



ADHYATAN

TPM Newsletter

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The Month in Flashback

Trade Remedial Measures in India

Number of investigations initiated	4
Number of findings issued	.....	2
Duties imposed or continued	.....	3
Duties recommended but not imposed	.....	2
Ongoing anti-dumping investigations	.....	21
Ongoing anti-subsidy investigations	.....	4
Ongoing safeguard investigations	.....	2

Non-Tariff Barriers

Number of non-tariff notifications by India	.....	0
Number of non-tariff notifications by others	.....	310

Key Highlights

India

Rules of Origin under India-Australia Trade Agreement notified (22 Dec)

The India-Australia Economic Cooperation and Trade Agreement (ECTA) came into force on 29th December 2022¹. The Ministry of Finance has notified the Rules of Origin through Notification No. 112/2022-Customs (N.T.) dated 22nd December 2022, named Customs Tariff (Determination of Origin of Goods under the India-Australia Economic Cooperation and Trade Agreement) Rules, 2022. The Rules lay down the scope of originating and non-originating goods and the procedure for application, issuance and verification of the Certificate of Origin. For more details, please refer this [link](#).

Concessions under the India-Australia Trade Agreement notified (26 Dec)

The Ministry of Finance has notified the rates of Basic Customs Duty (BCD) applicable on different products when imported into India from Australia under the India-Australia Economic Cooperation and Trade Agreement, which came into effect from 28th September 2022. The duties have been made applicable with effect from 29th December 2022. The list of products is available at the [link](#) herein.

WTO

Trade Policy Review of United States issued by WTO (14 Dec)

The WTO Secretariat has published its trade policy review of the United States of America. It was the fifteenth trade policy review of the United States. The review focused on changes in the trade policies and measures of the United States as compared to the last review conducted in 2019. The review highlighted the United States' active participation in the WTO dispute settlement procedure as well as the major changes brought in the bi-lateral trade relations since 2019. It was noted that the United States continued to be one of the largest users of anti-dumping and anti-subsidy measures. The review also underlines the increased use of additional tariffs imposed by the United States on grounds of national security. For more details, please refer this [link](#).

Trade dispute launched by China concerning control measures against chips by US

China has launched a trade dispute at the World Trade Organisation against the export control measures against semi-conductor chips imposed by the United States. The United States had imposed certain measures and passed a set of regulations in order to protect its national security against imports of semi-conductor chips from China. However, the WTO has communicated to China that such targeted actions are related to the national security of a country and that the WTO is not an appropriate forum to address them.

¹ For more details concerning the interim trade agreement, please refer our article [“The promise of a better tomorrow for bilateral trade between India and Australia”](#)

Key Highlights

WTO

First WTO arbitration proceedings concluded under the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) (21 Dec)

On 30th November 2020, the Appellate Body, a standing body of seven persons that hears appeals on reports issued by WTO Panels, was suspended due to lack of consensus on appointment of Appellate Body members². Thereafter, a Multi-Party Interim Appeal Arbitration Arrangement (MPIA) was established to hear appeals arising from Panel reports. The MPIA operates under the WTO framework, based on Article 25 in the WTO's Dispute Settlement Understanding (DSU) for dispute arbitration. The participating WTO members agree to appeal arbitration procedures in case of WTO disputes between them to ensure their WTO right to binding, two-tier and independent dispute settlement in case of disputes, during the absence of a functioning WTO Appellate Body.

MPIA held its first hearing on 15th November 2022 and issued an award on 21st December 2022 in an Arbitration proceeding brought by Columbia to review the findings of a WTO dispute panel in “Colombia - Anti-Dumping Duties on Frozen Fries from Belgium, Germany and the Netherlands”.

The dispute arose pursuant to measures imposed by Columbia on imports of Frozen fries from Belgium, Germany, and Netherlands, which was challenged by the European Union. The WTO Panel found that Columbia acted inconsistently with its obligations under the Agreement. It further recommended that Columbia bring its measures in conformity with its obligations under GATT 1994 and the Anti-dumping Agreement. Columbia thereafter initiated an Arbitration under Article 25 of the under DSU, where it challenged four findings of inconsistency by the Panel.

The final and binding award of the Appeal Arbitrators confirmed that the anti-dumping investigation conducted by Columbia was flawed in several respects, including the calculation of the dumping margin and the injury analysis. This is the first decision by the MPIA, and could pave the way for a new era of dispute resolution.

² For more details, please refer article titled Arbitration: An alternative to the WTO Appellate Body? in newsletter 1 of 2020 at this [link](#).

