

# TRADE REMEDIES: INSTITUTIONAL AND LEGISLATIVE REQUIREMENTS

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# Trade Remedy Measures

- Anti-dumping Measures
- Countervailing Duty
- Safeguards Duty

# Anti-dumping

- WTO Agreement on Implementation of Article VI of GATT
- Commonly known as the Anti-dumping Agreement

# Legal Framework in India

- Sections 9A, 9B and 9C of the Customs Tariff Act 1975 as amended in 1995
- Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for determination of injury) Rules 1995

# Countervailing Duty Investigations

- WTO Agreement on Subsidies and Countervailing Measures (ASCM)
- Part V: Article 10 to 23

# Legal Framework in India

- Section 9 of the Customs Tariff Act 1975 as amended in 1995
- Customs Tariff (Identification, assessment and collection of countervailing duty on subsidized articles and for determination of injury) Rules, 1995

# Institutional Framework

- Designated Authority in India for Anti-dumping and CVD Investigations
- Functions under Ministry of Commerce & Industry
- Department of Revenue, Ministry of Finance imposes the Anti-dumping/CVD

# Judicial Review

- Mandatory requirement under AD and ASCM to have judicial, arbitral or administrative tribunals for prompt review of decisions of investigating authority
- Article 13 of AD Agreement
- Article 23 of ASCM
- CESTAT in India is the Appellate Authority



# Trade Defence Authority/Directorate

- To be vested with powers to take Trade Defence Measures and to defend these measures
- Considerable merits in a single composite Authority
- Availability of knowledge base
- Coherence in application of measures and defence of such measures

# Safeguard measures

- Article XIX GATT
- WTO Agreement on Safeguards

# India's Legal Framework

- Section 8B of Customs Tariff Act
- Customs Tariff (Identification and Assessment of Safeguard Duty) Rules 1997

# Institutional Framework

- DG Safeguards
- Functions under Ministry of Finance
- No mandatory requirement of judicial review under Safeguard Agreement

Thank you