
ADHYATAN

TPM NEWSLETTER

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Key Highlights

India

CBIC raises threshold for filing appeals before CESTAT and courts

In order to reduce the number of litigations, the Central Board of Indirect Taxes and Customs (CBIC) has increased the threshold for filing appeals by the Department to ₹ 50 lakhs. The thresholds for appeals in the high courts and the Supreme Court have also been increased to ₹ 1 crore and ₹ 2 crore, respectively. However, these thresholds will not apply in matters where the constitutional validity of the provisions of an Act or Rule are being challenged.

WTO

Trade Policy Review of Chinese Taipei (07 Nov)

On 7th November 2023, the WTO Secretariat published its fifth Trade Policy Review of Chinese Taipei. Presently, the country has 19 anti-dumping measures in place. Chinese Taipei has a limited number of RTAs and economic cooperation agreements. It occupies a critical position in most global supply chains and benefited from strong global demand for electronic parts and components during the COVID-19 pandemic.

Trade Policy Review of Türkiye (13 Nov)

On 13th November 2023, the WTO Secretariat published its seventh Trade Policy Review of Türkiye. The review covered important changes in the structure of the Turkish economy and the growing role of trade. During the period from January 2016 to July 2022, Türkiye initiated 44 anti-dumping investigations and imposed 1 provisional measure and 33 definitive measures. Further, as of July 2022, 131 anti-dumping measures, affecting imports from 23 economies, especially from China, were in force. Additionally, the country has 36 RTAs in force, and it has entered into new RTAs with many countries including United Kingdom.

Dispute panel established to review EU duties on imports of Biodiesel from Indonesia (27 Nov)

Indonesia submitted its second request for the establishment of a panel to determine whether anti-subsidy duties imposed by the European Union on imports of Biodiesel from Indonesia are in line with the WTO rules. Although the European Union argued that the measures are fully justified, the Dispute Settlement Body (DSB) has agreed to establish the panel.

Imposition of Provisional Measures – Need of the Hour

- The imposition of trade remedial measures may reasonably take upto 30 months from the time at which the industry started suffering.
- To allow for early relief, the Anti-Dumping Agreement provides for, (a) consideration of shorter investigation periods, (b) imposition of provisional measures, and (c) retrospective imposition of measures.
- The consideration of the above can reduce the period in which relief is administered to 14-16 months. Thus, the imposition of provisional measures is necessary to safeguard the interests of the domestic industry.
- Even if, in the final determination, it is found that no measures are necessary, or the quantum of duty determined is lower, an importer may seek refund of the excess duties paid. Therefore, provisional measures do not adversely impact the interests of other parties.
- While provisional measures may be imposed for upto 6 months, the duration may be extended for an additional 3 months, if a significant number of exporters involved in the investigation agree to the same.
- Other jurisdictions such as US, Canada and Australia are mandatorily required to issue preliminary findings in each investigation. Further, European Union also imposes provisional duties in majority of the cases. There is a need for similar approach to be adopted in India.

The imposition of trade remedial measures in the form of anti-dumping duty or anti-subsidy duty involves a lengthy process. As a result, the domestic industry does not get relief against unfairly priced imports for the duration of the investigation. Provisional measures are intended to provide immediate relief to the domestic industry, within a short duration of time, and mitigate the continuous injury being faced by them.

Timelines involved in trade remedial investigations

A typical investigation process would span more than 2 years. Assume that an industry began suffering due to dumping in April 2022. Since the DGTR requires that applications should be filed with a period of investigation of one year, it implies that the domestic industry must at least furnish data upto March 2023, that is for financial year 2022-23 in its application.

An application is required to be filed within the end of four months from the end of the investigation period, that is in the present case, by June 2023. Normally, owing to extensive information required, most applicants are able to file applications very close to the deadlines. Thereafter, the Authority generally takes two months to initiate the investigation. This implies that, at the stage of initiation, 18 months have already lapsed since the period when the industry started suffering.

Post initiation, relevant information is called from the exporters, information provided by both domestic industry and exporters is verified, a public hearing is conducted with opportunity for written submissions and rebuttal submissions, and a Disclosure Statement is issued to allow parties an opportunity to defend their interests. Further, the Authority also conducts an economic interest analysis. It is only after these steps are completed that the DGTR is able to issue its final findings.

The law allows a period of one year for the completion of the investigation, which is further extendable by six months. While the DGTR has been making efforts to reduce the time involved in arriving at the final determination, a period of at least nine months can be considered reasonable time frame for completion of investigation. Thereafter, the Ministry of Finance considers the final findings. The Ministry of Finance is given a period of three months to consider the recommendations. In effect, this means that the domestic industry receives a relief from unfair competition after a total of 30 months from the time it started suffering injury. Therefore, an industry that started suffering injury due to unfair dumping in April 2022 would receive relief in, at best, September 2024.

