
ADHYATAN

TPM NEWSLETTER

January 2024

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- ◆ WTO Panel report issued concerning retaliatory measures imposed by Türkiye against Section 232 measures by the USA.
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Key Highlights

India

CBIC launches ICEDASH for efficient customs clearance and better logistics planning

The Central Board of Indirect Taxes and Customs (CBIC) has launched ICEDASH, an Ease of Doing Business monitoring dashboard which provides an overview of the time taken for customs clearance for import and export cargo at all major customs ports. Through the dashboard, the clearance time of all bills of entry and shipping bills at all major seaports, air cargo complexes and inland container depots can be viewed. The portal is aimed to increase transparency and to allow the trade community to make decisions regarding effective logistics planning. The dashboard can be accessed through the CBIC website or the ICEGATE website.

WTO

India files appeal against WTO Panel report in case of ‘India – Tariff Treatment on Certain Goods’ (14 Dec)

On 14th December 2023, India notified the Dispute Settlement Body of its decision to appeal against the report of the Panel in the dispute initiated by European Union, concerning customs duties imposed by India on certain Information and Technology products. On 17th April 2023, the European Union, Japan and Taiwan successfully challenged the duties imposed by India and the WTO Panel held that the duties were violative of India’s commitments ¹. Earlier in 2023, India filed an appeal against the Report of the Panel in the dispute initiated by Japan.

WTO Committee on Regional Trade Agreements examines Regional Trade Agreements (27 Nov)

The WTO Committee on Regional Trade Agreements at its meeting considered seven regional trade agreements (RTAs). The Committee examined five existing RTAs between the UK and its trading partners namely Central American countries, the Southern African Customs Union (SACU) and Mozambique, Moldova, Albania and Georgia. The Committee took into consideration that all five RTAs reproduced the trade arrangements between the UK and the trading partners, before the UK’s withdrawal from European Union. The Committee also considered two RTAs between the European Free Trade Association and Ecuador and Indonesia.

¹ For more details, please refer our update regarding the decision of the Panel at the [link](#) herein.

Trade Remedial Measures – For a Limited Period or Perpetual

- As per WTO Agreements, anti-dumping / countervailing measures may be imposed for a period of five years, unless the investigating authority after review, determines that continuation of measures is appropriate, in view of likelihood of continuation or recurrence of dumping / subsidization and injury, in the absence of duties.
- Jurisdictions such as Canada, European Union and USA have had duties in force against certain products since before 1995. Therefore, the duties have continued to be in force for more than 25 years, and in some cases, even more than 35 years.
- India has continued duties for more than 15 years only in 16 cases, which is lower than that in other jurisdictions.
- Continuation of duty is appropriate as long as the unfair practice continues, or likelihood of its recurrence remains. For instance, even though China became a member of the WTO in 2001, it remains a non-market economy due to government control. In such a situation, even after imposition of duties for longer period, the likelihood of dumping or subsidization may subsist.
- The period for which duty has been in force is irrelevant to the determination.

A WTO member may impose trade remedial measures against imports from another member country, in case of unfair trade practices such as dumping or countervailable subsidies provided in the exporting country. The Anti-Dumping Agreement and the Agreement on Subsidies and Countervailing Measures state that a duty shall be imposed only for a period of five years, unless an investigating authority, after conducting a review, determines that expiry of duty is likely to lead to dumping / subsidization and consequent injury. Pursuant to such determination, the duty may be continued for a further period of five years. However, no upper limit has been prescribed regarding the period for which the duty shall remain in force.

Practice in various countries

A number of countries have imposed anti-dumping duty and countervailing duty for a long period of time in view of likelihood of continuation or recurrence of dumping / subsidization and injury to the domestic industry. For example, the USA imposed anti-dumping duty on imports of Welded Carbon Steel Standard Pipes and Tubes from India

in May 1986, European Union imposed anti-dumping duty on imports of Silicon Metal from China in July 1990, Canada imposed anti-dumping duty on imports of certain Refined Sugar from Denmark in November 1995 and India imposed anti-dumping duty on imports of Measuring Tapes from China in October 2003. Such duties have remained in force till date.

Further, it is a common practice in a number of jurisdictions to impose anti-dumping duty and continue such duties for a long period till they hold that there is no likelihood of dumping and injury to the domestic industry. More than 60 products have been subject to anti-dumping duty for over 15 years in the USA, while more than 30 products have been subject to duties over such duration in the European Union. While in India more than 50 products have been subject to anti-dumping duty for more than 10 years, about only 16 products have been subject to anti-dumping duty over 15 years.

Thus, the law as well as the practice of member countries is clear that anti-dumping duty or countervailing duty may remain in force till there is likelihood of dumping / subsidization and injury in case of expiry of such duty. There is no upper bar on the time limit for which anti-dumping duty or countervailing duty can be levied on imports of a product.

Should the measures continue in perpetuity

The question that arises, therefore, is whether the measures can continue in perpetuity. Since anti-dumping duties are remedial measures, such measures should continue to remain in force till the time the exporters of the product are engaged in unfair trade practices of dumping leading to or likely to lead to injury to the domestic industry.

