
ADHYATAN

TPM NEWSLETTER

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In this Edition

- ◆ The USDOC finds that the Advance Authorization Program does not confer a countervailable benefit based on verification conducted by the Government of India.
- ◆ Tribunal sets aside final findings considering that an injury assessment based on comparison with only the year preceding the period of investigation is flawed.
- ◆ Tribunal further notes that return on investment is a more relevant parameter for injury assessment than profit margin, particularly in capital intensive industries.
- ◆ DGFT extends the existing rates applicable for RoDTEP upto 30th June 2024.

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Key Highlights

India

PLI scheme for solar equipment manufacturing

The Government of India is planning to implement PLI scheme with benefit of upto ₹ 24,000 crores, for the solar equipment manufacturing sector, with the aim of allowing India to emerge as the leading global supplier of renewable energy equipment with a capacity of 100 GW by 2026.

Six new sectors to join the PLI scheme

The Government of India has announced PLI scheme, with benefit of upto ₹ 18,000 crores for six new sectors including chemicals, shipping containers, vaccine inputs, toys, bicycles, leather, and footwear. According to government officials, only a fraction of the incentives under the PLI scheme have been claimed so far and thus, the government is considering reallocating these unused funds to support the newly identified sectors.

WTO

India and Brazil to resolve sugar related trade dispute

In 2019, Brazil, Australia and Guatemala approached the WTO Dispute Settlement Panel and alleged that India's domestic support measures and subsidies to sugar farmers are inconsistent with the provisions of the Agreement on Agriculture. In 2021, the Panel ruled in favor of Brazil, Australia and Guatemala, which was appealed by India to the WTO Appellate Body. However, since the Appellate Body is not functioning currently, the two countries have agreed to mutually resolve the matter.

Dominican Republic appeals the Panel Report in the dispute brought by Costa Rica concerning anti-dumping duties on Corrugated Steel Bars (18 Sep)

In November 2021, Costa Rica challenged the anti-dumping duty imposed by Dominican Republic on imports of Corrugated Steel Bars from Costa Rica. The Panel, on 27th July 2023, circulated its report upholding Costa Rica's claim that the measures violated the provisions of the Anti-Dumping Agreement, in so far as calculation of dumping margin and determination of threat of material injury are concerned. On 18th September, Dominican Republic notified the WTO members of its decision to appeal against the report of the Panel.

China files appeal against WTO Panel Report in case of ‘China — Additional Duties on Certain Products from the United States’ (20 Sep)

On 16th August 2023, the WTO Dispute Settlement Body circulated the report of the Panel in the dispute concerning additional customs duties imposed by China on certain products from the U.S. The Panel found that the additional customs duties imposed by China were in violation of its commitments under the GATT 1994.¹ On 20th September 2023, China notified the WTO members of its decision to appeal against the report of the Panel.

Ukraine initiates WTO dispute against Hungary, Poland and the Slovak Republic (21 Sep)

Ukraine has requested for WTO dispute consultations with Hungary, Poland and the Slovak Republic regarding the continued imposition of import bans by these countries on certain agricultural products, including grain from Ukraine. As per Ukraine, these measures are inconsistent with the provision of the GATT 1994 and the Agreement on Agriculture.

Global

The European Commission publishes its Annual Trade Defence Report, 2022 (06 Sep)

On 06th September 2023, the European Commission published its Annual Trade Defence Report for the year 2022, highlighting the EU’s trade defence activities. As per the report, at the end of 2022, almost 177 trade defence measures were in place against unfair imports from other countries. Almost one-fifth of such measures tackled circumvention of existing measures. The highest number of trade defence measures were imposed against China, Russia, India, South Korea and the U.S. The report also highlights that amidst the ongoing Russia-Ukraine conflict, the EU suspended import duties on all Ukrainian imports, including suspension of all trade defence measures. Lastly, the report also emphasizes that exports from EU to third countries were subject to only 12 trade defence measures in 2022, which has declined from 30 measures in 2021.

¹ For more details regarding the issue in dispute and decision of the Panel, please refer the [link](#) herein.

Benefit under Advance Authorization : Key Change in US Position

- Under the WTO Agreement, any exemption of import duties on raw materials used for exported goods shall not be considered as conferring a countervailable benefit, provided the government of exporting country has a system in place to ensure that no excess benefit accrues to the exporter.
- Under the US law, unless the government of exporting country has a system to show that no excess benefit accrues to an exporter, or that the government has carried out an examination that no such excess benefit accrues; the entire amount of exemption received on imported raw materials is considered as a countervailable benefit.
- Based on this test, over the past several years, the USDOC has been considering the entire exemption of duties on imported raw materials under the Advance Authorization program of India as countervailable subsidy.
- However, in a recent determination, the USDOC has found that the exporter in question did not receive any benefit in the form of exemption of import duties on raw materials, beyond that consumed for the production of exported goods.
- The landmark decision could pave the way for Indian exporters to avoid unnecessarily high anti-subsidy duties.

