



ADHYATAN

TPM Newsletter

Issue 12 of 2022

December 2022



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The Month in Flashback

Trade Remedial Measures in India

Number of investigations initiated	0
Number of findings issued	.....	1
Duties imposed or continued	.....	0
Duties recommended but not imposed	.....	1
Ongoing anti-dumping investigations	.....	20
Ongoing anti-subsidy investigations	.....	4
Ongoing safeguard investigations	.....	2

Non-Tariff Barriers

Number of non-tariff notifications by India	.....	2
Number of non-tariff notifications by others	.....	223

Key Highlights

India

Government of India withdraws export duty on Steel products and import duty concessions on its raw materials (19 Nov)

The Central Government has restored status quo and withdrawn the additional duties and concessions that were introduced on 22nd May 2022 on various Steel products, to counter the sharp and steady rise in Steel prices. Accordingly, the export duty on Iron Ores Lumps and Fines below 58% Fe content, Iron Ore Pellets and the specified Steel Products including Pig Iron has been withdrawn. Similarly, the import duty concessions on Anthracite / PCI Coal, Coking Coal, Coke and Semi Coke and Ferronickel have also been withdrawn.

India intends to impose retaliatory duties on certain imports from UK

In the matter of extension of steel safeguard measures by UK on 15 Indian products, the WTO consultation between India and UK did not yield successful results for India. The safeguard measures have resulted in a decline of exports of approximately 2,19,000 tones with a duty impact of USD 247.7 million. Accordingly, India informed the WTO that it would impose retaliatory measures on imports from the UK entailing a duty of up to USD 247.7 million annually. The measures would take the form of additional customs duties of 15% on imports of around 22 products such as whisky, silver, gold and diesel engine parts from UK. Such retaliatory measures are the final and most serious consequence a WTO member can face in the WTO dispute settlement system.

WTO

WTO Secretariat launches Trade Remedies Data Portal (01 Nov)

In furtherance of their Open Trade Data Initiative (OTDI), the WTO Secretariat has launched the Trade Remedies Data Portal, an online tool that provides access to comprehensive data on all anti-dumping and anti-subsidy measures notified by WTO members. Currently, the Trade Remedies Data Portal contains information from 1st January 2020. The Secretariat is working with the member countries on verifying data prior to 2020 and aims to upload the same on the portal by early 2023.

WTO releases report on G20 Trade Measures (14 Nov)

On 14th November 2022, the WTO released 28th Trade Monitoring Report on G20 trade measures. The report states that since 2020, implementation of new measures on exports has increased due to the pandemic, Russia-Ukraine crisis and food security crisis. While G20 members have gradually lifted some of the export measures, there were 52 export restrictions on food, feed and fertilizers and 27 Covid-19 related export restrictions in place in mid-October 2022. Between mid-May and mid-October 2022, G20 economies introduced more trade-facilitating than trade-restrictive measures on goods.

Key Highlights

Global

Office of the United States Trade Representative releases draft questionnaire to analyze the economic impact of tariffs on Chinese goods (02 Nov)

Office of the United States Trade Representative (USTR) has released a draft questionnaire, inviting comments from interested parties on the economic impact of the additional tariffs on imports of Chinese goods. USA imposed duties (ranging from 7.5% to 25%) in 2018 and 2019 on goods imported from China on finding unfair discriminatory trade practices by China. The questionnaire invites comments on the effectiveness of the action taken on eliminating discriminatory trade practices by China, impact of these tariff rates on the US economy and whether the tariff subheadings subject to measures should be continued to be covered by such measures. The last date for submitting the response is 17th January 2023.

USA revokes market economy status for Russia (10 Nov)

The USDOC announced that it would no longer treat Russia as a market economy in anti-dumping investigations. Russia was earlier granted market economy status in 2002. However, the DOC found that there is rise of state-influence in the Russian economy, which distorts the costs and prices in Russia. In arriving at its conclusion, the USDOC examined currency convertibility, determination of wages, the climate for foreign investment, government control over the means of production, government control over business decisions, and other appropriate considerations, and found that there was extensive backtracking in these areas, particularly since the invasion of Ukraine.

USA to revisit its methodology concerning particular market situation and issue new regulation (18 Nov)

The Enforcement and Compliance (E&C), Department of Commerce, USA, has issued a public notice that it will be revisiting its methodology concerning particular market situation (PMS) and is considering issuing a new regulation. In this regard, Commerce has invited comments on the information that should be considered while determining if a PMS exists in an exporting country; and adjustments that should be taken into consideration for calculations when the amount of distortion in the cost of production caused by a PMS cannot be quantified based on the record before it. The last date for filing such comments is 18th December 2022.