Addressing Input Cost Distortions in Dumping Margin Calculations

Brief

- **Investigating authorities in India and globally had previously examined input cost distortions as a particular market situation, due to which the domestic selling price was not reliable for determination of normal value. Further, the cost of production of the exporter was adjusted to reflect the international prices of inputs.**
- **However, the WTO Panel in Australia – A4 Copy Paper (Indonesia) concluded that domestic selling price can be disregarded only where the particular market situation prevents a proper comparison between the domestic price and export price.**
- **Thus, where a situation equally affects domestic selling price and export price, the domestic selling price cannot be rejected.**
- **The Designated Authority has conducted two investigations in the past couple of years, wherein it found that a particular market situation existed in the exporting country. However, it did not conclude that the particular market situation prevented proper comparison or adjust input costs.**
- **Other jurisdictions such as Canada and European Union have amended laws and USA proposes to introduce a provision to address input cost distortions. Similar approach may be adopted in India.**

In an anti-dumping investigation, the dumping margin is normally determined as the difference between the selling price of the goods in the home market of an exporter, referred to as normal value, and the export price of the exporter. The WTO Anti-Dumping Agreement lays down three situations wherein the domestic selling price of the exporter would be disregarded, and normal value would be determined on alternative basis. One such situation is the existence of a “particular market situation” in the home market of the exporter, which prevents proper comparison with the export price. However, the Agreement does not define the term particular market situation. In broad terms, it is a situation unique to a particular market such as government control over prices, restrictions on import or export, distortions in input prices, etc., which render the domestic selling price unreliable, or not appropriate for determination of normal value.

Past findings of Designated Authority regarding particular market situation

In India, the Designated Authority has relied on provision of “particular market situation” in a few cases in the past. For instance, in the anti-dumping investigation concerning imports of Polypropylene, the Authority found that a particular market situation existed in Saudi Arabia, owing to distortion of prices of major input, propane, due to government intervention. The DGTR thus, constructed the normal value after substituting the international market price of propane in the cost of production of the producer. Further, in

the case of Rubber Chemicals from China and South Korea, the Authority rejected the price of raw material procured by the producer in Korea from China, on the basis that China is a non-market economy. The findings of the Authority were upheld by the CESTAT and by the Hon'ble Supreme Court.

Findings of the WTO Panel

A number of disputes arose out of the issue of adjustments made by various investigating authorities to address alleged input cost distortions. In particular, the Panel in Australia – A4 Copy Paper (Indonesia) concluded that distortions in the price of inputs used to produce subject goods, whether sold domestically or exported, may constitute a particular market situation. However, in order to disregard domestic selling price, it must first be examined whether the particular market situation prevents a proper comparison of such price with the export price. Thus, a particular market situation which equally effects both domestic selling price and export price cannot lead to rejection of domestic selling price.

India's approach to particular market situation after such decisions

Post the decisions of the WTO Dispute Settlement Body, India has conducted two investigations wherein the existence of particular market situation was examined by the Authority. In cases concerning imports of Low Density Polyethylene (LDPE) and Mono Ethylene Glycol (MEG) from Saudi Arabia, the Authority found existence of cost distortion in key inputs. This led the Authority to conclude that a particular market situation existed in Saudi Arabia. However, in both cases, the Authority did not arrive at a conclusion that the particular market situation prevented proper comparison. Further, no cost adjustment was made to address the input cost distortions.

Possible solutions that can be adopted by India

In view of there being significant government interventions in many jurisdictions, with regard to prices of key inputs, it is imperative that the anti-dumping law and practice evolve to address the situation.

In this regard, recourse can be made to Article 2.2.1.1 of the WTO Agreement. The provision states that costs shall normally be calculated on the basis of records kept by the exporter. However, the use of the term “normally” implies that in exceptional situations, the costs as maintained by the exporter may be disregarded and cost other than those as per records can be considered to determine the cost of production, such as in a situation where input costs are distorted.

Further, while various jurisdictions such as European Union and Canada have amended the law to incorporate provisions concerning input cost distortions, India is yet to incorporate the same in its law. USA has also proposed amendments to its law for this purpose. India could adopt a similar approach. An amendment in the law would guide the Authority on the factors that may be considered in order to determine the existence of a particular market situation and provide a vehicle to the Authority to determine costs or normal value on alternative basis in such situations.

– Aastha Gupta, Joint Partner
Ojasvi Nautiyal, Associate

Note from the editor: For a more detailed insight on the issue of particular market situation and input cost distortions, please refer our website at this [link](#).

United States – Certain Measures on Steel and Aluminium Products

**WT/DS552/R
Dated 9th December 2022**

Section 232 of the Trade Expansion Act, 1962 authorises the US Secretary of Commerce to conduct appropriate investigation for determining the effect of imports of an article on the national security of the United States. Under this provision, the US Secretary of Commerce issued Steel Report and Aluminium Report concluding that the imports of certain Steel and Aluminium products pose a threat to the national security of the US. It was held that such imports were weakening the internal economy of the country and threatened to impair its national security.

