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In the November Edition of the Luthra and Luthra Law Offices India – ‘International Trade Law Newsletter’, we cover some of the most pertinent developments in the international trade law over the last month.

WTO, FTAs:

- [India’s concerns validated as US withdraws support for some WTO e-commerce proposals](#)

The United States, on 25 October 2023, announced its decision to withdraw support for select World Trade Organization e-commerce proposals. While the move is seen by trade experts as a pivotal one, signaling Washington’s emphasis on national security over tech influences, global digital trade tensions are set to soar given the US’ dominant role in the global digital landscape, according to a GTRI report.

- [India urges WTO for clear definition of e-commerce trade in goods and services](#)

India has requested the World Trade Organization (WTO) members to work on a clear definition of e-commerce trade in goods and services as it would help provide developing countries a policy space to make decisions on the fast-growing sector. India intends to oppose the continuation of the moratorium on customs duties on e-

commerce trade at the upcoming 13th ministerial conference of the WTO.

- [LDC Graduation: Experts laud WTO decision on market access facility to LDC’s; claims this will help Bangladesh](#)

Experts have lauded the World Trade Organization’s recent decision to extend duty-free market access to graduating least developed countries, including Bangladesh, for a specified period. This move is predicted to bring positive outcomes for Bangladesh.

- [In WTO, US Questions India About 'Import Licenses' for Electronics](#)

The United States has requested India to provide details on the proposal to collect data from importers on its “importing license requirement” for laptops, tablets and computers from November 1, 2023. The US has also questioned whether this regime will be expanded to other imports.

- [Reform proposals emerge to fix WTO by early 2024](#)

WTO members have begun reviewing reform proposals designed to address US concerns in, what a key negotiator called, the “last chance” to restore the trade watchdog’s ability to settle trade disputes. The draft



proposals which were viewed by Reuters represent what WTO delegates say is the most serious attempt so far to fix the broken dispute settlement system.

- [COP28: UNCTAD and partners to show how trade can advance pro-development climate goals](#)

UNCTAD, in partnership with the International Chamber of Commerce (ICC), the International Trade Centre (ITC) and the World Trade Organization (WTO), will jointly host the “Trade House pavilion” at the 28th UN climate change conference (COP28) in Dubai, United Arab Emirates, to spark discussions and advance consensus on trade-related measures that may help drive both climate and sustainable development actions.

- [WTO panel to review US anti-dumping duties on tubes and pipes from Argentina](#)

The Dispute Settlement Body (DSB) agreed in its meeting on 26 October 2023 to a request from Argentina for the establishment of a dispute panel to review anti-dumping duties imposed by the United States on oil country tubular goods (OCTG) imported from Argentina.

- [India, other WTO members criticise EU, UK on steel safeguard measures](#)

India and some other nations, including Switzerland, Brazil, China, Japan, Korea and Russia, have criticized the EU for deciding against terminating its safeguard measure on imports of certain steel products after carrying out a review. Most argued that the EU’s safeguard duty, imposed after the Trump administration in the US slapped additional duties on certain categories of steel imports from the bloc, in 2018, was inconsistent with WTO rules.

- [Officials' meet shape agenda for Abu Dhabi WTO ministerial](#)

A two-day meeting of senior officials of the World Trade Organization (WTO) member countries which concluded in Geneva on 24 October 2023 shaped the agenda for the coming ministerial meeting of the world body, by narrowing down the differences over the key issues of agriculture, dispute settlement, e-commerce taxation.

- [Surge of formal acceptances of Agreement on Fisheries Subsidies — entry into force closer](#)

Seven WTO members deposited their instruments of acceptance of the Agreement on Fisheries Subsidies on 23 October 2023 bringing the total number of WTO members that have formally accepted the Agreement to 51. This is 46% of what is needed for



the Agreement to come into effect (two-thirds of the WTO membership).