Reliefs available under the law

The considerable time gap between the stage at which the industry starts suffering injury till the imposition of duty can lead to the injury to the domestic industry getting aggravated. In order to address such situations, the WTO laws and guidance provide a scope for early relief in terms of– (a) discretion to the Authority to consider shorter investigation period, of as low as six months; (b) imposition of provisional measures, any time after expiry of 60 days from the date of initiation of investigation; and (c) imposition of anti-dumping duty with retrospective effect. In effect, such measures would shorten the period of 30 months to only about 14-16 months.

However, under the Indian law, consideration of an investigation period shorter than one year is not permissible, except where adequate justification is provided. Thus, the only provision available under the Indian law to allow effective and quick respite to the domestic industry is that of imposition of provisional duties. Even though retrospective

imposition of measures is permissible under the Rules, India has not imposed anti-dumping duty on retrospective basis so far. Therefore, it would be in the larger interest of the applicant domestic producers to seek imposition of provisional measures, pending completion of the investigation.

Legal requirements concerning imposition of provisional measures

Under the WTO Anti-Dumping Agreement, the Indian Customs Tariff Act and the Indian Anti-Dumping Rules, provisional duties can be levied, subject to the following conditions.

- a. An investigation has been initiated in accordance with the requirements of the Agreement, with due notice to all parties, and an opportunity to submit relevant information.
- b. The Authority has made a preliminary determination about the existence of dumping and consequent injury to the domestic industry.
- c. The Authority finds that such measures are necessary to prevent injury being caused during the investigation.

Duration of the provisional measures

The provisional measures can be imposed after 60 days from the date of initiation of the investigation. Under the Indian law, the provisional measures can be imposed for a maximum period of 6 months, which can be extended by three months, for a total duration of 9 months. However, such period can be extended only if a significant number of exporters involved in the investigation agree to such extension.

It is interesting to note that in many instances, the exporters participating in the investigation seek multiple extensions for filing response to the questionnaires issued by the DGTR, thereby, extending the total duration of the investigation. For instance, in the ongoing investigation concerning Isobutylene-Isoprene Rubber (IIR), due to an extended time allowed for filing of comments on PUC/PCN, the responding exporters received a time of 160 days for filing their questionnaire responses, compared to the 30 days allowed under law.

The result of such extensions is the delay in availability of effective remedy to the affected domestic industry. In such a situation, the most favourable course of action would be that the exporters should be allowed an extension for filing their questionnaire responses only where they agree to an extension to the duration of the provisional measures, as provided in law. Unless a major proportion of exporters agree to a longer duration of provisional levy of duty of 9 months, no extension of time should be granted.

This would ensure that the none of the interested parties are adversely impacted due to the actions of the other interested parties.

Practice in various jurisdictions regarding provisional measures

The legal bar for imposition of provisional measures is quite low. Further, since any excess duty collected is refunded post final determination, no prejudice is caused to any stakeholder as a result of the imposition. As a result, most jurisdictions impose provisional measures, as a practice.

For instance, in USA, authorities are required by law to render their provisional findings within a period of 65 days of initiation in case of an anti-subsidy investigation and within 140 days in case of an anti-dumping investigation, though such period may be extended. Similarly, in case of Canada, the authorities are mandated by law to issue preliminary findings within 90 days from the date of initiation of investigation, while 60 days are allowed in Australia. Therefore, it is mandatory for the US, Canadian and Australian authorities to issue provisional findings in each case, and recommend imposition of provisional measures, where it preliminarily finds dumping or subsidization and consequent injury to the domestic industry.

On the other hand, in the European Union, it is not mandatory for the European Commission to impose provisional duties. However, the Commission has, in majority cases, issued provisional findings and imposed duties. Therefore, even where the investigating authority is not mandated by law to impose provisional duties, such duties are imposed in order to mitigate the injury being caused to the domestic industry while the investigation is going on. A similar approach is desirable in India as well.

Imposition of provisional duties is, thus, the most effective measure to ensure that injury being faced by an industry due to imports at unfair price does not continue or aggravate, pending the final decision of the Authority in a trade remedial investigation. While imposition would greatly benefit the suffering industry, it would not be a burden on the exporters or importers, who would receive a refund, if the rate of duties is reduced in the final determination. Thus, imposition of provisional duties would be the balancing measure, to ensure that no party unnecessarily suffers, as a result of any unfair trade practice.

- Aastha Gupta, Joint Partner
Ojasvi Nautiyal, Senior Associate

Foreign Trade Policy

Introduction of centralised Video Conference facility at DGFT Headquarters (06 Nov)

The DGFT has launched a centralized Video Conference facility (VC) at the DGFT headquarters from 8th November, every Wednesday from 10 am to 12 pm, where senior DGFT officers will be available to address matters that cannot be resolved by the various DGFT Regional Authorities (RAs).