Council of the European Union gives approval to a foreign subsidies regulation (28 Nov)

The Council of the European Union has given its final approval to the Regulation of the European Parliament and of the Council on Foreign Subsidies Distorting the Internal Market. The regulation lays down the procedure for investigating the distortion created by foreign subsidies granted by non-EU countries to companies operating in the EU single market. While EU has instruments to control the subsidies granted by member states in the EU single market, no such instruments exist for controlling the subsidies granted by non-member states.¹

¹Please refer article regarding white paper issued by European Union earlier in article titled "EC Measures to Remedy Impact of Foreign Subsidies" in [TPM Newsletter 7 of 2020](#)

Calculation of Normal Value on the basis of Price in a Market Economy Third Country

Brief

- **In case of non-market economies, such as China, reference is usually made to market economy third countries for determination of normal value in anti-dumping investigations.**
- **As per the Indian law, the normal value may be determined based on price or constructed value in an appropriate market economy third country.**
- **However, there is no provision in the Indian law that requires consideration of price in market economy having domestic production. That is, the DGTR can consider the price prevailing in a market economy country, even when there is no producer in such countries.**
- **In this regard, the import price into such a country can be relied upon, as it would reflect the price of the product prevailing in a market economy third country.**
- **Interestingly, the laws and practice in other jurisdictions such as European Union, Australia and Canada do not allow for such an approach.**
- **Nevertheless, since the Indian law does not preclude the adoption of price in a country without own production, it is an aspect which can be explored in future investigations.**

A product is said to be “dumped”, in simple terms, when the product is sold by a producer in an export market (“export price”) at a price lower than the price at which it is sold in the domestic market (“normal value”). According to the Anti-Dumping Agreement (“AD Agreement”), an investigating authority is generally required to consider the domestic sales of the exporting producer while calculating the normal value for the purpose of determining the existence of dumping. However, due to its status as a ‘non-market economy’, certain special rules apply to China. According to Article 15(a) of China’s Protocol of Accession to the WTO, while examining dumping of a product from China, the investigating authority may ignore the domestic selling price of the product in China and use a methodology that is not based on a strict comparison with domestic prices in China. In other words, the investigating authority may devise a methodology to calculate the normal value that would have prevailed had China been a market economy.

The Protocol of Accession neither provides an exhaustive nor an indicative list of methodologies that may be used by the investigating authorities to determine the normal value for China. Hence, various countries have incorporated their own methodologies in their domestic anti-dumping laws. As will be seen from the following paragraphs, a basis that is generally relied on by investigating authorities around the globe for determination of normal value for China is the price at which the product is sold in the domestic market

of the product in a market economy third country. Generally, investigating authorities, including the DGTR in India, rely on the price of the product in a market economy third country that has significant domestic production of the product. The domestic demand for a product in a country can be met through domestic production and imports. This article seeks to explore whether an investigating authority may choose to rely on import prices of the product in a market economy third country, when such country is not a producer of the product.

European Union (EU)

According to Article 2(7)(a) of the Basic Regulation of the EU, normal value for China (and other countries not granted market economy treatment) would be generally calculated on the basis of the price or constructed value in a market economy third country or price from such third country to other countries, including the EU. Though the Basic Regulation does not require the market economy third country to be a producer of the product, the European Commission (EC) is required to consider any reliable information received from producers and exporters in the third country. Hence, the EC issues questionnaires to producers identified in such third country and seeks relevant information. In doing so, the EC usually considers countries that are engaged in the production of the product while selecting the appropriate market economy third country.

Canada

According to Section 20(1)(c) of Special Import Measures Act, 1985, the Canada Border Services Agency (CBSA) determines the normal value for non-market economies (which as per practice are the economies of China, Tajikistan and Vietnam) on the basis of the price or cost of production of the product produced in a market economy third country. Similar to the practice in the EU, the CBSA seeks information from producers in the market economy third country for this purpose. However, unlike the EU, the CBSA is mandatorily required calculate the normal value on the basis of price or cost of production of the product “produced” in a market economy third country, as per their domestic laws.

Australia

According to section 269TAC(4) of Customs Tariff (Anti-Dumping) Act, 1975, the Anti-Dumping Commission (ADC) of Australia may determine the normal value for non-market economies on the basis of the price of export of the product produced in a market economy third country or the cost of production in such country. Hence, the Australian law specifically requires the product to be produced in the market economy third country. However, the provision with regard to consideration of price in the market economy is generally not put into practice by the ADC. Even when China is the subject country for an anti-dumping investigation, the normal value is determined on the basis of cost of production of the product in a market economy third country. Regardless, like Canada, the ADC is also mandatorily required to consider a market economy third country that is a producer of the product.

United States of America

In the United States, as per Section 773(c)(1) of the Tariff Act, 1930, the United States Department of Commerce (USDOC) determines the normal value for non-market economies, including China, on the basis of cost of production in a market economy third country. Hence, as a matter of law and practice, the USDOC does not rely on price of the product in the domestic market of the market economy third country as the basis for calculation of normal value for non-market economies.

Possibilities open for DGTR

The first methodology for the calculation of normal value for China under the Indian law, i.e., Paragraph 7 of Annexure I of the Customs Tariff (Identification, Assessment, and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (“the AD Rules”), is the price in a market economy third country. However, unlike the laws in Canada and Australia, the AD Rules do not expressly require the market economy third country to be a producer of the product.