Accordingly, the US Secretary recommended either imposition of global quota or tariff rate on all imports or imposition of tariffs on imports from certain countries and quotas on imports from all country based on 2017 import volumes. Based on the said recommendations, the US President imposed an additional duty of 25% and 10% respectively on certain Steel and Aluminium imports from all countries, with exemptions for imports from Canada and Mexico.

The US President, thereafter, removed the exemptions given to Canada and Mexico, increased the duty on imports from Türkiye to 50%, and granted temporary exemptions from tariffs to Argentina, Australia, Brazil and Korea in exchange of agreements with these countries regarding voluntary quantitative restrictions on exports of such products. Further, these countries were also provided an option to choose between tariffs or quota.

Challenge to measures imposed by Norway

Norway challenged the said measures and contended that these were inconsistent with the Agreement on Safeguards as safeguard measures can be applied only after determining that the product is being imported in increased quantities, the increase in such imports is due to unforeseen development, and such imports cause or threaten to cause serious injury to the domestic industry. Further, US failed to notify the WTO regarding initiation of safeguard investigation, and applied measures beyond the extent necessary to prevent serious injury. Norway contended that the measures were imposed without having determined these conditions.

It was also contended that these measures are inconsistent as they were not applied to products irrespective of their sources and involved voluntary export restraints. It was also emphasized that the US failed to extend any advantage granted by it to some member countries, to all other countries. Lastly, Norway alleged that the import duties were imposed in excess of bound rates provided in United States' Schedule of Concessions and Commitments and that restrictions other than duties, taxes or other charges have been imposed.

Findings of the Panel

The Panel held that the additional duties levied by the US are inconsistent with Article II:1(a) and II:1(b) of GATT, 1994 as they do not constitute ordinary customs duties and exceed the bound rates of the US for the relevant product.

It was further held that the exemption provided to certain countries by imposition of import restrictions or providing option to choose between tariff or quota is inconsistent with Article I:1 of GATT 1994 as it confers an advantage to such countries. Such advantage has not been provided immediately and unconditionally to like products from all other WTO Members. Imposition of import quotas from certain WTO Members was held to be inconsistent since such quotas are prohibitions other than duties, taxes and other charges.

With regards to the inconsistency of measures under Agreement on Safeguards, the Panel held that the United States imposed measures pursuant to analysis of threat to its national security under Article XXI of GATT 1994. The Panel held that the Agreement on Safeguards is not applicable to the measures at issue, since they were not invoked under the provision relevant to safeguards in the first place.

The US submitted that the actions are justified under Article XXI(b) which states that nothing in this agreement prohibits any contracting party from taking any action considered necessary for the protection of its essential security interests. The Panel held that the action for protection of the essential security interests can be taken only as per the conditions specified under Article XXI(b). While the US submitted that global excess capacities of Steel and Aluminium is an emergency international situation, the Panel held that excess capacities are not a recent development and have been in debate since 2015. The Panel noted that the analysis and conclusion of the US Department of Commerce in Steel and Aluminium reports does not pertain to measures taken at the time of war or other emergency in international relations within the meaning of Article XXI(b)(iii) of the GATT 1994.

Trade Remedial Actions in India

Investigations Initiated

- Mid-term review of anti-dumping duty on imports of Aniline from China. (12 Dec)
- Anti-dumping investigation into imports of Para-Tertiary Butyl Phenol (PTBP) from Singapore, South Korea and USA. (21 Dec)
- Anti-dumping investigation into imports of Self-Adhesive Vinyl from China. (29 Dec)
- Anti-dumping investigation into imports of Vitamin A Palmitate from China, European Union and Switzerland. (29 Dec)

Investigations terminated

- Anti-dumping investigation into imports of Ceramic Rollers from China. (07 Dec)

Duties recommended

- Continuation of anti-dumping duty on imports of Viscose Staple Fibre from Indonesia. (19 Dec)
- Continuation of anti-dumping duty on imports of Monoisopropylamine from China. (20 Dec)

Duties recommended but not imposed

- Continuation of anti-dumping duty on imports of New/Unused Pneumatic Radial Tyres from China. (15 Dec)
- Anti-dumping duty on imports of Glycine from China. (22 Dec)

Customs Notifications

- Imposition of anti-dumping duty on imports of Stainless-Steel Seamless Pipes and Tubes from China. (20 Dec)
- Imposition of anti-dumping duty on imports of Semi-Finished Ophthalmic Lenses from China. (27 Dec)
- Continuation of anti-dumping duty on imports of Jute Products from Bangladesh and Nepal. (30 Dec)

Trade Remedial Actions outside India

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

Trade remedial actions against India

USA

Amendment in the final determination of the administrative review of the anti-dumping duty on imports of certain Frozen Warmwater Shrimp from India. (13 Dec)

The USDOC had published its final determination of the administrative review of anti-dumping duty on imports of shrimp from India on 29th December 2020, where it calculated a dumping margin of 3.06% for ZA Sea Foods and other parties. The US Court of International Trade modified the dumping margin finding that USDOC's decision to reject ZA Sea Foods' third country sales and rely on constructed value for the calculation of normal value was not supported by substantial evidence. Thus, the USDOC amended the dumping margin to 1.73% for ZA Sea Foods and other parties.

