



ADHYATAN

TPM Newsletter

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The Month in Flashback

Trade Remedial Measures in India

Number of investigations initiated	2
Number of findings issued	.....	8
Duties imposed or continued	.....	1
Duties recommended but not imposed	.....	2
Ongoing anti-dumping investigations	.....	26
Ongoing anti-subsidy investigations	.....	1
Ongoing safeguard investigations	.....	0

Non-Tariff Barriers

Number of non-tariff notifications by India	.....	0
Number of non-tariff notifications by others	.....	221

Key Highlights

India

Final Findings issued by the Authority concluding that product exclusion is not warranted based on differences in production process and price (08 Feb)

The DGTR has issued Final Findings in the limited product scope review on imports of Welded Stainless Steel Pipes and Tubes from China and Vietnam. The Authority concluded that a product exemption cannot be granted solely on the basis of process certification, higher price and self-certification. The Authority further concluded that exemption on the grounds of process-based certification is prone to be misused and difficult to implement at the border by the Customs Authority.

WTO

European Union has requested consultation with China with regard to certain measures adversely affecting the protection and enforcement of intellectual property rights

European Union has requested consultation with China pursuant to Article 64.1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights and Article XXII:1 of the General Agreement on Tariffs and Trade, 1994 with regard to certain measures adversely affecting the protection and enforcement of intellectual property rights and with regard to China's failure to carry out these obligations. The European Union has raised issues with regards to Chinese policy of prohibiting patent holders from asserting their rights in jurisdictions outside China. The Chinese courts follow a practice of anti-suit injunction wherein the courts punish the patent holder for exercising its rights in other jurisdictions. In case a patent holder files a petition in other jurisdiction, the Chinese courts impose daily penalties on it under the said anti-suit injunction.

The Second High-Level Regional Dialogue on WTO Accessions for the Arab Region held between 7th to 9th February 2022

A dialogue was held between WTO and the Arab countries looking for accession to WTO. Eight Arab countries including Algeria, Comoros, Iraq, Lebanese Republic, Libya, Somalia, Sudan and Syrian Arab Republic are seeking accession to the WTO. The regional dialogue majorly consisted of the difficulties being faced by the said countries due to Covid-19 pandemic which has made these countries economically fragile.

Court Room Highlights

Refund of pre-deposit made at the time of filing appeal (16 Feb)

In the case of Vandana Global Ltd. vs Commissioner, Central GST, Central Excise and Customs, the Tribunal has held that where an assessee has made a pre-deposit of penalty, both at the time of filing appeals before the Commissioner (Appeals) and Tribunal

Key Highlights

the entire amount of pre-deposit is required to be refunded to the assessee, if the Tribunal decided in his favour. The Tribunal also held that the entire amount which has been deposited by an assessee becomes due to him and the deposited amount cannot be adjusted by the department with another amount due from him. The Department can proceed against the assessee to recover the amounts due to them, but the refund which the assessee is entitled has to be sanctioned and disbursed in his favour.

Scope of Customs Act not applicable outside the territory of India prior to 29th March 2018 (18 Feb)

In the case of Shri Ankur Agarwal vs Principal Commissioner, the Tribunal considered the issue of whether an offence committed outside the territory of India could be subject to action under the Customs Act, 1962. The present appeal was filed against show cause notice issued by Principal Commissioner of Customs dated 16th January 2018. It had been alleged in the notice that the appellant had evaded anti-dumping duty payable on their imports cleared in June and July 2014, by purchasing at a lower price and selling at a higher price. The appellant argued that the purchase and sale of the goods took place in Hong Kong and the Indian Customs Authorities had no jurisdiction beyond the territories of India. The Tribunal observed that the Customs Act had been made applicable to any offence committed outside India vide amendment dated 29th March 2018. The Tribunal, therefore, held that prior to March 2018, the Customs Act was not applicable beyond the territorial jurisdiction of India and as such penalty could not be imposed. Similar views have been taken matters of Asia Pacific Impex Private Limited vs Principal Commissioner, Customs (Import) and Yug International Private Limited vs Principal Commissioner, Customs (Import).