The Advance Authorisation Scheme (AAS) of India is a duty exemption scheme which allows for duty free import of inputs, used for manufacture of an exported product. This is similar to duty exemption and drawback schemes in other countries, including in Thailand, China, Vietnam and Malaysia. Under the Agreement on Subsidies and Countervailing Measures, exemption of import duties on raw materials used in production of exported goods does not normally constitute a countervailable subsidy. However, where the exemption of import duties is in excess of the duties saved on the raw materials used in production of exported goods, such excess is considered as countervailable subsidy.

In order to determine whether there is an excess exemption being allowed, Annexure II of the WTO Agreement on Subsidies and Countervailing Measures requires the investigating authority to examine whether the Government of the exporting country has a system in place to verify that the quantity of inputs for which the exemption is claimed does not exceed the quantity of similar products exported and whether such a system is

reasonable and effective for the purpose intended. In case the system meets this requirement and is effectively applied, no subsidy should be presumed to exist for the scheme.

However, under the US jurisdiction, as per the provisions of 19 CFR § 351.519(a)(4), the Secretary will consider the entire amount of an exemption to confer a benefit, unless:

- a. The government of the exporting country has in place and applies a system or procedure to confirm which inputs are consumed in the production of the exported products and in what amounts; or
- b. The government in question has carried out an examination of actual inputs involved to confirm which inputs are consumed in the production of the exported product, and in what amounts.

Therefore, in the absence of the above, the entire exemption of duties allowed on import of raw materials is considered as a countervailable benefit.

Following this test, the US Department of Commerce (USDOC) has repeatedly found that the entire exemption of duty on imports of raw materials under the AAS shall be considered as a benefit. This was based on the following.

- a. As per the USDOC, the Government of India did not have in place a system or procedure to confirm which inputs are consumed in the production of the exported products and in what amounts.
- b. There was no evidence that the Government of India had carried out an examination of actual inputs used to manufacture exported goods.
- c. The USDOC had also expressed concerns over the inability of the GOI to explain the calculation of Standard Input Output Norms (SION). In particular, the US DOC considered that there was absence of evidence to show that SION represented actual raw material consumption in exported goods.
- d. The USDOC also took note of the fact that there was absence of any evidence regarding imposition of penalties on exporters, for receiving excess benefit under the scheme.
- e. Lastly, the USDOC considered the extension of the scheme to cover “deemed exports” implied that the benefit was not restricted to exemption of import duties on raw materials used for goods actually exported.

However, on 27th September 2023, in a landmark final determination in the Countervailing Duty Administrative Review, Off-the-Road Tires from India, the USDOC found that Balkrishna Industries Limited, an exporter of Off-the-Road Tires from India

did not receive any benefit under AAS, despite having imported raw materials under the scheme.

The findings took note of the fact that the exporter availed the scheme under *ad-hoc norms*, based on its own actual consumption of raw materials. Further, the Government of India and the exporter were able to provide extensive documentation to show that the DGFT examined actual consumption of raw materials under the norms, at the stage of application for issuance of advance authorization, ratification of norms and issuance of Export Obligation Discharge Certificate (EODC). Therefore, the exporter demonstrated that the Government has a system in place to examine no excess remission accrues to exporters. The USDOC also noted that where the duty-free import of raw materials exceeded that used for production of exported goods, the exporter had actually paid duties on the excess imports, with interest.

Lastly, in contrast to the past cases, the DGFT carried out a physical verification of information and records of the exporter to confirm which inputs are consumed in the production of the exported product, and in what amounts and submitted a Verification Report to the USDOC. Though the US industry questioned the legitimacy of such a verification, the USDOC held that even if the verification had been undertaken for the purpose of the anti-subsidy investigation, there was nothing to show that the report was not adequate and authentic.

Accordingly, the USDOC concluded that the exporter did not receive any benefit in the form of exemption of import duties on raw materials beyond that consumed in production of exported goods.

The recent determination for AAS program holds a lot of significance for India and its exporters. This would allow the exporters to avoid unnecessarily high anti-subsidy duties, based on the total exemption of duties on imported raw materials. An exporter facing high subsidy margins under AAS program can ensure that they avail benefit under the scheme based on their own consumption, and request the Government for an examination to ensure that no excess benefit has been received. Further, for the Government of India, the decision establishes that the scheme operates within the parameters of Annexure II of the WTO Agreement on Subsidies and Countervailing Measures.

– Aastha Gupta, Joint Partner
Nishtha Gupta, Business Analyst

From the Court Room

Reliance Industries Limited

V.

Designated Authority

Decision dated 29th September 2023

- In order to conclude material injury, it is not necessary that both adverse volume effect and adverse price effect are established.
- Injury analysis with reference to only the year preceding the period of investigation, and disregarding the performance compared to the base year and second year of injury period is not appropriate.
- Profit margin may not be an appropriate indicator of injury, particularly in capital intensive industries.
- A return equivalent to the bank rate of interest cannot be considered as sufficient, as it would not incentivize investment in establishment of manufacturing capacities.

