond to the questionnaire within the prescribed time limit. A copy of the letter and questionnaire sent to the producers/exporters was also sent to them along with the names and addresses of the known producers/exporters from the subject

countries.

vii. The following producers/exporters from the subject countries filed exporter's questionnaire response in the prescribed format:

- a. Sasol South Africa (Pty) Ltd., South Africa
- b. Sasol Middle East FZCO, Jebel Ali, UAE
- c. TASCOCHEMICAL CORPORATION, Taiwan
- d. Sojitz Asia Pte. Ltd., Singapore

viii. The Authority forwarded a copy of the Initiation Notification to the following known importers/users/user associations, whose names and addresses were made available to the authority, of subject goods in India and advised them to make their views known in writing within the time limit prescribed by the Authority in accordance with the Rule 6(4):

- a. Hareesh Petrochem Pvt. Ltd., Mumbai
- b. Crescent Organics Pvt. Ltd., Mumbai
- c. C J Shah & Company, Mumbai
- d. Chemedge International Pvt. Ltd., Mumbai
- e. Hazel Mercantile Ltd., Mumbai
- f. Pon Pure Chem (P) Ltd., Chennai
- g. Yog International Pvt. Ltd., Mumbai
- h. Kundan Rice Mills Pvt. Ltd., New Delhi
- i. Sojit India Pvt. Ltd., Mumbai
- j. Petrochem Middle East (India) Pvt. Ltd., Mumbai
- k. Gujarat State Fertilizers & Chemicals Ltd., Vadodara
- l. Privi Organics Ltd., Navi Mumbai
- m. Hindustan Polyamides & Fibres Ltd., Mumbai
- n. Dow Chemicals International Pvt. Ltd., Mumbai
- o. Flint Group Intida Pvt. Ltd., Navi Mumbai
- p. Sajjan India Ltd., Mumbai
- q. Anthea Aromatics Pvt. Ltd., Navi Mumbai
- r. Sakata Inx (India) Ltd., Gurgaon, Haryana
- s. U Flex Ltd., NOIDA, UP
- t. Montage Enterprises Pvt. Ltd., NOIDA, UP
- u. A S Shoe Accessories (P) Ltd., New Delhi
- v. Micro Inks Ltd., VAPI
- w. Bostik India Pvt. Ltd., Bangalore

ix. The following importers or consumers of the product have filed the importer's questionnaire response in the prescribed format:

- a. CJ Shah & Company

- b. Eternis Fine Chemicals Ltd.
 - c. Prasol Chemicals Ltd.
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- x. Submissions/ comments were filed by Sasol South Africa (Pty) Ltd., South Africa (Producer), Sasol Middle East FZCO, UAE (Exporter) and CJ Shah & Company (Importer).
 - xi. 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 as per Rule 6 (7). Submissions made by all interested parties have been taken into account in the present disclosure statement.
 - xii. The Period of Investigation for the purpose of the present investigation has been considered from July 2015 - September 2016 (15 Months). The injury investigation period has been considered as the period April 2013 - March 2014, April 2014 - March 2015, April 2015 - March 2016 and the POI. Further, since the investigation period is a period of 15 months, all figures/data for the POI have been considered by annualising the same.
 - xiii. Additional/supplementary information was sought from the applicant and other interested parties to the extent deemed necessary. Verification of the data provided by the domestic industry and exporters/producers was conducted to the extent considered necessary for the purpose of the investigation. Only such verified information with necessary rectification, wherever applicable, has been relied upon.
 - xiv. The Non-injurious Price (NIP) is based on the cost of production and cost to make & sell the subject goods in India based on the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the Anti-dumping Rules. It has been worked out so as to ascertain whether Anti-Dumping duty lower than the dumping margin would be sufficient to remove injury to the Domestic Industry.
 - xv. Information provided by the Directorate General of Commercial Intelligence and Statistics (DGCI&S) on transaction-wise basis for the past three years, and the period of investigation has been adopted for determination of volume and value of imports of product concerned in India.
 - xvi. The Authority held an oral hearing on 22nd December, 2017 to provide an opportunity to the interested parties to present relevant information orally in accordance to Rule 6(6) of AD Rules. All the interested parties who presented their views orally at the time of hearing were advised to file written submissions of the views expressed orally. The interested parties were also provided opportunity to offer rejoinder submissions to the submissions made by opposing interested parties.
 - xvii. The submissions made by the interested parties during the course of this investigation, wherever found relevant, have been addressed by the Authority, in this disclosure statement.

- xviii. 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.
- xix. 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 considered such parties as non-cooperative and recorded this disclosure statement on the basis of the facts available.
- xx. *** in this disclosure statement represents information furnished by an interested party on confidential basis, and so considered by the Authority under the Rules.
- xxi. The exchange rate adopted by the Authority during the POI for the subject investigations is 1 US\$= Rs 67.06.

B. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

4. The product under consideration for the purpose of present investigation is “Methyl Ethyl Ketone” (also referred to as “subject goods” or “MEK”).

B.1. Submissions made by Domestic industry

5. The domestic industry has submitted as follows with regard to product under consideration and like article:
- a. Methyl Ethyl Ketone (MEK) is an organic compound. It is a water white, highly volatile liquid having Acetone-like odour with no cumulative toxicological properties. Methyl Ethyl Ketone is one of the most versatile solvents, capable of dissolving a wide range of substances. This colourless liquid ketone has a sharp, sweet odour reminiscent of butterscotch and acetone. It is produced industrially on a large scale, and also occurs in trace amounts in nature. It is soluble in water and is commonly used as an industrial solvent.
 - b. The primary use of methyl ethyl ketone is as a solvent in processes involving gums, resins, cellulose acetate, and cellulose nitrate. Methyl ethyl ketone is also used in the synthetic rubber industry, in the production of paraffin wax, and in household products such as lacquer and varnishes, paint remover, and glues.
 - c. MEK is classified under Chapter 29 of the Customs Tariff Act under sub heading 29141200 of Customs Tariff Act, 1975.
 - d. There is no difference in the subject goods produced by the Indian industry

and the product exported from the subject countries.

- e. MEK produced by the domestic industry should be treated as like article to the MEK imported from the subject countries in accordance with the Anti-dumping Rules.

B.2. Submissions made by other interested parties

6. None of the producers/exporters/other interested parties have made any submissions in this regard.

B.3. Examination by the Authority

7. The product under consideration is Methyl Ethyl Ketone. MEK is an organic compound with the formula $\text{CH}_3\text{C}(\text{O})\text{CH}_2\text{CH}_3$ and is a water white, highly volatile liquid having Acetone-like odour with no cumulative toxicological properties. Methyl Ethyl Ketone is one of the most versatile solvents, capable of dissolving a wide range of substances. This colourless liquid ketone has a sharp, sweet odour reminiscent of butterscotch and acetone. It is produced industrially on a large scale, and also occurs in trace amounts in nature. It is soluble in water and is commonly used as an industrial solvent.

8. The primary use of methyl ethyl ketone is as a solvent in processes involving gums, resins, cellulose acetate, and cellulose nitrate. Methyl ethyl ketone is also used in the synthetic rubber industry, in the production of paraffin wax and in household products such as lacquer and varnishes, paint remover and glues.

9. The product under consideration is classified under Chapter 29 of the Customs Tariff Act under sub heading 29141200 of Customs Tariff Act, 1975. However, the customs classification is indicative only and in no way binding upon the product scope.

10. After considering the information on record, the Authority holds that there is no known difference in the subject goods produced by the Indian industry and that exported from the subject countries. Subject goods produced by the petitioner and that imported from the subject countries are comparable, in terms of product characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. MEK produced by the domestic industry is technically and commercially substitutable by the imported MEK. The Authority holds that product under consideration produced by the applicant domestic industry is like article to the subject product under consideration imported from the subject countries.

C. SCOPE OF DOMESTIC INDUSTRY & STANDING

11. Rule 2(b) of the AD rules defines domestic industry as under:

“(b) “domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term, ‘domestic industry’ may be construed as referring to the rest of the producers.”

