

---

---

# ADHYATAN

## TPM NEWSLETTER

**August 2023**

In this Edition

- ◆ Insight into the requirement of minimum domestic content in a product by WTO Members and their permissibility under the WTO Framework.
- ◆ European Union notifies the Implementation Regulation for its Foreign Subsidies Regulations.
- ◆ New Trade (Anti-Dumping, Countervailing And Safeguard Measures) Act 2022 notified by Mauritius to the WTO.
- ◆ Chinese Taipei requests to defer the adoption of Panel Report in case of "India - Tariff Treatment of Certain IT Goods"

Visit us at: [www.tpm.in](http://www.tpm.in)

Follow us on LinkedIn: [TPM Solicitors & Consultants](#)



# Table of Contents

---

---

Key Highlights	..... 3
Permissibility of Domestic Content Requirements under the WTO	..... 5
Foreign Trade Policy	..... 9
Trade Agreements	..... 10
Bureau of Indian Standards	..... 12
Non-Tariff Measures	..... 14
Trade Remedial Actions	..... 16

# Key Highlights

---

## **The European Commission adopts the Implementing Regulation on the Foreign Subsidies Regulation (10 Jul)**

The Foreign Subsidies Regulation (“FSR”) entered into force on 12<sup>th</sup> January 2023. Following this, on 10<sup>th</sup> July 2023, the European Commission adopted the Foreign Subsidies Regulation Implementing Regulation (“Implementing Regulation”). The Implementing Regulation has been adopted after taking into account the feedback on the Draft Implementing Regulation, received during the one-month [public consultation](#) period.

The FSR was introduced in the backdrop of concerns regarding EU legislation’s failure to cover subsidies given by non-EU countries to companies active in the EU internal market. The FSR aims to close this gap by allowing the Commission to investigate subsidies given by non-EU countries to companies active in the EU and to address their negative effects on the EU common market.

The Implementing Regulation lays down rules and procedures for investigations into any foreign subsidy from a non-EU country that directly or indirectly benefits an economic entity in the European Union. The regulation also provides a mechanism to redress any distortion caused by these foreign subsidies, as defined under the FSR.

Under the FSR, provision of foreign subsidy to an entity operating under EU can be examined in three cases, (a) in case of transactions related to mergers and acquisitions (“M&A”), (b) public procurement and (c) any other case that the Commission deems fit. Accordingly, the FSR requires mandatory notification for certain M&A transactions and public tenders. The Implementing Regulation contains standard forms detailing the notifiable information for companies engaging in M&A activity or a public procurement procedure in the EU, in case the thresholds defined under the FSR are triggered.

The Implementing Regulation have been adopted after making significant amendments to the Draft Implementing Regulation, including simplification of the information requirements and have specifically raised the *de minimis* threshold with respect to financial contributions in M&A transactions.

The FSR provides a threshold of € 500 million turnover generated in case of a merger, acquisition, or a joint venture and € 50 million received as financial contribution from third countries in the three years preceding the conclusion of the agreement. In case an

---

---

entity crosses such threshold, they would be mandatorily required to notify the Commission of such transaction.

For public procurement, the threshold provided under the FSR is € 250 million in terms of contract value, and € 4 million for the aggregate financial contributions granted to the entity submitting a bid for public tenders. The entity participating in a public procurement procedure is required to notify the contracting authority or contracting entity of all foreign financial contributions.

The FSR also grants extensive ex-officio powers to the Commission permitting them to investigate any financial support, granted up to 10 years before the start of the investigation, by third countries to companies active in the EU internal market. In this regard, Commission has power to conduct an in-depth investigation which is required to be completed in one month, unless extension is required.

Following an investigation, the Commission can issue a no objection decision or may require the entities to make commitments or impose redressive measures. Further, the Commission may also issue a decision prohibiting the implementing of the M&A until the same comes into compliance or an award of a public contract. The Commission can also impose fines and periodic penalties on failure to comply with the obligation to notify under the Implementing Regulation.

### **Mauritius notifies the WTO of its new Trade Remedies Law (17 Jul)**

On 17<sup>th</sup> July 2023, Mauritius notified the WTO of its newly enacted the Trade (Anti-Dumping, Countervailing And Safeguard Measures) Act, 2022 in place of the repealed Trade (Anti-Dumping and Countervailing Measures) Act, 2010. Under the Act, Mauritius has established the Trade Remedies Investigating Authority that will investigate allegation of dumping, subsidised imports and increased imports. Further, for the first time Mauritius has also incorporated safeguard measures in the Act and laid down the procedures and regulations governing a safeguard investigation.