Considering there are no limitations set forth either in international law under the AD Agreement and the Protocol of Accession or under the Customs Tariff Act, 1975 and the AD Rules, the DGTR is not prevented from exploring such methodologies. As long as there is demand for a product in a country, regardless of whether the demand is met by domestic production or import, the market would set the price for the product. A potential challenge in the usage of this methodology would be the presence of dumped low-priced imports into the market economy third country that would artificially lower their domestic prices. A practical remedy would be to exclude imports into such economy from those countries that can be proven with evidence to have significant government interference in the production of the product in their domestic jurisdiction. Selection of this approach would allow the DGTR to use credible and verifiable data, in terms of price of imports into major markets, in determination of normal value.*

– Anand Nandakumar, Associate

**The opinions expressed in this article are those of the author. They do not purport to reflect the opinions or views of the firm and are not a legal opinion given on the issue.*

From the WTO Panel

Indonesia – Measures relating to Raw Materials

WT/DS592/R

Dated 30th November 2022

The European Union (“EU”) on 22nd November 2019, requested consultations with Indonesia with regard to various measures concerning export duty on certain raw materials necessary for the production of stainless steel, as well as a cross-sectoral import duty exemption scheme conditional upon the use of domestic over imported goods. Since the consultations were unsuccessful, the EU requested for establishment of a panel under the Dispute Settlement Mechanism.

Claims by European Union

The EU challenged two measures specifically (a) the export prohibition of nickel ore and (b) the domestic processing requirements (“DPR”) on minerals, in particular nickel ore and iron ore.

Export Prohibition on Nickel Ore

EU claimed that Indonesia has restricted exports of nickel ore to different extents and under different rules since at least 2014. In January 2014, nickel was excluded from the regime regarding necessary processing and purification of mining commodities for export, which effectively outlawed exports of nickel ore. From January 2017 to December 2019, exports of nickel ore with a concentration below 1.7% were permitted subject to certain conditions, while nickel ores with a higher concentration continued to remain prohibited. Since January 2020 all exports of nickel ore, regardless of its concentration, are banned.

The EU claimed that the export prohibition of nickel ore is inconsistent with Article XI:1 of the GATT 1994 which provides that no prohibitions or restrictions shall be instituted or maintained on export of any product destined for the territory of any other Member.

Domestic Processing Requirement on Nickel Ore

It was claimed by the EU that the holders of mining and special mining business licences for production operation, specifically for the processing and/or purification of metallic mineral, non-metallic mineral, or rocks are required to process (purify or refine) nickel ore domestically in Indonesia. It was claimed that this was also inconsistent with the aforesaid Article XI:1 of the GATT 1994.

Claims of Indonesia

In response, Indonesia contended that the measures at issue constitute export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of a product essential to Indonesia, within the meaning of Article XI:2(a) of the GATT 1994. It was alternatively claimed that these measures are justified under Article XX(d) of the

GATT 1994, which provides that the provisions of the GATT would not preclude measures necessary to secure compliance with domestic laws or regulations which are not inconsistent with the provisions of this Agreement.

Findings of the Panel

The Panel preliminarily determined that Indonesia applies domestic processing requirements with regard to certain raw materials, notably nickel ore and iron ore, prior to them being exported. Domestic processing requirements oblige mining companies to enhance the value of the relevant raw materials through the conduct of certain processing and/or purification operations in Indonesia before exporting them.

The domestic processing requirements have the consequence of preventing exports of the raw materials concerned unless they have been duly processed and/or purified. For that reason, it is inconsistent with Article XI:1 of the GATT 1994 which provides that no prohibitions or restrictions shall be instituted or maintained on the exportation or sale for export of any product destined for the territory of any other contracting party.

Regarding the claim of Indonesia that the measures fall under the exemption provided under Article XI:2(a), the Panel commenced with examining whether the measures were applied to an essential product. With respect to low-grade ore, the Panel noted that Indonesia argued that low-grade ore was waste and not economically viable. The Panel could not, therefore, conclude that low-grade ore was an essential product. The Panel further found that Indonesia had not demonstrated through evidence pertaining to employment and revenue in the relevant industries and that these industries were of a nature that ensuring their supply of nickel ore was essential within the meaning of Article XI:2(a).

The Panel agreed that the explicit language of the regulations reveals that their design and structure is that of a prohibition on exports of nickel ore. Considering all these elements, the Panel found that the European Union has demonstrated, and Indonesia has admitted, that Indonesia imposes a prohibition on exports of nickel ore.

Unlike the export ban, Indonesia disputed the assertion that the DPR is a restriction within the meaning of Article XI of GATT 1994. It claimed that DPR is an internal measure and does not have a limiting effect, due to which it cannot be considered as a restriction. Further, Indonesia asserted that the DPR falls outside the scope of GATT, as Article XI:1 of GATT 1994 applies only to border measures.

