
ADHYATAN

TPM NEWSLETTER

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In this Edition

- ◆ An insight into appropriateness of various trade remedial measures in a situation wherein global prices have declined.
- ◆ DGTR introduces proforma for filing applications requesting initiation of safeguard investigation, and checklist for pre-acceptance scrutiny.
- ◆ USDOC proposes to modify laws, including those relating to transnational subsidies, benchmarking evidence in anti-subsidy investigations and evidence of particular market situation in anti-dumping investigations.
- ◆ India challenges WTO Panel decision regarding import duties on Information and Technology products.

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Table of Contents

Key Highlights 3

Insight – Efficacy and Effectiveness of Trade Remedy Measures
in Addressing Sudden Changes in Market Situations 5

Foreign Trade Policy 8

Trade Agreements 9

Bureau of Indian Standards 10

Non-Tariff Measures 13

Trade Remedial Actions 15

Key Highlights

India

DGTR issues new application proforma and checklist for Safeguard Investigations (01 Jun)

In order to streamline the investigation process for Original Safeguard Investigations, the Directorate General of Trade Remedies has notified a new application proforma and checklist for prima-facie scrutiny of applications filed requesting initiation of safeguard investigations. The new proforma and checklist is attached at the [link](#) herein.

India files appeal against WTO Panel Report in case of ‘India — Tariff Treatment on Certain Goods (25 May)

On 17th April 2023, the WTO Dispute Settlement Body circulated the report of the Panel in dispute concerning customs duties imposed by India on certain Information and Technology products. The European Union, Japan and Taiwan challenged such duties as being violative of India's commitments under the GATT. The Panel found that the customs duties notified by India were in violation of its commitments¹. On 25th May 2023, India notified the Dispute Settlement Body of its decision to appeal against the report of the Panel.

WTO

WTO Committees on Anti-dumping, Subsidies and Safeguards review actions by members (01-03 May)

The WTO members convened from 1st to 3rd May to discuss the safeguard and anti-dumping actions taken by fellow members. The Committee on Subsidies and Countervailing Measures reviewed the subsidy notifications of WTO members for 2021. Further, the Committee discussed the failure of 88 members to submit the subsidy notification and urged these members to submit the said notification. The Committee on Anti-Dumping Practices also reviewed the new and amended anti-dumping legislations notified by certain members.

New Subsidy Platform launched

The IMF, OECD, World Bank Group, and WTO have jointly launched a subsidy platform to increase transparency on the use of subsidies at national and international level. The platform will serve as a portal for information and analysis of subsidies provided by different countries. While currently limited information is available at the platform, it will be continuously improved based on suggestions received by the organisations.

¹ For more details, please refer our update regarding the decision of the Panel at the [link](#) herein.

Dispute Panel established to review anti-dumping duty imposed by European Union on Indonesian Steel Products (25 May)

At the meeting of Dispute Settlement Body, the WTO members agreed to establish a dispute panel to review anti-dumping and anti-subsidy measures imposed by the European Union on imports of Stainless-Steel Cold-Rolled Flat Products from Indonesia. While Indonesia has urged EU to bring its measures in conformity with the WTO provisions, EU is confident that its measures will be found to be in line with WTO law.

Global

The US Department of Commerce proposes amendment in law governing anti-dumping and anti-subsidy duties (09 May)

The US Department of Commerce has proposed amendment to certain provisions under its law governing anti-dumping and anti-subsidy duties. Some of the proposed amendments include the following:

- a. Provision for non-consideration of transnational subsidy has been removed. However, no new provision has been introduced in its place yet.
- b. USDOC may not consider the price which is likely impacted due to weak, ineffective, or non-existent property (including intellectual property), human rights, labour or environmental protection for the purpose of benchmarking in case of anti-subsidy investigation.
- c. In case of a cost-based particular market situation, the USDOC will not consider allegation by the interested parties that the U.S. industry has not provided quantifiable evidence. Speculative costs or prices unless backed by independent studies or former determination by the USDOC, actions / in-actions of the government of countries other than the subject countries and any long-standing practice of the subject country suggesting that the distortion is in the ordinary course of trade will also not be considered by the USDOC.
- d. Time limits for issuance of preliminary findings and initiation of scope inquiries and circumvention investigations have been enhanced.
- e. In case of scope ruling on an article not imported into the U.S., an interested party will have to furnish evidence regarding production and sale of the product.
- f. The USDOC may issue scope clarifications regarding country of origin, change in HS Codes, exemption of goods for US Defence purposes or any other purpose.