The necessity of imposing trade remedial measures for a longer period is also due to the Government practices. In a number of cases, where, countervailing duty has been levied by the importing member country, the Governments of the exporting countries have not ceased provision of countervailable subsidies to the producers in their countries.

Another instance is of China, which became a member of WTO on 11th December 2001. However, it is still being treated as a non-market economy country due to substantial government control of the economy. The prices of products in China are not decided as per the market principles which provides competitive advantage to the producers in China. Further, the utilities are controlled by the Government and offered at prices less than the international prices. In such a case, the producers in the importing market economy country will not be able to compete with producers in the non-market economy

country, necessitating duties for a longer period. Therefore, in case of a situation where the unfair practice has not abated or likelihood of its recurrence and injury as a result of the same remains, the question of withdrawal or discontinuation of duty does not arise.

Different situation for safeguard measures

While anti-dumping duty or countervailing duty are remedial measures levied by the Government in case of unfair trade practices adopted by the producers in the exporting country; safeguard measures, on the other hand are protective measures which are aimed to protect the domestic industry from significant increase in imports due to unforeseen circumstances and to allow adjustment to such imports. Accordingly, the Agreement on Safeguards states that the safeguard measures should be applied only for a period necessary to prevent or remedy serious injury, and should not exceed a period of four years unless extended. Further, even after extension, the total duration of levy cannot exceed eight years. Thus, safeguard measures being protective in nature, the upper limit for the total duration for which the measures can be in force has been prescribed.

Therefore, the need for continuation of duties arises in case there is positive evidence showing likelihood of continuation or recurrence of dumping / subsidization and injury. While the performance of the domestic industry might have improved during the tenure of the duty, it does not mean that there is no need for continuation of the duty in force. Once the duty expires, the industry might once again suffer injury as a result of unfair trade practices. The same also cannot be considered to be an inefficiency on the part of the domestic industry, since the underlying consideration is whether the industry is faced with unfair competition.

It should also be considered that once duties expire, it takes at least two years until the industry can be protected again from the unfair imports by re-imposition of duties, considering the minimum period of investigation of one year, and an investigation spanning another year. Thus, continued imposition of duties may be imperative for a longer period, where unfair practices continue, that is, there is likelihood of dumping / subsidization and injury in case of cessation of the duty. The period for which the duty has been in force is entirely irrelevant to such determination.

- Divya Nair, Joint Partner
Salil Arora, Senior Associate

From the WTO Panel

Türkiye – Additional Duties on Certain Products from the United States

WT/DS561/R

Report dated 19th December 2023

- Additional tariffs imposed by the U.S. on Türkiye under Section 232 were not safeguard measures. Accordingly, no retaliatory measures could be invoked in response to the same under the Agreement on Safeguards.
- Imposition of additional duties by Türkiye on imports from the U.S. in retaliation to the Section 232 duties, were violative of the GATT.
- This is because the additional duties imposed by Türkiye conferred an advantage to imports from other countries in the form of lower duties, which was not extended to the U.S.
- Further, the duties were in excess of the bound rates, as per Schedule of Commitments agreed to by Türkiye.

The WTO Panel, in its recent report issued in December, found that the additional duties imposed by Türkiye in retaliation to the U.S. Section 232 measures on steel and aluminium products were inconsistent with its Most Favoured Nation Treatment and Schedule of Commitments. The report of the Panel is consistent with the similar findings of the WTO Panel in *China – Additional Duties on Certain Products from the United States*, issued in August 2023.

Background of the Dispute

Between March and August 2018, USA imposed additional 25% and 15% customs duties on imports of steel and aluminium products respectively on several countries including Türkiye, under Section 232 of the Trade Expansion Act of 1962 (“Section 232 measures”).

As a retaliatory measure, Türkiye implemented a decree in June 2018 which imposed additional duties on products from USA. The additional duties impacted 479 tariff lines at the 12-digit level, including nuts, rice, food preparations, ethyl alcohol, tobacco, coal, beauty and make-up preparations, certain chemical substances, firewood, certain paper products, certain kinds of pumps, certain x-ray parts, and certain automotive parts (“Türkiye’s measures”).

Arguments by the parties

USA contended that Türkiye's measures were inconsistent with Articles I:1 of GATT as Türkiye did not grant Most Favoured Nation Treatment to USA. While the advantage of lower tariffs was granted to products imported from other countries, imports from USA were deprived of the same and a less favourable treatment was granted to imports from USA. Further, Türkiye's measures were inconsistent with Articles II:1(a) and II:1(b) of the GATT since the additional duties imposed by Türkiye were in excess of the rates specified by Türkiye in its Schedule of Commitments.

