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Article 文章

Final Findings in anti-circumvention investigation concerning Cold Rolled Flat Products of Stainless Steel – An analysis

关于冷轧不锈钢平板产品反规避调查最终裁决的分析

By Garima Prakash

Background

Final anti-dumping duty was imposed on cold rolled flat products of stainless steel of width between 600mm to 1250mm with certain exclusions (Product Under Consideration, hereinafter 'PUC') exported from China, Korea, EU, South Africa, Taiwan, Thailand and USA (hereinafter 'subject countries') in 2010,¹ and continued after the sunset review final findings in 2015.²

The Domestic Industry noticed a trend of shifting imports of PUC to imports of cold rolled flat products of stainless steel of width above 1250mm (Product Under Investigation, hereinafter 'PUI'). Circumvention was alleged to be occurring in terms of the PUC being imported in altered, unfinished or incomplete form into India. Cold rolled flat products of stainless steel of width above 1250mm were being imported into India and thereafter were slit into flat sheets of width up to 1250mm. It was suspected that imports of PUI were undermining the remedial effects of the anti-dumping duty imposed on PUC.

The designated authority found substance in the allegations made by the petitioners and initiated an anti-circumvention investigation in

2016³, to examine the existence and effect of the alleged circumvention of the anti-dumping duty levied and to consider recommendation of extension of anti-dumping duty on imports of PUC to imports of PUI. Final findings of the abovementioned investigation were issued on 19th August 2017.⁴

Applicable Provisions

Section 9A of the Customs Tariff Act, 1975 and Rules 25-28 of Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter the ADD rules) govern circumvention of anti-dumping duty in India.

The relevant parts of the Customs Tariff Act and the ADD Rules are reproduced below:

S.9A (1A), Customs Tariff Act, 1975

"Where the Central Government, on such inquiry as it may consider necessary, is of the opinion that circumvention of anti-dumping duty imposed under sub-section (1) has taken place, either by altering the description or name or composition of the article subject to such anti-dumping duty or by import of such article in an unassembled or disassembled form or by changing the country of

¹ Vide Notification No. 14/2010-Customs, dated 20th February 2010.

² Vide Notification No. 61/2015-Customs, dated 11th December 2015.

³ Vide Initiation Notification No. 14/1/2014-DGAD, dated 19th February 2016.

⁴ Vide Notification No. 14/1/2014-DGAD, dated 18th August 2017. Available at: <http://www.dgtr.gov.in/sites/default/files/AC%20NCV%20English%20FF.pdf>.

its origin or export or in any other manner, whereby the anti-dumping duty so imposed is rendered ineffective, it may extend the anti-dumping duty to such article or an article originating in or exported from such country, as the case may be."

ADD Rules:

"Rule 25 Circumvention of anti dumping duty.

- (1) Where an article subject to anti dumping duty is imported into India from any country including the country of origin or country of export notified for the purposes of levy of anti dumping duty, in an unassembled, unfinished or incomplete form and is assembled, finished or completed in India or in such country, such assembly, finishing or completion shall be considered to circumvent the anti dumping duty in force if,-

(a) the operation started or increased after, or just prior to, the anti dumping investigations and the parts and components are imported from the country of origin or country of export notified for purposes of levy of anti-dumping duty; and

(b) the value consequent to assembly, finishing or completion operation is less than thirty-five percent of the cost of assembled, finished or complete article.

...

(3) Where an article subject to anti dumping duty is imported into India through exporters or producers or country not subject to anti dumping duty, such exports shall be considered to circumvent the anti dumping duty in force if the exporters or producers notified for the levy of anti-dumping duty change their trade practice, pattern of trade or channels of sales of the article in order to have their products exported to India through exporters or producers or country not subject to anti dumping duty.

Explanation.- For the purposes of this sub-rule, it shall be established that there has been a change in trade practice, pattern of trade or channels of sales if the following conditions are satisfied, namely:-

(a) absence of a justification, economic or otherwise, other than imposition of anti-dumping duty;

(b) evidence that the remedial effects of the anti-dumping duties are undermined in terms of the price and or the quality of like products."

"Rule 26 Initiation of investigation to determine circumvention.-

(1) Except as provided herein below, the designated authority may initiate an investigation to determine the existence and effect of any alleged circumvention of the anti dumping duty levied under section 9A of the Act , upon receipt of a written application by or on behalf of the domestic industry."

