



Director General of Trade Remedies
Department of Commerce
Ministry of Commerce & Industry
Government of India

HANDBOOK OF OPERATING PROCEDURES OF TRADE DEFENCE WING



HANDBOOK OF OPERATING PROCEDURES OF TRADE DEFENCE WING

DIRECTORATE GENERAL OF TRADE REMEDIES
DEPARTMENT OF COMMERCE
MINISTRY OF COMMERCE & INDUSTRY
GOVERNMENT OF INDIA

सुरेश प्रभु
SURESH PRABHU



मंत्री
वाणिज्य एवं उद्योग;
एवं
नागर विमानन मंत्रालय
भारत सरकार, नई दिल्ली
MINISTER
COMMERCE & INDUSTRY;
AND
CIVIL AVIATION
GOVERNMENT OF INDIA, NEW DELHI

MESSAGE

I am very pleased to note that the Directorate General of Trade Remedies (DGTR) is bringing out its first "*Handbook of Operating Procedures of Trade Defence Wing*". This Handbook encapsulates the role of various stakeholders in trade remedial investigations against exports from India and delineates the operating procedures of the Trade Defence Wing of DGTR.

I am certain that the Handbook will facilitate all stakeholders to work in close coordination to defend the country's interests in trade remedial investigations. The operating procedures contained in this handbook shall enable DGTR to adhere to the strict timelines set by various National Investigating Authorities of our trading partners.

I hope all stakeholders will find this Handbook useful.

(Suresh Prabhu)

Minister of Commerce & Industry

सी.आर. चौधरी, भा.प्र.से. (से.नि.)
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वाणिज्य एवं उद्योग मंत्रालय
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C. R. CHAUDHARY, IAS (Retd.)
Minister of State
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MESSAGE

In wake of the complexities of international trade, it is essential to equip officials and stakeholders with proper knowledge of the procedural and technical requirements of trade remedial investigations. Publication of the *Handbook of Operating Procedures of Trade Defence Wing* will be of great benefit for defending Indian interests in such investigations.

Trade Defence Wing has the crucial responsibility of representing and defending the schemes/ programs of the Government of India by participating in all trade remedies related investigations. I am sure the operating procedures contained in the handbook shall enable DGTR to represent the interest of Indian stakeholders in a more structured and inclusive manner.

I congratulate the officers of Trade Defence Wing in the Directorate General of Trade Remedies who have worked hard to bring out this Handbook.

(C.R. Chaudhary)

Minister of State, Commerce & Industry

ANUP WADHAWAN



वाणिज्य सचिव
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**COMMERCE SECRETARY
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MESSAGE

I am happy to note that the Trade Defence Wing (TDW) of DGTR has compiled this Handbook of Operating Procedures of the Trade Defence Wing. TDW is an integral part of DGTR. It plays a critical role in protecting the interests of our exporters facing proceedings in overseas trade defence jurisdictions, and in ensuring a level playing field for them in accordance with WTO rules.

This Handbook outlines the procedures followed by TDW in coordinating with Indian industry, ministries/ departments of Government of India, State Governments and other stakeholders, in discharging this role. It also sets out the timelines endeavored to be followed by TDW in ensuring comprehensive and timely filing of responses in such trade remedial investigations.

To the benefit of our exporters and other impacted stakeholders, the Handbook shall also provide essential insights into the procedures associated with trade remedial investigations conducted by our trading partners against exports originating from India.

I compliment the officers of TDW, DGTR who have worked hard to compile this Handbook.


(Anup Wadhawan)
Commerce Secretary

Sunil Kumar, IAS
ADDITIONAL SECRETARY
&
DIRECTOR GENERAL TRADE REMEDIES



भारत सरकार
व्यापार उपचार महानिदेशालय
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FOREWORD

Providing timely assistance to Indian Producers and Exporters in Trade Remedial investigations conducted by our trading partners is one of the key reason behind the formation of Trade Defence Wing, formerly known as "CVD Cell" in the Directorate General of Trade Remedies (DGTR).

2. The Trade Defence Wing coordinates with various stakeholders and ensures that appropriate responses based on duly substantiated facts, are filed within stipulated time and in conformity with the well- established WTO norms and procedures. This requires collection of information from various agencies such as Export Promotion Councils, Industry Associations, Departments of State Governments and Government of India. This Handbook lays down the operating procedures to ensure that all stakeholders work in tandem and participate fully in trade remedial investigations against exports originating from India.

3. I congratulate the officers of the Trade Defence Wing, who have worked hard to prepare this Handbook in a very short period of time. In particular, the efforts of Shri Rajneesh, Joint Secretary, Shri J. M. Bishnoi, Deputy Director, Ms. Arti Bangia, Deputy Director, Shri Vivek Jayaswal, Section Officer and Ms. Radhika Sharma, Legal Consultant are praiseworthy.

(Sunil Kumar)

Additional Secretary & Designated Authority
Directorate General of Trade Remedies

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Chapter-1

Global Trends in Trade Defence

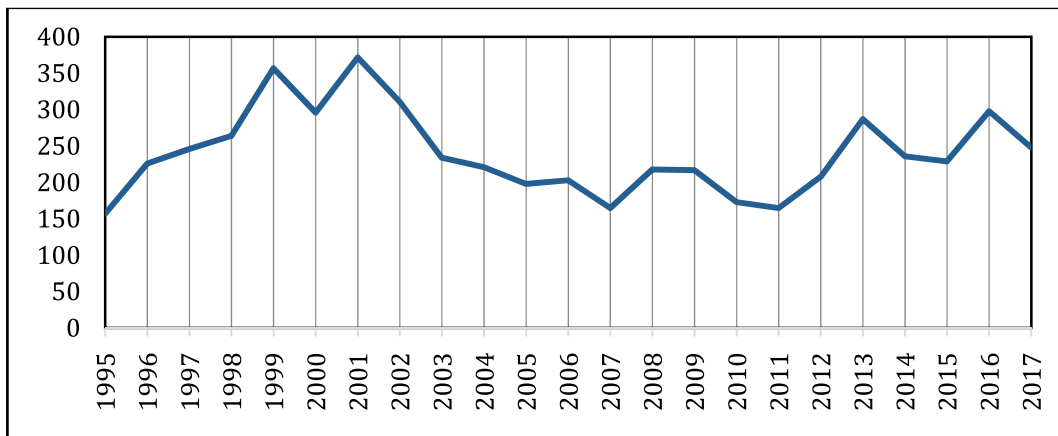
1. The WTO allows its member countries to impose Anti-Dumping, Anti-Subsidy and Safeguard measures against the imports of products to prevent injury or threat of injury to the domestic industry of the importing country. These trade remedial measures are an integral component of Trade Defence instruments available to the WTO members. They can be applied within the disciplines of the following WTO Agreements:
 - (i) Agreement on Subsidies & Countervailing Measures (ASCM)
 - (ii) Agreement on Implementation of Article VI of GATT 1994
 - (iii) Agreement on Safeguards

2. These trade remedial measures may be classified as under:-
 - (a) **Anti-Dumping Duty (“ADD”)**: A member country imposes ADD against imported goods when the export price of the goods is lower than normal value of the goods in the domestic market of the exporting country and there is a causal link between the dumping and injury suffered by the competing domestic industries.
 - (b) **Countervailing Duty (“CVD”)**: A member country imposes CVD to offset the unfair advantage to imports on account of subsidy policies, rules, regulations by the Government of exporting countries, if such subsidized imports are causing injury to the domestic industry of the importing country.

- (c) **Safeguard Duty (“SD”)**: Safeguard duties are remedial measures taken in the form of Duty imposed on imported goods to prevent injury or threat of injury to the Domestic Industry from a sudden surge of imports. The Safeguard duties are applicable to all exporting countries irrespective of the origin of the product.
- (d) **Safeguard Quantitative Restriction (“SQR”)**: SQRs are remedial measures taken in the form of Quantitative Restrictions applied on imports of goods to prevent Domestic Industry from injury/ threat of injury due to a sudden surge in imports. SQRs are applicable to all exporting countries irrespective of the origin of the products.

I. Global Trends: Trade Remedial Measures

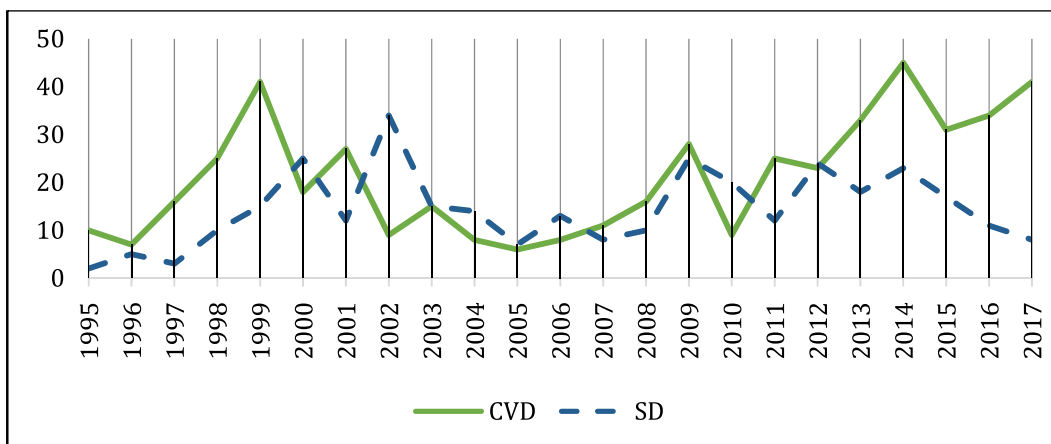
Fig. 1: Anti-Dumping Investigations (Initiated)



Source: WTO data (01.01.1995 to 31.12.2017).

3. Fig.1 illustrates the initiations of Anti-Dumping investigation during 1995-2017. The trend of Anti-Dumping investigations can be categorized into three phases i.e. 1995-2001, 2001-2011 and 2011-17. It is evident that initiations of Anti-Dumping investigations rose between 1995 - 2001 and declined thereafter till 2011. Since 2011 there has again been an overall rise in the initiations of Anti-Dumping investigations with intermittent fluctuations.

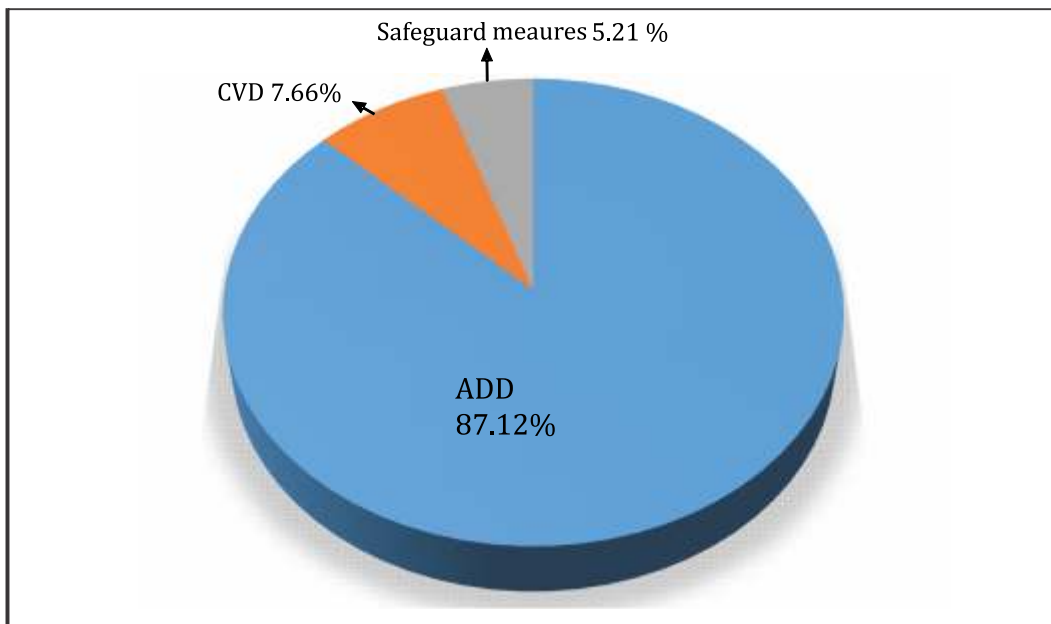
Fig. 2 : Countervailing and Safeguard Measures (Initiated)



Source: WTO data (01.01.1995 to 31.12.2017).

4. Fig-2 depicts a similar rising trend in initiation of CVD investigations between 1995- 1999 followed by a phase of decline in initiations between 1999-2005. The CVD investigation initiations have again been on a rise since 2005, with intermittent aberrations in 2010, 2012 & 2015. The usage of Safeguard measures has risen between 1995-2002 and has declined thereafter. However, the recent cases of Safeguard measures initiated/imposed by European Union (EU), Canada, Turkey and Eurasian Economic Union are not captured in this data.

