

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

**F. No. 6/30/2020-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi -110001**

Dated:31st March 2022

FINAL FINDING

(Case No. AD (OI) 25/2020)

Subject: Anti-dumping investigations concerning imports of “Low Density Polyethylene (LDPE)” from Qatar, Saudi Arabia, Singapore, Thailand, United Arab Emirates and United States of America.

F. No.6/30/2020-DGTR: - Having regard to the Customs Tariff Act, 1975, as amended from time to time (hereinafter also 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 also referred to as “the Rules”) thereof.

A. BACKGROUND OF THE CASE

1. The Designated Authority (hereinafter referred to as “Authority”) received an application from Chemicals and Petrochemicals Manufacturers Association (CPMA) (hereinafter referred to as the “applicant”) requesting initiation of an anti-dumping investigation under the Act and the Rules on the imports of “Low Density Polyethylene (LDPE)”, (hereinafter referred to as “subject goods” or “product under consideration”) originating in or exported from Qatar, Saudi Arabia, Singapore, Thailand, United Arab Emirates and United States of America (hereinafter referred to as the “subject countries”). Reliance Industries Limited (RIL), which is a member of CPMA and a producer of the product under consideration in India (herein after referred to as “applicant producer”), has provided the prescribed information in the application.
2. The Authority, on the basis of a duly substantiated application filed and sufficient prima facie evidence submitted by the applicant, issued a public notice vide Notification No. 6/30/2020-DGTR dated 23rd October, 2020, published in the Gazette of India, initiating the subject investigation in accordance with Section 9A of the Act read with Rule 5 of

the Rules to determine the existence, degree and effect of the alleged dumping of the subject goods originating in or exported from the subject countries, and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the alleged injury to the domestic industry.

B. PROCEDURE

3. The procedure described below has been followed with regard to the subject investigation:
 - a. The Authority notified the Embassies of the subject countries in India about the receipt of the anti-dumping application before proceeding to initiate the investigation in accordance with Sub-Rule (5) of Rule 5 supra.
 - b. The Authority issued a public notice dated 23rd October 2020 published in the Gazette of India Extraordinary, initiating the anti-dumping investigation concerning imports of the subject goods from the subject countries.
 - c. The Authority sent a copy of the initiation notification dated 23rd October 2020, to the Embassies of the subject countries in India, the known producers and exporters from the subject countries, known importers and users in India, user associations and other interested parties, as per the details made available by the applicant. The interested parties were advised to provide relevant information in the form and manner prescribed and make their submissions known in writing within the prescribed time-limit.
 - d. The Authority also 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.
 - e. The Embassies of the subject countries in India were also requested to advise the exporters/producers from their country 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 the Embassies of the subject countries along with the details of the known producers/exporters from the subject countries.
 - f. The Authority, upon request made by the interested parties, granted extension of time to the interested parties to file their Questionnaire Responses. Vide communication dated 19th November 2020, the time was extended up to 27th December 2020. Further vide communication dated 21st December 2020, the time was extended up to 10th January 2021. Thereafter, vide communication dated 8th January 2021, the time was extended up to 24th January 2021.
 - g. The following Governments made submissions during the course of the investigation:
 - i. Ministry of Economy, UAE
 - ii. General Authority of Foreign Trade, Saudi Arabia
 - h. The Authority sent questionnaires to the following known producers/exporters in the subject countries in accordance with Rule 6(4) of the Rules:
 - i. Qatar Petrochemical Company (QAPCO) Q.P.J.S.C, Qatar