Analysis

The designated authority examined the evidence of circumvention by referring to the trade pattern shift of PUC to PUI for the subject countries since 2008-2009 until the Period of Investigation (hereinafter 'POI'). The POI was considered from 1st July 2014 to 30th September 2015 (15 months). More particularly, the authority examined whether there has been a change in pattern of trade and whether this change has stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of anti-dumping duty. The following observations were made:

- A change in the product mix of PUC and PUI from 2008-09 through POI: Volume of imports of PUC from subject countries declined since the imposition of anti-dumping duty, with a simultaneous rise in

the volume of imports in significant amounts of PUI from subject countries.

- A closer examination of the pattern of imports within the PUI revealed that majority of the imports were just above the threshold limit (1250mm) and only a small portion of imports were well above 1250mm.
- Such change in pattern of trade was not seen in imports from countries other than subject countries. The volume of imports of PUC remained more or less the same in POI, implying no change in consumption pattern so as to justify the change in import pattern from subject countries.
- The change in pattern of trade from PUC to PUI was not noticed in sales of exporters to countries other than India and in their domestic market.
- The quantum of value added after slitting PUI into PUC was not more than 5%, which is well within the threshold of 35% [as per Rule 25 (1)].

Based on the above observations, the designated authority found that there was change in pattern of trade which stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of anti-dumping duty.

After establishing the existence of circumvention, the designated authority moved on to examine its effect. The following observations were made in this regard:

- The landed value of imported PUC (with anti-dumping duty) was higher than that of the PUI (with no measure) from subject countries during POI.
- There was a price depressing effect on the net sales realisation of PUC of domestic

industry, which undermined the remedial effect of the levied anti-dumping duty.

The designated authority considered the above effect to be undermining the previously levied anti-dumping duty.

Recommendations

On the basis of the abovementioned analysis and observations, the designated authority found that:

- the imports of PUI have increased post levy of anti-dumping duty;
- the value addition in converting PUI to PUC is less than the prescribed threshold in the Rules;
- the PUI has been exported at dumped prices during the POI; and
- the imports of PUI have undermined the existing AD measure on PUC.

Based on the above findings, it has been recommended that the existing anti-dumping duty imposed on PUC be extended to PUI from date of its notification by the Ministry of Finance. Such imposition would be co-terminus with the anti-dumping duty on PUC levied through Custom Notification No. 61/2015-Customs (ADD), dated 11th December 2015.

Balancing the interests of parties

It was also observed by the designated authority that not all PUI were converted into PUC products after importation into India. In this regard, the designated authority extended the imposition of anti-dumping duty to PUI in the following manner:

- The PUI which is imported by an importer for end use in the same form without slitting will not be liable for payment of the applicable anti-dumping duty.
- In case a PUI is slit into 2 or more PUI only i.e. sizes above 1250 mm, it will not

be subjected to any anti-dumping duty (for example, a 2600mm piece slit into two 1300mm size pieces).

- If PUI is slit for a combination of PUI and PUC sizes, it will be liable for applicable AD Duty (for example a 1800 mm piece being slit into a 1400 mm and a 400 mm piece or a 2200 mm piece is slit into 1400 mm and 800 mm or a 1400 mm piece being slit into 600, 500 & 300 mm sizes).
- The importer will give a legally enforceable undertaking to the concerned Custom Authorities that the PUI being imported will be used without any slitting of PUI into PUC.
- The Ministry of Finance may put in place an appropriate monitoring mechanism to monitor the genuineness of the usage of

the PUI so imported for categories not leviable with anti-dumping duty, based on the aforesaid undertaking.

Conclusion:

Therefore, the designated authority adopted a balanced approach in extending the anti-dumping duty levied on PUC to PUI, by not imposing anti-dumping duty in an unfair manner. In the absence of such a balance, there was risk of creation of a back-door entry for the domestic industry to broaden the scope of the original investigation, to include products that were originally excluded from the scope of imposition of anti-dumping duty.

