



ADHYATAN

TPM Newsletter

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The Month in Flashback

Trade Remedial Measures in India

Number of investigations initiated	0
Number of findings issued	.....	4
Duties imposed or continued	.....	2
Duties recommended but not imposed	.....	2
Ongoing anti-dumping investigations	.....	12
Ongoing anti-subsidy investigations	.....	4
Ongoing safeguard investigations	.....	0

Non-Tariff Barriers

Number of non-tariff notifications by India	.....	2
Number of non-tariff notifications by others	.....	394

Key Highlights

India

Decision by Tribunal: Central Government required to record reasons for rejecting recommendations of DGTR (30 Aug)

The Tribunal has held that if the Central Government decides not to accept the recommendations of the Authority, then it has to record reasons and convey to the domestic industry. Further, if the period available for imposition has expired but no decision has been communicated by the Central Government, it falls in same category as that where Office Memorandum has been issued. For more details, refer page 8 of the newsletter.

Unauthorised publication of export-import data made compoundable offence (22 Aug)

In the Budget of 2022-23, the Ministry of Finance inserted Section 135AA in the Customs Act 1962, providing that unauthorised publication of import-export data and information like value or quantity would be a penal offence, with imprisonment of upto six months or a fine of upto Rs. 50,000. Central Board of Indirect Taxes and Customs (CBIC) has recently notified the amendments to the Customs (Compounding of Offences) Amendment Rules, 2022, to include offences under Section 135AA of the Customs Act. As per the amendment, an offender would have to pay compounding charges of one lakh rupees for the first offence, which will be increased by 100% for each subsequent offence.

Mid-term review conducted by DGTR limited in scope to re-determination of duty^[1] (31 Aug)

The DGTR issued final findings in the mid-term review of anti-dumping duty levied on imports of Aluminium Alloy Road Wheels from China. The review was limited in scope for re-determining the quantum of anti-dumping duty levied on certain exporters. The applicants, JJF Castings Limited, Maxion Wheels Aluminium India Private Limited and Steel Strips Wheels Limited alleged and provided prima facie evidence that the export price of one of the exporters was unreliable due to existence of a compensatory arrangement with the importer. Pursuant to the investigation conducted, the Authority has re-quantified and enhanced the duties applicable to the exports by such exporter as per the facts available, as well as another one of the cooperative exporters.

Refund of Anti-Dumping Duties: Procedure and Practice

Brief

- **Where an anti-dumping duty has been levied, the WTO Agreement provides that the importer may request a refund of duties paid in excess of the actual dumping margin with respect to the imports made.**
- **Such process does not challenge the validity of the dumping margin or quantum of duty determined in the original investigation, but merely implies that the actual dumping margin for the transactions in question was lower.**
- **European Union and India have provisions in their respective law allowing claim for such refunds and have prescribed the application proforma for this purpose as well.**
- **The importer would be required to furnish details of imports, invoices, customs clearance documents showing the duties levied, and declaration by exporting producer to submit the relevant information to the Authority.**
- **Where the Authority determines that the dumping margin is lower than that earlier determined, or there is no dumping, the anti-dumping duty shall be refunded.**

Article 9.3.2 of the Anti-Dumping Agreement, 1994 provides that where an anti-dumping duty has been levied, an importer may request a prompt refund of the anti-dumping duty paid in excess of the margin of dumping. This provision was incorporated to provide prompt reimbursement of duties overpaid to combat the relative delay in conclusion of review investigations of duties and their subsequent amendment. Article 9.3.2 also provides that such procedure must be applied in cases where the amount of the anti-dumping duty is assessed on a prospective basis as practised in India and the European Union (EU), thus making the refund application exclusively retrospective in nature. The refund investigation does not challenge the legality of the anti-dumping duties imposed but merely examines whether there has been a change in the situation which has had a direct impact on the dumping margin originally determined.

Refund investigation in the European Union

Article 11(8) of the EU Regulation on Protection against Dumped Imports from Countries not Members of the European Union, 2016 (Regulation) provides that the importer can request for initiation of a refund investigation where the dumping margin, based on which duties were paid, has been eliminated or reduced to a level which is below the level of the duty in force. The European Commission, on request, must refund any duty collected in excess of the actual margin of dumping which refers to the margin of dumping prevailing at the time the duty is collected rather than to the margin of dumping established during the investigation. Thus, the refund mechanism ensures that the maximum amount of the

anti-dumping duty collected is equivalent to the margin of dumping determined for the sales that are subject to the duty assessment. The Commission issued a Notice in 2021 concerning the reimbursement of anti-dumping duties (Notice) in consonance with Article 11(8) of the Regulation. This Notice provides guidelines for application for refund for anti-dumping duty.