- ii. Al-Jubail Petrochemical Company (KEMYA), Saudi Arabia
 - iii. International Polymers Company, Saudi Arabia
 - iv. Rabigh Refining & Petrochemical Company (“Petro Rabigh”), Saudi Arabia
 - v. Sadara Chemical Company, Saudi Arabia
 - vi. Saudi Ethylene and Polyethylene Company (SEPC), Saudi Arabia
 - vii. Saudi Kayan Petrochemical Company, Saudi Arabia
 - viii. Amiz Exports, Singapore
 - ix. Asia Polyfilm Singapore PTE Limited, Singapore
 - x. Euro Pacific Commodities Pte Limited, Singapore
 - xi. Nissen Chemical Singapore Pte Limited, Singapore
 - xii. The Polyolefin Company (S) Pte Limited, Singapore
 - xiii. PTT Global Chemical Public Company Limited, Thailand
 - xiv. Thai Polyethylene Company Limited, Thailand
 - xv. TPI Polene Public Company Limited, Thailand
 - xvi. Borouge, UAE
 - xvii. Chevron Philips Chemical, USA
 - xviii. Dow Inc., USA
 - xix. Equistar Chemicals LP., USA
 - xx. Exxon Mobil Corporation, USA
 - xxi. Farnosa Plastics Corporation, USA
 - xxii. Flint Hills Resources LLC, USA
 - xxiii. Sasol USA Corporation, USA
 - xxiv. Westlake Chemical Partners, USA
- i. In response to the above notification, the following producers/exporters and their related exporters/traders have responded and submitted exporters’ questionnaire responses and/or legal submissions:
- i. Qatar Chemical and Petrochemical Marketing and Distribution Company (Muntajat) Q.P.J.S.C, Qatar
 - ii. Qatar Petrochemical Company (QAPCO) Q.P.J.S.C, Qatar
 - iii. Al-Jubail Petrochemical Company (KEMYA), Saudi Arabia
 - iv. Aramco Chemicals Company, Saudi Arabia
 - v. Abu Dhabi Polymers Company Limited (Borouge) L.L.C, Saudi Arabia
 - vi. Dow Saudi Arabia Product Marketing B.V., Saudi Arabia
 - vii. Sadara Chemical Company, Saudi Arabia
 - viii. Saudi Basic Industries Corporation, Saudi Arabia
 - ix. Saudi Kayan Petrochemical Company, Saudi Arabia
 - x. Borouge Pte Limited, Singapore
 - xi. Dow Chemical Pacific (Singapore) Private Limited, Singapore
 - xii. Marubeni ASEAN Pte Limited, Singapore
 - xiii. SABIC Asia Pacific Pte Limited, Singapore
 - xiv. Sumitomo Chemical Asia Pte Limited, Singapore
 - xv. GC Marketing Solutions Company Limited, Thailand
 - xvi. PTT Global Chemical Company Limited, Thailand
 - xvii. SCG Performance Company Limited, Thailand

- xviii. SCG Plastics Company Limited, Thailand
 - xix. Thai Polyethylene Company Limited, Thailand
 - xx. Abu Dhabi Polymers Company Limited, UAE
 - xxi. Basell Trading International FZE, UAE
 - xxii. Dow Chemical International Private Limited, UAE
 - xxiii. Dow Chemical Pacific (Singapore) Private Limited, UAE
 - xxiv. National Petrochemical Industrialization Marketing Company Limited, UAE
 - xxv. Rabigh Refining & Petrochemical Company, UAE
 - xxvi. Saudi Ethylene and Polyethylene Company, UAE
 - xxvii. Equistar Chemicals LP, USA
 - xxviii. Westlake Longview Corporation, USA
 - xxix. Westlake Polymers LLC, USA
 - xxx. Renuka Agencies Limited, Hong Kong
 - xxxi. Tetra Pak Global Supply SA, Switzerland
- j. The Authority sent questionnaires to the following known importers and users of the subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules.
- i. Aculife Healthcare Private Limited
 - ii. Amanta Healthcare Limited
 - iii. Balmer Lawrie-Van Leer Limited
 - iv. Cipla Limited
 - v. Elite Industries
 - vi. Essel Propack Limited
 - vii. Huhtamaki PPL Limited
 - viii. International Packaging Products Private Limited
 - ix. ITC Limited
 - x. Jagriti Plastics Limited
 - xi. Kuloday Technopack Private Limited
 - xii. K V N Impex Private Limited
 - xiii. Lila Polymers Private Limited
 - xiv. Otsuka Pharmaceutical India Private Limited
 - xv. Overseas Polymers Private Limited
 - xvi. Polycab India Limited
 - xvii. P P Products Private Limited
 - xviii. Tetra Pak India Private Limited
 - xix. The Supreme Industries Limited
 - xx. Sterlite Power Transmission Limited
 - xxi. Sumati Plastic Private Limited
 - xxii. Uflex Limited
 - xxiii. Uma Polymers Limited
 - xxiv. Universal Cables Limited
- k. In response to the above notification, the following importers or users have responded and submitted importer/user questionnaire responses/legal submissions and/or registered as interested parties:

- i. **Paharpur 3P Private Limited**
 - ii. **Tetra Pak India Private Limited**
 - iii. **SABIC Research & Technology Private Limited**
 - iv. **Uflex Limited**
 - v. **Ultimate Flexipack Limited**
- l. **The Authority sent a copy of the initiation notification dated 23rd October 2020 to the following known Associations of the subject goods in India:**
- i. **All India Federation of Plastics Industries**
 - ii. **All India Plastic Industries Association**
 - iii. **All India Plastic Manufacturers' Association**
 - iv. **Associated Chambers of Commerce and Industry of India (ASSOCHAM)**
 - v. **Chemicals & Petrochemicals Manufacturers Association**
 - vi. **Confederation of Indian Industry (CII)**
 - vii. **Federation of Indian Chamber of Commerce and Industry (FICCI)**
 - viii. **The Southern India Mill's Association (SIMA)**
- m. **The following associations have made legal submissions during the course of the investigations.**
- i. **Telangana And Andhra Plastics Manufacturers Association**
 - ii. **All India Plastics Manufacturers' Association**
 - iii. **Organization of Plastics Processors of India**
- n. **In accordance with Rule 6(6) of the Rules, the Authority provided an opportunity to the interested parties to present their views orally in a public hearing held through video conferencing on 19th May 2021. The parties, which presented their views in the oral hearing, were requested to file written submissions of the views expressed orally, followed by rejoinder submissions, if any. The parties shared their non-confidential submissions with other interested parties and were advised to offer their rebuttals.**
- o. **In accordance with the provisions of Rule 17(1)(a), the Central Government extended the time period for extension of investigation by two months, till 31st January, 2022. Later, the Central Government extended the time period for completing the investigation by another two months i.e. till 31st March, 2022.**
- p. **A list of all interested parties was uploaded on 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 since the public file was not accessible physically due to the ongoing global pandemic.**
- q. **The period of investigation (POI) for the purpose of the present investigation is 1st April 2019 – 30th June 2020 (15 months). The injury examination period has been considered as the period from 1st April 2016 – 31st March 2017, 1st April 2017 - 31st March 2018, 1st April 2018 - 31st March 2019, and the period of investigation.**
- r. **The Authority obtained transaction-wise import data from the Directorate General of Commercial Intelligence and Statistics (DGCI&S) for the subject goods for the injury period, including the period of investigation, and analysed the data after due examination of the transactions.**

- s. Further information was sought from the applicant to the extent deemed necessary. Verification of the data provided by the domestic industry was conducted to the extent considered necessary for the purpose of the present investigation.
- t. The non-injurious price (hereinafter referred to as "NIP") has been determined based on the optimum cost of production and cost to make & sell the subject goods in India as per the information furnished by the domestic industry and in accordance with Generally Accepted Accounting Principles (GAAP) and Annexure III to the Rules. Such non-injurious price has been considered to ascertain whether an anti-dumping duty lower than the dumping margin would be sufficient to remove injury to the domestic industry.
- u. The submissions made by the interested parties, arguments raised, and information provided by various interested parties during the course of the investigation, to the extent the same are supported with evidence and considered relevant to the present investigation, have been considered in this final finding.
- v. The information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted, and such information has been considered as confidential and not disclosed to the other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.
- w. A disclosure statement containing the essential facts in this investigation which would form the basis of the final findings was issued to the interested parties on 17.01.2022 and the interested parties were allowed time up to 24.01.2022 to comment on the same. The comments on disclosure statement received from the interested parties have been considered, to the extent found relevant, in this final finding notification.
- x. Wherever an interested party has refused access to, or has otherwise not provided necessary information during the course of investigation, or has significantly impeded the investigation, the Authority considered such interested parties as non-cooperative and recorded the views/observations on the basis of the facts available.
- y. '***' in these findings represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.
- z. The exchange rate adopted by the Authority for the subject investigation is US \$1= Rs. 72.69.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

