

ADHYATAN

TPM Newsletter

June 2024

In this Edition

- **An insight into the methodology for valuation of captive inputs for determination of non-injurious price under the provisions of Annexure-III to the Anti-Dumping Rules.**
- **Decision of the High Court setting aside notification issued by Central Government, revoking anti-dumping duty on imports of Purified Terephthalic Acid.**
- **Clarification issued by the DGTR regarding exemption of imports made under Advance Authorizations from mandatory Quality Control Orders.**

Visit us at: www.tpm.in

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



TPM

Table of Contents

| | |
|---|---------|
| Key Highlights |03 |
| Insight: Valuation of Captive Inputs for Determination of Non-Injurious Price |04 |
| Foreign Trade Policy |07 |
| Trade Agreements |08 |
| Non-Tariff Measures |10 |
| Updates from the BIS |12 |
| Trade Remedial Actions |15 |

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.

Key Highlights

Indian Updates

Gujarat High Court quashes Notification whereby anti-dumping duty on imports of Purified Terephthalic Acid was revoked (02 May)

The Central Government, vide Notification No. 03/2020 – Customs (ADD) dated 2nd February 2020, had revoked the anti-dumping duty imposed on imports of Purified Terephthalic Acid. Such revocation had been challenged by the domestic producers in the High Court of Gujarat.

Vide decision dated 2nd May 2024, the Hon'ble High Court has quashed and set aside the aforesaid notification. The High Court has revived the original Notification No. 28/2019 – Customs (ADD) dated 24th July 2019, through which anti-dumping duty had been continued on imports of Purified Terephthalic Acid from South Korea and Thailand. The Court has directed the DGTR to conduct a sunset review investigation to examine the need for continuation of such duties.

Valuation of Captive Inputs for Determination of Non-Injurious Price

- *In the past, the DGTR used to consider valuation of captive inputs as per cost of production of such inputs.*
- *However, the Supreme Court held that such an approach was not appropriate, as it creates an artificial discrimination between integrated and non-integrated companies.*
- *At present, the DGTR considers the valuation of captive inputs as per cost or market price, based on records of the domestic industry.*
- *Where the domestic industry values inputs at cost in its records, the DGTR considers the optimized cost of production of such captive input. Further, a return of 22% is allowed on the assets deployed for production of such inputs.*
- *Where the domestic industry values inputs at market price in its records, the DGTR considers the same. However, no return on assets deployed for such inputs is allowed.*

The Directorate General of Trade Remedies (“DGTR”) follows the lesser duty rule in which the anti-dumping duty is imposed on the lower of dumping margin or injury margin. The injury margin is determined based on the non-injurious price, which is calculated as the sum of the cost of production of the domestic industry, plus a return on capital employed. The non-injurious price is considered to be a price level at which if the imports occur, no injury will be caused to the domestic industry. At such price, the domestic industry is expected to be able to recover its costs and earn a reasonable return on the investment made by it. The provisions of Annexure – III detail out the manner in which the cost of production is required to be calculated for determination of non-injurious price. However, the provisions are silent concerning the manner in which a captive input may be valued for this purpose.

Treatment of captive inputs under cost accounting standard

The erstwhile Cost Accounting Standard 4 was issued for determination of cost of production for captive inputs. CAS-4 provided principles and methods

for determining the cost of production of excisable goods used for captive consumption. However, CAS-4, that is Cost Accounting Standard on cost of production for captive consumption has now been replaced with cost accounting standard on cost of production / acquisition / supply of goods/provision of services. Similar methodology has been prescribed in CAS-4 for determination of cost of production for captive input.

Further, under the erstwhile Central Excise Valuation (Determination of Price of Excisable Goods) Rules 2000, the assessable value of goods used for captive consumption was 110% of cost of production of such goods. However, with the introduction of Goods and Services Tax, the Excise Rules are no longer applicable. Further, in any case, the valuation under Excise Rules is not accepted for the purpose of determination of non-injurious price¹.

Practice of the DGTR

While computing the costs of such captive inputs, DGTR follows principles prescribed under Annexure-III to Anti-Dumping Rules 1995. In the past, DGTR considered only the cost of production for determining the value of the input, irrespective of how the transfer is booked in the financial accounts.