As per the Notice, the application must be submitted in writing by the importer or their representative within six months of the date when the amount of the anti-dumping duties was determined by the competent customs authorities. The application can only consider the duty amount for the transactions six months prior to the application made to the Commission.

The applicant must provide all the evidence, which includes all invoices, customs clearance documents showing the amount of duties to be levied, and declaration made by the exporting producer to submit relevant information to the Commission by completing a questionnaire covering a range of commercial data for a defined representative period in the past.

The Commission should decide on the refund within 12-18 months from the date on which the application for refund is received and will determine, for a representative period, a dumping margin in respect of all the exports of the product concerned made by the exporting producer. Such determination shall extend to all importers of the concerned exporter in the European Union and not only to the importer claiming a refund.

If the merits of the application are satisfied, the Commission may find that:

- There is no refund of the duties paid when the dumping margin is found equal to or higher than the anti-dumping duty collected; or
- Shall refund part of the duties paid when the dumping margin has decreased below the anti-dumping duty collected; or
- Shall refund all of the duties paid when the dumping margin has been eliminated.

Where a refund is granted, Member States authorities have to make the relevant payment within 90 days from the date when the Commission Decision is notified.

Refund Investigation in India

A similar provision regarding refund has been incorporated under the Indian law as well. Section 9AA of the Customs Tariff Act, 1975 and Rule 21A of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Amendment Rules, 2012, provide for the determination of duty amount paid by an importer and the refund of said duty if the amount is in excess of actual margin of dumping. In consonance with the same, the Directorate General of Anti-dumping and Allied Duties issued a Format of Application for Determination of Amount Paid in Excess of Actual Margin of Dumping which the importer can file to claim a refund of duties.

In order to seek refund of duty, an importer would be required to furnish, inter alia, details of imports made upon payment of anti-dumping duty, expenses incurred between importation and resale, resale of the product imported, stock statement, and certificate from the producer/exporter. The importer also has a period of one month to rectify the documents in case deficiencies have been pointed out by the Authority.

Pursuant to such an application, the Designated Authority must determine if the duty paid is in excess of the actual margin of dumping by taking into account any change in normal value, costs incurred between importation and resale and any movement in the sale price which is duly reflected in the subsequent selling price.

However, while the procedure for refund exists, no such application is known to have been filed in India till date.

– Priyadarshini Venkatesh, Associate

Apcotex Industries Limited Vs. Union of India

**Judgement of CESTAT
Dated 30th August 2022**

Multiple domestic producers filed appeals raising concerns against rejection of the recommendations made by the Designated Authority for imposition or extension of anti-dumping duty or safeguard duty or countervailing duty by the Central Government without giving any reasons. In some matters, an Office Memorandum was issued stating that the Central Government has decided not to accept the recommendations of the Designated Authority. In other matters, such an Office Memorandum was not issued by the Central Government.

The appellants sought relief that the Central Government should accept the recommendations, considering that these followed elaborate investigations. It was contended that if the Central Government decides to reject these recommendations, the Government should give reasons for rejecting such recommendations.

Issues:

The issues raised before the Tribunal were as follows: -

- a. Whether an appeal against Office Memorandum issued is maintainable under Section 9C of the Customs Tariff Act?
- b. Whether a determination by the Central Government is legislative or quasi-judicial in nature?
- c. Whether the Office Memorandum issued by the Central Government is in violation of principles of natural justice?

Decision:

Issue 1 – Whether an appeal is maintainable under section 9C of the Customs Tariff Act?

The Tribunal considered whether an appeal under Section 9C of the Customs Tariff Act, 1975 (“Act”) lies only against an “*order of determination or review thereof, in respect of the existence, degree and effect of any subsidy or dumping*” in relation to import of any article. It was contested by the Central Government that the power to investigate lies with the Designated Authority and hence, the findings issued by the Designated Authority would constitute an order. Therefore, Office Memorandum issued by Central Government can only be described as an order or decision not to impose duty and is an inter-departmental communication, which is not appealable under Section 9C of the Act.

