

# ADHYATAN

## TPM Newsletter December 2024

### In this Edition

- An explanation of the law and practice governing new shipper reviews, for exporters not conferred individual duty rates due to absence of exports in the original investigation.
- European Court of Justice upholds the findings of the European Commission that Egyptian producers of glass fibre benefitted from transnational subsidies conferred by the Government of China.
- Annual meetings held by the Committees on Safeguards, Subsidies and Countervailing Measures, and Anti-Dumping Measures, to discuss measures taken by various members.
- Thailand and Indonesia raise concerns about India's Quality Control Orders on various products.

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## ***Key Highlights***

### **The WTO Committee on Safeguards holds its meeting for review of safeguard actions (28 Oct)**

On 28<sup>th</sup> October 2024, the WTO Committee on Safeguards reviewed notifications of safeguard actions by 11 members including EU, India, UK, and USA. Members discussed the safeguard measures on certain Steel products imposed by EU and UK, as well as Türkiye's proposal to suspend concessions in response to Indonesia's safeguard measures on Carpets and other Textile Floor Coverings. Japan raised concerns over safeguard measures on certain semi-finished and finished products of Alloy and Non-Alloy Steel imposed by Vietnam and on articles of Apparel and Clothing Accessories, imposed by Indonesia.

### **The WTO Committee on Subsidies and Countervailing Measures highlights the importance of transparency and compliance of notification obligations (29 Oct)**

The WTO Committee on Subsidies and Countervailing Measures held its review meeting on 29<sup>th</sup> October 2024 wherein, inter alia, it raised concerns over the low level of compliance with the notification obligation under the WTO Agreement on Safeguards and Countervailing Measures (ASCM). The Committee also reviewed the new subsidy notifications submitted by several members, including Australia, Cambodia, EU, Nepal, and Uruguay, and continued its review of the previous subsidy notifications submitted by members, including that by Russia in 2019. The Committee also considered the semi-annual reports of actions by Australia, Brazil, Canada, EU, India, Mexico, UK, and USA. The Committee also discussed China's concern over discriminatory subsidies policies; and also adopted its 2024 Annual Report to the Council for Trade in Goods.

### **The WTO Committee on Anti-Dumping Measures reviews notifications submitted by the WTO members (30 Oct)**

On 30<sup>th</sup> October 2024, the WTO Committee on Anti-Dumping Measures held its review meeting. The Committee reviewed notifications from various members, including Brazil, Cabo Verde, the Solomon Islands, and USA. Further, the Committee continued its reviews for notifications from EU, Ghana, Liberia, and

Saint Kitts and Nevis. The review covered actions taken by 45 members from 1<sup>st</sup> January 2024 to 30<sup>th</sup> June 2024. During the same period, 15 members reported no-new anti-dumping actions taken and 51 members submitted that no authority has been established to conduct anti-dumping investigations.

**EU opens consultations for the two draft implementation regulations regarding authorization of CBAM Declarants and CBAM Registry. (30 Oct)**

On 30<sup>th</sup> October 2024, the European Commission published the draft implementation regulations on authorization of CBAM Declarants and CBAM Registry. The draft regulations on the authorization of CBAM Declarants cover rules for application to be declared as an authorized importer, and the criteria and procedures to be followed by national authorities for granting such authorization. The draft regulation for CBAM Registry provides rules for the establishment and management of an electronic database for CBAM certificates, CBAM declarations, applications for CBAM declarants and a registration of operators in third countries. The two draft regulations are open for a four-week public consultation.

**China requests consultations with the European Union in respect of anti-subsidy measures imposed on Electric Vehicles from China. (04 Nov)**

On 4<sup>th</sup> November 2024, China communicated its request for consultations with EU under Article 1 and Article 4 of the Dispute Settlement Understanding. The request has been made in respect of the provisional and definitive anti-subsidy duty imposed by EU on imports of New Battery Electric Vehicles from China. China claims that the investigation pursuant to which the measures have been imposed is faced with several substantive and procedural inconsistencies, including the constitution of domestic industry, evaluation of countervailability of subsidies and consultations with the Government of China.

**The WTO Committee on Agriculture holds its meeting to discuss issues concerning food security including India's policy for wheat and rice. (27 Nov)**

The WTO Committee on Agriculture held its meeting on 26<sup>th</sup> and 27<sup>th</sup> November 2024, wherein the WTO members discussed food security and continued its review of agriculture policies maintained by WTO members.

Several issues were discussed, including Australia's new smart agriculture initiative, Brazil's multiple farm support policies, China's technical and financial assistance project, EU's farm support to some member states and its public food purchasing mechanism. USA, on behalf of four other members, presented a counter-notification stating that India's Market Price Support for wheat and rice for the year 2021-22 and 2022-23 exceeded the permissible limits. India has claimed that these are merely baseless accusations and criticized the use of outdated reference prices for said allegations.