The Panel noted that the term “border measure” appears nowhere in GATT 1994. The Members, Panels and Appellate body have used the parlance of internal and border measures as a technique to distinguish between types of measures covered by basic GATT obligations like MFN, national treatment etc. The Panel further held that, in the instant case, the measure applies to domestic actors but operates to prevent the sale of nickel ore for export. If this alone were sufficient to make a measure fall outside the scope of Article

XI:1 of the GATT 1994, the entire obligation to avoid export restraints could be rendered futile.

The Panel further analysed the duration of export ban and DPR, reaching a conclusion that these measures were not “temporarily applied” as the export ban has been in force for at least 7 years with short breaks for export of low-grade nickel ore, and for 9 years in case of DPR, before the establishment of the Panel. Additionally, no evidence was submitted by Indonesia before the Panel to allow it to determine that there was imminent critical shortage of nickel ores (both high and low grade).

Having found that the export ban and DPR were not exempt from Article XI:1, the Panel held that both of these measures were inconsistent with Article XI:1 of the GATT 1994, as the export ban prohibited exports and the DPR was a restriction which had a limiting effect on exports. The Panel also concluded that Indonesia had failed to demonstrate that the export ban and DPR fell within the scope of Article XX(d); as measures necessary to secure compliance with Indonesian laws or regulations that are not inconsistent with GATT 1994. Thus, the Panel recommended that Indonesia bring its measures into conformity with its obligations under the GATT 1994.

Trade Remedial Actions in India

Investigations terminated

- Anti-dumping investigation into imports of Solar Cells whether or not assembled into modules or panels from China, Thailand and Vietnam. (09 Nov)

Findings issued

- Recommendation to change the name of Kobelco and Materials Copper Tubes (Thailand) Co. Ltd to KMCT (Thailand) Co., Ltd in Notification No. 2/2022-Customs(CVD) imposing anti-subsidy duty on imports of Copper Tubes and Pipes from Malaysia, Vietnam and Thailand. (18 Nov)

Duties recommended but not imposed

- Anti-dumping duty on imports of Resin Bonded Thin Wheels from China. (04 Nov)

Customs Notifications

- Modification of the quantum of duty imposed on imports of Aluminium Alloy Road Wheels from China. (28 Nov)^[1]

Trade Remedial Actions outside India

Chapter 03 – Fish and crustaceans, molluscs and other aquatic invertebrates

Trade remedial actions against India

USA

Initiation and preliminary determination by the USDOC in the mid-term review of anti-dumping duty on imports of certain Frozen Warmwater Shrimp from India. (09 Nov)

USDOC initiated a mid-term review to determine if Kader Exports Private Limited (Kader Exports) is the successor-in-interest to the Liberty Group in the context of the anti-dumping duty imposed on imports of certain Frozen Warmwater Shrimp from India. It was preliminarily determined that Kader Exports is the successor-in-interest to the Liberty Group.

Partial termination of administrative review by the USDOC of anti-dumping duty on imports of certain Frozen Warmwater Shrimp from India. (17 Nov)

On 12th April 2022, USDOC initiated an administrative review of the anti-dumping duty on imports certain Frozen Warmwater Shrimp from India for 261 producers. The period of review was 1st February 2021 to 31st January 2022. The USDOC terminated this investigation with respect to 76 producers because the interested parties withdrew their requests for the same.

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

USA

- Preliminary affirmative determination by the USDOC in the anti-dumping investigation into imports of certain Preserved Mushrooms from Netherlands, Poland and Spain. (03 Nov)
- Preliminary affirmative determination by the USDOC in the anti-dumping investigation into imports of White Grape Juice Concentrate from Argentina. (03 Nov)
- Final affirmative determination by the USDOC in the anti-dumping investigation into imports of certain Preserved Mushrooms from France. (28 Nov)

Chapter 27 – Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes

United Kingdom

- Final affirmative determination issued in transition review of anti-dumping and anti-subsidy duties on imports of Biodiesel originating in the United States of America and consigned from Canada. (10 Nov)

Trade Remedial Actions outside India

Chapter 28 – Inorganic chemicals

USA

- Imposition of anti-dumping duty on imports of Sodium Nitrite from Russia. (03 Nov)

Chapter 29 – Organic chemicals

Trade remedial actions against India

USA

Final affirmative determination by the USDOC in the administrative review of anti-dumping duty on imports of Glycine from India. (10 Nov)

USDOC initiated an administrative review of the anti-dumping duty on imports of Glycine from India on 3rd August 2021. Pursuant to the review, the USDOC found that producers or exporters subject to this administrative review had exported the subject merchandise below normal value during the period of review, that is, 1st June 2020 to 31st May 2021. The dumping margin was found to be 15%-26% for the three producers/exporters subject to review.