Pilot Launch of the Upgraded Electronic Bank Realization Certificate (eBRC) system for self-certification by Exporters (10 Nov)

The DGFT has soft launched an electronic Bank Realisation Certificate (eBRC) system with effect from 15th November 2023 with the intent to further improve trade facilitation for exporters. It will enable exporters to reduce transaction time and costs, ease the burden on bankers by simplifying the reconciliation of Inward Remittance Messages with Shipping bills, SOFTEX, invoices, etc. and promote ease of doing business in general.

Trade Agreements

Indian Updates

India and Japan set to review the Rules of Origin under the India - Japan CEPA

India and Japan have decided to review the Rules of Origin and Product Specific Rules under the India-Japan CEPA. In this regard, the Commerce Ministry has sought inputs from various export promotion organizations to help identify how these rules could be modified to result in greater market access in Japan.

India and Sri Lanka relaunch talks on Economic and Technology Cooperation Agreement

India and Sri Lanka have resumed negotiations for the Economic and Technology Cooperation Agreement (ECTA) after the negotiations halted in 2018 after 11 rounds. The twelfth round of negotiations covered quotas on apparel, pepper and pharmaceuticals.

India and 13 other countries of the Indo-Pacific Economic Framework (IPEF) sign the Supply Chain Resilience Agreement

India and 13 other member countries, including the United States, of the Indo-Pacific Economic Framework have signed a first-of-its-kind Supply Chain Resilience Agreement. The Agreement would help member countries to reduce their dependency on China and mitigate risks of economic disruptions from supply chain shocks by providing timely information.

Global Updates

Iran and the Eurasian Economic Union finalise the terms of the free trade agreement

Iran and the EaEU have finalized the terms of the Free Trade Agreement after a series of negotiations. The FTA is expected to be signed soon and will come into effect in late March 2024. Under the agreement, 87% of the goods exchanged between Iran and Eurasia will likely attract zero tariffs.

The United Kingdom and Mexico agree to extend zero tariffs until free trade talks conclude

The UK and Mexico have agreed to extend mutual benefits of reduced or zero tariffs until conclusion of their free trade agreement. The agreement will come into effect from 1st January and will primarily benefit the food and automotive industry.

Bureau of Indian Standards

Amendment of Standards (01 Nov)

The Bureau of Indian Standards has notified amendment to certain standards including the standard **IS 5561 : 2018** Electric Power Connectors — Specification (First Revision) with effect from 16th October 2023. However, the previous unamended standard remained in force concurrently till 15th November 2023. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (01 Nov)

The Bureau of Indian Standards has notified substitution of certain standards including the following with effect from 02nd October 2023. However, the previous unamended standards will remain in force concurrently till 02nd April 2024. For a full list of products, please refer to the attached [link](#).

No., Year and Title of the Indian Standard established	No., Year and Title of the Indian Standard withdrawn
IS 2018 : 2023 Chemical Analysis of Calcium Silicon (Third Revision)	IS 2018 : 1998 Chemical Analysis of Calcium Silicon (Second Revision)
IS 2176 : 2023/ISO 1833-3 : 2020 Textiles — Quantitative Chemical Analysis — Mixture of Acetate with Certain other Fibres (Method Using Acetone) (Second Revision)	IS 2176 : 1988 Textiles — Binary Mixture of Cellulose Acetate and Certain other Fibres — Methods for Quantitative Chemical Analysis (First Revision)
IS 2782 : 2023 Refined Nickel — Specification (First Revision)	IS 2782 : 1964 Specification for Primary Nickel
IS 9279 : 2023 Aluminium Phosphide — Code of Safety (First Revision)	IS 9279 : 1979 Code of Safety for Aluminium Phosphide
IS 11169 (Part 2) : 2023 Steels for Cold Heading/Cold Extrusion Applications Part 2 Stainless Steels — Specification (First Revision)	IS 11169 (Part 2) : 1989 Steels for Cold Heading/Cold Extrusion Applications — Specification Part 2 Stainless Steels

Establishment of Standards (03 Nov)

The Bureau of Indian Standards has notified establishment of certain standards including the following with effect from 20th October 2023. For a full list of products, please refer to the attached [link](#).

No., Year and Title of the Indian Standard established	No., Year and Title of the Indian Standard withdrawn
IS 18363 : 2023 Zinc Solubilizing Bacterial Inoculant (Zn SBI) — Specification	N/A
IS 18440 : 2023 Isoprothiolane + Fipronil Emulsifiable Concentrate — Specification	N/A
IS 18441 : 2023 Lambdacyhalothrin + Thiamethoxam, ZC — Specification	N/A

Substitution of Standards (20 Nov)

The Bureau of Indian Standards has notified substitution of the following standards with effect from 15th November 2023. However, the previous unamended standards will remain in force concurrently till 15th February 2024.