On the other hand, Türkiye argued that the Section 232 measures imposed by USA on steel and aluminium products constitute safeguard measures under the Agreement on Safeguards. Following the imposition of the measures, Türkiye requested USA for consultation, but the same was not concluded. Therefore, in absence of agreement between the parties, Türkiye argued that it was authorized to suspend its concessions and other obligations under the WTO Agreement as per Article 8.2 of the Agreement on Safeguards and Article XIX:3(a) of the GATT 1994. Accordingly, Türkiye's measures were not violative of Articles I:1, II:1(a) and II:1(b) of GATT.

Decision of the Panel

The Panel considered the arguments put forward by both parties. With regards to the issues in question, the Panel observed as below -

- a. Whether Section 232 measures constitute safeguard measures and whether Turkey was authorised to impose retaliatory measures: The Panel held that the Section 232 measures imposed by USA were measures towards national security which were covered under Article XXI of the GATT. These measures were not safeguard measures covered under the Agreement on Safeguard. Thus, Türkiye's retaliation measures were not covered under Article 8.2 of the Agreement on Safeguard and Türkiye was not authorised to suspend its obligations under the GATT.
- b. Whether Türkiye's measures were inconsistent with Article I:1 of GATT: It was observed that the Türkiye's measures are exclusively applicable to USA, to their disadvantage. As a result, products imported from countries other than USA were accorded a more advantageous treatment. Therefore, Turkey's measures were violative of its Most Favoured Nation Treatment obligation and were inconsistent with Article I:1 of GATT.

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- c. Whether Turkey's measures were inconsistent with Articles II:1(a) and II:1(b) of GATT: The Panel finally observed that Turkey's measures resulted in imposition of ordinary customs duties on imports from USA in excess of the bound rates as per its Schedule of Commitments. Hence, the measures violated Articles II:1(a) and II:1(b) of GATT.

Conclusion

The findings of the Panel are consistent with the previous findings of the WTO Panel wherein additional measures imposed by China in retaliation of the Section 232 measures was successfully challenged by USA.

It is to be seen whether Turkey decides to appeal the Panel Report which would result in the dispute being unresolved due to non-functional status of the Appellate Body.

In similar cases involving retaliatory measures imposed by Mexico, Canada, and India, the dispute brought by USA has been resolved by mutually agreed solution. In the case involving European Union, the dispute before the WTO has been suspended, while in the case involving retaliatory measures by Russia, the Panel report is awaited.

Foreign Trade Policy

Extension of last date for submitting applications under Amnesty Scheme (05 Dec)

The DGFT had extended the last date for submitting applications under the Amnesty Scheme till 31st December 2023. Authorization holders were advised not to wait till their requests are decided by the PRC/ECPG Committee, and to submit their request for closure of default in export obligation under the scheme by such date. The DGFT has also notified that the last date for filing applications would not be extended further.

Introduction of centralised Video Conference facility at DGFT Headquarters (26 Dec)

The DGFT has notified extension of transition period for mandatory filing of Non-Preferential Certificate of Origin (CoO) electronically through the Common Digital Platform. The transition period has been extended to 31st December 2024.

Clarification issued on applicability of ad-hoc norms under advance authorization (27 Dec)

The DGFT has issued a Policy Circular to clarify that ad-hoc norms issued after 1st April 2015 will apply to all pending applications filed under self-declaration scheme of advance authorisation on or after 1st April 2015. However, such clarification does not apply to items listed under Appendix 4P.

Trade Agreements

Indian Updates

India and Oman set to sign a Comprehensive Economic Partnership Agreement

India and Oman are set to sign a free trade agreement in January 2024. The two countries recently concluded second round of talks for a Comprehensive Economic Partnership Agreement. Through the CEPA, India aims to boost its major export sectors such as motor gasoline, iron and steel products, electronics, machinery, textiles, plastics and essential oils. Currently, almost 80% of exports from India are subject to average 5% import duties in Oman.

India and the United Kingdom agree to hold 14th round of negotiations for India-UK free trade agreement

On 15th December 2023, India and the United Kingdom concluded the thirteenth round of negotiations over the free trade agreement and are set to begin the next round in January 2024. The Agreement has encountered certain multiple obstacles such as issuance of visa and regulating movement of professionals and duties on automobiles and electronic vehicles. This has resulted in the agreement being delayed by more than a year from its original deadline.

Global Updates

Eurasian Economic Union and Iran sign a free trade agreement

The Eurasian Economic Union (EAEU) and Iran signed a free trade agreement on 25th December 2023. The agreement aims to eliminate customs duties on almost 90% of goods. Upon coming into full effect, the agreement will permanently replace the interim free trade agreement signed between the two sides in 2019, which is currently in force.

The United Kingdom and Switzerland sign the Bern Financial Services Agreement

The United Kingdom and Switzerland have signed a financial services trade agreement, termed as the Bern Financial Services Agreement. The agreement is a first of its kind, aimed at boosting international competitiveness, streamlining business ties between financial firms and individuals across borders, and improving cross-border access to various financial services.

European Union and Chile sign trade and political agreements

The European Union and Chile have signed the Advanced Framework Agreement and an Interim Trade Agreement. The Agreements are intended to strengthen political cooperation and foster trade and investment between the two sides, by eliminating tariffs on 99.9% of goods entering Chile. The Interim Agreement, which replicates the trade and investment sections of the Advanced Framework Agreement, will expire once the Framework Agreement enters into force.

