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**File No. 7/20/2018-DGAD**  
Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
(Directorate General of Trade Remedies)  
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi -110001

Dated 12<sup>th</sup> June, 2018

**Initiation Notification**

**SSR-10/2018**

**(Sunset Review)**

**Subject: Initiation of Sunset Review of the anti-dumping duty in force on imports of ‘Nonyl Phenol’ originating in or exported from the Chinese Taipei.**

**F. No. 7/20/2018-DGAD:** Having regard to the Customs Tariff Act 1975, as amended from time to time (hereinafter 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 referred to as the Rules) thereof;

2. Whereas, the original investigation concerning imports of Nonyl Phenol (herein after referred to as the subject goods), originating in or exported from Chinese Taipei (hereinafter referred to as the subject country), was initiated by the Designated Authority (hereinafter referred to as the Authority) vide Notification No. 14/13/2005-DGAD dated 29th June 2006. The Final Findings Notification was issued by the Authority vide notification No.14/13/2005-DGAD dated 25th June 2007, recommending imposition of definitive duty. On the basis of the recommendations made by the Authority in the final findings, definitive anti-dumping duty was imposed by the Department of Revenue vide Notifications No. 94/2007-Customs dated 22nd August, 2007 on the imports of the subject goods, originating in or exported from the subject country.
3. Further, continued imposition of antidumping duty on imports of Nonyl Phenol originating in or exported from Chinese Taipei was recommended by the Designated Authority, vide notification no. F.No.15/1007/2012-DGAD dated 8<sup>th</sup> November, 2013 and on the basis of these recommendations definitive antidumping duties were extended by the Department of Revenue

on Nonyl Phenol originating in or exported from Chinese Taipei, vide Notification No. 05/2014-Customs, dated 16<sup>th</sup> January, 2014.

4. And Whereas a petition has been filed by the major domestic producer of the Nonyl Phenol i.e., SI Group India Private Limited, in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping of the above goods, originating in or exported from the country/territory named above and consequent injury to the domestic industry and requesting for initiating a sunset review investigation for continuation of anti-dumping duties in force on imports of Nonyl Phenol originating in or exported from Chinese Taipei.

### **Products under Consideration**

5. The product under consideration in the present petition is Nonyl Phenol, which is also known as Para Nonyl Phenol. It is a clear viscous liquid without sediments. The chemical formula and structure of Nonyl Phenol is C<sub>15</sub>H<sub>24</sub>O. It is used in the manufactures of NP-ethylene oxide condensates for application as non-ionic surfactants after subsequent sulphonation, of oil soluble phenolic resin, of derivatives applied as corrosion inhibitors in lubricating oils and of ingredients for agro-chemical formulations. It is also used in flame-retardants and plasticizers.
6. The product is classified under sub-heading No. 2907.13 under Customs Tariff Act. As claimed by the domestic industry, the subject goods are also imported under various other Customs classifications such as 29071190, 29072990, 32041790, 38109090, 29214590, 29095090, 34031900, 34021300, and 34021900. However, Customs classification is indicative only and not binding on the scope of the investigation.'

### **Like Article**

7. 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."
8. Petitioner has claimed that there is no known difference in subject goods exported from subject country and that produced by the domestic industry. Both the products have comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc.

### **Domestic Industry and Standing**

9. The request for the sunset review has been filed by M/s SI Group Private India Limited. The applicant accounts for a major proportion of the domestic production of the subject goods. Therefore, the application is deemed to have been made by or on behalf of the domestic industry and the above participating companies have been treated as the domestic industry under Rule 2(b) of the Anti-Dumping Rules for the purpose of injury investigation

### **Countries Involved**

10. The duties are in force against Chinese Taipei. Therefore, this sunset review will cover the duty in force on the subject goods originating in or exported from Chinese Taipei.

### **Initiation of Sunset Review**

11. Having satisfied itself, on the basis of the positive prima facie evidence submitted by the domestic industry indicating likelihood of continuation or recurrence of dumping and consequent injury, the Authority hereby initiates a Sunset Review investigation in accordance with Section 9 A (5) of the Act, read with Rule 23 of Antidumping Rules, to review whether the expiry of the duties on the subject goods extended/imposed, vide customs notification No. 05/2014-Customs dated 16th January, 2014, would likely to lead to continuation or recurrence of dumping and injury to the domestic industry and whether continued imposition of duties is warranted.

### **Procedure**

12. The review will cover all aspects of Final Finding Notification no. F.No.15/1007/2012-DGAD dated 8<sup>th</sup> November, 2013 recommending continuation of anti-dumping duty on import of Nonyl Phenol originating in or exported from Chinese Taipei.
13. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable to this review.

### **Period of Investigation**

14. The period of investigation for the purpose of the present review is from January 2017-December 2017 (12 Months). The injury investigation period will however cover the periods 2014-15, 2015-16 and 2016-17 and period of investigation.

### **Submission of Information**

15. The known exporters in the subject country/territory, the Government of the subject country/territory, through their embassies/representatives in India, and known importers and users of the subject goods in India, 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:

The Designated Authority,  
Directorate General of Trade Remedies  
Ministry of Commerce & Industry, Department of Commerce  
4th Floor, Jeevan Tara Building,  
5 Parliament Street, New Delhi -110001  
[dgad.india@gov.in](mailto: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 make a non-confidential version of the same available to the other parties.
17. While submitting the questionnaire response, producers/exporters in the subject countries may have to demonstrate prevalence of market condition related to manufacture, production, and sales of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may provide sufficient information on the following:
- a) Decision in regard to price, cost, input including raw material, cost of technology and labour, output, sales and investment, are without significant state interference and weather cost of major inputs substantially reflect market value.
  - b) Production costs and financial situation does not suffer for any distortion.
  - c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
  - d) Change rate conversions are carried out at the market rate.

### **Time Limit**

18. 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 publication of this Notification. 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 Anti-dumping Rules.

19. 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 and offer their comments to the domestic industry's application regarding the need to continue or otherwise the Anti-dumping measures within 40 days from the from the date of publication of this Notification.

**Submission of Information on confidential basis**

20. 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.
21. 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 (02) copies of the non-confidential version must be submitted by all the interested parties.
22. 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.
23. 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.
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 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.
25. 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**

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26. In terms of Rule 6(7) of the AD Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

**Non-Cooperation**

27. 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 it may deem fit.

**(Sunil Kumar)**

**Additional Secretary & Designated Authority**