Other trade remedial actions

USA

- Final affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of Furfuryl Alcohol from China. (02 Nov)
- Final affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of Dioctyl Terephthalate from South Korea. (03 Nov)
- Final affirmative determination by the USITC in the sunset review of anti-dumping and anti-subsidy duties on imports of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from China. (09 Nov)

Chapter 30 – Pharmaceutical products

Argentina

- Initiation of sunset review of anti-dumping duty on imports of certain Parental Solutions from Brazil and Mexico. (23 Nov)

Chapter 38 - Miscellaneous chemical products

USA

- Initiation and preliminary determination by the USDOC in the mid-term review of anti-dumping duty on imports of certain Corrosion Inhibitors from China. (23 Nov)

Trade Remedial Actions outside India

Chapter 38 – Miscellaneous chemical products

USA

- Initiation of sunset review by USITC of the anti-dumping and anti-subsidy duties on imports of Biodiesel from Argentina and Indonesia. (23 Nov)

Chapter 39 – Plastics and articles thereof

Trade remedial actions against India

Brazil

Continuation of anti-dumping duty on imports of Polyethylene Terephthalate (PET Resin) from China and India. (24 Nov)

SDCOM concluded the sunset review of the anti-dumping duty on imports of Polyethylene Terephthalate (PET Resin) with intrinsic viscosity between 0.7 dl/g and 0.88 dl/g from China and India. The anti-dumping duty was originally imposed on 28th November 2016. SDCOM continued the anti-dumping duty imposed for a further period of five years.

Other trade remedial actions

Brazil

- Final negative determination issued by SECEX in the sunset review of anti-dumping duty on imports of Polyethylene Terephthalate (PET Resin) from Indonesia and Taiwan. (25 Nov)

China

- Initiation of anti-dumping investigation into imports of Polycarbonate from Taiwan. (30 Nov)

Ukraine

- Termination of safeguard investigation into imports of PVC Profile. (02 Nov)
- Suspension of safeguard measures on imports of Polymeric Materials until the end of martial law. (02 Nov)

USA

- Initiation of mid-term review by the USDOC of anti-dumping duty on imports of Polyethylene Terephthalate Sheets from Oman. (18 Nov)

Chapter 40 – Rubber and articles thereof

Turkey

- Initiation of sunset review of anti-dumping duty on imports of New Rubber Tires for Heavy Vehicles, Agricultural Vehicles and Construction Machinery from China. (23 Nov)

Trade Remedial Actions outside India

Chapter 44 – Wood and articles of wood; wood charcoal

USA

- Initiation of mid-term review by the USDOC of anti-dumping duty on imports of certain Softwood Lumber Products from Canada. (17 Nov)
- Initiation of sunset review by the USITC of anti-dumping and anti-subsidy duties on imports of Softwood Lumber Products from Canada. (23 Nov)
- Initiation of sunset review by the USITC of anti-dumping and anti-subsidy duties on imports of Hardwood Plywood and Multilayered Wood Flooring from China. (23 Nov)

Chapter 48 – Paper and paperboard; articles of paper pulp, of paper or of paperboard

Trade remedial actions against India

USA

Initiation of anti-dumping investigation by the USDOC into imports of Paper File Folders from China, India and Vietnam and anti-subsidy investigation into imports from India. (08 Nov)

On 12th October 2022, the USDOC received an application for initiation of anti-subsidy investigation concerning imports of Paper File Folders from India and of anti-dumping investigation from China, India and Vietnam. The application was filed on behalf of the Coalition of Domestic Folder Manufacturers, the members of which are domestic producers of paper file folders. The period of investigation is 1st January 2021 to 31st December 2021.

Preliminary affirmative determination by the USITC in the anti-dumping investigation into imports of Paper File Folders from China, India and Vietnam and anti-subsidy investigation into imports from India. (28 Nov)

The USITC had initiated anti-dumping and anti-subsidy investigations on 12th October 2022. The USITC preliminarily found that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of paper file folders from China, India, and Vietnam, and that the imports are alleged to be sold in the United States at dumped prices and to be subsidized by the Government of India.

Other trade remedial actions

USA

- Final negative determination by the USDOC in the anti-circumvention investigation of anti-dumping duty on imports of certain Uncoated Paper from Australia. (10 Nov)

Trade Remedial Actions outside India

Chapter 54 – Man-made filaments

Turkey

- Imposition of anti-dumping duty on imports of certain Polyester Products from South Korea and Vietnam. (24 Nov)

Chapter 68 – Articles of stone, plaster, cement, asbestos, mica or similar materials

Australia

- Final negative determination issued in the sunset review of safeguard measures on imports of Ordinary Portland Cement Type 1 and Blended Cement Type 1P from China. (09 Nov)

Chapter 69 – Ceramic products

European Union

- Initiation of sunset review of anti-dumping duty on imports of Ceramic Tiles from China. (22 Nov)

Chapter 70 – Glass and glassware

Turkey

- Continuation of anti-dumping duty on imports of Frameless Glass Mirrors with thickness of more than 1.6 mm from China. (25 Nov)