European Union and Kenya sign the Economic Partnership Agreement

Kenya and the European Union have signed a free trade agreement with an aim to increase the flow of goods between the two markets. The agreement allows Kenya a duty-free and quota-free access to the European markets, while European Union aims to receive benefit from progressive tariff reductions.

Singapore signs free trade agreement with Mercosur Bloc

Singapore and the Mercosur countries have signed the Mercosur/Singapore Free Trade Agreement during a summit held in Rio de Janeiro. The agreement aims to facilitate greater trade flows through lower tariffs, establishing transparent investment conditions and simplification of export and import procedures.

The Gulf Cooperation Council and South Korea sign a free trade agreement

The Gulf Cooperation Council and South Korea have signed a free trade agreement. Under the agreement, South Korea has committed to remove duties on almost 90% tariff lines, including liquefied natural gas (LNG). The Gulf States commit to eliminate tariffs on 76.4% of traded products.

China and Singapore sign Protocol for Further Upgrading their FTA

China and Singapore have signed the Protocol for Further Upgrading the China-Singapore FTA. Through the Protocol, both parties have committed to open up their respective services and investment sectors in the form of negative lists, and further expand cooperation in fields such as the digital economy.

Bureau of Indian Standards

Establishment of Standards (04 Dec)

The Bureau of Indian Standards has notified establishment of certain standards, including the standard **IS 18531 : 2023** Textiles — Jute and Polypropylene Union Bags for Packing 50 kg Food Grains — Specification following with effect from 01st December 2023. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (04 Dec)

The Bureau of Indian Standards has notified substitution of certain standards, including the following with effect from 21st November 2023. However, the previous unamended standards will remain in force concurrently till 21st December 2023. For a full list of products, please refer to the attached [link](#).

- a. **IS 13360 (Part 11/Sec 9) : 2023/ISO 1628-1 : 2021** Plastics — Methods of Test Part 111
- b. **IS 18465 : 2023** Ethane for Use as Feedstock for Petrochemical — Specification

Substitution of Standards (06 Dec)

The Bureau of Indian Standards has notified substitution of certain standards, including the following with effect from 17th November 2023. However, the previous unamended standards will remain in force concurrently till 17th December 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 2714 : 2023 Textiles — Handloom Pile Fabric — Specification (Second Revision)	IS 2714 : 1991 Handloom Pile Fabric — Specification (First Revision)
IS/IEC 61462 : 2007 Composite Hollow Insulators — Pressurized and Unpressurized Insulators for Use in Electrical Equipment with Rated Voltage Greater than 1,000 V	
IS/IEC TS 62896 : 2015 Hybrid Insulators for a.c and d.c. for High-Voltage Applications	

Substitution of Standards (07 Dec)

The Bureau of Indian Standards has notified substitution of certain standards, including the following with effect from 21st November 2023. However, the previous unamended standards will remain in force concurrently till 21st February 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 4228 : 2023 Textile — Nylon Tapes for Aerospace Purposes — Specification (Second Revision)	IS 4228 : 1979 Specification for Nylon Tapes for Aerospace Purposes (First Revision)
IS 5476 : 2023 Jute — Glossary of Terms (Second Revision)	IS 5476 : 1986 Glossary of Terms Relating to Jute (First Revision)
IS 8367 : 2023 Tin Powder — Specification (Second Revision)	IS 8367 : 1993 Tin Powder — Specification (First Revision)

Substitution of Standards (08 Dec)

The Bureau of Indian Standards has notified substitution of certain standards, including the standard **IS 6396 : 2023/ISO 3887 : 2017** Steels — Determination of the Depth of Decarburization (Third Revision) with effect from 21st November 2023. However, the previous unamended standard **IS 6396 : 2000** Methods of Measuring Decarburized Depth of Steel (Second Revision) will remain in force concurrently till 21st February 2024. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (12 Dec)

The Bureau of Indian Standards has notified substitution of certain standards, including the following with effect from 01st December 2023. However, the previous unamended standards will remain in force concurrently till 01st January 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 7016 (Part 16) : 2023/ISO 5470-2 : 2021 Rubber or Plastics Coated Fabrics — Methods of Test Part 16 Determination of Abrasion Resistance Using Martindale Abrader	

No., Year and Title of the Indian Standard established	No., Year and Title of the Indian Standard withdrawn
IS 12117 : 2023 Norms for Classification of Steel Foundries for Quality Assurance (Second Revision)	IS 12117 : 1996 Norms for Classification of Steel Foundries for Quality Assurance (First Revision)
IS 18439 : 2023 Textile — Dope Dyed Polyester Material — Identification Method	
IS 1689 : 2023 Method for Determination of Barium Activity Number of Cotton Textile Materials (Second Revision)	IS 1689 : 1973 Method for Determination of Barium Activity Number of Cotton Textile Materials (First Revision)

Amendment of Standards (23 Dec)

The Bureau of Indian Standards has notified amendment of certain standards, including the following with effect from 13th December 2023. However, the previous unamended standards will remain in force concurrently till 12th June 2024. For a full list of products, please refer to the attached [link](#).