However, in the case of *Reliance Industries Ltd v. Designated Authority*, the Hon'ble Supreme Court² noted that valuation of captive inputs based on cost of production was not appropriate. In this case, the domestic industry had a captive power plant and also drew electricity at market prices from the grid for manufacturing the like article. However, in determination of the non-injurious price, the DGTR considered the cost of production of electricity instead of the market rate of electricity. The Hon'ble Supreme Court held that the Authority is always required to take into consideration the market value of the inputs, and not their actual cost of captive production. The Court considered that non-injurious price is required to be determined at a level which allows protection of the domestic industry as a whole. Consideration of cost of production would create an artificial discrimination between the integrated and non-integrated companies to the peril of the smaller plants with no backward integration. Therefore, the Court opined that market price of captive inputs should be considered for determination of non-injurious price.

1 Decision of Customs, Excise and Service Tax Appellate Tribunal in *Gujarat Fluorochemicals Ltd. v. Designated Authority* [Final Order in Appeal No. AD/52500/2016 dated 16th September 2016]

2 Decision of Supreme Court in *Reliance Industries Limited vs. Designated Authority* [Civil Appeal No. 1294 of 2001, decided on 11th September 2006]

At present, the DGTR has accepted captive inputs at market prices in the calculation of non-injurious price, provided that the domestic industry has transferred that input at market price in its books and records. The same has also been recorded by the DGTR in its Manual of Operating Practices.

- In case the domestic industry transfers the captively produced inputs at market value consistently in the books of accounts, then such market value of captively produced inputs may be adopted for determination of the non-injurious price. However, if the captive inputs are transferred at market prices, no return is allowed on assets used for manufacturing captive inputs.
- If the domestic industry considers the actual cost incurred for producing these inputs in its books of accounts, the DGTR would consider the valuation of such input at cost. The DGTR determines the optimum cost for the captive input based on optimum utilisation of raw material and utilities at optimum capacity utilisation. Further, an additional return at 22% on capital employed for assets utilized for producing such inputs is also allowed. This cost is then considered for the determination of cost of production of the like article.

In the mid-term review concerning imports of Aniline³ from China, the domestic industry had transferred the input at market prices. In this case, the DGTR considered the market price as per records maintained by the domestic industry. The DGTR noted that in a situation where a business enterprise has an option between selling or captively consuming an input, and decides to sell the input in the market, it shows relative viability of the decision.

However, there have been some instances wherein the DGTR has sought details of cost of production, even where the captive input was valued at market price in the books of accounts of the company, and vice versa. In this regard, it is imperative that any methodology adopted is consistently followed. If the DGTR considers that the value as per records shall be considered, the same should be adopted in each case. Further, adequate disclosure of the methodology adopted should be made, to allow transparency with regard to the methodology followed.

- Kalpesh Gupta, Principal Associate
Niyati Rajani, Consultant

³ Final findings in the mid-term review of anti-dumping duty on imports of Aniline from China PR [F. No. 7/25/2022 - DGTR dated 11th December 2023]

Foreign Trade Policy

Suspension of inoperative SION (03 May)

The DGFT has suspended certain SION that were not operational in the last years with immediate effect. The list of the suspended SION is available at the [link](#) herein.

Clarification on provision for import of inputs subject to mandatory Quality Control Orders notified (10 May)

The DGFT vide Notification No. 71/2023 dated 7th March 2024 had enabled provisions for exempting inputs imported by Advance Authorisation holders and EOUs from mandatory Quality Control Orders. The DGTR has issued a notification clarifying the following:

- The provisions of Notification No. 71/2023 are not applicable retrospectively and Advance Authorizations issued before 11th March 2024 will be governed by the provisions that existed at the time of issuance of those Advance Authorizations.
- Facility for amendment to incorporate QCO exemption on such Advance Authorizations already issued before 11th March 2024 is not available.
- Facility of clubbing of Advance Authorizations issued under the provisions of Notification No. 71/2023 with Advance Authorizations issued before the date of this notification will not be available.

Further, Ministry of Mines has been added to the list of Ministries / Departments, whose notifications on mandatory QCOs are exempted by the DGFT for goods to be utilised/consumed in manufacture of export products.

Clarification on regularisation of bona fide default in case of Advance Authorizations (03 May)

The DGFT has clarified that provisions relating to the payment of 10% of CIF value and 3% of shortfall in FOB value amounts are only applicable in cases where Advance Authorization is issued on or after 1st April 2023. The Advance Authorizations issued prior to 1st April 2023 will be governed by the relevant provisions of Handbook of Procedure that was applicable when such AAs were issued. Moreover, this clarification notification will not constitute a ground for refund of fees that has already been paid.