Chapter 72 – Iron and steel

Australia

- Continuation of anti-dumping duty on imports of Hot Rolled Coil Steel from Taiwan. (25 Nov)

Brazil

- Continuation of anti-dumping duty on imports of Alloy Steel Flat Bars from China. (24 Nov)

European Union

- Initiation of anti-dumping investigation into imports of Bulb Flat from China and Turkey. (14 Nov)

South Africa

- Final affirmative determination by the ITAC recommending extension of existing safeguard duty on Threaded Fasteners of Iron or Steel: Bolt Ends and Screw Studs, Screw Studding and other Hexagon Nuts to include products originating in or imported from Belarus, Indonesia and Turkey, which were previously excluded. (10 Nov)

Trade Remedial Actions outside India

Chapter 72 – Iron and steel

Thailand

- Continuation of suspension of anti-dumping duty on imports of Galvanized or Tin-Coated Steel Sheets from China, European Union, Korea and Taiwan for a further period of 6 months. (11 Nov)

United Kingdom

- Final affirmative determination issued in transition review of anti-dumping duty on imports of certain Wire Rod Products from China. (10 Nov)

USA

- Continuation of anti-dumping and anti-subsidy duties on imports of Stainless-Steel Sheets and Strips from China. (04 Nov)
- Initiation of sunset review by the USITC of anti-dumping duty on imports of certain Wire Rods from Belarus, Italy, Russia, South Africa, South Korea, Spain, Turkey, Ukraine, the United Arab Emirates, and the United Kingdom and anti-subsidy duty on imports from Italy and Turkey (23 Nov)
- Continuation of anti-dumping duty on imports of Ferrovanadium from South Korea (29 Nov)

Vietnam

- Initiation of sunset review of safeguard measures on imports of certain Semi-Finished and Finished Products of Alloy and Non-Alloy Steel. (04 Nov)

Chapter 73 – Iron and steel

Trade remedial actions against India

USA

Final affirmative determination by the USITC in the sunset review of anti-dumping duty on imports of Finished Carbon Steel Flanges from India, Italy and Spain and anti-subsidy duty on imports from India. (04 Nov)

USITC has found that expiry of anti-dumping and anti-subsidy duties, as applicable, on imports of Finished Carbon Steel Flanges from India, Italy, and Spain is likely to lead to continuation or recurrence of dumping / subsidization and injury to the industry in the United States. The Commission initiated the reviews on 2nd May 2022 and determined that it would conduct expedited reviews on 5th August 2022.

Preliminary affirmative determination and partial termination by the USDOC in administrative review of anti-dumping duty on imports of Stainless Steel Flanges from India. (04 Nov)

USDOC initiated the administrative review of anti-dumping duty on imports of Stainless Steel Flanges from India on 29th November 2021, for the period 1st October 2020 to 30th September 2021. USDOC preliminarily found that 24 producers or exporters of Stainless

Trade Remedial Actions outside India

Steel Flanges from India exported the subject merchandise to United States below the normal value. USDOC further found that Emerson Process Management and Echjay Forgings Private Limited had no shipments during the period of review and terminated the review for them. The review was also terminated with respect to 14 other producers, pursuant to withdrawal of request.

Other trade remedial actions

Australia

- Continuation of anti-dumping duty on imports of Wire Ropes from South Africa. (25 Nov)

Canada

- Initiation of sunset review by CBSA of anti-dumping and anti-subsidy duties on imports of Carbon and Alloy Steel Line Pipe from South Korea. (01 Nov)
- Initiation of sunset review by CBSA of anti-dumping and anti-subsidy duties on imports of Stainless Steel Sinks from China. (29 Nov)

European Union

- Initiation of a partial mid-term review of anti-dumping duty on imports of Threaded Tube or Pipe Cast Fittings, of Malleable Cast Iron and Spheroidal Graphite Cast Iron from China and Thailand. (18 Nov)

Thailand

- Imposition of anti-dumping duty on imports of Cold Rolled Stainless Steel Coils, Sheets and Strips from Indonesia and Malaysia. (30 Nov)

United Kingdom

- Initiation of transition review of anti-dumping duty on imports of certain Cast Iron Articles from China. (23 Nov)

USA

- Initiation of sunset review by the USDOC and the USITC of anti-dumping and anti-subsidy duties on imports of High Pressure Steel Cylinders from China. (01 Nov)
- Initiation of sunset review by the USDOC and the USITC of anti-dumping duty on imports of Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia and Philippines. (01 Nov)
- Imposition of anti-dumping duty on imports of Oil Country Tubular Goods from Argentina, Mexico, and Russia, and anti-subsidy duty on imports from Russia and South Korea. (21 Nov)
- Final affirmative determination by the USITC in the sunset review of anti-dumping duty on imports of Circular Welded Carbon-Quality Steel Pipes from Oman, Pakistan, and the United Arab Emirates. (29 Nov)

Trade Remedial Actions outside India

Chapter 74 – Copper and articles thereof

USA

- Continuation of anti-dumping duty on imports of Phosphor Copper from South Korea. (01 Nov)