- 4. At the stage of initiation, the product under consideration (hereinafter also referred to as "PUC") was defined as-

"3. The product under consideration is "Low Density Polyethylene (LDPE)" or "high pressure polyethylene", excluding (a) compounded LDPE, and (b) LDPE having density greater than 0.925 GM/cubic CM (hereinafter also referred to as

"subject goods" or "product under consideration"). It is, however, clarified that base LDPE imported for the purpose of compounding in India is covered within the scope of product under consideration.

4. Polyethylene is a thermoplastic made by polymerisation of monomer ethylene. LDPE is a type of polyethylene, having a density range of 0.910-0.935 grams per cubic centimeter and is often referred to as the "branched" polyethylene. Its molecular structure is characterized by the presence of many asymmetrical branches (some relatively long) on the chain of carbon atoms

5. LDPE is produced using high-pressure reactors, either through tubular or stirred autoclaves. In a typical high-pressure process, ethylene feed is mixed with a purified recycle stream. Initiator and chain transfer agents are added to the mixture, which is then compressed to approximately 300 bars. The feed is then further compressed to the polymerization pressure in a hyper-compressor (2,000 to 3,000 bars) and fed to the reaction section. At the outlet, unreacted ethylene is removed and recycled. Polyethylene is then fed to an extruder and the product is pelletized for shipment.

6. It is used in applications requiring clarity, inertness, processing ease, sealability, moisture barriers, and good electrical properties. It is also used for producing trash bags, carrier bags, heavy duty bags, agricultural films, automatic packaging films and bags for food and sanitary articles, frozen food packaging, shrink and stretch hood film, surface protection film, lamination film, bubble wrap, adhesive tape backing films, foam for manufacture of mattresses etc

7. The product under consideration is classified under chapter 39 of the Customs Tariff Act, 1975 (51 of 1975) under the custom heading 3901. The customs classification is only indicative and is not binding on the scope of the product under consideration."

C.1. Submissions by the other interested parties

5. The following submissions have been made by the exporter/ producer/ other interested parties with regard to the product under consideration and like articles:
 - a. The product under consideration was redefined vide letter dated 17th September 2020 to include grades not produced by the petitioner. However, the value and volume of imports were not revised post modification in the scope of the product under consideration.
 - b. The product under consideration includes those items which are not manufactured by the domestic industry. RIL does not produce all the film autoclave grades manufactured by Muntajat. For instance, it does not produce a grade similar to FB3003, which has no additives, has a lower melt index and is used in wide width film for agriculture use and shrink hoods as well as seamless multilayer tubes for