Global

USTR Report to Congress on China's WTO Compliance (16 Feb)

The Office of the United States Trade Representative (USTR) published its annual "2021 Report to Congress on China's WTO Compliance". In this report, USTR concluded that even though China voluntarily agreed to move towards a market-oriented approach; even after 20 years of WTO membership, it continues to have a state-led and non-market approach to the economy and trade. In fact, Chinese orientation towards a state-led, non-market approach to the economy and trade has increased over time, which has adversely impacted the interests of U.S. companies and workers. The USTR also noted that China has a long history of violating, disregarding and evading WTO rules to achieve its industrial policy objectives. It has also been observed that China has not implemented some of its bilateral commitments and has approached agreements with the intent to pursue its own benefits.

How war today affects trade tomorrow

Brief

- **Russia is the world's third largest producer and exporter of natural gas and petroleum. The sanctions imposed by other countries against Russia have led to an increase in prices of crude oil.**
- **India is likely to witness a rise in inflation due to a further rise in the prices of fuel and food products.**
- **However, India receives only 0.15% of its natural gas and less than 6% of its petroleum and oil from Russia. The imports from Russia account for only 1.6% of the total imports into India.**
- **Supply chain disruptions across European Union can open export avenues for India in products such as iron and steel, wheat, medium and light oils, aluminium, turbojets, copper, gold and diamonds, and fertilisers.**
- **Federation of Indian Export Organisation (FIEO) has currently asked the exporters to hold off all their consignments that are shipped through the Black Sea.**
- **The Directorate General of Foreign Trade (DGFT) has set up a helpdesk to support and seek suitable resolutions for international trade issues related to Russia and Ukraine.**

Just as the world was recovering from the effects of the pandemic and the world-wide lockdowns that completely disrupted the global economy and supply chain, Russian military's aggression towards Ukraine has again upset the global economy. On 24th February 2022, Russian President Vladimir Putin ordered a military operation in eastern Ukraine, on the pretext of maintaining peace. The situation aggravated very quickly as missile strikes occurred in many cities across Ukraine, including the capital Kyiv. With the death count starting to rise, Vladimir Putin making nuclear threats to the NATO members and no conclusions drawn from the peace talks between Ukraine and Russia, it is early to estimate the effect of these events across the global economy.

Countries across the world have imposed economic and other sanctions on Russia, with focus on its finance, energy, and military-industrial sectors. The United States, Canada, the European Union, and the United Kingdom have banned certain Russian banks from SWIFT and have agreed to prevent the Russian Central Bank from deploying more than \$600 billion of its international reserves to undermine the impact of the sanctions. This has resulted in the ruble being at an all-time low, with some of the major economies isolating financial institutions of Russia and banning trade relations in certain commodities and several international companies and investors pulling back from investing in Russia.

Global trade might get significantly affected because of these sanctions. Russia is the world's third largest petroleum and natural gas producer and exporter. The crude oil prices, which were already high, soared \$100 per barrel in the last one week. British Petroleum has decided to exit from oil giant Rosneft, followed by Shell which is planning to exit from Russia to join the campaign to isolate the country. It is likely that the United States and some OPEC countries will most likely increase the supply and will ask other countries to stop importing energy from Russia and threaten them with sanctions if they fail to do so, especially China which is the largest importer of oil from Russia. Furthermore, Ukraine is one of the major exporter of agricultural products, which will cause a supply chain disruption and increase in food prices. The price of gold is also expected to rise, and consequently there will be a hike in the commodity prices, leading to inflation across the globe.

Although Russia is a key supplier of fuel and gas, it is not a major player in the world economy. According to experts, "Russia is incredibly unimportant in the global economy except for oil and gas". The burden of the war will most likely fall on only the most vulnerable countries who depend heavily on these nations for their supply. For example, Turkey which imports majority of its wheat from Ukraine and Russia and is already in the middle of a financial crisis with an inflation at nearly 50%, and Egypt that imports nearly 70% of its wheat is likely to suffer the consequences of the war. The European Union gets 40% of its natural gas and 25% of its oil from Russia and thus is likely to face a spike in the prices of these essential resources in the near future. Despite these facts, many experts feel that while the war will have adverse effects in the short run, it will not create any long-term damage for most economies.

India is likely to witness a rise in the inflation due to the rise in the already high prices of fuel and food products. "Every 10% rise in the crude oil prices will shave off around 0.2 percentage point (pp) from the GDP growth and widen the current account by 0.3 per cent", according to the study conducted by Normura Holdings. The rise in demand for gold and the high import prices of fuel will deteriorate the Balance of Payment, weakening the Indian Rupee and thereby worsening the inflation.

