

**Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
New Delhi**

Notification No. 119/2007-Customs

Dated 18th December, 2007

G.S.R.(E).- Whereas in the matter of import of Compact Fluorescent Lamps (hereinafter referred to as CFL), falling under sub-heading 8539 31 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the People's Republic of China and Hong Kong (hereinafter referred to as the subject countries) and imported into India, the designated authority vide its final findings, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 14th November, 2002, had come to the conclusion that-

- (a) CFL originating in, or exported from, the People's Republic of China and Hong Kong have been exported to India below normal value, resulting in dumping;
- (b) the Indian industry has suffered material injury from exports of CFL from the People's Republic of China and Hong Kong;
- (c) the injury had been caused cumulatively by the dumped imports from the People's Republic of China and Hong Kong;
- (d) in case of exports of CFL with choke by M/s. Phillips and Yaming, People's Republic of China, causal link could not be established, as the landed value of such exports was more than the non-injurious price,

and had proposed imposition of anti-dumping duty, on all imports of CFL, originating in, or exported from, the People's Republic of China and Hong Kong, except exports of CFL, with or without choke, by M/s. Phillips and Yaming, People's Republic of China.

And whereas on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on CFL originating in, or exported from, People's Republic of China and Hong Kong and imported into India vide Notification, of the Government of India, in the Ministry of Finance and Company Affairs (Department of Revenue), No. 138/2002-Customs, dated the 10th December, 2002, published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary, dated the 10th December, 2002 [G.S.R. 813(E), dated the 10th December, 2002];

And whereas, M/s. Osram China Lighting Limited, People's Republic of China had requested for review in terms of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 in respect of exports made by them, and the designated authority, vide new shipper review Notification No. 15/27/2004-DGAD dated the 15th February, 2005 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 15th February, 2005 had recommended provisional assessment of all exports of CFL made by the said M/s. Osram China Lighting Limited, People's Republic of China, till the completion of the said review;

And whereas, on the basis of the aforesaid recommendation of the designated authority, the Central Government had ordered, vide Notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 7/2006-Customs, dated the 13th February, 2006 which was published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary, dated the 13th February, 2006 [G.S.R. 62 (E), dated the 13th February, 2006] that, pending the outcome of the said review by the designated authority, export of the subject goods, by M/s. Osram China Lighting Limited, the People's Republic of China when imported into India, shall be subjected to provisional assessment till the review is completed;

And whereas, the designated authority, vide its final findings No. 15/27/2004-DGAD, dated the 12th November, 2007, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 16th November, 2007, has come to the

conclusion that export price of CFL produced and exported to India by M/s. Osram China Lighting Ltd., People's Republic of China is below its normal value during the period of investigation and recommended that anti-dumping duty US\$ 0.16 per piece be imposed on imports of subject goods produced or exported to India by M/s. Osram China Lighting Ltd., People's Republic of China.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) and (5) of Section 9A of the said Customs Tariff Act, read with rules 18, 20 and rule 22 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 final findings of the designated authority, hereby imposes on Compact Fluorescent Lamps (CFL) falling under sub-heading 8539 31 of the First Schedule to the said Customs Tariff Act, originating in or exported from the country specified in column (2) of the Table annexed hereto, when exported by the exporter mentioned against the corresponding entry in column (3) of the said Table, and imported into India, an anti-dumping duty at the rate specified in the corresponding entry in column (4) of the said Table.

Table

<i>S. No.</i>	<i>Country</i>	<i>Name of the producer/exporter</i>	<i>Amount per piece in US\$</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
1.	Peoples Republic of China	M/s. Osram China Lighting Ltd. China PR.	0.16

2. This Notification shall be effective from the date of issue of the Notification ordering provisional assessment, that is, the 13th February, 2006.

3. The anti-dumping duty imposed under this Notification shall be payable in Indian currency.

Explanation :- For the purposes of this Notification, "rate of exchange" applicable for the purposes of calculation of 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 sub-clause (i) of clause (a) of Sub-Section (3) of 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.

Sd/-

(S. BAJAJ)

Under Secretary to the Government of India

[F. No. 354/205/2001-TRU (Pt. II)]