The Tribunal held that an appeal would lie only against such orders which are determinative and final in respect of the existence, degree and effect of any subsidy or dumping in relation to import of any article. The Tribunal has also noted that provision

conferring right to appeal have to be read in a manner that the right to appeal should not be restricted or denied, unless such a construction is unavoidable. The Designated Authority performs functions under the Act on behalf of the Central Government and not as an independent authority. Section 9C of the Act does not restrict the right to appeal to specific category of orders, except that the orders should determine the existence, degree and effect of subsidy or dumping in relation to imports of articles in India; and, therefore, the Tribunal concluded that an appeal would lie before CESTAT against the decision of the Central Government to not impose the duties.

Issue 2 – Is determination by the Central Government legislative or quasi-judicial in nature?

The Tribunal considered whether functions concerning imposition of duty are quasi-judicial, or legislative in nature. The Tribunal observed that the Central Government while acting as a delegated legislative body, performs two distinct functions. The first is the function of framing Rules which is clearly legislative and second is the making of a determination which function is quasi-judicial in nature. While the legislative function of making the Rules is not appealable before the Tribunal, the quasi-judicial function of making a determination is expressly made appealable under Section 9C of the Act. The Tribunal also noted that the quasi-judicial function requires the Government to follow the principles of natural justice to reach the conclusion.

Issue 3 – Is the Office Memorandum issued by the Central Government violative of principles of natural justice?

The Tribunal noted that if the Central Government forms a prima facie opinion that the final findings of the Designated Authority recommending the duties are not required to be accepted, reasons for rejection have to be recorded and conveyed to the domestic industry to give them an opportunity to represent their case.

Further, the Tribunal held that by non-communication of the decision within the prescribed time shall be deemed to be a decision taken not accepting recommendations. Thus, such cases would also fall in the category of those cases where an Office Memorandum has actually been issued conveying the decision of the Central Government not to impose anti-dumping duty.

Therefore, the Tribunal has held that the decision taken by the Central Government to not impose anti-dumping duty, despite a recommendation made by Designated Authority without recording reasons is not appropriate. The Tribunal has remitted the matter back to the Central Government for taking a fresh decision.

Trade Remedial Actions in India

Duties recommended

- Imposition of anti-dumping duty on imports of (4R-Cis)-1,1- Dimethylethyl-6-cyanomethyl-2,2-dimethyl-1,3-dioxane-4-acetate also known as ATS-8 from China. (01 Aug)
- Imposition of anti-dumping duty on imports of Resin Bonded Thin Wheels from China. (05 Aug)
- Imposition of anti-dumping duty on imports of Ofloxacin and its intermediaries from China. [\[21\]](#) (17 Aug)
- Modification of anti-dumping duty on imports of Aluminium Alloy Road Wheels from China. (30 Aug)

Duties recommended but not imposed

- Continuation of anti-dumping duty on imports of Textured Tempered Coated and Uncoated Glass from China. (17 Aug).
- Continuation of anti-dumping duty on imports of Ammonium Nitrate from Russia and Iran. (31 Aug)

Customs Notifications

- Continuation of anti-dumping duty on imports of Opal Glassware from UAE and China. (03 Aug)
- Imposition of provisional anti-dumping duty on imports of Ursodeoxycholic Acid from China and Korea. (18 Aug)
- Extension of anti-dumping duty on imports of Jute Products from Bangladesh and Nepal till 31st December 2022. (31 Aug)

Trade Remedial Actions outside India

Chapter 15 – Animal or Vegetable Fats and Oils

Mexico

- Continuation of anti-dumping duty on imports of Epoxidized Soybean Oil from Argentina. (02 Aug)

Chapter 20 – Preparations of vegetables, fruit, nuts or other parts of plants

United States of America

- Preliminary affirmative determination issued by US DOC in the anti-dumping investigation into imports of Lemon Juice from Brazil and South Africa. (04 Aug)

Chapter 25 - Salt, sulphur, earths and stone; plastering materials, lime and cement

South Korea

- Initiation of anti-dumping investigation into imports of White Cement from Egypt. (19 Aug)

Chapter 28 – Inorganic chemicals

Trade remedy actions against India

United States of America

Preliminary negative determination issued by US DOC in the anti-dumping investigation into imports of Barium Chloride from India. (17 Aug)

US DOC has preliminarily determined that imports from India were not being dumped into the US, during the period of investigation, January to December 2020. The dumping margin determined for sole responding Indian producer, Chaitanya Chemicals / Chaitanya Barium India Private Limited is 0%. The final determination is likely to be made before 30th December 2022.