India receives only 0.15% of its natural gas and less than 6% of petroleum and oil from Russia. This is because the Indian refineries cannot process the heavy crudes that Russia exports and the transportation cost of importing from Russia is higher for India. Major exports to Russia include pharmaceuticals, chemicals, machinery and electronics, coffee, tea and spices. Major imports from Russia are of petroleum products, diamonds, minerals and fertilizers., which can be procured from alternative sources. Gas Authority of India Limited (GAIL) has recently signed an agreement with Gazprom for import of nearly 25 lakh tons of LNG annually for a period of 20 years. So far, the sanctions imposed by the United States and other countries do not include ban on fuel and gas imports.

Thus, although the surge in the oil prices and disruption in the supply chain will pose certain risks, on the bilateral front, India will not suffer any major or long-term effects from the war. In fact, India could gain in terms of its exports to the European Union (“EU”), as EU is one of the major importing partners of Russia. With possibility of limited trade or trade cut off from Russia, EU shall be dependent on other countries including India to fulfil its import requirements. Therefore, the supply chain disruptions in the EU can open export avenues for India, especially for metal products including Steel and Aluminium. The following are some of the products where Russia is a major supplier where now India can act as an alternative supplier:

1. Iron and Steel
2. Wheat
3. Medium and Light Oils
4. Aluminium
5. Turbojets
6. Copper & Copper Alloys
7. Gold and Diamond
8. Fertilisers

The Federation of Indian Export Organisation (FIEO) has currently asked the exporters to hold off all their consignments that are shipped through the Black Sea. This could have a consequential effect on the plastic sector of India which exports 85% of its products to Commonwealth of Independent States (CIS) and use the Black Sea trade route for their consignments. Changing route will increase the freight cost and delivery time, making their exports uncompetitive. The Federation of Indian Micro and Small & Medium Enterprise (FISME) is also worried about the impact of the war on the MSME sector that is still recovering from the pandemic. As the energy costs increase, the cost of production would also go up, causing further distress to this sector.

On immediate and short-term basis, many experts believe that after having survived the effects of the pandemic that lasted nearly two years, the world economy will also survive and outgrow the effects of the war. Currently as the world economies focus on isolating Russia, this war could potentially have positive outcomes for India’s bilateral trade and may create new opportunities for Indian producers to act as an alternative suppliers for many goods. The Directorate General of Foreign Trade (DGFT) has set up a helpdesk to support and seek suitable resolutions for international trade issues related to Russia and Ukraine. As government closely monitors the situation, it will also have to make quick decisions to ensure efficient supply chain and control the spike in the oil prices and the resultant inflation. However, long term effect and the outcome will highly depend on the duration of the war and can only be determined once Russia and Ukraine reach a conclusion.

– Nishtha Gupta, Business Analyst

The Principal Commissioner of Customs, Chennai
Vs.
Huawei Telecommunications (India) and Ors.

Order in Writ Appeal No. 1489 of 2018
Dated 17th February 2022

Anti-dumping duties were imposed on Synchronous Digital Hierarchy transmission equipment (hereinafter “subject goods”), from China and Israel (hereinafter “subject countries”) vide Notification No. 125/2010-Customs, dated 16th December 2010. The duties were imposed for a period of five years, from 8th December 2009 till 7th December 2014.

The Ministry of Finance vide Notification No. 01/2015-Customs (ADD), dated 5th January 2015, extended the duties by one year till 7th December 2015. Thereafter, post sunset review investigation concerning anti-dumping duty on imports of subject goods from subject countries, the Ministry of Finance vide Notification No. 15/2016-Customs (ADD), dated 26th April 2016 extended the anti-dumping duties till 25th April 2021.

A show cause notice was issued to Huawei Telecommunications (India) for the period from 1st September 2015 to 7th December 2015. Huawei filed a writ petition against such show cause notice before the High Court of Madras, for quashing the notice and to preclude the Customs authorities from levying any anti-dumping duty post 7th December 2014. A bench comprising of a Single Judge allowed the writ petition. The Principal Commissioner of Customs, Chennai VII thereafter filed an intra-court appeal challenging the order of the Single Judge, before the Division Bench.

The Single Judge had held that notification dated 16th December 2010 imposing anti-dumping duty from 8th December 2009 till 7th December 2014, had lapsed on 7th December 2014. Therefore, the extension notification dated 5th January 2015, issued after the lapse of the said period is not sustainable, and no anti-dumping duty can be demanded from the Huawei Telecommunications (India) based on such notification.