Trade Agreements

Indian Updates

India expects to begin trade negotiations for a free trade agreement with the Eurasian Economic Union

India and the Eurasian Economic Union have planned to begin trade negotiations for a trade agreement. The trade agreement is expected to increase Indian exports to Russia. The negotiations for the agreement are expected to begin in a few months.

India and Australia hold the first Joint Committee Meeting under India-Australia Economic Co-operation and Trade Agreement

The Joint Committee under the India-Australia Economic Cooperation and Trade Agreement (ECTA) held its first meeting with an objective to explore opportunities for bilateral economic cooperation in areas such as trade facilitation, investment promotion and review the progress of the trade cooperation. The Joint Committee also adopted the Rules of Procedure and established an institutional mechanism under the ECTA for the regular exchange of preferential import data on monthly basis.

Global Updates

Iran and Indonesia sign a Preferential Trade Agreement

A preferential trade agreement was signed by Iran and Indonesia on 23rd May 2024 with an objective to reduce tariff on certain goods. Iran will lower tariff for Indonesia on processed food and pharmaceuticals, textile, palm oil, coffee and tea. On its part, Indonesia will allow greater access to oil and chemical products, metal and certain dairy products.

China – Ecuador Free Trade Agreement comes into force

The free trade agreement between China and Ecuador comes into effect from 1st May 2024. The trade agreement will eliminate tariff on 90 percent of the products traded between the two countries, out of which 60 percent of the goods will enjoy zero tariffs with immediate effect.

European Union announces the implementation of the EU - New Zealand trade agreement

The EU-New Zealand trade agreement has entered into force, which is aimed at removing tariffs on key EU exports, grow its investments in New Zealand, increases access for EU to government procurement contracts and help small business exports while reducing compliance requirements and procedures.

Negotiations concluded on the UAE-Ukraine Comprehensive Economic Partnership Agreement

The United Arab Emirates and Ukraine have issued a joint statement announcing the completion of trade talks for the UAE-Ukraine Comprehensive Economic Partnership Agreement. The CEPA will provide reduction and elimination of tariffs as well as removal of trade barriers and increase market access for both sides. Additionally, the Agreement will support Ukraine's recovery and help rebuild key industries while acting as a gateway for UAE to Europe.

Serbia and China implement trade agreement

China and Serbia have signed a trade agreement as part of the Comprehensive Serbia-China Partnership Plan called the “Shared Future”. The Agreement will deepen economic and political ties between Serbia and its largest foreign investor, China and provide a gradual elimination of tariffs on 95% of Serbian exports to China. The Agreement is expected to come into effect on 1st July 2024.

Non-Tariff Measures

Indian Updates

Amendment in Quality Control Orders of Base Metals (03 May)

The Ministry of Mines has amended the effective date for the following Quality Control Orders to 1st December 2024.

- The Copper (Quality Control) Order, 2023
- The Aluminium and Aluminium Alloys (Quality Control) Order, 2023
- The Nickel (Quality Control) Order, 2023.

Quality Control Order for Telescopic Ball Bearing Drawer Slide (08 May)

The Department of Promotion of Industry and Internal Trade has issued the Telescopic Ball Bearing Drawer Slide (Quality Control) Order, 2024. The Order shall come into force on expiry of 6 months from the date of its publication in the Official Gazette of India. However, for small enterprises, it shall come into force on the expiry of 9 months from the date of publication and for micro enterprises, it shall come into force on the expiry of 12 months from the date of publication.

Corrigendum in Quality Control Order for Gypsum-based Building Materials (18 May)

The Department for Promotion of Industry and Internal Trade has issued a Corrigendum to Gypsum-based Building Materials Quality Control Order 2024, to correct the Standard from “2692:1989”, to “2095 (Part 2):2022”.

Draft Quality Control Order for Safety of Household Commercial and Similar Electrical Appliances (28 May)

India has notified the WTO of its draft Quality Control Order concerning the Safety of Household Commercial and Similar Electrical Appliances. The draft order has been issued by the Department for Promotion of Industry and Internal Trade, for seeking comments from WTO members within 60 days, that is by 27th July 2024. The Order is aimed at prevention of deceptive practices and consumer protection, protection of human health or safety, and protection of the environment. It shall come into force on the date of its publication in the Official Gazette.