No., Year and Title of the Indian Standard established	No., Year and Title of the Indian Standard withdrawn
IS 3566 : 2023 Textiles — Viscose Rayon Cut Staple (Spun) Yarn — Specification (Second Revision)	IS 3566 : 2022 Textiles — Viscose Rayon Cut Staple (Spun) Yarn — Specification (First Revision)
IS 3789 : 2023 Textiles — Bare Cloth Take-up Rollers for Plain Cotton Looms — Specification (First Revision)	IS 3789 : 1966 Specification for Bare Cloth Take Up Rollers for Plain Cotton Looms
IS 4909 : 2023 Textiles — Card and Gill Pins for Use in Jute Industry — Specification (Second Revision)	IS 4909 : 1990 Card and Gill Pins for Use in Jute Industry — Specification (First Revision)
IS 6268 : 2023 Textiles — Accessories for Use in Shuttles for Plain Calico Loom — Specification (First Revision)	IS 6268 : 1971 Specification for Accessories for Use in Shuttles for Plain Calico Looms

Substitution of Standards (20 Nov)

The Bureau of Indian Standards has notified substitution of the certain standards, including the following, with effect from 15th November 2023. For a full list of products, please refer to the attached [link](#).

- **IS 18453 : 2023/ISO 2558 : 2010** Textiles — Glass Chopped-Strand Mats for Reinforcement of Plastics — Determination of Time of Dissolution of the Binder in Styrene.
- **IS 18454 : 2023/ISO 2559 : 2011** Textile Glass — Mats (Made from Chopped or Continuous Strands) — Designation and Basis for Specifications.
- **IS 18455 : 2023/ISO 10618 : 2004** Carbon Fibre — Determination of Tensile Properties of Resin-Impregnated Yarn.
- **IS 18456 : 2023/ISO 15100 : 2000** Plastics — Reinforcement Fibres — Chopped Strands — Determination of Bulk Density

Non-Tariff Measures

India

Change in the effective date of the Copper Quality Control Order (03 Nov)

The Ministry of Mines has issued an amendment to the Copper Quality Control Order (QCO). The order shall now be applicable with effect from 01st June 2024.

Draft Gypsum-based Building Materials (Quality Control) Order, 2023 notified (17 Nov)

India has notified the WTO of its draft Quality Control Order concerning Gypsum based Building Materials falling under the IS 2095 (Part 1):2011, IS 17400:2021, IS 2095 (Part 2):2022, and IS 2095 (Part 3):2022. The draft order has been issued by the Ministry of Commerce and Industry, for seeking comments from WTO members within 60 days, that is by 16th January 2024. The measure would be adopted on the expiry of six months from the date of its publication in the Official Gazette. For micro and small enterprises, it shall come into force on the expiry of 12 months and 9 months from the date of publication respectively.

Steel Wires or Strands, Nylon or Wire Ropes, and Wire Mesh Quality Control Order (QCO) 2023 (22 Nov)

The Ministry of Commerce and Industry (Department of Promotion of Industry and Internal Trade) has issued Quality Control Order for Steel Wires or Strands, Nylon or Wire Ropes, and Wire mesh. The Orders shall come into force on expiry of 6 months from the date of its publication in the Official Gazette of India. However, for micro-enterprises, it shall come into force on the expiry of 12 months from the date of publication, and for small enterprises, it shall come into force on the expiry of 9 months from the date of publication.

Legal Metrology – Material Measures of Length (Quality Control) Order, 2023 (23 Nov)

The Ministry of Commerce and Industry (Department of Promotion of Industry and Internal Trade) has issued Quality Control Order for Legal Metrology – Material Measures of Length. The Order shall come into force on expiry of 6 months from the date of its publication in the Official Gazette of India. However, for micro-enterprises, it shall come into force on the expiry of 12 months from the date of publication, and for small enterprises, it shall come into force on the expiry of 9 months from the date of publication.

Change in the effective date of certain Quality Control Orders (30 Nov)

The Ministry of Mines has issued amendments to the following Quality Control Orders.

1. Aluminium and Aluminium Alloys (Quality Control) Amendment Order, 2023.
2. Nickel (Quality Control) Amendment Order, 2023.

The Orders now shall be applicable with effect from 01st June 2024.

Global

China

National Standards on values of energy efficiency and grades of energy efficiency for Power transformers, Cage three phase High Voltage Induction Motor and Permanent Magnet Synchronous Motors. (22 Nov)

The State Administration for Market Regulation (Standardization Administration of the P.R.C.), China has specified minimum allowable values and grades of energy efficiency for various types and grades of power transformers, cage three phase high voltage induction motor and permanent magnet synchronous motors. The objective of this measure is the protection of the environment and productivity enhancement.