Fig 3: Distributive Share of Trade Remedial Measures (Initiated)

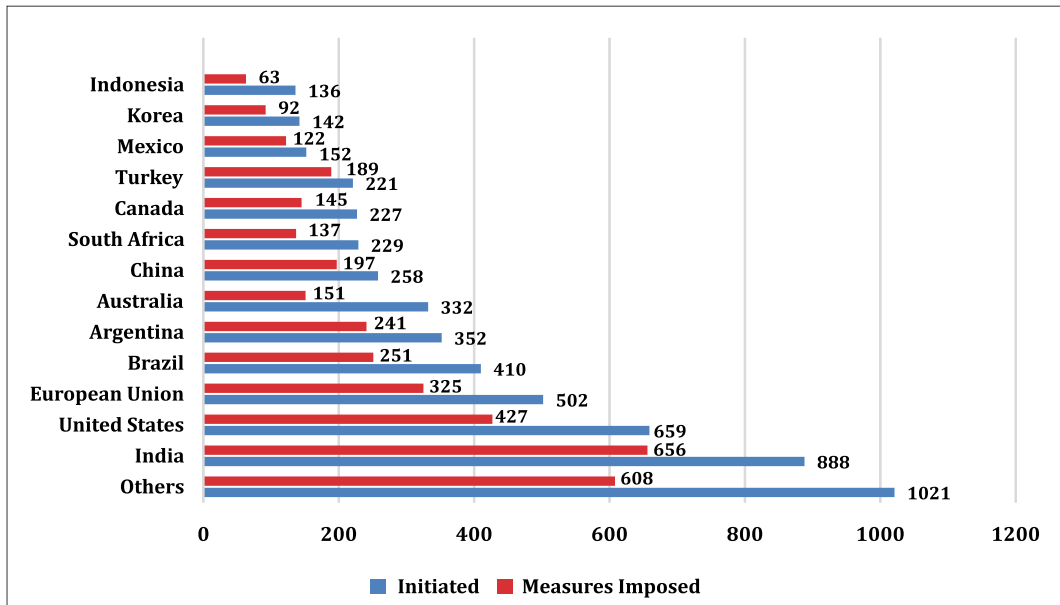


Source: WTO data (01.01.1995 to 31.12.2017).

5. It is evident from Fig.-3 that ADD constitutes the bulk of the initiations of trade remedial measures i.e. 87.12% followed by CVD 7.66% and Safeguard measures 5.21%. It is a clear pointer of a high appetite among WTO members towards usage of ADD in comparison to CVD and Safeguard measures.

II. Anti-Dumping Measures: Global Scenario

Fig. 4: Country-wise Initiations and Measures Imposed: ADD

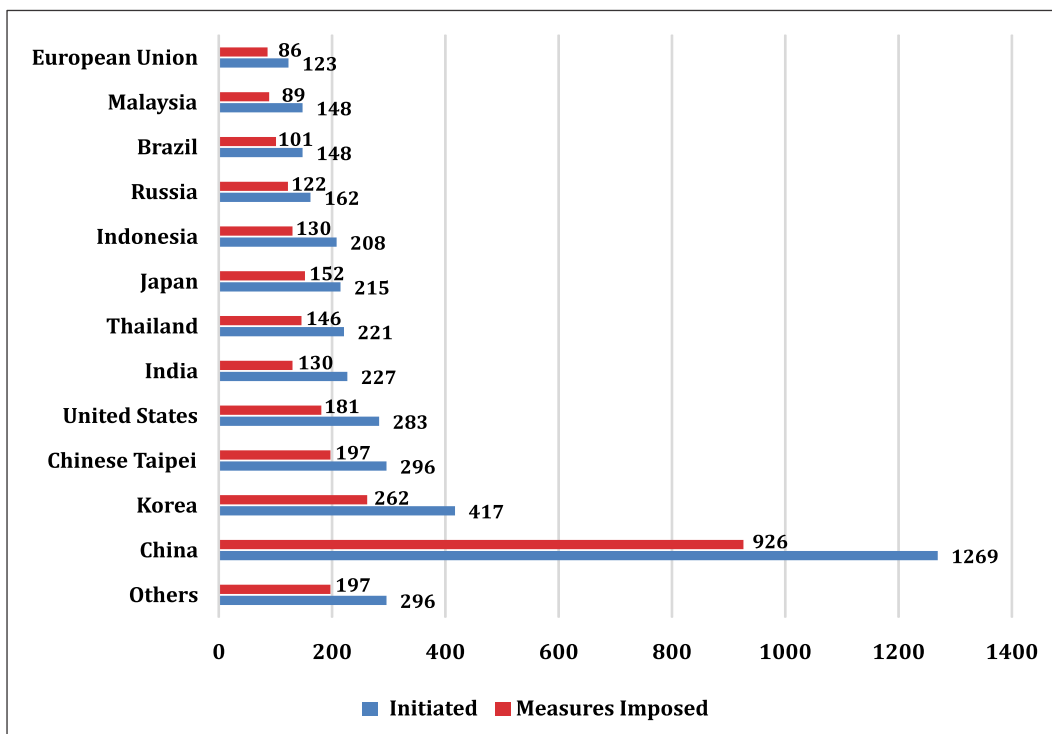


Source: WTO data (01.01.1995 to 31.12.2017).

Note: Figures in horizontal axis denote numbers

6. Fig.4 presents a snapshot of Anti-Dumping investigations initiated and measures imposed by WTO members during 1995-2017. India has initiated the highest number of AD Investigations (888 initiated and 656 measures imposed) followed by United States of America (USA) (659 initiated and 427 measures imposed), European Union (502 initiated and 325 measures imposed), Brazil (410 initiated and 251 measures imposed), Argentina (352 initiated and 241 measures imposed), Australia (332 initiated and 151 measures imposed) and China (258 initiated and 197 measures imposed). Besides these countries, South Africa (229 initiated and 137 measures imposed), Canada (227 initiated and 145 measures imposed), Turkey (221 initiated and 189 measures imposed), Mexico (152 initiated and 122 measures imposed), Korea (142 initiated and 92 measures imposed) and Indonesia (136 initiated and 63 measures) are among the other major users of Anti-Dumping measures.

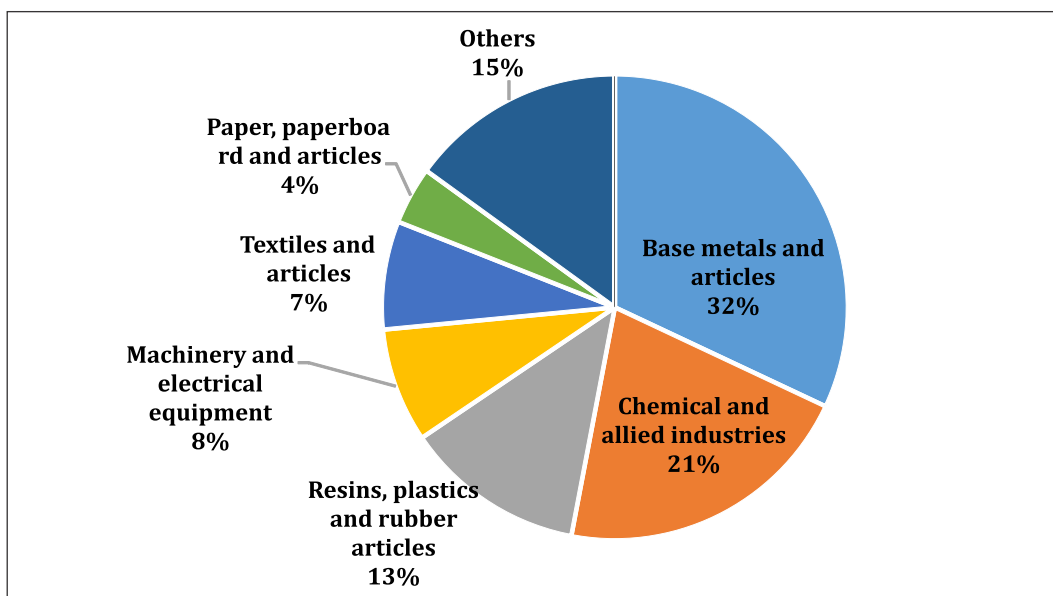
Fig. 5 : Anti-Dumping Measures on Exports from WTO Members (Initiated and Measures Imposed)



Source: WTO data (01.01.1995 to 31.12.2017).

7. Fig. 5 outlines the global landscape pertaining to AD investigations and measures imposed on exports from WTO members. Exporters of China have been subjected to the highest number of investigations (1269 initiated, 926 measures imposed) followed by Korea (417 initiated, 262 measures imposed), Chinese Taipei (296 initiated, 197 measures imposed), USA (283 initiated, 181 measures imposed) and India (227 initiated and 130 measures imposed). Exporters of Thailand, Japan, Indonesia, Russia, Brazil, Malaysia and European Union are also among the leading subjects of AD Investigations.

Fig. 6: Sector-wise Anti-Dumping Measures Imposed

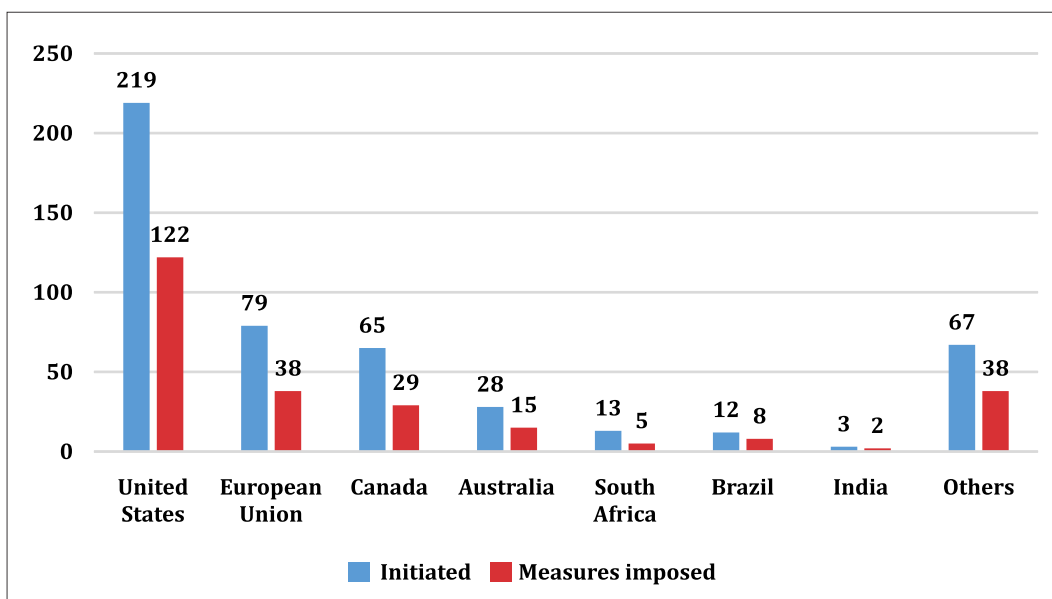


Source: WTO data (01.01.1995 to 31.12.2017).

8. The global sector-wise distribution of Anti-Dumping measures imposed by WTO member countries is quite varied. As illustrated by Fig.6, Base Metals and Articles constitute 32% of the total cases where ADD was imposed, followed by Chemical and Allied Industries (21%), Resins, Plastics and Rubber (13%), Machinery and Electrical Equipment (8%), Textiles and Articles (7%) and Paper, Paper Board and Articles (4%). Together these sectors account for about 85% of the total Anti-Dumping cases globally on which ADD measures have been imposed.

III. Countervailing Duty Investigations: Global Scenario

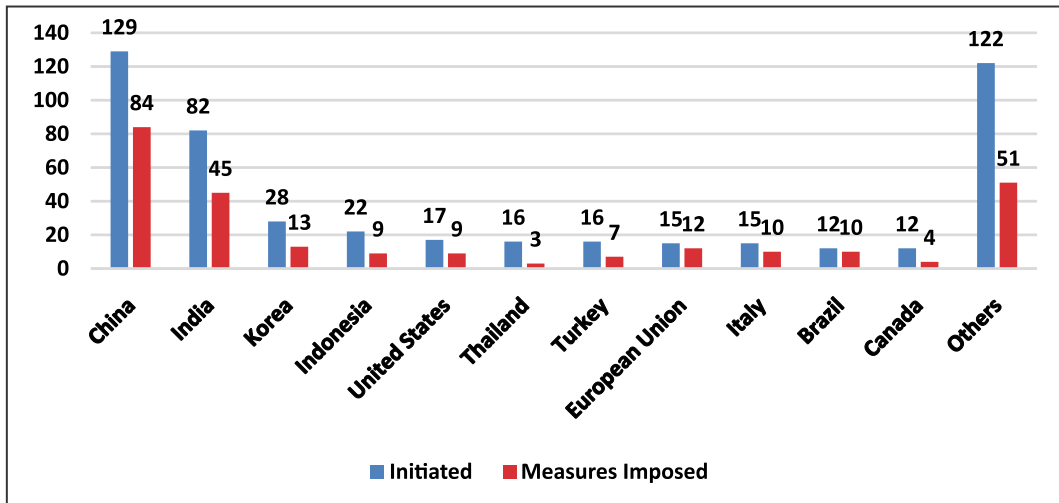
Fig. 7: CVD Measures by WTO Members
(Initiated and Measures Imposed)



Source: WTO data (01.01.1995 to 31.12.2017).

9. Fig.7 presents the global scenario of CVD investigations initiated by WTO member countries and measures imposed by them. The USA (219 initiated, 122 Measures imposed), European Union (79 initiated, 38 measures imposed), Canada (65 initiated, 29 measures imposed) and Australia (28 initiated and 15 measures imposed) are among the major users of CVD measures. India had initiated only 3 CVD investigations from 1995 to 2017. Duties were imposed in two cases and investigation in one case was terminated. In 2018, India has initiated 6 CVD investigations to protect its domestic industries from rising incidents of subsidies provided by its trading partners.