The present decision arose out of an appeal filed by Reliance Industries Limited, against the findings of the DGTR that anti-dumping duty is not required to be imposed on imports of Mono Ethylene Glycol (MEG) from Kuwait, Saudi Arabia and United States of America. The investigation was initiated pursuant to an application by the appellant, along with India Glycols Limited. While the Authority found that there was dumping by the exporters from the subject countries, it was concluded that the domestic industry did not suffer material injury as a result of the imports. In arriving at these findings, it was noted that there was a decline in volume of imports, absence of price suppression or depression, and improvement in the volume and profitability parameters of the domestic industry. It was also found that the profit margin earned by the domestic industry was high.

The appellant challenged the decision on the basis that injury determination in the final findings was not appropriate. The Tribunal concurred with the claim of the appellant and found that there were inconsistencies in the injury determination conducted.

Whether both adverse volume and price effect is required

The Tribunal noted that it was not disputed that even in the absence of volume injury to the domestic industry during the period of investigation, the price effect of dumped imports by itself would be a sufficient factor for examining whether the dumped imports

are causing material injury to the domestic industry. Therefore, it is possible that the domestic industry may suffer either volume or price injury.

Examination of trends over the injury period

The Tribunal agreed that the final findings entailed an examination of price parameters only with reference to the period of investigation and the preceding year, instead of over the entire injury period of four years. The Tribunal noted that the performance of the domestic industry during the period of investigation had been worse compared to the first two years of the injury period, but improved compared to third year. However, since the final findings heavily relied upon the comparison of price and profitability parameters with respect to the third year (that is, 2019-20), it defeated the entire purpose of injury assessment.

Emphasis on profit margin

The appellant had also challenged the examination of profitability based on profit margin. The respondents had argued that the domestic industry had earned abnormally high profits in the financial year 2017-18, which reduced to a profit margin of 20% during the period of investigation. However, as per the respondents, the domestic industry did not have a vested right to continue earning abnormal profits.

The Tribunal noted that the financial viability of an industry which is highly capital intensive, as in the present case, must be examined based on return on investment and not profit as percentage of cost or selling price. The Tribunal noted that the domestic industry had earned a return of only 9-10%, which is comparable to the bank rate of return, and thus would not incentivize investment in manufacturing capacities. The Tribunal also took note of the fact that the DGTR itself considered a return of 22% on investment as reasonable.

Though the respondents contended that the return on investment was low on account of additional investment undertaken to set up fresh capacities, the Tribunal did not find that the facts supported such a conclusion. The Tribunal noted that since the domestic industry had been able to improve its capacity utilization and production, the decline in return on investment could not be attributed to the increase in capacities.

In view of the same, the Tribunal set aside the final finding notification and remitted the matter to the DGTR to give final findings in light of the observations made in the order.

Foreign Trade Policy

Pre-shipment and Post-shipment Export Credit and Packing Credit in Foreign Currency (PCFC) for E-Commerce Exports (04 Sep)

In order to address the concerns regarding unavailability of Pre-shipment and Post-shipment export credit for E-Commerce exports, the DGFT clarified that the “Master Circular- Rupee / Foreign Currency Export Credit and Customer Service to Exporters” allows for access to Pre-shipment and Post-shipment export credit and Packing Credit in Foreign Currency (PCFC) to all eligible exporters, including E-Commerce exporters. Thus, banking and financial institutions have been encouraged to extend PCFC to E-Commerce exports based on the guidelines issued by RBI.

Pre-import condition under Advance Authorisation (25 Sep)

On 8th June 2023, the DGFT notified that all imports made under Advance Authorization Scheme between 13th October 2017 to 9th January 2019, which could not meet the pre-import condition, may be regularized by making payments as prescribed in the Circular dated 7th June 2023. However, in the light of difficulties faced by the Regional Authority, the DGTR has issued the following clarification –

- a. In case of advance authorisation under which exports have been made between 13th October 2017 to 9th January 2019 and the imports are made on or after 10th January 2019, the pre-import condition will not be considered violated.
- b. In case advance authorisation license was issued on or prior to 9th January 2019 and imports are made on or after 10th January 2019, the pre-import condition will not be applicable.
- c. In case imports were partly made up to and including 9th January 2019 and remaining imports were made on or after 10th January 2019, the imports made on or after 10th January 2019 will not be subject to pre-import condition.
- d. In case of imports made under advance authorisation on payment of IGST and Compensation Cess, the imports will not be subject to pre-import condition, irrespective of the date of imports.

Extension of RoDTEP scheme (26 Sep)

On 9th January 2023, the Ministry of Commerce notified that the Appendix 4R under RoDTEP will be applicable for exports made from 16th January 2023 to 30th September 2023. However, on 26th September 2023, Ministry of Commerce extended Appendix 4R for exports made from 1st October 2023 and will be applicable till 30th June 2024.