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Trade Remedy News 贸易救济新闻

Trade Remedy measures against China

对中国采取的贸易救济行动

Product 产品	Country 国家	Measure 措施	Notification No. and date 公告文号和日期
1-Phenyl-3-Methyl-5-Pyrazolone 1-苯基-3-甲基-5-吡唑啉酮	India 印度	Final findings of SSR recommends termination of definitive anti-dumping duty 日落复审最终裁决建议终止最终反倾销税	F.No.15/3/2016-DGAD, dated 9-8-2017 2017年8月9日, 第15/3/2016-DGAD号
Aluminium Road Wheels 铝制车轮	Australia 澳大利亚	ADD and CVD - Findings of an exemption inquiry 反倾销和反补贴-免税调查裁决	Anti-dumping Notice No. 2017/115, dated 9-8-2017 2017年8月9日, 反倾销公告第2017/115号
Aluminium Road Wheels 铝制车轮	Australia 澳大利亚	ADD – Initiation of accelerated new shipper review 反倾销-发起快速新出口商复审	Anti-dumping Notice No. 2017/105, dated 27-7-2017 2017年7月27日, 反倾销公告第2017/105号
Aluminum Extrusions 铝型材	USA 美国	Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders 肯定性规避反倾销和反补贴最终裁决	A-570-967, C-570-968 [82 FR 34630], dated 26-7-2017 2017年7月26日, A-570-967, C-570-968 [82 FR 34630]

Product 产品	Country 国家	Measure 措施	Notification No. and date 公告文号和日期
Aluminum Foil 铝箔	USA 美国	CVD - Preliminary Affirmative Countervailing Duty Determination 反补贴-肯定性反补贴临时裁决	C-570-054 [82 FR 37844], dated 14-8-2017 2017年8月14日, C-570-054 [82 FR 37844]
Aluminum Foil 铝箔	USA 美国	ADD - Postponement of Preliminary Determination of the Less-Than-Fair- Value Investigation 反倾销-延期发布低于正常价值调查临时 裁决	A-570-053 [82 FR 35753], dated 1- 8-2017 2017年8月1日, A-570-053 [82 FR 35753]
Belting fabric 带织物	India 印度	ADD investigation initiated 发起反倾销调查	No. 14/35/2016-DGAD, dated 23-8- 2017 2017年8月23日, 第14/35/2016- DGAD号
Beton pump and beton pump vehicle 混凝土泵和混凝土泵车	Turkey 土耳其	Affirmative ADD final finding 肯定性反倾销终裁	MOFCOM news dated 1-8-2017 2017年8月1日, 商务部新闻
Carbon Steel Butt- Weld Pipe Fittings 碳钢对焊管件	USA 美国	Initiation of Anti-Circumvention Inquiry on the Antidumping Duty Order 发起规避反倾销调查	A-570-814 [82 FR 40556], dated 25-8-2017 2017年8月25日, A-570-814 [82 FR 40556]
Carbon steel tube 碳钢管	Mexico 墨西哥	Affirmative ADD preliminary finding 肯定性反倾销初裁	MOFCOM news dated 17-8-2017 2017年8月17日, 商务部新闻
Carton-Closing Staples 封箱钉	USA 美国	ADD - Postponement of Preliminary Determination in the Less-Than-Fair- Value Investigation 反倾销-延期发布低于正常价值调查临时 裁决	A-570-055 [82 FR 39982], dated 23-8-2017 2017年8月23日, A-570-055 [82 FR 39982]
Cast iron articles 铸铁产品	EU 欧盟	Affirmative ADD preliminary finding 肯定性反倾销初裁	MOFCOM news dated 21-8-2017 2017年8月21日, 商务部新闻
Cast Iron Soil Pipe Fittings 铸铁污水管	USA 美国	ADD - Initiation of Less-Than-Fair Value Investigation 反倾销-发起低于正常价值调查	A-570-062 [82 FR 37053], dated 8- 8-2017 2017年8月8日, A-570-062 [82 FR 37053]
Cast Iron Soil Pipe Fittings 铸铁污水管	USA 美国	CVD - Initiation of Countervailing Duty Investigation 反补贴-发起反补贴调查	C-570-063 [82 FR 37048], dated 8- 8-2017 2017年8月8日, C-570-063 [82 FR 37048]
Castings for Wind Operated Electricity Generators 风力发电机组铸件	India 印度	Final Findings recommending imposition of anti-dumping duty 建议征收反倾销税最终裁决	F.No.14/28/2013-DGAD, dated 28- 7-2017 2017年7月28日, 第14/28/2013- DGAD号
Ceramic sanitary ware 陶瓷洁具	Argentina 阿根廷	Affirmative ADD preliminary finding 肯定性反倾销初裁	MOFCOM news dated 18-8-2017 2017年8月18日, 商务部新闻

