

ADHYATAN

TPM Newsletter

November 2024

In this Edition

- An insight into the meaning and relevance of the scope of product under consideration, and the key considerations in determining the product scope.
- Gujarat High Court refuses to intervene in a writ, challenging the product scope in an ongoing anti-dumping investigation, considering the same to be premature.
- Procedure for filing Annual RoDTEP return notified.
- India notifies the Draft Quality Control Order concerning Solar Photovoltaic Products to WTO members.

Visit us at: www.tpm.in

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



TPM

Table of Contents

Key Highlights03
Insight: Relevant Considerations in Defining the Scope of Product under Consideration04
Foreign Trade Policy08
Trade Agreements10
Non-Tariff Measures11
Updates from the BIS14
Trade Remedial Actions18

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

Extension of Minimum Import Price to boost local textile industry capacity (02 Oct)

The Government of India has imposed a Minimum Import Price of \$3.50 per kilogram on 8 additional HSN codes of synthetic knitted fabrics, with effect from 15th September 2024 till 31st December 2024. Imports under 6001 92 00, 6004 10 00, 6004 90 00, 6005 36 00, 6005 37 90, 6005 3900, 6006 22 00 and 6006 42 00. The decision was taken to improve the capacity utilization of the Indian textile sector, which is facing competition due to surge in low priced imports from China.

Gujarat High Court dismisses a petition filed by Epigral Limited in the anti-dumping investigation into imports of PVC Suspension Resin (22 Oct)

Epigral Limited approached the Hon'ble Gujarat High Court alleging that the submissions made by it regarding product exclusion have not been considered by the DGTR in the ongoing anti-dumping investigation concerning imports of PVC Suspension Resins. The Hon'ble High Court dismissed the petition filed by Epigral Limited and found that the petition was pre-mature, as the investigation by the Authority was still in progress.

Global Updates

China initiates dispute complaint against Türkiye regarding measures on vehicle imports (11 Oct)

China has requested WTO dispute consultations with Türkiye regarding various measures imposed by Türkiye on imports of electric vehicles and certain other types of vehicles from China. China claimed that the measures in question, which include additional duties on EVs, import certificate requirement and additional duties on other types of vehicles and investment certificate exemptions, are inconsistent with various provisions of the General Agreement on Tariffs and Trade, 1994 and the Agreement on Trade-Related Investment Measures.

Relevant Considerations in Defining the Scope of Product under Consideration

- *The WTO Agreements do not define the term “product under consideration” or provide guidelines on how the product scope should be defined.*
- *There is no requirement that the product scope be internally homogenous. Thus, different product types may constitute part of the same product scope.*
- *Due care must be exercised to ensure that the product scope is not too narrowly defined so as to defeat the intended objective of the levy. However, an unduly broad product scope may lead to undue protection to the domestic industry, or difficulties in constitution of the domestic industry.*
- *There may be cases where both intermediate product and final product are included within the product scope, irrespective of whether there are imports of the intermediate product.*
- *Parts and components may be included in product scope, to ensure that the measures imposed are effective.*
- *Products produced using different technologies or raw materials may form part of the product scope.*
- *While the Customs classification is not binding during an anti-dumping investigation, it is binding for the purpose of imposition of measures. Imports under a Customs classification, different than that notified, cannot be subjected to the measures.*

The first stage and the most crucial aspect of any trade remedial investigation is defining the scope of product under consideration. The product under consideration is the product which shall be subjected to the proposed measures. It, therefore, forms the corner stone of any investigation.

The various WTO Agreements governing the imposition of trade remedial measures do not define the term “product under consideration” or contain any explicit provisions that specify the criteria for identifying the product under consideration. The various decisions of the WTO Dispute Settlement Body also

do not shed light on the manner in which the product scope may be defined. In contrast, the term “like article” has been defined, as a product identical or alike, or having closely resembling characteristics to the product under consideration. However, defining the product under consideration accurately is perhaps the most critical step in an application or an investigation.

Considerations while defining the product scope

While defining the product scope, it is essential that the product scope be defined clearly, to ensure that only the products intended to be subject to anti-dumping duty are included. The WTO Dispute Settlement Body has consistently held that internal homogeneity of the product is not required in defining the product scope. The Panel in EC-Salmon (Norway) (DS337) concluded that the WTO Agreements do not require that the product scope be made of a single product category. Therefore, different types of the product may be covered under the product scope. However, it is necessary to ensure that the inclusions and exclusions are carefully evaluated, from the perspective of the imposition of measures, at the Customs port.

If the product scope is defined too narrowly, any measure imposed may not provide the necessary relief to the domestic industry and may also lead to the circumvention of the measure in place¹. For instance, in the case of imposition of anti-dumping duty on imports of High Tenacity Polyester Yarn of 1,000 deniers to 6,000 deniers from China, the narrow product scope resulted in circumvention of duties through imports of yarn of 950-999 deniers.