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

USA

- Final affirmative determination by the USDOC in the anti-dumping investigation into imports of certain Lemon Juice from Brazil and South Africa. (23 Dec)

Chapter 25 – Salt; sulphur, earths and stones; plastering materials, lime and cement

Philippines

- Imposition of anti-dumping duty on imports of Ordinary Portland Cement Type 1 and Blended Cement Type 1P from Vietnam. (16 Dec)

Chapter 29 – Organic Chemicals

Trade remedial actions against India

USA

Final affirmative determination by the USDOC in the administrative review of anti-subsidy duty on imports of Glycine from India. (15 Dec)

The USDOC determined that certain producers/exporters of Glycine from India received countervailable subsidies during the period of review from 1st January 2020 till 31st December 2020. The quantum of subsidy margin has been determined as 3% to 3.11%. The USDOC had initiated administrative review into imports of Glycine from India on 31st August 2021 and published preliminary determination on 7th July 2022.

Trade Remedial Actions outside India

Chapter 29 – Organic Chemicals

Other trade remedial actions

Australia

- Continuation of anti-dumping duty on imports of 2,4-Dichlorophenoxyacetic acid (2,4-D) from China. (20 Dec)

Brazil

- Continuation of anti-dumping duty on imports of n-Butanol from South Africa and Russia. (20 Dec)

European Union

- Initiation of sunset review of anti-dumping duty on imports of Trichloroisocyanuric acid from China. (05 Dec)

USA

- Continuation of anti-dumping and anti-subsidy duties on imports of 1-Hydroxyethylidene-1,1-Diphosphonic Acid from China. (01 Dec)

Chapter 32 – Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks

Madagascar

- Imposition of provisional safeguard measures on imports of Paintings. (06 Dec)

USA

- Final negative determination by USDOC in the sunset review of anti-dumping duty on imports of Stilbenic Optical Brightening Agents from China and Taiwan. (29 Dec)

Chapter 38 – Miscellaneous chemical products

USA

- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Biodiesel from Argentina and Indonesia. (01 Dec)

Chapter 39 – Plastic and articles thereof

Trade remedial actions against India

Columbia

Initiation of sunset review of anti-dumping duty on imports of High-Pressure Decorative Laminates from India. (27 Dec)

The Directorate of Foreign Trade initiated a sunset review of anti-dumping duty on imports of High-Pressure Decorative Laminates from India. The duties were first levied

Trade Remedial Actions outside India

by Columbia on 9th December 2015 and extended on 13th December 2019 for a period of three years. The application for initiation of sunset review investigation has been filed by Lamitech S.A.S.

Chapter 39 – Plastic and articles thereof

Trade remedial actions against India

USA

Final affirmative determination by the USDOC in the administrative review of anti-subsidy duty on imports of Polyethylene Terephthalate Film, Sheets and Strips from India. (12 Dec)

The USDOC determined that certain producers/exporters of Polyethylene Terephthalate Film, Sheets and Strips (PET film) from India received countervailable subsidies during the period of review from 1st January 2020 till 31st December 2020. This review covered a single mandatory respondent, SRF Limited. The USDOC determined a duty of 3.52% applicable to all exporters. The USDOC had initiated the review on 7th September 2021 and published the preliminary determination on 9th August 2022.

Other trade remedial actions

Argentina

- Imposition of definitive anti-dumping duty on imports of Plates, Sheets, Sheets and Strips of Poly (Methyl Metacrilate) from China. (23 Dec)

USA

- Imposition of anti-dumping duty on imports of certain Superabsorbent Polymers from South Korea. (20 Dec)
- Final affirmative determination by the USITC in the sunset review of the anti-dumping duty on imports of Chlorinated Isocyanurates from China and Spain. (20 Dec)
- Preliminary negative determination by the USDOC in the mid-term review of the anti-dumping duty on imports of Polyethylene Terephthalate Sheets from Oman. (27 Dec)

Chapter 40 – Rubber and articles thereof

Trade remedial actions against India

Argentina

Imposition of provisional anti-dumping duty on imports of New Rubber Tires (Pneumatic Tires) of type used in Bicycles from India. (21 Dec)

On 21st December 2022, The Ministry of Economy imposed provisional anti-dumping duty on imports of New Rubber Tires of type used in Bicycles from India. An ad-valorem duty of 31.99% on the FOB value has been imposed for a period of 4 months. The Ministry of Economy has preliminarily concluded that the imports of the product from India have increased and were priced 45-53% below the prices of the domestic industry in Argentina.