Product 产品	Country 国家	Measure 措施	Notification No. and date 公告文号和日期
Coated paper 铜版纸	Argentina 阿根廷	Final Findings issued recommending imposition of duty in Anti-Circumvention investigation 反规避调查发布最终裁决建议征收反倾销税	MOFCOM news dated 26-7-2017 2017年7月26日, 商务部新闻
Cold Rolled Flat Product of Stainless Steel 冷轧不锈钢平板产品	India 印度	Final Findings issued recommending imposition of duty in Anti-Circumvention investigation 反规避调查发布最终裁决建议征收反倾销税	F.No. 14/1/2014-DGAD, dated 18-8-2017 2017年8月18日, 第14/1/2014-DGAD号
Corrosion resistant steels 耐腐蚀钢	EU 欧盟	Provisional ADD imposed 征收临时反倾销税	Commission Implementing Regulation (EU) 2017/1444, dated 9-8-2017 2017年8月9日, 欧盟执行委员会第2017/1444号
Dichlorophenoxy-acetic acid (2,4-D) 2,4-二氯苯氧基-乙酸	Australia 澳大利亚	Initiation of an Inquiry into continuation of Anti-Dumping Measures 发起继续反倾销措施调查	Anti-dumping Notice No. 2017/102, dated 20-7-2017 2017年7月20日, 反倾销公告第2017/102号
Disposable syringe 一次性皮下注射器	Argentina 阿根廷	ADD duty continue after sunset review 日落复审后继续征收反倾销税	MOFCOM news dated 16-8-2017 2017年8月16日, 商务部新闻
Fine Denier Polyester Staple Fiber 细旦涤纶短纤	USA 美国	CVD - Postponement of Preliminary Determinations in the Countervailing Duty Investigations 反补贴-延期发布反补贴临时裁决	C-570-061 [82 FR 37048], dated 8-8-2017 2017年8月8日, C-570-061 [82 FR 37048]
Fresh Garlic 新鲜大蒜	USA 美国	ADD – Affirmative results of sunset review 反补贴-肯定性日落复审终裁	A-570-831 [82 FR 36752], dated 7-8-2017 2017年8月7日, A-570-831 [82 FR 36752]
Furfuryl Alcohol 糠醇	USA 美国	ADD Order continued after sunset review 日落复审后继续反倾销征税令	A-570-835 [82 FR 37194], dated 9-8-2017 2017年8月9日, A-570-835 [82 FR 37194]
Galvanized low-carbon steel wire 镀锌低碳钢丝	Korea RP 韩国	ADD investigation initiated 发起反倾销调查	MOFCOM news dated 2-8-2017 2017年8月2日, 商务部新闻
Grinding ball 研磨球	Australia 澳大利亚	ADD and CVD - Findings of an exemption inquiry 反倾销和反补贴-发布免税调查裁决	MOFCOM news dated 26-7-2017 2017年7月26日, 商务部新闻
Hand pallet trucks and their essential parts 手动叉车及其主要配件	EU 欧盟	Initiation of anti-circumvention investigation on imports consigned from Vietnam 对来自越南的进口发起反规避调查	Commission Implementing Regulation (EU) 2017/1348, dated 19-7-2017 2017年7月19日, 欧盟执行委员会第2017/1348号
Hexagonal galvanized steel wire 六边形电镀钢丝	Mexico 墨西哥	ADD sunset review initiated 发起反倾销日落复审调查	MOFCOM news dated 26-7-2017 2017年7月26日, 商务部新闻