After taking into consideration the issues raised, the Division Bench decided to dismiss the appeal. The Bench noted that a similar issue was already decided by the Hon’ble Supreme Court of India in the case of Union of India vs. Kumho Petrochemicals Company Limited wherein it was observed by the Hon’ble Court that once the earlier notification by which anti-dumping duty was imposed for five years expires, the Central Government cannot issue any notification after the said date.

Trade Remedial Actions in India

Initiation of investigations

- Anti-subsidy investigation into imports of Saturated Fatty Alcohols from Indonesia, Malaysia and Thailand. (08 Feb)
- Sunset review investigation of anti-dumping duty imposed on imports of Styrene Butadiene Rubber from European Union, South Korea and Thailand. (10 Feb)

Duties recommended

- Continuation of anti-dumping duty on imports of Elastomeric Filament Yarn from China, South Korea, Taiwan and Vietnam. (01 Feb)
- Continuation of anti-dumping duty on imports of Clear Float Glass from Iran. (11 Feb)
- Continuation of anti-dumping duty on imports of Amoxicillin Trihydrate from China. (15 Feb)
- Anti-dumping duty on imports of Plastic Processing Machines from China. (16 Feb)
- Anti-dumping duty on imports of Polyurethane Leather from China. (21 Feb)
- Anti-dumping duty on imports of N, N'-Dicyclohexyl Carbodiimide (DCC) from China. (24 Feb)
- Anti-dumping duty on imports of Melamine from European Union, Japan, Qatar and United Arab Emirates. (25 Feb)

Mid-term review concluded

- Final Findings in mid-term review of anti-subsidy duty imposed on imports of Welded Stainless Steel Pipes and Tubes from China and Vietnam recommending that exclusion of ASME-BPE Certified products from the scope of product under consideration is not warranted. (08 Feb)

Duties recommended but not imposed

- Anti-dumping duty on imports of Wire Rod of Alloy or Non-Alloy Steel from China. (07 Feb)
- Anti-dumping duty on imports of Caustic Soda from Japan, Iran, Qatar and Oman. (23 Feb)

Trade Remedial Actions in India

Customs Notifications

- Revocation of anti-dumping duty on imports of Straight Length Bars and Rods of Alloy Steel from China. (01 Feb)
- Revocation of anti-dumping duty on imports of High-Speed Steel of Non-Cobalt Grade Brazil, China and Germany. (01 Feb)
- Revocation of anti-dumping duty on imports of Flat Rolled Product of Steel, Plated or Coated with Alloy of Aluminium and Zinc from China, South Korea and Vietnam. (01 Feb)
- Revocation of anti-subsidy duty on imports of Certain Hot Rolled and Cold Rolled Stainless Steel Flat Products from China. (01 Feb)
- Extension of anti-dumping duty on imports of Aluminium Foil from China till 15th June 2022. (14 Feb)
- Continuation of anti-dumping duty on imports of Glazed / Unglazed Porcelain / Vitrified Tiles in Polished or Unpolished Finish with less than 3% Water Absorption from China. (24 Feb)
- Extension of anti-dumping duty on imports of Jute Products namely, Jute Yarn/Twine, Hessian Fabric, and Jute Sacking Bags from Bangladesh and Nepal till 30th June 2022. (24 Feb)

Trade Remedial Actions outside India

Chapter 28 – Inorganic Chemicals

Trade remedial actions against India

United States of America

Initiation of anti-dumping and anti-subsidy investigations into imports of Sodium Nitrite from India and Russia. (08 Feb)

The DOC has initiated anti-dumping and anti-subsidy investigation to determine whether Sodium Nitrite is being dumped from India and Russia and countervailable subsidies are being provided to producers in India and Russia. The USITC has also voted to continue the investigation to determine whether the allegedly dumped or subsidized imports are causing injury to the US industry.

Initiation of anti-dumping and anti-subsidy investigations into imports of Barium Chloride from India. (08 Feb)

The DOC has initiated anti-dumping and anti-subsidy investigations to determine whether Barium Chloride is being dumped from Russia and countervailable subsidies are being provided to producers in India. The USITC has also voted to continue the investigation to determine whether the allegedly dumped or subsidized imports are causing injury to the US industry.