- **IS 277 : 2018** Galvanized Steel Strips and Sheets (Plain and Corrugated)
- **IS 798 : 2020** Orthophosphoric Acid — Specification (Third Revision)
- **IS 4882 : 1979** Specification for Low Carbon Steel Wire for Rivets for Use in Bearing Industry (First Revision)
- **IS 11513 : 2017** Hot Rolled Carbon Steel Strip for Cold Rolling Purposes

Withdrawal of Standards (26 Dec)

The Bureau of Indian Standards has notified withdrawal of certain standards, including the following **IS 18538 (Part 3) : 2023/ISO 19880-3 : 2018** Gaseous Hydrogen — Fueling Stations Part 3 Valve. For a full list of products, please refer to the attached [link](#).

Substitution of Standards (27 December)

The Bureau of Indian Standards has notified substitution of certain standards, including the standard **IS/IEC 60305 : 2021** Insulators for Overhead Lines with a Nominal Voltage Above 1000 V — Ceramic or Glass Insulator Units for a.c. Systems — Characteristics of Insulator Units of the Cap and Pin Type (First Revision) following with effect from 22nd December 2023. However, the previous unamended standard will remain in force concurrently till 22nd March 2024. For a full list of products, please refer to the attached [link](#).

Non-Tariff Measures

India

Draft Air Cooler and Air Filters (Quality Control) Order, 2023 (04 Dec)

India has notified the WTO of its draft Quality Control Order concerning Air Cooler and Air Filters falling under the IS 3315:2019, IS 17570 (Part 1): 2021 and ISO 16890-2: 2016. 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 2nd February 2024. The measure would be adopted on the expiry of six months from the date of its publication in the Official Gazette.

Draft Linoleum Sheets and Tiles (Quality Control) Order, 2023 (04 Dec)

India has notified the WTO of its draft Quality Control Order concerning Linoleum Sheets and Tiles falling under the IS 653:1992. 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 2nd February 2024. The measure would be adopted on the expiry of six months from the date of its publication in the Official Gazette.

Quality Control Orders for Certain Products (07 Dec)

The Ministry of Chemicals and Fertilizers (Department of Chemicals and Petrochemicals) has issued the following Quality Control Orders High-Density Polyethylene / Polypropylene woven sacks.

1. Textiles—High-Density Polyethylene (HDPE) /Polypropylene (PP) Woven Sacks for Packaging Fertilizers (Quality Control) Order, 2023.
2. Textiles — High-Density Polyethylene (HDPE)/ Polypropylene (PP) Woven Sacks for Packaging of 50 kg Cement (Quality Control) Order, 2023.
3. Textiles — Polypropylene (PP) Woven, Laminated, Block Bottom Valve Sacks for Packaging of 50 kg Cement (Quality Control) Order, 2023.
4. Textiles — High-Density Polyethylene (HDPE) Polypropylene (PP) Woven Sacks for Packaging of 25 kg Polymer Materials (Quality Control) Order, 2023.
5. Textiles — Polypropylene (PP)/High-Density Polyethylene (HDPE) Laminated Woven Sacks for Mail Sorting, Storage, Transport and Distribution (Quality Control) Order, 2023.

These Orders shall come into force on the expiry of 180 days from the date of their publication in the Official Gazette of India.

Draft Telescopic Ball Bearing Drawer Slide (Quality Control) Order, 2023 (11 Dec)

India has notified the WTO of its draft Quality Control Order concerning Telescopic Ball Bearing Drawer Slide falling under the IS 17954: 2023. The draft order has been issued by the Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, for seeking comments from WTO members within 60 days, that is by 9th February 2024. The measure would be adopted on the expiry of twelve months from the date of its publication in the Official Gazette.

Quality Control Order for Safes, Safe Deposit Locker Cabinets and Key Locks, and hinges (12 Dec)

The Department of Promotion of Industry and Internal Trade, Ministry of Commerce and Industry has issued the following Quality Control Orders for safes, safe deposit lockers cabinets and hinges.

1. Safes, Safe Deposit Locker Cabinets and Key Locks (Quality Control) Order, 2023.
2. Hinges (Quality Control) Order, 2023

These Orders shall come into force on expiry of six months from the date of its publication in the Official Gazette of India. For micro enterprises, it shall come into force on the expiry of twelve months from the date of publication, and for small enterprises, it shall come into force on the expiry of nine months from the date of publication.

Quality Control Order for Cycle and Rickshaw Tyres and Tubes (14 Dec)

The Department of Promotion of Industry and Internal Trade, Ministry of Commerce and Industry has issued the Cycle and Rickshaw Tyres and Tubes (Quality Control) Order 2023. The Order covers cycle and rickshaw pneumatic tyres and cycle-rubber tubes (mounted or jointed). The Orders shall come into force on expiry of six months from the date of its publication in the Official Gazette of India. For micro enterprises, it shall come into force on the expiry of twelve months from the date of publication, and for small enterprises, it shall come into force on the expiry of nine months from the date of publication.