C.1. Submissions made by the Domestic industry

12. Submissions made by the domestic industry in this regard are as follows:

- a. The petition was filed by M/s Cetex Petrochemicals Limited.
- b. There is no other producer of the subject goods in India. The petitioner is the sole producer of the subject goods in India. Production of the petitioner constitutes 100% of Indian production of the product under consideration.
- c. The petitioner has itself imported a small volume of subject goods and has also purchased small volume of imported subject goods from traders to fulfil its commitments made to customers when there was a shortfall in the petitioner’s production due to plant shut down. The petitioner had to shut down its plant for want of raw material as the plant of raw material supplier (i.e. Chennai Petrochemicals Ltd.) was shut down at that time.
- d. The petitioner has not sold the imported material at significant profits. The company’s thrust continues to be on its own production. The petitioner has in fact enhanced its capacities and has future plan to further expand the capacity.
- e. Imports made by the petitioner are insignificant in relation to total imports into India, consumption in India and production by the petitioner.
- f. The petitioner is not related to any exporter in the subject countries or importer of product under consideration in India.
- g. The petitioner therefore, has satisfied the requirement of standing under the Rules and the petitioner constitutes domestic industry under the Rules 2(b) and 5(3) of the AD Rules.

C.2. Submissions made by other interested parties

13. Submissions made by other interested parties in this regard are as follows:

- a. The applicant has made the imports of the subject goods from the subject countries and has also bought the imported goods from local traders and therefore is ineligible Domestic industry as per Rule 2(b).

- b. In Anti-dumping duty investigation against imports of Aluminium Foil from China PR dated March 10, 2017 the DA did not consider one of the domestic producers as domestic industry because the Authority found that the company had unduly benefited from such dumping even though the imports by the producer were “not so significant”
- c. Since the petitioner is the sole manufacturer of the PUC in the domestic market, the PUC purchased from the local traders would also have been imported and not domestically manufactured.
- d. The petitioner has not declared anything about the country of origin of the goods that was procured by the petitioner from the local traders.
- e. Even though the petitioner's imports were alleged to be insignificant, they were sold in the domestic market thus allowing the petitioner to benefit from the imports. Reference is invited to Final Findings of Aluminium Foil from China.
- f. Without importing the PUC, the petitioner was unable to meet the requirements of the customers.
- g. The Petitioner has not provided any plausible reasons for importing the material apart from fulfilling customer requirements.
- h. The Authority has not made any determination on 'standing of the domestic industry' after the updation of the period of investigation.

C.3. Examination by the Authority

14. The present application has been filed by M/s Cetex Petrochemicals Limited as the domestic producer of the product under consideration.

15. The Authority notes that the petitioner is the sole producer of the subject goods in India.

16. Regarding the issue of imports from Singapore, the petitioner has stated that though the imports made by the petitioner were invoiced from Singapore, the country of origin of these imports was China. Further, the subject goods purchased by the petitioner from local traders originated in Taiwan. The petitioner has submitted the necessary evidences in support of its claim.

17. The Authority notes that the petitioner has imported the subject goods to meet the customer requirements as there was shortfall in their production caused by shortage of raw material due to plant shutdown of raw material supplier. Further, it is seen that the import made by the petitioner was ***of total imports***of total consumption in the country and nearly ***of the production of the petitioner, which is insignificant.

18. In view of the above facts, the Authority holds that the petitioner constitutes domestic industry in terms of Rule 2(b) of the AD Rules and satisfies the standing

requirement in terms of Rule 5(3) of the AD Rules.

D. CONFIDENTIALITY

D.1. Submissions made by the Domestic industry

19. Submissions made by the domestic industry in this regard are as follows:
- a. The questionnaire responses are totally deficient of relevant information and do not address a number of issues. Further, besides being inadequate and insufficient in terms of information, the responses also do not meet the requirement of proforma prescribed by the Authority.
 - b. The information furnished under Appendices 1-9 are clearly not in the format when 'strict adherence' to the proforma has been specifically sought. In the absence of even indexed information, the Domestic Industry is left handicapped to offer its comments on such deficient responses.
 - c. The exporters have suppressed vital information such as names of shareholders, production process and sources of procurement of raw material and utilities.
 - d. The exporters have denied having received any benefits on exports made, which is untrue.
 - e. Response by Sojitz Asia Pte Ltd.(exporter and subsidiary of Sojitz Corporation, Japan) is incomplete and liable to rejection as the corresponding producers have not filed responses. The company has not even disclosed the names of the producers and the countries whose products have been exported to India.
 - f. The Designated Authority may kindly disregard the responses of the exporters and declare them as non-cooperative by denial of individual treatment.

D.2. Submissions made by the other interested parties

20. Submissions made by other interested parties in this regard are as follows:
- a. Soft copy of the import data for the updated period of investigation has not been made available in the public file. There should be no reason to withhold the excel version of the transaction-wise import data. Even if there are confidentiality concerns, the relevant columns could be redacted (subject to the requirements of Rule 7, AD Rules).
 - b. The petitioner has claimed excessive confidentiality with respect to a number of facts such as consumption factor, petitioner's imports, profit/ loss and adjustments made in calculation of net export price.
 - c. While the petition only discloses the imports from Singapore, which is not a subject country in the investigation, the initiation establishes that the petitioner has imported the subject goods from more than one subject country. Further, updated Petition dated March 6, 2017 did not evidence any imports

from Singapore.

- d. The petitioner has not declared anything about the country of origin of the goods that was procured by the petitioner from the local traders.
- e. Information submitted as part of costing information can easily be provided in indexed form so as to indicate the trends in Format B, CI, CII, D and E.

D.3. Examination by the Authority

21. With regard to confidentiality of information, Rule 7 of Anti-dumping Rules provides as follows:

“7. Confidential information- (1) Notwithstanding anything contained in sub rules (2), (3) and (7) of rule 6, sub-rule (2) of rule 12, sub-rule (4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.

(2)The designated authority may require the parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated authority a statement of reasons why summarization is not possible.

(3) Notwithstanding anything contained in sub-rule (2), if the designated authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorise its disclosure in a generalized or summary form, it may disregard such information.”

22. Information provided by the domestic industry as well as other 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 confidential and not kept in public file.

E. MISCELLANEOUS ISSUES

E.1. Submissions made by the Domestic industry

23. Submissions made by the domestic industry in this regard are as follows:

- a. In response to the issue raised by other parties regarding difference of three months (one quarter) between the period of investigation proposed by the petitioner and the one finalized by the Designated Authority, domestic

industry has stated that the Authority has extended the POI by one quarter in a number of investigations and therefore it is not a new phenomenon. Further, the Antidumping Agreement and Antidumping Rules stresses on adoption of POI as close as possible to the initiation date.

- b. Reference to WTO Panel in Mexico – Anti Dumping Duties on Steel Pipes and Tubes is misplaced. In fact, the principle laid down in the decision would justify the act of the Authority as the endeavour is to keep POI as close to the date of initiation as possible.
- c. The interested parties have contended discrepancy in the data filed with the petition and the updated petition post-initiation. It is clarified that the original petition was based on DGCI&S published data. However, the petitioner procured DGCI&S transaction-wise data subsequently. Differences in import data, volume and value of imports between the petition and updated data are because of this reason. Consequentially, there are changes in net export price, dumping margin, landed price, price undercutting and price underselling in the updated data.

E.2. Submissions made by other interested parties

24. Submissions made by other interested parties in this regard are as follows:

- a. Initiation is bad in Law - There is a difference of three months (one quarter) between the proposed period of investigation and the finalized period of investigation. Designated Authority was required to examine the dumping and injury figures for the period of investigation prior to initiating the present investigation. However, the present investigation appears to have been initiated without actually examining the data for the complete period of investigation, which is in violation of the Authority's obligations under Rule 5 and Article 3.1. Reference to WTO Panel in Mexico – Anti Dumping Duties on Steel Pipes and Tubes.
- b. The petitioner vide the updated data provided an import statement which does not show any sales made by Singapore. The Petitioner cannot on one hand claim that it has imported the PUC from Singapore and on the other hand not show any imports from Singapore in the import statement provided by it.
- c. The Petitioner at Annexure 2.1 of the original petition has provided a table wherein it has segregated its imports based on its source i.e. Singapore, any other country and local traders. The Petitioner has not provided the name of the countries that fall under the heading of "any other country".
- d. There is change in data between the original petition and the updated petition filed post-initiation.

E.3. Examination by the Authority

25. With regard to the various issues raised by the domestic industry and the other interested parties, the Authority notes as follows:

- a. With regard to the issue of extending the POI on initiation, the Authority notes that the purpose of extending the POI is to conduct the investigation by considering the data of most recent period.
- b. With regard to the contention that the petitioner has claimed to have imported the subject goods from Singapore whereas no imports from Singapore are shown in the import statement provided by the petitioner; it is noted that these imported goods, though invoiced from Singapore, originated from China and not Singapore. The same has been verified.

F. MARKET ECONOMY TREATMENT (MET), NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

Normal Value

26. Under Section 9A(1)(c) of the Customs Tariff Act, 1975, as amended , the 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.

