

Ministry of Commerce of the People's Republic of China
Notice No.36 (2024)

Notice on Initiation of Expiry Review Investigation on Anti-dumping Measures on Imports of Phenol originating in the EU

On 3 September 2019, the Ministry of Commerce (Mofcom) published the Notice No. 37 [2019] and decided to collect anti-dumping tariffs on the imported phenol originating in the EU as of 6 September 2019 for 5 years. The tariff rates were USA companies - 19.6% - 36.9%, EU companies, 30.4%, South Korea companies 12.5% – 23.7%, Japan companies 19.3% - 27.0%, Thailand companies 10.6% - 28.6%. In April 2023, Mofcom issued Notice No. 15 of 2023, deciding that Thai National Petroleum Global Chemical Co. Ltd. would succeed PTT Phenol Co. Ltd. with respect to the tariff rates and other rights and obligations applied in the anti-dumping measures on phenol.

According to Mofcom Announcement No. 3 [2021], after the end of the transition period of the UK's exit from the EU on 31 December 2020, the trade remedy measures that had been previously imposed on the EU would continue to apply to the EU and the UK for the same period of time. Newly initiated trade remedy investigations and review cases against the EU after that date would no longer treat UK as an EU member state.

On 19 June 2024, the Ministry of Commerce received applications for an expiry review of anti-dumping measures submitted by nine applicants, including China Petroleum & Chemical Corporation Beijing Yanshan Branch, and three supporting applicants, including Zhongsha (Tianjin) Petrochemical Co on behalf of the domestic phenol industry. The applicants claimed that, if the anti-dumping measures were terminated, the dumping of the imported phenol might continue or recur, and the injury to the domestic industry might continue or recur, and therefore requested Mofcom to conduct an expiry review investigation of the imported phenol originating in the USA, the EU, South Korea, Japan and Thailand. and to keep the anti-dumping measures imposed on the imported phenol originating in the USA, the EU, South Korea, Japan and Thailand. The applicants did not file an application for an expiry review of the anti-dumping measures applied to imports of phenol originating in the UK.

In accordance with the relevant provisions of the *Anti-Dumping Regulation of the People's Republic of China*, the Ministry of Commerce examined the qualifications of the applicants, the situation of the investigated products and like-products in China, the imports of the investigated products during the period of the anti-dumping measures, the likelihood of the continuation or recurrence of dumping, the likelihood of the continuation or recurrence of injury, and the relevant evidence. The available evidence shows that the applicants meet the requirements of Articles 11, 13 and 17 of the *Anti-Dumping Regulations of the People's Republic of China* regarding the industry representativeness, and that they are qualified to file the application on behalf of China's phenol industry. The investigation authority believes that the applicants' claims and the prima facie evidence submitted meet the requirements for initiating an expiry review investigation.

In accordance with the Article 48 of the *Anti-Dumping Regulation of the People's Republic of China*, the Ministry of Commerce decided to initiate an expiry review investigation on the anti-dumping measures on imports of phenol originating in the USA, the EU, South Korea, Japan and Thailand since 6 September 2024.

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The relevant details are hereby made public as follows:

I. Continuation of anti-dumping measures

Based on the recommendation of the Ministry of Commerce, the Customs Tariff Commission of the State Council decided to continue levying anti-dumping tariffs on imports of phenol originating in the USA, the EU, South Korea, Japan and Thailand, in accordance with the product scope and the tariff rates published in Notice No. 37 [2019] and Notice No. 15 [2023]. As of 6 September 2024, the anti-dumping measures applied to imports of phenol originating in the UK will expire and terminate.

The anti-dumping tariff rates imposed on the EU companies are as follows:

USA companies:

1. INEOS Americas LLC	287.2%
2. Blue Cube Operations LLC	244.3%
3. Other USA companies	287.2%

EU companies:

All EU companies	30.4%
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South Korea companies:

1. KUMHO P&B CHEMICALS, INC.	12.5%
2. LG CHEM, LTD.	12.6%
3. Other South Korea companies	23.7%

Japan companies:

1. Mitsui Chemicals, Inc.	19.3%
2. Other Japan companies	27.0%

Thailand companies:

1. PTT Global Chemical Public Company Limited	10.6%
2. Other Thailand companies	28.3%

II. Period of the review investigation

The dumping investigation period for this review is from 1 April 2023 to 31 March 2024, and the industrial injury investigation period is from 1 January 2020 to 31 March 2024.

III. The product scope of the review

The product scope of this review is the same as that the original anti-dumping measures applied, and is consistent with that of the Notice No. 37 [2019], as follows.