Other trade remedial actions

United States of America

- Initiation of sunset review investigation of anti-dumping and anti-subsidy duties imposed on imports of Amorphous Silica Fabric from China. (01 Feb)

Chapter 29 – Organic Chemicals

Brazil

- Imposition of provisional anti-dumping duty on imports of Ethylene Glycol Monobutyl Ether (EBMEG) from France. (24 Feb)

United States of America

- USITC finds that material injury has been caused to the U.S. industry by dumped imports of Pentafluoroethane (R-125) from China. (02 Feb)

Trade Remedial Actions outside India

Chapter 31 – Fertilizers

United States of America

- Initiation of sunset review investigation of anti-dumping and anti-subsidy duties imposed on imports of Ammonium Sulfate from China. (01 Feb)
- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Urea Ammonium Nitrate Solutions from Russia, and Trinidad and Tobago. (02 Feb)

Chapter 39 – Plastics and articles thereof

Japan

- Initiation of expiry review of anti-dumping duty on Polyethylene Terephthalate with a High Degree of Polymerization from China. (10 Feb)

United States of America

- Initiation of sunset review investigation of anti-dumping and anti-subsidy duties imposed on imports of Biaxial Integral Geogrid Products from China. (01 Feb)
- USITC finds that material injury has been caused to the U.S. industry by dumped imports of Granular Polytetrafluoroethylene (PTFE) Resin from India and Russia. (16 Feb)

Chapter 40 – Rubber and articles thereof

Trade remedial actions against India

United States of America

Initiation of sunset review investigation of anti-dumping and anti-subsidy duties imposed on imports of New Pneumatic Off-The-Road Tires from India. (01 Feb)

DOC and USITC have simultaneously initiated a sunset review investigation to determine whether revocation of anti-dumping and anti-subsidy duties is likely to cause injury to the U.S. Industry. The duties were originally imposed in March 2017. Indian producers willing to participate in the investigation are required to file their submissions by 3rd March 2022.

Other trade remedial actions

Brazil

- Initiation of sunset review investigation of anti-dumping duty on imports of Diagonally Constructed Agricultural Tires from China. (16 Feb)

Trade Remedial Actions outside India

Chapter 40 – Rubber and articles thereof

United States of America

- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Acrylonitrile-Butadiene Rubber from France, South Korea and Mexico. (02 Feb)

Chapter 48 – Paper, paperboard and articles of paper pulp

United States of America

- Continuation of anti-dumping duty on imports of certain Uncoated Paper from Australia, Brazil, China, Indonesia, and Portugal and anti-subsidy duty on imports from China and Indonesia. (09 Feb)

Chapter 54 – Man-made filaments, strips and the like of man-made textile materials

European Union

- Initiation of expiry review of anti-dumping duty on imports of High Tenacity Yarns of Polyesters from China. (23 Feb)

Chapter 58 – Special woven fabrics of textiles

United States of America

- USITC finds that material injury is likely to continue or recur on revocation of anti-dumping duty on imports of Narrow Woven Ribbons with Woven Selvedge from China and Taiwan. (23 Feb)

Chapter 59 – Impregnated, coated, covered or laminated textile fabrics

United States of America

- Initiation of sunset review investigation of anti-dumping and anti-subsidy duties imposed on imports of Artist Canvas from China. (01 Feb)

Trade Remedial Actions outside India

Chapter 60 – Knitted and crocheted fabrics

Brazil

- Initiation of sunset review investigation of anti-dumping duty on imports of Viscose Meshes from China. (16 Feb)

Chapter 68 – Articles of stone, plaster, cement, asbestos, mica and others

United States of America

- Initiation of anti-circumvention investigation of anti-dumping duty imposed on imports of Quartz Surface products from China exported through Malaysia. (07 Feb)

Chapter 70 – Glass and glassware

Australia

- Termination of anti-dumping investigation on imports of Clear Float Glass from Malaysia (18 Feb)

Brazil

- Continuation of definitive anti-dumping duty on imports of Unframed Mirrors from China and Mexico. (16 Feb)
- Initiation of sunset review investigation of anti-dumping duty on imports of Automotive Glass from China. (16 Feb)

European Union

- Continuation of anti-subsidy duty on imports of Certain Woven and/or Stitched Glass Fibre Fabrics from China to imports from Morocco. (25 Feb)
- Termination of anti-circumvention investigation of anti-dumping duty on imports of Certain Woven and/or Stitched Glass Fibre Fabrics from Egypt export through Morocco. (25 Feb)