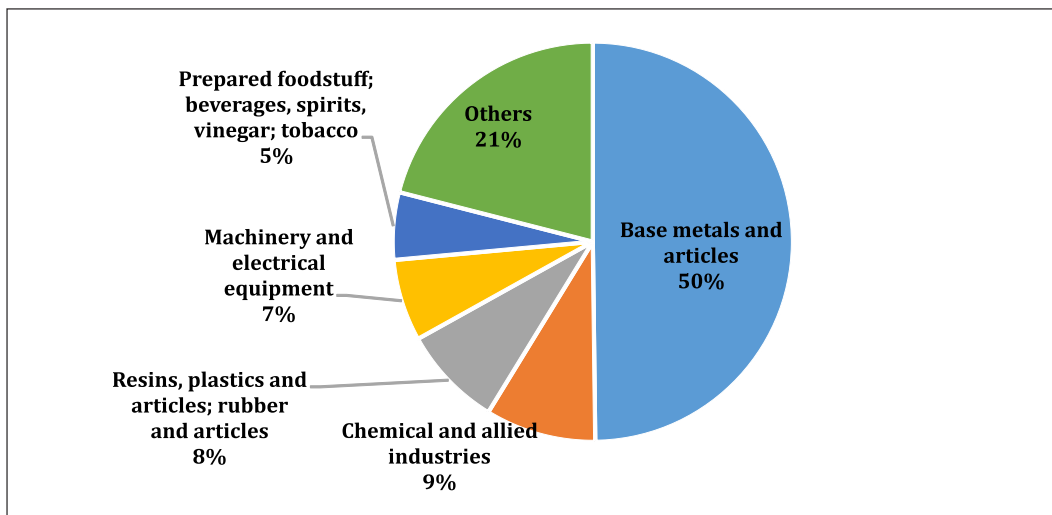
Fig. 8: CVD Measures against Exports of WTO Members (Initiated and Measures Imposed)



Source: WTO data (01.01.1995 to 31.12.2017).

10. Fig. 8 delineates the details of countries against whose exports CVD investigations were initiated and duties were imposed. During 1995-2017, the maximum number of CVD investigations were initiated against exports from China (129) followed by India (82), Korea (28), Indonesia (22), USA (17), Thailand (16), Turkey (16), European Union (15), Italy (15), Brazil (12) and Canada (12). It is also evident from Fig.8 that highest number of measures were imposed against exports emanating from China (84 cases). CVD Measures were also imposed on exports from India (45), Korea (13), European Union (12), Italy (10), Brazil (10), USA (9), Indonesia (9), Turkey (7), Canada (4) and Thailand (3).

Fig. 9: Sector-wise Countervailing Measures Imposed

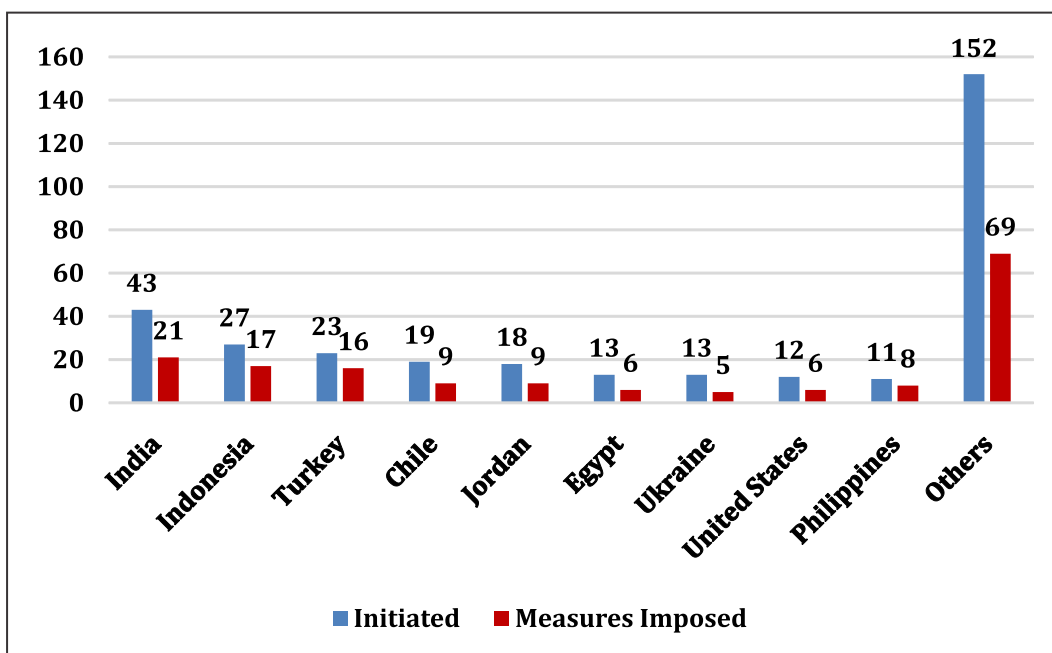


Source: WTO data (01.01.1995 to 31.12.2017).

- Fig.9 depicts sector-wise distribution of CVD Measures imposed by WTO members globally from 1995 to 2017. Base Metals and Articles constitute the bulk of cases in which the CVD Measures were imposed. In fact, out of the total CVD Cases where measures are imposed, 50% belong to Base Metal and Articles category followed by Chemicals and Allied Industries (9%), Resins, Plastics, Rubber and Articles (8%), Machinery and Electrical Equipment (7%), Prepared food-stuffs, spirit, beverages, vinegar and tobacco (5%) together constituting about 29% share of the total CVD measures imposed by WTO members.

IV. Safeguard Measures: Global Scenario

Fig. 10: Country-wise distribution of Safeguard Measures (Initiated and Measures Imposed)

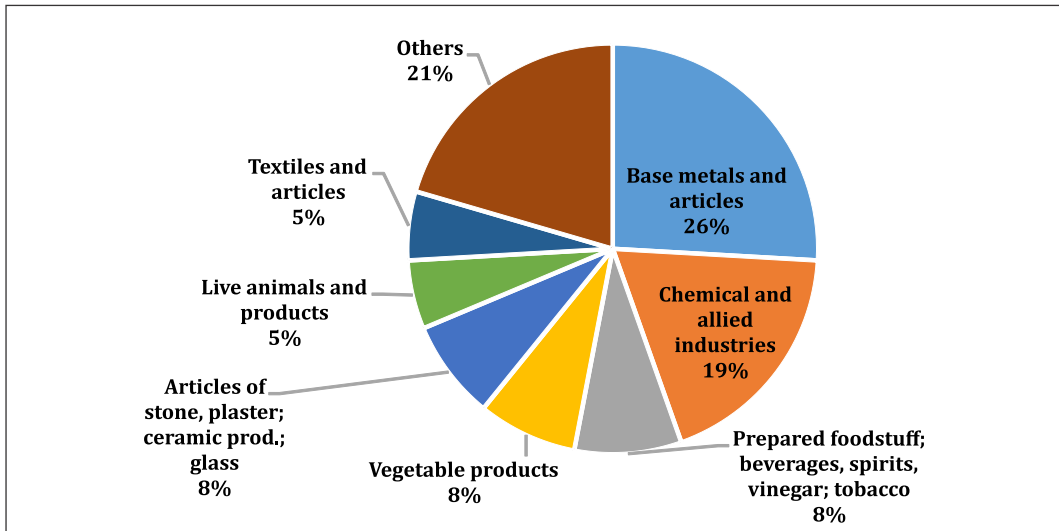


Source: WTO data (01.01.1995 to 31.12.2017).

12. Fig.10 presents a snapshot of countries using Safeguard measures as during 1995 to 2017. The leading countries initiating Safeguard measures are India (43 cases), Indonesia (27 cases), Turkey (23 cases), Chile (19 cases), Jordan (18 cases), Egypt (13 cases), Ukraine (13 cases), USA (12 cases), Philippines (11 cases). The major countries where maximum number of Safeguard measures have been imposed include India (21 cases), Indonesia (17 cases), Turkey (16 cases), Chile (9 cases), Jordan (9 cases) and Philippines (8 cases). Recently, USA has imposed Safeguard measures on Steel (25%) and Aluminium (10%), while the

Eurasian Economic Union, European Union, Turkey, Canada have also initiated Safeguard measures in Steel sector. This data is not captured in the figure above.

Fig.11: Sector-wise Safeguard Measures Imposed



Source: WTO data (01.01.1995 to 31.12.2017).

- Fig.11 presents sector-wise distribution of cases where Safeguard measures have been imposed by WTO members from 1995 till 2017. The 'Base Metals and Articles' and 'Chemical and Allied Industries' constitute 26% and 19% respectively of the total number of Safeguard measures imposed globally. The other sectors where Safeguard measures have been imposed include prepared foodstuff, beverages, spirit, vinegar, tobacco (8%), vegetable products (8%), Articles of stone, Ceramics (8%), live animals and products (5%), Textiles and Articles (5%) and together they constitute about 79% of the total cases where Safeguard measures were imposed.

Chapter-2

Trade Remedial Measures: India

1. The global landscape pertaining to trade remedies points towards an increasing usage of these measures by WTO member countries. The domestic industry in India has been raising concerns over rising instances of unfair trading practices causing injury to the domestic industry. In view of the growing instances of dumping, subsidized exports and surge of exports emanating from abroad, Indian industry has been facing severe stress and has been seeking level playing field. Within the strict disciplines of WTO Agreements, India had to resort to initiating and enforcing trade remedial measures for protecting its domestic industry. Various trade remedial measures by and against India, along with the global scenario since 1995 are presented at Table 1.

Table 1: Trade Remedial Measures by and against India

Trade Remedies	Measures Globally		Measures by India		Measures against India	
	Initiated	Imposed	Initiated	Imposed	Initiated	Imposed
Anti-Dumping	5529	3604	888	656	227	130
Countervailing Duty Investigation	486	257	3	2	82	45
Safeguard	331	166	43	21	--	--

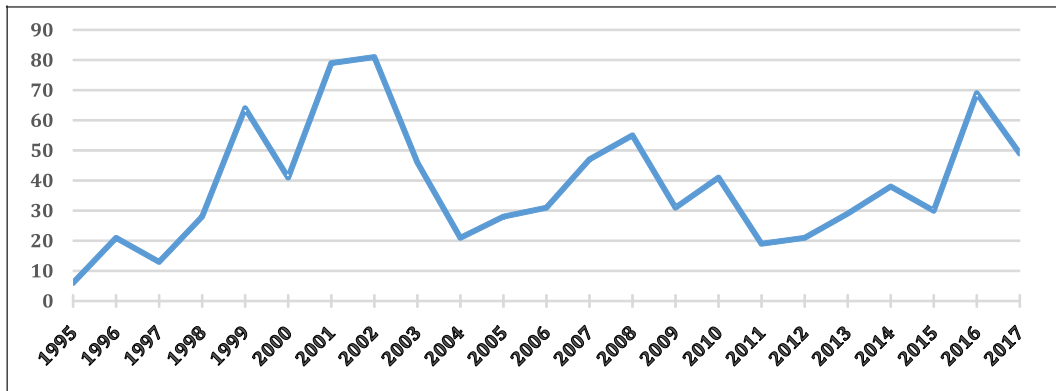
Source: WTO data (01.01.1995 to 31.12.2017).

2. Table-1 illustrates that out of 3604 Anti-Dumping measures imposed globally, 656 measures were imposed by India and in 130 cases duties were imposed against the exports from India. Similarly, out of 257 CVD measures imposed globally, measures imposed by and against India were 2 and 45 respectively. As regards Safeguard measures, out of 166 measures imposed globally, India accounted for 21 measures. As Safeguard measures are not country specific i.e. they are imposed against exports of all countries, data on such measures against India is not separately listed at Table-1 above.

I. Trade Remedial Measures by India:

A. Anti-Dumping

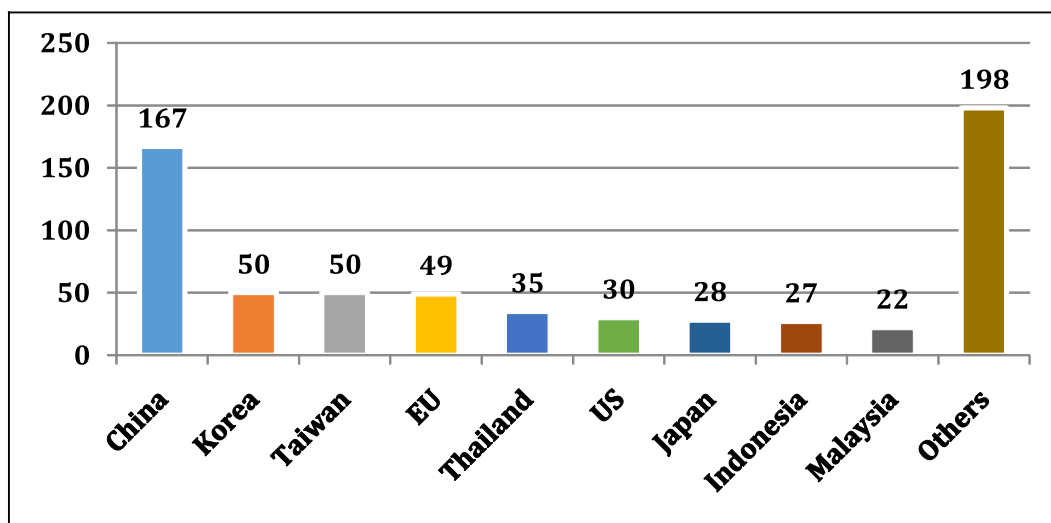
Fig. 12 Anti-Dumping Investigations by India (Initiations)



Source: WTO data (01.01.1995 to 31.12.2017).