F.1. Submissions by the Domestic industry

27. Submissions made by the domestic industry in this regard are as follows:

- a. One of the provisions of Accession protocol has expired on 11th December, 2016. The Designated Authority should however proceed with present investigation considering Chinese producers as producers operating under non-market economy conditions due to reasons given below.

The relevant consideration in this regard must be the investigation period as the purpose of fixation of investigation period is to consider a period when the existence of dumping causing injury is established and that the developments occurring after the POI are not relevant for the determination. Since the POI in the present case is July, 2015 – September, 2016 (15 Months), the provisions of Article 15 shall be fully applicable to the present investigation period.

- b. The Authority should determine normal value in China in accordance with Para 7 & 8 of the Rules.
- c. Petitioner has claimed determination of Normal value in China on the basis of cost of production in India, duly adjusted with selling, general and administrative expenses and considering the consumption norms of the petitioner. The petitioner has first determined the cost of production of intermediate, SBA, considering the Butene prices as per petitioner. The calculated SBA cost is considered in calculating the constructed normal values of MEK in the subject countries. The petitioner has added 5% profits on the cost of production determined. Since the prices of raw material, Butene and that of the subject goods are subject to significant fluctuations, the petitioner has claimed consideration of normal value on month-wise basis.
- d. Normal value in Japan, South Africa and Taiwan - In the absence of published information with regard to actual transactions relating to domestic prices in exporting countries or any other evidence showing prevailing prices of the product under consideration in the exporting countries, the petitioner has claimed determination of normal value in these countries by considering the constructed value approach. The petitioner has first determined the cost of production of intermediate, SBA, considering the Butene prices as per petitioner. The calculated SBA cost is considered in calculating the constructed normal values of MEK in the subject countries. The petitioner has added 5% profits on the cost of production determined. Since the prices of raw material, Butene, and the subject goods are subject to significant fluctuations, the petitioner has claimed consideration of normal value on month-wise basis.
- e. Analysis of exporter responses highlights certain facts as mentioned below: Information on website of Sasol clearly shows that the basic raw material for production is coal. MEK is produced in Secunda plant, where coal is easily

accessible. The company has rights to coal mines, which is used in the production of gas. Petroleum gas is further refined to produce a number of products including the PUC.

- f. Sasol SA operates as a coal and gas based synthetic fuels manufacturing facility which also produces chemicals, feedstocks and electricity. Information extracted from the website of Sasol has already been placed on record of the Authority.
- g. The company has a fully integrated plant with backward and forward integration. Therefore, it is critical to examine that the cost of product under consideration has been correctly assessed.
- h. Sasol Middle East FZCO has claimed to not have received any incentives, grants or subsidies on export sales from its Govt. However, the Company is located in Jebel Ali Free Zone and should be availing at least some of the benefits enjoyed by the companies operating in this zone.
- i. TASCOCO makes sales to India through affiliated company, Taiwan Fieldrich Corporation (TFC), which is also supplying some raw material. It is not clear as to what is the commercial relationship of TASCOCO with TFC. Further, there are other companies in the TASCOCO Group, which are involved in production and sales of the subject goods. Interests of the shareholders in such related companies and the extent of influence on cost and price of the subject goods needs to be examined.
- j. TASCOCO has claimed to have purchased all primary raw materials from local suppliers. However, website of the TASCOCO Group shows that TASCOCO's commercial route to MEK is the dehydrogenation of SBA (sec- butyl alcohol), which is made from the hydration of raffinate-2 procured from their MTBE unit.
- k. TASCOCO has denied receiving any grant, subsidy or any other consideration on manufacturing, export or transportation of the subject product. However, the plant for producing the subject goods is situated in Linyuan District, where benefits for exports are given by Taiwanese government to the Industrial Park.
- l. Export sales are made by Sojitz Asia on cash basis as well as on credit terms. Credit cost has been deducted from the export price wherever sales have been made on credit terms. The Authority may consider the adjustment towards credit cost in net export price calculation.
- m. The Authority may kindly consider adjustment for trader's commission and expenses incurred while calculating net export price in cases where exports have been made through traders.

F.2. Submissions made by other interested parties

28. The following producers/exporters from the subject countries have filed exporter's questionnaire:

- a. Sasol South Africa (Pty) Ltd., South Africa
- b. Sasol Middle East FZCO, Jebel Ali, UAE
- c. TASCOCHEMICAL CORPORATION, Taiwan
- d. Sojitz Asia Pte. Ltd., Singapore

29. Submissions made by the foreign producers/exporters/other interested parties with regard to normal value are as under :

- a. Sasol has claimed that the Authority should determine dumping margin by calculating the normal value and export price based on the Questionnaire response filed by the Exporters.
- b. Normal value has been claimed on the basis of sales in home market by the exporters.
- c. Subsidies or any other form of assistance, if any, received by Sasol Middle East FZCO is not relevant to the present anti-dumping investigation.
- d. Sasol India Pvt. Ltd. had no role to play to affecting the Exporters' sales to India, therefore, no reference was made to it. All exports of the PUC during the POI have been made through Sasol Middle East and Sasol India Pvt. Ltd. has no role in such exports.

F.3. Examination by the Authority

F.3.1 Examination of Market economy claims

30. With regard to the submissions made by the petitioner, it is submitted that the commitments under para 15(a) (i) of the Accession Protocol signed by China with WTO requires that the producers under investigation should clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product. In event of this being substantiated, the importing WTO member shall use Chinese prices or costs for the industry under investigation in determining price comparability. Further Article 2.2.1.1 of WTO and AD Rules of India requires that the financial records of producer/exporter reasonably reflect the production costs. Therefore, information and supportive evidence thereof in respect of the following is required to be provided.

- a. Decisions in regard to price, cost, input including raw material, cost of technology and labour, output, sales and investment, are made in response to market signal reflecting supply and demand and without significant State interference and whether cost of major inputs substantially reflect market value.
- b. Production costs and financial situation does not suffer from any distortion.
- c. The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
- d. Exchange rate conversions are carried out at the market rate.

F.3.2 Determination of Normal Value for producers and exporters in China

31. Accordingly, in the absence of any reliable price and cost details for the subject goods in any market economy third country, the Authority has constructed the normal value for China PR considering international price for one of its major raw material i.e. Sulphuric Acid and domestic price for another major raw material i.e. Butene, optimum consumption norms of the domestic industry for raw materials and utilities, conversion cost, interest, SGA, etc. at the levels allowed for the domestic industry including thereupon reasonable profit. The calculation of Normal Value for all the exporters from China PR is shown in the Dumping Margin Table below.

F.3.3 Determination of Export Price for China

32. The Authority notes that none of the producers/exporters from China has responded to the Authority in the present investigation. Therefore, the Authority has determined the export price for all the producers/ exporters in China on the basis of facts available and the same is shown in the Dumping Margin Table below.

F.3.4 Determination of Normal Value and Export Price for producers and exporters in South Africa

33. The Authority notes that the following producers/exporters from South Africa have filed exporter questionnaire response:

- a. Sasol South Africa (Pty) Ltd., South Africa (Producer)
- b. Sasol Middle East FZCO, UAE (Exporter)

F.3.4.1 Determination of Normal Value for Sasol South Africa (Pty) Ltd. – South Africa (Producer) and Sasol Middle East FZCO – UAE (Exporter)

34. In view of questionnaire response from the producers/exporters in South Africa, normal value and dumping margin in case of responding producers & exporters has been determined on the basis of their questionnaire response.

35. From the Exporter Questionnaire (EQ) response, the Authority notes that M/s Sasol South Africa (Pty) Ltd., South Africa is a producer of the subject goods. Exports to India are made through Sasol Middle East FZCO, UAE. Sasol South Africa has claimed normal value on the basis of sales made in the domestic market. As per information available in the EQ response, during the Period of investigation, Sasol South Africa made *** MT domestic sales. The ordinary course of trade (80:20) test conducted on the sales of Sasol South Africa indicates that *** of sales were profitable. The Normal Value of the subject goods in the POI therefore has been determined by taking average price of the total domestic sales in the subject country after making due adjustments . The Normal Value is thus considered as *** USD/MT.

F.3.4.2 Determination of Export Price for Sasol South Africa (Pty) Ltd. – South Africa (Producer) and Sasol Middle East FZCO – UAE (Exporter)

36. The Authority notes that Sasol South Africa has sold *** MT of the subject goods to India through Sasol Middle East. The weighted average CIF Price is determined as *** USD/MT. The Authority allows adjustments on account of ocean freight, marine insurance, inland freight, port handling charges, bank charges, credit cost to determine net export price at ex-factory level. The ex-factory export price is determined as *** USD/MT.