### **Thailand and Indonesia raise concerns about India's Quality Control Orders on various products (20 Nov)**

On 20<sup>th</sup> November 2024, Indonesia and Thailand raised questions regarding India's Quality Control Orders at the Market Access Meeting at the WTO. The members raised concerns on restrictions imposed by India on a wide range of products, including but not limited to footwear, textiles, viscose staple fiber etc. Thailand submitted that some measures might have unintended results equivalent to quantitative restrictions on imports of copper, wooden boards and tires.

### **European Court of Justice upholds countervailability of transnational subsidies (28 Nov)**

The Court of Justice of Europe has affirmed the final determination of the European Commission in the case of Hengshi Egypt Fibreglass and Jushi Egypt Fibreglass vs European Commission & Ors. In 2020, the Commission had determined that Egyptian exporters of Glass Fibre had benefitted from subsidies conferred by the Government of China and had imposed anti-subsidy duties against such transnational subsidies. Transnational subsidies are subsidies granted by the government of a country, other than the country where the goods are manufactured. The decision was challenged before the General Court, which dismissed the appeal in 2023, and was thereafter appealed before the Court of Justice. The Court of Justice in its decision held that there is nothing in the EU law or the ASCM that forbids consideration of transnational subsidies. The Court agreed with Commission's findings that high level cooperation between the Governments of China and Egypt allowed Egyptian producers to receive Chinese subsidies and therefore, the subsidies granted by China may be attributed to the Government of Egypt.

## ***New Shipper Review : Law and Practice***

- *An exporter that was not eligible for individual duty in an original investigation due to absence of exports may seek a new shipper review subsequently.*
- *In addition to absence of exports in the original investigation period, the exporter must demonstrate that it is not related to any producer or exporter of the product under consideration.*
- *Where the Authority had undertaken sampling in the original investigation, a new shipper would be allowed the rate applicable to cooperative non-sampled exporters.*
- *As per the practice in India and other jurisdictions, a new shipper review can be sought only where the exporter has exported the product in commercial quantities before making the application.*
- *The period of investigation for a new shipper review may be retrospective or prospective.*
- *Once the review is initiated, the exports by a new shipper would not be subject to anti-dumping duty. However, the Central Government may direct that the exports be cleared under provisional assessment and the exporter may be required to submit a guarantee.*

One of the key aspects of the Anti-Dumping Agreement and the Agreement on Subsidies and Countervailing Measures is that they provide for determination of individual dumping/subsidy margins for each known producer or exporter concerned of the product under investigation, subject to practical considerations. This ensures that any duty levied on an exporter is based on the quantum required to offset the actual dumping by / subsidisation to that exporter. Producers and exporters that furnish relevant information in response to questionnaires are conferred individual margins, while others are subjected to punitive residual duties. However, when a producer has not exported the product during the investigation period, no individual margin can be quantified for such producer. Exports by such a producer would automatically be subjected to residual duties. In such a situation, the exporter has recourse to a new shipper review.



## **Legal Framework**

As per the WTO Agreements and Indian Rules, an exporter may seek individual duty rates, as a new exporter, if it satisfies the following conditions:

1. The exporter in question must not have exported the product to India during the original period of investigation.
2. The exporter in question must not be related to any other producer or exporter of the product subject to anti-dumping duties.

The Designated Authority, vide Trade Notice 1/2019 dated 29<sup>th</sup> January 2019, prescribed further procedural guidelines for streamlining new shipper reviews. In particular, the Authority notified that the exporter must have made export sales in ‘commercial’ quantities in the review period. The Trade Notice further provides that any new shipper review initiated must be concluded within one year from the date of initiation. In exceptional circumstances, the period of one year may be extended by a further period of 6 months.

A key question that arises is whether an exporter may obtain individual margins in a new shipper review if sampling of exporters was performed in the original investigation. In this regard, Rule 22(3) of the Anti-Dumping Rules provides that where the Authority undertook sampling in the original investigation, any new shipper would be conferred duty rate equivalent to that previously determined for cooperative non-sampled producers.

## **Period of Investigation**

Trade Notice 1/2019 provides that the period of investigation should generally be retrospective, as in any original investigation. However, the period of investigation may also be prospective in some cases, that is, the Authority may initiate the investigation for a period of review falling subsequent to the date of initiation. The Authority may also keep the period of investigation partially retrospective and partially prospective, as was done in the new shipper review for anti-subsidy duty on Pneumatic Radial Tyres, where the review was initiated in April 2020 and the period of investigation was October 2019 to September 2020.

Initially, new shipper reviews were often initiated with a prospective period of investigation. However, this opened up the possibility that an exporter may resort to manipulation of prices in the short term, in order to show a lower margin during a limited period. As a consequence, it would become impossible

to determine the actual dumping by the exporter. This was also noted by the Tribunal in *H & R Johnson (India) Limited vs Ministry of Finance*, wherein the Tribunal noted that fixing review period that falls subsequent to the date of the application for the review “*would be like spreading a red carpet to manipulations by projecting figures during the prospective period of review so tailored as to bring about a dumping margin favourable to the new shipper who can then be a conduit pipe for flowing exports of other exporters and producers whose exports would otherwise have been subjected to the existing anti-dumping duty.*” In light of such concerns, gradually, the practice of the Authority evolved to favour retrospective periods of investigation. Other jurisdictions such as USA and EU also undertake new shipper reviews with a retrospective period of investigation.