3. Fig. 12 illustrates that the Anti-Dumping investigations initiated by India increased initially during 1995-2002. Thereafter, it declined during 2002-2004 and then again rose from 2004 to 2008. Since 2008, the initiations of Anti-Dumping investigations has been fluctuating with the number of initiations remaining slightly lower in level in 2017 as compared to 2008.

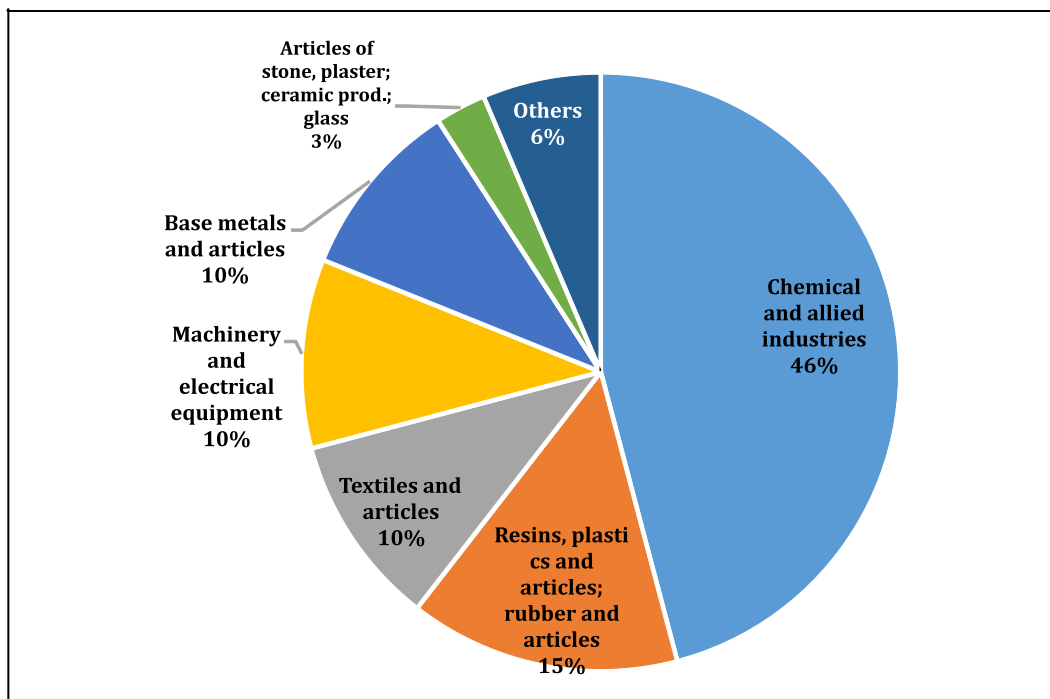
Fig. 13: AD Measures Imposed by India



Source: WTO data (01.01.1995 to 31.12.2017).

- Fig. 13 presents a snapshot of countries against whose exporters India had imposed ADD. This mostly includes exports from China (167 cases), Korea (50 cases), Taiwan (50 cases), EU (49 cases), Thailand (35 cases), USA (30 cases), Japan (28 cases), Indonesia (27 cases) and Malaysia (22 cases).

Fig. 14: Sector-wise Distribution of AD Measures Imposed by India



Source: WTO data (01.01.1995 to 31.12.2017).

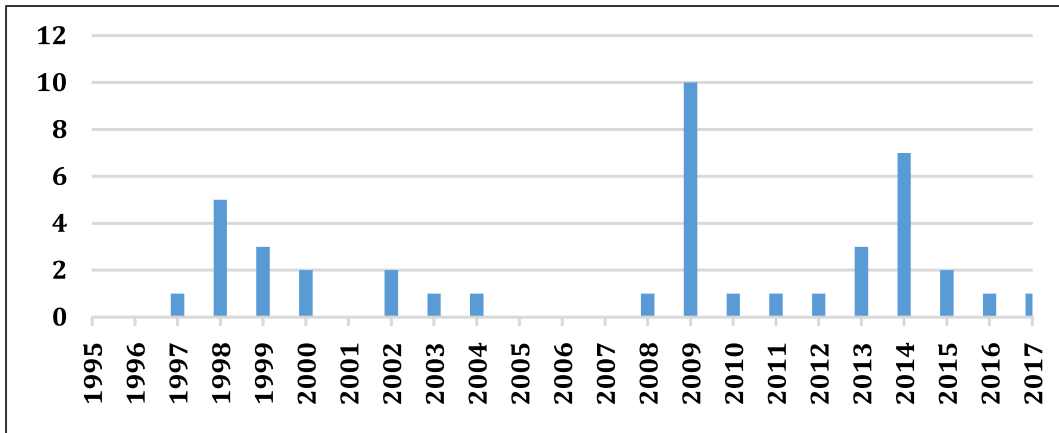
- Exports to India in Chemical and Allied industries sector constitute the bulk of Anti-Dumping cases with 46% of share of all cases where ADD was imposed by India. It is followed by 15% share of Resin, Plastic and Rubber Articles and 10% share each of Textiles & Articles, Machinery & Electronic Equipment and Base Metal & Articles.

B. Countervailing Duty

- India has resorted to CVD measures sparingly. Since 1995, India has imposed CVD measures in only 2 cases. In 2018, India has initiated 6 CVD investigations. The details of total CVD investigations by India may be seen at Annexure-I or can be accessed at <http://www.dgtr.gov.in/countervailing-duty-investigation>.

C. Safeguard Measures

Fig.15: Safeguard Investigations Initiated by India



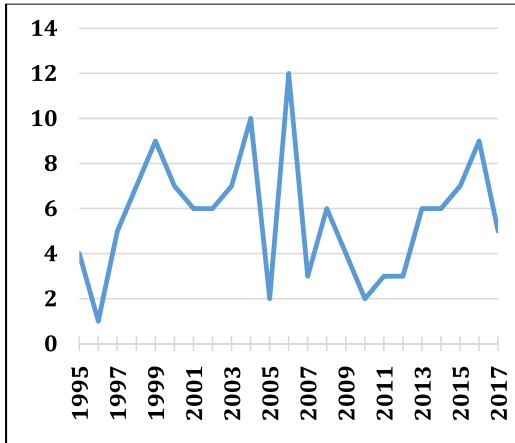
Source: WTO data (01.01.1995 to 31.12.2017).

- India has initiated 43 Safeguard investigations since 1995. Fig.15 presents the number of Safeguard cases initiated by India annually. Except for 2009 and 2014, the range of number of Safeguard investigations initiated by India has ranged from 0 to 5 cases.

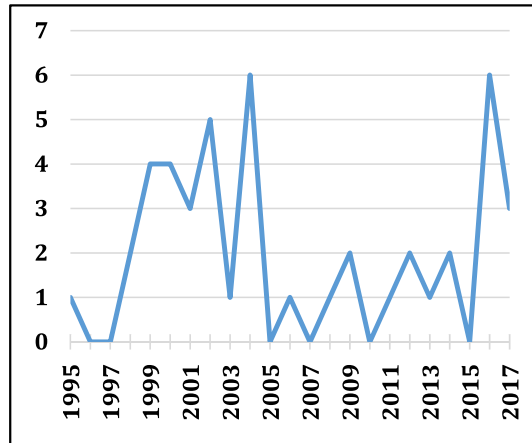
II. Trade Measures against Exports from India:

Fig 16: AD and CVD Measures Against Exports from India

Fig. 16(a): AD Measures



16(a): CVD Measures



Source: WTO data (01.01.1995 to 31.12.2017).

8. As can be seen from above Fig 16 (a), Indian exporters have faced a large number of AD measures from 1995 to 2017. The above figures depict that there is increase in the ADD & CVD measures against exports from India until 2004. However, from 2004 to 2009 in ADD and from 2004 to 2015 in CVD, India has seen the downward trend. From 2010 in ADD and 2016 in CVD India has seen increasing trend in the ADD and CVD Investigations.

III. Countries using Trade Remedies against Exports from India:

Fig. 17 AD Measures against India

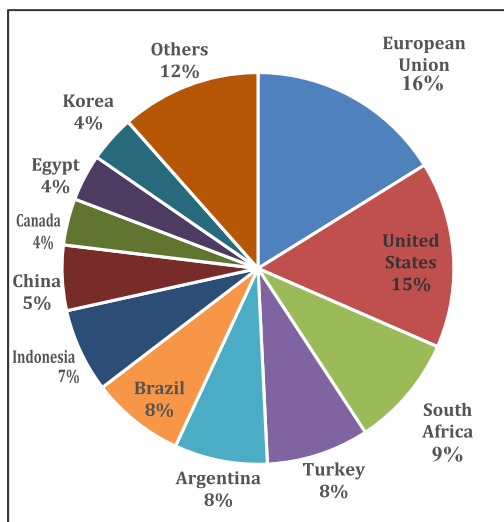
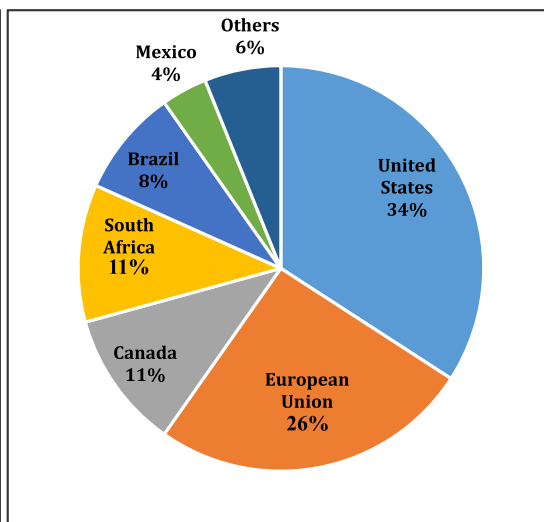


Fig. 18 CVD Measures against India



Source: WTO data (01.01.1995 to 31.12.2017).

- Fig.17 depicts that European Union with 16% of all AD measures imposed against India is the largest imposer of AD measures on exports from India. EU is followed by USA (15%), South Africa (9%), Turkey, Argentina and Brazil (8% each).
- As regards the major imposer of CVD measures, Fig. 18 depicts that USA has imposed Countervailing Duty Measures in 34% of all CVD measures imposed against India. European Union, Canada, South Africa and Brazil are among other major imposers of CVD measures on exports from India.

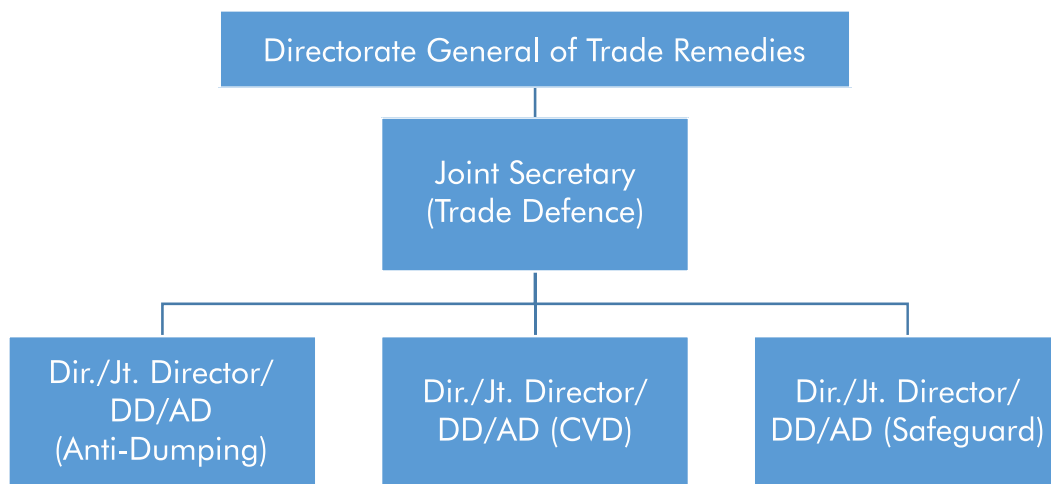
Chapter-3

Trade Defence Wing in DGTR

1. The Directorate General of Anti-Dumping and Allied Duties (“DGAD”) has been restructured as Directorate General of Trade Remedies (“DGTR¹”) to act as the nodal department for all the trade remedial actions prescribed under the provisions of WTO i.e. Anti-dumping, Countervailing and Safeguard measures'. Prior to the formation of DGTR, Safeguard investigations were conducted by the Directorate General of Safeguards, under the Central Board of Indirect Taxes & Customs, D/o Revenue, and the Safeguards Quantitative Restrictions investigations was the mandate of the Directorate General of Foreign Trade (“DGFT”).
2. With effect from 01.04.2016, Countervailing Duty Cell (“CVD Cell”) was established in the erstwhile DGAD with the aim to defend India's interests in CVD investigations initiated by WTO member countries against exports from India. The CVD Cell has successfully defended 37-CVD Investigations in the last 2½ years (Annexure-2). After the restructuring of DGAD into DGTR, the CVD Cell has transitioned as Trade Defence Wing (“TDW”) for defending all trade remedial investigations initiated by WTO member countries against the exports originating from India.

¹ DGTR was notified vide D/o Commerce Notification No.: 1-34(7)/2018-O&M, dated 17th May, 2018, consequent upon 340th Amendment on Government of India (Allocation of Business) Rules, 2018 (Notification No. 1/21/4/2018-Cab. dated 07th May, 2018).