By contrast, a broadly defined product scope may result in undue protection to the domestic industry. Further, post defining the product scope, the investigating authority shall define the like article, and constitute the domestic industry based on such defined like article. An unduly broad product scope may result in a situation where more products form part of the scope than that are offered by the applicants, resulting in the applicants not constituting the domestic industry for such product scope.

Whether intermediate and final downstream product can form part of the same product scope

Another important question in defining product scope is whether an intermediate product and its final product can be included in the same product

¹ Manual of Operating Practices, Para 3.12

scope. This is especially relevant in a situation where imposition of duty on the final product may result in significant imports of the intermediate product, not covered by the scope of duties.

For instance, in Chlorinated Polyvinyl Chloride (CPVC) Resin, whether or not further processed into compound, from China and South Korea, the Authority has included both CPVC resin and compound in the scope. The Authority observed that CPVC resin is an intermediate product which would eventually be converted into compound and has no independent uses. The Authority also observed that the conversion from CVPC resin to compound is merely an incremental process without transforming the essential characteristics of the product and just makes the product usable. In view of the same, the Authority found it appropriate to include both the intermediate and the final product in the product scope.

Further, intermediate products have been included, even in absence of imports thereof. For instance, in the case of Phthalocyanine Pigment, the Chinese investigating authority included both crude pigment and the finished product, even though there were no imports of the crude pigment.

Whether parts and components may form part of product scope

Another essential aspect in defining the product scope is the relevance of parts and components. The product scope should be defined in a manner to ensure that any measure imposed is not rendered ineffective, through the imports of parts and components². If parts and components are excluded in a manner that importers could bring items in different consignments, in an unassembled form, and assemble the same in India, such an exclusion would defeat the levy of the anti-dumping duty. In such a situation, it is imperative that parts and components also form part of product scope, to ensure that the intended objective of the measures is achieved.

Whether products produced using different technologies or raw materials may form part of product scope

Another important aspect is that of production process through which products are produced. Normally, products produced using different production processes can be considered as part of the same product scope. The essential criterion is that the products derived using the different technologies or produced using the

² Decision of CESTAT in Huawei Technologies Co. Ltd. vs. Designated Authority [2016 (334) E.L.T. 339 (Tri. - Del.)]

different raw materials should be comparable. For instance, in the anti-dumping investigations into imports of Caustic Soda, products produced using Mercury cell process, Diaphragm cell process and Membrane cell process, were all treated as part of product scope, since the final product had the same characteristics. Likewise, in the anti-dumping investigation into imports of Isopropyl Alcohol from China, the product produced using acetone and that produced using propylene were both treated as part of product scope, due to absence of differences in the final product.

However, where the difference in production process leads to a difference in the product itself, the products produced using different technologies are not treated as comparable. For instance, in the anti-dumping investigation into imports of PVC Suspension Resin, only products produced using suspension polymerization process were included, while others were excluded.

Relevance of Customs classification

The Customs classification also plays an important role in defining the product scope. Normally, before the DGTR, the Customs classification is treated as indicative only, and not binding on the product scope. However, once the measures are imposed by the Ministry of Finance, the Customs classification is binding on the product scope. Therefore, any import shall be subject to the measures imposed only if the imported product falls within the product scope, as well as the Customs classification notified by the Ministry of Finance for the purpose of the measures.

It is, thus, evident that the definition of product scope is a critical aspect, and requires careful consideration. An improperly defined product scope can lead to significant challenges in the investigation, and imposition of measures. It is also crucial that the scope of product under consideration be defined having regard to the eventual impact at the stage of imposition of measures, to ensure that the intended objective of the measures is achieved.

- Aastha Gupta, Partner
Sarika Bharti, Associate

Foreign Trade Policy

Clarification on Registration-Cum-Membership Certificate Requirements for Post-Export Remission-Based Schemes under Foreign Trade Policy 2023 (04 Oct)

The Directorate General of Foreign Trade has clarified the following with regard to the Registration-Cum-Membership Certificate (RCMC) requirements:

- RCMC is mandatory for exporters applying for an Authorisation to import / export under the Foreign Trade Policy (except items listed as 'Restricted' items in ITC (HS)) or applying for any other benefit or concession under the FTP.
- Schemes such as Duty Drawback, Rebate of State and Central Taxes and Levies (RoSCTL), and Remission of Duties and Taxes on Exported Products (RoDTEP) fall under the category of remission- based schemes, aimed at remitting duties or taxes on exported goods. For these schemes, the requirement of an RCMC does not apply.

Provision for Import / Re-import of Exhibits and Samples (07 Oct)

The Directorate General of Foreign Trade has clarified that import / export of exhibits on re-export / re-import basis, will be allowed under Import Monitoring System without an authorization, subject to conditions and on submission of a bond / security to Customs or ATA Carnet.

Electronic Submission of Appendix 4H Certificates (17 Oct)

The Directorate General of Foreign Trade has launched an online facility for onboarding of Certifying Authorities. These authorities can digitally sign and submit certificates, using their online DGFT accounts. As a result, the digitalization of the Appendix 4H certificate, which records the consumption and stock of duty-free imported or domestically sourced raw materials and components under the Advance Authorization and DFIA schemes, has been fully implemented online.

