

NITYA | International Trade Law Bulletin

May 2021 | Issue 1

May 18, 2021

<u>Index</u>

TRAI	DE REMEDY INVESTIGATIONS	3
PAR	T A: INVESTIGATIONS BY INDIA	3
1.	Initiations by DGTR	3
2.	Time limit extension for completion of Investigations	3
3.	Final findings by DGTR	4
4.	Notifications by Ministry of Finance	6
5.	Office Memorandums by Ministry of Finance	8
PAR	T B: INVESTIGATIONS AGAINST INDIA	8
STAT	TUTORY UPDATES	9
1.	Gap between Period of Investigation and Date of Application	9
2.	Revised timelines for filing Anti-Dumping Sunset Review Application	9

TRADE REMEDY INVESTIGATIONS

PART A: INVESTIGATIONS BY INDIA

1. Initiations by DGTR

Date		Investigation	Product	Subject Countries	Sectors likely to be affected	Time Limit for Initial Submissions
April 2021	19,	Anti-Dumping (Sunset review)	Axle for trailers is a vehicle part and accessory classifiable under Chapter 87 of the First Schedule of the Customs Tariff Act, 1975 (Tariff Act) and more particularly under Tariff Item 8716 9010 of the Tariff Act. It is an assemblage of a beam/bar	China	Automobile components	May 19, 2021
			and other components such as brake drum, brake shoes, bearings, etc. which connects two wheels of a trailer.			

2. Time limit extensions for completion of investigations

Date		Investigation	Product	Subject Countries	Sectors likely to be affected	Extension period
May 2021	06,	Anti-Dumping (Fresh investigation)	Self-Adhesive Polyvinyl Chloride Film classifiable under Tariff Items 39191000, 39199010, 39199020, 39199090, 39209919, 39209959, 39209999, 39219099, 39269099 of the Tariff Act. The product is used to manufacture indoor and outdoor graphics for advertising, décor walls, windows, and areas in office or home. It is also used in digital printing press to create designs and images.	China	Signage, Print Media, Construction	Up to August 06, 2021
May	06,	Anti-Dumping	Polyester Yarn / Polyester Spun	China,	Textile	Up to
2021		(Fresh	Yarn classifiable under Tariff Item	Indonesia,		August 20,
		investigation)	55092100 of the Tariff Act.	Nepal,		2021

Date		Investigation	Product	Subject Countries	Sectors likely to be affected	Extension period				
			The product is used for knitting and weaving to make fabrics for use in garments and home furnishing.	and Vietnam						
May 2021	06,	Anti-Dumping (Fresh investigation)	Natural Mica Based Pearl Industrial Pigments excluding cosmetic grade classifiable under Tariff Sub-heading 3206 11 of the Tariff Act. The product is an inorganic pigment/colouring agent giving lustrous effects and is used in coating, inks, and plastic applications.	China	Automotive Paints, Plastic, Textile Printing	Up to August 08, 2021				
May 2021	07,	Safeguard (Quantitative Restrictions) investigation	Isopropyl Alcohol classifiable under Tariff Item 29051220 of the Tariff Act. Isopropyl Alcohol is a chemical compound used in the production of various industrial and household chemicals, bulk drugs and drug formulations, antiseptics, disinfectants, detergents, etc.	All countries	Chemicals, Pharmaceuticals, FMCG	Up to August 01, 2021				

3. Final findings by DGTR

Date	Investigation	Product	Subject Countries	Sectors likely to be affected
April 16, 2021	Anti-Dumping (Fresh investigation)	Copper and Copper Alloy Flat Rolled Products classifiable under Tariff Items 74091100, 74091900, 74092100, 74092900, 74093100, 74093900, 74094000, 74099000, 74101100, and 74101200 of the Tariff Act. The product consists of flat-rolled articles of copper like copper sheets, copper plates, copper strips, copper foils, and other flattened forms of copper or its alloys.	China, Korea, Malaysia, Nepal, Thailand, and Sri Lanka	Power Distribution, Electrical and Electronic Switchgears, Automobile Components, Sanitary Fittings