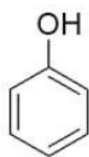
The product under investigation: Phenol

Formula: C_6H_5OH

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Chemical structure:



Product Description: Phenol is usually colourless needle-like or white lumpy crystals at room temperature, soluble in alcohol, ether, chloroform, glycerol, carbon disulphide, slightly soluble in water at room temperature, almost insoluble in petroleum ether, corrosive, combustible.

Main uses: Phenol is an important organic chemical material, mainly used in the preparation of phenolic resins, bisphenol A, caprolactam, alkylphenol, salicylic acid and other industrial raw materials, but also can be used as solvents, reagents and disinfectants, widely used in synthetic fibres, plastics, pharmaceuticals, pesticides, fragrances, dyes, paints and refining industry and other fields.

The product is classified under the *Customs Import and Export Tariff of the People's Republic of China*: 29071110.

IV. Content of review

This review investigation is about whether the termination of anti-dumping measures on imports of phenol originating in the USA, the EU, South Korea, Japan and Thailand is likely to lead to the continuation or recurrence of dumping and injury.

V. Respondent Registration

Any interested party may, within 20 days of the publication of this notice, apply to the Bureau of Trade Remedy and Investigation of the Ministry of Commerce to participate in the expiry review investigation. Interested parties should provide information in accordance with the reference registration form, such as basic identity information, quantity and value of the investigated products exported or imported into China, quantity and value of producing same kind products. The reference registration form can be downloaded from the website of the Trade Remedy and Investigation Bureau of the Ministry of Commerce.

The interested parties registered to participate in this investigation shall submit electronic version through the Trade Remedy and Investigation Information Platform (<https://etrb.mofcom.gov.cn>), and at the same time submit the written version according to the requirements of the Ministry of Commerce. The electronic version and the written version shall keep consistent in terms of content and format.

The interested parties in the notice refer to the individuals and organisations defined in the Article 19 of the *Anti-Dumping Regulation of the People's Republic of China*.

VI. Access to Public Information

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The interested parties can download from relevant website or go to the Trade Remedy Public Information Office (phone number: 0086-10-65197878) to search, read and copy non-confidential documents of the application of the case. During the investigation, the interested parties can download from relevant website or go to the Trade Remedy Public Information Office to search, read and copy public information of the case.

VII. Comments on Initiation of the case

The interested parties can submit their comments in written form within the 20 days if they have different opinions on the standing of the applicants, the alleged countries (regions) and other relevant issues.

VIII. Investigation Approaches

According to Article 20 of the *Anti-Dumping Regulations of the People's Republic of China*, Mofcom may conduct the investigation and acquire information from the interested parties by means of questionnaire, sampling, public hearing, and on-the-spot verification.

For acquiring necessary information for this investigation, Mofcom usually issues the investigation questionnaires to the interested parties within 10 working days upon the ending of registration set by this Notice. The interested parties may also download investigation questionnaires from relevant websites.

Interested parties shall submit complete and accurate response to the questionnaires within the provided time period. The response should include all information required in the investigation questionnaire.

IX. Submission and processing of Information

The interested parties, when submitting comments and questionnaires during the investigation, shall submit electronic version through the Trade Remedy and Investigation Information Platform (<https://etrb.mofcom.gov.cn>), and at the same time submit the written version according to the requirements of the Mofcom. The electronic version and the written version shall keep consistent in terms of content and format.

For confidential information, interested parties can submit the request and reason to the Mofcom for confidential processing of the information. If the Mofcom agrees to the request, the interested party should submit the non-confidential outline summary of the confidential information. The outline should include sufficient meaningful information to allow other interested parties to have reasonable understanding of the confidential information. If the interested party cannot provide the outline, it should clarify the reasons. If the interested party does not indicate confidential requests when submit information, the Mofcom will treat the information as non-confidential.

X. Result of Non-cooperation

In accordance with the Article 21 of the *Anti-Dumping Regulation of the People's Republic of China*, the interested parties shall provide authentic information and relevant documentation to

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the Mofcom in the investigation. In the event that any interested party does not provide authentic information and relevant documentation, or does not provide necessary information within a reasonable time limit, or significantly impedes the investigation in other ways, the Mofcom may make a determination on the basis of the facts already known and the best information available.

XI. The investigation Period

The investigation starts from 6 September 2024 and shall normally end by 6 September 2025.
The

XII. Contact Method of MOFCOM:

Add: No. 2 Dong Chang An Ave., Beijing, 100731

Trade Remedy and Investigation Bureau, MOFCOM

Tel: 0086-10- 65198194 65198474

Fax: 0086-10-65198172

The website of Trade Remedy and Investigation Bureau: <http://trb.mofcom.gov.cn>

Ministry of Commerce
5 September 2024

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