- [WTO initiates global task force for carbon pricing](#)

The World Trade Organization (WTO) has announced the establishment of a global task force focused on carbon pricing. This initiative, spearheaded by WTO Director-General Ngozi Okonjo-Iweala, aims to address the critical issue of carbon emissions and their impact on global trade.

- [‘WTO intervention undue’: India’s hit send on laptop import issue](#)

The Government of India has said that the WTO cannot intervene when it comes to security norms for the import of laptops or hardware into India. The response came after reports that the US, China, Korea and Taiwan had raised concerns on India’s decision to impose import restrictions on laptops and computers in a meeting of the WTO recently.

- [WTO chief calls on development banks to help close trade finance gap](#)

The head of the World Trade Organization (WTO) has called on multilateral development banks to marshal their forces to boost access to trade finance in low-

income regions. WTO director general Ngozi Okonjo-Iweala told the summit that recent studies by the organization and the International Finance Corporation suggest that financing by development banks could help small and medium-sized businesses overcome acute trade finance shortages in some parts of the world.

- [India makes a pitch at WTO for members to collaborate in checking MNC dominance in e-commerce](#)

India has made a pitch at the WTO for member countries to work together to check the dominance of a handful of MNCs in the growing e-commerce business across the world. This is proposed to be achieved by promoting competition in the digital markets and enhancing cooperation between regulatory authorities..

- [Experts lower 2023 trade growth forecast amid global manufacturing slowdown](#)

Projections for growth in global merchandise trade in 2023 have been scaled back by economists amid a continued slump that began in the fourth quarter of 2022, according to the latest World Trade Organization (WTO) trade forecast released recently. The volume of world merchandise trade is now expected to grow by



0.8 per cent this year, less than half the 1.7 per cent increase forecasted in April, 2023.

Trade Policy:

India-

- [Piyush Goyal urges G7 govts to collaborate on regulatory framework to facilitate cross border trade, supply chains](#)

The Union Commerce Minister participated in the G7 Trade Ministers' Meeting in Osaka, Japan. During the meeting, Piyush Goyal made an important intervention on the topic of enhancing supply chain resilience and gave several suggestions on the issue.

- [India, UK trade ministers review progress of talks on proposed FTA](#)

India and the UK on 28 October 2023 reviewed the progress of negotiations of the proposed free trade agreement (FTA). The talks have reached the final stage. The progress was reviewed by the Commerce and Industry Minister Piyush Goyal and the UK Secretary of State for Business and Trade Kemi Badenoch in Osaka, Japan. Both ministers are in Japan for the Group of Seven (G7) trade ministers meeting in Osaka.

- [DGFT Notifies Imposition of Minimum Export Price on export of Onions](#)

The Directorate General of Foreign Trade (DGFT) has notified the Imposition of Minimum Export Price on export of Onions till 31st December 2023 via issuing Notification. The Notification comes into effect from 29th October, 2023.

- [DGFT extends Accreditation Period for Halal Certification Bodies and Export Unit Registration until April 5, 2024](#)

The Directorate General of Foreign Trade (DGFT), vide notification no. 41/2023 S.O. 4717(E) issued on 28 October 2023 has notified the extension of time period for accreditation of Halal Certification Bodies and registration of Export Units by a period of six months i.e., up to 5th April 2024.

- [DGFT amends Import Policy in Alignment with FSSAI Regulations](#)

The Directorate General of Foreign Trade, vide notification no. 40/2023 issued on 26 October 2023, has notified the amendment in import policy Condition 1 of Chapter 15 of ITC (HS), 2022, Schedule – I in alignment with the Food Safety and Standards (Food Products Standards and Food Additives) Regulation, 2011.