3. The organizational structure of the TDW is as follows:



4. The contact details of the existing officials in TDW are as follows:

- (a) Shri Rajneesh, Joint Secretary (Trade Defence), Ph. No. 011-23062166, Email: jsadmin-doc@gov.in
- (b) Shri J. M. Bishnoi, Deputy Director (Trade Defence), Ph. No. 011-23408713, Email: jm.bishnoi@nic.in & tdw-dgtr@gov.in
- (c) Shri Vivek Jayaswal, Section Officer (Trade Defence), Ph. No. 011-23408707, Email: vivek.jaiyaswal@nic.in

Chapter-4

Operating Procedures on Countervailing Duty Investigations against exports from India

1. There are broadly 8 stages of defending CVD Investigations which are as follows:

Stage-I	Notice regarding Pre- initiation Consultation
Stage-II	Receipt on Initiation Notice and Questionnaire for GOI and furnishing the response on Questionnaire.
Stage-III	Issuance of Supplementary Questionnaires
Stage-IV	Issuance of Preliminary Findings
Stage-V	Verification Meeting
Stage-VI	Filing of Case Brief and Rebuttal Brief
Stage-VII	Public Hearing
Stage-VIII	Final Findings

The details of Operating Procedures along with timelines may be seen at Chapter 5.

Stage I: Notice regarding Pre- initiation Consultation

2. The Investigating Agencies (IAs) notify the Embassy of India (“EOI”) in respective country about the receipt of the application/ petition for the initiation of CVD Investigation from their domestic industries and request for Pre-initiation consultation pursuant to Article 13.1 of the Agreement on Subsidies and Countervailing Duty Measures (“ASCM”) with an aim to reach mutually agreed solution. From the date of issuance of Notice, normally the IAs give the time of 15 to 20 days for holding a Pre-initiation consultation on Petition.
3. Since the Pre-initiation consultation is a bilateral discussion between the Government of importing country and the Government of exporting country, the TDW takes the following actions:
 - (a) Conveys the willingness to participate in the Pre-initiation consultation to IAs.
 - (b) Requests the IAs to provide a copy of the Petition filed by Domestic Industry.
 - (c) If the time to prepare the consultation brief is not sufficient, the TDW requests IAs to reschedule consultations.
 - (d) TDW immediately initiates the process of hiring of Legal Counsel to represent GOI as per the rotation policy notified vide OM No. 1/38/2012-TPD dated 08th October 2014. The Legal Counsel has to convey its willingness to represent GOI at the earliest.
 - (e) TDW informs and seeks comments from the following agencies:
 - i. TPD, D/o Commerce,
 - ii. DGFT, D/o Commerce,
 - iii. DGCI & S,
 - iv. State Govts. whose schemes have been challenged in the Petition,
 - v. Concerned Administrative Ministries/Departments,
 - vi. Export Promotion Council,
 - vii. Legal Counsel.

- (f) Sometimes the IAs may claim the confidentiality in the pre-initiation notice. In such cases, the TDW requests the EPCs not to disclose the notice before its members at this stage.
- (g) Preparation of brief comments on the basis of inputs received from the organizations/ departments at (e) above.
- (h) The Legal Counsel has to provide the Consultation Note at least 4 days before the scheduled Consultation to TDW.
- (i) The Pre-initiation Consultation Note prepared by Legal Counsel is initially reviewed by the TDW and is sent to TPD for review and comments.
- (j) The comments and suggestions of TPD are incorporated in the Consultation Note and finalized with approval of JS(TDW) or AS&DA before sending to EOI.
- (k) The officials of TDW either attend the Pre-initiation Consultation or request EOI to attend the consultations with IAs. Normally, the officials from EOI participate in the Pre-initiation consultations with the IAs at this stage.
- (l) If the Pre-initiation Consultation does not take place, the TDW may explore the possibilities for the Post-initiation consultation under Article 13.2 of ASCM.

Stage-II: Receipt on Initiation Notice and Questionnaire for GOI and furnishing the response on Questionnaire

4. After the Pre-initiation consultation, if the IA decides to initiate CVD investigation, it issues a Notice of Initiations, with the questionnaires for the interested parties i.e. exporters/producers, importers and the Government of the exporting country. The EOI sends the Initiation Notice & GOI Questionnaire to TDW at the earliest.
5. As per the Article 12.1.1 of ASCM, there is an obligation on IA to provide a minimum of 30-days to the interested parties to respond on the initial questionnaire. The IA may also grants an extension to file the response as per the request from the interested parties.

- (a) The TDW examines the GOI Questionnaire and scrutinizes the followings:
- i. Details of the sampled mandatory respondents. If the exporter's names are not provided in the questionnaire, TDW requests the IAs to provide the names of the mandatory exporters, who are required to participate in the investigation,
 - ii. The Period of Investigation (POI),
 - iii. HS Code,
 - iv. Due date to file the response,
 - v. Procedures/ instructions for filing the response.
- (b) After ensuring the above, the concerned EPCs are requested to coordinate with mandatory respondents/ producers to provide details of IEC & PAN of the mandatory respondents and their crossed-owned companies. Further, EPCs are requested to confirm the SION, HS Code, the location of the manufacturing units of the mandatory respondents and the nodal contact person in the company of the mandatory respondent. EPC provides these details within 2-days of the receipt of a request from TDW.
- (c) The TDW requests mandatory respondents to provide the list of Schemes for which they have availed or received authorizations/ or assistance. If the companies have not availed any of the schemes, the GOI in its response only provides the brief on those schemes to IAs.
- (d) After receiving the company specific details, TDW instructs the Legal Counsel to prepare the draft response with specific legal arguments pertaining to the schemes mentioned in the Questionnaire.
- (e) TDW requests all concerned Ministries/Departments of GOI and the State Governments, responsible for administering the schemes to provide the response for scheme specific questions and company-specific information i.e. the assistance or authorisations received by the mandatory respondents during the POI and Average Useful Life (AUL), (action at (c), (d) & (e) initiated simultaneously).

- (f) TDW may also hold stakeholders' meeting prior to the due date of filing the response to ensure that there are no discrepancies in the responses prepared by GOI and the mandatory respondents. The officials from the concerned Departments of Central Govt. and State Govts. may also be called for this meeting.
- (g) TDW requests detailed information about the concerned schemes of Central and State Governments for preparing the response. In case the requested information is not received in time from the Central and the concerned State Government, the TDW requests for the extension, from the IAs.
- (h) The TDW endeavours that Legal Counsel prepares the draft response at least 7-days prior to the due date of filing. This draft is examined by the TDW and sent to TPD, D/o Commerce for the vetting and comments.
- (i) The comments if any, received from the TPD are appropriately incorporated in the GOI response.
- (j) After finalization of response, approval is obtained from Nodal Officer for TDW i.e. JS (TDW) or AS&DA, and the response is filed by the counsel/ TDW/EOI depending upon the provisions prescribed by IA for filing the response.

Stage-III: Issuance of Supplementary Questionnaires

6. After submitting the response on the initial questionnaire, the IAs may request for additional information in its supplementary questionnaire. In case petitioner has mentioned any new schemes other than those mentioned in petition and the initial questionnaire, the IAs issue New Subsidy Allegations Questionnaire. Mostly the questions in the supplementary questionnaire are specific and detailed ones and the TDW seeks response from the concerned Ministries/ Departments, keeping in view the strict timelines prescribed by IAs.

7. The Legal Counsel is required to simultaneously draft the response. If required, the TDW may request for an extension of date for the filing of response to IAs.
8. The Legal Counsel has to prepare the response at least 3-days before the scheduled date of filing. The TDW, after evaluating the response, sends it to TPD at least 2-days before the date of filing. After incorporating the comments from TPD, the response, with the approval from JS(TDW)/AS&DA, is sent to Counsel/EOI for filing at least one day before the scheduled deadline.

Stage-IV: Issuance of Preliminary Findings (“PF”):

9. Preliminary Finding is issued by IAs under Article 17 of ASCM, on the basis of responses filed by the interested parties. The IAs, may impose Provisional Measures through Preliminary Finding and indicate deadlines for further submissions i.e. filing of Case Brief, schedule of Verification, request for Public Hearing etc.
10. The TDW scrutinizes the Preliminary Findings on the following parameters:
 - (a) The basis on which the Schemes were determined to be counter-vailable,
 - (b) The basis of the determination of duty,
 - (c) Whether IA has imposed Adverse Facts Available (AFA), if so the reason thereof,
 - (d) Whether IA indicates to conduct the verification of the facts, if so, Stage-V is followed,
 - (e) If no (for (d) above), obtain the schedule for the case brief.
11. The TDW also sends the Preliminary Findings to the concerned Administrative Ministries / Departments, DGFT, Territorial Division of D/o Commerce, Commodity Division of D/o Commerce, TPD, D/o Commerce and the concerned EPCs.

Stage-V: Verification Meeting

12. After receiving the request for 'on-the-spot' verification from the IAs, the TDW takes the following steps:

- a) Immediately requests the IAs to indicate the schemes to be verified (if not indicated).
- b) Requests the Legal Counsel to prepare draft notes for the verification. This will include the response filed by GOI on the schemes to be verified. In case the verification Agenda is not issued, the TDW makes preparation for the verification of the schemes which are countervailed in the PF.
- c) Apprises the concerned Central and State Government Departments, including EPCs to attend the pre-verification meeting and verification meeting with IAs.
- d) Organizes a pre-verification meeting with the concerned officers of Central and State Government Departments and the mandatory respondents, EPCs to discuss the agenda of the verification meeting. This meeting helps TDW to identify the issues to be discussed during the actual verification meeting and also to apprise the representatives of the concerned departments to share comprehensive information on the schemes with the IAs, during the verification. The TDW requests the concerned agencies that the official attending the pre-verification meeting must attend the actual verification meeting with the investigators.
- e) Collates information/documents required for the verification. The same is to be provided by the concerned departments within 2-3-days after the pre-verification meeting and at least 3-days before the scheduled verification.
- f) Cross verifies the responses filed by mandatory respondents and the GOI in various questionnaire responses, including the statistical information.
- g) Facilitate the verification and submits the verification exhibits to the IAs, after the verification.

Stage-V (1): Publishing of the verification report

13. If TDW receives the draft verification report from the IAs, before its publishing, for bracketing of the confidential information, the TDW examines the same and after approval from AS & DA/ JS (TDW) sends the same to the IAs.
14. IA publishes the verification report.
15. After the published report is received, the TDW, scrutinizes the Verification report and prepares points for Case Brief.

Stage-VI: Filing of Case Brief / and Rebuttal Brief

16. As this stage is the final opportunity for the GOI to provide or submit arguments on the Preliminary Findings made by the IA, the TDW ensures that the Case Brief contains the followings:-
 - a) Counter-arguments on the Preliminary Findings made by IA,
 - b) The Counter-argument to the petition filed by Domestic Industry,
 - c) WTO Jurisprudence on the schemes of GOI or similarly situated schemes operated by other countries,
 - d) Issues raised in Verification Report,
 - e) Request for Public Hearing or Bilateral consultation (if required).
17. The Legal Counsel prepares the Case Brief and provide it to TDW at least 10-days before the Schedule of filing.
18. The draft Case Brief is reviewed by TDW and sent to TPD for vetting and comments. The vetted Case Brief, after approval of JS (TDW)/ AS& DA is sent to counsel or EOI for filing.

Stage-VI(1) Disclosure Statement

19. If TDW receives a disclosure statement, the comment on disclosure is filed within stipulated time. Disclosure is generally issued by EU, Pakistan, Canada, Brazil, and China.

Chapter-5

Actions and Timelines for each stage of Countervailing Duty Investigations against exports from India

Stage-I: Notice regarding Pre-initiation Consultation

1. Before initiation of CVD Investigation by any WTO member, it is mandatory to hold pre- initiation consultation with the Government of the exporting country with an aim to arrive at a mutually agreed solution. The Indian missions abroad i.e. EOI is the nodal point for receiving such communication from the IAs of the importing countries.
2. IAs vide 'Note-verbale' or 'Letters' notify the EOI regarding the receipt of a petition from their Domestic Industry for initiation of CVD Investigation on the Product exported from or originating in India. The IAs also provide the timelines within which it decides to initiate the CVD investigation. Normally, IAs keep 15-20-days for arriving at the decision to initiate the CVD investigation. TDW participates in the Pre- initiation consultation requested by the IAs. Operating Procedures¹ to be followed by TDW are as outlined below:

¹ The Operating Procedures are the guiding processes. They are not mandatory and TDW makes endeavours to follow them to the extent possible.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	EOI shall inform TDW through E-mail.	<ul style="list-style-type: none"> EOI: 1-day from the receipt of Notice from IAs. 	(a) Notification received from IAs. (b) The petition, if not received request EOI to obtain the same from the IA and provide to TDW.	DD(TDW)/ SO(TDW)	
(ii)	Request the eligible Law-Counsel to convey its willingness to represent GOI in the CVD investigation ² .	<ul style="list-style-type: none"> TPW: 1-day, from the receipt of Notice from EOI. 		DD (TDW)	As per the Rotation Policy followed in TDW based on the TPD's OM dated 08th October 2014 or revised later.
(iii)	TDW scrutinizes the Petition and list the schemes mentioned in therein.	<ul style="list-style-type: none"> TDW : 2-days from the receipt of Notice from EOI. 			
(iv)	Convey the willingness of GOI to participate in the pre-initiation consultation with IAs through EOI.	<ul style="list-style-type: none"> TDW : 1 day (from Scrutiny) JS(TDW) : 1 day. 	(a) E-mail for willingness to participate in the pre-initiation consultation & Finalization of dates for consultation.	JS(TDW)	