F.3.4.3 Determination of Normal Value and Export Price for Non-cooperating producers and exporters in South Africa

37. For the other producers/exporters of South Africa, Normal value and the export value has been considered based on the facts available. Based on this the dumping margin is indicated in the relevant table.

F.3.5 Determination of Normal Value and Export Price for producers and exporters in Taiwan

38. The Authority notes that TASCOCHEMICAL CORPORATION from Taiwan have filed exporter questionnaire response.

F.3.5.1 Determination of Normal Value and Export Price for TASCOCHEMICAL CORPORATION – Taiwan (Producer), Taiwan Fieldrich Corporation (TFC) (Exporter) and Sojitz Asia Pte. Ltd., (Trader)

39. From the Exporter Questionnaire (EQ) response, the Authority notes that TASCOCHEMICAL CORPORATION, Taiwan is a producer of the subject goods. TASCOCHEMICAL CORPORATION has claimed normal value on the basis of sales made in the domestic market. Exports to India are made through Taiwan Fieldrich Corporation (TFC) and Sojitz Asia Pte. Ltd. (Sojitz). As per information available in the EQ response, during the period of investigation TASCOCHEMICAL CORPORATION made *** MT of domestic sales. The ordinary course of trade (80:20) test conducted on the sales of TASCOCHEMICAL CORPORATION indicates that *** of the domestic sales are profitable. The Normal Value of the subject goods in the POI therefore has been determined by taking average price of the total domestic sales in the subject country after making due adjustments. The Normal Value is thus considered as *** USD/MT.

F.3.5.2 Determination of Export Price for TASCOCHEMICAL CORPORATION – Taiwan), Taiwan Fieldrich Corporation (TFC) (Exporter) and Sojitz Asia Pte. Ltd., (Trader)

40. The Authority notes that TASC0 has sold *** MT of the subject goods to India through TFC and Sojitz. The weighted average CIF Price is determined as *** USD /MT. The Authority allows adjustments on account of ocean freight, marine insurance, inland freight, port handling charges, banking charge, credit cost to determine net export price at ex-factory level. The ex-factory export price is determined as *** USD/MT.

F.3.5.3 Determination of Normal Value and Export Price for Non-cooperating producers and exporters in Taiwan

41. For the other producers/exporters of Taiwan, Normal value and the export value has been considered based on the facts available. Based on this the dumping margin is indicated in the relevant table.

F.3.6 Determination of Normal Value and Export Price for producers and exporters in Japan

42. The Authority notes that none of the producers/exporters from Japan have filed exporter questionnaire response. In view of non-cooperation from all the producer-exporters in Japan, the Authority has determined normal value and export price on the basis of best available information in terms of Rule 6(8) and the same is indicated in the dumping margin table given below.

F.3.8 Calculation of Dumping Margin

43. Comparing the aforesaid normal values and export prices as determined, the dumping margin determined for the subject countries during POI are as follows:

Dumping Margin

Country	Producer	Exporter	Normal Value	Ex-factory Export Price	Dumping Margin	Dumping Margin	Dumping Margin
			US\$/MT	US\$/MT	US\$/MT	%	Range
South Africa	Sasol South Africa (Pty) Ltd.	Sasol Middle East FZCO	***	***	***	***	60-70
South Africa	Others		***	***	***	***	90-100
Taiwan	TASC0 Chemical	Taiwan Fieldrich	***	***	***	***	25-35

	Corporation	Corporation (TFC), Taiwan Fieldrich Corporation (TFC) through Sojitz Asia Pte. Ltd.					
Taiwan	Others		***	***	***	***	40-50
Japan	All		***	***	***	***	20-30
China	All		***	***	***	***	5-15

44. It is seen that the dumping margins are more than the de-minimis limits prescribed under the Rules in respect of exports made from each of the cooperating producers/exporters and non-cooperative producers/ exporters from subject countries.

G. Determination of Injury and Causal Link

45. The petitioner has alleged that the dumped imports from the subject countries are causing material injury to the domestic like product in India. Having determined that the goods are entering from the subject countries at dumped prices, the Authority proceeds to examine the degree and extent of injury, if any, suffered by the domestic industry.

46. Rule 11 of the Rules read with Annexure – II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, “.... *taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles....*”. In considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.

G.1. Submissions made by the Domestic Industry

47. Submissions made by the domestic industry in this regard are as follows:

- i. Significant volume of imports has entered the country at dumped prices.
- ii. Imports are significant in relation to production and consumption in India.
- iii. There is some decline in demand in the POI as compared to previous year, 2015-16. However, on overall basis, demand for the product under consideration has increased over the injury period. Dumped imports in absolute terms and in relative terms are at significantly high level throughout the injury period.
- iv. Subject imports hold significant market share despite domestic industry having increased capacity to cater to the domestic demand.
- v. The subject imports have created pressure on domestic prices, which has resulted in losses.
- vi. Imports are resulting in significant price underselling, as evidenced by the difference between the non-injurious price and landed price of imports.
- vii. The domestic industry expanded its capacity as demand for the product is significant. However, performance of the domestic industry in respect of production, sales, capacity utilization and market share has been significantly below the expected levels.
- viii. Production, sales and capacity utilization of the domestic industry is much below the achievable levels in spite of significant demand in the country.
- ix. Inventories with the Domestic Industry have increased significantly in the POI.
- x. Performance of the domestic industry in terms of profits, profit before interest, return on investments and cash profits has been adverse due to the presence of significant volume of low priced dumped imports.
- xi. Employment, wages and productivity have improved consistently with the increase in production.
- xii. Dumping margins are positive and significant.
- xiii. The consequent impact of the dumped imports on the domestic industry has been adverse. The domestic industry has suffered material injury.

G.2 Submissions made by the producers/exporters/other interested parties

48. Submissions made by the producers/exporters/other interested parties in this regard are as follows:

- i. There is a huge demand-supply gap. Even if the Domestic Industry operates at 100% of its capacity, it would not be able to meet even 25% of the demand in the country.
- ii. There has been a constant negative price undercutting for most of the injury investigation period.
- iii. The Petitioner has provided two sets of data - one set of data is labelled as '90% data' for Profit/(Loss), Cash Profit, Profit before Interest and Tax, Return on Investment. The Petitioner has failed to provide any explanation for why they have considered only 90% of the data even when Proforma IV A does not require it.
- iv. There is no injury in terms of economic parameters such as capacity, production, sales volume, number of employees, and salaries and wages, etc.

- v. There is increase in market share and sales volume of petitioner while there is a decrease in the market share and volume of imports from the subject countries.
- vi. Capacity utilization has shown only a marginal decline when compared to the significant increase in capacity.
- vii. Imposition of antidumping duty is not in the public interest and would only increase monopolistic conditions of the petitioner.
- viii. Injury, if any, is either self-inflicted or due to other factors such as decline in crude prices.

G.3 Examination by the Authority

G.3.1 Cumulative Assessment

49. Annexure II (iii) of the Anti-Dumping Rules provides that in case imports of a product from more than one country are being simultaneously subjected to anti-dumping investigations, the Designated Authority will cumulatively assess the effect of such imports, in case it determines that: -

- a) the margin of dumping established in relation to the imports from each country/ territory is more than two percent expressed as percentage of export price and the volume of the imports from each country is three percent of the imports of the like article or where the export of the individual countries is less than three percent, the imports cumulatively accounts for more than seven percent of the imports of like article, and;
- b) Cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

50. In the present case, the margin of dumping from each of the subject countries have been found to be more than the de minimis limit prescribed; the volume of dumped imports from each of the subject countries is more than the limits prescribed; and the exports from the subject countries directly compete inter se and with the like goods offered by the domestic industry in the Indian market. Cumulative assessment of the effects of the dumped imports is appropriate in the light of the conditions of competition between the imported products and the conditions of competition between the imported products and the like domestic product. The Authority, therefore, considers it appropriate to cumulatively assess the effect of dumped imports from the subject countries.

G.4 Examination of Injury Parameters

51. The Authority has taken note of the submissions made by the interested parties. The Authority has examined the submissions made by the domestic industry and

other interested parties with regard to the injury in accordance with the Antidumping Rules.

52. For the examination of the impact of the imports on the domestic industry in India, the Authority has considered relevant economic factors and indices having a bearing on the state of the industry such as production, capacity utilization, sales quantum, stock, profitability, net sales realization, the magnitude and margin of dumping etc. in accordance with Annexure II(iv) of the Rules .

