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受文者：經濟部國際貿易局

發文日期：中華民國108年8月28日

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速別：速件

密等及解密條件或保密期限：

附件：如文 (1080000460_Attach1.pdf, 1080000460_Attach2.pdf, 1080000460_Attach3.pdf)

主旨：有關印度商工部貿易救濟局對進口之苯酚(Phenol)展開防衛措施調查，請查照。

說明：

- 一、依據印度商工部貿易救濟局2019年8月23日(SG)032019通知辦理(如附件1)。
- 二、該局已接獲印度M/s Hindustan Organic Chemicals Limited及M/s Deepak Phenolics共同委託M/s TPM Consutants律師事務所之申請，決定對苯酚(Phenol, HS 2907 1110)展開防衛措施調查，損害調查期間自2016年4月至2019年6月。業者表示，由於全球苯酚供給過剩、中國大陸對苯酚課徵反傾銷稅及美、中貿易摩擦等因素，導致本(2019-20)年度第1季(4~6月)印度苯酚進口量大幅增加。
- 三、本案利害關係人可自公告日起30日內填覆問卷及提供書面意見遞交至The Designated Authority, Directorate General of Trade Remedies, Ministry of Commerce &

國際貿易局 108/08/29



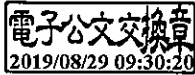
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amp; Industry, Department of Commerce, Government of India, 4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi-110001, India。本案相關公告內容及出口商應填覆之調查問卷(如附件2)，可自印度商工部貿易救濟局網站(<http://www.dgtr.gov.in>)下載。

四、另檢送印度商工部商務部門公布去(2018-19)年度及本年度第1季苯酚進口統計資料(如附件3)，併請卓參。

正本：經濟部國際貿易局

副本：



**To be published in Part-I Section I of the Gazette of India Extraordinary
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeewan Tara Building, 5, Parliament Street, New Delhi**

NOTIFICATION

Initiation

[Under Rule 6 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997]

(Safeguard Investigation)

[Case No: (SG) 03/2019]

Dated the 23rd August, 2019

Subject: Notice of initiation of Safeguard Investigation concerning imports of “Phenol” into India

F.No 22/3/2019-DGTR: An application has been filed under Rule 5 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997 (hereinafter also referred to as the “said Rules” or “safeguard rules”) by M/s Hindustan Organic Chemicals Limited and M/s Deepak Phenolics Ltd, (herein after also referred to a petitioners or applicants) through M/s TPM Consultants, New Delhi alleging increased imports of “Phenol” (hereinafter also referred to as the “product under consideration” or “PUC” or subject goods) causing serious injury and threat of serious injury to the domestic industry. They have sought safeguard measures to protect the Domestic Industry of like or, directly competitive products from serious injury and threat of serious injury being caused by such increased imports of Phenol.

2. **Product Under Consideration:** The product under consideration is ‘Phenol’. It is an organic chemical, also known as Carboic Acid and used in the manufacture of Phenol Formaldehyde Resins, Laminates, Plywood, particle Boards, Bisphenol-A, Alkyl Phenols, Pharmaceuticals, Diphenyl Oxide and downstream chemicals. Phenol is classified under Chapter 29 of Custom Tariff Act under the sub-heading 29071110.
3. **Domestic Industry:** The application has been filed by M/s Hindustan Organic Chemicals Limited and M/s Deepak Phenolics Ltd for imposition of Safeguard Duty on imports of Phenol. The applicants, account for a major share (87%) of

the total production of the domestic like product in India. The two producers constitute Domestic industry in terms of Clause (b) of the Sub Section (6) of Section 8B of the Custom Tariff Act, 1975.

4. **Period of Investigation:** The period considered for the purposes of present investigation is from 2016-17 to June 2019. The applicants have claimed surge in imports in Q1 2019-20.
5. **Increased Imports:** The petitioners have claimed that imports of product under consideration have increased during Q1 2019-20, and they are also facing threat of increased imports. It is noted that there is a sudden, sharp and significant increase in imports of PUC during Q1 2019-20. Despite the fact that there is a demand supply gap, the petitioners have claimed that large imports of subject goods are entering into Indian market which are at level higher than required to bridge the gap between demand and supply of subject goods. The rate of increase in imports of subject goods is considered significant considering their quantum during Q1 of 2019-20 as compared to previous quarters. The petitioners have claimed that imposition of anti-dumping duty by China coupled with oversupply of Phenol globally and US China trade war were unforeseen circumstances leading to increase in imports into India.
6. **Serious Injury and threat of serious injury to the domestic industry:** The applicants have claimed that the increased imports of product under consideration have caused and are also threatening to cause serious injury to the domestic industry. One of the major applicants ie M/s Deepak Phenolics which started its production in November, 2018, has claimed significant decline in sales and capacity utilization for the product during Q1 of 2019-20 and they have claimed further decline in sales and capacity utilization post POI. The petitioners have also claimed that market share of domestic industry has declined whereas that of imports of subject goods have increased during Q1 of 2019-20. They have also claimed that their profits have declined during Q1 as a result of price pressures caused by increased imports. The petitioners have further claimed that there is a significant increase in inventories of subject goods produced by domestic industry. The applicants have claimed that since the imposition of anti-dumping duties on Phenol by China PR on major exporting nations, the exports from these exporting nations are getting diverted into India resulting in increase in imports into India. Further the applicants have claimed that there is an oversupply of Phenol globally and the prices of product have declined significantly. It has been claimed that applicant companies were forced by their customers to reduce their prices resulting in price suppression and depression.
7. The applicants have requested for immediate imposition of safeguard duty in view of significant increase in imports of subject goods causing serious injury and threat of serious injury to the domestic industry.