Chapter 76 – Aluminum and articles thereof

USA

- Continuation of anti-dumping and anti-subsidy duties on imports of Aluminum Extrusions from China. (02 Nov)

Chapter 84 – Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof

Argentina

- Initiation of sunset review of anti-dumping duty on imports of certain Fans from China. (23 Nov)

European Union

- Initiation of sunset review of anti-dumping duty on imports of Hand Pallet Trucks and their essential parts from China and Thailand. (29 Nov)

Chapter 85 – Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and parts and accessories of such articles

Argentina

- Initiation of sunset review of anti-dumping duty on imports of Electric Appliances for Heating Spaces or Floors from China. (04 Nov)

Chapter 86 – Railway or tramway locomotives, rolling-stock and parts thereof

USA

- Preliminary affirmative determination by the USITC in anti-dumping investigation into imports of certain Freight Rail Couplers and parts thereof from China and Mexico, and anti-subsidy investigation into imports from China. (15 Nov)

Chapter 94 – Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings

Canada

- Final affirmative determination by CITT in anti-dumping and anti-subsidy investigations into imports of certain Mattresses from China. (04 Nov)

Trade Remedial Actions outside India

Chapter 94 – Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings

USA

- Initiation of mid-term review by the USDOC of anti-dumping duty on imports of Wooden Bedroom Furniture from China. (22 Nov)
- Initiation of sunset review by the USITC of anti-dumping duty on imports of Tool Chests and Cabinets from China and Vietnam and anti-subsidy duty on imports from China. (23 Nov)

Chapter 95 – Toys, games and sports requisites; parts and accessories thereof

Argentina

- Initiation of sunset review of anti-dumping duty on imports of Rubber Balloons from China. (08 Nov)

Chapter 96 – Miscellaneous manufactured articles

USA

- Final affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of certain Cased Pencils from China. (23 Nov)

Other Trade Updates

Foreign Trade Policy

Amendment in the Foreign Trade Policy with regards to Coal Import Monitoring System (07 Nov)

The Foreign Trade Policy 2015-20 has been amended with regards to the Coal Import Monitoring System (CIMS). The importers can apply for registration not earlier than 60 days and no later than 5 days before the expected date of arrival of import consignment. Earlier, the requirement to apply for the registration was no later than 15 days before the expected date of arrival of import consignment.

Amendment in the Handbook of Procedures and Foreign Trade Policy with regard to EPCG scheme (09 Nov)

The RBI vide A.P. (DIR Series) Circular No. 10 dated 11th July 2022, has notified an arrangement for invoicing, payment, and settlement of exports / imports in INR¹. Pursuant to such notification, the DGFT has amended the Handbook of Procedures 2015-20, permitting the invoicing, payment and settlement of exports and imports in INR for export proceeds under the EPCG scheme. Further, the Foreign Trade Policy 2015-20 has also been amended to permit the export benefits / fulfilment of Export Obligation through invoicing, payment and settlement of exports and imports in INR. This has come in force with immediate effect.

Relief in Average Export Obligation (17 Nov)

As per the Handbook of Procedures 2015-20, in case the total exports of a particular sector has declined by more than 5% as compared to the previous year, the average export obligation for the year may be reduced in proportion to the reduction in exports for that sector for the relevant year as against the preceding year. Accordingly, the DGFT has notified a list of such product groups indicating the percentage decline in exports during 2021-22 as compared to 2020-21. The Regional Officers will re-establish the annual average export obligation for EPCG licenses for the year 2021-22.

Amendment in the Foreign Trade Policy with regard to SCOMET items (30 Nov)

The DGFT has amended the Foreign Trade Policy 2015-20 with regard to the Annual Update of Appendix 3 (SCOMET Items) to Schedule 2 of the ITC (HS) Classification of Export and Import Items, 2018. The list is available on the web portal of DGFT.

Bureau of Indian Standards

Extension of effective date of Quality Control Orders (01 Nov)

The date of enforcement of the Electrical Equipment (Quality Control) Order, 2020 has been extended for six months and will be enforceable from 10th May 2023. The date notified earlier was 11th November 2022.

Other Trade Updates

Substitution of Standards (01 Nov)

The Bureau of Indian Standards has notified the new Standard IS / ISO 3183: 2019 Petroleum and Natural Gas Industries – Steel Pipe for Pipeline Transportation Systems (Second Revision) with effect from 31st October 2022 in substitution of the previous standards. However, the previous Standard, IS / ISO 3183: 2012 Petroleum and Natural Gas Industries – Steel Pipe for Pipeline Transportation Systems (First Revision) will remain in force concurrently till 30th April 2023.

Substitution of Standards (11 Nov)

The Bureau of Indian Standards has notified that the following new Standards with effect from 7th November 2022 in substitution of the earlier Standards. However, the previous standards will remain in force concurrently till 7th December 2022.