Trade Remedial Actions outside India

Chapter 44 – Wood and articles of wood

USA

- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of certain Softwood Lumber, Hardwood Plywood and Multilayered Wood Flooring from Canada. (01 Dec)
- Preliminary affirmative determination by the USDOC in the anti-circumvention investigation of anti-dumping and anti-subsidy duties on imports of certain Hardwood Plywood Products originating in China but exported from Vietnam. (08 Dec)

Chapter 60 – Knitted or crocheted fabrics

Argentina

- Initiation of anti-dumping investigation into imports of Knit Fabrics by Warp of Synthetic Fibers from China. (01 Dec)

Chapter 72 – Iron and steel

Trade remedial actions against India

USA

Final affirmative determination by the USDOC in the mid-term review of anti-dumping duty on imports of Silicomanganese from India. (06 Dec)

The mid-term review was initiated on 21st October 2022 to examine whether NAVA Limited (NAVA) is the successor-in-interest to Nava Bharat Ventures Limited (NBVL). The USDOC has concluded that NAVA shall be entitled to NBVL's anti-dumping cash deposit rate with respect to entries of imports of Silicomanganese from India.

Final affirmative determination by the USITC in the sunset review of the anti-dumping duty on imports of Stainless Steel Wire Rods from India. (20 Dec)

The USITC determined that revocation of the anti-dumping duty on imports of Stainless Steel Wire Rods from India is likely to lead to continuation or recurrence of material injury to the US industry within a reasonably foreseeable time. The Commission initiated this review on 2nd May 2022 and conducted an expedited review. The duty was originally levied on 1st December 1993.

Other trade remedial actions

Eurasian Economic Council

- Final affirmative determination by Internal Market Protection Department in sunset review of anti-dumping duty on imports of Cold Rolled Flat Steel Products with Polymer Coating from China. (02 Dec)
- Continuation of anti-dumping duty on imports of Ferrosilicomanganese from Ukraine. (06 Dec)
- Imposition of anti-dumping duty on imports of Ferrosilicomanganese from Georgia. (20 Dec)

Trade Remedial Actions outside India

Chapter 72 – Iron and steel

European Union

- Initiation of review of safeguard measures on imports of Steel products. (02 Dec)

Indonesia

- Extension of safeguard measures on imports of I and H Sections of other Alloy Steel. (02 Dec)

Japan

- Imposition of anti-dumping duty on imports of Hot-Dipped Galvanised Steel Wire from China and South Korea. (02 Dec)

USA

- Initiation of sunset review of anti-dumping duty on imports of Carbon and certain Alloy Steel Wire Rods from Belarus, Italy, Russia, South Africa, South Korea, Spain, Turkey, Ukraine, United Arab Emirates and the United Kingdom, and anti-subsidy duty on imports from Italy and Turkey. (01 Dec)
- Final affirmative determination by USDOC in the sunset review of anti-dumping duty on imports of Stainless-Steel Sheets and Strips in Coils from Japan, South Korea and Taiwan, and anti-subsidy duty from South Korea. (02 Dec)
- Continuation of anti-dumping duty on imports of Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Russia. (09 Dec)
- Preliminary negative determination by the USDOC in the anti-circumvention investigation of anti-dumping duty on imports of Stainless Steel Wire Rods originating in Korea, but exported from Vietnam. (16 Dec)
- Continuation of anti-dumping duty on imports of certain Hot-Rolled Steel Flat Products from Australia, Japan, South Korea, Netherlands, Turkey, and United Kingdom, anti-subsidy duty on imports from South Korea and revocation of anti-dumping and anti-subsidy duties on imports from Brazil. (22 Dec)

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

USA

Continuation of anti-dumping and anti-subsidy duties on imports of Finished Carbon Steel Flanges from India, Italy, and Spain. (05 Dec)

The USITC and USDOC initiated sunset review on 2nd May 2022 of anti-dumping and anti-subsidy duties on imports of Carbon Steel Flanges. Pursuant to expedited reviews conducted, the USDOC and USITC concluded that there was likelihood of continuation or recurrence of dumping, subsidization and injury to the US industry. Accordingly, the duties, first levied in 2017, have been continued for a further period of 5 years. The quantum of anti-dumping duty is 18.81% to 24.43% and anti-subsidy duty is 5.66% to 9.11%.