### **Provisional Assessment**

The intended purpose of considering a prospective period of investigation is that the exporter may face challenges in exporting the goods at residual duty rates. For this purpose, Rule 22(2) provides that anti-dumping duties shall not be levied during the period of review. However, the Central Government may, in its discretion, resort to provisional assessment and require the exporter to submit a guarantee that upon conclusion of the review, it would conform to any duties that may be imposed from the date of initiation of the review. Therefore, the Authority would initiate a review, and the Government would allow the exporter to export the subject goods to India, without charging any anti-dumping duty. Subsequent to the review, anti-dumping duty would be collected at the duty quantum determined.

### **Exports in Commercial Quantities**

Another aspect which has evolved through practice, and later codified into the aforementioned Trade Notice, is that individual margins cannot be determined based on low volume token sales. It is imperative that the data being examined pertains to truly *commercial* transactions. The sale volumes and sale terms must reasonably reflect the market behaviour of the exporter. In the Tyres Anti-Dumping NSR, the Authority observed that the exporter “*has exported only a meagre quantity of subject goods to India during the entire period of investigation. Such a miniscule quantum of exports cannot be treated as the reasonable quantity and such export transactions are not representative enough* exporter.



Other countries contain variations of this requirement. The standard appears to be lower in EU. The applicant exporter is only required to demonstrate that it has ‘actually exported’ to EU or is under a contractual obligation to export significant quantities to EU. On the other hand, in jurisdictions such as USA, the applicant exporter is required to establish that the exports were *bona fide* sales to unaffiliated customers. The Regulations of the Department of Commerce provide a non-exhaustive list of factors to be considered in this regard, which include circumstances surrounding the sale (including price), whether the merchandise was resold in US at a profit, the date the merchandise left the exporter’s warehouse, the details of the relationship between the exporter and the first unaffiliated US purchaser etc. Other jurisdictions such as Brazil, China, and Taiwan also require that the exporter should have exported in significant or substantial quantities, before being allowed individual duty rates in a new shipper review.

Therefore, new shipper reviews are an important tool for bona fide exporters, that were not exporting in the original investigation period, to seek individual duty rates based on their own data. However, such reviews entail a delicate balancing act between the right of an exporter to duty rates based on their own information on one hand; and the need to ensure that the possibility of manipulation of prices is curbed, to prevent any scrupulous exporter from taking undue advantage of the situation. This results in new shipper reviews often being very complex exercises.

- Aastha Gupta, Partner  
Inan Gupta, Associate

## ***Foreign Trade Policy***

### **Syncing of ITC (HS), 2022- Schedule-1 (Import Policy) with Finance Act 2024 (26 Nov)**

The Directorate General of Foreign Trade has amended the ITC (HS) 2022, (Schedule-I) Import Policy in order to sync it with the Finance Act, 2024. The amended Policy will come into force with immediate effect. The updated Schedule is available at the [link](#) herein.

### **Amendment in Provision for import of inputs subject to mandatory Quality Control Orders (05 Nov)**

The Directorate General of Foreign Trade has amended Appendix 2Y of the Foreign Trade Policy 2023 with the list of Ministries / Departments whose notifications on mandatory QCOs are exempted by the DGFT. The Ministry of Heavy Industries has been added in the list of Ministries / Departments under Appendix 2Y, with immediate effect. The updated Appendix 2Y is available at the [link](#) herein.

### **Harmonisation of Schedule-II (Export Policy), ITC(HS) 2022 (14 Nov)**

The Directorate General of Foreign Trade has notified the updated draft for Schedule-II (Export Policy) for all Chapters 01 to 98, after incorporating the comments received from various stakeholders. The updated Schedule is available at the [link](#) herein.

# ***Trade Agreements***

## **Indian Updates**

### **India to seek tariff flexibility under the ASEAN-India Trade in Goods Agreement (AITIGA)**

India and the ASEAN bloc are in talks to review the provisions of the ASEAN India Trade in Goods Agreements (AITIGA). India aims to seek flexibility of the concessions provided under the Agreement amidst concerns over the increase in imports from ASEAN nations. The issue has come to light after growing concerns of the domestic industries, such as the steel industry, which suffer from possible misuse of the Agreement by China.

## **Global Updates**

### **Vietnam and the United Arab Emirates sign the Comprehensive Economic Partnership Agreement**

Vietnam and the United Arab Emirates have signed a Comprehensive Economic Partnership Agreement. The Agreement aims to bring investments into Vietnam in various sectors including agriculture, energy, and logistics. The two sides have committed to gradually reduce tariffs on 99% of Vietnam's exports and 98.5% of UAE's exports.

