

Notification No. 125 /2010-Customs

New Delhi, the 16th December, 2010

G.S.R.(E). - Whereas the designated authority in its preliminary findings vide notification number 14/2/2009-DGAD, dated the 7th September, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 7th September, 2009, had come to the conclusion that various parameters relating to domestic industry collectively and cumulatively established that the domestic industry had suffered material injury in case of imports of Synchronous Digital Hierarchy transmission equipment, originated in or exported, from China PR and Israel falling under sub-heading 851762 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act), and had recommended imposition of provisional anti-dumping duty on the imports of the said equipment, originating in or exported from, China PR and Israel;

And whereas, on the basis of the aforesaid preliminary findings of the designated authority, the Central Government had imposed provisional anti-dumping duty on the Synchronous Digital Hierarchy transmission equipment, originated in or exported, from China PR and Israel vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 132/2009-Customs, dated 8th December, 2009 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.867 (E), dated the 8th December, 2009;

And whereas, the designated authority in its final findings vide notification number 14/2/2009-DGAD dated 19th October 2010, has come to the conclusion that various parameters relating to domestic industry collectively and cumulatively established that the domestic industry has suffered material injury in case of imports of Synchronous Digital Hierarchy transmission equipment, originated in or exported, from China PR and Israel falling under sub-heading 851762 of the said Customs Tariff Act, (hereinafter referred to as the subject goods) and has recommended imposition of definitive anti-dumping duty on the imports of Synchronous Digital Hierarchy transmission equipment, originated in or exported, from China PR and Israel ;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with sub-section (5) of section 9A of the said Customs Tariff Act and 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 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 sub-heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country as specified in the corresponding entry in column (4), and produced by the producers as specified in the corresponding entry in column (6), when exported from the country as specified in the corresponding entry in column (5), by the exporters as specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount

indicated in the corresponding entry in column (8), and per unit of measurement as specified in the corresponding entry in column (9), of the said Table.

Table

S. No	Sub-heading	Description	Country of origin	Country of Export	Producer	Exporter	Amount	Unit of Measurement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	China PR	China PR	M/S Fibrehome Telecommunication Technologies Ltd.	M/S Fibrehome Telecommunication Technologies Ltd.	266%	% of CIF Value of Imports
2	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	China PR	China PR	Alcatel-Lucent Shanghai Bell Co. Ltd.	Alcatel-Lucent Shanghai Bell Co. Ltd.	45%	% of CIF Value of Imports
3	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	China PR	China PR	M/S ZTE Corporation	M/S ZTE Corporation	36%	% of CIF Value of Imports
4	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	China PR	China PR	M/S Hangzhou ECI Telecommunication Co. Ltd	M/S ECI Telecom Ltd., Israel	7%	% of CIF Value of Imports
5	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	China PR	China PR	Any other combination other than as at Sl. 1,2,3 and 4 above	Any	266%	% of CIF Value of Imports

6	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	China PR	Any other than China PR	Any	Any	266%	% of CIF Value of Imports
7	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	Any	China PR	Any	Any	266%	% of CIF Value of Imports
8	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	Israel	Israel	M/S ECI Telecom Ltd., Israel	M/S ECI Telecom Ltd., Israel	3%	% of CIF Value of Imports
9	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	Israel	Israel	Any other than combination as at Sr. No.8 above	Any	70%	% of CIF Value of Imports
10	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	Israel	Any other than China PR and Israel	Any	Any	70%	% of CIF Value of Imports
11	851762 or 851770	Synchronous Digital Hierarchy Transmission Equipment as specified in Notes 1 to 5.	Any other than China PR	Israel	Any	Any	70%	% of CIF Value of Imports

Note 1.- The product under consideration will include "Synchronous Digital Hierarchy (SDH) transmission equipment, viz. STM-1, STM-4, STM-16, STM-64, STM-256 in assembled, CKD, SKD form, its assemblies and sub-assemblies or fitted with eventual

broadband or cellular equipment. Product under consideration will also include Add Drop Multiplexers (ADM) (For SDH Application only), Multiple Add Drop Multiplexers (MADM) (For SDH Application only), and Digital Cross Connect (DXC) (For SDH Application only), Populated Circuit Boards (For SDH Application Only) and parts or components imported as a part of equipment, so long they are imported along with the equipment or its assemblies or sub-assemblies. The Product under consideration will also include Software meant for SDH, which is an integral part of these equipments, which may be bought either as a part of the equipment or separately but the components or parts imported on a standalone basis are outside the purview of Product under Consideration

Note 2. SDH Equipment essentially transmits signals through the medium of Optical Fibre. There may be SDH equipment meant for transmission through electrical Copper Medium or Microwave Radio Medium. The SDH Equipment transmitting the data through optical fibre alone shall be subject to levy of antidumping duty.

Note 3. When SDH is imported as a part of eventual broadband or cellular equipment, the anti-dumping duty shall be payable only on the SDH portion of the imports. Similarly when eventual Broadband or Cellular equipment is imported as a part of the SDH equipment, the anti-dumping duty shall be payable only on the SDH portion of the imports.

Note 4 PDH, CWDM, DWDM, Microwave systems, GPON ,DSLAM, MSAN, BITS, Routers, PTN, PDSN, SGSN, MGW, BTS, BSC, MSC, ONT, HLR, HSS and MRP being non-SDH in any of its form are outside the scope of product under consideration and therefore not subject to levy of anti-dumping duty.

Note 5. Microwaves Radio Terminals which could have an STM-1 interface to the SDH transmission equipment and act as a physical media to enable the connectivity between the radio and the SDH equipment are outside the purview of payment of anti-dumping duty.

2. The anti-dumping duty imposed 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, the 8th December, 2009 for the imports of the subject goods originating in or exported from, China PR and Israel and the anti-dumping duty imposed 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.354/204/2009 -TRU]

(Vikas)
Under Secretary to the Government of India