Trade Remedial Actions

India

Chapter 28 – Inorganic chemicals

Continuation of anti-dumping duty on imports of Synthetic Grade Zeolite 4A (Detergent Grade) from China. (21 Nov)

The Central Government has issued notification continuing the anti-dumping duty on Synthetic Grade Zeolite 4A from China. The continuation of anti-dumping duty was recommended by DGTR vide Final Findings F. No. 7/14/2022-DGTR, dated 12th September 2023. The anti-dumping duty imposed is in the range of USD 163.90 per MT to USD 207.72 per MT.

Chapter 29 – Organic chemicals

Final Findings issued in the sunset review of anti-dumping duty on the imports of Meta Phenylene Diamine (MPDA) from China. (23 Oct)

The DGTR has issued final findings recommending continuation of anti-dumping duty on imports of Meta Phenylene Diamine (MPDA) from China. The application for initiation of second sunset review was filed by Aarti Industries Limited. The DGTR concluded that dumping from China has continued and has caused injury to the domestic industry, as the profitability of the domestic industry declined. Further, there is likelihood of continuation of dumping and injury in absence of duty in view of significant exports at dumped and injurious prices from China to third countries, price attractiveness of the Indian market and surplus capacities held by Chinese producers.

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

Change in quantum of anti-dumping duty on imports of Natural Mica-based Pearl Industrial Pigments excluding Cosmetic Grade from China. (22 Nov)

The Central Government has modified the quantum of anti-dumping duty applicable on imports of Natural Mica-based Pearl Industrial Pigments excluding Cosmetic Grade from China. The change in quantum of anti-dumping duty was recommended by DGTR vide Final Findings F. No. 7/17/2022-DGTR, dated 27th September 2023. The anti-dumping duty imposed is now in the range of USD 299 per MT to USD 3,144 per MT.

Chapter 70 – Glass and glassware

Imposition of anti-dumping duty on imports of Toughened Glass for Home Appliances having thickness between 1.8 MM to 8 MM and area of 0.4 SqM or less from China. (17 Nov)

The Central Government has imposed anti-dumping duty on imports of Toughened Glass for Home Appliances having thickness between 1.8 MM to 8 MM and area of 0.4 SqM or less from China. The imposition of anti-dumping duty was recommended by DGTR vide Final Findings F. No. 06/10/2022-DGTR, dated 28th August 2023. The anti-dumping duty imposed is in the range of USD 41.8 per MT to USD 243 per MT.

Final Findings issued in the sunset review of anti-dumping duty imposed on imports of Textured Tempered Coated and Uncoated Glass from Malaysia. (25 Nov)

The DGTR has issued final findings recommending not to continue the current anti-dumping duties on imports of Textured Tempered Coated and Uncoated Glass from Malaysia. The sunset review was initiated on 19th September 2023, pursuant to an application by Borosil Renewables Limited. The DGTR concluded that it is not appropriate to continue the existing anti-dumping duty on imports of goods from Malaysia, in view of absence of current as well as likelihood of dumping and injury to the domestic industry.

Global

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

Trade remedial actions against India

USA

Initiation of anti-subsidy investigation into imports of Frozen Warmwater Shrimp from Ecuador, India, Indonesia and Vietnam, and anti-dumping investigation into imports from Ecuador and Indonesia. (21 Nov)

The USDOC has initiated an anti-subsidy investigation into imports from Ecuador, India, Indonesia and Vietnam. The period of investigation is 01st January 2022 to 31st December 2022. The application requesting initiation of investigation was filed by American Shrimp Processors Association.

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

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping and anti-subsidy duties on imports of Ripe Olives from Spain. (03 Nov)

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

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. (20 Nov)

The USDOC has determined that Indian exporters were not dumping the goods in USA during the period of review, that is 1st June 2021 to 31st May 2022. Accordingly, a dumping margin of 0% was determined for Pokarna Engineered Stone Limited and Marudhar Rocks International Private Limited / Marudhar Quartz Surface Private Limited.

Chapter 28 – Inorganic chemicals

USA

- Continuation of anti-dumping duty on imports Silicon Metal from China. (29 Nov)

Chapter 29 – Organic Chemicals

Trade remedial actions against India

USA

Final affirmative determination issued by the USDOC in the administrative review of anti-dumping duty on imports of Glycine from India. (13 Nov)

The USDOC has determined that Indian exporters were dumping the goods in USA during the period of review, that is 01st June 2021 to 31st May 2022. The dumping margin of 5.29% was determined for Avid Organics Private Limited and Paras Intermediates Private Limited, and 57.17% for Kumar Industries/Rudraa International.

