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File No. 7/19/2017-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi - 110001

Dated the 11 December, 2017

Case No. SSR18/2017
INITIATION NOTIFICATION

Sub: - Initiation of Anti-Dumping Sun Set Review investigation concerning imports of “Phthalic Anhydride” originating in or exported from Korea RP, Chinese Taipei and Israel

File No. 7/19/2017-DGAD Having regard to the Customs Tariff Act, 1975 as amended in 1995 and thereafter (hereinafter also referred as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (hereinafter also referred as the Authority) initiated anti dumping investigations on imports of “Phthalic Anhydride” (hereinafter also referred as the subject goods), originating in or exported from Korea RP, Chinese Taipei and Israel (hereinafter also referred as the subject countries) vide Notification No. 14/1/2011-DGAD dated 29th April 2011, and recommended imposition of definitive anti dumping duty vide Notification No. 14/1/2011-DGAD dated 28th September 2012. The Department of Revenue imposed definitive anti dumping duties on the subject goods from the subject countries vide Notification No. 58/2012-Customs dated 24th December 2012.

2. Whereas, M/s IG Petrochemicals Ltd. and M/s Thirumalai Chemicals Ltd. (*hereinafter referred to as ‘petitioners’*) have filed a duly substantiated petition before the Authority, in accordance with the Act and the Rules alleging likelihood of continuation or recurrence of dumping of the subject goods, originating in or exported from Korea RP, Chinese Taipei and Israel and consequent injury to the domestic industry and have requested for review and continuation of the anti-dumping duties, imposed on the imports of the subject goods, originating in or exported from the subject countries.

Country Involved

3. The subject countries in the present sunset review investigation are Korea RP, Chinese Taipei and Israel.

Product under Consideration and Like Article

4. The product under consideration in the present investigation is “Phthalic Anhydride”. Phthalic anhydride is an anhydride of Phthalic Acid. Phthalic Anhydride is used to produce Phthalate esters, which function as plasticizers. It is an important chemical intermediate in plastic industry.

5. Phthalic anhydride is an organic chemical classified under Chapter 29 subheading 29173500 of the Custom Tariff Act, 1975. However, the customs classification is indicative only and is in no way binding on the scope of the present investigation.

Like Article

6. Rule 2(d) with regard to ‘like article’ provides as under: -

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

7. Petitioners have claimed that there is no known difference in subject goods produced by them and exported from the subject countries. The product under consideration produced by the petitioners and imported from the subject countries are having comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The petition filed is for the review and continuation of the anti-dumping duties in force, and the issue of like article has been already dealt with in the previous investigations. In the original investigations, the Authority has already held that the subject goods produced by the domestic industry are like article to the same imported from the subject countries.

Domestic Industry & Standing

8. The petition has been filed by M/s IG Petrochemicals Ltd. and M/s Thirumalai Chemicals Ltd. The petitioners have neither imported the subject goods from the subject countries nor are they related to any other producer/exporter of subject goods in the subject countries or any importer in India.

9. There are two more producers of the subject goods in India. While SI Group also produces the subject goods; M/s Asian Paints Ltd. have permanently shut down their plant very recently in July 2017. Further, M/s Asian Paints Ltd. had produced the product concerned for captive consumption to the extent of 50% of their production.

10. It is seen that the production of the petitioners is 89% of the total Indian production. The petitioners are the majority producers of the subject goods in India and are eligible domestic industry within the meaning of Rule 2(b) read with Rule 5(3) of the Rules of Anti-Dumping

Rules.

Initiation of Sunset Review of Anti-Dumping Duty

11. Whereas the petitioner has filed a detailed petition in accordance with Section 9A(5) of the Act, read with Rule 23 of the Anti-dumping Rules, the Authority hereby initiates a Sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the subject countries and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Period of Investigation

12. The period of investigation (POI) is October 2016 – September 2017 (12 months) for the purpose of present investigation. The injury investigation period will however cover the periods October 2013 - September 2014, October 2014 – September 2015, October 2015 - September 2016 and the POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure

13. The present sunset review covers all aspects of Notification No. 14/1/2011 -DGAD dated 29th June 2011 (final findings of the original investigation).

14. The provisions of Rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

Submission of information

15. The known exporters in the subject countries, the government of the subject countries through their embassies in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties
4th Floor, Jeevan Tara Building
5, Parliament Street, New Delhi – 110001
dgad.india@gov.in

16. 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. Any party making any confidential submission before the Authority is required to submit a non-confidential version of

the same to be made available to the other parties.

Time Limit

17. Any information relating to the present review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of issuance of such letter. Any other interested party, whose address is not available, may also submit comments/ information within 40 days from date of publication of this notification.

Submission of information on confidential basis

18. In case confidentiality is claimed on any part of the questionnaire response/submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either “confidential” or “non-confidential” at the top of each page and accompanied with soft copies.

19. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies of the confidential version and two (2) copies of the non-confidential version must be submitted by all the interested parties.

20. For information claimed as confidential, 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 and/or why summarization of such information is not possible.

21. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /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, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

22. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the 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 authorize its disclosure in generalized or summary form, it may disregard such information.

23. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. 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.

Inspection of public file

24. In terms of rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidences submitted by other interested parties.

Non-cooperation

25. In case any interested party refuses access to and 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.

(Sunil Kumar)
Additional Secretary & Designated Authority