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Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
Udyog Bhawan, New Delhi-110011

Dated: 21st March 2012

Initiation Notification
(Sunset Review)

Subject: Initiation of Sunset review of Anti-dumping duty imposed on imports of 'Dry Cell Batteries' originating in or exported from China PR.

F.No.15/12/2011-DGAD - Whereas having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter 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 referred to as the AD Rules), the Designated Authority (hereinafter referred to as the Authority) recommended imposition of Anti Dumping Duty on imports of 'Dry Cell Batteries' originating in or exported from China PR (hereinafter referred to as subject country).

- 2) The Preliminary Finding was issued by the Authority vide Notification No. 53/1/2000-DGAD dated 24 January, 2001 and the provisional anti-dumping duty was imposed by the Department of Revenue vide Notification No. 14/2001-Customs dated 6th February, 2001. The final findings notification of the Authority was published vide notification No. 53/1/2000-DGAD dated 13th July, 2001. On the basis of the final findings, definitive anti dumping duty on the subject goods imported from the subject country was imposed by the Department of Revenue vide notifications 84/2001-Customs dated 2nd August, 2001.
- 3) AND WHEREAS vide Notification No. 53/1/2000-DGAD dated 31st January 2007, the Authority concluded that the cessation of antidumping duty on Dry Cell Batteries from China PR will lead to continuation or recurrence of dumping and injury, and recommended continued imposition of definitive antidumping duty on imports of the subject goods. Accordingly, definitive antidumping duty was imposed on the subject goods vide Customs Notification No. 57/2007-Customs dated 13th April 2007.
- 4) Whereas, Association of Indian Dry Cell Manufacturers on behalf of domestic producers of "Dry Cell batteries", has filed a duly substantiated application in accordance with the Act and the Rules before the Authority alleging likelihood of continuation or recurrence of dumping of 'Dry Cell Batteries' originating in or

exported from China PR and have requested for review and continuation of the anti-dumping duties.

Domestic industry

- 5) The application has been filed by Association of Indian Dry Cell Manufacturers on behalf of domestic producers of the subject goods. As per information available on record, the Applicants account for a major proportion in Indian production of the subject goods and therefore constitute the domestic industry within the meaning of Rule 2(b) of the AD Rules.

Product under consideration and Like Article

- 6) The product involved in the original investigation was dry batteries (specifically primary cells and batteries). This being a Sunset review, therefore, the investigation covers the product covered in the original 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.
- 7) 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.
- 8) 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). Dry Cell Batteries are classified under custom sub-heading 8506.10 of Schedule I under Chapter 85 of the Customs Tariff Act, 1975. The customs classification is, however, indicative only and is in no way binding on the scope of the present investigation.

Initiation

- 9) In view of the duly substantiated application filed and in accordance with Section 9A(5) of the Act, read with Rule 23 of the AD Rules, the Authority hereby initiates a sunset review investigation to review the need for continued imposition of the duties in force in respect of the subject goods and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Country involved

- 10) The country involved in this investigation is China PR.

Period of Investigation

- 11) The petitioner has proposed 1st April 2010 to 31st March 2011 as the period of investigation. The Authority has fixed the Period of Investigation (POI) for the purpose of the present review is 1st April 2010 to 30st September 2011 (18 months). However, injury analysis shall cover the years 2007-08, 2008-09, 2009-10 & POI. The data beyond POI may also be examined to determine the likelihood of dumping and injury.

Procedure

- 12) The review covers all aspects of Notification No. 53/1/2000/DGAD dated 13th July 2001 (final findings of the original investigation).and Notification No. 53/1/2000/DGAD dated 31st January 2007 (final findings of the first sunset review investigation).
- 13) The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

Submission of Information

- 14) The known exporters in the subject country, the government of the subject country through its embassy in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

The Designated Authority
Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce and Industry
Department of Commerce
Room No. 243
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

- 15) Any information relating to the present review 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 Notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the AD Rules.
- 16) All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire's responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the AD measures within 40 days from the date of initiation of this investigation.

Submission of information on confidential basis

- 17) In case confidentiality is claimed on any part of the questionnaire's response/submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.
- 18) Information supplied without any mark shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies each of the confidential version and the non-confidential version must be submitted.
- 19) For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.
- 20) The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out / summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, party submitting the confidential information may indicate that such information is not susceptible of summary; a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Authority.
- 21) The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.

22) Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

Inspection of public file

23) 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.

Non-cooperation

24) 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 Government as deemed fit.

(Vijaylaxmi Joshi)
Designated Authority