Efficacy and Effectiveness of Trade Remedy Measures in Addressing Sudden Changes in Market Situations

- In certain cases, there may be a steep decline in price of imports, leading to high import volumes and adverse effect on the Indian industry. In such situations, selection of appropriate trade remedial measure to counter the situation is imperative.
- Since anti-dumping and anti-subsidy laws require an investigation period of at least one year, it would allow dumping and injury that occurred in a short duration to be masked by the higher prices of earlier period, thereby rendering the remedy ineffective.
- Safeguard measures in the form of quantitative restrictions may lead to delays, since interim measures cannot be imposed under the law.
- While safeguard duty may be appropriate, as it is an emergency measure and can administer relief expeditiously, it impacts imports from all countries, irrespective of price behaviour or volume.
- There is a need to amend the law to allow shorter period of investigation to be considered in anti-dumping and anti-subsidy investigations. Further, there is a need to adopt methodologies for capturing dumping, where there are significant differences in prices between different periods.

A number of macro-economic global factors such as change in freight costs, Russia-Ukraine conflict and sudden collapse of consumption have led to severe price decline for a number of products in a short duration. This has caused significant price competition in the market. Various products have faced decline in prices, in a range as low as 10% to as high as 80%, in a very short duration. Such declines have quite often occurred without any decline, or without proportionate decline in prices of principal raw materials. For example, prices of Para Nitro Toluene (PNT) have declined by over 80% from USD 2,300 per MT in June 2022 to USD 450 per MT in March 2023, as a result of global collapse in demand. Similarly, the prices of glass fibre have declined by 40 to 50%, with prices of certain types of Glass Fibres declining from USD 1,418 per MT in April 2022, to USD 761 per MT in March 2023. In the recent period, a large number of products have suffered such collapse of import prices, which has resulted in a sudden and steep

increase in import volumes; or reduction in the prices in the market. In such a scenario, the Indian industry may seek trade remedial measures, to address the deteriorating market conditions. However, it is imperative that the appropriate measure be selected with due care, to ensure effectiveness of the remedy.

Since anti-dumping duty addresses the situation of dumping which causes injury to a domestic industry, it is possible that a steep decline in prices might be a result of dumping of products in India. However, India has introduced a legal provision concerning selection of investigation period, which emphasizes that the investigation period should normally be of twelve months. The authorities can only consider an investigation period of less than twelve months, where there is adequate justification as to why twelve months could not be considered as a reasonable investigation period. In such a situation, steep decline in profitability due to increased competition from low-priced imports, and consequent decline in performance, may not be seen as sufficient justification. At the same time, consideration of twelve months as the investigation period may not result in a situation which merits imposition of anti-dumping duty, since a longer period may show that the industry was performing well in the beginning of the investigation period, while showing heavy injury towards the end of the investigation period. Further, higher prices at the beginning of the investigation period may mask the severity of dumping during the later part of the investigation period.

It is interesting to note that this situation is well addressed under by other jurisdictions. For instance, under the anti-dumping law, if there is a significant difference in the prices of the product with reference to time period, customer or region, the investigating authorities may determine dumping margin for foreign producers by considering a weighted average normal value and comparing the same with export price of individual import transactions. This provision has been widely understood to imply a resort to zeroing for un-dumped imports in certain jurisdictions. However, India has not applied this provision so far.

Similarly, use of anti-subsidy law also involves with almost the same problem as the anti-dumping law, as the requirement for fixation of an investigation period is similar to that under the anti-dumping law.

Imposition of safeguard measures in the form of Quantitative Restrictions may also not be an effective remedy since the law does not contain a provision for imposition of interim measures, and the total time period allowed for completion of investigation is eight months. In effect, completion of investigation invariably takes more than six months, plus additional time required pre-investigation for collection of information and

filing an application as well as post-investigation for consideration and implementation of recommendations. In a situation of emergency and sudden collapse of market prices, the significant time expended may imply a delay in administering the remedy that the industry cannot afford.

By contrast, safeguard measures in the form of duty are meant for addressing adverse business situations arising out of sudden and unknown market developments. Sudden collapse of demand, leading to a steep decline in prices and consequent surge in imports is, in fact, well addressed under the safeguard law. Further, it is a well-established legal position that the investigating authorities are allowed to impose safeguard duty immediately after initiation and even without waiting for a notice period.

However, safeguard duty is an emergency measure and is supposed to be used sparingly. Further, even when injury to an industry might be caused due to imports from one or few countries, safeguard measures are applied across all countries, which may be a concern. In fact, South Korea has recently notified the WTO Council for Trade in Goods of the Proposed Suspension of Concessions and other Obligations seeking compensation against the safeguard measure in the form of quantitative restrictions imposed by India on imports of Isopropyl Alcohol. This compensation has been sought by South Korea despite the fact that there is likely to be no material adverse effect of the measure on South Korea. While the average imports from South Korea during the investigation period were 21,000 MT, it was allotted a quota of 24,000 MT under the measures. Thus, South Korea has received a higher quota than what it had exported in the past period. Despite the same, South Korea has raised a request for compensation. Such issues may arise in case of imposition of safeguard duty as well, since the duty would be levied across imports from all countries, irrespective of the volume and price of imports from individual countries.