2 If the Legal Counsel cannot convey its willingness on the same day, with the consent of Deputy Director, request the next Legal Counsel for their willingness to accept the case.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(v)	<p>TDW send the copy of the petition to the following and requested to provide the comments within 3 days:-</p> <p>(a) TPD, D/o Commerce, (b) DGFT, D/o Commerce. (c) DGCI&S (to provide the export data) (d) State Govts., (e) Concerned Administrative Ministry of Product on which the CVD Investigation is to be initiated. (f) EPCs.</p>	<ul style="list-style-type: none"> TDW : 2nd day on the receipt of Notice from the EOI. 	<p>(a) Notification received from the EOI, (b) Petition,</p>	DD (TDW)	The concerned are requested to provide comments within 3-days.
(vi)	TDW appoints the Legal Counsel, and shares a copy of the Petition.	<ul style="list-style-type: none"> TDW : 3-days of receipt of Notice from EOI. JS(TDW) : 1-day. 		JS(TDW)	
(vii)	Request for rescheduling of Pre-initiation Consultation, if required.	<ul style="list-style-type: none"> TDW : Within 5-days of receipt of Notice from EOI. 	<p>(a) Letter to Embassy to request re-scheduling of consultation from IA.</p>	JS(TDW)	If time provided by the IA for the consultation is not sufficient, TDW requests for re-scheduling the pre-initiation consultation.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(viii)	Preparation of Consultation Note by taking comments from the concerned agencies (v), above and the issues raised in the petition filed by Do mestic Industries of IA.	<ul style="list-style-type: none"> Legal Counsel: 4-days before the scheduled pre-initiation consultation with IAs TDW : 1- day from receiving the draft note from Legal Counsel. 			If the comments from concerned departments not received, the consultation does not consists of defence of GOI Schemes.
(ix)	Vetting from TPD	<ul style="list-style-type: none"> TPD: 1 -day after submitting the note by TDW. 		JS/ Dir.(TPD)	
(x)	Sending note to EOI for Participation in pre-initiation consultation.	<ul style="list-style-type: none"> TDW: 1-day after vetting from TPD JS (TDW): 1 day and at least 2-days before the scheduled consultation. 	(a) Consultation Note, (b) Notification, Orders, the relevant portion of the FTPs of the schemes which are mentioned in the petition.	AS&DA/ JS(TDW)	

Stage-II: Receipt of Initiation Notice and Questionnaire for GOI and furnishing the response on Questionnaire

1. After the Pre- initiation Consultation, if IAs decide to initiate the CVD Investigation, TDW shall prepare and files the response to questionnaire within the specified time frame prescribed by IA. Normally IA gives 30- days for filing the response from the date of issuance of the questionnaire.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	EOI shares the Initiation notice with TDW, DGTR	<ul style="list-style-type: none"> EOI : 1-day of receipt of Initiation Notice from IA. 	<ul style="list-style-type: none"> (a) Initiation notice, (b) Questionnaire, (c) Procedures for participating in the investigation or submission of response/ comments 	EOI	
(ii)	Registration of Legal Counsel with the IA, as a representative of GOI for this CVD investigation ³ .	<ul style="list-style-type: none"> TDW : 2-days from the receipt of Initiation notice from EOI. JS (TDW) : 1-day. 		JS(TDW)	
(iii)	Scrutiny of Initiation Notice by TDW as per following check-list: (a) Whether IA send the GOI Questionnaire, if yes then (b). If not, request EOI to obtain the GOI Questionnaire from the IA	<ul style="list-style-type: none"> TDW : 3-days after receiving the Initiation Notice and other documents from EOI. 		DD (TDW)	

3 USDOC & EC, in particular, accept the appointment of the Legal Counsel for making communication on behalf of GOI and submitting the responses/comments during the investigation. Accordingly, the Legal Counsel has to be registered before the IAs as the representative of GOI. Thereafter, all communications are to be done through the Legal Counsel. However, the EOI in respective countries always keep 'in loop' in all communication and in particular cases, the TDW also involve the Embassy to take-up the specific issue with IAs.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
	<p>(b) Whether IA has sampled the Indian exporters, if yes, proceed to (iv) below. If not, request EOI to request IA for the sampling of the Indian exporters.</p> <p>(c) Whether HS Code, POI , AUL for the Capital Asset and Injury Period provided, if yes, proceed to (iv) below. If not, request EOI to take-up the matter with IA.</p>				
(iv)	<p>Concerned EPC is requested to provide the followings:</p> <p>(a) IEC & PAN of the mandatory respondents and its cross-owned companies,</p> <p>(b) HS Code of the product, in Indian Harmonized system,</p> <p>(c) SION of the product,</p> <p>(d) Details of the benefits availed by the mandatory respondents on the Schemes mentioned in the Questionnaire.</p> <p>(e) Contact person in the company for future communication.</p>	<ul style="list-style-type: none"> • TDW: 3-days from the receipt of the complete questionnaire and details of the Mandatory respondents. • EPC: 2-days from the receipt of request form TDW. • Mandatory Respondents: 5-days from the receipt of a request from the TDW. 		SO (TDW)	

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(v)	Gathering information from the Administrative Ministries/ Departments/State Governments for the Schemes mentioned in the questionnaires.	<ul style="list-style-type: none"> • TDW : 1-day after the receipt of company-specific details form the EPC. • Concerned Ministries/ Departments : 7-days after issuance of Letters/ OMs from TDW. 	(a) The copy of the questionnaire, (b) Details of the companies, (c) POI, AUL, and IP, specified against the scheme.	DD (TDW)	The Mode of communication is both (a) Email to Nodal Officers and (b) Letters / OMs
(vi)	Drafting of response by the Legal Counsel.	<ul style="list-style-type: none"> • Legal Counsel: 15-days from the receipt of the basic information from EPCs. 	(a) Documents received from EPCs. (b) Questionnaire issued by the IA. (c) Previous response filed by GOI.	SO (TDW)	The Legal Counsel is directed to draft the response on the questionnaire, on the basis of the earlier responses filed by GOI and the relevant FTPs. The information received from the concerned departments is sent to Legal Counsel for suitably incorporated in the GOI response.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(vii)	<p>Stakeholders consultation meeting in DGTR:</p> <p>(a) Concerned Administrative Departments of schemes mentioned in the questionnaire.</p> <p>(b) Representatives of State Governments,</p> <p>(c) Mandatory respondents,</p> <p>(d) Concerned EPCs,</p> <p>(e) Legal Counsel.</p>	<ul style="list-style-type: none"> TDW : Issues the Meeting Notice 15-days before the due date for filing the response and the meeting is conducted at least 10-days before the due date. 	<p>(a) Copy of earlier communication made for providing the response on the questionnaire, at (v) above.</p>	JS(TDW)	<p>During the meeting, the followings should be ensured:</p> <p>(a) The awaited response should be received from the concerned departments, well before the deadline.</p> <p>(b) No deviation in the response of GOI and the mandatory respondents,</p> <p>(c) Determining the schemes on which specific attention is required in the response i.e. the schemes which are availed by the respondents.</p> <p>(d) Direct the concerned Departments to provide the copy of Application and other relevant documents as required in the Questionnaire.</p>

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(viii)	The Legal Counsel on the basis of the inputs provided by the concerned departments and the earlier responses filed by GOI in earlier cases provide the draft response.	<ul style="list-style-type: none"> Legal Counsel : 8-days before the due date. 	<ul style="list-style-type: none"> (a) The final version of response from Legal Counsel, (b) All exhibits/attachments (with page numbering). 		
(ix)	If the inputs are not received from the concerned departments, 7-days before the due date, GOI seek extension from IAs.	<ul style="list-style-type: none"> TDW : 7-days before the due date 	<ul style="list-style-type: none"> (a) Authorization certificate, (b) Letter for extension. 	As & DA / JS(TDW)	
(x)	Scrutiny of response in TDW.	<ul style="list-style-type: none"> TDW :2-days from the receipt of a final response from Legal Counsel. 		DD(TDW)	If required, TDW may call the Legal Counsel to discuss the strategy made in the response.
(xi)	Vetting from TPD.	<ul style="list-style-type: none"> TPD: 2-day after sending the response by TDW. 	<ul style="list-style-type: none"> (a) The draft response of GOI. 	JS/ Dir. (TPD)	
(xii)	Filing of response through EOI or by Legal Counsel.	<ul style="list-style-type: none"> TDW: 1-day after receipt of vetted response from TPD, JS(TDW): 1-day and at least 3-days before the due date⁴. 		AS&DA/ JS (TDW)	

Note: The final version of the response is sent to TPD for vetting at least 4-days in advance to the due date.

4 Several IAs request GOI to furnish the response in their vernacular language. Hence, the TDW has to provide the English version response to EOI at least 5-days before the due date. Hence, all time lines accordingly changed in view of the filing requirement.

Stage-III: Issuance of Supplementary Questionnaires

4. After filing the response by all interested parties, the IA may issue several supplementary questionnaires or New Subsidy Allegations. Normally IA gives 6-7-days for filing the response on the Supplementary Questionnaires.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	Share the Supplementary questionnaire with the concerned departments through E-mail and also through the appropriate mode of communication and request to provide the response within 2-days.	<ul style="list-style-type: none"> TDW: 1-day of receipt of the Supplementary questionnaire. 	<ul style="list-style-type: none"> (a) Supplementary Questionnaire, (b) The relevant part of the responses filed by TDW in GOI response on preliminary questionnaire. 	DD (TDW)	
(ii)	Drafting the response on the supplementary questionnaire by the Legal Counsel.	<ul style="list-style-type: none"> Legal Counsel: 3-days before the due date. 	(a) Inputs received from the concerned departments.	DD(TDW)	
(iii)	Make "Request for Extension" if the inputs are not received from the concerned departments at least 4-days before the due date.	<ul style="list-style-type: none"> TDW: 3-days before the due date. 	<ul style="list-style-type: none"> (a) Authorization certificate, (b) Letter for request. 	JS(TDW)	
(iv)	Scrutiny of response in TDW.	<ul style="list-style-type: none"> TDW: 1-day after the receipt of a response from the Legal Counsel. 		DD (TDW)	

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(v)	Vetting from TPD.	<ul style="list-style-type: none"> TPD: 1-day after receipt of draft response from TDW. 	<ul style="list-style-type: none"> (a) GOI response on Preliminary Questionnaire, (b) Supplementary Questionnaire, (c) Draft response. 	JS/Dir. (TPD)	
(vi)	Approval for filing the response.	<ul style="list-style-type: none"> TDW: 1-day after receipt of a vetted response from TPD and at least 2-days before the scheduled filing. 	<ul style="list-style-type: none"> (a) Vetted final response with all exhibits. 	AS&DA/ JS(TDW)	

Stage-IV Issuance of Preliminary Findings

5. On the basis of responses provided by the GOI and the mandatory respondents, IA issues preliminary determination/findings. After receiving the preliminary findings, the following steps are taken:

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	<p>Scrutiny of Preliminary findings on the following lines:</p> <p>(a) Basis on which the Schemes have been countervailed,</p> <p>(b) The basis for the determination of duty,</p> <p>(c) Whether IA has imposed AFA, if so, the reason for the same.</p> <p>(d) Whether IA has indicated to conduct the verification of the facts, if so, Stage-V is followed,</p> <p>(e) If no (for (d) above), obtain the schedule for the filing Case Brief.</p>	<ul style="list-style-type: none"> TDW: 3-day of receipt of PF. 		DD (TDW)	<ul style="list-style-type: none"> The preliminary determination shall be submitted for the information of JS (TDW) and AS & DA within 1-day of its receipt. JS (TDW) and AS& DA shall be informed about the counters of the scrutiny of the Preliminary Findings within 7 days.
(ii)	The Legal Counsel provides the legal submission on the determination made by the IAs	<ul style="list-style-type: none"> Legal Counsel: 10-days from the issuance of PF. 		DD (TDW)	

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(iii)	The mandatory respondents are requested to provide their comments/views on the Preliminary Findings through concerned EPCs	<ul style="list-style-type: none"> • TDW: 5-days from the receipt of PF. • Mandatory respondents: 10-days from receipt of the request. 	(a) Preliminary Findings	JS(TDW)	

Stage-V: Verification Meeting

6. As per the schedule provided by the IAs, the TDW holds a pre-verification meeting. Normally, IAs inform 15 days prior to holding the verification. The verification agenda is provided 7-days before the scheduled verifications. After receipt of the request for the verification, the following steps are taken:

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	<p>Scrutinize the verification request on the following points:</p> <p>(a) Schemes which are going to be verified,</p> <p>(b) Verification agenda, if provided step-(ii) is followed. If not, step-(iii) is followed.</p>	<ul style="list-style-type: none"> • TDW : 2-days from the receipt of Notice for verification. 		DD (TDW)	

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(ii)	<p>Counsel requested to provide the followings:</p> <p>(a) Schemes wise GOI responses (which are identified by the IA for the verification) filed during the investigation with exhibits,</p> <p>(b) Strategy for defending the schemes during the verification meeting,</p> <p>(c) Re-check the veracity of facts submitted by GOI as there is an opportunity in the verification meeting for the minor corrections,</p>	<ul style="list-style-type: none"> Legal Counsel : 5-days from the receipt of the communication from TDW. 	(a) Verification notice	DD (TDW)	
(iii)	<p>If the verification agenda is not issued by the IA, the TDW include all the schemes which are determined as Countervailable in Preliminary Determination/ Findings.</p>	-do-		DD (TDW)	

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(iv)	<p>Schedule a Pre-verification meeting with all stakeholders viz.</p> <p>(a) Representatives of administrative ministries of schemes which are decided to be verified by the IA or the schemes which are determined as countervailed in Preliminary findings,</p> <p>(b) Mandatory respondents,</p> <p>(c) Legal Counsel hired,</p> <p>(d) Representatives of EPCs.</p>	<ul style="list-style-type: none"> TDW: 7-days before the scheduled verification. 	<p>(a) Meeting Notice, (b) Preliminary findings, (c) The public version of the response filed by GOI, (d) Company-specific information provided by the concerned Administrative Ministry.</p>	JS(TDW)	<ul style="list-style-type: none"> During the pre-verification meeting the following will be ensured: (a) There is no factual inconsistency in the response of GOI and Mandatory Respondents, (b) A copy of duly filled application form or relevant documents for each scheme to be verified are available. The representatives of Administrative Departments are briefed about the verification in the CVD Investigations.
(v)	Verification meeting with IA.	<ul style="list-style-type: none"> TDW: As per the schedule provided by the IA. 		Chaired by JS(TDW)	All officials of the Administrative Ministry who attended the pre-verification meeting should also attend the verification meeting.

