

**Government of India**  
**Department of Commerce**  
**Ministry of Commerce & Industry**  
**(Directorate General of Anti-Dumping & Allied Duties)**  
**Udyog Bhawan, New Delhi**

Dated the 2nd February 2006

**INITIATION NOTIFICATION**

**Subject:** Initiation of Sunset Review regarding anti-dumping duty imposed on Dry Cell Battery originating in or exported from China PR.

**No. 53/1/2000-DGAD** - The Designated Authority, having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, recommended imposition of provisional Anti Dumping duty on imports of “Dry Cell Battery” (hereinafter referred to as subject goods) originating in or exported from China PR (referred to as subject country) falling under Sub-heading 8506 10. The preliminary findings were published vide Notification No 53/1/2000-DGAD dated 24th January, 2001 and provisional duty was imposed on the subject goods vide Customs notification No. 14/2001-Customs, dated the 6th February, 2001. The Designated Authority came out with final findings on 13th July 2001 vide notification no 53/1/2000-DGAD and definitive anti dumping duty was imposed by Customs as per notification No. 84/2001-Customs dated 2nd August 2001.

**Product under Consideration**

2. The product under consideration in the present petition is dry batteries (specifically primary cells and batteries) which is classified under custom sub-heading 8506 10 of Schedule I of the Customs Tariff Act, 1975. The classification is indicative only and is in no way binding on the scope of the present investigation. The batteries are available in various types and sizes. **However Zinc Carbon pencil batteries technically and commercially known as “R6”, “AA”, “UM3” both in paper and metal (both heavy duty and super heavy duty) jacketed form are within the scope of investigation.** Other types of batteries such as, alkaline batteries, rechargeable batteries etc are beyond the scope of the present investigation. The scope of the product under consideration is the same as notified in the final findings dated 13th July, 2001.

3. Dry Cell Battery has a broad spectrum of uses and is primarily used in Flashlights, Transistors, Toys, Wall and table clocks, Tape Recorders, Walkman, CD players, Remotes, Cameras, Other electronic equipment, Post & Telegraph, Defense and police for their wireless systems, Railways for signaling and Meteorological applications etc

The goods manufactured by the domestic industry are 'like articles' to the goods imported from the subject country within the meaning of Rule 2(d).

## **Initiation**

4. The Customs Tariff (Amendment) Act 1995 and the Rules made there under require the Authority to review from time to time the need for continuance of anti dumping duty. The Designated Authority considers that the sunset review of the Anti-Dumping Duty recommended would be appropriate at this stage under the provision of section 9A (5) of the Customs Tariff (Amendment) Act, 1995 as amended and the Rules made thereunder. Association of Indian Dry Cell Manufacturers on behalf of M/s Eveready Industries India Ltd., M/s Nippo Batteries Company Limited and M/s Panasonic Battery India Company Limited has filed an application substantiating the need for review of the antidumping duty imposed on the subject goods originating in or exported from China PR and have requested for continuation of the anti-dumping duty imposed on subject goods under the above mentioned notifications for a further period of 5 years.

## **Countries Involved**

5. The country involved in the present investigations is China PR (referred to as subject country hereinafter).

## **Procedure**

6. Having decided to review the final findings notified vide No. 53/1/2000-DGAD dated 13th July 2001 and final duty imposed by Notification No. 84/2001-Customs dated 2nd August 2001, the Authority hereby initiates investigations to review whether cessation of antidumping duty is likely to lead to continuation or recurrence of dumping and injury on imports of Dry Cell Batteries originating in or exported from subject country, in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment & Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995.

7. The review covers all aspects of Notification 53/1/2000-DGAD dated 13th July 2001.

## **Period of Investigation**

8. The period of investigation (hereinafter referred to as POI) for the purpose of present investigation is 1stApril2004 to 30thSeptember 2005. The injury investigation period will however cover the periods from 2001-2002 to 2004-2005 and the POI.

## **Submission of Information**

9. The exporters in subject country, their government through their Embassy/High Commission in India, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the:

**The Designated Authority,**  
Ministry of Commerce & Industry,  
Department of Commerce,  
Directorate General of Anti-Dumping & Allied Duties, (DGAD),  
Room No. 240,  
Udyog Bhavan,  
New Delhi-110011

10. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.

## **Time Limit**

11. Any information relating to the present review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of publication of this review notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

## **Inspection of Public File**

12. In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties. All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7 (2), for the confidential information provided as per Rule 7 (1) of the Rules supra. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the

investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

**(Christy Fernandez)**  
Designated Authority