Nevertheless, despite the stringent requirements for use of safeguard duties, perhaps it is the only remedy available to the industry to address such situations of exigency arising out of collapse of markets, because of unforeseen global developments. Additionally, India should amend its law to allow consideration of investigation period of upto six months, in anti-dumping and anti-subsidy investigations. Further, it is important that India recognises and applies the three methods of comparison between normal value and export price provided under the law. This would allow the industry an alternative avenue to seek remedy, without also targeting imports from countries that may not be having an adverse impact.

– A. K. Gupta, Founder and Managing Director

Foreign Trade Policy

Alignment of RoDTEP schedule for certain chapters with First Schedule of the Customs Tariff Act, 1975 (01 May)

The Ministry of Commerce has made certain changes in Appendix 4R (RoDTEP Schedule) pursuant to enactment of the Finance Bill, 2023. 149 tariff lines at 8-digit level were added and 52 tariff lines at 8-digit level were deleted from the schedule with effect from 1st May 2023. The amended Appendix 4R is available at the [link](#) herein.

Amendment in Interest Equalization Scheme (25 May)

On 8th March 2022, the RBI extended the Interest Equalisation Scheme up to 31st March 2024. Accordingly, the Ministry of Commerce has notified that the annual net subvention amount would be capped at ₹ 10 crore per IEC in a given financial year with immediate effect. Further, all disbursements made from 1st April 2023 will be counted for an IEC in the current financial year.

Trade Agreements

Indian Updates

India and European Union to conclude free trade agreement negotiations shortly

The Minister of External Affairs recently announced that the free trade agreement negotiations between India and European Union are expected to conclude earlier than expected. The two countries concluded the fourth round of negotiations in May and plan on resuming the next round of negotiations in June.

India and SICA FTA in final stage of negotiations

India and the Central American Integration System (SICA) comprising of Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama are in the final stage of negotiations for the free trade agreement which is expected to be implemented in coming months.

Global Updates

Taiwan suspends free trade agreement with El Salvador

On 15th May 2023, the government of Taiwan suspended the implementation of its free trade agreement with El Salvador. The agreement between the two countries was signed back in May 2007 but diplomatic ties between the two ended in August 2018.

Ecuador and China sign free trade agreement

China and Ecuador signed a free trade agreement on 11th May 2023. The agreement will enable Ecuador to export 99.6 percent of its products to China without tariffs and will boost Ecuador's exports of non-oil products by upto a third in the next ten years.

Oman and Iran reach an understanding to sign an FTA

Iran and Oman have agreed to sign a Memorandum of Understanding (MoU) on making joint investments and a preferential trade agreement.

Indonesia and Iran ink preferential trade deal

Iran and Indonesia signed a preferential trade agreement on 23rd May 2023. The agreement will cover products such as medicine, rubber, paper, textiles, wood, shoes, cotton, electric machines, motorized vehicles, chemicals and aluminium products.

Bureau of Indian Standards

Substitution of Standards (04 May)

The Bureau of Indian Standards has notified substitution of following standards, with effect from 1st May 2023. However, the previous unamended standards will remain in force concurrently till 1st November 2023.

No., Year and Title of the Indian Standard established	No., Year and Title of the Indian Standard withdrawn
IS 11356 (Part 1) : 2023 Styrene-Butadiene Rubber Latex — Specification Part 1 Non-Carboxylated (Second Revision)	IS 11356 : 2020 Styrene-Butadiene Rubber Latex — Specification (First Revision)
IS 11356 (Part 2) :2023 Styrene-Butadiene Rubber Latex — Specification Part 2 Carboxylated (Second Revision)	IS 11356 :2020 Styrene-Butadiene Rubber Latex — Specification (First Revision)

Substitution of Standards (05 May)

The Bureau of Indian Standards has notified substitution of certain standards, including the following, with effect from 1st May 2023. However, the previous unamended standards will remain in force concurrently till 1st June 2023. 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 3012 : 2023 Chrome Manganese — Specification (Second Revision)	IS 3012 : 1985 Specification for Chrome Manganese (First Revision)
IS 4910 (Part 8) : 2023 Tyre Yarns, Cords and Tyre Cord Fabrics Made from Man-Made Fibres — Methods of Test Part 8 Thickness (Second Revision)	IS 4910 (Part 8) : 1989 Tyre Yarns, Cords and Tyre Cord Warpsheets Made from Man-Made Fibres — Methods of Tests Part 8 Thickness (First Revision)
IS 6001 : 2023 Textiles — Flyer Spindles — Specification (First Revision)	IS 6001 : 1971 Specification for Flyer Spindles
IS 12318 : 2023 Textiles — Picking Cone and Picking Stud for Jute Looms — Specification (First Revision)	IS 12318 : 1988 Specification for Picking Cone and Picking Stud for Jute Looms