Quality Control Order for Self-Contained Drinking Water Cooler (28 May)

The Department for Promotion of Industry and Internal Trade has issued Self-Contained Drinking Water Cooler (Quality Control) Order, 2024, in supersession of the earlier order. The order shall come into force on 1st October 2024. However, for small enterprises, it shall come into force on 1st January 2025 and for micro-enterprises, it shall come into force on 1st April 2025.

Global Updates

China

National Standard of the People's Republic of China for Transport of dangerous goods – Specification on the acceptance and classification procedure and the requirement of compatibility for explosives (14 May)

The State Administration for Market Regulation, China has notified WTO of its intention to issue National Standards for the Transport of Dangerous Goods – Specifications on the acceptance and classification procedure and the requirement of compatibility for explosives. The Standards would provide the basic requirements for the acceptance and hazard classification of explosives, desensitized explosives, and liquid propellants, including acceptance procedures, classification procedures, determination of compatibility groups, requirement of compatibility, and classification test items. The objective of this measure is the protection of human health. The WTO members may comment on the Standards within 60 days, that is, by 13th July 2024

Bureau of Indian Standards

Substitution of Standards (30 Apr)

The Bureau of Indian Standards has notified substitution of the Standard **IS 251 : 2024** Soda Ash, Technical — Specification (Fifth Revision), with effect from 22nd April 2024. However, the previous unamended Standard **IS 251 : 1998** Soda Ash, Technical — Specification (Fourth Revision) will remain in force concurrently till 22nd July 2024.

Substitution of Standards (08 May)

The Bureau of Indian Standards has notified substitution of certain Standards, including the following, with effect from 29th April 2024. However, the previous unamended Standards will remain in force concurrently till 29th July 2024. 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 260 : 2024 Aluminium Sulphate, Non-Ferric — Specification (Third Revision) | IS 260 : 2001 Aluminium Sulphate, Non-Ferric — Specification (Second Revision) |
| IS 297 : 2024 Sodium Sulphide, Technical — Specification (Third Revision) | IS 297 : 2001 Sodium Sulphide, Technical — Specification (Second Revision) |
| IS 571 : 2024 Monosodium Phosphate — Specification (Third Revision) | IS 571 : 2000 Monosodium Phosphate — Specification (Second Revision) |
| IS 10513 : 2024 Soap Noodles — Specification (First Revision) | IS 10513 : 1983 Specification for Sodium Oleostearate, Technical (Soap Noodles) |

Amendment of Standards (08 May)

The Bureau of Indian Standards has notified amendment of the following Standards with effect from 22nd April 2024.

- **IS 73 : 2013** Paving Bitumen — Specification (Fourth Revision). However, the previous unamended Standard will remain in force concurrently till 21st October 2024.
- **IS 170 : 2020** Acetone — Specification (Fifth Revision) . However, the previous unamended Standard will remain in force concurrently till 21st October 2024.
- **IS 2074 : 2023** Ready Mixed Paint, Air Drying, Red Oxide — Zinc Chrome, Priming — Specification (Fourth Revision) . However, the previous unamended Standard will remain in force concurrently till 21st July 2024.

Substitution of Standards (09 May)

The Bureau of Indian Standards has notified substitution of certain Standards, including the following, with effect from 7th May 2024. However, the previous unamended Standards will remain in force concurrently till 7th August 2024. 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 3926 : 2024 Methyl Cinnamate — Specification (Second Revision) | IS 3926 - 1986 Specification for Methyl Cinnamate (First Revision) |
| IS 4272 : 2024 Vanillin — Specification (Second Revision) | IS 4272 - 1986 Specification for Vanillin (First Revision) |
| IS 10536 : 2024 Castor Oleine and Castor Oleostearine — Specification (First Revision) | IS 10536 - 1983 Specification for Castor Oleine and Castor Oleostearine |

Substitution of Standards (09 May)

The Bureau of Indian Standards has notified substitution of certain Standards, including **IS 617 : 2024** IS 12345 : 2024 Vinyl Acetate Monomer — Specification (First Revision), with effect from 7th May 2024. However, the previous unamended Standard **IS 12345 - 1988** Specification for Vinyl Acetate Monomer will remain in force concurrently till 7th November 2024. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (10 May)

The Bureau of Indian Standards has notified substitution of the Standard **IS 617 : 2024** Aluminum and Aluminum Alloys Ingots for Remelting and Castings for General Engineering Purposes — Specification (Fourth Revision), with effect from 10th May 2024. However, the previous unamended Standard **IS 617 : 1994** Cast Aluminum and its Alloys — Ingots and Castings for General Engineering Purposes — Specification (Third Revision) will remain in force concurrently till 10th November 2024.

