

[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. 15/2016-Customs (ADD)**

New Delhi, the dated 26th April, 2016

G.S.R. (E). – Whereas, the designated authority, *vide* notification No. 15/20/2014-DGAD, dated the 6<sup>th</sup> December, 2014, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 6<sup>th</sup> December, 2014, had initiated a review in the matter of continuation of anti-dumping duty on imports of Synchronous Digital Hierarchy Transmission Equipment (hereinafter referred to as the subject goods), falling under sub-headings 8517 62 or 8517 70 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 People's Republic of China and Israel (hereinafter referred to as subject countries), imposed *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 125/2010-Customs, dated the 16<sup>th</sup> December, 2010, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R.981(E), dated the 16<sup>th</sup> December, 2010;

And whereas, the Central Government had extended the anti-dumping duty on the subject goods, originating in or exported from the subject countries, upto and inclusive of the 7<sup>th</sup> December, 2015, *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.01/2015-Customs(ADD), dated the 5<sup>th</sup> January, 2015, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R 8(E), dated the 5<sup>th</sup> January, 2015;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject countries, the designated authority in its final findings published *vide* notification No. 15/20/2014-DGAD, dated the 5<sup>th</sup> February, 2016, in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5<sup>th</sup> February, 2016 has come to the conclusion that-

- (i) As far as Huawei China, ZTE Corporation Ltd, China, Alcatel-Lucent Shanghai Bell Co. Ltd., China are concerned, there is continued dumping of the subject goods from these companies in the period of investigation. Dumped imports were causing injury to the domestic industry in the period of investigation;
- (ii) As far as HETC, China is concerned, there is negligible dumping in the period of investigation (POI) and in this behalf, the Authority has, therefore, examined the

post POI exports to India as well as third countries and found that the same were un-dumped. Therefore, there was no likelihood of dumping;

- (iii) As far as ECI Telecom, Israel is concerned, the exports of the subject goods to India in the POI and to India as well as third countries in the post-POI were not at dumped prices and thus there is no likelihood of dumped imports from ECI Telecom, Israel if the duty is revoked;

and has recommended imposition of the definitive anti-dumping duty on the subject goods, originating in or exported from the subject countries.

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

Table

| S. No | Head ing/s ub-head ing | Descripti on of goods   | Countr y of origin          | Countr y of export          | Producer                  | Exporter                    | Duty amou nt | Unit                       |
|-------|------------------------|---|-----------------------------|-----------------------------|---------------------------|-----------------------------|--------------|----------------------------|
| (1)   | (2)                    | (3)   | (4)                         | (5)                         | (6)                       | (7)                         | (8)          | (9)                        |
| 1.    | 8517 62 or 8517 70     | Synchrono us Digital Hierarchy transmissi on equipment as specified in Notes 1 to 5 below | People's Republi c of China | People's Republi c of China | M/s ZTE Corporat ion Ltd. | M/s ZTE Corporation Ltd.    | 48.42        | % of CIF value of import s |
| 2.    | Do                     | Do  | People's Republi c of       | People's Republi c of       | M/s Alcatel-Lucent        | M/s Alcatel-Lucent Shanghai | 54.09        | Do                         |

|     |    |    |                            |   |   |   |       |    |
|-----|----|----|----------------------------|---|---|---|-------|----|
|     |    |    | China                      | China   | Shanghai Bell Co. Ltd                   | Bell Co. Ltd  |       |    |
| 3.  | Do | Do | People's Republic of China | People's Republic of China                        | M/s Huawei Technologies Co. Ltd         | M/s Huawei Technologies Co. Ltd., China PR or Huawei Tech Investment Co., Ltd., Hong Kong or Huawei International Pte Ltd., Singapore | 37.73 | Do |
| 4.  | Do | Do | People's Republic of China | People's Republic of China                        | Hangzhou ECI Telecommunication Co. Ltd  | M/s ECI Telecom Ltd., Israel  | Nil   | Do |
| 5.  | Do | Do | People's Republic of China | People's Republic of China                        | Any other than Sl.No. 1,2,3 and 4 above | Any   | 86.59 | Do |
| 6.  | Do | Do | People's Republic of China | Any country other than People's Republic of China | Any                                     | Any   | 86.59 | Do |
| 7.  | Do | Do | Any                        | People's Republic of China                        | Any                                     | Any   | 86.59 | Do |
| 8.  | Do | Do | Israel                     | Israel  | M/s ECI Telecom Ltd.                    | M/s ECI Telecom Ltd.  | Nil   | Do |
| 9.  | Do | Do | Israel                     | Israel  | Any other than Sl.No. 8 above           | Any   | 9.42  | Do |
| 10. | Do | Do | Israel                     | Any country                                       | Any                                     | Any   | 9.42  | Do |

|     |    |    |   |   |     |     |      |    |
|-----|----|----|---|---|-----|-----|------|----|
|     |    |    |   | other than People's Republic of China or Israel |     |     |      |    |
| 11. | Do | Do | Any country other than People's Republic of China | Israel  | Any | Any | 9.42 | Do |

Note 1: The product under consideration (PUC) will include "Synchronous Digital Hierarchy 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. PUC 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 / components imported as a part of equipment, so long they are imported along with the equipment or its assemblies or subassemblies. The PUC 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. However components or parts imported on a standalone basis are outside the purview of PUC.

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 anti-dumping duty.

Note 3: When SDH is imported as a part of eventual broadband or cellular equipment, the AD 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, PDSN, SGSN, MGW, BTS, BSC, MSC, ONT, HLR, HSS and MRP being non-SDH in any of its form are outside the scope of PUC and, therefore, not subject to levy of anti-dumping duty.

Note 5: Microwave 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 under this notification shall be effective for a period of five years 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.354/204/2009-TRU (Pt.-I)]

(Anurag Sehgal)  
Under Secretary to the Government of India