### **New Zealand and the Gulf Cooperation Council conclude negotiations over the Free Trade Agreement**

The Gulf Cooperation Council (GCC) has announced the conclusion of trade negotiations over the Free Trade Agreement with New Zealand. The Agreement aims to provide the agriculture sector of New Zealand with preferential access to the GCC market. Further, the Agreement will eliminate tariffs on 99% of New Zealand's exports.

### **Maldives and Türkiye sign a Preferential Trade Agreement**

Maldives and Türkiye have signed a Preferential Trade Agreement to boost bilateral trade. Through the Agreement, Türkiye aims to extend tariff reductions on more than 100 tariff lines and to eliminate tariffs on fish products from Maldives.

## **Australia and the United Arab Emirates sign a Comprehensive Economic Partnership Agreement**

Australia and the United Arab Emirates have signed a Comprehensive Economic Partnership Agreement to enhance trade relations in priority sectors. The Agreement aims to gradually eliminate tariffs on 99% of Australia's exports to the UAE. The Agreement also includes areas of digital trade, gender balance, and women's economic empowerment.

## **Peru and Hong Kong sign Free Trade Agreement**

Hong Kong and Peru have entered into a Free Trade Agreement that will eliminate tariffs on 98% of Hong Kong's exports to Peru. Hong Kong, on its part, has committed to bind its existing zero import tariff regime for all goods originating from Peru.

## **The United Kingdom and the European Union conclude Competition Cooperation Agreement**

The United Kingdom and the European Union have formally concluded negotiations for the UK-EU Competition Cooperation Agreement. The Agreement aims to enhance cooperation between the Competition and Markets Authority in the UK, the European Commission, and the National Competition Authorities of the EU Member States in order to allow an efficient investigation into unfair competition practices.

# ***Non-Tariff Measures***

## **Indian Updates**

### **Amendment to effective date of the Quality Control Order for Acrylonitrile Butadiene Styrene (20 Nov)**

The Ministry of Chemicals and Fertilizers (Department of Chemicals and Petrochemicals) has amended the Morpholine (Quality Control) Order, 2020, to provide that it shall now come into force on 1<sup>st</sup> May 2025.

### **Quality Control Order for certain chemicals (14 Nov)**

The Ministry of Chemicals and Fertilizers (Department of Chemicals and Petrochemicals) has notified the following Quality Control Orders. The orders shall come into effect on expiry of one hundred and eighty days from the date of their publication.

- H Acid (Quality Control) Order, 2024
- K Acid (Quality Control) Order, 2024
- Vinyl Sulphone (Quality Control) Order, 2024

### **Amendment to the Quality Control Order for Gypsum-based Building Materials (26 Nov)**

The Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) has amended the Gypsum-based Building Materials (Quality Control) Order, 2024. As per the new amendment, the Order shall not apply to goods or articles domestically manufactured or imported before the commencement of the Order and such manufacturer has applied for certification by the Bureau. Further, the Order shall not apply to 200 pieces of goods imported for research and development purposes.

### **Draft Quality Control Order for Stainless Steel Pipes and Tubes (26 Nov)**

India has notified the WTO of its draft Quality Control Order concerning Stainless Steel Pipes and Tubes. The Order includes both, seamless and welded stainless steel pipes and tubes. The draft Order has been issued by the Ministry of Steel to seek comments from WTO members within 60 days, from the date of publication of the notification. The effective date of implementation is 6 months from the date of publication.

## Global Updates

### United States of America

#### **Energy Conservation Program: Test Procedure for General Service Lamps**

The United States Department of Energy (DOE) has proposed clarifications to test procedures for General Service Lamps (GSLs). These changes aim to ensure accurate testing for compliance with energy conservation standards. Key testing points include specifying that GSLs should not be tested as coloured lamps, requiring testing at specific colour temperatures for certain lamps, and ensuring additional components unrelated to light output are turned off during testing. The rule also provides detailed instructions on testing methods, compatibility with ballasts or drivers, and adherence to industry standards.

### China

#### **National Standard of the PRC: Safety specification for Magnesium Alloy Die Casting**

The State Administration for Market Regulation (Standardization Administration of the P.R.C.), China, has issued national standards regarding the safety of magnesium alloy die-casting processes. The document outlines requirements for safety management, facility construction, equipment operation, and material storage during production. Any parties willing to give feedback may do so within 60 days, with the implementation planned six months after adoption.



# ***Bureau of Indian Standards***

## **Amendment of Standards (16 Nov)**

The Bureau of Indian Standards has notified amendment of the following Standards with effect from 11<sup>th</sup> November 2024. However, the previous unamended Standards will remain in force concurrently till 10<sup>th</sup> May 2025. For a full list of products, please refer to the attached [link](#).

- **IS 7129 : 2021** Potassium Carbonate, Anhydrous — specifications (Second Revision)
- **IS 11744 : 2020** Phosphorous Pentachloride, Technical — Specification (First Revision)

## **Withdrawal of Standards (18 Nov)**

The Bureau of Indian Standards has notified withdrawal of the following Standards with effect from 11<sup>th</sup> November 2024. For a full list of products, please refer to the attached [link](#).