Preliminary affirmative determination issued by US DOC in the anti-dumping investigation into imports of Sodium Nitrite from India. (17 Aug)

US DOC has preliminarily determined that imports from India were being dumped into the US, during the period of investigation, January to December 2020. The dumping margin determined for sole responding Indian producer, Deepak Nitrite Limited is 58.13%. The final determination is likely to be made before 30th December 2022.

Other trade remedial actions

Brazil

- Final negative determination issued by SECEX in the anti-dumping investigation on imports of Caustic Soda Liquid from United States of America. (05 Aug)

Trade Remedial Actions outside India

Chapter 28 – Inorganic chemicals

Ukraine

- Termination of the safeguard investigation into imports of Sodium Hypochlorite. (17 Aug)

United States of America

- Imposition of anti-subsidy duty on imports of Sodium Nitrite from Russia. (22 Aug)

Chapter 29 – Organic chemicals

Brazil

- Final affirmative determination issued by SECEX in the anti-dumping investigation into imports of Citric Acid and certain Salts and Esters of Citric Acid (“ACSM”) from Colombia and Thailand. (19 Aug)
- Initiation of sunset review by SECEX of anti-dumping duty on imports of Acetic Esters from Mexico and United States of America. (19 Aug)
- Final affirmative determination issued by SECEX in the anti-dumping investigation into imports of Ethylene Glycol Monobutyl Ether (EBMEG) from France. (19 Aug)

United States of America

- Final affirmative determination issued by US ITC in the sunset review of anti-dumping duty on imports of Glycine from China. (16 Aug)

Chapter 31 – Fertilizers

Australia

- Termination of the anti-dumping investigation into imports of Ammonium Nitrate from Chile. (08 Aug)

Chapter 39 – Plastics and articles thereof

Trade remedial actions against India

United States of America

Preliminary determination issued by US DOC in the administrative review of anti-dumping and anti-subsidy duties on imports of Polyethylene Terephthalate Films, Sheets and Strips from India. (05 Aug)

US DOC has preliminarily determined that imports from India were not being dumped into the US, during the period of review, July 2020 to June 2021. The dumping margin determined for both responding Indian producers, SRF Limited and Jindal Poly Films Limited is 0%. The US DOC has, however, determined that countervailable subsidies were provided to Indian producers during the period. The subsidy rate determined for SRF Limited was 3.52%, which is also specifically applicable to Ester Industries Limited, Garware Polyester Limited, Jindal Polyester Limited and Polyplex USA.

Trade Remedial Actions outside India

Chapter 44 – Wood and articles of wood

Morocco

- Extension of safeguard measures for a period of 3 years until 19th September 2025 on imports of Coated Wood Board. (15 Aug)

Chapter 52 – Cotton

Indonesia

- Extension of safeguard measures for a period of 3 years until 8th November 2025 on imports of Fabrics. (11 Aug)

Chapter 54 – Man-made filaments

Trade remedial actions against India

Brazil

Imposition and immediate suspension of anti-dumping duty on imports of Textured Synthetic Filament Yarn (other than Sewing Thread) from China and India. (19 Aug)

The SDCOM imposed anti-dumping duty on imports of Textured Synthetic Filament Yarn (other than Sewing Thread), not put up for Retail Sale, including Synthetic Monofilament Yarn of less than 67 Decitex from China and India. The duties were imposed vide Resolution dated 22nd August 2022 for a period of 5 years. However, having regard to public interest, the imposition of duties has been suspended for a period of 1 year, which is further extendable for 1 year.

Chapter 55 – Man-made staple fibres

Indonesia

- Extension of safeguard measures for a period of 3 years until 8th November 2025 on imports of Yarn (other than Sewing Thread) of Synthetic and Artificial Staple Fibres. (11 Aug)

United States of America

- Continuation of anti-dumping duty on imports of Polyester Staple Fibre from Korea and Taiwan. (19 Aug)

Chapter 63 – Other made-up textile articles; sets; worn clothing and worn textile articles; rags

Indonesia

- Extension of safeguard measures for a period of 3 years until 8th November 2025 on imports of Curtains, Interior Blinds and other Furnishing Articles. (11 Aug)

Trade Remedial Actions outside India

Chapter 72 – Iron and Steel

Trade remedial actions against India

United States of America

Continuation of anti-dumping and anti-subsidy duties on imports of Corrosion-Resistant Steel Products from China, India, Italy, Korea and Taiwan. (17 Aug)

Anti-dumping and anti-subsidy duties have been continued for a further period of 5 years on imports from China, India, Italy, Korea and Taiwan. The anti-dumping duty on Indian producers is in the range of 3.05% to 4.43% and the anti-subsidy duty on Indian producers is in the range of 8% to 29.49%.