Introduction / Substitution of Standards (11 May)

The Bureau of Indian Standards has notified introduction and substitution of certain Standards, including the Standard **IS 18669 : 2024** Textiles — Elastomeric Yarn — Specification, with effect from 7th May 2024. For a full list of products, please refer to the attached [link](#).

Trade Remedial Actions

Indian Updates

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

Final findings issued in the Safeguard (Quantitative Restriction) investigation into imports of Low Ash Metallurgical Coke into India. (29 Apr)

The DGTR issued final findings recommending imposition of safeguard (quantitative restrictions) on imports of Low Ash Metallurgical Coke into India. The investigation was initiated pursuant to an application filed by BLA Coke Private Limited, Jindal Coke Limited, Saurashtra Fuels Private Limited, Vedanta Malco Energy Limited, and VISA Coke Limited. The DGTR concluded that there has been a sudden, sharp, significant, and recent increase in imports of the product under consideration into India. The product under consideration has been imported into India in such increased quantities and under such conditions as to cause or threaten to cause serious injury to the domestic industry manufacturing the like article. The domestic industry has suffered serious injury as it has incurred financial losses, cash losses and recorded a negative return on capital employed.

Chapter 29 - Organic chemicals

Preliminary findings issued in the anti-dumping investigation into imports of Trichloro Isocyanuric Acid from China and Japan. (1 May)

The DGTR issued preliminary findings recommending imposition of provisional anti-dumping duty on imports of Trichloro Isocyanuric Acid from China and Japan. The investigation was initiated pursuant to an application filed by Bodal Chemicals Limited. The DGTR preliminarily concluded that dumping of the product under consideration has caused material injury to the domestic industry as the subject imports were undercutting the prices of the domestic industry and have suppressed the prices of the domestic industry. Due to this, the domestic industry was forced to shut down its operations, operated at underutilized capacities, and has incurred losses, cash losses and negative returns.

Imposition of anti-dumping duty on imports of Pentaerythritol from China, Saudi Arabia, and Taiwan. (16 May)

The Central Government on 16th May 2024 imposed anti-dumping duty on imports of Pentaerythritol from China, Saudi Arabia, and Taiwan. The imposition of anti-dumping duty was recommended by DGTR vide Final Findings F. No. 06/04/2023-DGTR, dated 20th February 2024. The anti-dumping duty imposed is in the range of 300.15 USD per MT to 499.01 USD per MT.

Extension of anti-subsidy duty on imports of Saccharin in all its forms originating from China. (28 May)

The Central Government on 28th May 2024 extended the anti-subsidy duty on imports of Saccharin in all its forms originating from China till 28th February 2025. The extension has been granted pursuant to request by DGTR in order to conclude the ongoing sunset review investigation initiated vide Notification No. 7/34/2023-DGTR dated 26th March 2024.

Global Updates

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

Ukraine

Continuation of anti-dumping duty on imports of Cement from Russia, Belarus and Moldova. (22 May)

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

USA

Initiation of administrative review of anti-subsidy duty on imports of Barium Chloride from India. (08 May)

The USDOC has initiated an administrative review of anti-dumping duty on imports from India. The USDOC in the previous review determined a subsidy margin of 23.57% for Chaitanya Chemicals, the sole respondent, as well as for all other exporters from India.

Chapter 29 – Organic Chemicals

Trade remedial actions against India

China

Initiation of anti-dumping investigation into imports of Cypermethrin from India. (07 May)

The Ministry of Commerce has initiated an anti-dumping investigation into imports from India. The application requesting for initiation of investigation was filed by Jiangsu Yangnong Chemical Co., Limited. The period of investigation has been determined as January 2023 to December 2023.

USA

Initiation of sunset review of anti-dumping duty on imports of Glycine from India, Japan and Thailand and anti-subsidy duty on imports from China and India. (01 May)

The USDOC and USITC have initiated a sunset review of anti-dumping and anti-subsidy duties on imports from India, among other countries. The duties were first imposed in 2019. In the original investigations, the USDOC determined a weighted average dumping margin ranging from 10.86% – 13.61% and subsidy rates ranging from 3.03% – 6.99% for the Indian exporters.