### **Chinese Taipei requests to defer the adoption of Panel Report (27 Jul)**

Pursuant to request made by the European Union and India, the WTO Dispute Settlement Body granted additional time till 19<sup>th</sup> September 2023 before considering adoption of the Panel Report in DS582: India – Tariff Treatment on Certain Goods in the Information and Communications Technology Sector<sup>1</sup>. In July, Chinese Taipei also requested the Dispute Settlement Body to defer the adoption of the Panel Report. The deferral would allow an opportunity for all parties to work towards a Mutually Agreed Solution.

# Permissibility of Domestic Content Requirements under the WTO

- Domestic Content Requirements (“DCRs”) are regulations enacted by the government mandating a particular percentage of a product’s value to be sourced locally.
- However, such DCRs violate the National Treatment principle under the WTO Agreements, by differentiating between indigenous and foreign product.
- India had introduced DCRs for solar cells and modules, under the Jawaharlal Nehru National Solar Mission. On challenge by other WTO members, these DCRs were found inconsistent with the GATT.
- India also introduced DCR for government procurement of iron and steel products. In a recent anti-subsidy investigation, the European Commission examined such policy, which was not held countervailable on account of applicable facts.
- GATT provides certain exceptions under which measures such as DCRs may be introduced. In case mandated under these exceptions, a member may introduce DCRs in compliance with the WTO Agreements.

Domestic content requirements (“DCRs”) are trade regulations enacted by governments to promote domestic production and employment by mandating a particular percentage of a product's value to be sourced locally. These standards minimize import dependence, encourage domestic production, and generate jobs. However, they can also distort trade and be inconsistent with the WTO Agreements. Non-discrimination is the fundamental tenet upon which the WTO bases its framework for conducting commercial transactions, particularly in terms of the Most Favoured Nation treatment and the National Treatment. DCRs contravene the non-discrimination norms, which makes them problematic. They violate the National Treatment principle by differentiating between indigenous and foreign products.

## **India’s domestic content requirements for solar cells and modules**

India had introduced domestic content requirements with regard to solar cells and modules under the Jawaharlal Nehru National Solar Mission. Under the requirements, solar power companies that sell electricity to the government were required to source cells and modules from domestic producers. Such measures were introduced in light of

---

---

the challenges faced by India, such as its rising energy deficit, as well as its dependence on fossil fuels and imported materials for its energy requirements. By introducing the measures, India aimed at reducing the cost of solar power generation in the country through long term policy, large scale deployment goals and domestic production of critical raw materials, components and products, in order to achieve grid tariff parity.

The measures were challenged by the United States before the WTO Panel. According to the Panel, the measures introduced by India violated both Article III:4 of the GATT 1994 and Article 2.1 of the TRIMs Agreement.

India maintained that the DCR measures were justified under the general exception under Article XX(j) of the GATT 1994 because its lack of domestic manufacturing capacity in solar cells and modules and/or the risk of a disruption in imports makes these "products in general or local short supply" under that provision. However, the Panel determined that the scope of the terms "products in general or local short supply" does not encompass products that are at risk of becoming scarce. Furthermore, the Panel concluded that India had not provided sufficient evidence to substantiate the presence of an immediate threat of a shortage. The Panel thus, reached the conclusion that India has not been able to sufficiently demonstrate the justifiability of the measures in question under the exceptions provided under Article XX(j).

### **India's domestic content requirements for Iron and Steel Products**

In 2019, India introduced the Policy for Providing Preference to Domestically Manufactured Iron and Steel Products in Government Procurement. Under the policy, all Government agencies are required to procure goods as well as EPC contracts from bidders that meet or have the capability to meet the minimum prescribed domestic value addition for iron and steel products as well as capital goods. The minimum domestic content requirements for various iron and steel products range from 15% to 50%. Further, the policy states that where the lowest bidder is a domestic supplier, they may be awarded the contract for full quantity. Where the lowest bidder is a foreign supplier, they would be awarded only 50% of the contract quantity while part contract would be awarded to the lowest bidder among the domestic suppliers who would be required to match the foreign bidder's price.

The policy was subject to investigation by the European Commission in the anti-subsidy investigation concerning imports of Stainless-Steel Cold-Rolled Flat Products from India. The Commission found the policy did not constitute a countervailable subsidy. It was held that while foreign companies were excluded from some bids, there was no price discrimination where the bids were open to foreign companies. The Commission did not notice substantial

---

---

differences in the price levels between winning offers in tenders opened for foreign companies and those where they did not participate. However, while the Commission did not hold the policy to be countervailable in the instant case due to the applicable facts, such policy may constitute prohibited subsidy if found to be contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods.