Requirement for filing of Annual RoDTEP return (23 Oct)

The Directorate General of Foreign Trade has notified a new para in Chapter 4 of the Handbook of Procedure, laying down the procedure for filing an annual RoDTEP return. The return for the financial year 2023-24 must be filed by 31st March 2025. This requirement is for the exporters with a total RoDTEP claim exceeding ₹ 1 crore in 2023-24 across all 8-digit HS Codes. Failure to furnish the return will lead to denial of benefit under RoDTEP after providing a grace period of 3 months, that is, till 30th June. Moreover, a composition fee of ₹ 10,000 will be imposed for any late filing till 30th June and of ₹ 20,000 for filing after 30th June. For more details, kindly refer to the [link](#) herein.

Trade Agreements

Indian Updates

Trade negotiations between India and the EU face roadblock over market access for Indian dairy sector

India has expressed its concerns over the demand of the EU for liberalising market access to the Indian dairy sector. The Indian Minister of Commerce and Industry highlighted the need for mutual respect for sensitive issues and emphasised that there may be no pact if the EU insists on opening the dairy sector.

India accelerates trade negotiations with Australia

India and Australia will hold the eleventh round of negotiations to broaden the scope of the existing India-Australia Economic Cooperation and Trade Agreement. In light of the upcoming elections in Australia, India is likely to accelerate the trade negotiations and conclude them at the earliest in order to avoid any delay caused due to the elections.

Global Updates

Malaysia and the UAE sign a Comprehensive Economic Partnership Agreement

Malaysia and the UAE have successfully concluded the negotiations for a CEPA. The CEPA will give a strategic leverage to UAE-based companies as a gateway into the ASEAN market and provide opportunities for Malaysia's SMEs.

China and ASEAN bloc conclude negotiations for a revised free trade agreement

China and the Association of Southeast Asian Nations (ASEAN) bloc have issued a joint statement announcing the successful conclusion of trade negotiations over the revised China-ASEAN free trade agreement. The agreement aims to focus on post-pandemic economic recovery and include new areas such as digital economy, green economy and supply chain interconnectivity.

Non-Tariff Measures

Indian Updates

Amendment to the Quality Control Order for Ethylene Vinyl Acetate Copolymers (01 Oct)

The Ministry of Chemicals and Fertilizers has amended the Ethylene Vinyl Acetate Copolymer (Quality Control) Order, 2022, to provide that the Order shall now come into force on 3rd October 2025.

Quality Control Order for various Textile products (04 Oct)

The Ministry of Textiles has issued the following Quality Control Orders on textile products. The orders will come into force with effect from 1st April 2025. However, for Small and Micro Enterprises, they shall come into force with effect from 1st July 2025

- Indutech (Quality Control) Order, 2024
- Ropes and Cordages (Quality Control) Order, 2024
- Geotextiles (Quality Control) Order, 2024

Quality Control Order for Cookware Utensils and Cans for Food and Beverages (15 Oct)

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has issued the Cookware, Utensils and Cans for Foods and Beverages (Quality Control) Order, 2024. However, the Order would not be applicable to goods manufactured by an enterprise registered under “Udyam portal” of the Ministry of Micro, Small and Medium Enterprises, wherein the investment in plant and machinery or equipment at original cost does not exceed twenty-five lakh rupees and the turnover does not exceed two crore rupees for the previous financial year.

Amendment to Quality Control Orders for various Chemicals (22 Oct)

The Ministry of Chemicals and Fertilizers has amended the following Quality Control Orders, to provide that the Orders shall now come into force on 24th April 2025.

- Lauric Acid (Quality Control) Order, 2022

- Acid Oil (Quality Control) Order, 2022
- Palm Fatty Acids (Quality Control) Order, 2022
- Rice Bran Fatty Acids (Quality Control) Order, 2022
- Coconut Fatty Acids (Quality Control) Order, 2022
- Hydrogenated Rice Bran Fatty Acids (Quality Control) Order, 2022

Quality Control Order for Medical Textiles (23 Oct)

The Ministry of Textiles has issued the Medical Textiles (Quality Control) Order, 2024. The Order has been issued in supersession of the Medical Textiles (Quality Control) Order, 2023. The Order has come into force with effect from 23rd October 2024. However, the Order shall not be applicable to articles manufactured by self-help groups.

Amendment to Quality control orders for various Chemicals (24 Oct)

The Ministry of Chemicals and Fertilizers (Department of Chemicals and Petrochemicals) has amended the following Quality Control Orders. Pursuant to the amendment, the following Orders shall now come into force on 24th October 2025.

- Acrylonitrile (Quality Control) Order, 2022
- Maleic Anhydride (Quality Control) Order, 2022
- Styrene (Vinyl Benzene) (Quality Control) Order, 2022

Draft Quality Control Order for Solar Photovoltaic Products

India has notified the WTO of its draft Quality Control Order concerning Solar Photovoltaic Products. The draft Order has been issued by the Ministry of New and Renewable Energy to seek comments from WTO members within 60 days, from the date of publication of the notification which is 18th October 2024. The effective implementation date of the Order is 6 months from the publication date of Order for all. The objective of this measure is protection of human health and safety.