Chapter 30 – Pharmaceutical Products

Argentina

- Continuation of anti-dumping duty on imports of Parenteral Solutions containing Sodium Chloride or Dextrose from Brazil and Mexico. (27 Nov)

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

Trade remedial actions against India

USA

Preliminary negative determination issued by the USDOC in the new shipper review concerning anti-dumping duty on imports of Carbazole Violet Pigment 23 from India. (24 Nov)

The USDOC has preliminarily determined that Sudarshan Chemical Industries Limited, a new exporter of the goods represented by [TPM Consultants](#), was not dumping the goods in USA during the period of review, that is 01st December 2021 to 30th November 2022. Accordingly, a dumping margin of 0% was determined for the exporter.

Other trade remedial actions

Madagascar

- Imposition of safeguard measures on imports of Paints. (13 Nov)

Chapter 37 – Photographic or cinematographic goods

USA

- Preliminary affirmative determination issued by the USITC in the anti-dumping and anti-subsidy investigations into imports of Aluminum Lithographic Printing Plates from China and Japan. (13 Nov)

Chapter 38 - Miscellaneous chemical products

USA

- Continuation of anti-dumping duty on imports Certain Activated Carbon from China. (30 Nov)

Chapter 40 – Rubber and articles thereof

Trade Remedial actions against India

Argentina

Imposition of anti-dumping duty on imports of Bicycle Rubber Tyres from India (22 Nov)

The Ministry of Economy has issued its final resolution for imposition of anti-dumping duty on imports from India. A final duty rate of 16.29% was determined for the sole cooperating producer Ralson India Limited as well as other Indian exporters. The application requesting the imposition of duty was filed by Neubor SA and Imperial Cord SA. In its preliminary determination, the Ministry of Economy had determined a duty rate of 31.99%.

Other trade remedial actions

China

- Initiation of expiry review of anti-dumping duty on imports of Acrylonitrile-Butadiene Rubber or NBR from South Korea and Japan. (08 Nov)

USA

- Initiation of anti-dumping investigation on imports of Truck and Bus Tires from Thailand. (14 Nov)

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

Trade remedial actions against India

USA

Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of certain Paper Shopping Bags from India and China. (06 Nov)

The USDOC has preliminarily determined that Aero Plast Packaging Solutions Private Limited and Velvin Paper Products have received countervailable subsidies during the period of investigation, that is 01st January 2022 to 31st December 2022. The USDOC determined a subsidy margin of 5% for Aero Plast Packaging Solutions Private Limited, 2.37% for Velvin Paper Products and 3.47% on all other exporters. The USDOC also determined subsidy margins in the range of 12.43% to 144.03% for Chinese exporters.

Initiation of administrative reviews of anti-dumping and anti-subsidy duties on imports of Lined Paper Products from India. (15 Nov)

The USDOC has initiated administrative reviews of anti-dumping and anti-subsidy duties on imports from India. The review for anti-dumping duty has been initiated for 11 Indian exporters, while the review for anti-subsidy duty has been initiated for only Navneet Education Limited. In the previous investigation, the USDOC determined a dumping margin of 23.17%.

Imposition of anti-dumping duty on imports of Paper File Folders from China, India and Vietnam, and anti-subsidy duty on imports from India. (21 Nov)

Pursuant to the affirmative determinations issued by the USDOC and USITC, the USDOC has issued orders for imposition of anti-dumping and anti-subsidy duties. Dumping margin in the range of 17.22% to 86.01% has been determined for the Indian exporters. Country-wide dumping margin of 192.70% has been determined for the Chinese exporters and upto 233.93% for Vietnamese producers. The USDOC has also determined subsidy margin of 3.78% for Navneet Education Limited and 90.08% for Lotus Global Private Limited.

Other trade remedial actions

Mexico

- Preliminary affirmative determination issued in the expiry review of anti-dumping duty on imports of Cut Bond Paper from Brazil. (01 Nov)

USA

- Continuation of anti-dumping duty on imports certain Folding Gift Boxes from China. (30 Nov)

Chapter 52 – Cotton

Indonesia

- Initiation of safeguard investigation into imports of Cotton Yarn and Cotton Fabric. (01 Nov)

Chapter 54 – Man-made filaments; strip and the like of man-made textile materials

Trade remedial actions against India

Vietnam

Affirmative determination in the mid-term review of anti-dumping duty on imports of Long Fibre Products made of Polyester from China, India, Indonesia and Malaysia. (01 Nov)

The Ministry of Industry and Trade determined that there was a need to continue the anti-dumping duty on imports from China, India, Indonesia and Malaysia. The Ministry continued the duties at the rate of 54.90% for Indian exporters, 21.94% for Indonesian exporters and 21.45% for Malaysian exporters. However, the Ministry increased the duty rates for certain Chinese exporters. The duties were first imposed on 13th October 2023.

