



مجلس الغرف السعودية
Council of Saudi Chambers

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الرقم : التاريخ : المرفقات :

عاجل

صورة مع التحية والتقدير لسعادة رئيس مجلس إدارة الغرفة التجارية الصناعية سلمهم الله
سعادة أمين عام الغرفة التجارية الصناعية سلمه الله
السلام عليكم ورحمة الله وبركاته،

إشارة الى البرقية العاجلة الواردة لنا من معالي محافظ الهيئة العامة للتجارة الخارجية رقم ٤٣٢٥٣ بتاريخ ١٤٤٠/١١/١١ هـ، والمشار فيها الى اخطار سلطة التحقيق في جمهورية الهند المعلن عنه بالصحيفة الرسمية رقم (14/22/2016-DGAD) وتاريخ ٢٠١٩/٠٧/٠٩ م، بشأن البدء في تحقيق مكافحة الإغراق (مرفق بطيه)، والمتضمن صادرات المملكة من منتج (Ethyl Hexanol 2-EH) الخاضعة للبند الجمركي رقم (٢٩٠٥١٦٢٠)، وفقاً لذلك فقد تم تحديد فترة أربعين يوماً من تاريخ الاخطار لإعلان الأطراف المعنية عن انفسهم والإجابة عن الاستبيانات.

عليه آمل الاطلاع والإحاطة على الإخطار أعلاه وتعميمه على مشتركى غرفتكم من الشركات المصدرة المعنية، وموافاتها بقائمة أسمائها وبيانات تلك الشركات على البريد الإلكتروني: BC@CSC.org.sa ، كما نحث المعنيين على ضرورة التواصل مع الإدارة العامة للمعاملات التجارية لتقديم الدعم اللازم، كما يمكن التواصل بهذا الشأن مع الاخصائي القانوني / أحمد عبدالرحمن التويم على الجوال رقم : (٠٥٦٣٣٦٢٣٩٣)، بريد إلكتروني: atwaim@mci.gov.sa

وتقبلوا وافر التحية والتقدير،

الأمين العام

د. سعود بن عبدالعزيز المشاري

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**No. 14/22/2016-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
Jeevan Tara Building, 4th Floor, Parliament Street, New Delhi-110001**

Dated 9th July, 2019

Initiation Notification

Subject: Initiation of anti-dumping investigation concerning imports of Isononanol (INA) originating in or exported from European Union and Singapore, 2-Propylheptyl Alcohol (2-PH) originating in or exported from European Union and 2-Ethyl Hexanol (2-EH) originating in or exported from Saudi Arabia and Singapore.

F.No.14/22/2016-DGAD: M/s Andhra Petrochemicals Ltd. (hereinafter also referred to as the 'Petitioner' or 'Applicant') has filed an application before the Designated Authority (hereinafter referred to as the 'Authority') in accordance with 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') for imposition of anti-dumping duty on imports of Isononanol (INA) originating in or exported from European Union and Singapore, 2-Propylheptyl Alcohol (2-PH) originating in or exported from European Union and 2-Ethyl Hexanol (2-EH) originating in or exported from Saudi Arabia and Singapore. Isononanol (INA), 2-Propylheptyl Alcohol (2-PH) and 2-Ethyl Hexanol (2-EH) are hereinafter referred to as the 'subject goods' or Product Under Consideration 'PUC'. Saudi Arabia, EU and Singapore are hereinafter referred to as subject countries.

A. Background

2. Based on examination of the petition filed by the Domestic Industry, Authority issued office memorandum dated 07.06.2017 stating that *the Authority doesn't find it appropriate to initiate Anti Dumping Investigation concerning imports of the products not being produced by the petitioner domestic industry*. The Relevant extract of the office memorandum dated 07.06.2017 are under:

"Based on the detailed examination of the request, as per anti dumping rules, the authority doesn't find it appropriate to initiate Anti Dumping Investigation concerning imports of the products not being produced by the petitioner. However, the domestic industry, if so desired, may file fresh application, concerning imports of 2-Ethyl Hexanol (2-EH) from any country against which duty is not in place, if imports from such countries is dumped causing injury to the domestic industry".

3. And whereas against the said order, the Domestic Industry filed Writ Petition No. 25988 of 2017 before the Hon'ble High Court of Telangana and the State of Andhra Pradesh at Hyderabad. The Hon'ble High Court vide its order dated 09.02.2018 set aside the office memorandum dated 07th June 2017 and directed the Authority to consider the applications dated 18.10.2016 and 02.12.2016 filed by the petitioner domestic industry afresh after evaluation of the entire information placed before him in accordance with the provisions of the Act. The relevant extract of the order dated 09.02.2018 passed in Writ Petition No. 25988 of 2017 are reproduced as under:

" Accordingly, the writ petition is allowed setting aside the impugned proceedings in the form of office memorandum dated 07.06.2017 and the 2nd respondent is hereby directed to consider the applications dated 18.10.2016 and 02.12.2016 filed by the petitioner company afresh after evaluation of the entire information placed before him in accordance with the provisions of the Act and the Rules more particularly Rules 2(b) and 2(d) and pass appropriate orders within a period of one month from the date of receipt of a copy of this order. "