Draft Quality Control Order for Dyed Knitted or Crochet Fabric made from Synthetic Fibres

India has notified the WTO of its draft Quality Control Order concerning Dyed Knitted or Crochet Fabric made from Synthetic Fibres under IS 17777 : 2021.

The draft Order has been issued by the Ministry of Textiles for seeking comments from WTO members within 60 days, from the date of publication of the notification, which is 7th October 2024. The effective implementation date of the Order is 6 months from the publication date of the Order for all. The objective of this measure is prevention of deceptive practices, consumer protection, protection of human health or safety and protection of the environment.

Global Updates

China

National Standard of the People's Republic of China for Protective Clothing against particles

The State Administration for Market Regulation, China has issued national standards for protective clothing against particles. This document specifies the technical requirements, test methods, markings, and information that the manufacturers must provide for protective clothing designed to reduce exposure to harmful particulate matter. It applies to clothing that protects wearers from particles, including those that absorb other hazardous substances. The objective of this measure is the protection of human health and safety.

Bureau of Indian Standards

Substitution of Standards (03 Oct)

The Bureau of Indian Standards has notified the substitution of certain Standards, including the following, with effect from 18th September 2024. However, the previous unamended Standards will remain in force concurrently till 18th March 2025. 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 984 : 2024 Textiles — Colour Fastness of Textile Materials to Washing in the Presence of Sodium Hypochlorite — Method for Determination	IS 984 – 1988 Method for Determination of Colour Fastness of Textile Materials to Washing in the Presence of Sodium Hypochlorite
IS 1560 (Part 1) : 2024 Textiles — Carboxylic Acid Groups in Cellulosic Textile Materials — Method for Estimation Part 1 Iodometric Method	IS 1560 (Part I) – 1974 Method for Estimation of Carboxylic Acid Groups in Cellulosic Textile Materials Part I Iodometric Method

Amendment of Standards (03 Oct)

The Bureau of Indian Standards has notified amendment of certain Standards, including the following, with effect from 23rd September 2024. However, the previous unamended Standard will remain in force concurrently till 22nd March 2025. For a full list of products, please refer to the attached [link](#).

- **IS 4308: 2019** Dry Chemical Powders for Fire Fighting — BC, ABC and D Types — Specification (Third Revision)
- **IS 5484: 2023** EC Grade Aluminum Rod Produced by Continuous Casting and Rolling — Specification (Third Revision)
- **IS 15477: 2019** Adhesives for Use with Ceramic, Mosaic and Stone Tiles — Specification (First Revision)

Substitution of Standards (03 Oct)

The Bureau of Indian Standards has notified the substitution of certain Standards including the following, with effect from 23rd September 2024. However, the previous unamended Standards will remain in force concurrently till 23rd March 2025. 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 1060 (Part 5/Sec 4) : 2024 ISO 535 : 2023 Methods of Sampling and Test for Paper and Allied Products Part 5 Methods of Test for Paper and Board Section 4 Determination of Water Absorptiveness — Cobb Method (First Revision)	IS 1060 (Part 5/Sec 4) : 2014 ISO 535: 1991 Methods of Sampling and Test for Paper and Allied Products Part 5 Methods of Test for Paper and Board Section 4 Determination of water absorptiveness — Cobb Method
IS 14490: 2024 Plain Copier Paper — Specification (Second Revision)	IS 14490 : 2018 Plain Copier Paper — Specification (First Revision)
IS 1060 (Part 5/Sec 18) : 2024 ISO 11475 : 2017 Methods of Sampling and Test for Paper and Allied Products Part 5 Methods of Test for Paper and Board Section 18 Determination of CIE Whiteness, D65/10° (Outdoor Daylight)	IS 1060 (Part 5/Sec 18) : 2014 ISO 11475: 2004 Methods of Sampling and Test for Paper and Allied Products Part 5 Methods of Test for Paper and Board Section 18 Determination of CIE Whiteness, D65/10° (Outdoor Daylight)

Substitution of Standards (07 Oct)

The Bureau of Indian Standards has notified substitution of certain Standards, including **IS 1448 (Part 20) : 2024 ISO 13736: 2021** Petroleum and Its Products — Test Methods Part 20 Determination of Flash Point — Abel Closed-Cup Method (Fourth Revision), with effect from 25 September 2024. However, the previous unamended Standard **IS 1448 [P: 20] : 2019 ISO 13736: 2013** Methods of Test for Petroleum and Its Products [P: 20] Determination of Flash Point — Abel Closed-Cup Method (Third Revision) will remain in force concurrently till 25th March 2025. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (07 Oct)

The Bureau of Indian Standards has notified substitution of certain Standards including the following, with effect from 23rd September 2024. However, the previous unamended Standards will remain in force concurrently till 23rd March 2025. 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 3449 : 2024 Textiles — Cotton Webbing for Parachutes — Specification (Third Revision)	IS 3449 – 1984 Specification for Cotton Webbing for Parachutes (Second Revision)

Substitution of Standards (16 Oct)

The Bureau of Indian Standards has notified substitution of the Standard **IS 13119: 2024** Ammonium Bifluoride — Specification (First Revision) with effect from 25th September 2024. However, the previous unamended Standard **IS 13119: 1991** Ammonium Bifluoride — Specification will remain in force concurrently till 25th March 2025. For a full list of products, please refer to the attached [link](#).