April 20, 2021 (Fresh investigation) Product Plain Medium Density Fibreboard having a thickness of less than 6mm, classifiable under Tariff tems 44111200, 44111300, 44119219, 44119229, 44119319, 44119419 of the Tariff Act. The product used for modular furniture, cabinets, partitions, etc. Product excludes: • Laminated MDF Board • MDF Board having a thickness of 6mm or more • Moulded Door Skin • High-Density Fibreboard Fibreboard of wood or other ligneous materials whether or not bonded with resins or other organic substances classifiable under Heading 4411 of the Tariff Act. The product excludes: • Flooring Board • Sunmica • Insulation Board • Coir Boards • Jute Fibre Board • Moulded Door Skin which investigation of the Tariff Act. The product excludes: • Flooring Board • Sunmica • Insulation Board • Coir Boards • Jute Fibre Board • Moulded Door Skin May 03, Anti-Dumping (Sunset review) Methyl Acetoacetate classifiable under Tariff Items 29183040, 29148990, 29153910, 29153910, 29153990, 29183090, 2931399									
Autinoping Naving a thickness of less than form, classifiable under Tariff Items 44111200, 44111930, 44119419 of the Tariff Act. The product is a composite wood product used for modular furniture, cabinets, partitions, etc. Product excludes:	Date	Investigation	Product		Sectors likely to be affected				
product used for modular furniture, cabinets, partitions, etc. Product excludes: • Laminated MDF Board • MDF Board having a thickness of 6mm or more • Moulded Door Skin • High-Density Fibreboard Fibreboard of wood or other ligneous materials whether or not bonded with resins or other organic substances classifiable under Heading 4411 of the Tariff Act. The product excludes: • Flooring Board • Summica • Insulation Board • Coir Boards • Jute Fibre Board • Moulded Door Skin May 03, Anti-Dumping (Sunset review) May 03, Anti-Dumping (Sunset review) Methyl Acetoacetate classifiable under Tariff Items 29183040, 29146990, 29153910, 29153990, 29183090, 293189900 of the Tariff Act. The product is used as a flavoring agent, synthesizer of pharmaceuticals, perfuming agents and in colorants. May 12, Anti-Dumping Acrylonitrile Butadiene Rubber China, Automotive	-	(Fresh	having a thickness of less than 6mm, classifiable under Tariff Items 44111200, 44111300, 44119219, 44119229, 44119319, 44119419 of	Malaysia, Thailand, and	Furniture				
Morro Board having a thickness of 6mm or more Moulded Door Skin High-Density Fibreboard May 03, Countervailing Duty (Fresh investigation) Duty (Fresh investigation) Fibreboard of wood or other ligneous materials whether or not bonded with resins or other organic substances classifiable under Heading 4411 of the Tariff Act. The product excludes: Flooring Board Sunmica Insulation Board Coir Boards Jute Fibre Board Moulded Door Skin May 03, Anti-Dumping (Sunset review) Methyl Acetoacetate classifiable under Tariff Items 29183040, 29146990, 29153990, 29153990, 29183090, 29331990, 29153990, 29183090 of the Tariff Act. The product is used as a flavoring agent, synthesizer of pharmaceuticals, perfuming agents and in colorants. May 12, Anti-Dumping Acrylonitrile Butadiene Rubber China, Automotive			product used for modular furniture, cabinets, partitions, etc. Product						
Duty (Fresh investigation) Duty (Paliand, Sri Lanka, and Malaysia Duals, and Malaysia Dual			MDF Board having a thickness of 6mm or moreMoulded Door Skin						
Sunmica Insulation Board Coir Boards Jute Fibre Board Moulded Door Skin May 03, Anti-Dumping (Sunset review) Methyl Acetoacetate classifiable under Tariff Items 29183040, 29146990, 29153910, 29153990, 29183090, 29331990, 29410090 and 29189900 of the Tariff Act. The product is used as a flavoring agent, synthesizer of pharmaceuticals, perfuming agents and in colorants. May 12, Anti-Dumping Acrylonitrile Butadiene Rubber China, Automotive		Duty (Fresh	ligneous materials whether or not bonded with resins or other organic substances classifiable under Heading 4411 of the Tariff Act. The	Vietnam, Thailand, Sri Lanka, and	Construction, Furniture,				
2021 (Sunset review) under Tariff Items 29183040, 29146990, 29153910, 29153990, 29183090, 29331990, 29410090 and 29189900 of the Tariff Act. The product is used as a flavoring agent, synthesizer of pharmaceuticals, perfuming agents and in colorants. May 12, Anti-Dumping Acrylonitrile Butadiene Rubber China, Automotive			SunmicaInsulation BoardCoir BoardsJute Fibre Board						
agent, synthesizer of pharmaceuticals, perfuming agents and in colorants. May 12, Anti-Dumping Acrylonitrile Butadiene Rubber China, Automotive	-		under Tariff Items 29183040, 29146990, 29153910, 29153990, 29183090, 29331990, 29410090	China	Pharmaceutical, Agrochemical, Polymer				
			agent, synthesizer of pharmaceuticals, perfuming agents						
2021 (Fresh investigation) (NBR) classifiable under Tariff Item investigation (NBR) classifiable under Ta	May 12, 2021	(Fresh	(NBR) classifiable under Tariff Item 40025900 of the Tariff Act. Product is used in the manufacture	European Union, Japan,	components, Textile				

Date	Investigation	Product	Subject Countries	Sectors likely to be affected
		resistance to oil, abrasion, and heat applications are involved. Product excludes: • Liquid NBR • Latex NBR • Powder NBR • Carboxylated NBR		