Chapter 72 – Iron and Steel

European Union

- Imposition of anti-dumping duty on imports of Certain Iron or Steel Fasteners from China. (17 Feb)
- Initiation of expiry review of anti-dumping duty on imports of Certain Heavy Plate of Non-Alloy or other Alloy Steel from China. (25 Feb)

Trade Remedial Actions outside India

Chapter 72 – Iron and Steel

Pakistan

- Imposition of anti-dumping duty on imports of Cold-Rolled Flat Rolled Products from European Union, South Korea, Taiwan and Vietnam. (09 Feb)
- Initiation of anti-dumping investigation on imports of Galvanised Steel Products from China. (16 Feb)

United Kingdom

- Initiation of mid-term review of safeguard duty on imports of Certain Steel Products (04 Feb)

United States of America

- Initiation of anti-circumvention investigation of anti-dumping duty imposed on imports of Stainless-Steel Wire Rod from South Korea exported through Vietnam. (01 Feb)
- Continuation of anti-dumping duty imposed on imports of Stainless-Steel Wire Rod from South Korea. (24 Feb)

Chapter 73 – Articles of Iron and Steel

Trade remedial actions against India

United States of America

Final affirmative determination of likelihood of continuation of dumping and countervailable subsidies issued in sunset review investigation of anti-dumping duty on imports of Welded Stainless Pressure Pipe from India. (01 Feb)

DOC has determined that revocation of present anti-dumping and anti-subsidy duty orders is likely to result in continuation of dumping of and countervailable subsidies being provided to Indian producers of the subject goods. USITC is yet to determine whether such continued dumping and availability of countervailable subsidies is likely to cause injury to US industry, pursuant to which duties would be continued.

Initiation of anti-circumvention investigation of anti-dumping duty imposed on imports of certain Welded Carbon Steel Standard Pipes and Tubes from India completed in Oman and UAE. (22 Feb)

DOC initiated an anti-circumvention investigation of anti-dumping duty imposed on imports of certain Welded Carbon Steel Standard Pipes and Tubes from India completed in Oman and UAE. The complainants have alleged that Hot Rolled Steel produced in India are being converted into pipes and tubes in Oman and UAE.

Trade Remedial Actions outside India

Chapter 73 – Articles of Iron and Steel

Other trade remedial actions

Australia

- Initiation of exemption inquiry from anti-dumping measures on imports of Precision Pipe and Tube Steel from China and Korea. (02 Feb)
- Initiation of review of anti-dumping measures on imports of Grinding Balls from China. (18 Feb)

Canada

- CITT issued an order continuing the anti-dumping duty and anti-subsidy duty on imports of Carbon Steel Bar Granting and Alloy Steel Bar Granting from China. (02 Feb)
- CBSA issued final affirmative determination in the expiry review investigation of anti-dumping duty on imports of Welded Large Diameter Carbon and Alloy Steel Line Pipe from China and Japan and anti-subsidy duty on imports from China. (24 Feb)
- CBSA initiated expiry review investigation of anti-dumping duty and anti-subsidy duty on imports of Certain Pup Joints from China. (25 Feb)

United States of America

- Continuation of anti-dumping duty on imports of certain Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan and Thailand. (11 Feb)
- Final affirmative determination of likelihood of continuation of dumping issued in the sunset review of anti-dumping duty on imports of Circular Welded Carbon-Quality Steel Pipe from Oman, Pakistan and UAE. (18 Feb)

Chapter 76 – Aluminium and articles thereof

Mexico

- Initiation of anti-dumping investigation into imports of Aluminium Cookware from China. (25 Feb)

Chapter 83 - Miscellaneous articles of base metal

Turkey

- Initiation of anti-dumping investigation on imports of Core Wire of Base Metal, for electric arc-welding from China. (14 Feb)

Trade Remedial Actions outside India

Chapter 84 – Nuclear reactors, boilers, machinery and mechanical appliances

Argentina

- Imposition of definitive anti-dumping duty on imports of Metal Protective Grilles, of diameter greater than 400 mm from China and Taiwan. (04 Feb)

United States of America

- Final affirmative determination issued in the anti-dumping investigation into imports of certain Mobile Access Equipment and Subassemblies thereof from China. (22 Feb)

Chapter 85 – Machinery, mechanical appliances, electrical equipment and parts

Argentina

- Imposition of definitive anti-dumping duty on imports of Electric Water Heaters from China. (07 Feb)