4. Pursuant to the above stated order of the Hon'ble High Court of Telangana and the State of Andhra Pradesh at Hyderabad, wherein Hon'ble High Court has directed the Authority to evaluate the entire information in accordance with the provisions of the AD Rules, 1995 and more particularly in pursuance to Rules 2(b) and 2(d) and pass an appropriate order. After detailed examination of the information provided by the petitioner domestic industry in this case, Authority decided not to initiate anti- dumping investigation concerning imports of Isononanol (INA and 2- Propylheptyl Alcohol (2-PH) originating in or exported from European Union and Singapore, and European Union respectively as Domestic Industry is producing only 2-EH but the present petition included 2-PH and INA within the scope of like article, (though not produced domestically).
5. And whereas against the said order, the Domestic Industry again filed Writ Petition No. 11116 of 2018 before the Hon'ble High Court of Telangana and the State of Andhra Pradesh at Hyderabad. The Hon'ble High Court vide its order dated 28.08.2018 set aside the order of the Authority dated 05.03.2018 and directed to take steps for initiating investigation to determine the anti- dumping in respect of import INA having carbon No.9 from European Union and Singapore and 2-PH having carbon No.10 from European Union, in accordance with law, as expeditiously as possible. The relevant extract of the order dated 09.02.2018 passed in Writ Petition No. 11116 of 2018 are reproduced as under:

"..9. In the light of the above, this writ petition is allowed, setting aside the order of the second respondent is directed to take steps for initiating investigation to determine the anti-dumping in respect of import INA having carbon No.9 from European Union and Singapore and 2-PH having carbon No.10 from European Union, in accordance with law, as expeditiously as possible."

6. Pursuant to the direction of the Hon'ble High Court of Telangana and the State of Andhra Pradesh at Hyderabad dated 28.08.2018 in order to initiate the case Authority issued letters dated 28.9.2018 and 24.10.2018 requesting the Petitioner to file a fully documented petition as per the prescribed proforma available on the DGTR's website.
7. And whereas against the aforesaid letters of the Authority, the Domestic Industry once again filed Writ Petition No. 2639 of 2019 before the Hon'ble High Court of Telangana and the State of Andhra Pradesh at Hyderabad.
8. The writ petition was listed on 3.7.2019 wherein the Hon'ble High Court advised the law officer representing the Authority that requesting the industry to file fully documented application as per the prescribed proforma available on the website including all data related to recent, updated, period of injury and POI etc., is in violation of the orders passed by the Hon'ble High Court dated 28.8.2018 in W.P. No. 11116 of 2017 and therefore was inclined to initiate sumomoto contempt proceedings and directing the Designated Authority to appear before the Hon'ble High Court. The Hon'ble Court granted one weeks time and posted the matter on 9.7.2019.

B. Initiation of investigation

9. In view of the above, the Authority hereby initiates an AD investigation into the alleged dumping and consequent injury to the domestic industry in terms of rule 5 of AD rules to determine the existence, degree and effect of alleged dumping and to consider recommending the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

C. Product Under Consideration (PUC) and Like Article

10. The PUC is considered as Isononanol (INA), 2-Propylheptyl Alcohol (2-PH) and 2-EH. The petitioner has claimed that INA and 2-PH are like article to 2-EH being produced by them. The Authority in this regard takes note of the Hon'ble High Court's order dated 28.8.2018.

D. Subject Countries

11. The subject countries are European Union and Singapore (for INA and 2-PH), Singapore (for INA and 2-EH) and Saudi Arabia (for 2-EH).

E. Period of Investigation

12. The petitioner has filed data for the period January 2016 to December 2016. In view of the High Court's order, the Authority initiates the investigation by prima facie evaluating dumping and injury based on the data provided by the applicant. However to investigate further the POI is proposed to be considered, as 1.4.2018 to 31.3.2019 to evaluate dumping, injury and Causality of injury to the petitioner due to alleged dumping.

F. Submission of information

13. The known exporters in the subject countries and their governments through their embassies in India, 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.

Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below. The information/submission may be submitted to:

**The Designated Authority
Directorate General of Trade Remedies
Ministry of Commerce & Industry
Department of Commerce
Government of India**

4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi-110001

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.

G. Time-Limit

14. 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 days (40 days) from the date of the publication of this initiation 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 Rules.
15. 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 within forty days (40 days) from the date of the publication of this initiation notification. The information must be submitted in hard copies as well as in soft copies.

H. Submission of information on confidential basis

16. 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:
- i. one set marked as Confidential (with title, number of pages, index, etc.), and
 - ii. the other set marked as Non-Confidential (with title, number of pages, index, etc.).
17. 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. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in four (4) sets of each.

18. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, 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.
19. 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 summarised 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, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarisation is not possible must be provided to the satisfaction of the Authority.
20. 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 if the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, it may disregard such information.

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

21. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

I. Inspection of Public File

22. 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.

J. Non-cooperation

23. 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.

(Sunil Kumar)
Additional Secretary & Designated Authority