Substitution of Standards (05 May)

The Bureau of Indian Standards has notified substitution of certain standards, including the standard **IS 17479 : 2023** Textile Floor Covering — Carpet Tiles Made of Synthetic Yarn — Specification (First Revision) with effect from 01st May 2023. However, the previous unamended standard **IS 17479 : 2020** Textile Floor Covering — Carpet Tiles Made of Polyamide (Nylon) Yarn — Specification will remain in force concurrently till 01st June 2023. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (05 May)

The Bureau of Indian Standards has notified substitution of certain standards, including the standard **IS 18161 : 2023** Textiles — Light Weight Jute Sacking Bags for Packing 50 kg Mustard Seed, Niger Seed and Ragi — Specification with effect from 01st May 2023. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (05 May)

The Bureau of Indian Standards has notified substitution of certain standards, including the standard **IS 718 : 2023** Carbon Tetrachloride — Specification (Third Revision) with effect from 02nd May 2023. However, the previous unamended standard **IS 718 : 1977** Specification for Carbon Tetrachloride (Second Revision) will remain in force concurrently till 02nd June 2023. For a full list of products, please refer to the attached [link](#).

Amendment of Standards (10 May)

The Bureau of Indian Standards has notified amendment of the standard, **IS 16738 : 2018** Positive List of Constituents for Polypropylene, Polyethylene and Their Copolymers for Its Safe Use in Contact with Foodstuffs and Pharmaceuticals with effect from 19th April 2023. However, the previous unamended standard will remain in force concurrently till 18th May 2023.

Amendment of Standards (15 May)

The Bureau of Indian Standards has notified amendment of the standard, **IS 229 : 2021** Ethyl Acetate — Specification (Fourth Revision) with effect from 12th May 2023. However, the previous unamended standard will remain in force concurrently till 11th June 2023.

Substitution of Standards (15 May)

The Bureau of Indian Standards has notified substitution of certain standards, including the following with effect from 12th May 2023. However, the previous unamended standards will remain in force concurrently till 12th June 2023. 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 12540 : 2023 Acrylonitrile — Specification (First Revision)	IS 12540 : 1988 Specification for Acrylonitrile

Withdrawal of Standards (15 May)

The Bureau of Indian Standards has notified withdrawal of certain standards, including the following with effect from 04th May 2023. For a full list of products, please refer to the attached [link](#).

- **IS 11355 :1985** Specification for Phenyl- β -Naphthylamine
- **IS 4770 :1991** Rubber Gloves — Electrical Purposes — Specification (First Revision)

Substitution of Standards (29 May)

The Bureau of Indian Standards has notified substitution of certain standards, with effect from 18th May 2023. However, the previous unamended standards will remain in force concurrently till 18th November 2023. 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 4026 : 2023 Aluminium Ingots, Billets and Wire Bars (EC GRADE) (Fifth Revision)	IS 4026 : 2007 Aluminium Ingots, Billets and Wire Bars (EC GRADE) (Fourth Revision)
IS 5484 : 2023 EC Grade Aluminium Rod Produced by Continuous Casting and Rolling — Specification (Third Revision)	IS 5484 : 1997 EC Grade Aluminium Rod Produced by Continuous Casting and Rolling — Specification (Second Revision)

Note: Our newsletter only includes certain key updates concerning Bureau of Indian Standards. Other updates during the month can be found at this [link](#).

Non-Tariff Measures

India

Quality Control Orders concerning Copper, Aluminium and Aluminium Alloys, and Nickle (02 May)

India has notified the WTO of its draft Quality Control Orders concerning the following products.

- Copper falling under IS 191:2007
- Aluminium and Aluminium Alloys falling under IS 617:1994, IS 11890:987, IS 6754: 1972, IS 2590: 1987, IS 4026: 2007
- Nickle falling under IS 7506:1987

The draft Orders were issued by the Ministry of Mines for seeking comments from WTO members before the measures are introduced by India. WTO Members can file comments within 60 days, that is 1st July 2023. The measures would be adopted upon publication in the official gazette. The objective of measures is consumer protection and prevention of deceptive practices.

Quality Control Orders concerning Copper Products, Flux Cored Solder Wire and Wood Based Boards (15 May)

India has notified the WTO of its draft Quality Control Orders concerning the following products.

