

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 40/2020-Customs (ADD)

New Delhi, the 27th November, 2020

G.S.R. ---(E). - Whereas, the designated authority, *vide* notification No. 7/3/2020-DGTR, dated the 7th February, 2020, published in the Gazette of India, Extraordinary, Part I, Section 1, had initiated a review in the matter of continuation of anti-dumping duty on imports of 'Fluoroelastomers (FKM)' (hereinafter referred to as the subject goods) falling under tariff items 3904 50 90, 3904 69 10, 3904 69 90 and 3904 90 90 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in or exported from China PR (hereinafter referred to as the subject country), imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 6/2019-Customs (ADD), dated the 28th January, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 52(E), dated the 28th January, 2019;

And whereas, the Central Government had extended the anti-dumping duty on the subject goods, originating in or exported from the subject country up to and inclusive of the 27th October, 2020 *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 19/2020-Customs (ADD), dated the 21st July, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 459(E), dated the 21st July, 2020;

And whereas, the Central Government had further extended the anti-dumping duty on the subject goods, originating in or exported from the subject country up to and inclusive of the 27th November, 2020 *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 33/2020-Customs (ADD), dated the 27th October, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 672(E), dated the 27th October, 2020;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject country, the designated authority in its final findings, published *vide* notification No. 7/3/2020-DGTR, dated the 19th October, 2020, in the Gazette of India, Extraordinary, Part I, Section 1, has come to the conclusion that-

- (i) there is continued dumping of the subject goods from subject country and the imports are likely to enter the Indian market at dumped prices in the event of expiry of duty;
- (ii) there is a continued injury to the domestic industry despite anti-dumping duty in existence;
- (iii) the information on record shows likelihood of continuation of dumping and injury in case the anti-dumping duty in force is allowed to cease at this stage;

(iv) there is sufficient evidence to indicate that the cessation of anti-dumping duty at this stage will lead to continuation of dumping and injury to the Domestic Industry,

and has recommended imposition of anti-dumping duty on 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, read with rules 18 and 23 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, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under tariff items of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), exported from the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), and imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entry in column (7), as per unit of measurement as specified in the corresponding entry in column (8) and in the currency as specified in the corresponding entry in column (9) of the said Table, namely:-

Table

S. No.	Tariff item	Description of Goods	Country of Origin	Country of Export	Producer	Duty Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	39045090, 39046910, 39046990, 39049090	Fluoro elastomers (FKM) *note below	China PR	Any country including China PR	M/s Chenguang Fluoro and Silicone Elastomers Co.,Ltd.	3.85	Kg	US\$
2.	39045090, 39046910, 39046990, 39049090	Fluoro elastomers (FKM) *note below	China PR	Any country including China PR	M/s Zhonghao Chenguang Research Institute of Chemical Industry Co., Ltd.	1.30	Kg	US\$
3.	39045090, 39046910, 39046990, 39049090	Fluoro elastomers (FKM) *note below	China PR	Any country including China PR	M/s Daikin Fluorochemicals (China) Co., Ltd Through M/s M/s Uni Alliance Limited, Hong	1.04	Kg	US\$

					Kong			
4.	39045090, 39046910, 39046990, 39049090	Fluoro elastomers (FKM) *note below	China PR	Any country including China PR	Inner Mongolia 3F Wanhao Fluorochemical Co/ Ltd	6.84	Kg	US\$
5.	39045090, 39046910, 39046990, 39049090	Fluoro elastomers (FKM) *note below	China PR	Any country including China PR	Any other than mentioned in S.No. 1 to 4 above	8.86	Kg	US\$
6.	39045090, 39046910, 39046990, 39049090	Fluoro elastomers (FKM) *note below	Any country other than China PR	China PR	Any	8.86	Kg	US\$

* The scope of the product under consideration is *Fluoroelastomers, including* Copolymer fluoroelastomers, Terpolymer fluoroelastomers, Copolymer Raw gum, Copolymer Pre-Compound, Terpolymer Bisphenol Curable Raw Gum, Terpolymer Peroxide Curable Raw Gum and Terpolymer Bisphenol Curable Pre-Compound:

Provided that FKM compound and Perfluoroelastomer (FFKM) are excluded from the scope of the subject goods.

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette and shall be paid in Indian currency.

Explanation.- For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F. No. 354/10/2019-TRU]

(Gaurav Singh)
Deputy Secretary to the Government of India