Amendment of Standards (17 Oct)

The Bureau of Indian Standards has notified amendment of certain Standards including **IS 16655: 2017 ISO 11611: 2015** Textiles — Protective Clothing for Use in Welding and Allied Processes, with effect from 30th September 2024. However, the previous unamended Standard will remain in force concurrently till 29th March 2025.

Substitution of Standards (18 Oct)

The Bureau of Indian Standards has notified substitution of certain Standards, including **IS 4521: 2024** Wire Ropes Used in Oil Wells and Oil Well Drilling and Other Applications of Petroleum and Natural Gas Industries — Specification (Third Revision), with effect from 08th October 2024. However, the previous unamended Standard **IS 4521: 2001** Wire Ropes Used in Oil Wells and Oil Well Drilling — Specification (Second Revision) will remain in force concurrently till 08th April 2025. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (21 Oct)

The Bureau of Indian Standards has notified amendment of certain Standards including the following, with effect from 09th October 2024. However, the previous unamended Standard will remain in force concurrently till 09th April 2025. 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 1506 : 2024 Copper Oxychloride Dusting Powder — Specification (Third Revision)	IS 1506 – 1977 Specification for Copper Oxychloride Dusting Powders (Second Revision)
IS 1507: 2024 Copper Oxychloride Water Dispersible Powder Concentrate — Specification (Third Revision)	IS 1507 – 1977 Specification for Copper Oxychloride Water Dispersible Powder Concentrates (Second Revision)
IS 1665 : 2024 Cuprous Oxide Water Dispersible Powder Concentrate — Specification (Second Revision)	IS 1665 – 1977 Specification for Cuprous Oxide Water Dispersible Powder Concentrates (First Revision)

Amendments of Standards (21 Oct)

The Bureau of Indian Standards has notified amendment of certain Standards including the following, with effect from 08th October 2024. However, the previous unamended Standard will remain in force concurrently till 07th April 2025. For a full list of products, please refer to the attached [link](#).

- **IS 1969 (Part 1) : 2018 ISO 13934-1: 2013** Textiles — Tensile Properties of Fabrics Part 1 Determination of Maximum Force and Elongation at Maximum Force Using the Strip Method (Fourth Revision)
- **IS 3442: 2023** Textiles — Method for Determination of Crimp and Linear Density of Yarn Removed from Fabric (Second Revision)
- **IS 3566: 2023** Textiles — Viscose Rayon Cut Staple (Spun) Yarn — Specification (Second Revision)

Trade Remedial Actions

Indian Updates

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

Initiation of anti-dumping investigation into imports of Soda Ash from Iran, Russia and Türkiye. (30 Sep)¹

The DGTR initiated an anti-dumping investigation into imports of Soda Ash from *Iran, Russia and Türkiye*, pursuant to an application filed by Alkali Manufacturers Association of India on behalf of RSPL Limited, DCW Limited, Nirma Limited, Tata Chemicals Limited and GHCL Limited. The DGTR found that there was prima facie evidence of material injury and threat of material injury to the domestic industry due to the dumped imports. The subject imports increased significantly, and were undercutting and depressing the prices of the domestic industry. Due to this, the profitability of the domestic industry has declined.

Chapter 29 – Organic Chemicals

Imposition of anti-dumping duty on imports of Isopropyl Alcohol from China. (22 Oct)

The Central Government has imposed anti-dumping duty on imports of Isopropyl Alcohol from China. The imposition was recommended by the DGTR vide Final Findings Notification No. 06/09/2024 – DGTR, dated 14th August 2024. The anti-dumping duty imposed on imports of subject goods is in the range of USD 82 -217 per MT.

Chapter 38 – Miscellaneous chemical products

Imposition of anti-dumping duty on imports of Sulphur Black from China. (22 Oct)²

The Central Government has imposed anti-dumping duty on imports of Sulphur Black from China. The imposition was recommended by the DGTR vide Final Findings Notification No. 06/08/2023 – DGTR, dated 7th August 2024. The anti-dumping duty imposed on imports of subject goods is in the range of USD 271 – 379 per MT.

Chapter 39 – Plastics and articles thereof

Imposition of anti-dumping duty on imports of Thermoplastic Polyurethane (TPU) from China. (22 Oct)

The Central Government **has** imposed anti-dumping duty on imports of Thermoplastic Polyurethane (TPU) from China. The imposition was recommended by the DGTR vide Final Findings Notification No. 06/23/2023 – DGTR, dated 6th August 2024. The anti-dumping duty imposed on imports of subject goods is upto USD 1.58 per kg.

