



India's Safeguard Law and Practices



Legal Provisions

- Safeguard duties are imposed in accordance with Article XIX of GATT 1994 read with WTO Agreement on Safeguard.
 - Domestic law: Enacted under Section 8B of the Customs Tariff Act, 1975.
 - The Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997 and the Safeguard rules made under various Free Trade Agreements (FTAs) govern the procedural aspects of levy of Safeguard duty.
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Government Authorities

- The Directorate General of Safeguards under the Central Board of Excise & Customs, Department of Revenue, Ministry of Finance has the mandate to investigate the existence of 'serious injury' or 'threat of serious injury' to the domestic industry as a result of increased imports of an article into India and to recommend to the Central Government the amount and duration of Safeguard duty adequate to remove such injury or threat of injury to the domestic industry.
 - **Working strength:**
 - Involved in investigation:
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Safeguard Investigation Process

The procedure under the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997 is as under:-

a)Case Initiation:

- An application for initiation of a safeguard investigation can be made by any aggrieved party in the format specified for the purpose.
 - Prior to initiation of investigation, accuracy and adequacy of the evidence/data provided in the application is ascertained.
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Safeguard Investigation Process

b) Involving the interested Parties:

- NOI+ application → all known interested parties including the major exporting countries through their Embassies .
- Timeline 15 days and 30 days

c) Critical circumstances warranting grant of immediate relief :

- Preliminary findings → 200 days.
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Safeguard Investigation Process

d)Conduct of a public hearing:

- Submissions of all the participants are recorded,
- Evidence presented by one interested party are made available to the other interested parties.

e)Issue of final findings :

- 8 months from Notice of initiation,
 - Recommendation- Determination and Tenure.
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Safeguard Investigation Process

f) Standing Board on Safeguards (Ministry of Commerce)

- Composition,
 - Standing Board on Safeguards → Finance Minister for approval of levy of Safeguard duty.
 - Ministry of Finance → Notification imposing a Safeguard duty under Sec 8B of the Customs Tariff Act, 1975.
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