- Copper Products falling under IS 12444:2020, IS 613:20000, IS 1897: 2008, IS 4171: 1983, IS 1545: 1994, IS 2501: 1995, IS 14810: 2000, IS 10773: 1995, IS 4412: 1981
- Flux Cored Solder Wire falling under IS 1921:2005
- Wood based boards falling under IS 1659:2004, IS 12823:2015, IS 3087: 2005, IS 12406: 2021, IS 3097: 2006

The draft Orders were issued by the Department for Promotion of Industry and Internal Trade (DPIIT) for seeking comments from WTO members before the measure are introduced by India. WTO Members can file comments within 60 days, that is 14th July 2023. The measures would be adopted upon publication in the official gazette. The objective of measures is to protect human health and environment.

Cast Iron Products (Quality Control) Order, 2023 (23 May)

India has notified the WTO of its draft Quality Control Order, issued by the Department for Promotion of Industry and Internal Trade (DPIIT) for seeking comments from WTO members before the measure is introduced by India. The order has been proposed in order to regulate Cast Iron Products falling under IS 1726:1991, IS 1729:2002, IS 1879:2010, IS 13349:1992, 210:2009 and IS 1537:1976. WTO Members can file comments within 60 days, that is by 22nd July 2023. The measure would be adopted upon publication in the official gazette. The objective of measure is to protect human health and environment.

Miscellaneous Steel Products (Quality Control) Order, 2023 (26 May)

India has notified the WTO of its draft Quality Control Order, issued by the Department for Promotion of Industry and Internal Trade (DPIIT) for seeking comments from WTO members before the measure is introduced by India. The order has been proposed in order to regulate certain Steel Products falling under IS 15155:2020, IS 16651:2017, IS 6392:2020, IS 6913:1973. WTO Members can file comments within 60 days, that is by 25th July 2023. The measure would be adopted upon publication in the official gazette. The objective of measure is to provide higher level of quality, reliability and consistency including Protection of the environment.

Global

Japan

Establishment of new standards for Normal Fertilizers. (22 May)

The Ministry of Agriculture, Forestry and Fisheries (MAFF), Japan will amend rules with regards to the official specification of normal fertilizers by establishing new standards for Microbe Phosphate Fertilizer and for the raw materials used in Microbe Phosphate Fertilizer. The objective of this measure is protection of human health.

Note: Our newsletter only includes certain key updates concerning Non-Tariff Measures. Other updates during the month can be found at this [link](#).

Trade Remedial Actions

Chapter 7 – Edible vegetables and certain roots and tubers

USA

- Continuation of anti-dumping duty on imports of Fresh Garlic from China. (24 May)

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

USA

- Continuation of anti-dumping duty on imports of certain Preserved Mushrooms from the Netherlands, Poland and Spain. (23 May)

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

South Korea

- Initiation of anti-dumping investigation into imports of White Cement from Egypt. (01 May)

Chapter 28 – Inorganic chemicals, organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes

USA

- Initiation of sunset review of anti-dumping duty on imports of Silicon Metal from China. (01 May)

Chapter 29 – Organic Chemicals

Trade Remedial Actions in India

Imposition of anti-subsidy duty on imports of Saturated Fatty Alcohol of Carbon Chain length C10 to C18 and their blends from Indonesia, Malaysia and Thailand. (04 May)

DGTR recommended imposition of anti-subsidy duty on imports of Saturated Fatty Alcohol of Carbon Chain length C10 to C18 and their blends from Indonesia, Malaysia and Thailand vide Final Findings dated 7th February 2023. In light of the recommendation issued by DGTR, the Central Government has imposed anti-subsidy duty on imports of the product from Indonesia, Malaysia and Thailand.

Initiation of anti-dumping investigation into imports of Pentaerythritol from China, Saudi Arabia and Taiwan. (12 May)

DGTR initiated anti-dumping investigation into imports of Pentaerythritol from China, Saudi Arabia and Taiwan. The application for initiation of investigation was received from Kanoria Chemicals & Industries Limited. While there is another producer of like article in India, the applicant has claimed that such producers produces only for captive consumption and such production should not be considered while determining standing. DGTR prima facie concluded that the domestic industry has suffered injury due to imports of the product as the volume of dumped imports has increased in India leading to decline in market share of the domestic industry. The domestic industry has suffered financial losses, cash losses and negative return on investment.

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

Trade Remedial Actions against India

USA

Termination of administrative review of anti-dumping duty on imports of Carbazole Violet Pigment 23 from India. (09 May)

The USDOC terminated the administrative review of anti-dumping duty on imports from India during the period of review, that is 1st December 2021 to 30th November 2022. The termination was notified pursuant to withdrawal of request for review by Meghmani LLP, an exporter of subject merchandise from India, and Meghmani Pigments, an importer of subject merchandise in the U.S. Further, there were no imports by the other Indian exporter, Navpad Pigments Pvt. Ltd. during the period of review. Thus, the USDOC terminated this review in entirety for Meghmani and Navpad.