Chapter 94 – Furniture

Canada

- CBSA initiated anti-dumping and countervailing duty investigation on imports of Mattresses from China. (24 Feb)

Chapter 96 – Miscellaneous manufactured articles

Brazil

- Continuation of definitive anti-dumping duty on imports of Ballpoint Pens made from plastic resins from China. (16 Feb)

Other Trade Updates

Foreign Trade Policy

Allocation of quota for import of calcined pet coke and raw pet coke (10 Feb)

The Hon'ble Supreme Court has recently decreed that for the FY 2022-23, the imports of raw material for use as Calcined Pet Coke (CPC) in the Aluminium Industry cannot exceed 0.5 million MT per annum and the import of Raw Pet Coke for CPC manufacturing cannot exceed 1.4 million MT per annum. Further, if the quantity allocated during the FY 2022-23 is not fully utilised by an applicant, the unused quantity will be deducted from the quota of FY 2023-24 for better resource utilization.

Mandatory filing of Registration Cum Membership Certificate (24 Feb)

Electronic platform to facilitate electronic issuance/amendment/renewal of Registration Cum Membership Certificate (RCMC)/ Registration Certificate (RC) has been implemented and will become mandatory from 1st April 2022.

Amendment in Foreign Trade Policy, 2015-20 (24 Feb)

The Foreign Trade Policy, 2015-20, has been amended to allow the free export of the following products, which was earlier restricted

- a. Remdesivir Injection and Remdesivir API
- b. Amphotericin – B Injection
- c. Enoxaparin (Formulation and API)
- d. Intra- Venous Immunoglobulin (IVIG) (Formulation and API)

Helpdesk to resolve International Trade Issues related to Russia and Ukraine (25 Feb)

In light of the current situation concerning Russia and Ukraine, DGFT has taken steps to closely monitor the status and address the difficulties being faced by the stakeholders on the trade issues related to these countries. For this purpose, Department of Commerce and DGFT have set up a helpdesk to support and seek suitable resolutions to issues related to International Trade with immediate effect. Affected parties may submit their request on the DGFT website or directly mail it to the department.

Bureau of Indian Standards

Extension of time for implementation of Quality Control Order (10 Feb)

The Safety Glass (Quality Control) Order, 2020 has been amended to provide that the order shall be in force with effect from 1st April 2023, instead of 1st April 2022.

Other Trade Updates

Free Trade Agreements

UAE and India sign a Free Trade Agreement (18 Feb)

India and United Arab Emirates (UAE) have signed a Free Trade Agreement. The FTA is set to give zero duty access to 90 per cent of India's exports to UAE and reduce tariffs for 80 per cent of goods. This Agreement is expected to come into effect in the next 60 days. The Agreement is set to boost annual bilateral trade between the two nations to \$100 billion from current \$60 billion in the coming 5 years.

India and Australia to seal an interim trade deal by March 2022

Minister of Trade, Tourism and Investment of Australia and Minister of Commerce and Industry of India confirmed in a joint press conference on 11th February 2022 that the two countries have made significant progress leading to drawing up of an interim trade deal in March 2022.

About Us

TPM was founded in 1999 at a time when the practice of trade remedies in India was in its infancy and there were only a handful of firms in the field. While other firms added these services to their existing portfolios, TPM dealt exclusively in cases in the domain of trade remedies.

TPM began its journey with a staff of merely 2 professionals. Today, it has a team of more than 40 professionals including Cost Accountants, Chartered Accountants, Company Secretaries, Lawyers, Engineers and MBAs.

From the beginning, TPM was focused on providing consultancy in the field of trade remedies. TPM helps domestic producers suffering due to cheap and unfair imports into India to avail the necessary protection under the umbrella of the WTO Agreements. TPM has also assisted the domestic producers in other countries to avail similar measures in their respective countries. Besides assisting domestic producers in India and other countries, TPM also assists exporters and importers facing trade remedial investigations in India or other countries. TPM has assisted Indian exporters facing investigations in a number of jurisdictions such as Argentina, Brazil, Canada, Egypt, European Union, GCC, Indonesia, South Korea, Turkey and USA.

TPM has an enviable experience in the field, of more than 700 cases. Its unique experience in the field sets it apart from other firms. While the firm is primarily dedicated to trade remedies, it also provides services in the field of trade policy, non-tariff barriers, competition law, trade compliance, indirect taxation, trade monitoring and analysis. It also represents industries before the Government in matters involving customs policy.

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