



Bangalore Chamber of Industry and Commerce

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Taxation (Customs)

Circular No.153

01.12.2010

All Members

Dear Sirs,

We enclose herewith the following Notification issued from Government of India, Ministry of Finance and Department of Revenue – for your reference and record.

1. Notification No. 117/2010-Customs, [F. No. 354/107/2006-TRU (Pt. I)], dated 18th November, 2010 - Import of Bias Tyres, Tubes and Flaps originating in, or exported from, China and Thailand

Thanking you,

Yours faithfully

T.S. Sampath Kumar
Secretary General

Notification No. 117/2010-Customs, [F. No. 354/107/2006-TRU (Pt. I)], dated 18th November, 2010

Import of Bias Tyres, Tubes and Flaps originating in, or exported from, China and Thailand

G.S.R. 916(E).- Whereas, in the matter of import of bias tyres, tubes and flaps (hereinafter referred to as the subject goods), falling under tariff items 4011 20 90, 4013 10 20 and 4012 90 49 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, People's Republic of China (China PR) and Thailand (hereinafter referred to as the subject countries), the designated authority in its preliminary findings vide notification No. 14/9/2005-DGAD dated the 31st July, 2006, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 31st July, 2006, had come to the conclusion that –

- (a) the subject goods have been exported to India from the subject countries below its normal value;
- (b) the domestic industry has suffered material injury;
- (c) the injury has been caused by the dumped imports from the subject countries,

and had recommended imposition of provisional anti-dumping duty on all imports of the 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 of the Government of India in the Ministry of Finance (Department of Revenue), No. 106/2006-Customs, dated the 9th October, 2006, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 9th October, 2006 vide number G.S.R. 625(E);

And whereas, the designated authority in its final findings *vide* notification No. 14/9/2005-DGAD, dated the 29th June, 2007, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 29th June, 2007, 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 cumulatively by the dumped imports from the subject countries

and had recommended definitive anti-dumping duty on imports of the subject goods from the subject countries in order to remove the injury to the domestic industry;

And whereas on the basis of the aforesaid final findings of the designated authority, the Central Government, had imposed anti-dumping duty on imports of the subject goods, classified under tariff items 4011 20 90, 4013 10 20 and 4012 90 49 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the subject countries vide notification No. 88/2007-Customs dated the 24th July, 2007 [G.S.R. 502(E) dated the 24th July, 2007], published in part II, section 3, sub-section (i) of the Gazette of India, Extraordinary, dated the 24th July, 2007;

And whereas the designated authority vide its notification No. 15/1/2009-DGAD dated the 27th February, 2009, had initiated a midterm review in the matter of continuation of anti-dumping duty on imports of the subject goods from the subject countries;

And whereas the designated authority in its mid-term review findings published in Part I, Section 1 of the Gazette of India, Extraordinary, *vide* Notification No.

15/1/2009- DGAD, dated the 26th August 2010 read with corrigendum dated 31st August, 2010 has concluded that:-

- (a) the subject goods are entering the Indian market at dumped prices and dumping margins of the subject goods imported from subject countries is significant and above de-minimis limits prescribed.
- (b) the subject goods continue to be exported to India at dumped prices in spite of existing anti dumping duties.
- (c) considering the facts available on record, the subject goods are likely to enter Indian market at dumped prices, should the present measures be withdrawn.
- (d) the situation of domestic industry deteriorated further in spite of existing anti dumping duties. Further, should the present anti dumping duties be revoked, injury to the domestic industry is likely to continue and intensify.
- (e) the deterioration in the performance of the domestic industry is because of dumped imports from the subject countries.
- (f) the current level of anti dumping duty is insufficient to address continued dumping and consequent injury to the domestic industry and thus the anti-dumping duty is required to be modified.

and has recommended continuation of anti-dumping duty at new rates on imports of new/unused pneumatic non radial bias tyres, tubes and flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries or trucks originating in or exported from China PR and Thailand;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the said Customs Tariff Act, read with rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, and in supersession of the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 88/2007-Customs dated the 24th July, 2007 [G.S.R. 502(E) dated the 24th July, 2007], except as respects things done or omitted to be done before such supersession, the Central Government, on the basis of the aforesaid mid-term review 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 tariff items of the First Schedule to the Customs Tariff Act, as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), and produced by the producers as specified in the corresponding entry in column (6), when exported from the countries as specified in the corresponding entry in column (5), by the exporters as specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate specified 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

No	Heading / Sub-headings	Description of goods	Country of Origin	Country of Exports	Producer	Exporter	Duty Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	40112090, 40131020 or 40129049	New/unused pneumatic non radial bias tyres, tubes and flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks	Thailand	Thailand	Any	Any	0.37	Kg	US dollar
2.	40112090, 40131020 or 40129049	New/unused pneumatic non radial bias tyres, tubes and flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks	Thailand	Any country other than Thailand	Any	Any	0.37	Kg	US dollar
3	40112090, 40131020 or 40129049	New/unused pneumatic non radial bias tyres, tubes and flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks	Any country other than countries attracting Anti-dumping duty	Thailand	Any	Any	0.37	Kg	US dollar
4.	40112090, 40131020 or 40129049	New/unused pneumatic non radial bias tyres, tubes and flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks	China PR	China PR	Any	Any	1.64	Kg	US dollar

5.	40112090, 40131020 or 40129049	New/unused pneumatic non radial bias tyres, tubes and flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks	China PR	Any country other than China PR	Any	Any	1.64	Kg	US dollar
6.	40112090, 40131020 or 40129049	New/unused pneumatic non radial bias tyres, tubes and flaps with or without tubes and/or flap of rubber, having nominal rim dia code above 16" used in buses and lorries/trucks	Any country other than countries attracting Anti- dumping duty	China PR	Any	Any	1.64	Kg	US dollar

2. The anti-dumping duty imposed under this notification shall be effective from the date of publication of this notification in the Official Gazette and upto and inclusive of the 8th October, 2011 and shall be payable in Indian currency.

Explanation. - For the purposes of this notification, "rate of exchange" applicable for the purposes of calculation of 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 sub-clause (i) of clause (a) of sub-section (3) of 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.

Sd/-
(K.S.V.V. Prasad)
Under Secretary to the Government of India

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