Quality Control Order for Rubber Gaskets for Pressure Cooker (19 Dec)

The Department of Promotion of Industry and Internal Trade, Ministry of Commerce and Industry has issued the Rubber Gaskets for Pressure Cooker (Quality Control) Order 2023. The Order shall come into force on expiry of six months from the date of its publication in the Official Gazette of India. However, for micro enterprises, the Order

shall come into force on the expiry of twelve months from the date of publication, and for small enterprises, it shall come into force on the expiry of nine months from the date of publication.

Change in the effective date for Toluene (Quality Control) Order 2023 (19 Dec)

The Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers has issued a second amendment to the Toluene (Quality Control) Order, called the Toluene (Quality Control) Second Amendment Order, 2023. The Order shall now come into force on 22nd December 2024.

Global

USA

National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing (04 Dec)

The U.S. Environmental Protection Agency is proposing amendments to the National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing, as required by the Clean Air Act. The amendment is intended to ensure that all emissions of hazardous air pollutants from specified sources in the category are regulated. The objective of this measure is protection of the environment.

Performance Requirements for Residential Gas Furnaces and Boilers (12 Dec)

The Consumer Product Safety Commission, USA has published a notice in the Federal Register notifying the proposed rulemaking to promulgate a consumer product safety standard to address an unreasonable risk of injury and death associated with residential gas furnaces and boilers.

Trade Remedial Actions

India

Chapter 28 – Inorganic chemicals

Imposition of anti-dumping duty on imports of Synthetic Grade Zeolite 4A from Iran and Thailand. (11 Dec)^[1]

The Central Government has issued notification imposing anti-dumping duty imports of Synthetic Grade Zeolite 4A from Iran and Thailand. The imposition of anti-dumping duty was recommended by the DGTR vide Final Findings F. No. 6/5/2022- DGTR dated 29th September 2023. The anti-dumping imposed is in the range of USD 54.09 per MT to USD 179.96 per MT.

Chapter 29 – Organic Chemicals

Final Findings issued in the mid-term review of anti-dumping duty on imports of Aniline from China. (11 Dec)^[2]

The DGTR has issued final findings recommending continuation of anti-dumping duty on imports of Aniline from China. The mid-term review was initiated on 12th December 2022, pursuant to an application filed by NOCIL Limited, an importer of the goods. The DGTR concluded that there is a likelihood of continuation or recurrence of dumping and injury, if duty is revoked in view of resumption of injury in post-POI period, increased dumping margin, third country dumping and price attractiveness of the Indian market. Accordingly, the DGTR determined that there is no sufficient justification for modification of duties.

Final Findings issued in the anti-dumping investigation into imports of Para-Tertiary Butyl Phenol (PTPB) from South Korea, Singapore and USA. (20 Dec)

The DGTR has issued final findings recommending imposition of anti-dumping duty on imports of PTPB from South Korea, Singapore and USA. The investigation was initiated on 21st December 2022, based on an application filed by Vinati Organics Limited. The DGTR concluded that dumping of subject goods has material retarded the establishment of a domestic industry in India. The DGTR noted that the subject imports were undercutting the domestic prices, the performance of the domestic industry continued to be far below its projected performance and it suffered significant losses, in contrast to projected profitability.

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

Imposition of anti-dumping duty on imports of Gypsum Board / Tiles with lamination at least on one side from China and Oman. (26 Dec)

The Central Government has issued notification imposing anti-dumping duty on imports of Gypsum Board / Tiles with lamination at least on one side from China and Oman. The imposition of anti-dumping duty was recommended by the DGTR vide Final Findings F. No. 6/11/2022-DGTR, dated 29th September 2023. The anti-dumping imposed is in the range of USD 23.46 per MT to USD 91.42 per MT.

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

Imposition of anti-dumping duty on imports of Industrial Laser Machines, used for cutting, marking, or welding from China. (22 Dec)

The Central Government has issued notification imposing anti-dumping duty on imports of Industrial Laser Machines, used for cutting, marking, or welding from China. The imposition of anti-dumping duty was recommended by the DGTR vide Final Findings F. No. 6/7/2022-DGTR, dated 27th September 2023. The anti-dumping duty imposed as percentage of CIF price is in the range of 22.54% to 147.20%.

Imposition of anti-dumping duty on imports of Wheel Loaders from China. (27 Dec)

The Central Government has issued notification imposing anti-dumping duty on imports of Wheel Loaders from China. The imposition of anti-dumping duty was recommended by the DGTR vide Final Findings F. No 6/4/2022-DGTR, dated 29th September 2023. The anti-dumping duty imposed as percentage of CIF price is in the range of 18.84% to 82.71%.