Trade Remedial Actions outside India

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

USA

Preliminary affirmative determination and partial termination by the USDOC in the administrative review of anti-dumping duty on imports of Welded Stainless Pressure Pipes from India. (06 Dec)

The USDOC initiated administrative review on 28th December 2021, in respect of exports of Welded Stainless Pressure Pipes exported by Ratnamani Metals & Tubes Limited and Hindustan Inox, Limited. While the review against Hindustan Inox was terminated due to withdrawal of request by the exporter, the USDOC preliminarily found Ratnamani Metals & Tubes had exported the subject merchandise at dumped prices. The dumping margin was determined as 34.32%.

Final affirmative determination by the USDOC in the administrative review of anti-subsidy duty on imports of Finished Carbon Steel Flanges from India. (15 Dec)

The USDOC determined that certain producers/exporters of Finished Carbon Steel Flanges from India received countervailable subsidies during the period of review from 1st January 2020 to 31st December 2020. There were 2 mandatory respondents, and 36 cooperative non-sampled respondents in the investigation. The USDOC has determined duty quantum of 3.61% to 4.21%. The USDOC had earlier initiated the review on 7th October 2021 and published the preliminary determination 8th September 2022.

Preliminary determination by the USDOC in the administrative review of anti-dumping duty on imports of certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India. (20 Dec)

The USDOC preliminarily found that Goodluck India Limited has engaged in dumping of certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel. The administrative reviews were initiated in 29th July 2019 and 6th August 2020 for periods 22nd November 2017 to 31st May 2019 and from 1st June 2019 till 31st May 2020 respectively. The dumping margin determined was 1.59% and 1.39%.

Final affirmative determination by the USDOC in the anti-dumping investigation into imports of certain Steel Nails from India, Thailand and Turkey and final negative determination in the anti-dumping investigation into imports from Sri Lanka. (23 Dec)

The USDOC determined that certain Steel Nails were being dumped into the US from India, Thailand and Turkey. The duties determined for the Indian producers are in the range of 2.94-3.98% while the duties imposed on Thai and Turkish producers are up to 13.90% and 118% respectively. The USDOC has also determined that goods from Sri Lanka were not being dumped during the same period.

Trade Remedial Actions outside India

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

USA

Initiation of sunset review of anti-dumping duty on imports of Cold-Drawn Mechanical Tubing from China, Germany, India, Italy, South Korea, and Switzerland and anti-subsidy duty on imports from China and India. (27 Dec)

The USITC initiated the sunset review of the anti-dumping and anti-subsidy duties on imports of Cold-Drawn Mechanical Tubing. The USDOC had imposed the anti-dumping and anti-subsidy duties on 11th June 2018 and 1st February 2018 respectively. Imports from India are subject to duties ranging from 3.30%-5.94%.

USA

Initiation of sunset review of anti-dumping duty on imports of Circular Welded Pipes and Tubes from Brazil, India, Mexico, South Korea, Taiwan, Thailand, and Turkey and anti-subsidy duty on imports from Turkey. (27 Dec)

USITC initiated the sunset review of the anti-dumping and anti-subsidy duties on imports of Circular Welded Pipes and Tubes. This is the fifth sunset review. The USDOC had imposed the original anti-dumping and anti-subsidy duties on 7th May 1984 and the duties were last continued on 7th February 2018.

Other trade remedial actions

Argentina

- Continuation of anti-dumping duty on imports of Accessories of Malleable Iron Casting Pipes from China and Brazil. (23 Dec)

USA

- Final affirmative determination by the USITC in the sunset review of anti-dumping duty on imports of certain Welded Stainless Steel Pipes from South Korea and Taiwan. (14 Dec)
- 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 United Arab Emirates. (16 Dec)
- Initiation of sunset review of anti-dumping duty on imports of Seamless Carbon and Alloy Steel Standards, Lines and Pressure Pipes from Germany. (27 Dec)
- Final affirmative determination by USDOC in the sunset review of anti-dumping duty on imports of certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipes from Japan. (29 Dec)
- Continuation of anti-dumping duty on imports of Welded ASTM A-312 Stainless Steel Pipe from South Korea and Taiwan. (29 Dec)
- Final affirmative determination by USDOC in the sunset review of the anti-dumping duty on imports of certain Steel Nails from United Arab Emirates. (29 Dec)
- Continuation of anti-dumping duty on imports of Circular Welded Carbon-Quality Steel Pipe from Oman, Pakistan, and United Arab Emirates. (30 Dec)

Trade Remedial Actions outside India

Chapter 76 – Aluminium and articles thereof

Brazil

- Imposition of anti-subsidy duty on imports of Rolled Aluminium products from China, but suspended till 31st March 2023, due to public interest. (20 Dec)

