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F.No.6/10/2018-DGAD
Government of India
Ministry of Commerce & Industry
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5 Parliament Street,
New Delhi -110001

Dated: 15th January 2019

Termination Order

Case No. OI- 7/2018

Subject: Termination of Anti-Dumping investigation concerning imports of “Certain Epoxy Resins” originating in or exported from People’s Republic of China PR, European Union, Korea RP, Taiwan and Thailand.

1. **F.No. 6/10/2018- DGAD:** Having regard to the Customs Tariff Act 1975 as amended from time to time (hereinafter also 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 also referred to as the Rules) thereof, M/s Atul Limited had filed an application before the Designated Authority in accordance with the Act and Rule supra for initiation of anti-dumping investigation and imposition of anti-dumping duties concerning imports of Epoxy Resin (hereinafter also referred to as the subject goods or product under consideration), originating in or exported from China PR, EU, Korea RP, Taiwan and Thailand (hereinafter also referred to as the subject countries) alleging dumping of subject goods from subject countries and consequent injury to the domestic industry.
2. The Authority notified the embassies of the subject countries in India about the receipt of the anti-dumping application before proceeding to initiate the investigation in accordance with sub-rule (5) of rule 5 supra.
3. The Authority on the basis of prima facie evidence submitted by the applicant, issued a Initiation Notification No.6/10/2018-DGAD dated 4.4.2018, published in the Gazette of India, Extraordinary, initiating the subject anti-dumping investigation in accordance with the Rule 5 of the AD Rules, to determine the existence, degree and effect of the alleged dumping and to recommend the amount of anti-dumping duty, which, if levied, would be adequate to remove the injury to the domestic industry.
4. The Authority considered 1st October, 2016 to 30th September, 2017 (12 months) as Period of Investigation. However, for the purpose of analyzing injury, the data of previous three years, i.e. Apr’14-Mar’15, Apr’15-Mar’16, Apr’16-Mar’17 and the POI will be considered.
5. And whereas, the import information as per secondary sources (Impex Statistics Services) provided in the application by the applicant was relied upon at the initiation stage by the Authority. However, subsequently during the investigation, the Authority relied upon the transaction wise

import data obtained from DGCI&S, for determining the volume and value of import of subject goods for the POI and previous years.

6. After initiation, the Authority sent copies 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 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 as per Rule 6(2) of the AD Rules. Necessary extensions to file such submissions wherever warranted was also granted by the Authority.

7. The Authority provided copies of the non-confidential version of the application to the known producers/exporters and to the embassy of the subject countries in India in accordance with Rule 6(3) of the Rules supra. A copy of the application was also provided to other interested parties, wherever requested. The embassies of the subject countries in India were also requested to advise the exporters/producers from their countries to respond to the questionnaire within the prescribed time limit

8. Subsequent to initiation, it was communicated to all the producers/exporters of the subject goods that the relevant information should be provided separately in detail for the product under consideration up to 6.06.2018.

9. The Authority sent Questionnaires to elicit relevant information to known producers/exporters in subject countries in accordance with Rule 6(4) of the AD Rules;

10. Questionnaire response has been filed by following producer/exporter from subject countries:

- i. M/s Anhui Hengyuan Chemical Co. Ltd. (Producer/Exporter), China PR
- ii. M/s Hexion B.V, Netherlands
- iii. M/s Huntsman Advanced Materials (Switzerland) Gmbh along with its exporter M/s Huntsman Advanced Materials Bvba
- iv. M/s Kukdo Chemical Company Ltd., Korea
- v. M/s Kumho P&B Chemical Inc. (KPB), Korea along with its traders M/s Canko Marketing, Inc., M/s Mirae Sci Co., Ltd, M/s Wonwoo Trading Co., Ltd. and M/s Woori P & C Corporation , Korea
- vi. M/s Chang Chun Plastics Co. Ltd., Taiwan
- vii. M/s Nan Ya Plastics Corporation, Taiwan along with its exporter M/s Spechem International Marketing Co. Ltd. Taiwan
- viii. M/s Aditya Birla Chemicals, Thailand

11. Questionnaires were also sent to known importers / users of subject goods in India calling for necessary information. Following Importers/users have filed Questionnaire responses:

- i. M/s Victor Agency
- ii. M/s Huntsman International (India) Private Limited

12. The Authority made available non-confidential version of the evidences presented by various interested parties in the form of a public file kept open for inspection by the interested parties.

13. The Authority, in accordance with Rule 6(6) of the AD Rules, also provided opportunity to all interested parties to present their views orally in hearing held on 25.07.2018. All parties attending

the oral hearing were requested to file their written submissions and also rejoinders. Such submissions were also examined by the Authority.

14. The Authority notes that the investigation has reached its final stage. The information submitted by the Petitioner and responding producers exporters has been verified to the extent possible. The Non-Injurious Price for DI, Normal Value and Net Export Price for the responding producer exporters have been finalised. All the submissions/information available in the file has been examined and analysed as required in terms of Rule 17 of the AD Rules. .

15. The applicant Domestic Industry M/s Atul Limited have filed a request for withdrawal of the application, now at this point with the liberty to resubmit the same in case the situation so demands in future. The request to terminate the present investigation has been made by the domestic industry under Rule 14 (a) of the AD Rule vide its letter dated 27.2.2018 citing the reason that “there is change in the market situation in recent period and the petitioner considers that they will be able to compete with import to a reasonable extent, even when petitioner is aware that the exporters are still resorting to dumping”.

16. The Authority notes that the Rule 14(a) of the Anti-Dumping Rules read as under;

“Termination of investigation. - The designated authority shall, by issue of a public notice, terminate an investigation immediately if –

(a) it receives a request in writing for doing so from or on behalf of the domestic industry affected, at whose instance the investigation was initiated;”

17. The Authority however notes that the reason cited by the domestic industry for termination of the petition is devoid of much merit. It is noted that every industry operates in dynamic market conditions and that injury position varies almost on day-to-day basis and so it is not something unique to this particular petitioner only. The Authority further notes that in every investigation the situation of the domestic industry is bound to undergo change during the course of the investigation. The Authority therefore notes that if petitions start getting withdrawn on account of change in market conditions during the course of the investigation, then it will lead to a chaotic situation. The Authority thus reiterates that the arguments advanced for withdrawal of the petition are not convincing. However, the Authority notes that Rule 14(a) of the Anti-Dumping Rules does not grant any discretion to the Authority in the matter of termination of investigation, once the domestic industry files a written request for termination of the investigation.

18. Accordingly, in view of the request of the applicant and the provision in Rule 14 (a) of the Anti-Dumping Rules, the Authority decides that the present antidumping investigation concerning imports of “Certain Epoxy Resins” originating in or exported from China PR, European Union, Korea RP, Taiwan and Thailand initiated on 4.4.2018 vide Notification No.6/10/2018-DGAD is hereby terminated.

(Sunil Kumar)
Additional Secretary & Director General