Imposition of anti-dumping duty on imports of Cellophane Transparent Film from China. (22 Oct)³

The Central Government **has** imposed anti-dumping duty on imports of Cellophane Transparent Film from China. The imposition was recommended by the DGTR vide Final Findings Notification No. 06/18/2023 – DGTR, dated 6th August 2024. The anti-dumping duty imposed on imports of subject goods is USD 1.34 per kg.

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

Initiation of anti-dumping investigation into imports of Virgin Multi-Layer Paperboards from Chile and China. (30 Sep)⁴

The DGTR initiated an anti-dumping investigation into imports of Virgin Multi-Layer Paperboards from Chile and China, pursuant to an application filed by the Indian Paper Manufacturers Association (IPMA) on behalf of the domestic industry. Century Textiles and Industries Limited, Emami Paper Mills Limited, ITC Limited, JK Paper Limited and Tamil Nadu Newsprint and Papers Limited constitute the domestic industry in this investigation. The petition has been supported by West Coast Paper Mills Limited. The DGTR found that there is sufficient prima facie evidence of dumping and material injury to the domestic industry.

Chapter 70 – Glass and Glassware

Imposition of anti-dumping duty on imports of Unframed Glass Mirror from China. (21 Oct)

The Central Government has imposed anti-dumping duty on imports of Unframed Glass Mirror from China. The imposition was recommended by the DGTR vide the Final Findings Notification No. 06/12/2023 – DGTR, dated 23rd July 2024. The anti-dumping duty imposed on imports of subject goods is USD 234 per MT.

Chapter 74 – Copper and articles thereof

Extension of anti-subsidy duty on imports of Continuous Cast Copper Wire Rod from Indonesia, Malaysia, Thailand and Vietnam. (04 Oct)

The Central Government has extended the anti-subsidy duty imposed on imports of Continuous Cast Copper Wire Rod from Indonesia, Malaysia, Thailand and Vietnam till 7th July 2025. The original anti-subsidy duty was set to expire on 7th January 2025.

Chapter 83 – Miscellaneous articles of base metal

Final Findings in the anti-dumping investigation into imports of Telescopic Channel Drawer Slider from China. (19 Oct)⁵

The DGTR issued final findings recommending imposition of anti-dumping duty on imports of Telescopic Channel Drawer Slider from China. The investigation was initiated pursuant to an application filed by Highhope Furniture Fittings Manufacturers Associates Private Limited. The Authority concluded that the imports of the product under consideration increased. The subject imports were undercutting the prices of the domestic industry. Further, the domestic industry has been operating at a low-capacity utilization. The market share held by the domestic industry remained low despite having the capacity to cater to the demand of the domestic market.

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

Final Findings in the sunset review of anti-dumping duty on imports of Digital Offset Printing Plates from China, Japan, South Korea, Taiwan and Vietnam. (28 Sep)

The DGTR issued final findings recommending continuation of anti-dumping duties on imports of Digital Offset Printing Plates from China, Japan, South Korea, Taiwan and Vietnam, pursuant to an application filed by TechNova Imaging Systems Limited. The Authority concluded that there is likelihood of continuation / recurrence of dumping and consequent injury to the domestic industry. Despite previously having an anti-dumping duty in place, the volume of imports from the subject countries still increased. The subject imports are undercutting and depressing the prices of the domestic industry. The producers in the subject countries are holding surplus capacities and have continued to dump the subject goods in India. There is likelihood of diversion of exports to India in case of cessation of anti-dumping duty as the Chinese producers face trade remedial measures in third countries.

Global Updates

Chapter 07 – Edible vegetables and certain roots and tubers

Brazil

- Initiation of sunset review of anti-dumping duty on imports of Fresh or Chilled Garlic from China. (02 Oct)

Chapter 22 – Beverages, spirits and vinegar

China

- Imposition of provisional anti-dumping duty on imports of certain Brandy from EU. (08 Oct)

Chapter 28 – Inorganic chemicals

China

- Continuation of anti-dumping duty on imports of Hydroiodic Acid from Japan and USA. (15 Oct)

USA

- Initiation of sunset review of anti-dumping duty on imports of Strontium Chromate from Austria and France. (01 Oct)
- Continuation of anti-dumping duty on imports of Sodium Hexametaphosphate from China. (10 Oct)

Chapter 29 – Organic Chemicals

China

- Continuation of anti-dumping duty on imports of Ethanolamine from Malaysia, Saudi Arabia, Thailand and USA. (15 Oct)

USA

- Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of certain Alkyl Phosphate Esters from China. (04 Oct)

Chapter 31 – Fertilizers

EU

- Initiation of expiry review of anti-dumping duty on imports of Urea and Ammonium Nitrate Mixtures from Russia, Trinidad and Tobago, and USA. (08 Oct)

Chapter 32 – Tanning or dyeing extracts; dyes, pigments and other items

Brazil

- Imposition of provisional anti-dumping duty on imports of Titanium Dioxide Pigments from China. (18 Oct)

Chapter 35 – Albuminoidal substances; modified starches; glues; enzymes

Canada

- Final determination issued by the CBSA in the anti-dumping and anti-subsidy investigations into imports of High Protein Content Pea Protein from China. (21 Oct)

Chapter 39 – Plastics and articles thereof

Trade remedial actions against India

USA

Final affirmative determination issued by the USDOC in the administrative review of anti-dumping duty on imports of Granular Polytetrafluoroethylene Resin from India. (10 Oct)

The USDOC determined that Gujarat Fluorochemicals Limited was dumping the subject goods in the U.S. market during the period of review, that is 2nd September 2021 to 28th February 2023. The USDOC determined a dumping margin of 2.40% for Gujarat Fluorochemicals Limited.