United Kingdom

- Final affirmative determination in the anti-dumping investigation into imports of Aluminium Extrusions from China. (16 Dec)

Chapter 83 – Miscellaneous articles of base metal

USA

- Initiation of anti-circumvention investigation of anti-dumping and anti-subsidy duties on imports certain Collated Steel Staples originating in China, but completed in and exported from Thailand and Vietnam. (21 Dec)
- Final affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of Paper Clips from China. (28 Dec)

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

Eurasian Economic Council

- Imposition of anti-dumping duty on imports of Steel Wedge Gate Valves from China. (20 Dec)

USA

- Final affirmative determination by the USDOC in the anti-circumvention investigation of anti-dumping and anti-subsidy duties on imports certain Vertical Shaft Engines from China, by alteration in form and appearance. (16 Dec)
- Initiation of anti-dumping and anti-subsidy investigations by the USITC into imports of Gas-Powered Pressure Washers from China and Vietnam. (30 Dec)

Chapter 85 – Electrical machinery and equipment and parts thereof

Argentina

- Imposition of provisional anti-dumping duty on imports of Multi-Functional Devices, for Processing Food manually; Hand-Use Mixers and Blenders from Brazil. (21 Dec)

USA

- Preliminary affirmative determination by the USDOC in the anti-circumvention investigation of anti-dumping and anti-subsidy duties on imports of Crystalline Silicon Photovoltaic Cells, whether or not assembled into Modules originating in China but exported from Cambodia, Malaysia, Thailand, and Vietnam. (08 Dec)

Trade Remedial Actions outside India

Chapter 87 – Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof

Argentina

- Initiation of anti-dumping investigation into imports of Bicycles with Wheels above 26 Inches from China. (05 Dec)

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

USA

- Initiation of sunset review of anti-dumping duty on imports of Tool Chest and Cabinets from China and Vietnam and anti-subsidy duty on imports from China. (01 Dec)
- Initiation of anti-circumvention investigation of anti-dumping and anti-subsidy duties on imports of Boltless Steel Shelving Units Prepacked for Sale originating in China, but assembled or completed in Malaysia. (12 Dec)

Other Trade Updates

Foreign Trade Policy

Inclusion of additional export items under RoDTEP scheme (07 Dec)

The Ministry of Commerce and Industry has revised Appendix 4R under the RoDTEP scheme to include additional export sectors / items under Chapters 28, 29, 30 and 73 for exports made from 15th December 2022. The inclusion will be applicable till 30th September 2023. The revised list is available on the DGFT portal.

Revised list of State Trading Enterprises for FTP purposes and for allocation of quota for import (08 Dec)

The DGFT has notified the updated Appendix – 2J with the revised list of State Trading Enterprises (STEs) eligible for allocation of quota for import under the Tariff Rate Quota (TRQ) and export / import purposes. Some of the existing STEs have been delisted and some new entities have been included.

Enlistment of new agency for issuance of Certificate of Origin (08 Dec)

The DGFT has authorised the Western U.P Chamber of Commerce and Industry as an agency listed under Appendix 2E of FTP 2015-20 to issue Certificate of Origin (Non-Preferential) (CoO NP).

Issuance of Preferential Certificate of Origin under India-Australia Economic Cooperation and Trade Agreement (22 Dec)

The electronic platform for Certificates of Origin (eCoO) has been expanded to facilitate issuance of Preferential Certificates of Origin for exports to Australia under India-Australia Economic Cooperation and Trade Agreement (Ind-Aus ECTA) with effect from 29th December 2022.

Amendment in the list of products under the jurisdiction of Export Promotion Council for EOU and SEZ (27 Dec)

The DGFT has amended Appendix 2T to update the details of products falling within the jurisdiction of Export Promotion Council for EOU and SEZ (EPCES). The updated Appendix will include services by EOU as well. Under the previous list, only products except spices were included in the Appendix.

Revised procedure for import under TRQ under India – UAE CEPA (29 Dec)

The Ministry of Commerce and Industry has laid down the revised procedure and conditions for import of items under Tariff Rate Quota (TRQ) under the India – UAE CEPA.

Other Trade Updates

Bureau of Indian Standards

Amendment of Standards (01 Dec)

The Bureau of Indian Standards has notified amendment to IS 15961: 2012 Hot Dip Aluminium-Zinc Alloy Metallic Coated Steel Strip and Sheet (Plain) with effect from 24th November 2022. The earlier Standards shall continue without amendment till 23rd February 2023.

Substitution of Standards (01 Dec)

The Bureau of Indian Standards has notified new Standards with effect from 24th November 2022 in substitution of the earlier Standards. However, the previous standards were in force concurrently till 15th December 2022. For a full list of products, please refer to the attached [link](#).