Product 产品	Country 国家	Measure 措施	Notification No. and date 公告文号和日期
Hollow Structural Sections 空心管材	Australia 澳大利亚	ADD and CVD – Application for accelerated review 反倾销和反补贴-快速复审申请	Anti-dumping Notice No. 2017/112, dated 10-8-2017 2017年8月10日, 反倾销公告第2017/112号
Hot Rolled and Cold Rolled Stainless Steel Flat Products 热轧和冷轧不锈钢平板产品	India 印度	Corrigendum to Final Finding (CVD) recommendations 建议修改反补贴最终裁决	File.No.14/18/2015-DGAD, dated 9-8-2017 2017年8月9日, 第14/18/2015-DGAD号
I section steel 工字钢	Viet Nam 越南	Affirmative ADD final finding 肯定性反倾销终裁	MOFCOM news dated 29-8-2017 2017年8月29日, 商务部新闻
Metronidazole 甲硝唑	India 印度	ADD sunset review initiated 发起反倾销日落复审调查	No. 7/6/2017-DGAD, dated 29-8-2017 2017年8月29日, 第7/6/2017-DGAD号
New and retreaded tyres for buses or lorries 新的或翻新卡客车轮胎	EU 欧盟	ADD investigation initiated 发起反倾销调查	EU 2017/C 264/13, dated 11-8-2017 2017年8月11日, EU 2017/C 264/13
New/ unused pneumatic radial tyres 新的/未使用的充气子午胎	India 印度	Final Findings issued recommending imposition of anti-dumping duty 发布最终裁决建议征收反倾销税	F.No.14/14/2015-DGAD, dated 1-8-2017 2017年8月1日, 第14/14/2015-DGAD号
Offset printing ink 胶印油墨	Pakistan 巴基斯坦	Negative ADD final finding 否定性反倾销终裁	MOFCOM news dated 24-7-2017 2017年7月24日, 商务部新闻
One Side Coated Duplex Board (Grey Back) 单面涂层双层(灰底)纸板	Pakistan 巴基斯坦	Affirmative ADD final finding 肯定性反倾销终裁	MOFCOM news dated 2-8-2017 2017年8月2日, 商务部新闻
Opal Glassware 玻璃质餐具	India 印度	Definitive anti-dumping duty imposed 征收最终反倾销税	37/2017-Cus. (ADD), dated 9-8-2017 2017年8月9日, 第37/2017-Cus. (ADD)号
Para Nitro Aniline 对硝基苯胺	India 印度	Final findings of SSR recommends definitive anti-dumping duty 日落复审最终裁决建议征收最终反倾销税	No. 15/09/2016-DGAD, dated 29-8-2017 2017年8月29日, 第15/09/2016-DGAD号
Plywood 胶合板	Turkey 土耳其	ADD sunset review initiated 发起反倾销日落复审调查	MOFCOM news dated 1-8-2017 2017年8月1日, 商务部新闻
Polyester filament yarn 聚酯长丝	Pakistan 巴基斯坦	Affirmative ADD final finding 肯定性反倾销终裁	MOFCOM news dated 29-8-2017 2017年8月29日, 商务部新闻

