National Stakeholder Consultation on WTO Negotiations

Strategies and Preparedness for Trade and Globalisation in India

WTO ANTI-DUMPING & ANTI SUBSIDY AGREEMENTS

India's interest in Rules negotiations: Striking a balance'

By

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Issues For Deliberations

1. Initiation
2. Domestic Industry
3. Product under consideration
4. Dumping margins
5. Injury & Causation
6. Review
7. Anti circumvention
8. Public Interest

Initiation Issues

1. **Identity of all known domestic producers must be disclosed**
2. **Domestic producers as a whole must file petition**
3. **Investigating authority must consult independent sources to identify ALL producers in India and in exporting countries.**

Contd…

Initiation Issues

…contd.

4. **Govt. of the exporting country should be notified at least 15 days prior to initiation**
5. **Back to back dumping investigation should be discouraged**

Proposal On Investigations Process

1. Investigating authority to check names of all foreign producers from public sources.
2. Issue of deficiency letter mandatory
3. Sending a copy to the Govt. of the exporting countries is proposed to be removed
4. Translation of documents in desired language

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Proposal On Investigations Process

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5. **Access to evidence to the parties – increased obligation on the investigating authority**
6. **Maintaining public file mandatory**
7. **Whether interested parties should be treated as "cooperative", even if they do not provide details of affiliated parties.**
8. **Authority shall inform exporter regarding the material violation of the undertaking with an opportunity to comment.**

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Proposal On Investigations Process

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10. Mandatory advance notice to firms to prepare for the on-spot verification.

11. Disclosure of the findings of the verification by the authorities to all the interested parties.

12. Reasons for rejecting any information provided by interested parties.

Product Under Consideration

1. There is no proposal in Chairman's Text with respect to the Product under consideration.
2. Whether there is a need for written text

Injury & Causation

1. Material Retardation: when is a domestic industry considered to be in establishment.
2. What could be relevant factor. Factors to be considered are capacity utilization, delays in the start of reasonable commercial production, domestic production as compared to the size of the domestic market.
3. No injury to Domestic Industry if operating profits and market share have increased during investigation period.
4. No injury if volume of non-dumped imports of product exceeds the volume of dumped imports.
5. No injury if the prices of dumped imports have increased with no undercutting.

Review

1. Review can be initiated for change in circumstances.
2. Such change in circumstance should be of lasing nature to terminate the duty.
3. Review can be initiated for the modification of the level of duty.
4. Exporter to engage in bona fide commercial sales in the importing member country.
5. Initiation of review to take in three months from lodging of complaint.
6. Authority to verify the accuracy and adequacy of the information contained in the request
7. Information of the initiation to applicant and the domestic industry or reasons to deny the same.
8. Review proceeding to complete within 9 months.

New Shipper's Review

1. A two –step approach of review.
2. Exporter to provide evidence for bona fide commercial sales in importing country.
3. New shipper review to be completed in 9 months.

Sunset Reviews

- Automatic termination of anti dumping duties within 5 years of imposition.
- Domestic industry to provide evidence of likelihood to lead to continuation or recurrence of dumping and injury on expiry of duties.

Anti Circumvention

1. Anti dumping duty/countervailing duty can be imposed with respect to a product in case there is evidence of circumvention.
2. Trade-pattern, timings of any change in such patterns, association or compensatory arrangements between exporters, importers or a third party determines circumvention.
3. Important to consider whether a product is a like article.
4. Whether the process of assembly/completion is minor or significant.

Public Interest

1. Consider economic factors to ensure a balanced and meaningful consideration of public interest.
2. The right of interested parties to present information and have access to relevant information.
3. Obligation on authority to maintain transparency in their determination.
4. Developing country members propose special and differential treatment and technical assistance in trade remedies.

Proposals for SCM Agreement

Dual Pricing of Natural Resources

1. Need to identify and appropriately change the regulatory framework in case dual pricing exists in India.

Proposals for SCM Agreement

SION as an effective verification system

- India's proposal of presuming the existence of verification system, whenever duty concession are based on SION norms, has not been included in the Chair's text.
- This would mean that there is considerable risk of various incentive schemes continuing to be countervailed on the ground that no verification system exists.
- Alternatively, the government may need to introduce the required verification system, which may not be a feasible option.

THANK YOU

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