

Government Of India
Ministry Of Commerce & Industry
Department Of Commerce
(Directorate General of Anti-Dumping & Allied Duties)

NOTIFICATION

Dated 14th July, 2006

Initiation Notification
(Mid-Term Review)

Subject: Initiation of mid term review investigation with regard to the anti-dumping duties in force involving the imports of Phenol from Singapore, South Africa And European Union

No. 15/4/2006-DGAD - Whereas having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (herein after referred to as AD Rules), vide Notification No. 14/4/2002-DGAD dated 13.2.2003, the Designated Authority (hereinafter referred to as the Authority) notified its final findings recommending definitive anti dumping duty on import of Phenol (herein after referred to as subject goods) originating in or exported from Singapore, South Africa And European Union (hereinafter referred to as subject countries).

And whereas definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 47/2003-Customs, dated 24.3.2003.

2. Products under consideration

The product under consideration is Phenol originating in or exported from Singapore, South Africa And European Union. Phenol is a basic organic chemical normally classified under Chapter 29 of the Customs Tariff Act. The product is marketed in two forms - loose and packed. Loose sales are normally in bulk, whereas packed consignments can be of much smaller container loads. Phenol is used in Phenol Formaldehyde Resins, Laminates, Plywood, Particle Boards, Bisphenol-A, Alkyl Phenols, Pharmaceuticals, Diphenyl Oxide etc. This product is classified under Customs Tariff heading no. 2907.11 and 2707.60 as per Indian Trade Classification. The Customs and ITC HS classifications are, however, indicative only and in no way binding on the scope of the present investigation

3. Initiation

The Customs Tariff (Amendment) Act 1995 and the Anti Dumping Rules made there under require the Authority to review from time to time the need for continuance of anti-dumping duty. M/s. Hindustan Organic Chemicals Limited and Schenectady Herdillia Limited have filed a petition substantiating the need for mid term review of the anti-dumping duty imposed on the subject goods originating in or exported from Singapore, South Africa and European Union and have requested for enhancement/revision of the anti-dumping duty imposed on subject goods under the above mentioned notifications. The Petitioners have also requested for modification of the form of measures from the present form, which is variable form of duty to fix form of anti dumping duty. The Designated Authority considers that mid term review of the anti dumping duty recommended would be appropriate at this stage under the provisions laid down in Rule 23 of the Rules supra.

4. Countries involved:

The Countries involved in the present investigation are Singapore, South Africa and European Union.

5. Procedure

Having satisfied itself on the basis of evidence submitted by domestic industry for review of the final findings notified vide No. 14/4/2002-DGAD dated 13.2.2003 and final duty imposed by Notification No. 47/2003-Customs, dated 24.3.2003, the Authority hereby initiates investigations to review whether continued imposition of anti dumping duties in the present form and to the present extent of duty is necessary in accordance with the Customs Tariff (Amendment) Act, 1995 and Anti Dumping Rules.

The review covers all aspects of Notification No. 14/4/2002-DGAD dated 13.2.2003.

6. Period of investigation (POI):

The period of investigation (POI) for the purpose of present investigation is 1st July, 2005 to 31st March, 2006. The injury investigation period will however, cover the period 2002-03, 2003-04, 2004-05 and 2005-06 including the period of investigation.

7. Submission of information:

The exporters in the subject countries and their government through their embassies/representatives in India, the importers and users in India known to be concerned and

the domestic industry are requested to submit relevant information in the form and manner prescribed and to make their views known to the:

The Designated Authority,
Ministry of Commerce & Industry,
Department of Commerce,
Directorate General of Anti-Dumping & Allied Duties, (DGAD),
Room No. 240, Udyog Bhavan,
New Delhi-110011

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.

8. Time limit

Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than forty (40) days from the date of publication of this notification, The known exporters and importers, who are being addressed separately, are, however, required to submit the information within (40) forty days from the date of the letter addressed to them.

9. Inspection of public file

In terms of Rule 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(Christy L. Fernandez)
Designated Authority