No., Year and Title of the Indian Standard established	No., Year and Title of the Indian Standard withdrawn
IS 7445: 2022 Acetone – Code of Safety (First Revision)	IS 7445: 1974 Code of Safety for Acetone
IS 15201: 2022 Hydrogen – Code of safety (First Revision)	IS 15201: 2002 Hydrogen – Code of safety

Substitution of Standards (07 Dec)

The Bureau of Indian Standards has notified new Standards for certain products, including IS 12178: 2022 Acetylene Black – Specification (First Revision), with effect from 28th November 2022 in substitution of the earlier Standards. However, the previous standards were in force concurrently till 28th December 2022. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (13 Dec)

The Bureau of Indian Standards has notified the substitution of the IS 15030: 2001 Terephthalic Acid – Specification with the New Standard IS 15030: 2022 Terephthalic Acid – Specification (First Revision) with effect from 9th December 2022. However, the previous standards will remain in force concurrently till the 9th June 2023.

Amendment of Standards (14 Dec)

The Bureau of Indian Standards has notified amendment to the IS 3470: 2017 Hexane, Food Grade – Specification (Second Revision) standard with effect from 29th November 2022. The amendment shall remain in force till 28th February 2023.

Extension of effective date of Quality Control Orders (14 Dec)

The Bureau of Indian Standards has amended the Refrigerating Appliances (Quality Control) Order, 2020. The effective date of the order has been modified to be applicable with effect from 1st January 2024.

Other Trade Updates

Amendment of Standards (17 Dec)

The Bureau of Indian Standards has notified amendment to the Standards applicable to the following products, with effect from 29th November 2022. The unamended Standards were in force till 28th December 2022.

- IS 17599 : 2021/ISO 2113 : 1996 Reinforcement Fibres — Woven Fabrics for a Specification
- IS 17596: 2021/ISO 3616: 2001 Textile Glass — Chopped-Strand and Continuous Filament Mats — Determination of Average Thickness, Thickness Under Load and Recovery after Compression
- IS 17604: 2021/ISO 15039: 2003 Textile — Glass Roving's — Determination of Solubility of Size
- IS 17605: 2021/ISO 10548: 2002 Carbon Fibre — Determination of Size Content
- IS 17879: 2022 Textiles — Polyester Textured Yarns — Specification

Amendment of Standards (21 Dec)

The Bureau of Indian Standards has notified amendment to the following Standards with effect from 13th December 2022. The unamended Standards shall remain in force till 12th January 2023.

- IS 9113: 2012 Textiles — Jute Sacking — General Requirements (Second Revision)
- IS 2818: 2015 Textiles — Hessian — Specification (Third Revision)
- IS 16372: 2015 Textiles — Jute Bags for Packing up to 30 KG Food grains — Specification

Extension of effective date of Quality Control Orders (21 Dec)

The effective date of the following (Quality Control) Orders has been modified and these shall now be applicable with effect from 22nd June 2023.

- Phthalic Anhydride
- Toluene
- Terephthalic Acid
- n-Butyl Acrylate

Amendment of Standards (24 Dec)

The Bureau of Indian Standards has notified amendment to the IS 17440: 2020 Carbon Black — Specification standard with effect from 15th December 2022. However, the previous standard will remain in force concurrently till 14th January 2023.

Other Trade Updates

Trade Agreements

The interim India-Australia trade agreement comes into force on 29th December 2022

The India-Australia Economic Cooperation and Trade Agreement (ECTA), which is an interim agreement between the two countries, came into force on 29th December 2022. The Agreement would provide duty free access to Indian exporters over 6,000 sectors including textiles, leather, furniture, jewellery and machinery. Rules of Origin under the Agreement have also been notified.

Further, the two countries are working towards a Comprehensive Economic Cooperation Agreement to build on this ECTA. The India-Australia Comprehensive Economic Cooperation Agreement is expected to be finalized by September 2023.

India-Germany restart negotiations on India-EU FTA

India and Germany have agreed to restart the negotiations to sign the India-European Union (EU) Free Trade Agreement, Investment Protection Agreement and the Agreement on Geographical Indications.

India-UK concludes the sixth round of negotiations

The UK Trade Secretary recently visited India to start the sixth round of negotiations between India and UK for the proposed free trade agreement. The two countries have committed to expeditiously conclude the negotiations for the FTA. The seventh round of negotiations will be held early in 2023.

India-Bangladesh to start CEPA negotiations

Bangladesh Commerce Minister recently visited India to discuss the feasibility study for the proposed Comprehensive Economic Partnership Agreement and to firm up the roadmap for negotiations on the said CEPA.

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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