Other trade remedial actions

European Union

- Initiation of anti-dumping investigation into imports of Lysine from China. (23 May)
- Initiation of anti-dumping investigation into imports of Vanillin from China. (24 May)

USA

- Initiation of anti-circumvention investigation by the USDOC concerning the anti-dumping duty on imports of Monosodium Glutamate from China exported from Malaysia. (15 May)
- Initiation of anti-dumping and anti-subsidy investigations into imports of certain Alkyl Phosphate Esters from China. (20 May)

Chapter 31 – Fertilisers

Australia

- Revocation of anti-dumping duty on imports of Ammonium Nitrate from China, Sweden and Thailand. (13 May).

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

USA

Preliminary determination issued by the USDOC in the new shipper review of anti-subsidy duty on imports of Carbazole Violet Pigment 23 from India .(28 May)

The USDOC, having initiated a new shipper review concerning exports by Sudarshan Chemical Industries Limited, determined that it received countervailable subsidies during the period of review, that is from 1st January 2022 to 31st December 2022. A subsidy rate of 8.98% was determined in the review.

Chapter 39 – Plastic and articles thereof

Trade remedial actions against India

Turkey

Initiation of anti-dumping investigation into imports of Polystyrene products from China, India, Russia, South Korea, Taiwan and Thailand. (14 May)

The Ministry of Commerce has initiated an anti-dumping investigation into imports from India, among other countries. The request for initiation of investigation was made by Aschem Petrokimya Sanayi A.Ş.

USA

Initiation of administrative reviews of anti-dumping and anti-subsidy duties on imports of Granular Polytetrafluoroethylene Resin from India. (08 May)

The USDOC has initiated an administrative review of anti-dumping and anti-subsidy duties on imports from India. Initiation of the review was requested by Gujarat Fluorochemicals Limited. In the previous review, the USDOC determined a weighted average dumping margin of 2.38% and a subsidy rate of 4.70% for Gujarat Fluorochemicals Limited.

Other trade remedial actions

China

- Initiation of anti-dumping investigation into imports of Polyoxymethylene Copolymer from EU, Japan, Taiwan and USA. (19 May)

Mexico

- Imposition of anti-dumping duty on imports of Rigid Vinyl Chloride Polymer Film from China. (27 May).

USA

- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Laminated Woven Sacks from Vietnam. (01 May)

Chapter 40 – Rubber and articles thereof

Trade remedial actions against India

USA

Initiation of administrative reviews of anti-dumping and anti-subsidy duties on imports of certain New Pneumatic Off-The-Road Tires from India. (08 May)

The USDOC has initiated administrative reviews of anti-dumping and anti-subsidy duties on imports from India. Initiation of the review was requested by the US industry as well as the Indian exporters. In the previous review, the USDOC preliminarily determined a dumping margin between 2.68% - 3.18% and a subsidy rate between 0.43% - 1.83% for the Indian exporters.

Other trade remedial actions

USA

- Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Truck and Bus Tires from Thailand. (20 May)

Chapter 44 – Wood and articles of wood; wood charcoal

European Union

- Extension of anti-dumping duty on imports of Birch Plywood from Russia to imports from Kazakhstan and Türkiye. (14 May)
- Initiation of anti-dumping investigation into imports of Multilayered Wood Flooring from China. (16 May)

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

Trade remedial actions against India

USA

Final determination issued by the USDOC in the anti-dumping and anti-subsidy investigations into imports of certain Paper Shopping Bags from India. (24 May)

The USDOC has issued its final determinations concerning imports from India. The USDOC determined a negative dumping margin for Aeroplast Packaging Solution Private Limited and its related companies. The dumping margin for Kulodoy Plastomers Private Limited was reduced from 10.94% to 4.59%. For the remaining exports, dumping margin ranging from 4.59% - 53.05% was determined. Further, a subsidy rate of 4.81% was determined for Aeroplast Packaging Solution Private Limited, 2.38% for Velvin Paper Products and 3.39% for the other exporters.

