

NOTIFICATION NO 120 /2010-CUSTOMS

Dated: December 1, 2010

Whereas in the matter of imports of Phenol [hereinafter referred to as the subject goods], falling under sub heading 2907 11 10 or 2707 99 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, Thailand and Japan (hereinafter referred as the subject countries) and imported into India, the designated authority in its preliminary findings vide notification No.14/27/2009-DGAD, dated the 3rd February, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 3rd February, 2010, had come to the conclusion that -

(a) the subject goods had been exported to India from the subject countries below its normal value;

(b) the domestic industry had suffered material injury;

(c) the injury had been caused by the dumped imports from subject countries;

and had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in, or exported from, the subject countries;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed provisional anti-dumping duty on the subject goods vide notification No. 53/2010-Customs, dated the 19th April, 2010, published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), vide number G.S.R. 335(E), dated the 19th April, 2010;

And Whereas, the designated authority, in its final findings vide notification No. 14/27/2009-DGAD dated the 8th October, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 8th October, 2010, had come to the conclusion that various parameters have established positive dumping margin as well as material injury to the domestic industry caused by such dumped imports of Phenol originating in, or exported, from Thailand and Japan and imported into India;

Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (5) of section 9A of the said Customs Tariff Act, 1975 read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, falling under subheading the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country specified in the corresponding entry in column (4), and exported from the country specified in the corresponding entry in column (5) and produced by the producer specified in the corresponding entry in column (6) and exported by the exporter specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount indicated in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and per unit of measurement as specified in the corresponding entry in column (9) of the said Table.

Table

| Sl.No. | Sub-heading | Description of goods | Country of origin | Country of export | Producer | Exporter | Duty amount | Unit of measurement | Currency |
|--------|---|----------------------|-------------------|--------------------------------------|---|---|-------------|---------------------|----------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| 1. | 2907 11 10 or 2707 99 00 | PHENOL | Thailand | Thailand | M/s PTT Phenol Company Limited, Thailand | M/s PTT Phenol Company Limited, Thailand /M/s PTT Public Company Ltd. | 10.03 | MT. | USD |
| 2. | 2907 11 10 or 2707 99 00 | PHENOL | Thailand | Thailand | M/s PTT Phenol Company Limited, Thailand | Mitsui & Co. Ltd., Japan (MBK) OR Mitsui & Co. (Asia Pacific) Pte. Ltd. Singapore | Nil | MT. | USD |
| 3. | 2907 11 10 or 2707 99 00 | PHENOL | Thailand | Thailand | Any combination other than at Sl. no. 1 and 2 above | | 172.53 | MT. | USD |
| 4. | 2907 11 10 or 2707 99 00 | PHENOL | Thailand | Any other than Singapore, USA, South | Any | Any | 172.53 | MT. | USD |

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|----|---|------------|---|---|--|--|------------|-----|-----|
| | | | | Africa, EU, Korea, RP, Japan | | | | | |
| 5. | 2907 11 10 or 2707 99 00 | PHENO L | Any other than Singapore, USA, South Africa, EU, Korea, RP, Japan | Thailand | Any | Any | 172. 53 | MT. | USD |
| 6 | 2907 11 10 or 2707 99 00 | PHENO L | Japan | Japan | M/s Mitsui Chemical Inc., Japan(M CI) | Mitsui & Co. Ltd., Japan (MBK) OR Mitsui & Co. (Asia Pacific) Pte. Ltd. Singapore | 468. 17 | MT. | USD |
| 7. | 2907 11 10 or 2707 99 00 | PHENO L | Japan | Japan | Any combination other than Sl.no.6 above | | 547. 03 | MT. | USD |
| 8. | 2907 11 10 or 2707 99 00 | PHENO L | Japan | Any other than Singapore, USA, South Africa, EU, | Any | Any | 547. 03 | MT. | USD |

| | | | | | | | | | |
|----|---|------------|--|---------------------------|-----|-----|------------|-----|-----|
| | | | | Korea, RP, Thailand | | | | | |
| 9. | 2907 11 10 or 2707 99 00 | PHENO L | Any other than Singapore, USA, South Africa, EU, Korea, RP, Thailand | Japan | Any | Any | 547. 03 | MT. | USD |

2. The anti-dumping duty imposed shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of the provisional anti-dumping duty, that is, the 19 th April, 2010, and shall be payable in Indian currency.

Explanation. - For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

F.No.354/23/2010 -TRU

(Prashant Kumar)

Under Secretary to the Government of India