G.4.1 Assessment of Demand and Market Share

53. The Authority has defined, for the purpose of the present investigation, demand or apparent consumption of the product in India as the sum of domestic sales of the Indian Producer(s) and imports from all sources. The demand so assessed is given in the table below.

Demand	Unit	2013-14	2014-15	2015-16	POI-A	POI
Sales of Domestic Industry	MT	***	***	***	***	***
Imports - Subject Countries	MT	26,969	27,347	39,910	35,576	44,470
Import - Other Countries	MT	***	***	***	***	***
Total Demand	MT	29,850	31,021	45,988	42,355	52,943
Market Share	%					
Domestic industry	%	9.65%	11.30%	11.15%	14.13%	14.13%
Subject countries	%	90.35%	88.16%	86.78%	84.00%	84.00%
Other Countries	%	0.001%	0.55%	2.06%	1.87%	1.87%
Total	%	100.00%	100.00%	100.00%	100.00%	100.00%

54. The Authority notes that the demand for the product under consideration has increased over the period. The Authority also notes that demand for the product shows rising trends. However, there is some decline in demand in the POI as compared to previous year, 2015-16. It is also seen that the market share of domestic industry has remained more or less constant except during POI when it has shown increase. Market share of subject countries, though fairly significant, has shown marginal decline consistently over the injury investigation period.

G.4.2 Volume and Price Effect of the dumped imports on the Domestic industry

(a) Volume Effect: Import Volume and share of subject countries

55. With regard to volume of the dumped imports, the Authority has examined whether there has been a significant increase in dumped imports either in absolute terms or relative to production or consumption in India. The volume of imports of the subject goods from the subject countries have been analyzed as under:

Particulars	Unit	2013-14	2014-15	2015-16	POI-A	POI
Import Volumes						
-						
China	MT	1,129	2,588	3,500	2,770	3,462
Japan	MT	2,237	1,647	11,015	8,804	11,005
South Africa	MT	7,437	6,941	8,519	7,272	9,089
Taiwan	MT	16,166	16,171	16,876	16,731	20,914
Subject Countries	MT	26,969	27,347	39,910	35,576	44,470
Other Countries	MT	0.20	169	949	793	991
Total	MT	26,969	27,516	40,860	36,369	45,461
Market Share in Imports						
China	%	4.19%	9.41%	8.57%	7.62%	7.62%
Japan	%	8.29%	5.99%	26.96%	24.21%	24.21%
South Africa	%	27.57%	25.23%	20.85%	19.99%	19.99%
Taiwan	%	59.94%	58.77%	41.30%	46.00%	46.00%
Subject Countries	%	100.00%	99.39%	97.68%	97.82%	97.82%
Other Countries	%	0.001%	0.61%	2.32%	2.18%	2.18%
Total	%	100.00%	100.00%	100.00%	100.00%	100.00%
Demand	MT	29,850	31,021	45,988	42,355	52,943
Indian Production	MT	***	***	***	***	***
Subject Imports in relation to						
Demand	%	90.35%	88.16%	86.78%	84.00%	84.00%
Indian Production	%	930.88%	786.03%	760.97%	606.17%	606.17%

56. The Authority notes that dumped imports of the product under consideration increased significantly in absolute terms as well as in relation to consumption and production in the country, throughout the injury period, except for decline in the POI. However, subject imports cumulatively command majority share of total imports in the country.

(b) **Price Effect of dumped imports and impact on the domestic industry**

57. With regard to the effect of the dumped imports on prices, it is required to be analyzed whether there has been a significant price undercutting by the alleged dumped imports as compared to the price of the like products in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in normal course.

58. Accordingly, the impact on the prices of the domestic industry on account of dumped imports of the subject goods from the subject countries has been examined with reference to price undercutting, price suppression/depression and price underselling, if any. For the purpose of this analysis the cost of production, Net Sales Realization (NSR) and the Non-injurious Price (NIP) of the Domestic industry have been compared with the landed price of imports from subject countries.

i. Price Undercutting

59. Price undercutting has been determined by comparing the landed price of imports from the subject countries with the net sales realisation of the domestic industry in India.

Particulars	Unit	2013-14	2014-15	2015-16	POI
Net Sales Realization	Rs/MT	***	***	***	***
Subject Countries as a whole					
Landed Price	Rs/MT	87,876	100,780	70,940	62,612
Price undercutting	Rs/MT	***	***	***	***
Price undercutting %	%	***	***	***	***
Price undercutting	Range	10-20%	Negative	0-10%	0-10%
CHINA					
Landed Price	Rs/MT	79,271	97,365	76,299	71,537
Price undercutting	Rs/MT	***	***	***	***
Price undercutting %	%	***	***	***	***
Price undercutting	Range	20-30%	0-10%	Negative	Negative
JAPAN					
Landed Price	Rs/MT	83,463	93,150	65,474	59,770
Price undercutting	Rs/MT	***	***	***	***
Price undercutting %	%	***	***	***	***
Price undercutting	Range	10-20%	0-10%	10-20%	0-10%

SOUTH AFRICA					
Landed Price	Rs/MT	89,449	101,355	71,281	62,426
Price undercutting	Rs/MT	***	***	***	***
Price undercutting %	%	***	***	***	***
Price undercutting	Range	5-15%	Negative	0-10%	0-10%
TAIWAN					
Landed Price	Rs/MT	88,364	101,856	73,225	62,712
Price undercutting	Rs/MT	***	***	***	***
Price undercutting %	%	***	***	***	***
Price undercutting	Range	10-20%	Negative	0-10%	0-10%

60. It is seen from the table above that the landed price of imports from the subject countries, except China, are undercutting the domestic prices during POI.

61. The domestic industry has contended that the imports are largely in bulk condition and that the exporters incur two-way freight costs for sending the material to consumer on account of the import item being a hazardous chemical. The DI has claimed that while all the freight cost is included in the import price, the domestic industry prices is taken at ex-factory level. The domestic industry has accordingly requested to calculate price undercutting by either of the two alternative approaches: (1) removal of one-way freight in landed price, or (2) addition of packing cost in domestic selling price.

62. The Authority in this regard further notes that some of the interested parties have contended that the adjustments proposed by the domestic industry to arrive at a positive price undercutting are untenable. The Exporters have reported actual cost of freight as paid to the third-party logistics service provider and the same has been verified by the Authority and therefore, the ex-factory export price and landed value need to be determined on the basis of the data submitted by the exporters. They have further contended that the product is sold in liquid form, therefore there is no expense which is clearly apportioned to specific packing as alleged by the Domestic Industry.

63. The Authority notes the submissions made by the domestic industry and opposing interested parties in this regard and also the past practice of the Authority. The Authority, therefore, adheres to the consistent practice of computing the landed value as per its consistent practice.

ii. Price Suppression / Depression

64. In order to determine whether the dumped imports are suppressing or depressing the domestic prices and whether the effect of such imports is to suppress prices to a

significant degree or prevent price increases which otherwise would have occurred to a significant degree, the Authority notes the changes in the costs and prices over the injury period. The position is shown as per the table below:

Particulars	Unit	2013-14	2014-15	2015-16	POI
Cost of Sales	Rs/MT	***	***	***	***
<i>Indexed</i>		<i>100</i>	<i>97</i>	<i>86</i>	<i>81</i>
Selling Price	Rs/MT	***	***	***	***
<i>Indexed</i>		<i>100</i>	<i>98</i>	<i>74</i>	<i>65</i>
Landed Price	Rs/MT	87,876	100,780	70,940	62,612
<i>Indexed</i>		<i>100</i>	<i>115</i>	<i>81</i>	<i>71</i>

65. Comparison of the cost of sales and selling price of the domestic industry and landed price of imports from the subject countries shows that the landed prices of subject imports were depressing the prices of the domestic industry to a significant degree. Further, landed price of imports have been below the level of cost of sales of the domestic industry throughout the injury period.

iii. Price Underselling

66. The Authority has also examined price underselling suffered by the domestic industry on account of dumped imports from subject countries. It is noted that there has been price underselling on account of dumped imports as shown in the table below:

Particulars	Unit	China	Japan	S. Africa	Taiwan
Non-Injurious Price	Rs/MT	***	***	***	***
Landed price of imports	Rs/MT	71,537	59,770	62,426	62,712
Price Underselling	Rs/MT	***	***	***	***
Price Underselling	%	***	***	***	***
Price Underselling	Range%	10-20%	30-40%	25-35%	25-35%

67. It is noted from the above table that there is price underselling on account of dumped imports of the subject goods from the subject countries.