Global

Chapter 29 – Organic Chemicals

EU

- Continuation of anti-dumping duty on imports of Trichloroisocyanuric Acid from China. (13 Dec)
- Initiation of anti-subsidy investigation into imports of certain Alkyl Phosphate Esters from China. (21 Dec)

China

- Initiation of sunset review of anti-dumping duty on imports of n-Butanol from Malaysia, Taiwan and USA. (22 Dec)

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Citric Acid and certain Citrate Salts from Belgium. (21 Dec)

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

USA

- Preliminary affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of certain Pea Proteins from China. (18 Dec)

Chapter 38 – Miscellaneous chemical products

EU

- Initiation of anti-dumping investigation into imports of Biodiesel from China. (20 Dec)

USA

- Preliminary affirmative determination issued by the USDOC in the anti-circumvention investigation concerning anti-dumping duty on imports of Hydrofluorocarbon Blends (R-410A and R-407C) from China when exported from Malaysia and Hydrofluorocarbon Blends (R-410A) when exported from Türkiye. (11 Dec)

Chapter 39 – Plastics and articles thereof

Trade Remedial actions against India

Argentina

Revocation of anti-dumping duty on imports of Polyethylene Terephthalate (PET) Granules from China, India and South Korea. (06 Dec)

The Ministry of Economy issued its final resolution terminating the sunset review and revocation of anti-dumping duty. The Authority determined that there was no evidence of likelihood of recurrence of injury to the domestic industry if the duties were removed.

Other trade remedial actions

Türkiye

- Continuation of safeguard measures on imports of Polyethylene Terephthalate (PET) Chips. (13 Dec)
- Initiation of sunset review of anti-dumping duty on imports of Polystyrene from Iran. (26 Dec)

Chapter 47 – Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard

USA

- Affirmative determination issued by the USITC in the sunset review of anti-dumping and anti-subsidy duties on imports of certain Softwood Lumber products from Canada. (21 Dec)

Chapter 55 – Man-made staple fibres

Türkiye

- Continuation of anti-dumping duty on imports of Low Melt Polyester Staple Fibre from South Korea and Taiwan. (22 Dec)
- Initiation of sunset review of anti-dumping duty on imports of Woven Fabrics of Synthetic and Artificial Staple Fibers from China. (26 Dec)

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

Philippines

- Initiation of anti-dumping investigation into imports of Gypsum Boards from Thailand. (04 Dec)

Chapter 70 – Glass and glassware

South Africa

- Affirmative determination issued in the sunset review of anti-dumping duty on Clear Float Glass and Unframed Glass Mirror from Indonesia. (11 Dec)

Chapter 72 – Iron and steel

Trade remedial actions against India

USA

Final affirmative determination issued by the USDOC in the administrative review of anti-dumping duty on imports of Silicomanganese from India. (08 Dec)

The USDOC has determined that Indian exporters were dumping the goods in the U.S. market during the period of review, that is 1st May 2021 to 30th April 2022. It determined a weighted average dumping margin of 1.01% for Maithan Alloys Limited. For all other Indian producers, the duty at 17.74% continues to apply.

Other trade remedial actions

Australia

- Initiation of sunset review of anti-dumping duty on imports of Quenched and Tempered Steel Plates from Finland, Japan and Sweden. (04 Dec)

Canada

- Affirmative determination issued by CBSA in the sunset review of anti-dumping duty on imports of Hot Rolled Steel Plates from China. (07 Dec)

EU

- Continuation of anti-dumping duty on imports of Hot-Rolled Flat Products of Iron, Non-alloy or Other Alloy Steel from Brazil, Iran and Russia. (12 Dec)

Tunisia

- Imposition of safeguard measures on imports of Unalloyed Iron or Steel Wire used for furniture and mattress springs. (21 Dec)

USA

- Continuation of anti-dumping duty on imports of Stainless-Steel Sheets and Strips in Coils from Japan, South Korea and Taiwan and anti-subsidy duty on imports from South Korea. (07 Dec)

Chapter 73 – Articles of iron or steel

Trade remedial actions against India

USA

Initiation of administrative review of anti-dumping and anti-subsidy duties on imports of Stainless-Steel Flanges from India. (06 Dec)

The USDOC has initiated administrative reviews of anti-dumping and anti-subsidy duties on imports from India. The review of anti-dumping duty has been initiated for 16 Indian exporters, while the review of anti-subsidy duty has been initiated for 6 India exporters. In the previous investigations, the USDOC determined dumping margins ranging from 0.65 to 50.72% and subsidy rates ranging from 3.34 to 4.31%.

Preliminary affirmative determination issued by the USDOC in the administrative review of anti-dumping duty on imports of Welded Stainless Pressure Pipes from India. (07 Dec)

The USDOC has preliminarily determined that certain Indian exporters were dumping goods in the U.S. market during the period of review, that is 1st November 2021 to 31st October 2022. It determined a negative dumping margin for Prakash Steelage Limited / Seth Steelage Private Limited and a margin of 1.71% for all other producers.