### **When can DCRs be considered consistent with the WTO regulations?**

DCRs represent a set of trade policy instruments that are strategically employed to establish specific conditions on imported goods and services. These conditions necessitate a predetermined threshold of domestic content to be incorporated within the production or provision process. The matter of these requirements has been a topic of extensive deliberation within the realm of international trade, as they possess the potential to either foster the growth of domestic industries or impede the principles of unhindered trade and fair competition. Nevertheless, it is worth noting that certain circumstances may warrant imposition of DCRs, thereby enabling countries to implement them without contravening established international trade regulations, particularly under the general exceptions outlined in Article XX of the GATT

With regard to general exceptions as outlined in Article XX of the General Agreement on Tariffs and Trade (GATT), it is important to note that certain measures may be justified under specific circumstances. These exceptions serve as a means to address various concerns and objectives, while still adhering to the principles and obligations of fair-trade set under the GATT. In accordance with the provisions outlined in Article XX, certain general exceptions emerge, which highlight various circumstances that may warrant exceptions for DCRs, provided that specific criteria are duly satisfied.

- The justification for implementing DCRs arises from the imperative need to safeguard the well-being and vitality of human, animal, or plant life. In certain instances, it is not uncommon for a nation to implement local content requirements pertaining to pharmaceuticals, with the primary objective of safeguarding the accessibility of vital medications during periods of health crises.
- The justification for implementing DCRs can be found in their objective to preserve exhaustible natural resources. In certain circumstances, it is not uncommon for a country to impose regulations mandating a specific threshold of domestic involvement in the extraction and refinement of scarce minerals. This measure is implemented with the intention of safeguarding against excessive exploitation and depletion of such valuable resources.

---

---

## **Conclusion**

The utilization of DCRs as trade policy instruments can indeed contribute to the advancement of domestic producers. However, it is crucial to exercise prudence in their implementation so as to prevent any potential conflicts with established international trade regulations. In accordance with the exceptions outlined in Article XX of the GATT and the specific criteria established within RTAs, it is recognized that countries possess the ability to implement DCRs under particular circumstances, while still adhering to the principles of international trade regulations. It is of utmost importance for nations to thoroughly deliberate upon the justifications and conditions put forth by these exceptions, so as to ensure that DCRs effectively contribute to the promotion of equitable and sustainable practices in the realm of international trade.

– Ojasvi Nautiyal, Associate  
Kshitij Sehrawat, Research Associate



# Foreign Trade Policy

---

## **Skilling and Mentorship Obligation for Status Holders (12 Jul)**

Under the Foreign Trade Policy 2023, Status Holders are being made “partners” in providing mentoring and training in international trade. Status Holders will endeavor to provide skill upgradation/ training in international trade. Accordingly, a curriculum for the industry-led Skilling and Mentorship initiative has been notified by the DGFT for guidance of the Status Holders Members of Trade and Industry. The detailed curriculum is available at the [link](#) herein.

## **Relaxation for delay in submission of installation certificate under the EPCG Scheme (13 Jul)**

Under the EPCG Scheme, the authorization holders are required to submit the installation certificate confirming installation of the capital goods to the Regional Authority (RA) within the prescribed time period. However, the DGFT has received a number of requests from authorization holders for condonation of delay in submission of the installation certificate to the RA beyond the prescribed time limit. Accordingly, the DGFT has notified that the concerned RAs can accept the installation certificate by 31<sup>st</sup> December 2023 with a late payment fee of ₹ 10,000, subject to a certain condition. For further details, kindly refer to the [link](#) herein.

## **Introduction of a Searchable Database for Ad-hoc Norms (17 Jul)**

Under the Handbook of Procedure 2023, Norms ratified in respect of any Advance Authorisation on or after 1<sup>st</sup> April 2023 shall be valid for a period of 3 years from the date of ratification. However, the Norms ratified on or after 1<sup>st</sup> April 2015 shall also be valid further up to 31<sup>st</sup> March 2026. In light of this, the DGFT has implemented a user-friendly and searchable database of Ad-hoc Norms which can be applied in accordance with the existing FTP/HBP provisions without the need for Norms Committee approval. For further details of the database, kindly refer to the [link](#) herein.

# Trade Agreements

---

## Indian Updates

### **India and the Philippines to initiate discussions regarding a preferential trade agreement**

India and the Philippines have agreed to initiate discussions on a bilateral preferential trade agreement focusing on expanded connectivity and ease of travel, tourism, trade and investment and defence cooperation in the naval domain.

### **India and EU trade negotiations delayed**

The ongoing India – EU FTA negotiations have been further delayed due to differences over the Rules of Origin criteria. While India is looking for conservative rules of origin, EU wants to follow a more liberal approach.

### **India and UK conclude the eleventh round of trade negotiations**

India and UK have concluded the eleventh round of FTA negotiations. According to sources, various issues on intellectual property rights and Rules of Origin were discussed in this round. Further, the two countries are looking to significantly reduce or eliminate customs duties on maximum number of goods traded and easing norms to further promote investment.