- **IS 4382 : 1967** Specification for Non-Tinted Ophthalmic Glass
- **IS 6472 : 1971** General Requirements for Tinted Ophthalmic Glass

## **Substitution of Standards (18 Nov)**

The Bureau of Indian Standards has notified substitution of the following Standards with effect from 4<sup>th</sup> November 2024. However, the previous unamended Standards will remain in force concurrently till 4<sup>th</sup> May 2025. For a full list of products, please refer to the attached [link](#).

- **IS 1720 : 2024** Textiles — Cotton Sewing Threads — Specification
- **IS 4462 : 2024** Textiles — Contact Wire Healds for Jute Weaving — Specification
- **IS 6488 : 2024** Textiles — Cotton Webbing for Personal Web Equipment — Specification

## **Substitution of Standards (18 Nov)**

The Bureau of Indian Standards has notified substitution of the Standard **IS 4682 (Part 5) : 2024** Lining of Vessels and Equipment for Chemical Processes — Code of Practice Part 5 Epoxide Resin Lining, with effect from 29<sup>th</sup> October 2024. However, the previous unamended Standards will remain in force concurrently till 29<sup>th</sup> April 2025. For a full list of products, please refer to the attached [link](#).

### **Substitution of Standards (18 Nov)**

The Bureau of Indian Standards has notified substitution of the following Standards with effect from 29<sup>th</sup> October 2024. However, the previous unamended Standards will remain in force concurrently till 29<sup>th</sup> April 2025. For a full list of products, please refer to the attached [link](#).

- **IS 4150 : 2024** Potassium Chloride, Technical — Specification
- **IS 4847 : 2024** Copper Salts for Electroplating — Specification

### **Amendment of Standards (18 Nov)**

The Bureau of Indian Standards has notified amendment of Standard **IS 4566 : 2020** Specification for Methylene Chloride (Dichloromethane) — Technical, with effect from 19<sup>th</sup> October 2024. However, the previous unamended Standards will remain in force concurrently till 18<sup>th</sup> April 2025. For a full list of products, please refer to the attached [link](#).

### **Substitution of Standards (18 Nov)**

The Bureau of Indian Standards has notified substitution of the Standard **IS 2066 (Part 1) : 2024** Coding and Classification for Nonferrous Scrap Metals and Residues Part 1 Aluminum Scrap, with effect from 04<sup>th</sup> November 2024. However, the previous unamended Standard **IS 2066: 1962** Coding and Classification for Non-ferrous Scrap Metals and Residues will remain in force concurrently till 4<sup>th</sup> May 2025. For a full list of products, please refer to the attached [link](#).

### **Substitution of Standards (21 Nov)**

The Bureau of Indian Standards has notified substitution of the Standard **IS 5003 : 2024** Cadmium Oxide for Electroplating — Specification, with effect from 12<sup>th</sup> November 2024. However, the previous unamended Standards will remain in force concurrently till 12<sup>th</sup> May 2025. For a full list of products, please refer to the attached [link](#).

# Trade Remedial Actions

## Indian Updates

### Chapter 29 – Organic Chemicals

*Imposition of anti-dumping duty on imports of Epichlorohydrin from China, Korea and Thailand. (11 Nov)*<sup>1</sup>

The Central Government on 11<sup>th</sup> November 2024 imposed anti-dumping duty on imports of Epichlorohydrin from China, Korea and Thailand pursuant to recommendation made by the DGTR vide Final Findings Notification No. 6/15/2023-DGTR, dated 14<sup>th</sup> August 2024. The anti-dumping duty was imposed pursuant to findings by the Designated Authority that there was significant dumping of Epichlorohydrin from the subject countries, which had materially retarded the establishment of industry in India. The anti-dumping duty imposed on imports of the subject goods from the subject countries ranges upto USD 557 per MT.

*Final Findings issued in the sunset review of anti-subsidy duty on imports of Saccharin from China. (27 Nov)*<sup>2</sup>

The DGTR issued final findings recommending continuation of anti-subsidy duty on imports of Saccharin from China. The Authority concluded that there is a likelihood of continuation of subsidization and consequent injury to the domestic industry in the event of cessation of the present duties. China has continued to provide subsidies for production of the subject goods and new subsidies were identified in the review. The imports are continuing to undercut the price of the domestic industry. Further, there are excess capacities in China, and fresh capacity expansions have been undertaken, which are likely to lead to increased exports.

*Termination of anti-dumping investigation into imports of Mono Ethylene Glycol from Kuwait, Saudi Arabia and USA. (27 Nov)*

The DGTR terminated the investigation initiated on 28<sup>th</sup> June 2021, vide Notification No. 6/8/2021-DGTR against imports of Mono Ethylene Glycol from Kuwait, Saudi Arabia, and USA. The investigation was terminated pursuant to withdrawal of the request for imposition of duty by the domestic industry.