No., Year and Title of the Indian Standard established	No., Year and Title of the Indian Standard withdrawn
IS 7813: 2022 Rectangular Aluminium Box – Specification (First Revision)	IS 7813: 2022 Specification for Box, Aluminium, Rectangular
IS 17994 (Part 1): 2022/ISO 6980-1: 2006 Nuclear Energy – Reference Beta-Particle Radiation Part 1 Methods of production	NA
IS/IEC 63093-4: 2019 Ferrite Cores – Guidelines on Dimensions and the Limits of Surface Irregularities Part 4 RM-cores	IS 7934: 1981 Dimensions of Square Cores Made of Magnetic Oxides and Associated Parts (First Revision)

Amendment of Standards (11 Nov)

The Bureau of Indian Standards has notified amendment to the Standards for certain products with effect from 7th November 2022. For full list of products, please refer to the [link](#) herein.

Introduction of Standards (16 Nov)

The Bureau of Indian Standards has notified the establishment of the following Standards with effect from 11th November 2022.

- IS 17948 (Part 3): 2022/ISO 16620-3:2015 Plastics – Biobased Content Part 3 Determination of Biobased Synthetic Polymer Content
- IS 17948 (Part 5): 2022/ISO 16620-5:2017 Plastics – Biobased Content Part 5 Declaration of Biobased Carbon Content, Biobased Synthetic Polymer Content and Biobased Mass Content

Other Trade Updates

- IS 17950 (Part 2): 2022/ISO 16014-2:2019 Plastics — Determination of Average Molecular Weight and Molecular Weight Distribution of Polymers Using Size – Exclusion Chromatography Part 2 Universal Calibration Method
- IS 17950 (Part 3): 2022/ISO 16014-3:2019 Plastics — Determination of Average Molecular Weight and Molecular Weight Distribution of Polymers Using Size – Exclusion Chromatography Part 3 Low – Temperature Method
- IS 17950 (Part 4): 2022/ISO 16014-4:2019 Plastics — Determination of Average Molecular Weight and Molecular Weight Distribution of Polymers Using Size – Exclusion Chromatography Part 4 High–Temperature Method
- IS 17950 (Part 1): 2022/ISO 16014-1:2019 Plastics — Determination of Average Molecular Weight and Molecular Weight Distribution of Polymers Using Size – Exclusion Chromatography Part 1 General Principles
- IS 17950 (Part 5): 2022/ISO 16014-5:2019 Plastics — Determination of Average Molecular Weight and Molecular Weight Distribution of Polymers Using Size – Exclusion Chromatography Part 5 Light-Scattering Method

Amendment of Standards (18 Nov)

The Bureau of Indian Standards has notified amendment to IS 4566: 2020 Specification for Methylene Chloride (Dichloromethane) –Technical (Second Revision). The earlier Standard shall continue without amendment till 17th February 2023.

Extension of effective date of Quality Control Orders (18 Nov)

The Bureau of Indian Standards has amended the Methylene Chloride (Dichloromethane) (Quality Control) Order, 2021. The effective date of these orders has been modified to be applicable with effect from 20th May 2023.

Substitution of Standards (23 Nov)

The Bureau of Indian Standards has notified IS 3748: 2022/ISO 4957: 2018 Tool Steels – Specification (Third Revision) with effect from 18th November 2022 in substitution of the earlier Standard. However, the previous standards, IS 3748: 1990 Tool and Die Steels – Specification (Second Revision) and IS 7291: 1981 Specification for High-Speed Tool Steels will remain in force concurrently till 18th May 2023.

Extension of effective date of Quality Control Orders (25 Nov)

The Bureau of Indian Standards has amended the Methyl Acrylate, Ethyl Acrylate (Quality Control) Order, 2021 and Vinyl Acetate Monomer (Quality Control) Order, 2021. The effective date of these orders has been modified to be applicable with effect from 31st May 2023.

Other Trade Updates

Trade Agreements

India- Korea to start negotiations to update the current trade agreement

The India-Korea Comprehensive Economic Partnership Agreement, which was signed in 2010, is to be renegotiated soon. Discussions to update the Agreement began in 2015 but have been suspended since 2019 due to the pandemic.

India-GCC to resume negotiations regarding a trade agreement

India and Gulf Cooperation Countries (GCC) will re-commence discussions and negotiations towards finalization of a trade agreement soon. These negotiations mark the third attempt by India and GCC to ink a trade agreement, with previous negotiations held in 2006 and 2008. The existing Comprehensive Economic Partnership Agreement (CEPA) with UAE, which is a member of GCC, may serve as a benchmark for prospective talks. The FTA is expected to have a substantial coverage of goods and services; create new jobs; raise living standards and provide wider social and economic opportunities in India and all members of GCC.

India and Australia set to explore digital trade agreement

Shortly after the finalisation of the Economic Cooperation and Trade Agreement (ECTA), India and Australia have committed to start negotiations for a Comprehensive Economic Cooperation Agreement (CECA) and a digital trade agreement in the upcoming months.

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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