

[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. 08/2023-Customs (ADD)

New Delhi, the 29th August, 2023

G.S.R. ---(E). - Whereas, the designated authority, *vide* notification No. 7/22/2022-DGTR, dated the 30th September, 2022, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 30th September, 2022, had initiated the review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), and in pursuance of rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, in the matter of continuation of anti-dumping duty on imports of “Fishing Net” (hereinafter referred to as the subject goods) falling under tariff item 5608 11 10 of the First Schedule to the Customs Tariff Act, originating in or exported from China PR (hereinafter referred to as the subject countries) initially imposed *vide* notification of the Government of India, Ministry of Finance (Department of Revenue), No. 20/2018-Customs (ADD), dated the 10th April, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 359(E), dated the 10th April, 2018;

And whereas, in the matter of review of anti-dumping duty on imports of the subject goods, originating in or exported from the subject countries, the designated authority in its final findings, published *vide* notification No. 7/22/2022-DGTR, dated the 08th June, 2023, published in the Gazette of India, Extraordinary, Part-I, Section 1, dated the 08th June, 2023, has come to the conclusion that-

- (i) there is continued dumping of the subject goods both directly from the subject country and indirectly through Malaysia despite the anti-dumping duties in force;
- (ii) the fact that Chinese-origin dumped imports continued through Malaysia after the imposition of duties shows a strong likelihood that if the duties were to be revoked the volume of subject imports will increase at a much higher rate and at much lower prices;
- (iii) there is a likelihood of continuance or recurrence of dumping and injury if the existing anti-dumping duties are allowed to cease,

and has recommended continued imposition of the anti-dumping duty on imports of the subject goods, originating in or exported from the subject country, in order to remove injury to the domestic industry;

And whereas, the designated authority, *vide* notification No. 7/01/2023-DGTR, dated the 21st February 2023, published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 21st February 2023, in the matter of circumvention via Malaysia of the anti-dumping duty imposed on imports of subject goods originating in or exported from the China PR, had initiated an investigation to determine the need for extending the anti-dumping duty imposed on imports of subject goods, originating in or exported from the China PR, *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 20/2018-Customs (ADD), dated the 10th April, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 359(E), dated the 10th April, 2018, to the imports of subject goods falling under the tariff item 5608 11 10 of the First Schedule to the Customs Tariff Act, originating in, or exported from Malaysia into India;

And whereas, the designated authority in its final findings, published *vide* notification No. 7/01/2023-DGTR, dated the 07th June 2023, in the Gazette of India, Extraordinary, Part I, Section 1, has come to the conclusion that-

- (i) there has been a change in pattern of trade in case of subject goods and there appears no economic justification other than imposition of duties for such change in pattern of trade;
- (ii) imports of subject goods are entering at dumped prices;
- (iii) the import of subject goods has undermined the remedial effect of existing anti-dumping measures on subject goods originating in or exported from China PR;
- (iv) dumping margin is above *de minimis*, the commercial gain due to erosion of anti-dumping duty on subject goods has benefitted producers or exporters by exporting subject goods,

and has recommended imposition of the existing anti-dumping duty imposed on the imports of subject goods, originating in or exported from the China PR, *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 20/2018-Customs (ADD), dated the 10th April, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 359(E), dated the 10th April, 2018, on the subject goods, originating in or exported from Malaysia into India.

Now, therefore, in exercise of the powers conferred by sub-sections (1), (1A) and (5) of section 9A of the Customs Tariff Act, read with rule 27 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, and in supersession of the notification of the Government of India, Ministry of Finance (Department of Revenue), No. 20/2018-Customs (ADD), dated the 10th April, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 359(E), dated the 10th April, 2018, 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, specification of which is specified in column (4), falling under tariff item of the First Schedule to the Customs Tariff Act, specified in the corresponding entry in column (2), originating in the countries specified in the corresponding entry in column (5), exported from the countries specified in the corresponding entry in column (6), produced by the producers specified in the corresponding entry in column (7), exported by the exporters specified in the corresponding entry in column (8) and imported into India, an anti-dumping duty at the rate equal to the amount specified in the corresponding entry in column (9), in the currency specified in the corresponding entry in column (11) and as per unit of measurement specified in the corresponding entry in column (10) of the said Table, namely:-

Table

SNo	Tariff Item	Description of Goods	Specification	Country of Origin	Country of Export	Producer	Exporter	Amount	Unit of measurement	Currency
1	2	3	4	5	6	7	8	9	10	11
1	5608 1110	Fishing Net	Any	China PR	Any country including China PR	Any	Any	2.19	Kg	US Dollar
2	5608 1110	Fishing Net	Any	Any country other than China PR	China PR	Any	Any	2.19	Kg	US Dollar
3	5608 1110	Fishing Net	Any	Malaysia	Malaysia	Any	Any	2.19	Kg	US Dollar
4	5608 1110	Fishing Net	Any	Malaysia	Any country	Any	Any	2.19	Kg	US Dollar
5	5608 1110	Fishing Net	Any	Any country other than Malaysia	Malaysia	Any	Any	2.19	Kg	US Dollar

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***Note -

- (i) fishing nets are made up of nylon only – whether 100% or blended. In case of blended, scope includes fishing nets containing 50% or more nylon by weight.
- (ii) Product under consideration does not include HDPE fishing net.

2. The anti-dumping duty imposed under this notification shall be effective from the date of publication of this notification in the Official Gazette and shall be payable 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. CBIC-190354/150/2023-TRU]

(Nitish Karnatak)
Under Secretary to the Government of India