Stage-VI: Filing of Case Brief and Rebuttal Brief

1. The filing of case brief is normally the last submission made by GOI. Hence, all legal, factual and ministerial errors of the case are included in the case brief. The Rebuttal Brief has to be filed within 5-days of filing the Case brief by all interested parties. There are three different scenarios for filing the case brief:
 - (a) If IA does not schedule verification in its Preliminary Finding, the Case Brief has to be filed within 30-days of issuance of Preliminary findings,
 - (b) If IA schedules the verification meeting, the Case brief has to be filed within 5-days after issuance the verification report,
 - (c) Separate schedule is issued by the IA for Case brief and Rebuttal brief.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	Legal Counsel to provide the draft Case Brief	<ul style="list-style-type: none"> • Legal Counsel: At least 10-days before the scheduled date of filing the Case Brief. 	(a) Draft Case Brief, (b) Relevant supporting documents.	DD(TDW)	
(ii)	Scrutiny by the TDW	<ul style="list-style-type: none"> • TDW: Within 5-days of receiving Case brief from the Legal Counsel 		DD (TDW)	
(iii)	Vetting by the TPD	<ul style="list-style-type: none"> • TPD : 3-days from the receipt from TDW. 		JS/ Dir. (TPD)	
(iv)	The decision to participate in Public Hearing	<ul style="list-style-type: none"> • At the time of seeking approval for filing of Case brief 		AS & DA/ JS(TDW)	Incorporated in the Case brief.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(v)	Filing of Case brief	<ul style="list-style-type: none"> TDW : 1 day after vetting from TPD, JS (TDW) 1-day after Submission from TDW. 		AS&DA/ JS (TDW)	It is the final submission to be filed by the GOI.

Stage- VI(1) Rebuttal Brief

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	Decision for filing Rebuttal brief.	<ul style="list-style-type: none"> Legal Counsel : 1 - day after filing of Case brief by all interested parties. TDW : 1 -day after receipt of comments from Legal Counsel. 		AS&DA/ JS (TDW)	

Stage-VII: Public Hearing

8. As per the ASCM, the IA may schedule a Public Hearing based upon the request made by the Interested Parties. Normally in all cases the GOI request IA for participation in the Public Hearing at the time of submission of Case Brief or as per the schedule. IA may call all interested parties for the Public Hearing.

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(i)	<p>A decision on participation in Public Hearing through EOI or deputing officials from TDW is taken after considering the followings:</p> <p>(a) Whether the IA has acted contrary to the provisions of ASCM.</p> <p>(b) Whether IA has not considered the GOI's submissions/legal arguments in its Preliminary findings.</p> <p>(c) Specific request of the stakeholders, where capital based participation is required.</p>	<p>TDW : 2-days from receiving communication from the IAs.</p>		AS&DA/JS(TDW)	
(ii)	Hearing Note for EOI to participate in the Public Hearing.	<ul style="list-style-type: none"> Legal Counsel : 7-days before the scheduled public hearing. 		DD (TDW)	
(iii)	Scrutiny by the TDW.	<ul style="list-style-type: none"> TDW : 2-days from the receiving the draft note from the Legal Counsel. 		DD (TDW)	

S. No.	Actions	Timelines	Documents to be required	Approving Authority	Remarks
(iv)	Vetting from TPD.	<ul style="list-style-type: none"> TPD: 2-days. 		JS/ Dir. (TPD)	
(v)	Approval for Sending the note to EOI.	<ul style="list-style-type: none"> TDW: 1-day after receipt of vetted note from TPD. JS (TDW): 1-day after submission from TDW and 2-days before the scheduled Public Hearing. 	(a) Note for Public Hearing, (b) Case Brief filed by GOI, Supporting Documents, if any.	AS& DA/ JS(TDW)	

Stage-VIII: Final Findings

- No submissions are allowed at this stage of Investigation. TPD analyses the Final Findings and takes a call on further course of action under the grievance redressal mechanism available under the WTO Agreement.
- The TDW shall send the Final Findings to the concerned Territorial Division of D/o Commerce, Commodity Division of D/o Commerce, Trade Policy Division, D/o Commerce, and the concerned EPCs, Ministries / Administrative Departments of Central /State Governments and the stakeholders.

Chapter-6

Operating Procedures for handling Anti-Dumping investigations against exports from India

1. Anti-Dumping Investigations are initiated on receipt of Petition filed by the Domestic Industry. When IA receives a valid petition from Domestic Industry providing sufficient evidence that the exporting producers from one or more countries are dumping a particular product in their market, the IA examines the following:
 - i. The extent of dumping,
 - ii. Injury to the domestic industry,
 - iii. The causal link between dumping and injury.
2. The IA then publishes a Notice for Initiation of Investigation. The IAs also inform the Embassy of the concerned country/countries against whose exporters the investigation is initiated.
3. On receipt of Notice of Initiation of the ADD investigation, the EOI send the Initiation Notice and all other relevant documents to the TDW. ADD investigations are exporter specific and therefore the questionnaires are issued for the mandatory respondents but not for the Government of the exporting country/countries. Unlike CVD there is no obligation for Government to participate in an Anti-Dumping investigation. However, GOI may choose to make submissions for defending the interest of

Indian exporters. Once the request from Indian exporter is received to participate or assist in investigation, the TDW seeks comments from concerned EPCs. The stages for ADD investigations are as follows:

- i. Notice of receipt of Petition by the Domestic Industry for the imposition of ADD on imports,
- ii. Notice of Initiation is published by IA, and is also sent to the EOI with the Questionnaires issued to:
 - a) Exporters/Producers
 - b) Importers
- iii. Issuance of Preliminary Findings
- iv. On-the-spot Verification
- v. Filing of Case Brief and Rebuttal Brief
- vi. Public Hearing
- vii. Final Finding

Operating Procedures for Ant-Dumping Investigations against exports from India:

Stage-1: Notice of receipt of Petition by the Domestic Industry for the imposition of ADD on imports

4. The IA notifies the EOI of the concerned country intimating the receipt of the Petition by its Domestic Industry. After receipt of Notice from EOI, TDW take following actions:
 - (a) Request EOI to send all the communications received from IAs to TDW.
 - (b) The TDW informs the followings:-
 - a. The concerned Commodity Division, Department of Commerce,
 - b. Concerned EPCs (apprise its members about the filing of the petition before IA's).
 - c. Concerned Departments/ Ministries of Government of India.
 - (c) The exporters participates directly in the ADD investigation before the IAs. They may also intimate EOI, TDW, DGTR and concerned EPCs.

Stage-2: Receipt of Notice of Initiation and Questionnaire

5. If the IA decides to initiate the ADD Investigation, it issues the Initiation Notice and the Questionnaires to the interested parties, viz. Exporters/Producers, Domestic Industries and the Importers. The IA normally forwards these documents to the EOI and also to the participating exporters.
 - (a) The EOI abroad forwards the initiation notice along with the Questionnaire to the TDW.
 - (b) The TDW forwards the same to the concerned Commodity Division in D/o Commerce, Line Ministries/Departments of Government of India and EPCs. The EPCs informs and coordinate with all participating Indian Exporters and sends them the relevant documents.
 - (c) If there is any discrepancy or clarification required in the exporter questionnaire, the exporter directly takes up the matter with IAs. If required, Exporters may approach TDW for assistance (through EPCs) or directly.
 - (d) If there is any specific issue faced by exporter in furnishing the response on the exporter questionnaire, they may seek assistance from TDW. They may write to TDW justifying the reasons for seeking assistance.

Stage-3: Issuance of Preliminary Findings

6. On the basis of responses filed by interested parties, the IA, may impose Provisional Findings. The TDW sends the Preliminary Findings to the followings :
 - a. Concerned Commodity Division, D/o Commerce,
 - b. Concerned Territorial Division, D/o Commerce ,
 - c. Concerned EPCs,
 - d. TPD, D/o Commerce,
 - e. Concerned Ministries/ Departments of GOI.

7. The comments received from any of the above parties are examined and put up for the decision whether GOI should participate in investigations. The decision to participate in the investigation is purely based on the merits of the case.
 - (a) If TDW, decides to make submission in any ADD Investigation, the TDW with the consent of TPD, D/o Commerce, request the EOI to take-up the matter with the IAs. The submission of GOI is prepared in consultation with DGFT, Concerned Ministry/Department of GOI, EPCs and other relevant Stakeholders.
 - (b) The comment of GOI is filed with the IAs by the EOI in form of submissions or Note-Verbale.

Stage-4: On the spot Verification

8. The IAs conducts the verification of only those Exporters, who participated in the investigation. Procedurally, there is no verification of the GOI. If an Indian Exporter makes a request to GOI for support in verification, the TDW provides the appropriate assistance.

Stage-5: Filing of Case Brief and Rebuttal Brief

9. If the Indian exporters or any concerned Departments wants GOI to file comments, they request TDW. Any decision for filing Case brief is taken as per para-7, at Stage-3 above.

Stage-6: Public Hearing

10. On the request of Indian Exporter, the TDW may participate in the Public Hearing through EOI. The detailed justification is to be given by the Indian exporters or interested parties. The same after assessment by DGTR and observations from TPD is sent to EOI for submission and participation in the Public Hearing.

Stage-7: Final Findings

11. No submissions are allowed at this stage of Investigation. TPD analyses the Final Finding and takes a call on further course of action as per the grievance redressal mechanism available under the WTO Agreement.

Chapter-7

Operating Procedures for handling Safeguard Duty Investigations against exports from India

1. Safeguard Measures are defined as “emergency actions with respect to increased imports of particular products, where such imports have caused or threaten to cause serious injury to the importing members Domestic Industry”. Article 2 of Agreement on Safeguard sets forth the conditions under which safeguard measures may be applied. These conditions are:
 - (i) Increased imports and
 - (ii) Serious injury or threat thereof caused by such increased imports.
2. The TDW is the nodal point for all the safeguard investigations initiated against exports originating from India. The Safeguard investigations are generally concluded within 9-months' time frame and the IAs are very particular on an early conclusion of these measures. Hence, the extension in filing of submission is generally not considered.
3. The followings are the broad stages of the Safeguard investigations conducted by the IA against our exports:
 - (i) **Pre- Initiation Notice:** Based upon the Petition received from its domestic industry or taking a suo-moto cognizance, the IA issues a Notice intimating the receipt of Petition for Initiating Safeguard investigation. This notice is generally shared by IA with our EOI.

- (ii) **Notice for Initiation of Safeguard Investigations:** The IA issues notice of Initiation of Safeguard Investigation after considering the Petition by its DI and submissions made by the respondent exporters and foreign Governments whose exports are under investigation.
- (iii) **Imposition of provisional Safeguard Measures:** The IA may impose provisional Safeguard measures after considering the submissions made by stakeholders consequent to receipt of Notice of Initiation (in some cases, IA may even impose provisional Safeguard measures before issuing Notice of Initiation).
- (iv) **Public Hearing:** The IA allows the stakeholders to participate in Public Hearing before issuing Final Finding.
- (v) **Final Findings:** The IA issues final finding based upon the submissions made by the Stakeholders at various stages of the investigations including the Public Hearing.

Operating Procedures for Safeguard Investigation:

Stage 1: Pre- Initiation Notice

4. The Public Notice for receipt of an application for initiation of Safeguard measure is served to the EOI. The EOI intimates the TDW at the earliest. TDW takes following actions:
 - a) The TDW informs EOI, about GOI's intent to participate in the investigation.
 - b) The EOI is requested to provide the petition filed by the Domestic Industry of Importing Country.
 - c) The TDW sends the Initiation Notice to the following departments for comments:
 - a. Concerned Administrative Ministry of the GOI,
 - b. Concerned EPCs,
 - c. TPD, D/o Commerce,
 - d. Territorial Division, D/o Commerce,
 - e. Commodity Division, D/o Commerce,
 - f. Concerned Territorial Division, M/o External Affairs.

Stage 2: Notice for Initiation of Safeguard Investigation

5. The Notice of Initiation by IA is sent to the EOI. The EOI forwards the same to TDW. After receiving the Notice of Initiation, TDW takes following actions:
 - a) TDW initiates the process for hiring of Legal Counsel as per the rotation policy being followed in TDW.
 - b) The petition along with the relevant documents are sent to the followings:
 - (i) Concerned Ministries of GOI,
 - (ii) Territorial Division, D/o Commerce,
 - (iii) Concerned EPCs,
 - (iv) Commodity Division, D/o Commerce,
 - (v) Legal Counsel hired for this investigation.
 - c) The concerned Territorial Division, D/o Commerce provides the details of the Trade Agreements signed with the investigating country and request for excluding exports from India from the investigation keeping in view the bilateral trade relations.
 - d) The Legal Counsel hired for this investigation prepares comments on the basis of inputs received from the Departments at 5 (b) above.
 - e) The TDW organizes a meeting with all the Stakeholders for discussing the common strategy.
 - f) After deciding the common strategy the Legal Counsel prepares the draft response for GOI.
 - g) The TDW examines the draft response and sends to TPD for vetting.
 - h) After finalization of response, approval is obtained from Nodal officer for TDW i.e. JS (TDW) or AS &DA, and the response is sent to the EOI for filing before the IAs.