### **India initiates talks with ASEAN over concerns on Rules of Origin and Trade Imbalance**

Due to the growing export and manufacturing capacity within the ASEAN bloc, there has been a significant increase in the trade deficit between India and the bloc. As a result, India has made efforts to renegotiate the trade agreement and also address concerns over the Rules of Origin and trade imbalance. The current tariff concessions under the FTAs have also adversely affected the Indian companies, especially chemicals and metals manufacturers.

---

---

## **Global Updates**

### **EU and New Zealand sign free trade agreement**

EU and New Zealand signed a free trade agreement on 9<sup>th</sup> July 2023, which is expected to bring significant gains for the EU by eliminating all tariffs on EU exports to New Zealand.

### **UK joins the Comprehensive and Progressive Agreement for Trans-Pacific Partnership**

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) member countries and the UK have signed the UK Accession Protocol, making UK the 12<sup>th</sup> member of the pact and expanding the agreement to the European Continent. The CPTPP is a free trade agreement between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, Peru, New Zealand, Singapore and Vietnam. Ukraine has also submitted formal request to join the CPTPP, putting it on the waiting list along with China.

### **Vietnam and Israel sign free trade agreement**

After a seven-year negotiation period, Vietnam and Israel have signed a free trade agreement. The agreement will facilitate Vietnam's exports not only to Israel but also pave the way for Vietnamese products to access other Middle Eastern, North African and Southern European markets. This is a second free trade deal that Israel has signed with an Asian country after South Korea.

### **EU and Chile sign Agreement for Lithium and Copper**

The EU and Chile signed the Lithium and Copper Agreement to reduce EU's dependency on China. In return, EU will invest in Chile to allow the country to process more Lithium and Copper locally.

# Bureau of Indian Standards

## Amendment in Standards (07 Jul)

The Bureau of Indian Standards has notified amendment of the standard **IS 15752 : 2007** Sericite for Ceramic Industry — Specification with effect from 5<sup>th</sup> July 2023. However, the previous unamended standard will remain in force concurrently till 4<sup>th</sup> August 2023.

## Substitution of Standards (12 Jul)

The Bureau of Indian Standards has notified substitution of certain standards including the following with effect from 5<sup>th</sup> July 2023. However, the previous unamended standards will remain in force concurrently till 5<sup>th</sup> August 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
<b>IS 254 : 2023</b> Magnesium Chloride — Specification (Third Revision)	<b>IS 254 : 1973</b> Magnesium Chloride — Specification (Second Revision)
<b>IS 673 : 2023</b> Textiles — Cloth, Woollen, Twill, Dyed — Specification (Fourth Revision)	<b>IS 673 : 1987</b> Specification for Cloth, Woollen, Twill, Dyed (Third Revision)
<b>IS 6831 : 2023</b> Caustic Potash — Specification (Third Revision)	<b>IS 6831 : 1992</b> Caustic Potash — Specification (Second Revision)

## Amendment in Standard (11 Jul)

The Bureau of Indian Standards has notified amendment of the standard **IS 19022 : 2023** Medical Textiles — Barrier Face Covering — Specification with effect from 10<sup>th</sup> July 2023. However, the previous unamended standard will remain in force concurrently till 9<sup>th</sup> August 2023.

## Substitution of Standards (20 Jul)

The Bureau of Indian Standards has notified substitution of certain standards including **IS 2697 : 2023** Ammonium Bicarbonate for Food Industry — Specification (Second Revision) with effect from 10<sup>th</sup> July 2023. However, the previous unamended standard **IS 2697 : 1976** Specification for Ammonium Bicarbonate for Food Industry (First Revision) will remain in force concurrently till 10<sup>th</sup> August 2023. For a full list of products, please refer to the attached [link](#).

### **Substitution of Standards (20 Jul)**

The Bureau of Indian Standards has notified substitution of certain standards including the following with effect from 10<sup>th</sup> July 2023. However, the previous unamended standards will remain in force concurrently till 10<sup>th</sup> August 2023. For a full list of products, please refer to the attached [link](#).

