

[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. 03/2024-Customs (CVD)

New Delhi, the 19th July, 2024

G.S.R. (E). -Whereas, in the matter of “New/unused pneumatic radial tyres with or without tubes and/or flap of rubber (including tubeless tyres), having nominal rim diameter code above 16” used in buses and lorries/trucks” (hereinafter referred to as the ‘subject goods’) falling under Chapter 40 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’), and imported into India, the designated authority in its final findings, published in the Gazette of India, Extraordinary, Part I, Section 1, *vide* notification No. 6/8/2018-DGAD dated 25th March 2019, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 25th March 2019 had recommended imposition of definitive countervailing duty on the imports of subject goods, originating in, or exported from the subject country;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed definitive countervailing duty on the subject goods *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 1/2019-Customs (CVD), dated 24th June 2019, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, *vide* number G.S.R. 449(E), dated the 24th June 2019.

Whereas, the designated authority, *vide* notification No. 7/30/2023-DGTR, dated the 29th December 2023 published in Gazette of India, Extraordinary, Part I, Section 1, dated the 29th December 2023 had initiated the review in terms of sub-section (6) of section 9 of the Customs Tariff Act, and in pursuance of rule 24 of the Customs Tariff (Identification, Assessment and Collection Countervailing Duty on Subsidized Articles and for Determination of Injury) Rules, 1995, in the matter of continuation of countervailing duty on imports of subject goods, falling under Chapter 40 of the First Schedule to the Customs Tariff Act, originating in, or exported from, subject country and imported into India, imposed *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 1/2019-Customs(CVD), dated the 24th June 2019 published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, *vide* number G.S.R. 449(E), dated the 24th June 2019;

And whereas, in the matter of review of countervailing duty on imports of the subject goods, originating in, or exported from the subject country, the designated authority in its final findings, published *vide* notification No. 7/30/2023-DGTR, dated the 22nd April, 2024, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 23rd April, 2024, has *inter-alia* come to the conclusion that –

- i. producers in the subject country continue to avail benefits of subsidies that were held to be countervailable in the original investigation,
- ii. principles of judicial economy demand that a determination of countervailability of a program is relevant and appropriate only if information with regard to quantification of benefit is available and is on record. The Authority cannot on its own collect evidence for quantification of evidence. In any case, the Authority has considered that the Chinese producers have not fully cooperated in the present investigation and has appropriately considered the same while recommending the quantum of countervailing duty,

- iii. the domestic industry has not suffered continued injury during the present period of investigation in as much as it has not suffered deterioration in its performance with regard to various economic parameters,
- iv. there is a likelihood of injury to the domestic industry in the event of cessation of present countervailing duty,

and has recommended continuation of definitive countervailing duty on imports of the subject goods originating in, or exported, from the subject country.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (6) of section 9 of the Customs Tariff Act, read with rules 20 and 24 of the Customs Tariff (Identification, Assessment and Collection of Countervailing Duty on Subsidized 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, countervailing duty calculated at the rate mentioned in column (7) of the said Table, namely:-

Table

S. No.	Tariff Item	Description of Goods	Country of Origin	Country of Export	Producer	Duty amount as a % of CIF Value
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	40112010 and 40118000*	New/Unused pneumatic radial tyres with or without tubes and/or flap of rubber (including tubeless tyres), having nominal rim dia code above 16" used in buses and lorries/trucks	China PR	Any country including China PR	Any	17.57%
2.	- do -	- do -	Any country other than China PR	China PR	Any	17.57%

*The duty shall be payable on imports reported under 40118000 only if the description of the product confirms to the description given above. No countervailing duty shall be charged in the respect of other imports reported under 40118000.

3. The countervailing duty imposed under this notification shall be levied 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 payable in Indian currency.

Explanation: – For the purposes of this notification, -

- (a) the rate of exchange applicable for the purposes of calculation of such countervailing 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 Act.
- (b) “CIF value” means the assessable value as determined under section 14 of the Customs Act, 1962 (52 of 1962).

[F. No. 190354/107/2024-TRU]

(Nitish Karnatak)

Under Secretary to the Government of India