- cosmetic packaging. Grades produced by RIL are used mainly in shrink film applications.
- c. Since grade EC4062AA of Westlake has been developed specifically for one Tetra Pak, It is a customised grade having distinct properties, usage and price and it does not compete with the goods produced by the domestic industry or other exporters.
 - d. Extrusion coating grade 1070LA17 manufactured by the domestic industry is not comparable and substitutable with EC4062AA. EC4062AA is used to manufacture 6-layer packaging material consisting of paperboard, aluminium foil and polymer which is used in packaging liquid food products and do not require cold chain. While EC4062AA has melt flow index of 8.5 g/10 min and density of 918-920 g/m³, 1070LA17 has melt flow index of 7.0 g/10min and density of 917 g/m³. Due to this difference, use of 1070LA17 would reduce the speed of production, cause edge instability, cause problems with high temperature and impact the food safety. EC4062AA is different from other grades in terms of good adhesion properties, ability to run at high-speed lines, ability to melt rapidly and adhere the paper board together, suitable rheological properties for extrusion coating and lamination.
 - e. The Authority has excluded products not manufactured by the domestic industry in various investigations such as those concerning imports of Hot rolled flat products, coated paper, high tenacity polyester yarn, straight length bars, nylon filament yarn, gypsum plaster board and PVC suspension grade resin.
 - f. In Oxo Alcohols Industries' Association V. Designated Authority, CESTAT held that imports of a product not manufactured by domestic industry cannot cause injury to it and such product should be excluded from the scope of the product under consideration.
 - g. Extrusion coating grade PRC L705, produced by Petro Rabigh is not comparable and substitutable with 1070LA17 and is a customized grade having distinct properties and usage. It is used to manufacture food packaging bags and paperware and should be excluded from the scope of the product under consideration. PRC L705 has higher tensile strength, tear strength, bending resistance, punching resistance, hear seal strength and melt temperature than 1070LA17. It is also adequate for use in heavy industrial applications. While PRC L705 has melt flow index of 8.5 g/10 min and density of 0.919 g/cm³, 1070LA17 has melt flow index of 7.0 g/10min and density of 0.917 g/cm³. Due to this difference, PRC L705 is used in extrusion coating machines with speed below 300m/min.
 - h. Filing of product catalogue does not demonstrate that the applicant has produced and sold the product.
 - i. The applicant has considered certain transactions of compounded LDPE within scope of the subject imports, which casts a doubt on the veracity of the data provided.
 - j. It must be explained how the transaction-wise data has been sorted based on the use of the product.

C.2. Submissions by the domestic industry

6. The submissions made by the domestic industry with regard to the product under consideration and like article are as follows:
- a. The product under consideration is low density polyethylene or high-pressure polyethylene excluding compounded LDPE and LDPE having density greater than 0.925 GM/cubic cm. The scope includes base LDPE imported for the purpose of compounding in India.
 - b. The interested parties have contended that the petition was not updated post modification of the scope of the product under consideration. However, the revised product scope was a simplified version of the product scope given in the petition.
 - c. FB3003 manufactured by Muntajat should not be excluded from the scope of product under consideration as the applicant has produced comparable grade, 22FA002. Both the grades are used for heavy duty film applications and the users are using them interchangeably. The comparability of the product is determined based on usage. Further, the grades produced by the applicant are comparable to the imported goods in terms of melt flow index and density to FB3003. A list of some customers which are using FB3003 and 22FA002 interchangeably has been provided by the applicant.
 - d. Contrary to the claims of the interested parties, EC4062AA should not be excluded from the scope of the product under consideration as there is only a minor difference between EC4062AA and 1070LA17 produced by the applicant. Tetra Pak is importing EC4062AA as its global procurement is managed and controlled from its headquarters in Switzerland and not due to unavailability of domestic alternates. The applicant has sold 1070LA17 to numerous users who have used it for the same purpose, which is, paperboard coating and aluminium foil. The applicant have furnished invoices of sale of 1070LA17 to customers which use the said grade for the same purpose as that of use of EC4062AA by Tetra Pak.
 - e. Contrary to the submissions of the interested parties, the melt flow index of 1070LA17 is 8.5 g/10 min. PRC L705 produced by Petro Rabigh should not be excluded from the scope of the product under consideration as it is comparable to 1070LA17 produced by the applicant. Both are meant for extrusion coating applications and used by the same users interchangeably.
 - f. The applicant has filed invoices of sales of the Grade 1070LA17 manufactured by it.
 - g. The inclusion of compounded LDPE within the scope of imports, as highlighted by the interested parties, was an inadvertent error. The impact of such inclusions is negligible. Correction of data shows that price of imports was lower than claimed.
 - h. The import segregation methodology has been given in the petition. For transactions where product was not specified in the description, product under consideration has been identified based on use. For instance, for transactions where description was not clear and the transactions mentioned the word "lab purpose" were excluded from the scope of the product under consideration as the same pertain to medical grade LDPE.

