

Original: English

INDIA – ANTI-DUMPING MEASURES ON BATTERIES FROM BANGLADESH

Notification of Mutually Satisfactory Solution

The following communication, dated 20 February 2006, from the delegation of Bangladesh and the delegation of India to the Chairman of the Dispute Settlement Body, is circulated at the request of those delegations.

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Bangladesh and India wish to notify the Dispute Settlement Body that they have reached a mutually satisfactory solution to the matter raised by Bangladesh in document WT/DS306/1 dated 2 February 2004. The measure which was addressed in the document referred to above has in the meantime been terminated by India's Customs Notification number 01/2005 dated 4 January 2005. A copy of this notification is attached.

(signed)
Dr Toufiq Ali
Ambassador/Permanent Representative
to the WTO
for Bangladesh

(signed)
Ujal Singh Bhatia
Ambassador/Permanent Representative
to the WTO
for India

Customs Notification No-01/2005 dated 04.01.2005
Definitive anti-dumping duty on import of lead acid batteries

WHEREAS, the designated authority, in the matter of import of lead acid batteries and falling under heading 8507 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the subject goods) originating in or exported from Bangladesh, China PR, Republic of Korea (Korea RP) and Japan, (hereinafter referred to as the subject countries) and imported into India, the designated authority vide its final findings, No. 67/1/2002-DGAD dated the 7th December, 2001 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 7th December, 2001, had come to the conclusion that:

- (i) lead acid batteries had been exported to India from the subject countries are below their normal value during the period of investigation;
- (ii) the Indian industry had suffered material injury and was further being threatened with material injury;
- (iii) the injury had been caused by the dumped imports from China PR, Korea RP, Japan and Bangladesh;

and had recommended imposition of definitive anti-dumping duty, on all import of lead acid batteries 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 an anti-dumping duty vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 1/2002-Customs, dated the 2nd January, 2002 published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 2nd January, 2002 (G.S.R. 3(E). Dated the 2nd January, 2002;

AND WHEREAS, the designated authority, vide notification No. 15/8/2003-DGAD, dated the 18th March, 2004, has initiated review in the matter of continuation of anti-dumping duty on the subject goods imposed vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 1/2002-Customs, dated the 2nd January, 2002;

AND WHEREAS the designated authority vide its findings vide notification No. 15/8/2003-DGAD, dated the 26th October, 2004 published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 27th October 2004, in its review proceedings has concluded that:

- (i) lead acid batteries originating in, or exported from China PR and Korea RP have been exported to India below normal value, resulting in dumping. However, the subject goods exported from Japan are above normal value. There is no export from Bangladesh during the period of investigation and hence the dumping margin could not be established;
- (ii) the landed value of the dumped goods is above the net sales realization and the non-injurious price determined for the domestic industry;
- (iii) the domestic industry has not suffered material injury due to dumped imports and discontinuation of anti-dumping duties on the subject goods from subject countries would not be likely to lead to the recurrence of injury to the domestic industry;

and has recommended discontinuation of the anti-dumping duties recommended earlier on all import of lead acid batteries classified under tariff items 8507 10.00 and 8507 20 00 of the Customs Tariff Act, 1975 originating in, or exported from the subject countries;

NOW, THEREFORE, in exercise of powers conferred by sub-section (2) of section 9A of the Customs Tariff Act, 1975 (51 of 1975), read with rules 13 and 20 of the Customs Tariff (Identification, Assessment and Collector of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government hereby rescinds the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 1/2002-Customs dated the 2nd January, 2002, published in Part II, Section 3, sub-section (i) of the Gazette of India, Extraordinary, dated the 2nd January 2002, vide number G.S.R. 3(E), dated the 2nd January 2002, except as respects things done or omitted to be done before such rescission.

[F.No. 354/200/2001-TRU]

(V. Sivasubramanian)
Deputy Secretary of the Government of India