- [India reportedly investigates Chinese solar companies for tax evasion; move to backfire: experts](#)
Indian tax authorities are investigating 40 Chinese solar companies for potential tax evasion. This move is viewed by Chinese experts as a trade restriction and protectionist measure to limit China's supply chain. The inquiry, ongoing for a month, requires domestic photovoltaic firms to assist and provide queries. If proven, the companies could face fines, according to Yicai.com, citing insiders from Chinese PV enterprises.
- [Goa government levies 'green cess' on transportation of coal, coke and iron ore](#)
The Goa government has enacted "The Goa Cess on Products and substances causing pollution (Green Cess) Act 2013" and levied Green Cess on industries using or transportation of Coal, Coke and other similar substances causing pollution. The levy would be 0.5 per cent of the sale value.
- [Government Rolls Out Mandatory Quality Norms For Copper Products, Drums, Tin Containers](#)
The Indian government has issued mandatory quality norms for copper products, drums, and tin containers to reduce imports of sub-standard goods and promote domestic manufacturing. The Department for Promotion of Industry and Internal Trade (DPIIT) issued two notifications, the Drums and Tins (Quality Control) Order, 2023, and the Copper Products (Quality Control) Order, 2023, both published on October 20.
- [Mahindra Renewables Wins Compensation Battle Over Safeguard Duties](#)
Mahindra Renewables Private Limited (MRPL), a subsidiary of Mahindra Susten Private Limited, has been compensated for the imposition of safeguard duties on solar cell imports. The regulatory authority emphasized the impact of these duties on solar power projects.
- [DGTR concludes domestic industry not suffering material injury due to imports of key API Metronidazole from China](#)
The Directorate General of Trade Remedies (DGTR) has come to the conclusion that the domestic industry is not suffering any material injury due to imports of Metronidazole from China in an anti-dumping investigation case. The DGTR did not consider it appropriate to recommend levy of anti-dumping duty on the imports of Metronidazole from China.



- [Indian Government Implements Stricter Regulations On Business Deals With China And Pakistan](#)

In a bid to bolster economic security, the Indian government has recently implemented stricter regulations barring business entities, both domestic and international, from engaging in "commercial arrangements" with countries deemed as hostile, including China and Pakistan. This comes as an extension of the government's previous move from July 2020, where they made it mandatory for bidders with commercial arrangements with countries sharing a land border with India to undergo prior screening and registration.

United States

- [U.S. Lawmakers Urge Commerce Department to Lower Tariffs on Morocco's Phosphate Imports](#)

Influential US Senators and House members have called on the US Department of Commerce to reduce duty on imports of phosphate fertilizers from Morocco, citing that the imposed tariffs as causing global price increases and impacting US farmers. The call follows a recent ruling by the US Court of International Trade.

- [USTR Reverses Course on WTO Digital Trade Talks, Raising](#)

Congressional and Industry Concerns

The US Trade Representative has withdrawn its support for e-commerce proposals in World Trade Organization (WTO) negotiations, causing concern among 90 WTO Members. The move was announced at a Geneva negotiating session of the Joint Statement Initiative on E-Commerce. The US had previously supported proposals on data flows, data localization, and source code. The move was announced to provide enough policy space for debates on the subject after paused similar proposals in the Indo-Pacific Economic Framework (IPEF) negotiations in October, 2023.

- [US trade commission explores impact of patent rules on COVID diagnostics](#)

The USITC has released a 500-page report on the impact of an intellectual property agreement on COVID-19 diagnostics and therapeutics. The report examines the implications of extending compulsory licensing decisions to COVID-19 diagnostics, presenting conflicting testimony from the medtech industry and advocacy groups. The World Trade Organization's rules on compulsory licensing may bypass intellectual property.



- [Major solar panel plant opens in US amid backdrop of industry worries about low-priced Asian imports](#)

South Korean company Qcells has started production at a new solar panel factory in Georgia, despite concerns about rising Asian imports impacting US solar component production. The two-factory complex in Dalton, Georgia, is scheduled to produce enough solar panels to generate 5.1 gigawatts of power annually, accounting for nearly 40% of the US solar panel capacity, according to the Solar Energy Industries Association.