C.3. Examination by the Authority

7. The product under consideration is Low Density Polyethylene (LDPE) or high-pressure polyethylene, excluding compounded LDPE, and LDPE having density greater than 0.925 GM/cubic CM. Base LDPE imported for the purpose of compounding in India is covered within the scope of the product under consideration. LDPE is a type of polyethylene, having a density range of 0.910-0.935 grams per cubic centimeter and is referred to as the branched polyethylene.
8. The product under consideration is classified under chapter 39 of the Customs Tariff Act, 1975 (51 of 1975) under the custom heading 3901. The customs classification is only indicative and is not binding on the scope of the product under consideration.
9. Some of the interested parties have claimed that the product under consideration was redefined to include grades not produced by the applicant. The Authority notes that the scope of the product under consideration has remained the same throughout the investigation. Following pre-initiation discussions, the applicant has redefined the language of the product exclusion to make it simpler and easy to understand. However, there was no enlargement in the scope of the product under consideration.
10. Some of the interested parties have claimed that the Grade EC4062AA produced by Westlake Longview Corporation and Westlake Polymers LLC are completely different from the Indian products and should be excluded from the scope of the product under consideration. Further, they have submitted that PRC L705 manufactured by Petro Rabigh should be excluded from the scope of the product under consideration. The Authority notes that there is only a slight difference highlighted by the interested parties in terms of melt flow index and density between the grade 1070LA17 produced by the domestic industry and EC4062AA exported by the interested parties. However, the two grades are used for the same purposes, that is, paperboard coating and aluminium foil. This is evident from the product catalogues of the exporters and the domestic industry. The applicant has furnished data on record relating to sale of grade 1070LA17 to users in India which are using the product for the same purpose. Merely because a user chooses to import the product from a particular supplier does not imply that the product supplied by the domestic industry is not like article to the imported product. A product type can be excluded from the scope only if the domestic industry is not producing and selling like article. Thus, the same cannot be excluded from the scope of the product under consideration. Similarly, grade PRC L705 and 1070LA17 are comparable as both are used interchangeably by users in extrusion coating applications.
11. Some of the interested parties have claimed that grade FB3003 manufactured by Muntajat should be excluded from the product under consideration. However, the Authority notes that the domestic industry has provided evidence of production and sale of 22FA002 which is a comparable grade of FB3003. Both the grades have similar melt flow index and density and are used in application related to heavy duty films. Accordingly, the same

cannot be excluded from the scope of the product under consideration. As per the information on record, the users are using grade FB3003 and 22FA002 interchangeably.

12. In view of the foregoing, the Authority concludes that the product produced by the domestic industry is like article to product under consideration imported from the subject countries. The product produced by the domestic industry is comparable to the goods imported from the subject countries in terms of physical & chemical characteristics, manufacturing process & technology, functions and uses, product specifications, pricing, distribution & marketing, and tariff classification of the goods. The two are technically and commercially substitutable. The consumers have used and are using the two interchangeably.
13. As regards the concerns regarding appropriateness of segregation of transaction-wise data, the Authority had called for data from DGCI&S. The Authority has considered such data, after due segregation to exclude transactions not relating to the product under consideration. The present Final finding is based on the data called from DGCI&S and analysed by the Authority as well as discussions held with the domestic industry with regards to import segregation methodology adopted by them.

D. SCOPE OF THE DOMESTIC INDUSTRY & STANDING

D.1. Submissions by the other interested parties

14. The following submissions have been made by the exporter/ producer/ other interested parties with regard to the scope of the domestic industry and standing:
 - a. The applicant does not constitute domestic industry as it has imported significant quantities of the product under consideration, and has not shown existence of exceptional circumstances as required as per the Manual of Operating Practices.
 - b. The Authority must examine the purpose of imports by the domestic industry, regularity of such imports, whether the imports were made to supplement the product range and whether such imports were made to do some R&D.
 - c. The imported goods by the applicant, in the range of imports (0-10%) in relation to total imports is wide and 10% imports cannot be considered negligible.
 - d. Temporary shutdown of one of the plants is not a valid reason for importing substantial quantity of goods. The petitioner holds 75% market share, has three plants for production of the subject goods, as such imports cannot be for testing / sample purposes and the applicant has benefitted from low-priced imports.
 - e. CPMA has not submitted the documents prescribed for applicant association, including the copy of the minutes of the meeting in which it was resolved that such an application would be filed and list of members who supported, opposed or remained neutral. Therefore, it is unclear if CPMA has the locus to file the petition.