<b>No., Year and Title of the Indian Standard established</b>	<b>No., Year and Title of the Indian Standard withdrawn</b>
<b>IS 255 : 2023</b> Sodium Sulphate, Anhydrous (Technical Grade) — Specification (Third Revision)	<b>IS 255 : 1982</b> Specification for Sodium Sulphate, Anhydrous (Technical Grade) (Second Revision)
<b>IS 333 : 2023</b> Potassium Permanganate — Specification (Third Revision)	<b>IS 333 : 1980</b> Specification for Potassium Permanganate (Second Revision)
<b>IS 4910 (Part 1) : 2023</b> Tyre Yarns, cords and Tyre Cord Fabrics Made from Man-Made Fibres — Methods of Test Part 1 Definition of Terms (Second revision)	<b>IS 4910 (Part 1) : 1989</b> Methods of Test for Tyre Yarns, Cords and Tyre Cord Warpsheets Made from Man-Made Fibres Part 1 Definition of Terms (First Revision)
<b>IS 6605 : 2023</b> Potassium Chromate — Specification (First Revision)	<b>IS 6605 : 1972</b> Specification for Potassium Chromate

### **Substitution of Standards (20 Jul)**

The Bureau of Indian Standards has notified substitution of certain standards including the following with effect from 11<sup>th</sup> July 2023. However, the previous unamended standards will remain in force concurrently till 11<sup>th</sup> August 2023. For a full list of products, please refer to the attached [link](#).

<b>No., Year and Title of the Indian Standard established</b>	<b>No., Year and Title of the Indian Standard withdrawn</b>
<b>IS 11031 : 2023</b> Recommendations for Storage and Handling of Inner Tubes, Tube Valves and Flaps for Use with Pneumatic Tyres for Automotive Vehicles	<b>IS 11031 : 1984</b> Recommendations for Storage and Handling of Inner Tubes, Tube Valves and Flaps for Use with Pneumatic Tyres for Automotive Vehicles

# Non-Tariff Measures

---

## India

### **Notification to WTO regarding Agro Textiles (Quality Control) Order, 2023 (03 Jul)**

India has notified the WTO of its draft Quality Control Order concerning various Agro Textiles falling under scope of IS 16718: 2021, IS 16008 (Part 1): 2016, IS 16008 (Part 2): 2016, IS 16513: 2016, IS 16202: 2014, IS 17070: 2019, IS 15907: 2010, IS 16089: 2013, IS 16190: 2014, IS 16390: 2015 and IS 17731: 2021. The draft order was issued by the Ministry of Textile for seeking comments from WTO members before the measure is introduced by India. WTO Members can file comments within 60 days, that is by 1<sup>st</sup> September 2023. The measure would be adopted upon publication in the official gazette. The objective of the measure is to provide a higher level of quality and reliability of Agro Textiles.

### **Notification to WTO regarding Medical Textiles (Quality Control) Order, 2023 (03 Jul)**

India has notified the WTO of its draft Quality Control Order concerning various Medical Textile Products falling under scope of IS 5405:2019, IS 17509:2021, IS 17514:2021, IS 17349:2020, IS 17354:2020 and IS 17630:2021. The draft order was issued by the Ministry of Textile for seeking comments from WTO members before the measure is introduced by India. WTO Members can file comments within 60 days, that is by 1<sup>st</sup> September 2023. The measure would be adopted upon publication in the official gazette. The objective of the measure is to provide a higher level of quality and reliability of Medical Textiles.

### **Notification of effective date for certain Quality Control Orders (17 Jul)**

The Ministry of Chemicals and Fertilizers has notified the effective date of certain Quality Control Orders. The Order concerning the following products shall come into force on 5<sup>th</sup> October 2023.

- Polyester Continuous Filament Fully Drawn Yarn
- Polyester Partially Oriented Yarn
- 100 Percent Polyester Spun Grey and White Yarn

The order concerning the Polyester Industrial Yarn shall come into force on 17<sup>th</sup> July 2023.

---

---

### **Notification of Quality Control Order for Welding Rods and Electrodes (17 Jul)**

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has notified Welding Rods and Electrodes (Quality Control) Order 2023. The Order concerning the product shall come into force on 13<sup>th</sup> March 2024 for Small Enterprises and 13<sup>th</sup> July 2024 for Micro Enterprises defined under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006).

### **Change in effective date for certain Quality Control Orders (21 Jul)**

The Ministry of Chemicals and Fertilizers has notified an amendment to effective date of certain Quality Control Orders. The Orders concerning Morpholine shall come into force on 1<sup>st</sup> February 2024. The order concerning Acetic Acid, Methanol and Aniline shall come into force on 3<sup>rd</sup> February 2024. The order concerning the following products shall come into force on 13<sup>th</sup> March 2024.

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

### **Notification of Quality Control Order for Bolts, Nuts and Fasteners (22 Jul)**

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has notified The Bolts, Nuts and Fasteners (Quality Control) Order 2023. The Order concerning the product shall come into force on 20<sup>th</sup> March 2024 for Small Enterprises and on 20<sup>th</sup> July 2024 for Micro Enterprises defined under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006).

## **Global**

### **Canada**

#### **Regulations Amending the Radiation Emitting Devices Regulations (Laser Products). (05 Jul)**

The Department of Health, Canada has proposed changes to the requirements of Radiation Emitting Device Regulations. The proposed changes to the regulation includes provisions to replace the existing radiation protection requirements for laser scanners and demonstration lasers with modern requirements appropriate for the broad scope of laser products.