Continuation of anti-dumping duty on imports of Cold-rolled Steel Flat Products from Brazil, China, India, Japan, Korea and United Kingdom and anti-subsidy duty in imports from India. (25 Aug)

Anti-dumping duty has been continued for a further period of 5 years on imports from Brazil, China, India, Japan, Korea and United Kingdom and anti-subsidy duty has been continued on imports from India. The anti-dumping duty on Indian producers is 7.60% and the anti-subsidy duty on Indian producers is 10%.

Preliminary negative determination issued by US DOC in the anti-circumvention investigation of anti-dumping duty on imports of certain Welded Carbon Steel Standard Pipes and Tubes from India when completed and exported from Oman and UAE. (26 Aug)

US DOC has preliminarily determined that anti-dumping duty on Indian imports is not being circumvented by goods exported from Oman and UAE. The US DOC had initiated the investigation into alleged circumvention of duty on account of completion and export of Circular Welded Carbon Steel Pipes and Tubes in Oman and UAE, using Hot-Rolled Steel of Indian origin. The anti-dumping duty was first imposed in 1986.

Other trade remedial updates

Australia

- Termination of the anti-dumping investigation into imports of Quenched and Tempered Steel from United States of America. (04 Aug)

United Kingdom

- Final affirmative determination issued in the transition review of anti-dumping duty on imports of Cold Rolled Flat Steel Products from China and Russia. (30 Aug)
- Suspension of anti-dumping duty on imports of certain Hot-Rolled Flat Products from Ukraine. (31 Aug)

Trade Remedial Actions outside India

Chapter 72 – Iron and Steel

United States of America

- Continuation of anti-dumping and anti-subsidy duties on imports of Stainless-Steel Plate in Coils from Belgium, South Africa and Taiwan. (04 Aug)
- Final affirmative determination issued by US DOC in the sunset review of anti-dumping duty on imports of Ferrovandium from Korea. (08 Aug)
- Continuation of anti-subsidy duty on imports of certain Cold-Rolled Steel Flat Products from China and Korea. (19 Aug)

Vietnam

- Final affirmative determination issued in the anti-dumping investigation into imports of certain Welding Consumable Products from China, Malaysia and Thailand. (19 Aug)
- Final affirmative determination issued in the sunset review of anti-dumping duty on imports of certain H-Shaped Steel Products from China. (31 Aug)

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

Australia

Final determination issued in the exemption inquiry into anti-dumping duty on imports of Zinc Coated (Galvanized) Steel from China, India, Korea, Malaysia, Taiwan and Vietnam. (09 Aug)

The Anti-dumping Commission has issued final determination in the exemption inquiry initiated to determine the need for exclusion of certain products from the scope of the duty. The Commission has excluded the following products from the scope -

“Hot Dipped Zinc-Aluminium-Magnesium Alloy Coated Steel Coils, having all of the following characteristics:

- yield strength not less than 450 MPa and not greater than 530 MPa;
- total coating mass not less than (ZM) 275 g/m²;
- coated with a zinc-aluminium-magnesium alloy, having a composition by weight of:
 - i. not less than 2.5% and not greater than 3.5% magnesium;
 - ii. not less than 5.5% and not greater than 6.5% aluminium;
 - iii. less than 1% of minor additions;
 - iv. balance zinc;
- with a chromium free surface treatment;
- in any of the following nominal sizes:
 - i. thickness 1.80 mm and width of 115 mm;
 - ii. thickness 2.40 mm and width of 135 mm or 156 mm;
 - iii. thickness 3.00 mm and width of 240 mm.”

Trade Remedial Actions outside India

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

United States of America

Preliminary determination issued by US DOC in the anti-dumping investigation into imports of certain Steel Nails from India, Turkey, Thailand and Sri Lanka. (04 Aug)

US DOC has preliminarily determined that imports from India, Turkey and Thailand were being dumped, during the period of investigation, October 2020 to September 2021. The dumping margin determined for the Indian producers is in the range of 2.91% to 3.31% while dumping margins for Turkish and Thai producers are 38% and 65% respectively. US DOC has also determined that imports from Sri Lanka were not being dumped into US.