(c) Conclusion on volume effect & price effect

68. The Authority notes that there has been a significant volume of dumped imports, both in absolute terms and in relation to production and consumption in India

throughout the injury investigation period. Further, the imports have resulted in significant price depression in the market. It is seen that the dumped imports are undercutting and underselling the domestic prices. The landed prices of imports have been significantly below the level of cost of sales of the domestic industry during the period of investigation. The dumped imports are having significant injurious effect on volume and prices of the domestic industry.

G.4.3 Examination of economic parameters relating to the domestic industry:

69. Annexure II to the Rules requires that a determination of injury shall involve an objective examination of the consequent impact of these imports on domestic producers of such products. With regard to consequent impact of these imports on domestic producers of such products, the Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth and ability to raise capital investments.

70. Accordingly, various economic parameters of the domestic industry are analyzed herein below:

a) **Impact on Capacity, Production and Capacity Utilization & Sales**

71. The Authority has considered capacity, production, capacity utilization and sales volume of the domestic industry over the injury period and notes as follows:

Particulars	Unit	2013-14	2014-15	2015-16	POI-A	POI
Capacity	MT	5,000	7,917	12,000	12,000	15,000
Production	MT	2,897	3,479	5,245	5,869	7,336
<i>Trend</i>		<i>100</i>	<i>120</i>	<i>181</i>	<i>203</i>	<i>203</i>
Capacity Utilization	MT	57.94%	43.95%	43.71%	48.91%	48.91%
<i>Trend</i>		<i>100</i>	<i>76</i>	<i>75</i>	<i>84</i>	<i>84</i>
Domestic Sales	MT	***	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>122</i>	<i>178</i>	<i>208</i>	<i>208</i>
Demand	MT	29,850	31,021	45,988	42,355	52,943
<i>Trend</i>		<i>100</i>	<i>104</i>	<i>154</i>	<i>142</i>	<i>177</i>

72. It is noted from the table above that:

- i. The domestic industry has enhanced their capacity over the injury period, considering the significant demand for the product in the country.
- ii. Production and domestic sales of the domestic industry has increased over the injury period. However, capacity was underutilised by more than 50% in the POI.

b) Market Share of Domestic industry in demand

73. The effects of the dumped imports on the market share of the domestic industry have been examined as below. It is noted that the market share of the domestic industry has remained low throughout the injury investigation period.

Market Share	Unit	2013-14	2014-15	2015-16	POI
Domestic Industry	%	9.65%	11.30%	11.15%	14.13%
Subject Countries	%	90.35%	88.16%	86.78%	84.00%
Other Countries	%	0.00%	0.55%	2.06%	1.87%
Total	%	100.00%	100.00%	100.00%	100.00%

c) Stock/inventories

74. The Authority further notes that the average inventory levels of the domestic industry has shown increasing trend during the injury period but the inventory level itself is very low (equivalent to approx. a week's production level) .

Particulars	Unit	2013-14	2014-15	2015-16	POI
Average Inventory	MT	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>89</i>	<i>192</i>	<i>276</i>

d) Profits, Cash Profits and Return on Capital Employed

75. Performance of the domestic industry was examined in respect of profits, cash profits and return on capital employed.

Particulars	Unit	2013-14	2014-15	2015-16	POI-A	POI
Cost of Sales	Rs/MT	***	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>97</i>	<i>86</i>	<i>81</i>	<i>81</i>
Selling Price	Rs/MT	***	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>98</i>	<i>74</i>	<i>65</i>	<i>65</i>
Profit / Loss	Rs/MT	***	***	(***)	(***)	(***)
<i>Trend</i>		<i>100</i>	<i>157</i>	<i>(331)</i>	<i>(457)</i>	<i>(457)</i>

Profit / Loss	Rs. Lacs	***	***	(***)	(***)	(***)
<i>Trend</i>		<i>100</i>	<i>190</i>	<i>(588)</i>	<i>(950)</i>	<i>(1,188)</i>
Cash Profit	Rs. Lacs	***	***	(***)	(***)	(***)
<i>Trend</i>		<i>100</i>	<i>173</i>	<i>(363)</i>	<i>(622)</i>	<i>(778)</i>
Profit before Interest & Tax	Rs. Lacs	***	***	(***)	(***)	(***)
<i>Trend</i>		<i>100</i>	<i>158</i>	<i>(178)</i>	<i>(315)</i>	<i>(393)</i>
Return on Capital Employed	%	***	***	(***)	(***)	(***)
<i>Trend</i>		<i>100</i>	<i>90</i>	<i>(56)</i>	<i>(92)</i>	<i>(92)</i>

76. The Authority notes that the financial performance of the domestic industry deteriorated in 2015-16 and worsened further in the POI. Losses and cash losses increased in the POI and return on investment was negative.

e) Employment, Wages & Productivity

77. It is seen from the table below that employment and wages paid by the domestic industry and productivity has increased over the injury period. Hence, the dumped imports do not appear to have affected employment, wages and productivity trends.

Particulars	Unit	2013-14	2014-15	2015-16	POI-A
Employment	Nos	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>120</i>	<i>125</i>	<i>125</i>
Wages	Rs. Lacs	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>122</i>	<i>166</i>	<i>184</i>
Productivity per day	MT/Day	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>120</i>	<i>181</i>	<i>203</i>
Productivity per Employee	MT/Nos	***	***	***	***
<i>Trend</i>		<i>100</i>	<i>100</i>	<i>145</i>	<i>162</i>

f) Growth

78. Examination of growth parameters of the domestic industry during the injury period shows that the performance of the domestic industry has shown improvement in terms of volume parameters such as production, sales volume and market share. However, dumped imports have caused adverse impact on the growth of the domestic industry in respect of price parameters such as profits and return on investment. Further, the capacity of the domestic industry remained under-utilized.

Growth	Unit	2013-14	2014-15	2015-16	POI-A
Production	%	-	20%	51%	12%
Sales	%	-	22%	46%	17%
Capacity Utilization	%	-	-14%	0%	5%
Profit/Loss per unit	%	-	57%	-311%	-38%
Return on Capital Employed	%	-	-1.03%	-14.88%	-3.65%
Market Share - DI	%	-	1.65%	-0.15%	2.98%

g) Level of Dumping and Dumping Margin

79. The dumping margin in respect of each of the subject countries is not only more than de-minimis but also significant.

h) Factors affecting domestic prices

80. The Authority notes that prices of imported material from the subject countries have created significant pressure on the selling price of the domestic industry, causing financial losses. The landed values of imported material from the subject countries dumping the product were below the non-injurious price of the domestic industry, causing price underselling in the Indian market.

i) Ability to raise fresh Investment

81. The Authority notes that the domestic industry expanded its capacity in view of rising demand in the country in the injury investigation period. The domestic industry claims to have planned to enhance the capacity further.

G.4.4 Conclusion on injury:

82. Considering various parameters relating to material injury, the Authority notes that:

- a. The dumped imports of the subject goods have been significant, in absolute terms and in relation to production and consumption in India.
- b. Subject imports have increased during injury period but declined in the POI
- c. The landed prices of subject imports were below the cost of sales of the domestic industry.
- d. Production and sales of the domestic industry have increased over the injury period. The market share of the domestic industry has also increased. However, capacity has remained under-utilized.
- e. Profits, cash profits and return on capital employed are adverse during 2015-16 and POI.
- f. Dumping margin from the subject countries is positive and significant.

H. MAGNITUDE OF INJURY AND INJURY MARGIN

83. The non-injurious price of the subject goods produced by the domestic industry when compared with the landed value of the exports from the subject country shows positive injury margin during POI.

Country	Producer	Exporter	NIP US\$ per MT	Landed Value US\$ per MT	Injury Margin US\$ per MT	Injury Margin INR per MT	Injury Margin %	Injury Margin Range %
South Africa	Sasol South Africa (Pty) Ltd.	Sasol Middle East FZCO	***	***	***	***	***	30-40
South Africa	Others		***	***	***	***	***	60-70
Taiwan	TASCO Chemical Corporation	Taiwan Fieldrich Corporation (TFC), Taiwan Fieldrich Corporation (TFC) through Sojitz Asia Pte. Ltd.	***	***	***	***	***	30-40
Taiwan	Others		***	***	***	***	***	80-90
Japan	All		***	***	***	***	***	30-40%
China	All		***	***	***	***	***	10-20%

84. Having regard to the rules, the Authority notes that various parameters relating to injury collectively and cumulatively establish that the imports are causing material injury to the domestic industry. In view of material injury, examination of threat of injury does not appear to be essential.

I. CAUSAL LINK AND OTHER FACTORS

85. As per the AD Rules, the Authority, inter alia, is required to examine any known factors other than the dumped imports which at the same time are injuring the domestic industry, so that the injury caused by these other factors may not be attributed to the dumped imports.