Product 产品	Country 国家	Measure 措施	Notification No. and date 公告文号和日期
Polyethylene Terephthalate Resin 聚对苯二甲酸乙二醇酯树脂	Canada 加拿大	ADD and CVD – Initiation of investigation 反倾销和反补贴-发起调查	Canada Border Service Agency PETR 2017 IN, dated 18-8-2017 2017年8月18日, 加拿大边境服务署发布新闻
Polytetrafluoroethylene or PTFE 聚四氟乙烯	India 印度	Definitive anti-dumping duty continued after sunset review 日落复审后继续征收最终反倾销税	36/2017-Cus. (ADD), dated 28-7-2017 2017年7月28日, 36/2017-Cus. (ADD)
Poplin shirting fabrics 府绸	Peru 秘鲁	Final findings of SSR recommends termination of definitive anti-dumping duty 日落复审最终裁决建议终止最终反倾销税	MOFCOM news dated 28-8-2017 2017年8月28日, 商务部新闻
PVC film PVC薄膜	Columbia 哥伦比亚	ADD duty continue after sunset review 日落复审后继续征收2年反倾销税	MOFCOM news dated 26-7-2017 2017年7月26日, 商务部新闻
Reinforcing steel bar and coil 钢筋和热轧卷板	New Zealand 新西兰	ADD and CVD investigation initiated 发起反倾销和反补贴调查	MOFCOM news dated 17-8-2017 2017年8月17日, 商务部新闻
RG coaxial cable RG型同轴电缆	Mexico 墨西哥	ADD sunset review initiated 发起反倾销日落复审调查	MOFCOM news dated 10-8-2017 2017年8月10日, 商务部新闻
Rubber Chemicals, namely, TDQ & PX-13 橡胶助剂	India 印度	Extension of time for completion of AD investigation up to 7 October, 2017 完成反倾销调查的时限延长至2017年10月7日	File.No.15/5/2016-DGAD, dated 7-7-2017 2017年7月7日, 第15/5/2016-DGAD号
Seamless steel tube 无缝钢管	Brazil 巴西	ADD duty continue after sunset review 日落复审后继续征收反倾销税	MOFCOM news dated 25-8-2017 2017年8月25日, 商务部新闻
Soda Ash 纯碱	India 印度	Final findings of MTR recommends termination of definitive anti-dumping duty as well as SSR 期中复审建议终止最终反倾销税	File No.15/28/2014-DGAD, dated 22-7-2017 2017年7月22日, 第15/28/2014-DGAD号
Sodium Chlorate 氯酸钠	India 印度	Final Findings recommending imposition of anti-dumping duty 最终裁决建议征收反倾销税	F.No.14/13/2015-DGAD, dated 10-8-2017 2017年8月10日, 第14/13/2015-DGAD号
Sodium Nitrite 亚硝酸钠	India 印度	ADD continued after sunset review 日落复审后继续反倾销税	40/2017-Cus. (ADD), dated 25-8-2017 2017年8月25日, 40/2017-Cus. (ADD),
Solar Cells 太阳能光伏电池	India 印度	Anti-Dumping Duty Investigation initiated 发起反倾销调查	F.No.6/30/2017-DGAD, dated 21-7-2017 2017年7月21日, 第6/30/2017-DGAD号
Special iron tube and steel tube 特种铁管和钢管	Thailand 泰国	Affirmative ADD final finding 肯定性反倾销终裁	MOFCOM news dated 3-8-2017 2017年8月3日, 商务部新闻

Product 产品	Country 国家	Measure 措施	Notification No. and date 公告文号和日期
Stainless steel washing tank 不锈钢洗涤槽	Columbia 哥伦比亚	Affirmative ADD preliminary finding 肯定性反倾销初裁	MOFCOM news dated 10-8-2017 2017年8月10日, 商务部新闻
Steel Piling Pipe 钢管桩产品	Canada 加拿大	ADD and CVD – Initiation of expiry review 反倾销和反补贴-发起日落复审	Canada Border Service Agency PP 2017 ER, dated 29-8-2017 2017年8月29日, 加拿大边境服务署发布新闻
Steel reinforcing bar 螺纹钢	Australia 澳大利亚	Extension of time granted to issue Statement of Essential Facts and the Final Report 延期发布重要事实披露和最终裁决	Anti-dumping Notice No. 2017/122, dated 30-8-2017 2017年8月30日, 反倾销公告第2017/122号
Steel rod in coils 盘条	Australia 澳大利亚	Extension of time granted to issue Statement of Essential Facts and the Final Report 延期发布重要事实披露和最终裁决	Anti-dumping Notice No. 2017/123, dated 30-8-2017 2017年8月30日, 反倾销公告第2017/123号
Steel tube 钢管	Argentina 阿根廷	Affirmative ADD preliminary finding 肯定性反倾销初裁	MOFCOM news dated 16-8-2017 2017年8月16日, 商务部新闻
Stilbenic Optical Brightening Agents 光学增白剂	USA 美国	ADD – Affirmative result of sunset review 反倾销-肯定行日落复审裁决	A-570-972 [82 FR 36732], dated 7-8-2017 2017年8月7日, A-570-972 [82 FR 36732]
Textured Toughened (Tempered) Glass 有涂层和无涂层纹理钢化玻璃	India 印度	Definitive anti-dumping duty imposed 征收最终反倾销税	38/2017-Cus. (ADD), dated 18-8-2017 2017年8月18日, 38/2017-Cus. (ADD)
Tool Chests and Cabinets 工具箱和工具柜	USA 美国	ADD - Postponements of Preliminary Determinations of Antidumping Duty Investigations 反倾销-延期发布反倾销临时裁决	A-570-056 [82 FR 39563], dated 21-8-2017 2017年8月21日, A-570-056 [82 FR 39563]
U section and L section steel U型和L型钢材	Columbia 哥伦比亚	ADD investigation initiated 发起反倾销调查	MOFCOM news dated 25-8-2017 2017年8月25日, 商务部新闻
Welding microwire 细焊丝	Mexico 墨西哥	ADD investigation initiated 发起反倾销调查	MOFCOM news dated 17-8-2017 2017年8月17日, 商务部新闻
Wire rod of alloy or non-alloy steel	India 印度	Final findings recommends definitive anti-dumping duty 最终裁决建议征收最终反倾销税	No. 14/17/2016-DGAD, dated 30-8-2017 2017年8月30日, 第14/17/2016-DGAD号
Zinc Coated (Galvanised) Steel 镀锌板	Australia 澳大利亚	ADD and CVD - Findings of an exemption inquiry 反倾销和反补贴-发布免税调查裁决	Anti-dumping Notice No. 2017/114, dated 9-8-2017 2017年8月9日, 反倾销公告第2017/114号