Chapter 39 – Plastics and articles thereof

Trade Remedial Actions in India

Final Findings issued in Safeguard (Quantitative Restrictions) Investigation into imports of PVC Suspension Resins with Residual VCM Content above 2 PPM. (15 May)

The DGTR issued Final Findings recommending imposition of safeguard measures in the form of quantitative restrictions for a period of one year on imports of PVC Suspension Resins with Residual VCM Content above 2 PPM. The DGTR concluded

that the product was being imported into India in such increased quantities and under such conditions as to cause or threaten to cause serious injury to the domestic industry. The imports increased significantly in absolute and relative terms due to unforeseen developments, taking away the market share of the domestic industry. The imports were undercutting and causing a strain on the prices of the domestic industry due to which the profitability of the domestic industry declined significantly. A quota has been recommended for imports from China, Taiwan, Russia and USA.

Other Trade Remedial Actions

Columbia

- Initiation of bilateral safeguard investigation into imports of Polyvinyl Chloride (PVC) Suspension Resins from South Korea. (23 May)

Mexico

- Imposition of preliminary anti-dumping duty on imports of Rigid Vinyl Chloride Polymer Film from China. (09 May)

Turkey

- Initiation of safeguard investigation into imports of Polyethylene Terephthalate Chips. (11 May)

Chapter 40 – Rubber and articles thereof

Trade Remedial Actions against India

USA

Continuation of anti-dumping and anti-subsidy duties on imports of certain New Pneumatic Off-the-Road Tires from the India. (24 May)

The USDOC and USITC affirmatively determined that revocation of duties is likely to result in continued dumping and subsidization of the subject merchandise, which is likely to result in recurrence of injury to the U.S. industry. Accordingly, the USDOC has issued orders for continuation of duties for a further period of five years.

Other trade remedial actions

China PR

- Continuation of anti-dumping duty on imports of Neoprene or Chloroprene Rubber from EU, Japan and USA. (09 May)

UK

- Initiation of transition review of anti-dumping and anti-subsidy duties on imports of certain Pneumatic Tyres used for Buses and Lorries from China. (03 May)

Chapter 44 – Wood and articles of wood; wood charcoal

Turkey

- Initiation of sunset review of anti-dumping duty on imports of Plywood from China. (11 May)

USA

- Affirmative determination by the USITC in the sunset review of anti-dumping and anti-subsidy duties on imports of Hardwood Plywood from China. (19 May)

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

Trade Remedial Actions against India

USA

Preliminary affirmative determination by the USDOC in the anti-dumping investigation into imports of Paper File Folders from China, India and Vietnam. (17 May)

The USDOC has determined that Paper File Folders are being dumped in the U.S. The USDOC has determined weighted-average dumping margins of 15.07% for Navneet Education Limited, 86.01% for Kokuyo Riddhi Paper Products Private Limited and LGPL Paper Industries and 15.07% for all other producers.

Affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of certain Lined Paper Products from India and China. (19 May)

The USDOC has determined that revocation of duties is likely to result in continued dumping of the merchandise in the U.S. The review was initiated on 1st February 2022. The need for continuation of duty was supported by the Association of American School Paper Suppliers, which represented the domestic industry. The duties were first imposed in 2006 and this is the third sunset review of the duties.

Other trade remedial actions

Australia

- Initiation of revocation review of anti-dumping duty on imports of A4 Copy Paper from Brazil, China, Finland, Indonesia, Russia, Slovakia, South Korea and Thailand, and anti-subsidy duty from China. (05 May)

Chapter 54 – Man-made filaments

EU

- Continuation of anti-dumping duty on imports of High Tenacity Yarns of Polyesters from China. (11 May)

Chapter 55 – Man-made staple fibres

Indonesia

- Continuation of safeguard measures on imports of Yarn (other than sewing thread) of Synthetic and Artificial Staple Fibre. (05 May).

Chapter 63 – Other made-up textile articles

Indonesia

- Continuation of safeguard measures on imports of Curtains (including drapes), Interior Blinds, Bed Valances, and other furnishing articles. (05 May).

Chapter 68 – Articles of Stone, Plaster, Cement, Asbestos, Mica or Similar Materials

Turkey

- Initiation of sunset review of anti-dumping duty on imports of Granite from China. (11 May)

Chapter 70 – Glass and glassware

Brazil

- Initiation of anti-circumvention investigation of anti-dumping duty on imports of Automotive Glass from China, by imports of Glass Sheets and Polyvinyl Butyral Sheets for further processing in Brazil. (24 May)

Chapter 72 - Iron and steel

Trade remedial actions in India

Final Findings issued in bilateral safeguard investigation into imports of Ferro Molybdenum from South Korea. (29 May)

The DGTR issued Final Findings recommending increase in rate of customs duty on imports of Ferro Molybdenum from South Korea to the level of most favoured nation rate of customs duty in the first year, with measure being liberalized to the level of 75% of the MFN rate in the second year. The DGTR concluded that the imports of the product increased in absolute and relative terms due to tariff concessions under the India-Korea Comprehensive Economic Partnership Agreement. The domestic industry was being adversely impacted by the imports as it was operating at low-capacity utilization and was unable to increase its domestic sales in line with increase in demand. The DGTR also noted that the imports have taken away the market share of the domestic industry, due to which it has been forced to reduce its production. However, due to variable cost forming more than 90% of the total cost, the DGTR found that the primary form of injury would be that relating to volume parameters, and not price parameters. This is the third bilateral safeguard measure invoked under the India-Korea Free Trade Agreement.