86. It was examined whether the following other factors listed under the AD Rules could have contributed to the injury suffered by the domestic industry.

a) **Volume and price of imports from third countries:**

87. The Authority notes that there was low volume of imports of the product under consideration from third countries in the POI. Thus, imports from third countries could not have caused injury to the domestic industry.

b) **Export Performance:**

88. The Authority notes that there were no exports made by the domestic industry in the injury period. Therefore, profitability pertains to domestic operations only.

c) **Development of Technology:**

89. None of the interested party has raised any issue with regard to developments in technology as being the cause of injury to the domestic industry.

d) **Performance of other products of the company**

90. The Authority notes that the performance of other products being produced and sold by the petitioner does not appear to be a possible cause of injury to the domestic industry.

e) **Trade Restrictive Practices and Competition between the Foreign and Domestic producers:**

91. The import of the subject goods is not restricted in any manner and the same are freely importable in the country. The domestic producer competes with the landed prices of the subject goods. The price of the domestic industry is influenced substantially by the landed prices of subject goods. Moreover, no evidence has been submitted by any interested party to suggest that the conditions of competition between the foreign and the domestic producers have undergone any change.

f) **Contraction in Demand and Changes in pattern of consumption:**

92. It is noted that the demand of the subject goods has marginally declined in the POI as compared to previous year. However, demand has increased significantly in the period of investigation as compared to the base year.

g) **Productivity of the domestic industry**

93. The Authority notes that the productivity of the domestic industry has followed the same trend as production and shows increase. Deterioration in productivity is not a cause of injury to the domestic industry.

I.1 Factors analysed for causal link:

94. The Authority notes as under :

- a. The price depression effect of dumped imports from the subject countries has resulted in losses to the domestic industry;
- b. Negative return on capital employed and cash losses are directly a result of dumped imports.

95. From the foregoing facts and analysis, the Authority notes that the domestic industry has suffered material injury caused by the dumped imports from the subject countries.

96. The essential facts of the investigation gathered by the Designated Authority during the course of the investigations and analyzed by the Authority in the present disclosure statement are being disclosed to the interested parties in order to enable these interested parties to offer their comments on these facts.

J. POST DISCLOSURE STATEMENT SUBMISSIONS BY THE INTERESTED PARTIES

97. The post disclosure submissions have been received from the interested parties. Majority of the issues raised therein have already been raised earlier during the investigation and also addressed appropriately. Additional submissions have been analysed as under:

Submissions made by the Domestic Industry

98. The following comments on Disclosure statement are submitted by domestic industry:

- a) The petitioner is an eligible domestic industry and has adequate standing to file the petition.
- b) In case of exports by Sojitz, it is not clear whose export price has been considered by Authority for determining export price to India, i.e. Sojitz or TFC or TASCOS. Sojitz's commission and profit margin should be deducted from export price.
- c) The normal value for Chinese producers should be based on actual cost of production and not based on normatted notional cost of production as they have not cooperated in the investigations.
- d) Domestic industry has suffered material injury caused by dumped imports as the volume and market share of dumped imports was so high that the domestic industry could not utilize even half of its existing capacity.
- e) Dumped imports depressed the domestic prices leading to financial losses, cash losses and negative return on investment.
- f) In case of FOB shipments of exporters, the Authority adds ocean freight paid by importer. If this argument were to be accepted, then the packing cost of the domestic industry and freight cost on the domestic product must be included in determining selling price of the domestic industry.
- g) The petitioner rebuts the contention of the interested parties that the product is in liquid form and therefore there is no expense which is apportioned to specific packing. Merely because the product is in liquid form does not imply that there is no possibility of packing. Whereas the domestic industry has sold both packed and loose material and further since exporters have sold in loose conditions, this is impacting fair comparison between the domestic and imported product and the Designated Authority must appropriately adjust the same while calculating price undercutting as well as injury margin.
- h) Dumped imports have resulted in significant price underselling.
- i) Dumping margin and injury margin in respect of each of the subject countries is significantly positive.
- j) Anti-dumping duties expressed in US\$ terms and in fixed form need to be recommended after necessary adjustments for packing and freight cost.

Submissions made by Other Interested Parties

99. The following comments on Disclosure statement are submitted by other interested parties:

1. The Petitioner may have claimed confidentiality over its import figures, however the import data must be provided in ranges so that meaningful comments can be made on whether such imports are significant or not.
2. The Hon'ble Authority, while initiating the investigation, determined a period of investigation i.e. July 1, 2015 - September 30, 2016 (15 months); however, the Petitioner failed to provide the data for the last three months of the period of investigation so determined as the Petition contained data only for the period of 12 months i.e. July 2015 - June 2016.

3. The Exporters note that the Hon'ble Authority has considered the data submitted through the exporters' questionnaire response as verified by the Hon'ble Authority in order to determine the normal value and export price.
4. Detailed submissions with respect to capacity figures reported by the Petitioner have not been addressed in the Disclosure Statement. Without gaining clarity with respect to the capacity figures, no meaningful analysis of capacity utilization and injury can be carried out.
5. It is submitted that if certain injury parameters show positive trend, the Hon'ble Authority must provide a compelling reason as to why there may be injury to domestic industry in spite of certain injury parameters like market share, price undercutting, price underselling, impact on capacity, production and capacity utilization & sales, employment, wages & productivity, profits showing a positive trend.
6. The Hon'ble Authority is requested to consider the factors other than dumping which have caused injury to the domestic and the same must not be attributed to dumping. There is no analysis of impact of fall in prices of crude, absence of correlation between landed price and selling price (more so when selling price itself seems to be incorrect based on the profitability figures reported by the Hon'ble Authority) and plant shut down as has been admitted by the Petitioner itself.
7. Given that the entire information with respect to calculation of non-injurious price has been kept confidential, the exporters are unable to offer any meaningful comment. The exporters reserve their rights to make any claims in this regard.
8. The importer has requested that the duty should be in reference price form. If a fixed form/ad valorem duty is imposed, then the exporters and the producers that have been exporting at increased prices would be unduly punished even if the current import price is higher than the calculated NIP. On the other hand, reference price form of duty would be fairer since it would not unnecessarily impose duties on those importers who import the material above the reference price threshold, thereby incentivising higher price of import.
9. The Authority's determination of positive price undercutting by imports of the PUC from the subject countries (except China) during the POI is unclear, when in fact in the revised Petition the Petitioner itself had arrived at negative price undercutting from all the countries. The Authority has even adhered to the standard practice of not factoring any adjustments to landed price. The same warrants an explanation by the Authority.

10. Market share of the Domestic Industry has increased right from the base year itself, suffering only a miniscule decline of 0.15% from 2014-15 to 2015-16. In the POI, it has increased from 2015-16 by nearly 3%.
11. There has been a straight decline in imports as a proportion of consumption from 90% in the base year to 84% in the POI, and also as a proportion of production from 930% in the base year to 606% in the POI.
12. Based on the data submitted by the Domestic Industry in its revised petition wherein it had increased its capacity from 7,917 MT in 2014-15 to 12,000 MT in 2015-16, the Authority has failed to appreciate that an increase in capacity of such magnitude practically cannot be absorbed/utilized for production within a short span of time.
13. While the Authority has noted significant losses accruing to the Domestic Industry in the PUC, it has not examined how the Domestic Industry is making profits in respect of one product while at the same time the Domestic Authority is making losses in respect of another product.
14. Financial and operational losses are due to the Petitioner's new MIBK unit for which it has incurred significant capital expenditure.
15. As noted by the Authority itself, there has been an increase in employment, wages paid by the Domestic Industry, and productivity. Also noted by the Authority, though inventory levels have increased, they are still equivalent to approx. a week's production level. Thus, the Domestic Industry has not suffered injury on account of these parameters.
16. The Petitioner is engaged in the production of two main products – MEK (the PUC) and SBA. SBA is a feedstock for the manufacture of MEK. Petitioner is only focusing on SBA and earning decent profits. Therefore, DI will not raise MEK production at all even after imposing of duty.
17. Lower sales realization by the Domestic Industry is due to decline in prices of raw material obtained from global crude oil, which itself has declined over the last few years.
18. Full name of Sojitz Asia Pte Ltd has not been provided in the dumping margin table and the injury margin table. This should be provided to avoid any kind of confusion with the customs authorities in case of levy of anti-dumping duty.
19. The Authority has accepted the Petitioner's confidentiality claims without providing any justification for the same.