Stage 3: Imposition of Provisional Measures

6. The Provisional Measures along with the relevant documents are sent to the followings for their comments:
 - a. Concerned Ministries of GOI,
 - b. Territorial Division, D/o Commerce,
 - c. Concerned EPCs,
 - d. Commodity Division, D/o Commerce,
 - e. Legal Counsel hired for this investigation.

Stage 4: Public Hearing

- a) Depending upon the merits of the case the TDW may request the IA for a separate Government to Government consultation and Public Hearing, if required.
- b) Legal Counsel prepare a draft note for Public Hearing on the basis of response filed by GOI at Stage 2, provisional measures imposed by the IA and the comments received from the stakeholders at para-6 above. The draft note prepared by Legal Counsel is initially examined by TDW and sent to TPD for comments/ vetting.
- c) The vetted hearing note is placed before the AS & DA/ JS (TDW) for approval before sending to EOI.
- d) In Safeguard investigations, GOI normally deposes officials from EOI and/or representatives of the Administrative Ministry of GOI and TDW to attend Public Hearing.

Stage 5: Final Findings

7. No submissions are allowed at this stage of Investigation. TPD analyses the Final Finding and takes a call on further course of action as per the grievance redressal mechanism available under the WTO Agreement.

List of CVD Cases (by India)

Sr. No.	Product	Country	Status	Remarks
1)	Sodium Nitrite	China PR	DOI: 14/01/2009 DOT: 12/01/2010	Terminated
2)	Castings for Wind Operated Electricity Generators	China PR	DOI: 29/5/14 FF: 27/11/15 CN(FF): 19/1/16	Range of duties: 8.78% to 13.44% of landed value
3)	Certain Hot Rolled and Cold Rolled Stainless Steel Flat Products	China PR	DOI: 12/4/16 FF: 04/07/17 CN(FF):07/09/17	D u t y l e v i e d 18.95% of landed value
4)	New Pneumatic Tyres for Buses and Lorries	China PR	DOI: 27/03/18	Under investigation
5)	Stainless Steel Welded Pipes	China PR and Vietnam	DOI: 09/08/18	Under investigation
6)	Sachharine	China PR	DOI:10/08/18	Under investigation
7)	Continuous Cast Copper Wire Rods	Indonesia, Malaysia, Thailand, Vietnam	DOI: 10/09/18	Under investigation
8)	Atrazine	China PR	DOI: 27/08/18	Under investigation
9)	Fluoroelastomers	China PR	DOI: 14/09/18	Under investigation

As on 03.12.2018; Source: DGTR

DOI Date of Initiation

DOT Date of Termination

FF Final Finding

CN Concluded

List of CVD Investigation Cases against Indian Exports (2015 to 03.12.2018)

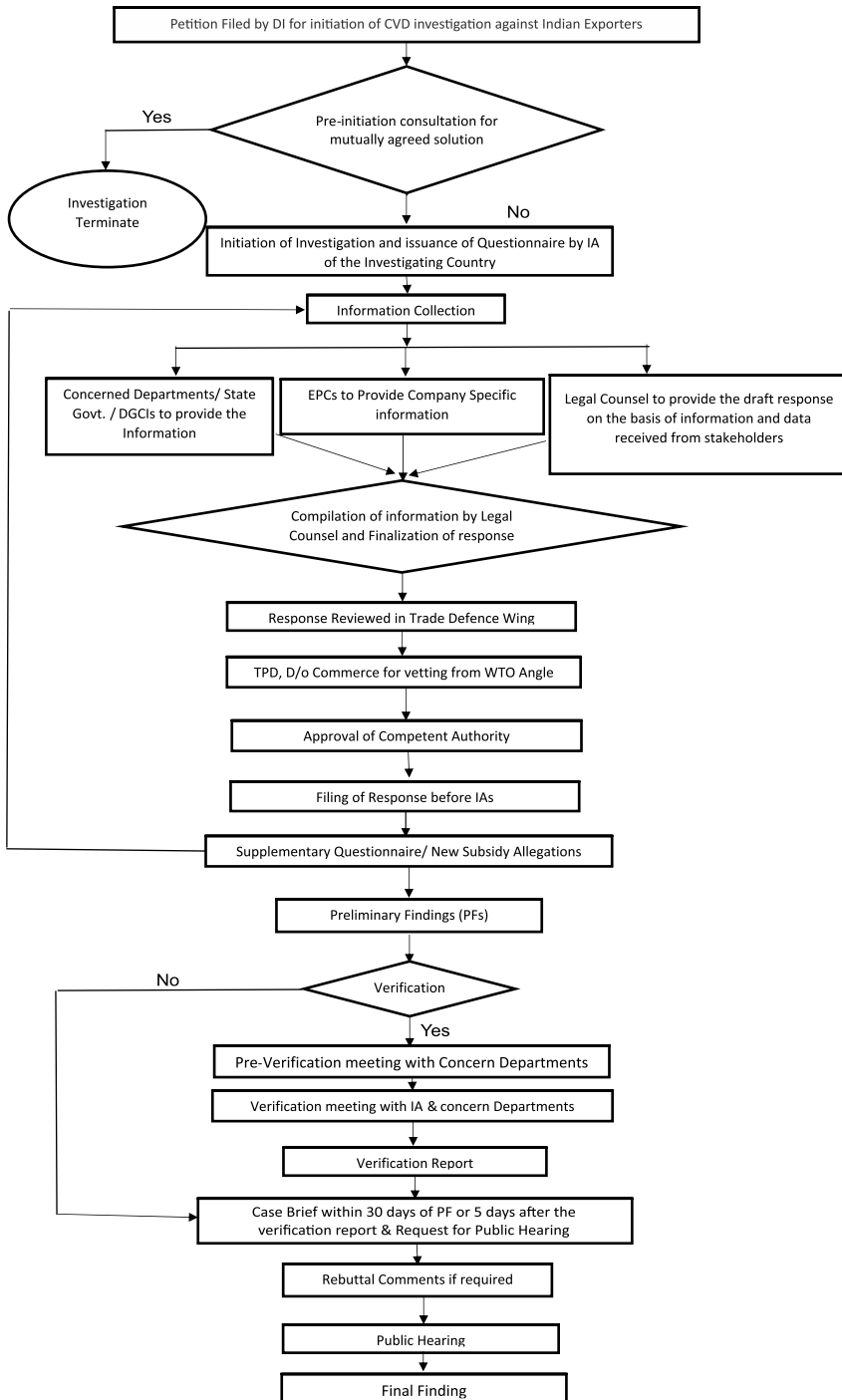
Sr. No.	IAs, Country	Year	Case No	Name of the Product	HS Code of the Product	Final Findings
1)	European Commission, EU	2015	AS618	Ductile Caste Iron	73030010, 73030090	8.70% to 9.00%
2)	CBSA, Canada	2015	CV-141	Hot Rolled Carbon Steel Plate and Alloy Steel	720851, 720852	No duty imposed as there is no injury
3)	USDOC, USA	2015	C-533-864	Corrosion Resistant Steel Product	7210, 7212, 7215, 7217,	2.85%-7.71%
4)	CBSA, Canada	2015	CV-94 RR 2010-001	Hot Rolled Carbon Steel Plate and Strips	7208,7211, 7225	Rs 3150/MT
5)	USDOC, USA	2015	C-533-866	Cold Rolled Steel Product	7306	6.45%
6)	USDOC, USA	2015	C-533-821	Hot Rolled Carbon Steel Flat Product	7306	14.82% to 215.54%
7)	USDOC, USA	2015	C-533-868	Welded Stainless Pressure Pipes	7305	3.13%-6.22%
8)	European Commission, EU	2015	R-634	Graphite Electrode	8545	6.3%-7.2%
9)	CBSA, Canada	2015	RR 2015-002	Hot-Rolled Steel Plate and High Strength Low Alloy Steel	7306	Rs. 7488/MT
10)	USDOC, USA	2015	C-533-858	Oil Country Tubular Goods	7304,7305, 7306	14.14%
11)	USDOC, USA	2015	C-533-844	Lined Paper Products	482010	8.30%
12)	USDOC, USA	2016	C-533-870	Pneumatic Off-the-Road Tyres	4011	5.38%-4.72%
13)	European Commission, EU	2016	R-642	Steel Bars and Rods	7225	2.82%-3.21%
14)	NTC, Pakistan	2016	1/2016/ NTC/CY	Fine Cotton Yarns	5202	No Duty Imposed
15)	USDOC, USA	2016	C-533-872	Carbon Flanges	7307	5.66%-9.11%
16)	ADC, Australia	2016	INV-370	Zinc Coated Galvanized Steel	7210,7212, 7225,7226	3.6%-5.9%
17)	USDOC, USA	2016	C-533-807	Sulfanelic Acid	292140	47.31%
18)	MOFCOM, China PR	2017	ID:17-0001	Ortho Chloro Para Nitro aniline	29214200	21.20% to 166.80%
19)	USDOC, USA	2017	C-533-874	Cold Drawn Mechanical Tubing	7304, 7306, 73069019, 73063090	8.02 % to 42.60%,
20)	USDOC, USA	2017	C-533-876	Fine Denier Polyester Staple Fibre	55032000	13.38% to 27.36%
21)	MME, Mexico	2017	22/10-IND	Dicloxacillin Sodium	2941.10.08	64.90%
22)	CBSA, Canada	2017	PETR 2017 IN	Polyethylene Terephthalate Resin	Prior to 3907.60, After January 2017: Jan. 2017: 3907.61/69	04.00%, to 35.20%
23)	USDOC, USA	2017	C-533-878	Stainless Steel flanges	73072100/ 73079110	4.92% to 256.16%.

24)	USDOC, USA	2017	C-533-880	Polytetrafluoro Ethylene	3904.61, 3904.69	No Duty Imposed.
25)	CBSA, Canada	2017	RR-2012 003	Carbon Welded Steel Pipes	7306	Rs. 3,577/MT to Rs. 23,872/MT
26)	European Commission, EU	2017	R663	Polyethylene terephthalate Partial Interim Review	3907, 39076100	2.30% to 4.0%,
27)	USDOC, USA	2017	C-533-882	Large Diameter Welded Pipes	7305	541.15%
28)	USDOC, USA	2017	C-533-864	Corrosion Resistant Steel Products (Review Investigation)	7210, 7212, 7215, 7217, 7225, 7226, 7228, 7229	Final Finding awaited
29)	USDOC, USA	2017	C-533-825	Polyethylene terephthalate Film, Sheet and Strips (Administrative Review for 2016)	3920.62	-do-
30)	MDIC, Brazil	2017	ID 1701361	GM Balls	73259100	-do-
31)	USDOC, USA	2017	C-533-844	Lined Paper Product (Administrative Review for 2016)	4811.90, 4820, 4810.22	-do-
32)	MME, Mexico	2017	26/10-IND	Amoxiling Trihydrate	2941.10.12	-do-
33)	USDOC, USA	2018	C-533-884	Glycine	2922.49	-do-
34)	European Commission, EU	2018	R 694	Polyethylene terephthalate Review Investigation	3907.69	-do-
35)	European Commission, EU	2018	RF-75	Refund of the countervailing duties paid on imports of Tubes and Pipes of Ductile Cast Iron	73030010, 73030090	-do-
36)	USDOC, USA	2018	C-533-886	Polyester Textured Yarn	540233	-do-
37)	MOFCOM China, PR	2018	Ann. No.: 90 of 2018	7-Phenylacetamido Chloromethy	2921	-do-

As on 03.12.2018; Source: TDW, DGTR

ADC : Anti-Dumping Commission, Australia
MDIC : Ministry of Development, Industry and Foreign Trade
MME : Mexican Ministry of Economy
MOFCOM : Ministry of Commerce of the People's Republic of China
NTC : National Tariff Commission
USDOC : Department of Commerce, USA

Flow-Chart for CVD Investigation against exports from India



ABBREVIATIONS

ADD	Anti-Dumping Duty
AFA	Adverse Facts Available
ASCM	Agreement on Subsidies & Countervailing Measures
AS & DA	Additional Secretary & Designated Authority
AUL	Average Useful Life
CBSA	Canada Border Service Agency
CVD	Countervailing Duty
D/o Commerce	Department of Commerce
DGTR	Directorate General of Trade Remedies
DGFT	Directorate General of Foreign Trade
DGCI&S	Directorate General of Commercial Intelligence & Statistics
DI	Domestic Industry
EOI	Embassy of India
EPC	Export Promotion Council
EU	European Union
FF	Final Finding
GATT	General Agreement on Tariffs and Trade
GOI	Government of India
HS	Harmonized System
IA	Investigating Agency
IEC	Importer Exporter Code
JS (TDW)	Joint Secretary (Trade Defence Wing)
PAN	Permanent Account Number
POI	Period of Investigation
PF	Preliminary Finding
SD	Safeguard Duty
SQR	Safeguard Quantitative Restrictions
TDW	Trade Defence Wing
TPD	Trade Policy Division
USA	United States of America
USDOC	Department of Commerce, USA
WTO	World Trade Organization



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