# Trade Remedial Actions

---

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

### Trade remedial actions against India

#### USA

*Continuation of anti-dumping duty on imports of certain Frozen Warmwater Shrimps from China, India, Thailand and Vietnam. (05 Jul)*

The USDOC has issued orders for continuation of anti-dumping duty on imports from China, India, Thailand and Vietnam. The USDOC and USITC earlier determined that revocation of duties is likely to result in continued dumping of the subject goods, which is likely to result in continued injury to the U.S. industry. The orders have been in place since 1<sup>st</sup> February 2005.

*Initiation of mid-term review of anti-dumping duty on imports of certain Frozen Warmwater Shrimps from India. (21 Jul)*

The USDOC has initiated a mid-term review of anti-dumping duties on imports from India to determine whether Elque Ventures Private Limited (Elque) is the successor-in-interest to Elque & Co. The duties have been in force since 1<sup>st</sup> February 2005.

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

#### USA

- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Ripe Olives from Spain. (03 Jul)

## Chapter 23 – Residues and waste from the food industries

### Trade remedial actions against India

#### USA

*Initiation of administrative review of anti-dumping and anti-subsidy duties on imports of Organic Soybean Meal from India (12 Jul)*

The USDOC has initiated an administrative review of anti-dumping and anti-subsidy duties on imports from India. The anti-dumping and anti-subsidy duties were imposed on 16<sup>th</sup> May 2022. The review has been initiated based on the request by the US domestic industry and has been initiated for 28 Indian producers.



---

---

## **Chapter 25 – Salt; sulfur; earths and stone; plastering materials, lime and cement**

### **Trade remedial actions against India**

#### **USA**

*Preliminary negative determination by the USDOC in the administrative review of anti-dumping duty on imports of certain Quartz Surface Products from India. (07 Jul)*

The USDOC has preliminarily determined that certain Quartz Surface Products were not being dumped in the United States by Pokarna Engineered Stone Limited and Marudhar Rocks International Private Limited / Marudhar Quartz Surface Private Limited. The period of review for the investigation was 1<sup>st</sup> June 2021 to 31<sup>st</sup> May 2022.

## **Chapter 29 – Organic Chemicals**

### **Trade remedial actions against India**

#### **USA**

*Preliminary affirmative determination by the USDOC in the administrative review of anti-dumping duty on imports of Glycine from India. (07 Jul)*

The USDOC has preliminarily determined that Glycine from India was being dumped during the period of review, that is 1<sup>st</sup> June 2021 to 31<sup>st</sup> May 2022. The USDOC determined a weighted-average dumping margin of 3.90% for Avid Organics Private Limited and Paras Intermediates Private Limited, and 52.03% for Kumar Industries / Rudraa International.

### **Other trade remedial actions**

#### **China PR**

- Initiation of anti-dumping duty investigation into Propionic Acid from USA. (21 Jul)

## **Chapter 38 – Miscellaneous chemical products**

#### **USA**

- Initiation of anti-circumvention investigation by the USDOC concerning antidumping duty on imports of Hydrofluorocarbon Blends from China, by imports of certain grades of Hydrofluorocarbon blends produced in China or processed using Chinese components in Malaysia and Turkey. (07 Jul)

---

---

### **Chapter 39 – Plastics and articles thereof**

#### **Columbia**

- Initiation of anti-dumping investigation into imports of Poly Vinyl Chloride Suspension Resins from China and USA. (18 Jul)

### **Chapter 40 – Rubber and articles thereof**

#### **Morocco**

- Termination of safeguard investigation into imports of Inner Tubes for Bicycles, Mopeds, Motorcycles and Scooters. (06 Jul)

### **Chapter 44 – Wood and articles of wood; wood charcoal**

#### **South Korea**

- Initiation of sunset review of anti-dumping duty on imports of Plywood from China, Malaysia and Vietnam, and on imports of Soft Plywood from China. (23 Jul)

#### **USA**

- Affirmative determination by the USDOC in the sunset review of anti-subsidy duty on imports of Steel Wire Garment Hangers from Vietnam. (10 Jul)
- Continuation of anti-dumping and anti-subsidy duties on imports of Multilayered Wood Flooring from China. (14 Jul)
- Final affirmative determination by the USDOC in the anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports of certain Hardwood Plywood Products from China, by imports of certain Hardwood Plywood Products from Vietnam. (20 Jul)

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

#### **Indonesia**

- Initiation of sunset review of safeguard measures on imports of Cigarette Paper and Plug Wrap Paper. (05 Jul)

---

---

## **Chapter 53 – Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn**

### **Trade remedial actions in India**

*Continuation of anti-dumping duty on imports of Flax Yarn of below 70 lea count from China. (16 Jul)*

The DGTR on 16<sup>th</sup> July 2023 issued Final Findings recommending continuation of anti-dumping duty on imports of Flax Yarn of below 70 lea count from China. The anti-dumping duty was first imposed on 18<sup>th</sup> October 2018. The DGTR held that the subject imports have increased during the period of investigation and are undercutting the prices of the domestic industry. Further, there is likelihood of continuation or recurrence of dumping and injury as there is significant idle capacity in the subject country exceeding the merchant demand in India, the producers in China are export oriented and are engaged in dumping in other countries as well.