Other Trade Remedial Actions in India

EU

- Continuation of anti-dumping duty on imports of Heavy Plate of Non-alloy or other Alloy Steel from China. (17 May)

Morocco

- Continuation of safeguard measures on imports of Hot-rolled Steel Sheets, whether or not in coils. (25 May)

USA

- Final negative determination by the USDOC in the anti-circumvention investigation of anti-dumping duty on imports of Stainless-Steel Wire Rods from South Korea, when imported from Vietnam. (26 May)

Chapter 73 – Articles of iron or steel

Trade Remedial Actions against India

Canada

Initiation of re-investigation by CBSA to update normal value and export price for anti-dumping duty on imports of Carbon Steel Welded Pipes from India, Oman, South Korea, Taiwan, Thailand and UAE; and to update the amount of subsidy for the anti-subsidy duty on imports from India. (04 May)

The CBSA has initiated a re-investigation to update normal values and exports prices for the anti-dumping duty on imports from India, Oman, South Korea, Taiwan, Thailand and UAE. The CBSA has also initiated re-investigation to update the subsidy amount for anti-subsidy duty in Indian imports. The duties were first imposed in 2012 and were later continued in 2018. The current anti-dumping duty applicable on Indian imports is 54.2% and the anti-subsidy duty applicable is ₹ 23,872 per MT, except for one exporter who received individual duty rates.

USA

Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Stainless-Steel Flanges from China and India. (01 May)

The USDOC and USITC initiated the first sunset review of anti-dumping and anti-subsidy duties on Stainless Steel Flanges from China and India. The anti-dumping and anti-subsidy duties on Indian imports were imposed on 9th October and 5th October 2018 respectively. The dumping margins determined ranged from 19.16% to 145.25% and the subsidy rates determined ranged from 4.92% to 256.16%.

Preliminary affirmative determination by the USDOC in the administrative review of anti-dumping duty on imports of Carbon and Alloy Steel Threaded Rods from India. (04 May)

The USDOC has preliminarily determined that the Indian producers were dumping the subject merchandise in the U.S during the period of review, that is 1st April 2021 to 31st March 2022. The USDOC has determined dumping margin of 2.37% for the Indian producers except Kanika Exports. The final determination is presently due in August 2023.

Affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of certain Welded Carbon Steel Pipes and Tubes from India, Thailand, and Turkey. (08 May)

The USDOC has determined that revocation of anti-dumping duty is likely to result in continued dumping of the subject merchandise in U.S. The review was initiated on 3rd January 2023. This is the fifth sunset review of the duty. The original duties were imposed on 12th May 1986 and have been in place for more than three decades.

Initiation of anti-dumping and anti-subsidy investigations into imports of certain Non-Refillable Steel Cylinders from India. (24 May)

The USDOC has initiated anti-dumping and anti-subsidy investigations into imports from India. The petition was filed by Worthington Industries, a U.S. producer of the merchandise. The USDOC has identified four Indian producers exporting the merchandise and will select two mandatory respondents based on the import volumes.

Other Trade Remedial Actions

USA

- Affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of certain Small Diameter Seamless Carbon and Alloy Standard, Line and Pressure Pipes from Germany. (09 May)
- Affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of certain Circular Welded Non-Alloy Steel Pipes from Brazil, Mexico, South Korea, and Taiwan, and certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan. (09 May)

Chapter 74 – Copper and articles thereof

Trade Remedial Actions against India

USA

Initiation of anti-dumping investigation into imports of Brass Rods from Brazil, India, Israel, Mexico, South Africa and South Korea; and anti-subsidy investigation into imports from India, Israel and South Korea. (17 and 24 May)

The USDOC initiated anti-dumping and anti-subsidy investigations into imports from India, and other countries. The petition for initiation of investigations was filed by American Brass Rod Fair Trade Coalition and its constituent members.