Initiation of anti-circumvention investigation by US DOC of anti-dumping duty on imports of certain Circular Welded Carbon Steel Standard Pipes and Tubes from India when completed and exported from Vietnam. (04 Aug)

US DOC has initiated an investigation into circumvention of anti-dumping duty on Circular Welded Carbon Steel Pipes and Tubes completed in and exported from Vietnam, using hot-rolled steel of Indian origin. The anti-dumping duty was first imposed in 1986. The investigation was requested by 7 domestic producers and three workers' unions.

Final determination issued by US DOC in the anti-subsidy investigation into imports of certain Steel Nails from India, Oman, Turkey, Thailand and Sri Lanka. (22 Aug)

US DOC has determined that countervailable subsidies are being provided to producers in India, Oman, Turkey and Sri Lanka. The subsidy rate determined for the Indian producers is in the range of 2.73 to 2.93%. US DOC has also determined that producers in Thailand did not receive countervailable subsidies.

Final affirmative determination issued by US DOC in the sunset review of anti-dumping duty on imports of Finished Carbon Steel Flanges from India, Italy and Spain. (30 Aug)

US DOC has determined that revocation of anti-dumping duty on imports of Finished Carbon Steel Flanges from India, Italy and Spain is likely to result in continuation of dumping in the United States. The likely dumping margins for the Indian producers are in the range of 11.32% to 12.58%. The likely dumping margins for the producers from Italy and Spain are 204.53% and 24.43% respectively. The duties were first imposed in 2017.

Other trade remedial updates

Australia

- Initiation of changed circumstance review of anti-dumping duty on imports of Grinding Balls from China. (10 Aug)
- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Aluminium Zinc Coated Steel from China. (22 Aug)
- Initiation of sunset review of anti-dumping duty on imports of Zinc Coated (Galvanised) Steel from China. (22 Aug)

Trade Remedial Actions outside India

Chapter 73 – Articles of iron or steel

Brazil

- Initiation of sunset review by SECEX of anti-dumping duty on imports of Carbon Steel Tubes, Seamless, Line Pipes, with Diameter of up to Five Inches from China and Romania. (19 Aug)

Canada

- Affirmative determination issued by CBSA in the sunset review of anti-dumping duty on imports of certain Concrete Reinforcing Bars from Belarus, Hong Kong, Japan, Portugal, Spain and Taiwan. (26 Aug)

Turkey

- Final affirmative determination issued in the safeguard investigation into imports of Grinding Balls and similar articles for mills. (04 Aug)

United States of America

- Initiation of anti-circumvention investigation by US DOC of anti-dumping duty on imports of Circular Welded Carbon Quality Steel Pipes from China, certain Circular Welded Non-Alloy Steel Pipe from Korea and Taiwan, certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan, Light-walled Rectangular Pipes and Tubes from China and Korea and Light-walled Welded Rectangular Pipes and Tubes from Taiwan; when completed in and exported from Vietnam, using Chinese, Korean and Taiwanese Hot-Rolled Steel. (04 Aug)

Chapter 76 – Aluminium and articles thereof

Australia

- Initiation of changed circumstance review of anti-dumping duty on imports of Aluminium Extrusions from China. (08 Aug)

United Kingdom

- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Aluminium Extrusions from China. (17 Aug)

United States of America

- Initiation of anti-circumvention investigation on account of alteration of product description by US DOC of anti-dumping duty on imports Common Alloy Aluminium Sheets from China. (26 Aug)

Chapter 82 – Tools, implements, cutlery and parts thereof of base metal

Argentina

- Initiation of sunset review of anti-dumping duty on imports of High-Speed Steel Saw Blades from China. (04 Aug)

Trade Remedial Actions outside India

Chapter 85 – Electrical machinery and equipment and parts thereof

Trade remedial actions against India

Gulf Cooperation Council (GCC)

Imposition of anti-dumping duty on imports of Electric Accumulators used for starting Piston engines from 32 to 225 Amperes from India and Turkey. (25 Aug)

The GCC-TSAIP has imposed definitive anti-dumping duties against the imports of electric accumulators used for starting piston engines from 32 to 225 amperes from India and Turkey. The duties imposed against the Indian producers is in the range of 8% to 41% while 39% duties are imposed on the producers from Turkey. The duties shall enter into force from 1st October 2022.