Trade Agreements

Indian Updates

India and Canada pause negotiations for the Early Progress Trade Agreement

India and Canada have halted their negotiations on the interim Early Progress Trade Agreement. The decision comes in light of the rising political tensions between the two countries.

Trade negotiations between India and the Philippines delayed

The negotiations for the bilateral investment treaty between India and the Philippines have been delayed and slowed down. The two countries discussed kicking off the talks for the treaty and a possible preferential trade agreement in June 2023, but no significant progress has been made by both the countries since then.

Global Updates

China and Nicaragua sign Free Trade Agreement

China and Nicaragua have signed a Free Trade Agreement with the aim to mutually gain market access in areas like goods, services, and investment. The two countries have agreed to gradually reduce tariffs on over 95 per cent of goods, to zero.

China and Venezuela sign trade agreements

China and Venezuela have signed a bilateral cooperation agreement in economy, trade and tourism and trade deals on science and technology, civil aviation and aerospace.

UAE and Serbia initiate negotiations for a Comprehensive Economic Partnership Agreement

UAE and Serbia have agreed to launch negotiations on a Comprehensive Economic Partnership Agreement to improve bilateral non-oil trade, investment flows and private-sector collaboration.

Ukraine and Canada revise the Canada-Ukraine Free Trade Agreement

Ukraine and Canada started negotiations to revise the Canada-Ukraine Free Trade Agreement (CUFTA) in January 2022 under the review clause of the agreement. The revised agreement has been signed in September 2023.

Britain signs memorandum of understanding on trade with the state of Washington

Britain has signed a Memorandum of Understanding on trade with the U.S. state of Washington in order to unlock new commercial partnerships and facilitate capital investments. The MoU with Washington is the sixth such agreement with a U.S. state.

South Korea and Finland sign the Trade Investment Promotion Framework memorandum of understanding

The government of South Korea and Finland have signed the Trade and Investment Promotion Framework memorandum of understanding to serve as a ground to further the cooperation on trade, investment, supply chain, digital, clean energy and other new trade issues.

The Philippines and South Korea sign a Free Trade Agreement

South Korea and the Philippines have signed a Free Trade Agreement. Under the agreement, South Korea will remove tariffs on approximately 94.8% of Filipino products, and the Philippines will abolish tariffs on about 96.5% of South Korean products.

Bureau of Indian Standards

Substitution of Standards (02 Sep)

The Bureau of Indian Standards has notified substitution of certain standards including the following with effect from 28th August 2023. However, the previous unamended standards will remain in force concurrently till 28th September 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 309 : 2023 Oxygen, Compressed Gas and Liquid — Specification (Fifth Revision)	IS 309 : 2005 Compressed Oxygen gas — Specification (Fourth Revision)
IS 6164 : 2023 Hydrochloric Acid — Code of Safety (First Revision)	IS 6164 : 1971 Code of Safety for Hydrochloric Acid
IS 4156 : 2023 Sampling of Barytes — Methods (First Revision)	IS 4156 : 1967 Methods of Sampling of Barytes
IS 11110 : 2023 Copper-Lead Powder — Specification (First Revision)	IS 11110 : 1984 Specification for Copper Lead Powder
IS 18384 : 2023 Hot-Rolled Steel Strip Sheet and Plates for Welded Steel Pipe for Pipeline Transportation Systems — Specification	N/A
IS 18385 : 2023 Hot-Dip Galvanized/Galvannealed Steel Sheet, Plate and Strip for Automotive Applications — Specification	N/A

Substitution of Standards (11 Sep)

The Bureau of Indian Standards has notified substitution of certain standards including the standard **IS 18387 : 2023** Gypsum Ceiling Tiles — Specification with effect from 5th September 2023. However, the previous unamended standards will remain in force concurrently till 5th October 2023. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (27 September)

The Bureau of Indian Standards has notified substitution of certain standards including the following with effect from 12th September 2023. However, the previous unamended standards will remain in force concurrently till 12th October 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 6913 : 2023 Stainless Steel Tubes for the Food, Beverage, Dairy and Pharmaceutical Industry — Specification (First Revision)	IS 6913 : 1973 Specification for Stainless Steel Tubes for the Food and Beverage Industry
IS 15370 : 2023/ISO 6330 : 2021 Textiles — Domestic Washing and Drying Procedures for Textile Testing (Second Revision)	IS 15370 : 2020/ISO 6330 : 2012 Textiles — Domestic Washing and Drying Procedures for Textile Testing (First Revision)
IS 17529 : 2023/ISO 14389 : 2022 Textiles — Determination of the Phthalate Content — Tetrahydrofuran Method (First Revision)	IS 17529 : 2021/ISO 14389 : 2014 Textiles — Determination of the Phthalate Content — Tetrahydrofuran Method

Non-Tariff Measures

Quality Control Orders for certain Chemical products (13 Sep)

India has notified the WTO of its draft Quality Control Order concerning the following products –

- Anhydrous Ammonia falling under the IS 662: 2020.
- Ethylene Oxide falling under the IS 5573: 1984.
- Industrial Grade Urea (Technical grade Urea) falling under the IS 1781: 2022.
- Toluene Diisocyanate (TDI-80) falling under the IS 17916: 2022.
- Alumina Calcined falling under the IS 17441 (Part 1): 2021.
- Captafol (Technical grade) falling under the IS 10300: 2023.
- Sodium Cyanide falling under the IS 11782: 1986 (Reaffirmed 2020).