Other trade remedial actions

USA

- Continuation of anti-dumping and anti-subsidy duties on imports of certain Plastic Decorative Ribbons from China. (24 Oct)

Chapter 40 – Rubber and articles thereof

Trade remedial actions against India

USA

Final affirmative determination issued by the USDOC in the administrative review of anti-dumping and anti-subsidy duties on imports of certain New Pneumatic Off-the-Road Tires from India. (17 and 22 Oct)

The USDOC determined that exports from India were being dumped during the period of review, that is 1st March 2022 to 28th February 2023. A dumping margin of 2.76% was determined for Asian Tire Factory Limited and Lyallpur Rubber Mills; 2.62% for ATC Tires Private Limited and ATC Tires AP Private Limited; and 2.63% for companies not selected for individual review. Further, the USDOC also determined that the Indian producers, barring one producer, received countervailable subsidies during the period of review, that is 1st January 2022 to 31st December 2022. A subsidy rate of 1.70% was determined for ATC Tires Private Limited and companies not selected for individual review, while a rate of 0.34% (*de minimis*) was determined for Balkrishna Industries Limited.

Other trade remedial actions

USA

- Final affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Truck and Bus Tires from Thailand. (17 Oct)

Chapter 44 – Wood and articles of wood

EU

- Initiation of anti-dumping investigation into imports of Hardwood Plywood from China. (11 Oct)

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

Trade remedial actions against India

USA

Preliminary determination issued by the USDOC in the administrative review of anti-dumping and anti-subsidy duties on imports of certain Lined Paper Products from India. (10 Oct)

The USDOC preliminarily determined that Indian producers were not dumping the subject goods in the U.S. market during the period of review, that is 1st September 2022, to 31st August 2023. However, the USDOC preliminarily determined that Navneet Education Limited received countervailable subsidies during the period of review, that is 1st January 2022 to 31st December 2022. The USDOC preliminarily determined a subsidy rate of 2.50% for the producer.

Chapter 55 – Man-made staple fiber

Trade remedial actions against India

Brazil

Imposition of provisional anti-dumping duty on imports of Polyester Fibers from China, India, Malaysia, Thailand and Vietnam. (18 Oct)

The DECOM has preliminarily determined that imports from India, among other countries were being dumped in the Brazilian market. Accordingly, the

DECOM imposed provisional anti-dumping duty for a period of 6 months, pending the conclusion of the investigation. However, the DECOM has determined that exports by Thai exporter Zhongthai Chemical Fiber Co. Limited and Vietnamese exporter Vietnam New Century Polyester Fibre Co. Limited would not be subject to the provisional duty.

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

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping and anti-subsidy duties on imports of certain Quartz Surface Products from China. (04 and 09 Oct)

Chapter 69 – Ceramic products

UK

- Continuation of anti-dumping duty on imports of Ceramic Tiles from China. (18 Oct)

Chapter 70 – Glass and glassware

EU

- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Glass Fibre Yarns from China. (11 Oct)

USA

- Termination of anti-subsidy investigation into imports of Glass Wine Bottles from China. (09 Oct)

Chapter 72 – Iron and Steel

Trade remedial actions against India

Türkiye

Final affirmative determination issued in the anti-dumping investigation into imports of Hot Rolled Flat Steel Products from China, India, Japan and Russia. (11 Oct)

The Ministry of Commerce has determined that exports from India, among

other countries, were being dumped and such imports caused injury to the Turkish domestic producers. A dumping margin of 6.10% was determined for Tata Steel Limited, while a dumping margin of 9% was determined for all other Indian exporters.

USA

Final 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. (15 Oct)

The USDOC determined that the subject goods exported from India were being dumped in the U.S. market during the period of review, that is 1st April 2022 to 31st March 2023. The USDOC determined a dumping margin of 10.94% for Shree Luxmi Fasteners and other companies not selected for individual review, while a margin of 0% was determined for Mangal Steel Enterprises Limited.