D.2. Submissions by the domestic industry

15. The domestic industry has made the following submissions with regard to the scope of domestic industry and standing:
- a. The Application has been filed by Chemicals and Petrochemicals Manufacturers Association and the data has been provided by Reliance Industries Limited which is the sole producer of the subject goods in India.
 - b. Regarding the contention that standing is not clear as CPMA has not provided its documents, it was submitted that RIL is the sole producer of the subject goods and even if other members of the association oppose the petition, it still satisfied the requirement of Rule 5(3).
 - c. The applicant has imported the subject goods from a subject country to cater to the demand of its customers during the period when the domestic plant was shut down. The imports were less than 1% as compared to total imports, demand in India as well as production and sales of RIL.
 - d. The order for the imported goods was placed prior to the period of investigation but they were shipped later by the exporter and were received by the applicant producer during the period of investigation.
 - e. The applicant is not related to any exporters in the subject countries or importers of the subject goods in India.

D.3. Examination by the Authority

16. Rule 2(b) of the Anti-Dumping Rules defines domestic industry as under:

“(b) “domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term ‘domestic industry’ may be construed as referring to the rest of the producers”.

17. The application has been filed by Chemicals and Petrochemicals Manufacturers Association (CPMA) and the data has been provided by Reliance Industries Limited (RIL) which is the sole producer of the subject goods in India. RIL has also sought imposition of antidumping duty. RIL has certified that it is not related to any exporter or producer of PUC in the subject countries or any importer of the product under consideration in India.
18. Reliance Industries Limited has imported the subject goods from Qatar at the time of temporary shutdown of its production. The volume of such imports is negligible in relation to the subject imports, demand in India, and its production and consumption as is evident from the table below. RIL has provided evidence that the order for these imports was placed prior to the period of investigation, but the material was received in

the period of investigation. The fact has been verified by the Authority from the invoices and bills of entry placed on record by the domestic industry.

Particulars	Quantity (MT)	Imports in relation to (%)	Imports in relation to (% Range)
Imports made by RIL	***		
Subject imports	***	***	<1%
Demand in India	***	***	<1%
Production of RIL	***	***	<1%
Domestic sales of RIL	***	***	<1%

The Authority notes that the imports by RIL are negligible in volume and were made during the period when its plant was shut down. In view of the same, the Authority finds it appropriate to consider that RIL is eligible to constitute domestic industry.

19. In view of the above, and after due examination, the Authority holds that the RIL (“applicant producer”) constitutes domestic industry under Rule 2(b) of the Rules and considers that the application satisfied the criteria of standing in terms of Rule 5(3) of the Rules.

E. CONFIDENTIALITY

E.1. Submissions by the other interested parties

20. The following submissions have been made by the other interested parties with regards to confidentiality:
- The applicant has claimed excessive confidentiality as all the injury data in the petition is indexed.
 - Excessive confidentiality has been claimed by the applicant as no information has been disclosed in Section VI of the non-confidential version.
 - Even though the domestic industry disclosed production, capacity utilization and sales in the earlier investigations, it has claimed confidentiality in the present investigation.
 - The applicant has not followed Trade Notice 10/2018, has not shown good cause for excessive confidentiality and should be directed to furnish a revised petition. The non-injurious price has been provided in the range of +/-300%, Imports made by the domestic industry has been provided in the range of +/-10%. Purchase quantity and value of product under consideration, average industry norms for capacity utilisation, productivity per day, inventory, return on investment, R&D expenses, funds raised, export price per unit and sales realisation for SSI units have not been provided.

- e. The applicant has claimed excessive confidentiality with regard to imports made by it, import volumes compared to demand and production, production capacity in India, demand-supply gap, excess imports, cost of ethylene, landed price of imports compared to cost of input, production of the domestic industry, market share, inventory holding days, cost of production, selling price, profit or loss, target return, price undercutting, injury margin, dates of plant shutdown, dates of dispatch of import consignments and data of RIL. No non-confidential summaries were provided.
- f. Since utilities consumption, cost of production, raw material and packing material consumption are required to be provided for over a period, trend thereof should have been provided.
- g. Justification table indicating reasons for confidentiality are not as per the format prescribed by the Authority.
- h. In accordance with the decision of the Tribunal in the case of Exotic Décor Pvt. Ltd. and Ors. v. Designated Authority, transaction-wise import data relied upon by petitioner should be provided in a form and manner as was taken on record by the Authority, so that exporters can offer meaningful comments.
- i. The confidentiality claims made by ADPCL have already been examined by the Authority and no deficiencies have been raised by the Authority in this regard.