Trade Remedy actions by China 中国采取的贸易救济行动

Product 产品	Country 国家	Measure 措施	Notification No. and date 公告文号和日期
Broiler Products 白羽肉鸡	Brazil 巴西	ADD investigation initiated 发起反倾销调查	MOFCOM Announcement No. 39 of 2017, dated 21-8-2017 2017年8月21日, 商务部公告2017年第39号
Cellulose plup 浆粕	Canada 加拿大	ADD reinvestigation initiated subject to WTO recommendation 根据世贸组织建议发起反倾销再调查	MOFCOM Announcement No. 43 of 2017, dated 25-8-2017 2017年8月25日, 商务部公告2017年第43号
Dispersion-unshifted Single Mode Fiber 非色散位移单模光纤	USA 美国	ADD – Initiation of mid-term review 反倾销-发起期中复审	MOFCOM Announcement No. 41 of 2017, dated 24-8-2017 2017年8月24日, 商务部公告2017年第41号
Halogenated butyl rubber 卤化丁基橡胶	US, EU and Singapore 美国、欧盟和新加坡	ADD investigation initiated 发起反倾销调查	MOFCOM Announcement No. 45 of 2017, dated 30-8-2017 2017年8月30日, 商务部公告2017年第45号
Optical Fiber Perform 光纤预制棒	Japan and USA 日本和美国	ADD – Initiation of sunset review 反倾销-发起日落复审	MOFCOM Announcement No. 35 of 2017, dated 21-8-2017 2017年8月21日, 商务部公告2017年第35号



WTO News 世贸组织新闻

印度尼西亚对镀铝锌板实施特别关税违反了最惠国条款

2017年8月, WTO专家组认定印度尼西亚通过第137.1/PMK.011/2014号规定对进口镀铝锌板(平轧钢铁产品)实施特别关税的调控手段不构成保障措施协议第1条定义的保障措施的含义。然而, 专家组认为对原产自规定中明确的120个列名国家的镀铝锌板适用这样的税率违反了印度尼西亚根据1994年关税和贸易总协定第1.1条有关最惠国待遇的义务。

卡塔尔对阿拉伯联合酋长国、巴林和沙特阿拉伯提交争端解决

8月4日, 卡塔尔与阿拉伯联合酋长国、巴林和沙特阿拉伯就卡塔尔提出的阿联酋、巴林和沙特阿拉伯对卡

塔尔实行的经济孤立措施进行磋商。根据磋商请求, 应诉国家禁止或以其他方式限制从卡塔尔或以卡塔尔为目的地的货物进口、出口、销售、购买、许可、转让、接收和装运、过境。磋商请求也指出, 应诉国家实施的新规定禁止卡塔尔公民为了提供服务而前往这些国家或居住在这些国家, 同时也禁止卡塔尔的服务提供者在这些国家设立以提供服务。此争端案涉及违反了关贸总协定、服务和贸易总协定以及TRIPS的各项规定。

世贸成员审查实务以改进争端解决程序

2017年7月20日, 世贸组织争端解决机构聚集在一起审查世贸争端解决程序。成员讨论了以下四项文件:

- 通过邀请非政府第三方公民以及未曾参与过专家组程序的合适候选人的提名和任命便利专家组的组成
- 促进电子化提交争端解决
- 鼓励及时响应第三方参与磋商程序的请求
- 建立争端程序性文件和初步裁决