The draft orders were issued by the Ministry of Chemicals and Fertilizers, for seeking comments from WTO members before the measures are introduced by India. WTO members can file comments within 60 days, that is by 12th November 2023. The measures would be adopted on publication in the Official Gazette.

Monocrotophos (Quality Control) Order, 2023 (13 Sep)

India has notified the WTO of its draft Quality Control Order concerning Monocrotophos falling under the IS 8025: 1990 and IS 8074: 1990. The draft order was issued by the Ministry of Commerce and Industry, for seeking comments from WTO members before the measures are introduced by India. WTO members can file comments within 60 days, that is by 12th November 2023. The measures would be adopted on publication in the Official Gazette.

Quality Control Orders for Flux Cored Solder Wire (18 Sep)

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has notified a Quality Control Order for Flux Cored Solder Wire. The Order concerning the product shall come into force on 18th March 2024. For micro enterprises as defined under the MSME Development Act, it shall come into force on 18th September 2024 and for small enterprises as defined under the MSME Development Act, it shall come into force on 18th June 2024.

Change in the effective date of certain Quality Control Orders (27 Sep)

The effective date of the following Quality Control Orders has been modified.

- Maleic Anhydride (Quality Control) Order shall now be applicable with effect from 24th April 2024.
- Ethylene Vinyl Acetate Copolymers (Quality Control) Order shall now be applicable with effect from 03rd April 2024.
- Polyethylene Material for Moulding and Extrusion (Quality Control) Order shall now be applicable with effect from 05th January 2024.

Quality Control Orders for Medical Textiles (27 Sep)

The Ministry of Textiles has notified a Quality Control Order for various medical textile products. The Order concerning the products shall come into force on 01st April 2024. For Small and micro enterprises as defined under the MSME Development Act, it shall come into force on 1st October 2024.

Quality Control Orders for Miscellaneous Steel Products (27 Sep)

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has notified a Quality Control Order for miscellaneous steel products. The Order concerning the product shall come into force on 27th March 2024. For micro enterprises as defined under the MSME Development Act, it shall come into force on 27th September 2024 and for small enterprises as defined under the MSME Development Act, it shall come into force on 27th June 2025.

Quality Control Orders for Precision Roller and Bush Chains, attachments, and associated chain sprockets (27 Sep)

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has notified a Quality Control Order for Precision Roller and Bush Chains, attachments, and associated chain sprockets. The Order concerning the product shall come into force on 27th March 2024. For micro enterprises as defined under the MSME Development Act, it shall come into force on 27th September 2024 and for small enterprises as defined under the MSME Development Act, it shall come into force on 27th June 2024.

Quality Control Orders for Agro Textiles (29 Sep)

The Ministry of Textiles has notified a Quality Control Order for various Agro Textile products. The Order concerning the products shall come into force on 1st April 2024. The Order includes Jute Mats, Windshield Nets, Harvest Nets, Certain Fencing Nets, Flexible Water Storage Tanks, HDPE Laminated Woven Flat Lay Tube for Drip Irrigation, Nylon Knitted Seamless Gloves, amongst other products.

Quality Control Orders for Aluminium and Aluminium Alloy Products (25 Sep)

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has notified a Quality Control Order for Aluminium and Aluminium Alloy Products. The Order concerning the product shall come into force on 27th March 2024. For micro enterprises as defined under the MSME Development Act, it shall come into force on 27th September 2024 and for small enterprises as defined under the MSME Development Act, it shall come into force on 27th June 2024.

Trade Remedial Actions

India

Chapter 29 – Organic Chemicals

Initiation of mid-term review investigation concerning anti-dumping duty on imports of Acetone from EU, Singapore, South Africa and USA. (18 Sep)

The DGTR has initiated a mid-term review, limited to change of name of exporter from Singapore, concerning anti-dumping duty on imports of Acetone from EU, Singapore, South Africa and USA, pursuant to an application by INEOS Phenols Singapore Pte Ltd. The applicant had acquired Mitsui Phenols Singapore Pte Ltd., a producer in the original investigation, resulting in the need for change of name of producer in applicable duty.

Initiation of anti-dumping investigation into imports of Epichlorohydrin from China, Thailand and South Korea. (26 Sep)

The DGTR has initiated an anti-dumping investigation into imports of Epichlorohydrin from China, Thailand and South Korea, pursuant to an application by Meghmani Finechem Limited, the sole producer of the product in the country. The DGTR found prima facie evidence of dumping and material retardation to the establishment to the domestic industry. The DGTR has noted that the volume of imports has increased significantly, and the imports are undercutting the prices of the domestic industry. The performance of the Indian industry has been adversely impacted both in terms of its volume parameters, and its profitability.