Other trade remedial actions

Indonesia

- Initiation of safeguard investigation into imports of Woven Fabrics of Artificial Filament Yarn and Artificial Filament Yarn. (01 Nov)

Chapter 57 – Carpets and other textile floor coverings

Indonesia

- Continuation of safeguard measure on imports of Carpets and Other Textile Floor Coverings. (09 Nov)

Chapter 72 - Iron and steel

Canada

- Initiation of sunset review of anti-dumping and anti-subsidy duties on imports of certain Cold-Rolled Steel from China, South Korea and Vietnam. (15 Nov)

Türkiye

- Initiation of safeguard investigation into imports of Wire Rods. (08 Nov)

USA

- Initiation of sunset review of anti-dumping duty on imports of Clad Steel Plates from Japan. (01 Nov)

USA

- Initiation of sunset review of anti-dumping duty on imports of Silicomanganese from China and Ukraine. (01 Nov)
- Initiation of sunset review of anti-dumping duty on imports of Steel Concrete Reinforcing Bars from Belarus, China, Indonesia, Latvia, Moldova, Poland and Ukraine. (01 Nov)

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

USA

Final determination issued by the USDOC in the administrative review of anti-dumping duty on imports of Carbon and Alloy Steel Threaded Rods from India. (02 Nov)

The USDOC has determined that Indian exporters, except one responding exporter, were dumping the goods in the USA during the period of review, that is 1st April 2021 to 31st March 2022. While Kanika Exports was not found to be dumping, a dumping margin of 2.37% was determined for R K Fasteners (India) and other exporters.

Preliminary determination issued by the USDOC in the administrative review of anti-dumping and anti-subsidy duties on imports of Stainless-Steel Flanges from India. (06 Nov)

The USDOC has preliminarily determined that Indian exporters were not dumping the subject goods in USA during the period of review, that is 01st October 2021 to 30th September 2022. However, the USDOC determined that the Indian exporters received countervailable subsidies during the period of review, that is 01st January 2021 to 31st December 2021. Subsidy margin of 2.60% was determined for Chandan Steel Limited, 4.04% for Pradeep Metals Limited and 2.82% for BFN Forgings Private Limited.

Final affirmative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping duty on imports of certain Welded Carbon Steel Standard Pipes and Tubes from India, by goods completed in Vietnam using hot-rolled steel produced in India. (09 Nov)

The USDOC has determined that imports of certain Welded Carbon Steel Standard Pipes and Tubes, completed in Vietnam using hot-rolled steel produced in India were circumventing the anti-dumping duty order imposed on Indian exports, on a country wide basis. The duties on Indian exports have been in place since May 1986.

Initiation of administrative reviews of anti-dumping and anti-subsidy duties on imports of certain Oil Country Tubular Goods from India. (15 Nov)

The USDOC has initiated administrative reviews of anti-dumping and anti-subsidy duties on imports from India. In the previous investigation, the USDOC determined that Jindal SAW Limited, the sole company for which the review was requested, had made no shipments of certain Oil Country Tubular Goods during the period of review.

Preliminary determination issued by the USDOC in the anti-dumping investigation into imports of Non-Refillable Steel Cylinders from India. (24 Nov)

The USDOC preliminarily determined that INOX India Limited, represented by [TPM Consultants](#), was not dumping the goods in USA during the period of investigation, that is 01st April 2022 to 31st March 2023. However, the USDOC determined a dumping margin of 61% for Bhiwadi Cylinders Private Limited / Sapphire (India) Private Limited and 33.62% for all other Indian exporters.

Other trade remedial actions

Australia

- Initiation of sunset review of anti-dumping duty on imports of certain Hot-Rolled Structural Steel Sections from Japan, South Korea, Taiwan and Thailand (22 Nov).

Canada

- Final affirmative determination issued by the CBSA and CITT in the anti-dumping and anti-subsidy investigations into imports of certain Wind Towers from China. (02 and 17 Nov)

Eurasian Economic Union

- Affirmative determination issued in the expiry review of anti-dumping duty on imports of Cold-Worked Seamless Pipes and Tubes of Stainless Steel from China and Malaysia. (16 Nov)

Morocco

- Continuation of safeguard measures on imports of Tubes and Pipes of Iron or Steel. (06 Nov)

UK

- Initiation of transition review of anti-dumping duty on imports of certain Cast Iron Articles from China. (23 Nov)