Other trade remedial actions

Australia

- Continuation of anti-dumping duty on imports of Quenched and Tempered Steel Plates from Finland, Japan and Sweden. (03 Oct)
- Continuation of anti-dumping duty on imports of Hot-rolled Structural Steel Sections from Japan, South Korea, Taiwan and Thailand. (10 Oct)

Brazil

- Imposition of provisional anti-dumping duty on imports of Metal Sheets of Carbon Steel from China. (18 Oct)

Canada

- Imposition of anti-dumping duty on imports of certain Wire Rods from China, Egypt and Vietnam. (04 Oct)
- Initiation of expiry review of anti-dumping duty on imports of Hot Rolled Carbon Steel Plates from Bulgaria, Czech Republic and Romania. (08 Oct)

Malaysia

- Initiation of anti-dumping investigation into imports of Steel Wire Rods from China, Indonesia and Vietnam. (10 Oct)

South Korea

- Initiation of anti-dumping investigation into imports of Carbon steel and other alloy steel hot-rolled plates from China. (04 Oct)

Vietnam

- Affirmative determination issued in the sunset review of anti-dumping duty on imports of certain Flat-rolled Painted Alloy or Non-alloy Steel Products from China and South Korea. (24 Oct)

USA

- Initiation of anti-dumping investigation into imports of certain Corrosion-Resistant Steel Products from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, Türkiye, UAE and Vietnam, and anti-subsidy investigation into imports from Brazil, Canada, Mexico and Vietnam. (02 Oct)

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

USA

Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of certain High Chrome Cast Iron Grinding Media from India. (04 Oct)

The USDOC preliminarily determined that Indian producers were receiving countervailable subsidies during the period of investigation, that is 1st April 2023 to 31st March 2024. The USDOC preliminarily determined a subsidy rate of 3.36% for on AIA Engineering Limited, Vega Industries (Middle East) F.Z.C, Welcast Steels Limited and all other exporters.

Preliminary determination issued in the administrative review of anti-dumping and anti-subsidy duties on imports of Oil Country Tubular Goods from India. (10 Oct)

The USDOC preliminarily determined that Oil Country Tubular Goods from India were not dumped in the U.S. market, during the period of review, that is 1st September 2022 to 31st August 2023. Accordingly, a dumping margin of 0% was determined for Surya Roshni Limited. However, it was preliminarily

determined that the producer received countervailable subsidies during the period of review, that is 1st January 2022 to 31st December 2022. The USDOC preliminarily determined a subsidy rate of 2.31% for Surya Roshni Limited.

Other trade remedial actions

Brazil

- Initiation of sunset review of anti-dumping duty on imports of Low-carbon and Low-alloy Flat-rolled Products of Continuous Casting Steel from China, South Africa and South Korea. (01 Oct)
- Initiation of sunset review of anti-dumping duty on imports of Flat-rolled Product of Austenitic Stainless Steel from China and Taiwan. (01 Oct)

Canada

- Continuation of anti-dumping duty on imports of certain Carbon Welded Steel Pipes from Pakistan, the Philippines, Türkiye and Vietnam. (16 Oct)

EU

- Initiation of anti-dumping investigation into imports of Screws without heads from China. (17 Oct)

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Non-Malleable Cast Iron Pipe Fittings from China. (08 Oct)

Chapter 76 – Aluminium and articles thereof

Trade remedial actions against India

USA

Final affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Aluminium Extrusions from China, Columbia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Türkiye, UAE and Vietnam. (03 Oct)

The USDOC determined that imports of Aluminium Extrusions from India, among other countries, were being dumped in the U.S. market, except by one exporter. A dumping margin of 39.05% was determined for 10 producers that

were found to be non-cooperative in the investigation, while a margin of 19.53% was determined for all other Indian exporters, barring one. Finally, a dumping margin of 0% was determined for Maan Aluminium Limited.

Other trade remedial actions

Canada

- Affirmative determination issued by the CBSA in the expiry review of anti-dumping and anti-subsidy duties on imports of certain Unitized Wall Modules from China. (10 Oct)

EU

- Continuation of anti-dumping duty on imports of Aluminium Radiators from China. (15 Oct)

USA

- Final affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of Aluminium Extrusions from China, Indonesia, Mexico and Türkiye. (03 Oct)

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

Argentina

- Termination of anti-dumping investigation into imports of Dishwashers from China. (16 Oct)

USA

- Continuation of anti-dumping duty on imports of Large Residential Washers from Mexico. (17 Oct)

Chapter 85 – Electrical machinery and equipment and parts thereof

EU

- Initiation of anti-circumvention investigation concerning anti-dumping duty on imports of certain Graphite Electrode Systems from China, when imported in the form of artificial graphite in blocks or cylinders from China. (18 Oct)

USA

- Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of Crystalline Silicon Photovoltaic Cells, whether or not assembled into Modules from Cambodia, Malaysia, Thailand and Vietnam. (04 Oct)
- Continuation of anti-dumping and anti-subsidy duties on imports of Crystalline Silicon Photovoltaic Cells, whether or not assembled into Modules from China. (07 Oct)
- Affirmative determination issued by the USDOC in the sunset review of anti-subsidy duty on imports of Raw Flexible Magnets from China. (11 Oct)
- Continuation of anti-dumping and anti-subsidy duties on imports of Utility Scale Wind Towers from China and Vietnam. (11 Oct)

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

Brazil

- Imposition of provisional anti-dumping duty on imports of Nebulizers from China. (18 Oct)

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](#)