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**F. No.7/22/2020-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi 110001**

Dated: 5th August, 2020

NOTIFICATION

Initiation

(Midterm Review)

Case No. AD-MTR-08/2020

Subject: Initiation of Mid-Term Review limited to change of name of producer/exporter from Korea RP regarding anti-dumping duty imposed on imports of “Toluene Di- Isocyanate (TDI)” originating in or exported from China PR, Japan and Korea RP.

A Mid-Term Review application has been filed by Hanwha Solutions Corporation (formerly called Hanwha Chemical Corporation), Korea RP (hereinafter referred to as “Applicant”) for change in name in the Final Findings issued by Designated Authority vide Notification No. 14/36/2016-DGAD dated 13th December 2017 recommending definitive anti- dumping duty on the imports of “ Toluene Di- Isocyanate’ (TDI) (hereinafter also referred to as the subject goods), originating in or exported from China PR, Japan and Korea RP .The Applicant is a foreign Producer/ Exporter of the product under consideration and the company is incorporated in the Republic of Korea, under the Korea Commercial Code.

A. Background

2. In accordance with Customs Tariff Act, 1975, as amended in 1995 and thereafter (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), the Designated Authority (hereinafter also referred to as the Authority) had issued its final findings vide Notification No. 14/36/2016-DGAD dated 13th December 2017 recommending definitive anti- dumping duty on the imports of “Toluene Di- Isocyanate’ (TDI) ” originating in or exported from Korea RP, China PR, Japan.
3. The Central Government, vide Customs Notification No. 3/2018-Customs (ADD) dated 23rd January 2018, had imposed definitive anti-dumping duty on the imports of

the subject goods originating in or exported from the subject countries.

B. Product under consideration

4. The product under consideration (PUC) in the present investigation is Toluene Diisocyanate (TDI) originating in or exported from China PR, Japan and Korea RP. The product under consideration in the application is the same as the previous investigations, which was defined as follows-

“Toluene di-isocyanate (TDI) is an organic compound with the formula CH₃C₆H₃(NCO)₂. Two of the six possible isomers are commercially important: 2, 4-TDI (CAS: 584-84-9) and 2, 6-TDI (CAS: 91-08-7). 2, 4-TDI is produced in the pure state, but TDI is often marketed as 80/20 and 65/35 mixtures of the 2, 4 and 2, 6 isomers respectively. The PUC in the present investigation concerns TDI having isomer content in the ratio of (80:20) and any other grades are beyond the scope of product under consideration.

TDI is a clear liquid and is used for production of Flexible Polyurethane Foam, Furniture cushion, Industrial Gaskets, Protective pads for Sports & Medical use, Automobiles: Seats, Furniture, Lining, Sun visors etc., packing: Electronic items, Frozen Foods, Medicines, Audio-video Computer CD's etc.

TDI being an organic chemical is categorized under Chapter 29 of the Customs Tariff Act, 1975 and further under subheading 29291020 which pertains to Toluene diisocyanate. However, as submitted by the applicant, this heading includes certain grades other than isomers (80:20) hence the classification is indicative only. It has also been claimed by the applicant that the imports of the subject goods have been reported under some other subheadings also such as 29094300, 29291090, 29291010, 38249090 and 39095000. An examination of the import data as per DGCI&S shows that imports during POI were under subheading number 29291020 and there were substantial imports under subheading 29291010 and 29291090 also. Hence, the Customs classification is treated as indicative only and in no way binding on the scope of the PUC in the investigation and any measures to be recommended to be imposed, if any.”

5. The product under consideration for this mid-term review remains unchanged.

C. Country Involved

6. The country involved in the present review investigation is Korea RP (also referred to as “subject country”).

D. Grounds for Review

7. Hanwha Solutions Corporation has filed a Mid-Term Review application stating that a merger of Hanwha Chemical Corporation with its wholly owned subsidiary Hanwha Q Cells and Advanced Materials Corporation has resulted in a name change only, and there has been no change in the shareholding structure of the applicant. It has been claimed that the original company name has changed on 06th January 2020 following

merger of Hanwha Q Cells and Advanced Materials Corporation with Hanwha Chemical Corporation. They have further claimed that in view of the same, all their exports will be in the name of Hanwha Solutions Corporation, and accordingly, the duty applicable on Hanwha Chemical Corporation must be made applicable to Hanwha Solutions Corporation as the entity is the same.

E. Initiation

8. The Customs Tariff Act, and the Anti-dumping Rules made thereunder, requires the Authority to review from time to time the need for continuance of anti-dumping duties.
9. Having regard to the information provided by the applicant indicating changed circumstances necessitating a mid-term review limited to change of name of producer/exporter from Korea RP, the Designated Authority now considers it appropriate to conduct a Mid Term Review of the Final Findings notified vide Notification No. 14/36/2016-DGAD dated 13th December 2017 and the definitive anti-dumping duty imposed vide Customs Notification No. 3/2018-Customs (ADD) dated 23rd January 2018, in terms of the provisions of Section 9A (5) of Customs Tariff (Amendment) Act 1995 read with Rule 23 of the anti-dumping Rules supra. The present review is limited to the aspect of name change claimed by M/s Hanwha Solutions Corporation with regard to the Final Findings Notification No. 14/36/2016-DGAD dated 13th December 2017 and Customs Notification 3/2018-Customs (ADD) dated 23rd January 2018.

F. Period of Investigation

10. Since the present review investigation is restricted to only change of name, the Authority considers that the period of investigation is not relevant.

G. Procedure

11. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

H. Submissions of Information

12. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at the email addresses adg13-dgtr@gov.in and adv12-dgtr@gov.in, with a copy to dir16-dgtr@gov.in, and dd13-dgtr@gov.in.
13. The known producers/exporters in the subject country, their government through their embassy in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.
14. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.

15. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to other interested parties.
16. Interested parties are further advised to keep a regular watch on the official website of the Designated Authority <http://www.dgtr.gov.in/> for any updated information with respect to this investigation.

I. Time Limit

17. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses adg12-dgtr@gov.in and adv12-dgtr@gov.in within thirty days from the date of receipt of the notice as per Rule 6(4) of the Anti-Dumping Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the exporting country. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Rules.
18. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses within the above time limit.

J. Submission of information on confidential basis

19. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules and the Trade Notices issued in this regard. Failure to adhere to the above may lead to rejection of the response/submissions.
20. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:
 - a. one set marked as Confidential (with title, number of pages, index, etc.), and
 - b. the other set marked as Non-Confidential (with title, number of pages, index, etc.).
21. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions
22. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on

which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.

23. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.
24. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied the request for confidentiality is not warranted or if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
25. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
26. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorization of the party providing such information.

K. Inspection of Public File

27. In terms of Rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. The modality of maintaining public file in electronic mode is being worked out.

L. Non-cooperation

28. In case any interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.



(Bidyut Behari Swain)

Special Secretary & Designated Authority