## **Chapter 55 – Man-made staple fibres**

### **USA**

- Initiation of sunset review of anti-dumping duty on imports of Low Melt Polyester Staple Fiber from South Korea and Taiwan. (03 Jul)

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

### **Indonesia**

- Initiation of safeguard investigation into imports of Slag Wool, Rock Wool and Similar Mineral Wools, in bulk, sheets or rolls. (27 Jul)

## **Chapter 69 – Ceramic products**

### **Argentina**

- Revocation of anti-dumping duty on imports of Ceramic Sanitary Ware from China. (10 Jul)

## **Chapter 70 – Glass and glassware**

### **China PR**

- Initiation of sunset review of anti-dumping duty on imports of Optical Fibre Prefabricated Rods from Japan and USA. (10 Jul)

---

---

## EU

- Continuation of anti-dumping duty on imports of Continuous Filament Glass Fibre Products from China. (13 Jul)

## **Chapter 72 – Iron and steel**

### Trade remedial actions against India

#### USA

*Initiation of administrative review of anti-dumping duty on imports of Silicomanganese from India. (12 Jul)*

The USDOC has initiated an administrative review of anti-dumping duty on imports from India. The review has been initiated for Maithan Alloys Limited and Rajadhiraj Tirupani Vinayak Natraj Private Limited. In the previous ongoing review, the USDOC has preliminarily determined a weighted- average dumping margin of 1.01% for Maithan Alloys Limited.

*Final affirmative determination by the USDOC in the administrative review of anti-subsidy duty on imports of Forged Steel Fluid End Blocks from India. (27 Jul)*

The USDOC determined that the subsidized imports of Forged Steel Fluid End Blocks have entered into the USA during the period of review, that is from 26<sup>th</sup> May 2020 to 31<sup>st</sup> December 2021. It determined a subsidy rate of 2.78% for 2020 and 3.95% for 2021 for Bharat Forge.

### Other trade remedial actions

#### Canada

- Initiation of sunset review by CBSA of anti-dumping duty on imports of certain Hot-Rolled Carbon Steel Plate from China. (11 Jul)

#### Eurasian Economic Union

- Affirmative determination in the sunset review of anti-dumping duty on imports of Polymer-coated Rolled Metal from China . (21 Jul)

#### EU

- Imposition of provisional anti-dumping duty on imports of Steel Bulb Flats from China and Turkey. (12 Jul)

---

---

## Thailand

- Continuation of anti-dumping duty on imports of Flat Hot-rolled Steel Sheets in Coils and not in Coils from China and Malaysia. (11 Jul)

## **Chapter 73 – Articles of iron or steel**

### Trade remedial actions against India

#### USA

*Preliminary affirmative determination by the USDOC in the administrative review on anti-dumping duty on imports of certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India. (07 Jul)*

The USDOC has preliminarily determined that Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India was being dumped during the period of review, that is 1<sup>st</sup> June 2021 to 31<sup>st</sup> May 2022. The USDOC determined a weighted-average dumping margin of 0.58% for Goodluck India Limited and 3.50% for Tube Products of India Limited.

*Initiation of administrative review of anti-dumping duty on imports of certain Welded Carbon Steel Standard Pipes and Tubes from India. (12 Jul)*

The USDOC has initiated an administrative review of anti-dumping duty on imports from India. The review has been initiated for 30 Indian producers. In the previous ongoing review, the USDOC has preliminarily determined a weighted-average dumping margin of 13.90% for Garg Tube Export LLP and Garg Tube Limited.