8. After examining the application filed by applicants, the Director General, prima facie, finds that increase in imports of subject goods appear to be result of unforeseen developments such as global oversupply and trade measures imposed by China PR against major Phenol producing countries, and volume and prices of these imports have caused and/or threatening to cause significant injury to domestic industry.

Initiation

9. After determining that there is sufficient evidence to justify initiation of safeguard investigation, the Director General initiates an investigation pursuant to rule 5 of the Safeguard rules, 1997 in order to determine whether as a result of unforeseen developments, the imports of the product under consideration constitute increased imports, and whether the increased imports have caused and/ or are threatening to cause serious injury to the domestic industry of like and/or directly competing products.
10. All interested parties may make their views known within a period of 30 days from the date of this notice to:

**Director General
Directorate General of Trade Remedies (DGTR),
Jeevan Tara Building, 4th Floor
5, Parliament Street,
New Delhi -110001**

11. All known interested parties are also being addressed separately.
12. Any other party to the investigation who wishes to be considered as an interested party may submit its request so as to reach the Director General on aforementioned address within 30 days from the date of this notice.
13. If no information is received within the prescribed time limit or the information received is incomplete, the Director General may record its findings on the basis of the facts available on record. The information must be submitted in hard copies as well as soft copies.
14. Submission of Information on Confidential Basis – The parties making any submission (including Appendices/Annexure attached thereto), before the Director General including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof. 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 Director General and the Director General 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 two (2) sets of each. The confidential version shall contain all information which are by nature confidential and/or other information which the supplier of such information claims as confidential. The information which is 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. 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 confidential basis. However, in exceptional circumstances, 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 Director General. The Director General may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Director General 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 authorize its disclosure in generalized or summary form, it may disregard such information. 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 Director General. The Director General 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.

15. Any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.
16. 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 Director General 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 & Director General

Post initiation
Questionnaire for Exporters

Section 1: General Information:

- i. Complete details about identity:
 - a. Name of the enterprise
 - b. Address
 - c. Telephone No./fax No.
 - d. Contact person, address and telephone no
- ii. Distribution and marketing channel

Section 2: Details of Exported Product

- a. Name of the product exported by you.
- b. Description of the product including various grades, sizes, models or type etc.
- c. Quality and characteristics of the product.
- d. Raw materials and components and other inputs used for the production.
- e. Details of industrial users/consumers of imported product.

Section 3: Capacity, Production, Volume and price of Imports

(Preferably financial year April-March)

- a. Capacity
Last year Current Year
- b. Production
Last Year Current Year Next Year
- c. Cost of Production during the above periods.
- d. Selling price per unit in domestic market during the above periods.
- e. Export/selling price per unit in India during the above periods.
- f. Whether you have any agent or office in India, I yes their names and address, Tel no, Fax No.
- g. Quantity exported to India during the last three years and current year (April-March).
- h. Your commitment to supply the product in different markets including India.



附件
3

Department of Commerce
Export Import Data Bank
Import :: Commodity-wise all countries

Dated: 28/8/2019
Sorted on country

Commodity: 29071110 PHENOL,PURE CARBOLIC ACID Unit: KGS

S.No.	Country	Values in US\$ Million			Quantity in thousands		
		2018-2019	2019-2020 (Apr-Jun (F))	%Growth	2018-2019	2019-2020 (Apr-Jun (F))	%Growth
1.	BAHARAIN IS				0.00		
2.	BELGIUM	6.47			4,410.00		
3.	BRAZIL	3.05	2.77		2,509.60	2,548.60	
4.	CANADA	0.40			334.72		
5.	CHINA P RP	14.64			10,363.00		
6.	DENMARK	0.00	0.00		0.25	0.07	
7.	FRANCE						
8.	GERMANY	0.24	0.02		5.05	0.17	
9.	HONG KONG	0.13			99.00		
10.	KOREA RP	35.08	3.30		25,802.20	2,621.60	
11.	RUSSIA	0.13	0.16		96.30	146.55	
12.	SAUDI ARAB	45.92	5.53		33,845.69	4,953.00	
13.	SINGAPORE	11.65	5.85		7,873.00	5,187.00	
14.	SOUTH AFRICA	18.44	3.17		15,746.61	3,085.30	
15.	SPAIN	0.00	0.00		0.05	0.03	
16.	TAIWAN	2.15	0.20		1,473.83	144.00	
17.	THAILAND	111.28	17.39		81,059.21	14,963.00	
18.	U ARAB EMTS	0.08			71.14		
19.	U S A	55.61	8.54		42,668.05	7,756.01	
20.	UKRAINE	0.05	0.45		49.50	393.55	
	Total	305.33	47.38				
	India's Total	514,078.42	127,291.66				
	%Share	0.0594	0.0372				

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