

[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. 1/2021-Customs

New Delhi, the 28th January, 2021

G.S.R(E).— Whereas, in the matter concerning imports of “Polybutadiene Rubber” (hereinafter referred to as the subject goods) falling under tariff item 4002 20 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), the Directorate General of Trade Remedies (hereinafter referred to as the Authority) initiated an Bilateral Safeguard investigation in terms of the India-Korea Comprehensive Economic Partnership Agreement (Bilateral Safeguard Measures) Rules, 2017 (hereinafter referred to as the said rules) *vide* initiation notification under F.No.22/7/2019-DGTR, dated the 7th November, 2019 published in the Gazette of India, Extraordinary, dated the 7th November, 2019 in order to determine whether the imports of the subject goods from Korea RP constitute increased imports and whether the increased imports have caused or are threatening to cause serious injury to the domestic industry;

And whereas, on the basis of the preliminary findings of the Authority in the Bilateral Safeguard investigation issued *vide* F.No.22/7/2019-DGTR, dated the 12th May, 2020, published in the Gazette of India, Extraordinary, dated the 12th May, 2020, the Central Government imposed provisional Bilateral Safeguard measure on the subject goods *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 31/2020-Customs, dated the 13th July, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 444(E), dated the 13th July, 2020 by making further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.152/2009-Customs, dated the 31st December, 2009, published in the Gazette of India, *vide* number G.S.R. 943 (E), dated the 31st December, 2009;

And whereas, on the basis of the corrigendum issued by the Authority *vide* F. No. 22/7/2019-DGTR, dated the 9th September, 2020, published in the Gazette of India, Extraordinary, dated the 9th September, 2020, the Central Government, excluded titanium and lithium grades of Polybutadiene Rubber from the subject goods *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 37/2020-Customs, dated the 20th October, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 651(E), dated the 20th October, 2020 by making further amendments in the notification of the Government of India in the

Ministry of Finance (Department of Revenue), No.152/2009-Customs, dated the the 31st December, 2009, published in the Gazette of India, *vide* number G.S.R. 943 (E), dated the 31st December, 2009;

And whereas, in the final findings of the Bilateral Safeguard investigation issued *vide* F. No. 22/7/2019-DGTR, dated the 22nd October, 2020, published in the Gazette of India, Extraordinary, dated the 22nd October, 2020, the Authority has concluded that-

- (i) imports of the product from Korea have increased and constitute “increased imports” within the meaning of the Rules and India-Korea Comprehensive Economic Partnership Agreement;
- (ii) the increased imports have caused serious injury and threatened to caused serious injury to the domestic industry;
- (iii) there exists a causal link between the increased imports of the originating goods due to the reduction or elimination of custom duty under the India-Korea Comprehensive Economic Partnership Agreement and serious injury and threat of serious injury to the domestic industry;

and has confirmed its preliminary findings issued *vide* notification No. F.No.22/7/2019-DGTR, dated the 12thMay, 2020, and recommended imposition of bilateral safeguard measure of increasing the rate of customs duty on subject goods originating in Korea RP and imported into India as specified in the aforesaid final findings, from the date of issue of the notification of imposition of provisional measure by the Central Government *vide* notification No. 31/2020-Customs, dated the 13th July, 2020.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) read with rule 11 and sub-rule (2) of rule 12 of the said rules, the Central Government, on being satisfied that it is necessary in the public interest so to do, confirms the provisional bilateral safeguard measure imposed with effect from the 13th July, 2020 and hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.152/2009-Customs, dated the 31st December, 2009, published in the Gazette of India, *vide* number G.S.R. 943 (E), dated the 31st December, 2009, namely: -

In the said notification, -

(I) In the Table,

- (i) against serial number 342B, for the entry in column (3), the entries “All goods other than those mentioned against serial number 342A or 342C”, shall be substituted;
- (ii) after serial number 342B and the entries relating thereto, the following serial numbers and entries shall be inserted, namely: -

(1)	(2)	(3)	(4)
“342C.	400220	Polybutadiene Rubber excluding titanium and lithium grades	7.50”;

(II) For the portion beginning with the words “Provided further that” and ending with the words “unless revoked, superseded or amended earlier.”, the following proviso shall be substituted, after the first proviso below the Table, namely: -

“Provided further that, to give effect to the bilateral safeguard measure, as recommended by the Director General of Trade Remedies, -

- (i) nothing contained in serial number 342 and entries relating thereto in the said table shall have effect up to and inclusive of the 12th day of July, 2022;
- (ii) the entries contained in serial number 342A in the said table shall have effect up to and inclusive of the 12th day of July, 2021;
- (iii) the entries contained in serial number 342B in the said table shall have effect up to and inclusive of the 12th day of July, 2022; and
- (iv) the entries contained in serial number 342C in the said table shall have effect from the 13th day of July, 2021 to the 12th day of July, 2022 (both days inclusive);

unless revoked, superseded or amended earlier.”.

[F. No.354/53/2020-TRU]

(Jainendra Singh Kandhari)

Deputy Secretary to the Government of India

Note: The principal notification No. 152/2009-Customs, dated the 31st December, 2009 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i), *vide* number G.S.R. 943 (E), dated the 31st December, 2009 and was last amended *vide* notification No. 44/2020-Customs, dated the 18th December, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 777(E), dated the 18th December, 2020.