欧盟同时还提出了选择上诉机构成员的方案。

渔业补贴方案发放给各成员国

2017年7月28日，世贸组织谈判小组主席向世贸组织所有成员发布了反映世贸组织成员七项提案的联合矩阵。这些文本是由新西兰、冰岛和巴基斯坦；欧盟；印度尼西亚；非洲、加勒比、太平洋（ACP）国家集团；由阿根廷、哥伦比亚、哥斯达黎加、巴拿马、秘鲁和乌拉圭组成的拉丁美洲集团；最不发达国家（LDC）组；和挪威。这个矩阵将为成员们准备即将到来的密集谈判铺平道路。

贸易政策审查机制的第一次修改获得批准

总理事务会在2017年7月26日批准了贸易政策审查机制的第一次修改，其中，成员国的审查周期根据其经济规模从原来的每两年、四年或六年变更为每三年、五年或七年。贸易政策审查机构于2017年1月27日提交了《马拉喀什协定》附件3中相关的修改提案。考虑到时间，成员还同意修改TPRS提问和回答环节的时限。

乌克兰对进口硫酸发起保障措施调查

乌克兰于2017年8月10日已经启动了对硫酸和发烟硫酸的进口保障措施调查。世贸组织保障措施委员会于8月18日得到这一案件的发展情况报告。乌克兰经济发展和贸易部将在30天内考虑利害关系方的登记，并在发起公告后45天内提出书面意见。

过去十年中最低月度平均贸易限制

2017年7月24日，总干事提交了与贸易发展有关的中期报告。它记录了自2008年金融危机以来过去十年中新贸易限制的最低月平均数。从每个月平均15项新措施减至11项。该期间为2016年10月中旬至2017年5月中旬。报告还指出，在同一时期，世贸组织成员采取了80项旨在促进贸易的新措施，包括取消或减少关税和简化海关程序。

厄瓜多尔取消进口费用

2017年7月21日，厄瓜多尔宣布，它终于取消了自2015年起征收的所有进口附加费。这类附加税是在2015年3月开始征收的，以应对油价大幅下跌，维持国家的收支平衡。此前，在世贸组织国际收支限制委员会举行的六轮磋商中，世贸组织成员见证了这一改变。厄瓜多尔对外贸易部谈判副部长Humberto Jiménez Torres认为厄瓜多尔政府不会出于国际收支平衡的目的考虑重新建立或建立任何新的保障措施。

成员国见证了货物谈判透明度方案

2017年7月21日，非农业市场准入谈判组（NAMA）讨论了一项通过建立新的规则引入更大的透明度和获得有关政府在食品和产品安全方面的信息以促进中小微企业在全球贸易的参与程度。欧盟、香港、中国、中国台北和新加坡提出了一个方案，包括建立一个共同的互联网门户网站来实现信息共享，更广泛地与利益相关者和包括在世贸组织卫生和植物检疫措施协议（SPS）和技术壁垒协议（TBT）范围内国内法规的最终变化的公告。该方案得到了许多亚洲和拉丁美洲国家的支持。



Ratio Decidendi 判决理由

反补贴调查-调整基准价格-包括增值税

美国国际贸易法院支持美国商务部在对来自中国的晶体硅光伏电池实施反补贴的争端案件中将增值税包括在基准价格计算中的做法。法院对此认为商务部对第19 C.F.R. § 351.511(a)(2)(iv)条的理解是允许在基准

价格中包括除运费和进口关税以外的费用并非错误的或者不符合规定的。法院指出，为了解释该条例，要求商务部在调整基准价格时只考虑运费和进口税，这将使商务部的任务变得毫无意义。有关商务部追偿增值税说法的争议，法院也支持了在转售或出口的情况

下，商务部追偿增值税并不妨碍对增值税进行一个适当的调整。

在涉及补贴调查的一个案件中，调查当局认为这些货物或服务是否以低于适当的报酬的价格提供。通过比较应诉者所支付的价格与该国的实际交易所得的价格

来确定报酬的适当性，这就是基准价格。美国商务部提高了多晶硅和太阳能玻璃的基准价格，以反映假设一个中国公司在进口这些产品时所应支付的增值税。但是，它选择不排除从电费基准价中扣除增值税的任何金额。根据商务部的说法，只要增值税反映了进口商应支付的费用，增值税就应该包括在基准价格中。

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