20. Higher dumping margin has been determined for the Respondent which is cooperated with the Authority whereas a lower dumping margin has been determined for non-cooperating entities from China and Japan, thus creating an anomalous situation. In the view of above, the anti-dumping investigation on Methyl Ethyl Ketone against imports from Taiwan should be discontinued.

EXAMINATION BY THE AUTHORITY

100. The Authority notes that most of the submissions by parties are repetitive in nature and were already addressed earlier in the disclosure statement. The findings above deal with these arguments of the parties. Further, the Authority has examined submissions of interested parties herein below to the extent relevant and not addressed elsewhere.

- a) With regard to the contention of the domestic Industry regarding determination of export price in case of exports by Sojitz Asia Pte. Ltd, it is noted that all appropriate deductions and adjustments have been made by determining the net export price.
- b) With regard to contention of the domestic industry regarding determination of normal value for Chinese producer, the authority notes that since there was no response from Chinese producer/ exporter, the normal value has been constructed based on the facts available.
- c) With regard of the contention of the interested parties regarding examination of extended POI, the Authority notes that POI has been extended in number of cases in the past while initiating anti-dumping investigation in order to make POI as recent as possible to bring in the element of greater objectivity to the investigation. The authority in any case has conducted investigation based on the complete data, including that of extended POI. It is further noted that WTO panel in Mexico, in anti- dumping duties on Steel pipes and tubes, quoted by one of the interested parties itself has made observations to the contrary:

The panel in Para 7.234 of its report has observed “*we consider that it would have been appropriate and desirable for Economia to collect updated data if not prior to initiation, then at least for the purposes of its substantive injury analysis*”.

“*The Authority had two choices viz either to initiate the investigation based on POI 8 months old from the date of initiation or change the POI so as to make it closer to the date of initiation of the investigation in order to have updated data for injury analysis.*”

- d) With regard to the petitioner's contention for fair comparison between the domestic and imported product, it is noted that the Authority has compared imported and domestic product at the same level i.e. in loose form.
- e) With regard to the contention of the interested parties regarding examination of factors other than dumping, it is noted that Authority has conducted non-attribution analysis in the foregoing paragraph.
- f) With regard to contention of interested parties as to why there may be injury to domestic industry in spite of certain injury parameters showing a positive trend, the Authority notes that all injury parameters need not necessarily show decline for determining the existence of material injury.

This is substantiated by the WTO Panel Report in the case of EC — Bed Line wherein the Panel stated as under:

“[A]n analysis of injury does not rest on the evaluation of the Article 3.4 factors individually, or in isolation. Nor is it necessary that all factors show negative trends or declines. Rather, the analysis and conclusions must consider each factor, determine the relevance of each factor, or lack thereof, to the analysis, and consider the relevant factors together, in the context of the particular industry at issue, to make a reasoned conclusion as to the state of the domestic industry”

- g) With regard to contention of parties that financial and operational losses are due to the Petitioner's new MIBK unit for which it has incurred significant capital expenditure and, it is noted that the injury analysis has been conducted after segregating information for the PUC only.
- h) With regard to contention of parties that higher dumping margin has been determined for the respondent which is cooperated with the Authority whereas a lower dumping margin has been determined for non-cooperating entities from China and Japan, it is noted that the authority has followed due procedure and analysis is based on facts available on record.
- i) With regard to the contention of the parties that determination of positive price undercutting by imports of the PUC from the subject countries (except China) during the POI is unclear, the authority reiterates that price undercutting has been determined based on the verified data of the domestic industry and the landed value of imports.
- j) With regard to the contention of the parties that petitioner is only focusing on SBA and it will not raise MEK production even after imposition of duty, the Authority notes that even if the petitioner caters to the entire Indian demand for SBA, it will have sufficient capacity of SBA left with it for manufacturing MEK. Therefore, there is no merit in this submission of the interested parties.

K. Indian industry's interest & other issues:

101. The Authority recognizes that the imposition of anti-dumping duties might affect the price levels of the product in India. However, fair competition in the Indian market will not be reduced by the imposition of anti-dumping measures. On the contrary, imposition of anti-dumping measures would remove the unfair advantages gained by dumping practices, prevent the decline of the domestic industry and help maintain availability of wider choice to the consumers of the subject goods. The purpose of anti-dumping duties, in general, is to eliminate injury caused to the Domestic Industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping duties, therefore, would not affect the availability of the product to the consumers. The Authority notes that the imposition of the anti-dumping measures would not restrict imports from the subject countries in any way, and therefore, would not affect the availability of the product to the consumers. The consumers could still maintain two or even more sources of supply.

L. Recommendation

102. After examining the submissions made by the interested parties and issues raised therein; and considering the facts available on record, the Authority concludes that:

- a) The product under consideration has been exported to India from the subject countries below normal values.
- b) The domestic industry has suffered material injury on account of dumped subject imports from subject countries.

103. The Authority notes that the investigation was initiated and it was notified to all the interested parties. Adequate opportunity was given to the exporters, importers and other interested parties to provide information on the aspects of dumping, injury and causal link. Having initiated and conducted an investigation into dumping, injury and the causal link thereof in terms of the Anti-Dumping Rules and having established positive dumping margin as well as material injury to the domestic industry caused by such dumped imports, the Authority is of the view that imposition of anti-dumping duty is necessary to offset dumping and injury. Keeping in view the factual matrix of this case, the imposition of anti-dumping duty is recommended in the form of reference price hereunder for a period of 3 years only.

104. Having regard to the lesser duty rule, the Authority recommends imposition of definitive anti-dumping duty equal to the lesser of margin of dumping and margin of injury, so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of definitive anti-dumping duties on the imports of the subject goods, originating in or exported from the subject countries for 3 years from the date of notification to be issued in this regard by the Central Government, as the difference between the landed value of the subject goods and the amount indicated in Col 8 of the duty table appended below, provided the landed value is less than the value indicated in Col 8 of the duty table.

DUTY TABLE

S N	Subhead ing/ Tariff Item	Descripti on of Goods	Countr y of Origin	Country of Export	Producer	Exporter	Amount	Unit of Meas ure	Curr ency
1	2	3	4	5	6	7	8	9	10
1	29141200	Methyl Ethyl Ketone or MEK	South Africa	South Africa	Sasol South Africa (Pty) Ltd.	Sasol Middle East FZCO	1,224.36	MT	US\$
2	29141200	Methyl Ethyl Ketone or MEK	South Africa	South Africa	Any combination other than (1) above		1,224.36	MT	US\$
3	29141200	Methyl Ethyl Ketone or MEK	South Africa	Any	Any	Any	1,224.36	MT	US\$
4	29141200	Methyl Ethyl Ketone or MEK	Any	South Africa	Any	Any	1,224.36	MT	US\$
5	29141200	Methyl Ethyl Ketone or MEK	Taiwan	Taiwan	TASCO Chemical Corporati on	Taiwan Fieldrich Corporati on (TFC), Taiwan Fieldrich Corporati on (TFC) through Sojitz Asia Pte.	1,112.95	MT	US\$

						Ltd.			
6	29141200	Methyl Ethyl Ketone or MEK	Taiwan	Taiwan	Any combination other than (5) above		1,112.95	MT	US\$
7	29141200	Methyl Ethyl Ketone or MEK	Taiwan	Any	Any	Any	1,112.95	MT	US\$
8	29141200	Methyl Ethyl Ketone or MEK	Any	Taiwan	Any	Any	1,112.95	MT	US\$
9	29141200	Methyl Ethyl Ketone or MEK	Japan	Japan	Any	Any	1,065.66	MT	US\$
10	29141200	Methyl Ethyl Ketone or MEK	Japan	Any	Any	Any	1,065.66	MT	US\$
11	29141200	Methyl Ethyl Ketone or MEK	Any	Japan	Any	Any	1,065.66	MT	US\$
12	29141200	Methyl Ethyl Ketone or MEK	China	China	Any	Any	1,147.06	MT	US\$
13	29141200	Methyl Ethyl Ketone or MEK	China	Any	Any	Any	1,147.06	MT	US\$
14	29141200	Methyl Ethyl Ketone or MEK	Any	China	Any	Any	1,147.06	MT	US\$

* The customs classification is indicative only and not binding on the scope of this investigation.

105. Landed value of imports for the purpose of this Notification shall be the assessable value as determined by the Customs under the Customs Act, 1962 and

includes all duties of customs except duties under sections 3, 3A, 8B, 9 and 9A of the said Act.

D. Further Procedure

106. An appeal against the order of the Central Government arising out of this Final Findings Notification shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the Customs Tariff Act.

(Sunil Kumar)
Additional Secretary & Designated Authority