Chapter 76 – Aluminium and articles thereof

Trade Remedial Actions against India

USA

Preliminary affirmative determination by the USDOC in the administrative review of anti-subsidy duty on imports of Common Alloy Aluminium Sheets from India. (04 May)

The USDOC has preliminarily determined that Hindalco Industries Limited received countervailable subsidies during the period of review, that is 14th August 2020 to 31st December 2021. The USDOC has determined a subsidy rate of 37.9% for 2020 and 32.43% for 2021 for the company. The USDOC also terminated the investigation for Virgo Aluminium Limited as they did not have any imports of subject merchandise in the U.S. during the period of review. The final determination is presently due in August 2023.

Preliminary negative determination by the USDOC in the administrative review of anti-dumping duty on imports of Common Alloy Aluminium Sheets from India (05 May)

The USDOC has preliminarily determined that the Indian producers were not dumping the subject merchandise in the U.S during the period of review, that is 15th October 2020 to 31st March 2022. This administrative review covers two producers/exporters of the subject merchandise, Hindalco Industries Limited (Hindalco) and Virgo Aluminium Limited (Virgo).

Chapter 81 – Other base metals; cermets; articles thereof

USA

- Continuation of anti-dumping duty on imports of Pure Magnesium from China. (25 May)

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

Taiwan

- Initiation of anti-dumping duty investigation into imports of Flat Printing-Plates from China. (25 May)

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

Trade Remedial Actions against India

Eurasian Economic Union

Initiation of sunset review of anti-dumping duty on imports of Graphite Electrodes from India. (17 May)

The Eurasian Economic Commission has initiated sunset review to examine the need for continuation of anti-dumping duties imposed on imports of Graphite Electrodes from India. The current duties applicable on Indian imports are in the range of 16.04-32.83%. The duties were first imposed in 2013 and then continued in 2018. The existing duties are due to expire on 24th September 2023.

Other trade remedial actions

Australia

- Initiation of sunset review of anti-dumping duty on imports of Utility Scale Wind Towers from China. (12 May)

Brazil

- Initiation of anti-dumping investigation into imports of Optical Fiber Cables from China. (10 May)

Chapter 86 – Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof

USA

- Preliminary affirmative determination by the USDOC in the anti-dumping investigation into certain Freight Rail Couplers and parts thereof from Mexico. (03 May)
- Final affirmative determination by the USDOC in the anti-dumping and anti-subsidy investigations into imports of certain Freight Rail Couplers and parts thereof from China. (19 May)

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

UK

- Initiation of transition review of anti-dumping and anti-subsidy duties on imports of Electric Bicycles from China. (22 May)

Chapter 90 – Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof

Trade Remedial Actions in India

Final Findings issued in anti-dumping investigation into imports of Dispersion Unshifted Single-mode Optical Fiber from China, Indonesia and South Korea. (05 May)

The DGTR issued Final Findings recommending imposition of anti-dumping duty on imports of Dispersion Unshifted Single-mode Optical Fiber from China, Indonesia and South Korea. The application for initiation of investigation was received from Birla Furukawa Fiber Optics Private Limited. The DGTR concluded that the product was being dumped into India and causing injury to the domestic industry as the growth in demand was entirely subsumed by the imports and there was adverse price effect. The domestic industry was unable to fully utilize its capacities, while its inventories increased. The profitability of the domestic industry declined and its ability to raise capital investment was adversely impacted.

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

Trade remedial actions against

USA

Initiation of anti-dumping investigation into imports of Boltless Steel Shelving Units pre-packaged for sale from India, Malaysia, Taiwan, Thailand and Vietnam. (19 May)

The USDOC has initiated anti-dumping investigation into imports from India, Malaysia, Taiwan, Thailand and Vietnam. The petition for initiation of investigation was filed by Edsal Manufacturing Co. Inc., a U.S. producer of Boltless Steel Shelving Units. The USDOC has identified 9 Indian producers who have exported the merchandise to the U.S. and will select two mandatory respondents based on the import volumes.

Other trade remedial actions

USA

- Termination of anti-circumvention investigation of anti-dumping and anti-subsidy duties on imports of Boltless Steel Shelving Units Prepacked for Sale from China, when imported from Malaysia. (10 May)

Chapter 96 – Miscellaneous Manufactured Articles

Brazil

- Imposition of anti-dumping duty on imports of Empty Hard Gelatin Capsules from Mexico and USA. (09 May)

Turkey

- Initiation of sunset review of anti-dumping duty on imports of Igniters (used only as Ignition system in Gas Ovens and Stoves) from China. (11 May)

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.

In its first two decades, TPM was primarily 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 also assists 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 represents 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.

In the last few years, TPM's reputation has grown in other fields of non-tariff barriers, policy advocacy matters, foreign trade policy, business consulting and litigation. Its vast experience with industry leaders in various sectors puts it in a unique position to effectively and efficiently handle matters relating to policy advocacy before various government forums as well as business consulting. This has brought new avenues of growth for the TPM team and has helped industry find innovative solutions to complex problems.

For more details about the contents of this newsletter, kindly contact aastha@tpm.in.

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