

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

**F. No. 6/8/2021- DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies**

Dated: 27th November, 2024

TERMINATION NOTIFICATION

Subject: Termination of Anti-dumping investigation concerning imports of "Mono Ethylene Glycol (MEG)" originating in or exported from Kuwait, Saudi Arabia and USA.

A. Introduction

1. Having regard to the Customs Tariff Act, 1975 as amended from time to time (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, as amended from time to time (hereinafter also referred as the 'Rules'), thereof, India Glycols Limited (IGL) and Reliance Industries Limited (RIL) (hereinafter also referred to as the 'applicant'), filed an application before the Designated Authority (hereinafter also referred to as the 'Authority') for initiation of antidumping investigation and imposition of anti-dumping duties on the imports of Mono Ethylene Glycol (MEG)" originating or exported from Kuwait, Saudi Arabia and USA (hereinafter referred as 'subject countries').
2. The Authority, based on prima facie evidence of dumping of subject goods from the subject countries, injury to the domestic industry and causal link between the dumping and injury submitted by the applicant, initiated an anti-dumping investigation into the alleged dumping, and consequential injury to the domestic industry in terms of Rule 5 of the Rules.
3. The Authority accordingly issued a public notice *vide* Notification no. 6/8/2021-DGTR dated 28th June, 2021 published in the Gazette of India, initiating an anti-dumping investigation concerning imports of the subject goods, originating in or exported from Kuwait, Saudi Arabia and USA.

B. Procedure

4. The Authority notified the embassies of the subject countries about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with Rule 5(5) of the Rules.

5. The Authority post-initiation sent copies of the initiation notification to the Embassies of the subject countries in India, known producers/exporters from the subject countries, known importers/users and the domestic industry as per the addresses made available by the applicant and requested them to make their views known in writing within 30 days of the initiation notification as per Rule 6(2) of the Rules. However, upon request from the interested parties, the time limit for making submissions was extended up to 7 September 2021.
6. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters and to the embassies of the subject countries in India in accordance with Rule 6(3) of the Rules.
7. The Embassies of the subject countries in India were also requested to advise the exporters/producers from its countries to respond to the questionnaire within the prescribed time limit. A copy of the letter and questionnaire sent to the producers/exporters was also sent to them along with the names and addresses of the known producers/exporters from the subject countries.
8. In response to the initiation notification and intimation, exporters/ producers from the subject countries and importers/ users responded to the Authority by filing the exporter questionnaire responses and the legal submissions.
9. A list of all the interested parties was uploaded on the DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions to all other interested parties.
10. The Authority held an oral hearing on 9th December, 2021 to provide an opportunity to the interested parties to present relevant information orally in accordance with the Rule 6(6) of the anti-dumping rules.
11. An extension of 3 months to complete the subject anti-dumping investigation and issue the final findings was granted by the central government. Accordingly, the Authority issued the final findings on 27th October 2022.
12. Through its final findings dated 27th October 2022, the Authority reached the following conclusion:

“154. Having examined the contentions of various interested parties and on the basis of above facts, circumstances and analysis, the Authority concludes that the domestic industry is not suffering material injury in terms of the provisions enshrined under the Anti-Dumping Rules. In view of the above, the Authority does not consider it appropriate to recommend levy of anti-dumping duty on the imports of subject goods from subject countries. Therefore, in terms of Section 9A and 9B of the Customs Tariff Act read with Rule 14(b), Rule 17(1)(a)(ii) and

Rule 11(2) of the Anti-Dumping Rules, the Designated Authority decides to terminate the present investigation which was initiated vide Notification No. F. No. 6/8/2021-DGTR, dated 28 June 2021.”

13. Accordingly, the investigation was terminated.

14. M/s. Reliance Industries Limited, the co-applicant in the present investigation preferred an appeal against the final findings issued on 27th October 2022 before Customs, Excise & Service Tax Appellate Tribunal, New Delhi. The appellant challenged the final findings' conclusion that the domestic industry had not suffered material injury in terms of the provisions contained in Rules. The Hon'ble CESTAT examined the final findings, and *vide* its Final Order No. 51370/2023 held as follows:

“105. The designated authority, in the present case, has exclusively relied upon the marginal improvement in the period of investigation as compared to 2019-20 and has ignored the trends over the years before that. Such selective examination, particularly in the present facts where the domestic industry itself has claimed injury since 2019- 20, may defeat the entire purpose of injury assessment.

106. The inevitable conclusion, therefore, is that the designated authority would have to re-examine the matter in the light of the observations made above. For this purpose, the designated authority shall give an opportunity to both the appellant and the respondents for submitting their written submissions and after examination of the submissions and after considering the observations made hereinabove, give its final findings.

107. The final findings of the designated authority contained in the Notification dated 27.10.2022 are, accordingly, set aside and the matter is remitted to the designated authority to give final findings in the light of the observations made above. The appeal is allowed to the extent indicated above.”

C. Request Received from the Domestic Industry

15. *Vide* letter dated 25th September 2024 the domestic industry withdrew the application filed in the subject matter stating that the period of investigation in the remanded investigation is 4 years old and hence any conclusion on dumping and injury reached based on such data would not reflect present market realities.

D. Examination by the Authority

16. The request made by the domestic industry, M/s Reliance Industries Limited, *vide* its letter dated 25th September 2024, has been examined.

17. The Authority notes that Rule 14(a) of the Rules reads as under:

Termination of investigation. - The designated authority shall, by issue of a public notice, terminate an investigation immediately if - (a) it receives a request in writing for doing so from or on behalf of the domestic industry affected, at whose instance the investigation was initiated;

18. It is noted that Rule 14 provides for termination of investigations including circumstances wherein the application is withdrawn by the domestic industry. Rule 14(a) of Rules provides that the Authority shall, by issue of a public notice terminate an investigation immediately if it receives a request in writing for doing so from or on behalf of the domestic industry affected, at whose instance the investigation was initiated.

19. The present investigation was initiated based on an application filed by India Glycols Limited (IGL) and Reliance Industries Limited (RIL) constituting the domestic industry. The domestic industry has filed the letter with the Authority to withdraw the application. The Authority notes that Rule 14(a) of the Rules requires the Authority to terminate the investigation, once the domestic industry, at whose instance the investigation was initiated files a written request for termination of the investigation.

E. Conclusion

20. In view of the aforesaid request made by the domestic industry and under the provisions of Rule 14(a) of the Rules, the Authority hereby terminates the investigation initiated on 28.06.2021 *vide* Notification No. 6/8/2021-DGTR against the imports of Mono Ethylene Glycol (MEG or Ethylene Glycol) from Kuwait, Saudi Arabia and USA.



(Darpan Jain)
Designated Authority