

To be published in Part-I Section I of the Gazette of India Extraordinary

F. No.7/09/2023-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: 18th September, 2023

NOTIFICATION

Initiation

(Mid Term Review)

Case no. SSR (NC/01/2023)

Subject: Initiation of a midterm review investigation limited to change of name of producer/exporter from Singapore regarding anti-dumping duty imposed on imports of Acetone originating in or exported from European Union, Singapore, South Africa, and United States of America.

1. An application for change of name has been filed by INEOS Phenols Singapore Pte Ltd. (herein after referred to as "applicant"). The applicant is a foreign producer/exporter of the product under consideration and the company is incorporated in Singapore, under the statutes of the Republic of Singapore, Companies Act 1967
2. The applicant has requested for amendment in the final findings which was issued vide Notification No. 7/26/2018-DGAD dated 5th March 2019 recommending definitive anti-dumping duty on the imports of "Acetone" originating in or exported from European Union, Singapore, South Africa and United States of America (hereinafter also referred to as the "subject countries"), and Customs Notification No. 14/2019-Cus (ADD), dated 25 March 2019 wherein the Central Government had imposed definitive anti-dumping duty on the imports of the subject goods originating in or exported from the subject countries.

A. Background

3. Whereas having regard to the 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. No. 7/26/2018-DGAD dated 5 March 2019 recommending definitive anti-dumping duty on the imports of

"Acetone" originating in or exported from European Union, Singapore, South Africa and United States of America.

4. And whereas the Central Government, vide Customs Notification No. 14/2019-Cus (ADD), dated 25 March 2019, 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

5. The product under consideration (PUC) in the present investigation is "Acetone" originating in or exported from European Union, Singapore, South Africa and United States of America. The product under consideration in the application is the same as the previous investigation, i.e., final findings issued vide Notification No. 7/26/2018-DGAD dated 5th March 2019, which defined the PUC as follows-

"The product under consideration is 'Acetone'. Acetone is organic chemical also known as Dimethyl Ketone and used in the manufacture of bulk pharmaceuticals, agro chemicals, dye stuffs, certain explosives, and downstream chemicals. Acetone is classified under Chapter 29 of Custom Tariff Act under the sub-heading 29141100.

It is a basic organic chemical produced in single grade. It is a colourless liquid with an agreeable ether-like odour. It is used in numerous organic synthesis either as solvent or as an intermediate. It is used in manufacture of bulk pharmaceuticals, agrochemicals, dyestuffs, certain explosives and downstream chemicals. Acetone is specifically used in manufacture of Isophorone, Diacetone, Alcohol, Methyl Methacrylate and Bishphenol A. Besides this, it is used in manufacture of certain rubber chemicals or Oxy Acethylene Cellulose Acetate."

6. The product under consideration for this investigation is unchanged.

C. Country Involved

7. The country involved in the present review investigation is Singapore (also referred to as the "subject country").

D. Grounds for Name Change

8. In the final findings as well as the relevant Customs Notification of the original investigation, the anti-dumping duty has been imposed on the producer Mitsui Phenols Singapore Pte Ltd (56.91 US\$ per MT).
9. INEOS Phenols Singapore Pte Ltd. has filed a name change application stating that the acquisition of shares of Mitsui Phenols Singapore Pte Ltd by INEOS Holdings Limited from its existing shareholders has resulted in a name change. In their application, the applicant has provided the following evidence and documents to establish the name change:
 - a. The director's resolution of the Board of Mitsui Phenols Singapore Pte Ltd, authorizing the acquisition and providing further details thereof.

- b. The updated business profile of the Company as provided by the Accounting and Corporate Regulatory Authority of Singapore, reflecting the change in name.
 - c. The constitution of INEOS Phenols Singapore Pte Ltd., including the certificate confirming incorporation of the company with the new name by the Accounting and Corporate Regulatory Authority of Singapore
 - d. Updated certificate of registration of the plant as per the Workplace Safety and Health (Major Hazard Installations) Regulations 2017.
 - e. Press releases containing details of the acquisition and name change.
10. It has been claimed that there has not been any creation of a new entity. Accordingly, INEOS Phenols Singapore Pte Ltd claimed that their exports should be subject to the same duty as recommended and imposed for Mitsui Phenols Singapore Pte Ltd. INEOS Phenols Singapore Pte Ltd has further requested for amendment in the duty table in the final findings and corresponding customs notification.

E. Initiation

11. 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.
12. Having regard to the information provided by the applicant indicating request for name change following acquisition of shares of Mitsui Phenols Singapore Pte Ltd by INEOS Holdings Limited, the Designated Authority now considers it appropriate to conduct a Mid Term Review of the Final Findings notified vide Notification No. vide Notification No. No. 7/26/2018-DGAD dated 5 March 2019 and the definitive anti-dumping duty imposed vide Customs Notification No. 14/2019-Cus (ADD), dated 25 March 2019, 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 INEOS Phenols Singapore Pte Ltd. with regard to the Final Findings Notification No. 7/26/2018-DGAD dated 5th March 2019 and Customs Notification No. 14/2019-Cus (ADD) dated 25th March 2019.

F. Period of Investigation

13. 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

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

H. Submissions of Information

15. All communication should be sent to the Designated Authority via email at the email addresses adg13-dgtr@gov.in, adv11-dgtr@gov.in, jd12-detr@gov.in, and ad12-dgtr@gov.in.

16. 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.
17. 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.
18. 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.
19. 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

20. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses adg13-dgtr@gov.in, adv11-dgtr@gov.in, jd12-detr@gov.in, and ad12-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.
21. 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

22. Any party making any confidential submission or providing information on a 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.

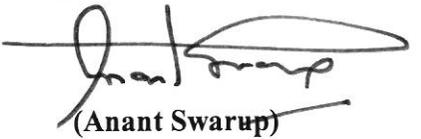
23. The parties making any submission (including appendices/annexures attached thereto), before the Authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:
 - a. one set marked as confidential (with title, number of pages, index, etc.), and
 - b. the other set marked as non-confidential (with title, number of pages, index, etc.)
24. 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.
25. 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 a 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. The other interested parties can offer their comments on the confidentiality claimed within seven (7) days of receiving the non-confidential version of the application.
26. 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.
27. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim shall not be taken on record by the Authority.
28. 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

29. 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.

L. Non-cooperation

30. 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.


(Anant Swarup)
Designated Authority