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

Initiation of anti-dumping investigation into imports of Sulphur Black from China. (20 Sep)

The DGTR has initiated an anti-dumping investigation into imports of Sulphur Black from China, pursuant to an application by Atul Limited. The DGTR found prima facie evidence of dumping as well as injury to the domestic industry in the form of increased volume of imports and price undercutting. The imports had suppressed the prices of the domestic industry and its performance has been adversely impacted in respect of production, sales, profitability, return on investment, inventories and capacity utilization.

Chapter 38 – Miscellaneous chemical products

Final Findings issued in the sunset review of anti-dumping duty imposed on imports of Synthetic Grade Zeolite 4A (Detergent Grade) from China. (12 Sep)

The DGTR issued final findings recommending continuation of anti-dumping duty on imports of Synthetic Grade Zeolite 4A from China. The sunset review was initiated on 29th September 2022, pursuant to an application by Gujarat Credo Mineral Industries Limited. The DGTR concluded that the dumping from China has continued despite duties in force and such dumping has caused injury to the domestic industry as the profitability of the domestic industry has declined and it is suffering losses. It was also concluded that there is likelihood of continuation / recurrence of dumping and injury in case of expiry of the anti-dumping duty in view of significant exports being made from China to third countries at dumped and injurious prices, price attractiveness of Indian market and surplus capacities held by Chinese producers.

Chapter 39 – Plastics and articles thereof

Initiation of sunset review of anti-dumping duty on imports of Ethylene Vinyl Acetate Sheet for Solar Module from China. (20 Sep)

The DGTR has initiated the sunset review of anti-dumping duty imposed on imports of Ethylene Vinyl Acetate Sheet for Solar Module from China, pursuant to an application filed by RenewSys India Private Limited. The DGTR found prima facie evidence of likelihood of recurrence/continuation of dumping and injury to the domestic industry as the dumping margin and injury margin is positive for imports from China, and the producers in China hold surplus capacities.

Chapter 70 – Glass and glassware

Initiation of sunset review of anti-dumping duty on imports of Textured Tempered Coated and Uncoated Glass from Malaysia. (19 Sep)

The DGTR has initiated a sunset review of anti-dumping duty imposed on imports of Textured Tempered Coated and Uncoated Glass from Malaysia, pursuant to an application by Borosil Renewables Limited. The DGTR found prima facie evidence of likelihood of continuation / recurrence of dumping and injury in case of expiry of duty in view of significant volume of imports from Malaysia at dumped prices. The DGTR also took note of capacity expansion undertaken in Malaysia, despite lack of domestic demand.

Initiation of anti-dumping investigation into imports of Unframed Glass Mirrors from China. (21 Sep)

The DGTR has suo motu initiated an anti-dumping investigation into imports of Unframed Glass Mirrors from China, based on representations filed by All India Mirror Manufacturer's Association. The DGTR found prima facie evidence of dumping and injury to the domestic industry in view of increased imports at dumped prices, and positive price undercutting. The DGTR also noted that the performance of the Indian industry has been adversely impacted in terms of low-capacity utilization and profitability.

Chapter 73 – Articles of Iron and Steel

Initiation of anti-dumping investigation into imports of Fasteners from China. (22 Sep)

The DGTR has suo motu initiated an anti-dumping investigation into imports of Fasteners from China, based on representations filed by Apt Tools and Machinery India Private Limited and Northern India Screw Manufacturers and Traders Association. The DGTR found prima facie evidence of dumping and injury to the domestic industry in view of increased volume of imports, and positive price undercutting. The DGTR noted that performance of the Indian industry has been adversely impacted in terms of low-capacity utilization, declining sales volumes, losses, and decline in market share.

Chapter 74 – Copper and articles thereof

Termination of new shipper review concerning anti-subsidy duty imposed on imports of Copper Tubes and Pipes from Vietnam. (27 Sep)

The DGTR has terminated a new shipper review, filed by an exporter from Vietnam, concerning anti-subsidy duty imposed on imports of Copper Pipes and Tubes from Vietnam. The application for initiation of the review was filed by LS Metal Vina LLC, an exporter from Vietnam, for determination of an individual anti-subsidy duty rate. However, on 22nd September 2023, the applicant withdrew its application on account of absence of provision for a new shipper review under the Indian Countervailing Duty framework. Accordingly, the DGTR terminated the investigation.

Chapter 83 – Miscellaneous articles of base metal

Initiation of anti-dumping investigation into imports of Telescopic Channel Drawer Slider from China. (20 Sep)

The DGTR has suo motu initiated an anti-dumping investigation into imports of Telescopic Channel Drawer Slider from China, based on representations filed by Highhope Furniture Fittings Manufacturers Associates Private Limited and several other manufacturers of the product. The DGTR found prima facie evidence of dumping and injury to the domestic industry as the volume and market share of imports from China has increased, while the share of the Indian industry has declined. The imports have adversely impacted the prices, sales and capacity utilization of the domestic industry.

