

NO.15/8/2003-DGAD
Ministry of Commerce & Industry
(Department of Commerce)
(DIRECTORATE GENERAL OF ANTI-DUMPING AND
ALLIED DUTIES)

NOTIFICATION

New Delhi 18th March 2004

Initiation (Mid-term Review)

Subject: Initiation of Mid-term Review of the definitive anti-dumping duty imposed on Lead Acid Batteries originating in or exported from Bangladesh, China PR, Korea RP and Japan.

No. 15/8/2003-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 Lead Acid Batteries (hereinafter referred to as subject goods) originating in or exported from Bangladesh, China PR, Korea RP and Japan (hereinafter referred to as subject countries). The preliminary findings were published vide Notification no. 67/1/2000 dated 21st March 2001 and provisional duties were imposed on the subject goods vide Customs Notification No. 41/2001-Customs dated 09.4.2001. The Designated Authority came out with the final findings on 7th December 2001 and definitive antidumping duty was imposed by Customs vide Notification No: 1/2002 dated 02/1/2002.

Initiation

2. The Customs Tariff (Amendment) Act 1995 and the Rules made thereunder require the Authority to review from time to time, the need for continued imposition of Anti Dumping Duty and if it is satisfied on the basis of information received by it that there is no justification for continued imposition of such duty, the Authority may recommend to the Central Government for its withdrawal.
3. One of the importers of the subject goods from Bangladesh i.e. M/s Dansa International, M-33, Lado Sarai, Mehrauli, New Delhi-110030 has approached the

Authority for review of the antidumping duties levied on the subject goods on the grounds of changed circumstances.

4. On the basis of information made available before the Authority by the above-mentioned applicant the Designated Authority considers that mid-term review of the Anti Dumping Duty in force would be appropriate in view of the changed circumstances brought to the notice to the Authority by the exporter.

Product under Consideration

5. The product under consideration in the present review investigation is Lead Acid Batteries. It is used in vehicles and also for various industrial uses, such as for back up power for UPS applications, control rooms, power stations, telecommunications etc. The product under consideration i.e, Lead Acid Batteries fall within Chapter 85 of the Custom Tariff Act under the sub-heading 8507. The batteries are described as electric accumulators under the Customs Tariff Act and are classified under customs sub heading Nos. 8507.10 and 8507.20 of the Customs Tariff Act. The Custom classification is indicative only and not binding on the scope of investigation”.

Procedure

6. Having decided to review the final findings notified vide Notification No: 67/1/2000-DGAD dated 7th December 2001 and definitive duty imposed by Notification No 1/2002-Cus. dated 02/1/2002, the Authority hereby initiates investigations 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 to review the need for continued imposition of the antidumping duty. The authority will examine whether the continued imposition of the duties necessary to offset dumping, whether the injury would be likely to continue or recur if the duty were removed or varied, or both.

7. The review will cover all aspects of Notification No. 67/1/2000-DGAD dated 7th December 2001.

8. The period of investigation for the purpose of the present review is 01.04.2003 to 31.12.2003.

Submission of Information:

9. The exporters in subject countries, their Governments through their Embassies/High Commissions 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 Authority in the following address:

The Designated Authority

Directorate General of Anti-Dumping and Allied Duties
Department of Commerce
Udyog Bhavan
New Delhi-110011.

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:

10. 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:

11. In terms of Rules 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. 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 Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(Abhijit Sengupta)
Designated Authority