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

*Preliminary Findings issued in the anti-dumping investigation into imports of Textured Tempered Glass from China and Vietnam. (05 Nov)*

The DGTR issued preliminary findings recommending imposition of provisional anti-dumping duty on imports of Textured Tempered Glass from China and Vietnam. The investigation was initiated pursuant to an application filed by Borosil Renewable Limited. The Authority noted that the subject imports commanded majority of the market throughout the injury period and were priced below the selling price and cost of sales of the domestic industry. As a result, the domestic industry incurred losses and cash losses, and recorded a negative return on capital employed.

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

*Imposition of anti-dumping duty on imports of Welded-Stainless Steel Pipes and Tubes from Thailand and Vietnam. (04 Nov)<sup>3</sup>*

The Central Government on 4<sup>th</sup> November 2024 imposed anti-dumping duty on imports of Welded-Stainless Steel Pipes and Tubes from Thailand and Vietnam, based on recommendations of the DGTR vide Final Findings Notification No. 6/28/2023-DGTR, dated 6<sup>th</sup> August 2024. The anti-dumping duty imposed on imports of the subject goods from the subject countries ranges upto USD 307.79 per MT. The imports from Vietnam are also simultaneously subject to imposition of anti-subsidy duty.

## **Global Updates**

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

#### **EU**

- Initiation of expiry review of anti-dumping duty on imports of certain Prepared or Preserved Sweetcorn Kernels from Thailand. (29 Nov)

### **Chapter 25 – Mineral products**

#### **Philippines**

- Initiation of safeguard investigation into imports of Cement. (04 Nov)

## **Chapter 28 – Inorganic chemicals**

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

#### **USA**

*Revocation of anti-subsidy duty on imports of Barium Chloride from India and anti-dumping duty on imports from China. (05 Nov)*

Based on a changed circumstance review, the USDOC determined that there is no requirement for continuation of anti-subsidy duty on imports from India and anti-dumping duty on imports from China. The application requesting the review was filed by Honeywell International Inc., stating that the sole U.S. producer of barium chloride was ceasing operations. Accordingly, the USDOC determined it appropriate to revoke the duties.

### **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 Silicon Metal from China. (21 Nov)

#### **EU**

- Initiation of anti-dumping investigation into imports of Fused Alumina from China (21 Nov)

#### **USA**

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Persulfates from China. (08 Nov)
- Affirmative determination issued by the USDOC in the sunset review of anti-subsidy duty on imports of Sodium Nitrite from China, and anti-dumping duty on imports from China and Germany. (12 and 13 Nov)

## **Chapter 29 – Organics Chemicals**

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

#### **USA**

*Initiation of anti-dumping investigation into imports of Hexamethylenetetramine from China, Germany, India and Saudi Arabia, and*

*anti-subsidy investigation into imports from China and India. (04 Nov)*

The USDOC has initiated anti-dumping and anti-subsidy investigations into imports from India, among other countries. The petition requesting for initiation of investigations was filed by Bakelite LLC on 30<sup>th</sup> September 2024. The period of investigation is 1<sup>st</sup> January 2023 to 31<sup>st</sup> December 2023 for the anti-subsidy investigation, and 1<sup>st</sup> July 2023 to 30<sup>th</sup> June 2024 for the anti-dumping investigation. The USDOC has initiated the investigation into 18 Indian subsidy programs as alleged by the petitioner.

### Other trade remedial actions

#### USA

- Initiation of sunset review of anti-dumping duty on imports of Acetone from Belgium, Singapore, South Africa, South Korea and Spain. (04 Nov)
- Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Dioctyl Terephthalate from Malaysia, Poland, Taiwan and Türkiye. (05 Nov)
- Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of Vanillin from China. (18 Nov)

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

#### USA

- Affirmative determination issued by USDOC in the sunset review of anti-dumping duty on imports of Stilbenic Optical Brightening Agents from China and Taiwan. (08 Nov)

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

#### Trade remedial actions against India

#### USA

*Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of 2,4-Dichlorophenoxyacetic Acid from China and India. (14 Nov)*

The USDOC has preliminary determined that imports from India were being



dumped in USA during the period of investigation, that is 1<sup>st</sup> January 2023 to 31<sup>st</sup> December 2023. A dumping margin of 13.23% was determined for Atul Limited, 3.91% for Meghmani Organics Limited and 8.57% for all companies other than the selected mandatory respondents.

#### Other trade remedial actions

##### USA

- Final negative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping duty on imports of Hydrofluorocarbon Blends from China, wherein R-410 B was being imported from Mexico and further processed in USA. (11 Nov)

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

#### Trade remedial actions against India

##### USA

*Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of certain Epoxy resins from China, India, South Korea, Taiwan and Thailand. (13 Nov)*

The USDOC has preliminarily determined that imports from India, amongst other countries, were being dumped during the period of investigation, that is 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024. A dumping margin of 12.01% was calculated for Atul Limited, 15.68% for Champion Advanced Materials and 12.01% for others.