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

Continuation of anti-dumping duty on imports of Flat Base Steel Wheels from China. (11 Sep)

The Central Government has issued notification for continuation of the anti-dumping duty in force on imports of Flat Base Steel Wheels from China. The continuation of anti-dumping duty was recommended by DGTR vide Final Findings F. No. 7/02/2023-DGTR, dated the 12th June 2023. The anti-dumping duty applicable is USD 613 per MT.

Chapter 96 – Miscellaneous manufactured articles

Initiation of anti-dumping investigation into imports of Vacuum Insulated Flask or other Vessels of Stainless Steel from China. (20 Sep)

The DGTR has initiated an anti-dumping investigation into imports of Vacuum Insulated Flask or other Vessels of Stainless Steel from China, pursuant to an application by Placero International Private Limited. The DGTR has concluded that there is prima facie evidence of dumping and injury to the domestic industry as the volume of imports from China has increased, and the imports are below the selling price and cost of the domestic industry, resulting in losses to the domestic industry.

Global

Chapter 11 – Products of the milling industry; malt; starches; inulin; wheat gluten

China

- Final determination issued in the expiry review of anti-subsidy duty on imports of Potato Starch from the EU. (14 Sep)

Chapter 17 – Sugar and sugar confectionaries

Costa Rica

- Revocation of safeguard measures on imports of Sugar in solid form. (05 Sep)

Chapter 28 – Inorganic chemicals

USA

- Affirmative determination by the USDOC in the sunset review of anti-dumping duty on imports of Silicon Metal from China. (18 Sep)

Chapter 29 – Organic Chemicals

EU

- Final affirmative determination issued in the expiry review of anti-dumping duty on imports of Melamine from China. (14 Sep)

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Citric Acid and Certain Citrate Salts from Colombia and Thailand. (29 Sep)

Chapter 38 – Miscellaneous chemical products

Argentina

- Final determination issued in the scope review excluding Cuprous Oxide from the scope of anti-dumping duty on imports of Cupric Fungicides from Chile and U.S. (15 Sep)

EU

- Revocation of anti-dumping duty on imports of Biodiesel from Argentina and Indonesia. (28 Sep)

USA

- Final affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of certain Activated Carbon from China. (28 Sep)

Chapter 39 – Plastics and articles thereof

Trade remedial actions against India

USA

Initiation of administrative review by the USDOC of anti-dumping and anti-subsidy duties on imports of Polyethylene Terephthalate (PET) Film from India. (11 Sep)

The USDOC has initiated administrative reviews of anti-dumping and anti-subsidy duties on imports of Polyethylene Terephthalate Film from India. In the previous review of anti-subsidy duty, the USDOC preliminarily determined a subsidy margin of 116.96% for the mandatory respondent. In the previous review of anti-dumping duty, the USDOC preliminarily determined that the two mandatory respondents were not dumping the goods in the U.S. The current reviews have been initiated with respect to 8 Indian producers.

Chapter 40 – Rubber and Articles Thereof

Trade remedial actions against India

Türkiye

Initiation of anti-dumping investigation into imports of Vulcanised Rubber Thread and Cord (Latex Thread) from India. (13 Sep)

The Ministry of Commerce has initiated an anti-dumping investigation to determine whether Vulcanised Rubber Thread and Cord imported from India are being dumped into Türkiye. The application for initiation of investigation was filed by Elpa Elastiki İpçiler Sanayi ve İhracat A.Ş., a Turkish producer and was supported by another producer, Şahin Lateks Sanayi ve Ticaret A.Ş. The period of investigation is April 2022 to March 2023.

USA

Final determination issued by the USDOC in the administrative review of anti-subsidy duties on imports of certain New Pneumatic Off-the-Road Tires from India. (27 Sep)

The USDOC has issued final determination in the administrative review of anti-subsidy duty on imports from India. The USDOC determined a de minimis subsidy rate of 0.33% for Balkrishna Industries Limited. A subsidy rate of 2.20% was determined for ATC Tires Private Limited, the other mandatory respondent.

Other trade remedial actions

Türkiye

- Initiation of anti-dumping investigation into imports of Vulcanised Rubber Thread and Cord (Latex Thread) from Thailand. (05 Sep)

Chapter 48 – Paper and Paperboards, Articles of Pulp

Brazil

- Termination of expiry review of anti-dumping duty on imports of Coated Paper from Belgium, Finland, Germany and Sweden. (12 Sep)

Chapter 54 – Man-made filaments

Trade remedial actions against India

Türkiye

Initiation of sunset review of anti-dumping duty on imports of Polyester Textured Yarns from India and Taiwan (05 Sep)

The Ministry of Commerce has initiated an expiry review of anti-dumping duty on Polyester Textured Yarns imported from India and Taiwan to examine whether there is a likelihood of continuation or recurrence of dumping and injury, if the duties are removed. The duties were first imposed in 2000 and are in the range of 6.8% to 20.3% on imports from India and 9.9% to 28.6% on imports from Taiwan.

