

No. 39/2010, imposing Anti-Dumping duty on imports made from China

New Delhi, the 23rd March, 2010,

Notification No. 39/2010-Customs

G.S.R. (E).- Whereas, in the matter of import of all kinds of plastic processing or injection moulding machines, also known as injection presses, having clamping force not less than 40 tonnes (hereinafter referred to as the subject goods), falling under tariff item 8477 10 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from, People's Republic of China (hereinafter referred to as the subject country), the designated authority, in its preliminary findings, vide, notification No. 14/12/2008-DGAD, dated the 10th February, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 10th February, 2009, had come to the conclusion that-

(a) the subject goods had entered the Indian market from the subject country at prices less than their normal values in the domestic market of the exporting country;

(b) the dumping margins of the subject goods imported from the subject country were substantial and above de minimis; and

(c) the domestic industry had suffered material injury and the injury had been caused to the domestic industry, both by volume and price effect of dumped imports of the subject goods, originating in or exported from, the subject country;

and had recommended the imposition of provisional anti-dumping duty on all imports of the subject goods, originating in or exported from, the subject country;

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. 47/2009-Customs, dated 12th May, 2009, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i), vide, number G.S.R. 316(E), dated the 12th May, 2009;

And whereas, the designated authority in its final findings, vide, notification No. 14/12/2008-DGAD dated the 31st December, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 1st January, 2010, has come to the conclusion that-

a) the subject goods have entered the Indian market from the subject country at prices less than their normal values in the domestic market of the exporting country;

b) the dumping margins of the subject goods imported from the subject country are substantial and above de minimis; and

c) the domestic industry has suffered material injury and the injury has been caused to the domestic industry, both by volume and price effect of dumped imports of the subject goods originating in or exported from the subject country;

and had recommended the imposition of definitive anti-dumping duty on imports of the subject goods originating in, or exported, from the subject country;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid preliminary 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 item of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4), originating in the country as specified in the corresponding entry in column (5) and produced by the producer as specified in the corresponding entry in column (7), when exported from the country as specified in the corresponding entry in column (6), by the exporter as specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate to be worked out as percentage of the CIF value of imports of the subject goods as specified in the corresponding entry in column (9) of the said Table.

Table

Sl. No	Tarif Item	Description of goods	Specification	Country of origin	Country of export	Producer	Exporter	% of CIF Value
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	M/s Guanzhou Borch Machinery Co. Ltd	M/s Guanzhou Borch Machinery Co. Ltd	60%
2	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	M/s Zhejiang Sound Machinery Manufacture Co. Ltd.	M/s Zhejiang Sound Machinery Manufacture Co. Ltd.	135%
3	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	M/s Zhejiang Golden Eagle Plastics Machinery Co. Ltd.	M/s Zhejiang Golden Eagle Co. Ltd.	126%
4	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	M/s Ningbo Liguang Machinery Co. Ltd.	M/s Ningbo Liguang Machinery Co. Ltd.	81%
5	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	M/s Ningbo Haixing Plastics Machinery Mfg. Co. Ltd.	M/s Ningbo Haixing Plastics Machinery Mfg. Co. Ltd.	100%

			than1000 tons.					
6	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	M/s Hangzhou Tederic Machinery Co. Ltd.	M/s Hangzhou Tederic Machinery Co. Ltd.	68%
7	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	Ningbo Haitian Plastic Machinery Group	Ningbo Haitian Plastic Machinery Group	79%
8	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	Haitian Heavywork Machinery Co. Ltd.	Haitian Heavywork Machinery Co. Ltd.	105%
9	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	Ningbo Haitian Huayuan Machinery Co. Ltd.	Ningbo Haitian Huayuan Machinery Co. Ltd.	76%
10	84771000	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	M/s Smargon Plastic Machinery Co. Ltd.	M/s Wenzhou Smargon Import & Export Co. Ltd.	174%
11	847710	Plastic Processing or Injection Moulding Machines*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Republic of China	People's Republic of China	Any combination of producer and exporter		174%

	00	tion Moulding Machine s*	to or more than 40 Tons and equal to or less than 1000 tons.		China	other than at Sr. No. 1 to 10 above.		
12	8477 10 00	Plastic Processing or Injec tion Moulding Machine s*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	People's Repu blic of China	Any country ot her than People's Republic of China	Any	Any	174 %
13	8477 10 00	Plastic Processing or Injec tion Moulding Machine s*	Clamping force equal to or more than 40 Tons and equal to or less than 1000 tons.	Any country ot her than People's Repu blic of China	China PR	Any	Any	174 %

*The following shall be excluded from the levy of anti-dumping duty imposed under this notification,

- (i) Blow moulding Machines classified under Customs Tariff Classification No. 847730.
- (ii) Vertical injection moulding machines
- (iii) All electric injection moulding machines wherein the mechanical movements such as injection, mould closing, mould opening, ejection, screw drive, etc. are controlled by independent servo motors and having digital control system and without Hydraulic Unit,
- (iv) Multicolor / mutlimould machinery for making footwear, Rotary injection moulding machinery for making footwear and footwear sole/strap/heel injection moulding machine classified under the Customs Tariff Classification No. 8453.

2. The anti-dumping duty imposed under this notification shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of the provisional anti-dumping duty, that is, 12th May, 2009 and shall be payable in Indian currency.

Explanation.- For the purposes of this notification, "CIF value" means assessable value as determined under section 14 of the Customs Act, 1962 (52 of 1962).

[F. No. 354/53/2009-TRU]

(Prashant Kumar)

Under Secretary to the Government of India