#### Other trade remedial actions

##### Argentina

- Initiation of sunset review of anti-dumping duty on imports of Polyester Resins from Brazil. (04 Nov)
- Initiation of sunset review of anti-dumping duty on imports of Self-adhesive Papers and Films from Chile. (08 Nov)

##### Brazil

- Initiation of anti-dumping investigation into imports of Polyethylene Resins from Canada and USA. (13 Nov)

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

### China

- Continuation of anti-dumping duty on imports of Nitrile-Butadiene Rubber from Japan and South Korea. (08 Nov)

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

### USA

- Initiation of anti-dumping and anti-subsidy investigations into imports of Thermoformed Molded Fiber products from China and Vietnam. (4 Nov)
- Initiation of anti-dumping investigation into imports of Paper File Folders from Cambodia and Sri Lanka, and anti-subsidy investigation into imports from Cambodia. 19 Nov)

## **Chapter 61 – Articles of apparel and clothing accessories, knitted or crocheted**

### Indonesia

- Initiation of review of safeguard duty on imports of Articles of Apparel and Clothing Accessories. (08 Nov)

## **Chapter 63 – Other made up textile articles; sets; worn clothing and worn textiles articles; rags**

### USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping and anti-subsidy duties on imports of Laminated Woven Sacks from China. (08 and 12 Nov)
- Affirmative determination issued by the USDOC in the sunset review of anti-dumping and anti-subsidy duties on imports of Laminated Woven Sacks from Vietnam. (29 Nov)

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

### Trade remedial actions against India

#### USA

*Final negative determination issued by the USDOC in the administrative review of anti-dumping duty on imports of certain Quartz Surface Products from India. (05 Nov)*

The USDOC has determined that the Indian exporters were not dumping the subject goods in the U.S. market, during the period of review, that is 1<sup>st</sup> June 2022 to 31<sup>st</sup> May 2023. The USDOC determined a dumping margin of 0% for the two mandatory respondents, namely Marudhar Quartz Surface Private Limited and Pokarna Engineered Stone Limited. The same margin was assigned to the 44 non-selected companies as well.

### Other trade remedial actions

#### Philippines

- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Gypsum Board from Thailand. (05 Nov)

## **Chapter 70 – Glass and Glassware**

#### GCC

- Initiation of anti-dumping investigation into imports of Float Glass and Polished Glass Sheets from China and Iran. (12 Nov)

## **Chapter 72 – Iron and Steel**

### Trade remedial actions against India

#### Canada

*Affirmative determination issued by the CITT in the expiry review of anti-dumping duty on imports of Corrosion-Resistant Steel Sheets from China, India, South Korea and Taiwan. (21 Nov)*

The CITT has determined that the revocation of anti-dumping duty on imports of concerned goods from India, among other countries, would result in likelihood of continuation of injury to the Canadian industry. The duties were

first imposed in 2019. The Indian exporters are subject to 40% anti-dumping duty.

## USA

*Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of certain Hot-Rolled Carbon Steel Flat Products from China, India, Indonesia, Taiwan, Thailand, and Ukraine, and anti-subsidy duty on imports from India, Indonesia, and Thailand. (11 Nov)*

The USDOC determined that revocation of anti-dumping and anti-subsidy duties on imports from India, among other countries would likely result in continuation or recurrence of dumping and subsidization. The USDOC determined that dumping to the extent of 44.40% is likely to prevail with respect to exports from India, while subsidization to the extent of 344% is likely to prevail, in the absence of duties.

## Other trade remedial actions

### Thailand

- Initiation of anti-dumping investigation into imports of Hot-rolled H-beam Structural Steel from China. (14 Nov)

### South Africa

- Preliminary affirmative determination issued in the anti-dumping investigation into imports of Structural Steel Products from China and Thailand. (19 Nov)

### UK

- Initiation of review of safeguard duty on imports of certain Steel Products. (15 Nov)

### USA

- Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Ferrosilicon from Brazil, Kazakhstan and Malaysia. (06 Nov)
- Continuation of anti-dumping duty on imports of Silicomanganese from China and Ukraine. (08 Nov)
- Continuation of anti-dumping and anti-subsidy duties on imports of Cast Iron Soil Pipes from China. (18 Nov)

- Imposition of anti-dumping and anti-subsidy duties on imports of Ferrosilicon from Russia. (21 Nov)

### Vietnam

- Revocation of anti-dumping duty on imports of Cold-rolled Stainless-Steel Products from China, Indonesia, and Malaysia. (12 Nov)

## **Chapter 73 – Articles of Iron and Steel**

### Trade remedial actions against India

#### Brazil

*Preliminary affirmative determination issued by DECOM in the anti-dumping investigation into imports of certain Welded Stainless-Steel Pipes from India and Taiwan. (22 Nov).*

The DECOM has preliminarily determined that imports from India and Taiwan were being dumped and were causing injury to the Brazilian industry. The request for conducting the review was made by Aperam Inox Tubos Brasil Ltda. The duties were first imposed in 2019.