### Other trade remedial actions

#### EU

- Imposition of anti-dumping duty on imports of Stainless-Steel Refillable Kegs from China. (3 Jul)
- Imposition of anti-dumping duty on imports of certain Seamless Pipes and Tubes of Iron (except cast iron) or Steel (except stainless steel) from China. (13 Jul)

#### Mexico

- Initiation of sunset review of anti-dumping duty on imports of Welded Link Steel Chains from China. (14 Jul)

---

---

### South Africa

- Continuation of safeguard measures on imports of Threaded Fasteners of Iron or Steel. (26 Jul)

### Thailand

- Continuation of anti-dumping duty on imports of Tubes and Pipes of Iron and Steel from China and South Korea. (20 Jul)

### USA

- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Cast Iron Soil Pipes from China. (03 Jul)
- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Drawn Stainless Steel Sinks from China. (03 Jul)
- Initiation of anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports of Alloy and Certain Carbon Steel Threaded Rod from China, by Steel Threaded Rods of Alloy Steel produced in the USA using Chinese unthreaded pins. (12 Jul)
- Initiation of anti-circumvention investigation concerning anti-dumping duty on imports of Prestressed Concrete Steel Wire Strands from Mexico, by imports of certain High Carbon Steel (HCS) Wires from Mexico. (31 Jul)

## **Chapter 76 – Aluminium and articles thereof**

### Australia

- Continuation of anti-dumping and anti-subsidy duties on imports of Aluminium Zinc Coated Steel from China. (03 Jul)

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

### Argentina

- Continuation of anti-dumping duty on imports of Table, Wall and Turbo Fans from China. (12 Jul)

### Canada

- Preliminary affirmative determination by the CITT and the CBSA in the anti-dumping and anti-subsidy investigations into imports of certain Wind Towers from China. (5 Jul and 21 Jul).

---

---

### Eurasian Economic Union

- Continuation of the anti-dumping duty on imports Rolling Bearings (except for needle bearings) from China. (19 Jul)

### USA

- Termination of anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports of certain Walk-Behind Lawn Mowers and parts thereof from China, when assembled in the USA using Chinese cutting deck shells. (21 Jul)

## **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 action against India

#### Eurasian Economic Union

*Continuation of anti-dumping duty on imports Graphite Electrodes from India. (19 Jul)*

The Eurasian Economic Commission has issued orders for continuation of anti-dumping duty imposed on Graphite Electrodes from India until 16<sup>th</sup> May 2024. The amount of duty ranges from 16.04 to 32.83%. The duties were first imposed in 2013, continued in 2018 and were set to expire on 24<sup>th</sup> September 2023.

### Other trade remedial actions

#### Argentina

- Continuation of anti-dumping duty on imports of Electrical Appliances for Heating Spaces or Floors, excluding Oil Radiators and Storage Radiators from China. (30 Jun)

#### Canada

- Affirmative determination by the CBSA in the sunset review of anti-dumping duty on imports of Certain Liquid Dielectric Transformers from South Korea . (13 Jul)

#### USA

- Partial termination of antidumping duty and anti-subsidy duties on imports of Crystalline Silicon Photovoltaic Cells, whether or not Assembled into Modules from China, with respect to Certain Off-grid Small Portable Crystalline Silicon Photovoltaic Panels. (03 Jul)

---

---

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

USA

- Imposition of anti-dumping and anti-subsidy duties on imports of certain Freight Rail Couplers and parts thereof from China. (14 Jul)

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

Trade remedial action against India

*Initiation of anti-dumping and anti-subsidy investigations by USITC into imports of Mattresses from Bosnia and Herzegovina, Bulgaria, Burma, India, Indonesia, Italy, Kosovo, Mexico, Philippines, Poland, Slovenia, Spain, and Taiwan. (31 Jul)*

The USITC initiated investigations in response to petitions filed on July 28, 2023, on behalf of the domestic producers of the mattresses in the USA, the International Brotherhood of Teamsters, Washington, DC; and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, Washington, DC. The USDOC is likely to also initiate parallel investigation to determine the existence of dumping and subsidies.

Other trade remedial actions

USA

- Continuation of anti-dumping and anti-subsidy duties on imports of Certain Tool Chests and Cabinets from China and Vietnam. (12 Jul)

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

Argentina

- Continuation of anti-dumping duty on imports of Rubber Balloons from China. (04 Jul)

**Chapter 96 – Miscellaneous manufactured articles**

Turkey

- Initiation of safeguard investigation into imports of Toothbrushes. (20 Jul)



# 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](mailto:aastha@tpm.in).

## TPM Consultants

Ish Kriti, J-209, Saket, New Delhi – 17



[011 – 4989 2200](tel:011-49892200)



[info@tpm.in](mailto:info@tpm.in)



[www.tpm.in](http://www.tpm.in)



[TPM Solicitors & Consultants](#)

*Disclaimer: The information contained in this document is intended for informational purposes only and does not constitute legal opinion or advice. This document is not intended to address the circumstances of any particular individual or corporate body. Readers should not act on the information provided herein without appropriate professional advice after a thorough examination of the facts and circumstances of a particular situation. There can be no assurance that the judicial/quasi judicial authorities may not take a position contrary to the views mentioned herein. Unless stated otherwise, TPM does not grant the copyright for the information provided. All pictures copyright to their respective owner(s). TPM does not claim ownership of any of the pictures displayed in the document unless stated otherwise.*