Chapter 55 – Man-made staple fibres

USA

- Continuation of anti-dumping duty on imports of certain Polyester Staple Fibers from China. (05 Sep)

Chapter 69 – Ceramic Products

Türkiye

- Initiation of anti-dumping investigation into imports of Chromite and Magnesite Fire Bricks from China. (02 Sep)

Chapter 70 – Glass and Glassware

Argentina

- Initiation of sunset review of anti-dumping duty on imports of Glass Wool Products from Mexico. (12 Sep)

Chapter 72 – Iron and steel

Trade remedial actions against India

USA

Continuation of anti-dumping and anti-subsidy duties on imports of certain Cut-to-Length Carbon-Quality Steel Plates from India, Indonesia, and South Korea. (08 Sep)

The USDOC has issued continuation of duty orders on imports from India, Indonesia, and South Korea following affirmative decision issued by the USITC and USDOC that revocation of duties would result in continuation of dumping or subsidization and resultant material injury. The anti-dumping duty applicable on Indian exporters is upto 42.39% while the anti-subsidy duties applicable are 12.82%.

Other trade remedial actions

UK

- Initiation of expiry review of safeguard measures in the form of tariff rate quota on imports of certain Steel Products. (04 Sep)

USA

- Continuation of anti-subsidy duty on imports of Carbon and Alloy Steel Wire Rods from Italy. (12 Sep)

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

Initiation of sunset review of anti-dumping duty on imports of Stainless-Steel Bars from India. (01 Sep)

The USDOC and USITC have initiated a sunset review of anti-dumping duty orders on imports of Stainless-steel Bars from India to determine whether revocation of the anti-dumping duty would likely to lead to continuation or recurrence of dumping and material injury. The current duties have been in place since February 1995. This is the fifth sunset review of duties.

Affirmative determination issued in the sunset review of anti-dumping duty on imports of Stainless-steel Flanges from India and China. (05 Sep)

The USDOC and USITC have determined that revocation of anti-dumping duty on imports of Stainless-steel Flanges from India and China would lead to continuation of dumping and material injury to the U.S. industry. The USDOC would now issue continuation of duty orders.

Final affirmative determination issued by the USDOC in the administrative review of anti-subsidy duty on imports of certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India. (06 Sep)

The USDOC has determined that countervailable subsidies were provided to the Indian exporters during the period of review, that is 1st January 2021 to 31st December 2021. The net subsidy rate determined is 3.39% for Goodluck India Limited and 3.97% for Tube Investments of India Limited.

Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of Non-refillable Steel Cylinders from India. (29 Sep)

The USDOC preliminarily determined that producers and exporters of Non-refillable Steel Cylinders in India received countervailable subsidies. Subsidy margin of 1.74% was determined for INOX India Limited, 1.91% for Bhiwadi Cylinders Limited and 1.83% for all other Indian exporters.

Other trade remedial actions

Canada

- Initiation of expiry review of anti-dumping and anti-subsidy duties on imports of Seamless Carbon or Alloy Steel Oil and Gas Well Casing from China. (19 Sep)

EEU

- Continuation of anti-dumping duty on imports of Cold-deformed Seamless Stainless-Steel Pipes from China and Malaysia. (26 Sep)

Malaysia

- Final affirmative determination issued in the anti-dumping investigation into imports of Cold Rolled Products of Alloy or Non-Alloy Steel from Japan. (29 Sep)

Taiwan

- Continued suspension of anti-dumping duty, in larger economic interest, on imports of Carbon Steel Plate from Ukraine. (11 Sep)

USA

- Affirmative determination by the USDOC in the sunset review of anti-subsidy duty on imports of Stainless-steel Flanges from China. (05 Sep)
- Continuation of anti-dumping duty on imports of certain Steel Nails from United Arab Emirates (12 Sep)

Chapter 74 – Copper and articles thereof

Trade remedial actions against India

USA

Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of Brass Rods from India, Israel and South Korea. (29 Sep)

The USDOC has preliminarily determined that producers and exporters of Brass Rods in India, among other countries, received countervailable subsidies. A subsidy margin of 3.03% was determined for Rajhans Metal Private Limited, the sole participating Indian producer in the investigation. Subsidy margin of 3.03% is also applicable on all other Indian exporters.

Chapter 76 – Aluminium and articles thereof

USA

- Affirmative determination issued by the USITC in the sunset review of anti-dumping and anti-subsidy duties on imports of Aluminium Foil from China. (11 Sep)

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

UK

- Initiation of exemption review of anti-dumping duty on imports of certain Bicycle Parts from China. (20 Sep)

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

UK

- Final affirmative determination issued in the anti-subsidy investigation into imports of Ironing Boards from Türkiye. (07 Sep)

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.

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