Other trade remedial actions

USA

- Imposition of anti-dumping duty on imports of certain Paper Shopping Bags from Türkiye. (09 May)
- Final affirmative determination issued by the USDOC in the anti-dumping investigation into imports of certain Paper Shopping Bags from Cambodia, China, Colombia, Malaysia, Portugal, Taiwan, and Vietnam, and anti-subsidy investigation into imports from China. (24 May)

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

Türkiye

- Continuation of anti-dumping duty on imports of Granite from China. (17 May)

Chapter 69 – Ceramic products

Trade remedial actions against India

USA

Initiation of anti-dumping and anti-subsidy investigations into imports of Ceramic Tiles from India. (16 May)

The USDOC has initiated anti-dumping and anti-subsidy investigations into imports of Ceramic Tiles from India. The petition was filed by the Coalition for Fair Trade in Ceramic Tile. The period of investigation for the anti-dumping investigation is 1st April 2023 to 31st March 2024 and that for the anti-subsidy investigation is 1st January 2023 to 31st December 2023.

Other trade remedial actions

China

- Initiation of sunset review of anti-dumping duty on imports of Stainless Steel Billets and Hot Rolled Plates or Coil from EU, Indonesia, Japan and South Korea (8 May)

United Kingdom

- Initiation of transition review of anti-dumping duty on imports of Ceramic Tableware and Kitchenware from China. (15 May)

Chapter 72 - Iron and steel

Trade remedial actions against India

USA

Initiation of sunset review on anti-dumping duty on imports of Silicomanganese from India, Kazakhstan and Venezuela. (01 May)

The USDOC and USITC have initiated a sunset review of anti-dumping duties on imports of Silicomanganese from India, to determine whether there is a likelihood of continuation of dumping and consequent injury. The duties were first imposed in 2002. In the original investigation, the USDOC had determined a dumping margin ranging from 15.32% - 20.53% on Indian exporters, 24.62% on exporters from Venezuela and 247.88% on exporters from Kazakhstan.

Other trade remedial actions

Australia

- Initiation of anti-circumvention investigation concerning anti-dumping duty on imports of Steel Rods in Coil from China by imports of Steel Rods modified into mesh sheets having carbon content of $\leq 0.20\%$. (09 May).

Canada

- Initiation of anti-dumping investigation into imports of certain Concrete Reinforcing Bars from Bulgaria, Thailand, and UAE. (03 May)

European Union

- Initiation of anti-dumping investigation into imports of Tinplates from China. (16 May)

Mexico

- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Microwire for Welding from Vietnam. (03 May)

South Korea

- Initiation of anti-dumping investigation into imports of Stainless-Steel Flat Rolled Products from China, Indonesia and Taiwan. (May 17).

Ukraine

- Continuation of anti-dumping duty on imports of Corrosion Resistant Rolled Steel from Russia and China. (22 May)

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

USA

Preliminary affirmative determination issued by the USDOC in the administrative review of anti-dumping duty on imports of Carbon and Alloy Steel Threaded Rods from India. (06 May)

The USDOC has preliminarily determined that exporters from India were dumping in the United States during the period of review, that is 1st April

2022 to 31st March 2023. The USDOC determined a negative dumping margin for Mangal Steel Enterprises Limited and a dumping margin of 10.97% for Shree Luxmi Fasteners/The Emerging Impex and other exporters.

Final determination issued by the USDOC in the mid-term review of anti-dumping and anti-subsidy duties on imports of Stainless-Steel Flanges from China and India. (17 May)

The USDOC issued its final determination in the mid-term review of duties on imports from China and India. The USDOC has partially terminated the duties with respect to stainless steel flanges produced to specification SAE J518 (or its international equivalent, ISO 6162) since no producer in US was producing such product anymore. The request for conducting the review was filed by Anchor Fluid Power, an importer.

Affirmative determination issued by the USDOC in the sunset review of anti-subsidy duty on imports of Large Diameter Welded Pipes from India. (22 May)

The USDOC has issued its determination in the sunset review of anti-subsidy duty and has determined that dumping of goods from India is likely to continue if the duty is revoked. The USDOC has determined that Indian exporters have continued to received subsidies at rate of 541.15%.

Initiation of anti-dumping and anti-subsidy investigations into imports of certain High Chrome Cast Iron Grinding Media from India. (23 May)

The USDOC has initiated anti-dumping and anti-subsidy investigations into imports of High Chrome Cast Iron Grinding Media from India. The petitions were filed by Magotteaux Inc. The period of investigation for the anti-dumping investigation is 1st April 2023 to 31st March 2024 and that for the anti-subsidy investigation is 1st January 2023 to 31st December 2023.

Other trade remedial actions

Canada

- Affirmative determination by the CBSA in the expiry review of anti-dumping duty on imports of certain Carbon Steel Welded Pipes from Pakistan, the Philippines, Türkiye and Vietnam. (9 May).