Europe

- [EU and Japan reach deal on cross-border data flows](#)

The EU and Japan have reached a deal on cross-border data flows, aiming to make online business easier, less costly, and more efficient. The agreement was concluded during a G7 trade ministers' meeting in Japan. Once ratified, the terms will be included in the EU-Japan Economic Partnership Agreement.
- [EU enables coordinated export controls by compiling national lists](#)

The first compilation of EU Member States' national export control lists, published on 20

October 2023, enables Member States to impose authorization requirements on exports of items included in other lists, provided they are included in the Commission's compilation. This includes Dutch controls on semiconductor machines and Spanish controls on quantum computing and additive manufacturing.

- [Alleged state links will continue to hurt Chinese firms in Europe](#)

The European Commission has initiated a 13-month regulatory investigation into Chinese electric vehicle imports, accusing state subsidies of enabling Chinese EVs to outcompete European manufacturers in price. Chinese imports have increased their share of the European EV market by 8% in the past year.
- [EU Court of Justice concludes that the European Commission has exceeded its powers when adopting delegated legislation concerning non-preferential rules of origin](#)

The European Court of Justice (ECJ) has ruled that the "Change of Tariff Heading" rule for determining non-preferential origin of goods imported into the EU is invalid. This ruling clarifies rules for determining origin and demonstrates the ECJ's willingness to invalidate



delegated legislation. The ECJ has found the rule contradictory, discriminatory, and exceeded its powers, suggesting origin rules may not be as legally binding as previously thought.

China

- [Commodity imports to China remain buoyant](#)
China's commodity imports, particularly iron ore, have remained strong in September, supported by infrastructure projects and increased exports of e-vehicles and internal combustion vehicles by German carmakers.
- [China concerned about EU's ongoing steel trade restrictions](#)
China is concerned about the European Union's trade restrictions on steel imports, arguing that these measures disrupt international trade, increase production costs, and negatively impact consumer interests, and do not support long-term industry development.

Japan

- [Meeting between Foreign Minister Kamikawa and The Honorable Ambassador Tai, United States Trade Representative](#)

Japan's Foreign Affairs Minister, Ms. Kamikawa Yoko, met with US Trade Representative, Ambassador Katherine Tai, during the G7 Trade Ministers' Meeting. They discussed bilateral and multilateral issues, including the WTO, economic security, and ALPS treated water. Both agreed to work together for the OECD Ministerial Council Meeting next year.

Customs:

- [CBIC issued circular regarding the revision of All Industry Rates \(AIRs\) of Duty Drawback](#)
The Ministry of Finance, Department of Revenue, and Central Board of Indirect Taxes & Customs has issued Circular No. 26/2023-Customs, revising All Industry Rates of Duty Drawback, impacting trade and exports.

Sanction:

- [Russian aluminium included in EU's 12th sanctions package?](#)
A new anti-Russian sanctions package which is under discussion, is expected to include work on diamonds within the G7 and aluminum. The EU is in consultation with Ukraine regarding imported components found in Russian weapons and is also discussing measures to counter any bypassing of EU sanctions.

Trade Remedies:

India

S.NO.	PRODUCT	SUBJECT COUNTRY	TYPE OF PROCEEDING	STATUS	DATE
1.	Welded Stainless-Steel Pipes and Tubes	Thailand and Vietnam	Anti-dumping	Ongoing Investigation [6/28/2023-DGTR]	10/06/2023
2.	Thermoplastic Polyurethane (TPU)	China PR	Anti-dumping	Ongoing Investigation [6/23/2023-DGTR]	10/06/2023
3.	Roller Chains	China PR	Anti-dumping	Ongoing Investigation [06/26/2023-DGTR]	10/06/2023
4.	Cellophane Transparent Film	China PR	Anti-dumping	Ongoing Investigation [06/18/2023-DGTR]	10/06/2023
5.	Halobutyl-Rubber (HIIR)	Japan, Russia, Singapore, the UK and the USA.	Anti-dumping	Ongoing Investigation [6/19/2023-DGTR]	10/06/2023
6.	Soft Ferrite Cores	China PR	Anti-dumping	Ongoing Investigation [6/22/2023-DGTR]	10/05/2023
7.	Trichloro Isocyanuric Acid	China PR, and Japan	Anti-dumping	Ongoing Investigation [6/20/2023-DGTR]	10/05/2023
8.	Poly Vinyl Chloride Paste Resin.	China PR, Korea RP, Malaysia, Norway, Taiwan & Thailand	Anti-dumping	Ongoing Investigation [6/17/2023-DGTR]	10/04/2023