E.2. Submissions by the domestic industry

- 21. The following submissions have been made by the domestic industry with regards to confidentiality:
 - a. The applicant has fulfilled its obligation under Trade Notice 07/2018 by providing PDF format of import data. No prejudice has been caused to the interested parties on not obtaining such data from the Authority as the Authority authorizes all the interested parties for obtaining such data from DGCI&S.
 - b. The applicant has not claimed excessive confidentiality as trends of export price has been provided. The applicant has not purchased the product under consideration and the range of imports has been provided.
 - c. The R&D expenses and funds raised are not identifiable separately for the product under consideration and reference has been given to the financial statements which are public documents.
 - d. Disclosure of non-injurious price would allow the customers to benchmark their prices from the domestic industry. The same has been disclosed in a broader range.
 - e. The information for which disclosure has been sought by the interested parties are confidential in nature and cannot be disclosed. The interested parties have themselves not followed the guidelines given in Trade Notice 10/2018.
 - f. The information in Section VI relates to business proprietary information and cannot be disclosed. While the interested parties have contended that such information has not been shared, they have themselves have not provided their own sales process.

- g. Contrary to the claims of the interested parties, the justification table for reasons of confidentiality provided by the applicant is as per the format prescribed by the Authority.
- h. Contrary to the claims of the interested parties, the applicant has claimed confidentiality in line with Trade Notice 10/2018 and the Authority has duly verified its claims.
- i. Since the applicant is not aware of average industry norms for capacity utilisation, productivity per day, inventory and return on investment, the same could not be provided.
- j. As regards the contention that the domestic industry disclosed production, capacity utilization and sales in earlier investigation, it was submitted that there was no earlier investigation for the product under consideration and these parameters have been disclosed as per the requirement of the Trade Notice 10/2018.
- k. Regarding the contention that utilities consumption, cost of production, raw material and packing material consumption should be provided as a trend, it was submitted that the interested parties have themselves not disclosed such information.
- l. The other interested parties have claimed excessive confidentiality. The exporters have not disclosed whether they purchased any raw material from related parties.
- m. Rabigh Refining & Petrochemical Company has claimed its annual report and the fact that it procures ethane and butane from Saudi Aramco confidential in the present investigation, while it has disclosed the same in the anti-dumping investigation on imports of MEG.
- n. While Rabigh Refining & Petrochemical Company has disclosed that it supplied LDPE to Aramco Chemical Company, Aramco Chemical Company claimed the entity from which it purchased LDPE confidential.
- o. SABIC has claimed only Saudi Kayan Petrochemical Company, SABIC Asia Pacific Pte Limited and Al-Jubail Petrochemical as related parties in LDPE. In anti-dumping investigation on imports of MEG, it has claimed Arabian Petrochemical Company, Jubail United Petrochemical Company Yanbu National Petrochemical Company and Saudi Yanbu Petrochemical Company, in addition to the ones named in LDPE as related parties.
- p. While Saudi Kayan Petrochemical Company has disclosed the names of principal shareholders, it has claimed percentage of holding confidential in LDPE. In the anti-dumping investigation on imports of MEG, it has claimed the percentage of holding confidential while disclosing the names of the shareholders.
- q. While Saudi Kayan Petrochemical Company has named 7 related producers in MEG investigation, it has named only 3 in the LDPE investigation.
- r. Al-Jubail Petrochemical Company has not disclosed that it is related to SABIC. While it has not disclosed whether it has captively produced raw material, its related entities have disclosed the same in MEG investigation. Raw material for MEG being the same, the company forming part of the same group have claimed confidentiality arbitrarily.