Australia

- Initiation of sunset review of anti-dumping duty on imports of Deep Drawn Stainless Steel Sinks from China. (6 May)

European Union

- Initiation of anti-dumping investigation into imports of Seamless Pipes and Tubes of Iron and Steel from China. (17 May)
- Extension of anti-dumping and anti-subsidy duties on imports of Stainless Steel Cold Rolled Flat Products from Indonesia to imports from Taiwan, Türkiye and Vietnam. (07 May)

Mexico

- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Seamless Steel Pipes from China. (27 May)

USA

- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of Circular Welded Carbon-Quality Steel Pipes from China. (01 May)
- Affirmative determination issued by the USDOC in the sunset review of anti-subsidy duty on imports of Large Diameter Welded Pipes from South Korea. (22 May)

Chapter 76 - Aluminium and articles thereof

Trade remedial actions against India

USA

Preliminary affirmative determination issued by the USDOC in the administrative review of anti-subsidy duty on imports of Common Alloy Aluminium Sheet from India. (02 May)

The USDOC has preliminarily determined that the Indian exporters were dumping in the United States during the period of investigation. Accordingly, a subsidy rate of 54.12% has been determined for Hindalco Industries Limited, 5.32% for Virgo Aluminium Limited and 2.90% for Manaksia Aluminium Company Limited.

Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Aluminium Extrusions from India. (02 May)

The USDOC has preliminarily determined that the Indian exporters were dumping in the United States during the period of investigation. Accordingly, a dumping margin of 3.44% was determined for Maan Aluminium Limited. Alom Extrusions Limited and Hindalco Limited, while a margin of 39.05% was determined for all other exporters.

Other trade remedial actions

Canada

- Initiation of anti-dumping and anti-subsidy investigations into imports of Unitized Wall Modules from China. (14 May)

United Kingdom

- Initiation of transition review of anti-dumping duty on imports of Certain Aluminium Foil in Rolls from China. (20 May)

USA

- Preliminary affirmative determination by the USDOC in the less than fair value investigation on imports of Aluminium Extrusions from China, Colombia, Ecuador, Indonesia, Italy, South Korea, Mexico, Taiwan, Thailand, Türkiye, UAE, and Vietnam. (07 May)
- Final determination issued by the USDOC in the sunset review of anti-dumping and anti-subsidy duties on imports of Common Alloy Aluminium Sheets from China. (07 May)

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

Türkiye

- Continuation of anti-dumping duty on imports of Wall-type Split Air Conditioners from China. (23 May)

USA

- Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Aluminium Lithographic Printing Plates from China and Japan. (01 May) ·

Chapter 85 - Electrical machinery and equipment and parts thereof

Trade remedial actions against India

European Union

Initiation of anti-subsidy investigation into imports of Optical Fibre Cables from India. (17 May)

The European Commission has initiated anti-subsidy investigation into imports of Optical Fibre Cables from India. The application requesting initiation of investigation was filed by Europacable, a European producer. In view of the large number of exporters in India, the Commission has issued a sampling questionnaire and will select the exporter with the largest representative volume of exports to the Union.

Other trade remedial actions

Argentina

- Initiation of anti-dumping investigation into imports of Microwave Ovens from China. (23 May)

USA

- Initiation of anti-dumping and anti-subsidy investigations into imports of Crystalline Silicon Photovoltaic Cells, whether or not assembled into Modules from Cambodia, Malaysia, Thailand, and Vietnam. (20 May)

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

USA

- Final affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Mattresses from Bosnia and Herzegovina, Bulgaria, Burma, Italy, the Philippines, Poland, Slovenia, and Taiwan. (15 May)

About Us

TPM was founded in 1999 at a time when the practice of trade remedies in India was in its infancy and there were only a handful of firms in the field. TPM was the first firm to deal exclusively in the domain of trade remedies. Today, we have completed a journey of 25 years.

TPM began its journey with a staff of merely 2 professionals. Today, it has a team of more than 50 professionals including Cost Accountants, Chartered Accountants, Company Secretaries, Lawyers, Engineers and MBAs.

In its first two decades, TPM was primarily focused assisting domestic producers suffering due to cheap and unfair imports into India and in other countries to avail the necessary protection under the umbrella of the WTO Agreements. 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.

TPM Consultants

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



[011 – 4989 2200](tel:011-49892200)



info@tpm.in



www.tpm.in



[TPM Solicitors
& Consultants](#)