4. Notifications by the Ministry of Finance

Notification No. (NN)	Principal Notification	Product	Subject Countries	Validity of Notification	Date of publication of DGTR final findings				
20/2021 – Customs (ADD) dated April 05, 2021	-	Flexible Slabstock Polyol of molecular weight 3000-4000	Saudi Arabia and the United Arab Emirates	April 04, 2026	September 01, 2020				
21/2021 – Customs (ADD) dated April 12, 2021	Modifies 13/2016- Customs (ADD) dated April 13, 2016, pursuant to sunset review.	Butanol or N-Butyl Alcohol	European Union, United States of America, Malaysia, Singapore, and South Africa	April 11, 2026	March 30, 2021				
22/2021 – Customs (ADD) dated April 15, 2021	Extends 14/2016-Customs (ADD) dated April 21, 2016, pending completion of the sunset review.	Barium Carbonate	China	October 20, 2021	Ongoing Sunset review				
23/2021 – Customs (ADD) dated April 20, 2021	Amends 50/2018- Customs (ADD) October 05, 2018, to exclude certain product types.	Nylon Filament Yarn (multifilament) Exclusion of BCF of higher denierage (650 decitex to 10,000 decitex) from earlier range (650 to 1650 decitex)	European Union and Vietnam	October 04, 2023	January 22, 2021				
24/2021 – Customs	Amends 23/2016 – Customs (ADD) to	Polytetrafluorethylene (PTFE)	Russia and Korea	June 05, 2021	January 27, 2021				

Notification No. (NN)	Principal Notification	Product	Subject Countries	Validity of Notification	Date of publication of DGTR final findings
(ADD) dated April 26, 2021	add exports from Korea subsequent to anti- circumvention proceedings				
25/2021 – Customs (ADD) dated April 26, 2021	Amends 36/2017 – Customs (ADD) to include additional products subsequent to anti- circumvention proceedings	PTFE and PTFE Products Inclusion of PTFE products i.e. Rod, Sheet, Tape, Thread seal tape.	China	July 27, 2022	January 27, 2021
26/2021 – Customs (ADD) dated April 27, 2021	-	1-Phenyl-3-Methyl-5- Pyrazolone	China	June 08, 2025	January 28, 2021
28/2021 – Customs (ADD) dated April 27, 2021	-	Toluene Di- Isocyanate (TDI) having isomer content in the ratio of 80:20	European Union, Saudi Arabia, Chinese Taipei and United Arab Emirates	December 01, 2025	January 28, 2021
29/2021 – Customs (ADD) dated May 07, 2021	Extends 07/2017-Customs (ADD) dated February 17, 2017, pending completion of the sunset review.	Seamless tubes, pipes and hollow profiles of iron, alloy, or non-alloy steel (other than cast iron and stainless steel)	China	October 31, 2021	Ongoing Sunset review

5. Office Memorandums by Ministry of Finance

Office Memorandum No.	Product	Subject Countries	Validity of Notification	Date of publication of DGTR Final findings
F. No. 354/254/2020-	Viscose Spun Yarn	China,	Anti - Dumping	December 30, 2020
TRU dated April 06,		Indonesia and	Duty (ADD)	
2021		Vietnam	not imposed	
F. No. 354/117/2007-	Nonyl Phenol	Chinese	ADD not	January 07, 2021
TRU dated April 07,		Taipei	imposed	
2021				
F. No. 354/121/2020-	Phenol	Thailand	ADD not	January 28, 2021
TRU dated April 28,			imposed	
2021				

PART B: INVESTIGATIONS AGAINST INDIA

Date	Investigating Country	Type of investigation	Investigation stage	Product
April 21, 2021	The United States of America	Anti-Dumping & Anti- Subsidy	Initiation	Organic Soybean Meal
May 11, 2021	The United States of America	Anti-Dumping	Initiation	Raw Honey

STATUTORY UPDATES

1. Gap between Period of Investigation and Date of Application

DGTR has prescribed that gap between end of proposed Period of Investigation and Date of Application should not be older than 4 months. Previously this gap was 5 months as per checklist provided with Trade Notice 15 of 2018.

Trade Notice No. 02/2021 dated April 06, 2021

NITYA Comments: The reduction in time gap will allow the Authority to consider more recent information for the purposes of initiation and subsequent conduct of investigation.

2. Revised timelines for filing Anti-Dumping Sunset Review Application

DGTR has revised timelines for filing application to initiate sunset review investigation of ADD. The said Trade Notice withdraws certain relaxations endowed earlier. Key points of Trade Notice are as follows:

- Application for initiation of such review to be filed 270 days prior to expiry of ADD.
- Request for extension of ADD pending review, would be granted on case to case basis.
- Petitioner to furnish specific information regarding likelihood and recurrence of dumping and injury like quantities and prices of exports by exporters to other countries, export orientation of producers / exporters in target countries etc.
- Period of investigation should preferably include last completed financial quarter.

Trade Notice No. 03/2021 dated April 12, 2021

-		 								

Disclaimer:

This Insight has been prepared for clients and firm's personnel only. It is solely for the purpose of general information and does not represent any opinion of NITYA Tax Associates. We are not responsible for the loss arising to any person for acting or refraining from acting on the basis of material contained in this Insight. It is recommended that professional advice be sought based on specific facts and circumstances.



NITYA Tax Associates B-3/58, Third Floor, Safdarjung Enclave, New Delhi-110029