9.	Isopropyl alcohol (IPA)	China PR	Anti-dumping	Ongoing Investigation [6/09/2023-DGTR]	10/04/2023
10.	Epichlorohydrin	Korea RP, Thailand and China PR	Anti-dumping	Ongoing Investigation [06/15/2023-DGTR]	10/03/2023

European Union

S.NO.	PRODUCT	COUNTRY	TYPE OF PROCEEDING	STATUS	DATE
1.	Tyres for buses or lorries	People's Republic of China	Expiry Review, Article 11(2)	Ongoing Investigations [Case R802]	10/20/2023
2.	Iron or Steel fasteners	People's Republic of China	New Exporting producer treatment Review, Article 11(4)exp	Ongoing Investigations [NEPT21-04]	10/18/2023
3.	Ceramic tiles	India Türkiye	New Exporting producer treatment Review, Article 11(4)exp	Ongoing Investigations [NEPT22-01]	10/06/2023
4.	New battery electric vehicles for passengers	People's Republic of China	Initial Investigation, Article 10	Ongoing Investigations [AS689]	10/04/2023



5.	Seamless pipes and tubes of iron or steel	Russian Federation	Expiry Review, Article 11(2)	Ongoing Investigations <i>[Case R801]</i>	10/02/2023
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United States of America

S.NO.	PRODUCT	COUNTRY	TYPE OF PROCEEDING	STATUS	DATE
1.	Frozen Warmwater Shrimp	Ecuador, India, Indonesia, and Vietnam	AD, CVD	Preliminary <i>[Inv. No. 701-TA-699-702 and 731-TA-1659-1660]</i>	10/25/2023
2.	Phosphate Fertilizers	Morocco and Russia	CVD	Remand <i>[Inv. Nos. 701-TA-650-651]</i>	10/24/2023
3.	Truck and Bus Tyres	Thailand	Anti-dumping	Preliminary <i>[Inv. No. 731-TA-1658]</i>	10/17/2023
4.	Aluminum Extrusions	China, Colombia, Dominican Republic, Ecuador, India, Indonesia, Italy,	Import Injury (AD, CVD)	Preliminary <i>[Inv. No. 701-TA-695-698 and 731-</i>	10/04/2023



		Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam		TA-1643- 1657]	
5.	Xanthan Gum	China	Anti-dumping	Review [Inv. No. 731-TA- 1203 (Review 2)]	10/02/2023

United Kingdom

S.NO.	PRODUCT	COUNTRY	TYPE OF PROCEEDING	STATUS	DATE
1.	Ceramic Tableware	China	Anti-Dumping	New exporter review [NE0043]	10/19/2023
2.	Biodiesel	Argentina	Transition anti-subsidy review	Case initiated [TS0044]	10/05/2023



China

S.NO.	PRODUCT	COUNTRY	TYPE OF PROCEEDING	STATUS	DATE
1.	POM Copolymer	South Korea, Thailand and Malaysia	Anti-dumping	Case initiated	10/05/2023

This newsletter is only for general informational purposes, and nothing in this edition of newsletter could possibly constitute legal advice (which can only be given after being formally engaged and familiarizing ourselves with all the relevant facts). The information has been compiled from different sources and does not reflect the opinion/views of Luthra and Luthra Law Offices India.

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