Final affirmative determination issued by the USDOC in the administrative review of anti-dumping duty on imports of Finished Carbon Steel Flanges from India. (22 Dec)

The USDOC has determined that the Indian goods were being dumped in the U.S. market during the period of review, that is 1st August 2021 to 31st July 2022. The USDOC determined a dumping margin of 0.70 to 1.15% for Indian exporters.

Other trade remedial actions

Canada

- Initiation of sunset review of anti-dumping duty on imports of Carbon Steel Welded Pipes from Pakistan, Philippines, Türkiye and Vietnam. (12 Dec)

Colombia

- Revocation of anti-dumping duty on imports of Cylindrical Metal Drums from Chile. (27 Dec)

Philippines

- Imposition of provisional safeguard measures on imports of Liquefied Petroleum Gas (LPG) Cylinders. (14 Dec)

Türkiye

- Initiation of sunset review of anti-dumping duty on imports of certain Welded Stainless-Steel Pipes, Tubes and Profiles from China and Taiwan. (24 Dec)

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Forged Steel Fittings from China, Italy, and Taiwan and anti-subsidy duty on imports from China. (01 Dec)
- Affirmative determination issued by the USITC in the sunset review of anti-dumping and anti-subsidy duties on imports of Cast Iron Soil Pipe Fittings from China. (21 Dec)

Chapter 74 – Copper and articles thereof

Trade remedial actions against India

USA

Preliminary affirmative determination issued by the USDOC in the anti-dumping investigation into imports of Brass Rods from Brazil, India, Israel, Mexico, South Africa and South Korea. (01 and 14 Dec)

The USDOC has preliminarily determined that the exports from India, among others were being dumped in the U.S. market. The USDOC determined a weighted average dumping margin of 9.41% for Rajhans Metals Private Limited, 10.95% for Shree Extrusions Limited and 9.52% for all other producers. The dumping margin determined for other countries are upto 10.52% for South Korea, 29.43% for Mexico, 77.14% for Brazil, 35.88% for Israel and 11.31% for South Africa.

Final affirmative determination issued by the USDOC in the anti-subsidy investigation into imports of Brass Rods from India. (18 Dec)

The USDOC has determined that the exporters of Brass Rods in India received countervailable subsidies. Accordingly, a subsidy rate of 2.24% was determined for the exporter, Rajhans Metals Private Limited and all other Indian exporters. The USDOC is also conducting a parallel anti-dumping investigation.

Chapter 76 – Aluminium and articles thereof

Colombia

- Initiation of anti-dumping investigation into imports of Extruded Aluminium Profiles from China. (13 Dec)

Gulf Cooperation Council

- Initiation of anti-dumping investigation into imports of certain Coated or Pre-colored Flat or Granular Rectangular (including square) Sheets, Coils and Strips of Aluminium from China. (26 Nov)

USA

- Termination of anti-circumvention investigation concerning anti-dumping and anti-subsidy duties on imports of Common Alloy Aluminium Sheets from China when completed in or exported from South Korea. (12 Dec)

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

Trade Remedial actions against India

Argentina

Continuation of anti-dumping duty on imports of Straight High-Speed Steel Manual Saw Blades from India. (06 Dec)

The Ministry of Economy issued its final resolution for continuation of anti-dumping duty on imports from India. The duty at the rate of \$0.13 per unit on Indian imports has been continued for a further period of five years. The duty was first imposed in 2018. The application requesting for continuation of duty was filed by Sin Par SA.

Chapter 84 – Nuclear reactors, boilers, machinery and mechanical appliances

USA

- Affirmative determination issued by the USDOC in the sunset review of anti-dumping duty on imports of Tapered Roller Bearings and parts thereof, finished and unfinished, from China. (15 Dec)
- Final affirmative determination issued by the USDOC in the anti-dumping and anti-subsidy investigations into imports of Gas-Powered Pressure Washers from China. (21 and 22 Dec)

Chapter 85 – Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles

Argentina

- Initiation of sunset review of anti-dumping duty on imports of Single-Phase Asynchronous Electric Motors from China. (07 Dec)

Canada

- Affirmative determination issued by CITT in the sunset review of anti-dumping duty on imports of Liquid Dielectric Transformers from South Korea. (20 Dec)

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

Eurasian Economic Union

- Initiation of sunset review of anti-dumping duty on imports of Alloy Wheels from China. (27 Dec)

UK

- Affirmative determination issued in the transition review of anti-dumping duty on imports of Aluminium Road Wheel from China. (14 Dec)

Chapter 96 – Miscellaneous manufactured articles

Trade remedial actions against India

Argentina

Imposition of provisional anti-dumping duty on imports of Zippers and Tapes from China, India, Indonesia and Peru and termination of investigation in imports from Brazil. (04 Dec)

The Ministry of Economy imposed provisional anti-dumping duty on imports of Zippers and Tapes. Duties at the rate of 117.83% on China, 314.29% on India, 279.89% on Indonesia, were imposed for four months and at the rate of 104% on Peru for six months. The Ministry also terminated the investigation concerning imports from Brazil. The investigation was initiated on 16th May 2023, based on an application filed by Lyn SAC and Cierres Depe SA.

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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