#### USA

*Initiation of sunset review of anti-dumping duty on imports of Carbon and Alloy Steel Threaded Rods from China, India, Taiwan, and Thailand, and anti-subsidy duty on imports from China and India. (04 Nov)*

The USDOC has initiated the first sunset review of the anti-dumping and anti-subsidy duties on imports from India, among other countries. The duties were imposed in 2020. The dumping margin determined for the Indian exporters was in the range of 2.75% to 28.34%, while the subsidy rate determined was in the range of 6.07% to 211%.

*Initiation of anti-dumping and anti-subsidy duty investigations into imports of Overhead Door Counterbalance Torsion Springs from China and India. (25 Nov)*

The USDOC has initiated investigations into the alleged dumping and subsidization on imports from India, among other countries. The petition requesting initiation of investigation was filed on behalf of IDC Group Inc, Iowa Spring Manufacturing, Inc., and Service Spring Corporation. The period

of investigation for the anti-subsidy investigation is 1<sup>st</sup> January 2023 to 31<sup>st</sup> December 2023 and that for the anti-dumping investigation is 1<sup>st</sup> October 2023 to 30<sup>th</sup> September 2024.

### Other trade remedial actions

#### Argentina

- Initiation of sunset review of anti-dumping duty on imports of Domestic Heating Radiators from China. (05 Nov)

#### UK

- Continuation of anti-dumping duty on imports of Steel Ropes and Cables from China, including foods consigned from Morocco and South Korea. (14 Nov)

#### USA

- Initiation of expiry review of anti-dumping duty on imports of Malleable Iron Pipe Fittings from China. (04 Nov)
- Initiation of expiry review of anti-dumping duty on imports of Steel Nails from China. (04 Nov)
- Initiation of expiry review of anti-dumping duty on imports of Welded Stainless-Steel Pressure Pipes from China. (04 Nov)
- Affirmative determination issued by the USDOC in the sunset review of anti-dumping and anti-subsidy duties on imports of Steel Propane Cylinders from China. (08 and 12 Nov)
- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Steel Wire Garment Hangers from China.
- Initiation of anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports of Circular Welded Carbon Quality Steel Pipes from China, when imported from Oman.
- Revocation of anti-dumping duty on imports of Refillable Stainless-steel Kegs from Mexico and China, and anti-subsidy duty on imports from China. (21 Nov)



## Chapter 76 – Aluminium and articles thereof

### Trade remedial actions against India

#### USA

*Final affirmative determination issued by the USDOC in the administrative review of anti-subsidy duty on imports of Common Alloy Aluminum Sheets from India. (13 Nov)*

The USDOC determined that Hindalco Industries Limited and Manaksia Aluminium Company Limited received various countervailable subsidies during the period of review that is 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2022. A subsidy margin of 41.46% was determined for Hindalco Industries Limited, 1.72% for Manaksia Aluminium Company Limited and 3.59% for Virgo Aluminum Limited.

*Final negative determination issued by the USITC in the anti-dumping investigation into imports of Aluminium Extrusions from China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, United Arab Emirates and Vietnam. (18 Nov)*

The USITC has determined that imports of Aluminium Extrusions from India, among other countries are not causing injury to the US industry. The USDOC had previously determined dumping margin of 0% for Maan Aluminium and margins in the range of 19.53% to 39.05% for other exporters.

### Other trade remedial actions

#### Canada

- Initiation of expiry review of anti-dumping and anti-subsidy duties on imports of Aluminum Extrusions from China. (26 Nov)

#### USA

- Initiation of expiry review of anti-dumping and anti-subsidy duties on imports of Aluminium Wires and Cables from China. (04 Nov)
- Imposition of anti-dumping duty on imports of Aluminum Lithographic Printing Plates from Japan and China and anti-subsidy duty on imports from China. (22 Nov)

## **Chapter 82 – Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal**

### Brazil

- Initiation of expiry review of anti-dumping duty on imports of Padlocks from China. (11 Nov)

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

### Argentina

- Initiation of sunset review of anti-dumping duty on imports of Steel Wheels from China (13 Nov)

### EEU

- Affirmative determination issued in the expiry review of anti-dumping duty on imports of Cast Aluminium Wheels from China. (22 Nov)

### USA

- Continuation of anti-dumping and anti-subsidy duties on imports of certain Steel Wheels from China. (18 Nov)

## **Chapter 96 – Miscellaneous manufactured articles**

### Trade remedial actions against India

#### USA

*Initiation of anti-dumping and anti-subsidy investigations into imports of Hard Empty Capsules from Brazil, China, India, and Vietnam. (20 Nov)*

The USDOC has initiated investigations into the alleged dumping and subsidization on imports from India, among other countries. The petition requesting initiation of investigations was filed by Lonza Greenwood LLC on 24<sup>th</sup> October 2024. The period of investigation is 1<sup>st</sup> October 2023 to 30<sup>th</sup> September 2024 for the anti-dumping investigation, and 1<sup>st</sup> January 2023 to 31<sup>st</sup> December 2023 for the anti-subsidy investigation.

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

### TPM Consultants

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



[011 – 4989 2200](tel:011-49892200)



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



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



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& Consultants](#)