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Drawn Stainless Steel Sinks from China. (01 Nov)
- Affirmative determination issued by the USDOC in the sunset review of anti-dumping and anti-subsidy duties on imports of Cast Iron Soil Pipe Fittings from China. (06 Nov)
- Final affirmative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping duty on imports of Light-Walled Welded Rectangular Carbon Steel Tubing from China, South Korea and Taiwan, by goods completed in Vietnam. (09 Nov)
- Final affirmative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports of Circular Welded Carbon Quality Steel Pipes from China, by goods completed in Vietnam using hot-rolled steel produced in China. (09 Nov)
- Final affirmative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping duty on imports of certain Circular Welded Non-Alloy Steel Pipes from South Korea, by goods completed in Vietnam using hot-rolled steel produced in South Korea. (09 Nov)
- Preliminary affirmative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports Non-Refillable Steel Cylinders from China, by imports of cylinders with water capacities between 100 and 299 cubic inches. (21 Nov)

Chapter 74 – Copper and articles thereof

Canada

- Continuation of anti-dumping and anti-subsidy duties on imports of Copper Pipe Fittings from Vietnam. (22 Nov)

Chapter 76 – Aluminium and articles thereof

Trade remedial actions against India

USA

Final determination issued by the USDOC in the administrative review of anti-dumping and anti-subsidy duties on imports of Common Alloy Aluminium Sheets from India. (06 Nov)

The USDOC has determined that Hindalco Industries Limited received countervailable

subsidies during the period from 14th August 2020 to 31st December 2021. The subsidy margin for Hindalco was determined as 37.90% for 2020 and 32.43% for 2021. However, the USDOC determined the Indian exporters were not dumping the subject goods during the period.

Affirmative 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, Turkey, United Arab Emirates and Vietnam, and in the anti-subsidy investigation into imports from China, Indonesia and Mexico, and termination of investigation into imports from Dominican Republic. (21 Nov)

The USITC has determined that the industry in the USA is materially injured by imports from India, among other countries. Further, the USITC determined that imports from Türkiye were threatening to cause material injury to the industry. The USDOC would now issue orders for imposition of duties.

Other trade remedial actions

Eurasian Economic Union

- Initiation of anti-circumvention investigation concerning anti-dumping duty on imports of Aluminium Alloy Strips from Azerbaijan and China, by classifying goods under tariff items 7606 11100 and 7607 11900. (29 Nov)

USA

- Final affirmative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports of certain Aluminum Foils from China, by goods exported from South Korea and Thailand. (27 Nov)

Chapter 84 - Machinery and mechanical appliances; electrical equipment; sound recorders and reproducers, television image and sound recorders and reproducers

UK

- Initiation of anti-dumping duty investigation into imports of certain Excavators from China. (15 Nov)

Chapter 86 – Railway or tramway locomotives, rolling-stock; railway or tramway track fixtures and fittings; mechanical traffic signalling equipment

USA

- Imposition of anti-dumping duty on imports of certain Freight Rail Couplers and Parts thereof from Mexico. (15 Nov)

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

Trade remedial actions against India

USA

Preliminary determination issued by the USDOC in the anti-dumping investigation into imports of Boltless Steel Shelving United Prepackaged for Sale from India, Malaysia, Taiwan, Thailand and Vietnam. (29 Nov)

The USDOC has preliminarily determined that the Indian exporters were not dumping the goods in USA during the period of investigation, that is 01st April 2022 to 31st March 2023. The sole responding exporter, Triune Technofab Private Limited, was found not to be dumping. However, the USDOC determined that exporters from Malaysia, Taiwan, Thailand and Vietnam were dumping the goods in USA.

About Us

TPM was founded in 1999 at a time when the practice of trade remedies in India was in its infancy and there were only a handful of firms in the field. While other firms added these services to their existing portfolios, TPM dealt exclusively in cases in the domain of trade remedies.

TPM began its journey with a staff of merely 2 professionals. Today, it has a team of more than 40 professionals including Cost Accountants, Chartered Accountants, Company Secretaries, Lawyers, Engineers and MBAs.

In its first two decades, TPM was primarily focused on providing consultancy in the field of trade remedies. TPM helps domestic producers suffering due to cheap and unfair imports into India to avail the necessary protection under the umbrella of the WTO Agreements. TPM also assists the domestic producers in other countries to avail similar measures in their respective countries. Besides assisting domestic producers in India and other countries, TPM also represents exporters and importers facing trade remedial investigations in India or other countries. TPM has assisted Indian exporters facing investigations in a number of jurisdictions such as China, Argentina, Brazil, Canada, Egypt, European Union, GCC, Indonesia, South Korea, Turkey and USA.

In the last few years, TPM's reputation has grown in other fields of non-tariff barriers, policy advocacy matters, foreign trade policy, business consulting and litigation. Its vast experience with industry leaders in various sectors puts it in a unique position to effectively and efficiently handle matters relating to policy advocacy before various government forums as well as business consulting. This has brought new avenues of growth for the TPM team and has helped industry find innovative solutions to complex problems.

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