Other trade remedial updates

Argentina

- Imposition of provisional anti-dumping duty on imports of Vacuum Cleaners from China. (13 May)

Mexico

- Expiry of anti-dumping duty on imports of Radio guide (RG)-type Coaxial Cable with or without messenger from China. (11 Aug)

United States of America

- Continuation of anti-dumping duty on imports of Large Residential Washers from China. (30 Aug)

Other Trade Updates

Foreign Trade Policy

Extension of last date for mandatory electronic filing of Non-Preferential Certificate of Origin (01 Aug)

The last date for mandatory filing of applications for Non-Preferential Certificate of Origin through the e-CoO Platform has been extended till 31st March 2023. Currently, the existing systems of processing non-preferential CoO applications is in manual/paper mode.

Amendment in import policy of Malonylurea (Barbituric Acid) (01 Aug)

The import policy of Malonylurea (Barbituric Acid) and its salts has been amended to allow its imports without the requirement of a No Objection Certificate (NOC) from the Narcotics Commissioner, Gwalior.

Amendment in import policy of Food Grade Hexane (04 Aug)

The import policy of Food Grade Hexane has been amended to allow its imports without the requirement of BIS certification with immediate effect.

Extension of validity of Status Certificates (05 Aug)

The validity of Status Certificates issued, under the provision of Foreign Trade Policy 2015-20, during 2015-16 and 2016-17 has been extended till 30th September 2022.

Amendment in minimum registration period of Non-Ferrous Metal Import Monitoring System (10 Aug)

Under the Non-Ferrous Metal Import Monitoring System, the importer was required to register for imports not earlier than 60th day and not later than 5th day before the expected date of arrival of import consignment. However, the minimum registration period has been amended and the requirement of registration of minimum 5 days from the expected date of arrival of import consignment has been removed.

Enlistment under Appendix 2E to issue Certificate of Origin (01 Aug and 23 Aug)

The DGFT has authorised two more agencies listed under Appendix 2E of FTP 2015-20 to issue Certificate of Origin (Non-Preferential) (CoO NP)

- Gem and Jewellery Export Promotion Council
- Panipat Exporter Association

Other Trade Updates

Bureau of Indian Standards

Amendment in Indian Standard (02 Aug)

The following standards have been amended with effect from 2nd August 2022, but the existing standards shall continue without amendments till 1st November 2022.

- Acetone (IS 170 : 2020)
- Aniline (IS 2833 : 2019)
- Rubber, Raw, Natural (IS 4588 : 1986)
- Polyethylene Material for Moulding and Extrusion (IS 7328 : 2020)
- Polypropylene (PP) Material for Moulding and Extrusion (IS 10951 : 2020)
- Formic Acid (IS 9908 : 2020)
- Beta Picoline (IS 16112 : 2013)

Extension of effective date of Quality Control Orders (11 Aug)

The effective date of the following (Quality Control) Order, 2021 has been modified and it shall now be applicable with effect from 13th March 2023.

- Pyridine
- Gamma Picoline
- Beta Picoline
- Potassium Carbonate
- Acetone
- Sodium Tripolyphosphate

Introduction of Quality Control Order^[3] (24 Aug)

Ministry of Chemicals and Fertilizers has introduced Hydrogen Peroxide (Quality Control) Order, 2022 dated 24th August 2022. The order shall be applicable from ninety first day from the date of publication of the order, that is, 23rd November 2022.

Trade Agreements

India and Mauritius include provisions to deal with sudden rise in imports in the trade pact

India and Mauritius have agreed to include General Economic Cooperation (GEC) chapter and an Automatic Trigger Safeguard Mechanism (ATSM) in the India-Mauritius Comprehensive Economic Cooperation and Partnership Agreement (CECPA) to deal with any sudden increase in imports. Moreover, both the countries have agreed to enter into a Customs Mutual Administrative Agreement (CMMA) and will initiate discussions in this regard soon.

India and Canada to begin fourth round of negotiations from September

India and Canada will begin their next round of negotiations for a trade agreement from September 2022. These talks have begun after a gap of 10 years. With these negotiations, India is looking forward to a duty-free market for its textile and apparels exports whereas Canada is looking for a market for its wine, dairy and agricultural products.

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 China, 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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