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**F. No. 7/48/2020-DGTR  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
(Directorate General of Trade Remedies)  
Jeevan Tara Building, 5, Parliament Street, New Delhi - 110001**

**Dated 6<sup>th</sup> May, 2021**

**Amendment Notification**

**Subject: Amendment to the Final Finding Notification No.15/05/2016-DGAD dated 02<sup>nd</sup> September, 2017 in Sunset Review investigation of Anti-dumping duty imposed on the imports of Certain Rubber Chemicals, namely, TDQ & PX-13 originating in or exported from the European Union and MOR and MBTS originating in or exported from the Peoples Republic of China.**

**F.No. 7/48/2020-DGTR:** - 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 1995, as amended from time to time (hereinafter referred to as “the Rules”) thereof;

**A. BACKGROUND**

1. The Directorate General of Trade Remedies ("Authority") had conducted an antidumping investigation concerning imports of Certain Rubber Chemicals, namely, TDQ & PX-13 originating in or exported from the European Union, and MOR and MBTS originating in or exported from the Peoples Republic of China and recommended imposition of definitive anti-dumping duties vide the final finding Notification No. 15/05/2016-DGAD dated 02<sup>nd</sup> September 2017 ("Final Findings"). The recommendations were accepted by the Ministry of Finance, and definitive duties were imposed vide Customs Notification No. 54/ 2017- Customs (ADD) dated 17<sup>th</sup> November, 2017 (“Customs Notification”).

**B. PROCEDURE**

2. A request was made by Solutia Europe BV (hereinafter referred to as “Applicant”), previously known as Solutia Europe BVBA/SPRL, claiming that due to the change in operation of law, the Applicant has to effect a change in name from Solutia Europe BVBA/SPRL to Solutia Europe BV, as mandated by the Belgium Companies and Association Code. The request has been made in terms of the Trade Notice No. 12/2018 dated 17<sup>th</sup> September, 2018 (hereinafter referred to as “Trade Notice”), for change of name of the producer/exporter in the duty table as notified by abovementioned Customs Notification.

3. Noting the nature of the request the Authority examined the request for name change, and decided to seek views/comments from the concerned interested parties in terms of Trade Notice. Thereafter, the Authority conducted an oral hearing on 04<sup>th</sup> March, 2021, wherein, exporters, importers, and users were also invited. During the oral hearing, no interested party other than the applicant participated. The Authority directed the participant namely, applicant exporter to file written submissions. The submissions filed by the applicant exporter have been considered by the Authority.

C. **SUBMISSIONS**

**Views of the Applicants-Solutia Europe BV, Belgium**

4. The Applicant is based in Belgium, European Union. It has been submitted that the Belgium Companies and Association Code (hereinafter referred to as “Code”) was amended by the sovereign and notified in the Belgian Official Gazette on 04<sup>th</sup> April, 2019.
5. As per the reforms introduced in the Code, by operation of law, the company type “besloten vennootschap met beperkte aansprakelijkheid”, abbreviated as “BVBA”, has been replaced by “besloten vennootschap”, abbreviated as “BV”. All Companies in the jurisdiction have been mandated to thereby bring into effect the reform in the Code by 01<sup>st</sup> January, 2024. Accordingly, with effect from January 1, 2021 Solutia Europe SPRL/ BVBA would trade under the name of Solutia Europe BV due to the change in operation of law.
6. The Trade Notice No. 12/2018 dated 17<sup>th</sup> September, 2018 issued by the Authority deals with the provisions for change of name by the foreign producer/exporters, and the procedure to bring the name change into effect in the duty table as recommended by the Authority. The Trade Notice prescribes an expedited procedure for conducting an investigation for change in name, where the change of name is a matter of ‘record’ only.
7. The Trade Notice No. 12/2018 dated 17<sup>th</sup> September, 2018 also mandates that any Exporter/Producer that has been granted an individual margin in an ADD investigation has to report a name change within 90 days of change in name becoming effective. The Applicant, as submitted in the Application, effected the name change on 01<sup>st</sup> January, 2021 and thereafter filed an application intimating the name change to the Authority within the statutory period of 90 days as mandated by the law.
8. Further, the Applicant submits that the change of name due to change in operation of law falls under the category whereby the change of name is a matter of ‘record’ only. The following showcases that name change of the Applicant is a mere compliance -
  - a. There is no change in management/promoter group of the Applicant.
  - b. There is no change in the shareholding/ownership structure of the Applicant.
  - c. There is no change in the business practice of the Applicant.
  - d. There is no likely advantage to the entity due to the change in name or changed scenario of the Applicant.
9. The Applicant has, in accordance with the law, duly filed a complete application along with all the required evidences to establish the bona-fide claims of the Applicant. The following has been filed by the Applicant in the application under the Trade Notice –
  - i. Belgium Companies and Association Code, amendment;

- ii. Undertaking by the Director;
- iii. Audited Annual Reports for the year 2019.

### **Views of the Domestic Industry & Interested Parties**

10. Neither any response nor any written submission received from Domestic Industry or any other concerned interested parties.

#### **D. EXAMINATION BY THE AUTHORITY**

11. The submissions made by the applicant have been examined and following observations are being made.

12. As per the Applicant, the need for change in name of the exporter has emerged from introduction of new law in Belgium, where the exporter is located.

13. It is also noted that:

- a. There is no change in management/promoter group of the Applicant.
- b. There is no change in the shareholding/ownership structure of the Applicant.
- c. There is no change in the business practice of the Applicant.
- d. There is no likely advantage to the entity due to the change in name or changed scenario of the Applicant.

14. The examination further revealed that the request falls within the category of name change only, and there is no change in shareholding pattern of ownership which do not alter the basic nature of the business. The request is covered within the scope of the Trade Notice No 12/ 2018 dated 17<sup>th</sup> September, 2018.

15. Having considered all aspects, the Authority, recommends following change in the duty table in para no. 189 of the final finding 15/05/2016-DGAD dated 02<sup>nd</sup> September, 2017:

- a) at S. No. 1 in column 6, the name of the producer viz. "Solutia Europe SPRL/BVBA, Belgium" be amended to "Solutia Europe BV".
- b) at S. No. 1 in column 7, the name of the exporter viz. "Solutia Europe SPRL/BVBA, Belgium" be amended to "Solutia Europe BV".

16. Accordingly, the Authority recommends the change in the Customs Notification no.54/2017- Customs (ADD) dated 17<sup>th</sup> November 2017.

17. An appeal against the orders of the Central Government arising out of this order shall lie before the Customs, Excise, and Service Tax Appellate Tribunal in accordance with the Act.

**(Anant Swarup)**  
**Joint Secretary & Designated Authority**