

**Training Programme on Anti-dumping, Anti-subsidy and Safeguard Measures
Mumbai, 8-10 October 2009**

Agenda

Day One: 8th October 2009

0900-0930 Registration

0930-1000 Opening

1000-1030 Break

1030-1230 **Session 1: Overview of the WTO Agreements on Trade Remedial Measures**

Sanjay Notani, Partner, Economic Laws Practice

This session provides the overview of relevant WTO Agreements relating to trade remedial measures (TRMs), which form the basis of national laws governing TRMs. The session will also briefly deal with use and abuse of TRMs in different economic scenarios and industry sectors. Key concepts relating to TRMs will enable the participants to grasp understanding of the functioning of TRMs. More specifically the session will deal with:

- History and the basic principles of the GATT and WTO
- Basic concepts such as actionable forms of dumping, like product, prohibited subsidies, and non-actionable subsidies
- Utility and use of trade remedial measures
- Injury versus threat of injury in trade remedial measures
- General description of the WTO agreements on trade remedial measures
- Industry sectors which have used or are likely to use trade remedial measures and why?

1230-1330 Lunch

1330-1530 **Session 2: Strategies and Approach to Anti-dumping, Anti-subsidy and Safeguard Measures against Indian Exports**

Sanjay Notani, Partner, Economic Laws Practice

In this session, the key strategies and approaches while engaging with TRMs will be discussed. It has been observed that Indian industry has been on the losing side due to not being aware of the methods and approaches used by foreign countries. An instance could be “revealing more information than necessary”. Similarly during the TRM investigations, critical aspects need due caution. This session will deal with such sensitive aspects of dealing with TRMs. More specifically the session will deal with:

- Industry sectors and jurisdictions in which Indian exports have been subject to trade remedial measures
- Strategies to be used by exporters before the commencement of TRM investigations
- Strategies during a TRM investigation
- Circumvention strategies against TRM

1530-1600 Break

1600-1800 **Session 3: Indian Anti-Dumping and Countervailing Duty Law and Practice**

Sanjay Notani, Partner, Economic Laws Practice

This session will focus on the Indian rules governing anti-dumping and countervailing duties. In addition to covering the basic concepts and their applications, the session will provide an overview of the investigation procedures as followed by relevant authorities in India. The session will also deal with certain specific issues such as the administrative review, market economy status and their effects on the investigations. More specifically the session will deal with:

- The Customs Tariff Act and Rules
- The concepts of dumping, subsidy and countervailing duty
- Sectors and countries subject to trade remedial measures in India
- Steps and procedures in anti-dumping and countervailing duty investigations
- Use of market & non-market economy status and public interest during investigations and its consequences for Indian businesses
- Use of and procedures in the conduct of administrative reviews

Day Two: 9th October 2009

0900-1100 **Session 4: Concepts and Issues in Dumping Margin Calculation**

Sharad Bhansali, Managing Partner, APJ-SLG Law Offices

Calculation of dumping margin directly affects the amount of anti-dumping duty to be imposed. While explaining the process of assessment of dumping margin, this session will equip the participants with relevant knowledge to understand the process of engaging with anti-dumping duties. More specifically the session will deal with:

- Types and determination of dumping
- Calculation of various variables such as dumping margin, selling and general administrative expenses and normal value
- Definition of zeroing

1100-1130 Break

1130-1300 **Session 5: Issues of Injury and Causal Link**

Sharad Bhansali, Managing Partner, APJ-SLG Law Offices

Establishing material injury is an essential step prior to imposing anti-dumping duty. Technical aspects of determination of injury and the resultant impact will be discussed in this session. More specifically the session will deal with:

- Forms of injury
- Determination of injury and calculation of injury margin
- Lesser duty rule
- Causal link between dumping and injury

1300-1400 Lunch

1400-1600 **Session 6: Indian Safeguard Duty Law and Practice, and Product-Specific Safeguards on Imports from China**
 A. K. Gupta, TPM Consultants

This session will discuss the safeguard regime in India and its practice. Finer details including the specificities in the safeguard investigations will be dealt. The participants will gain understanding of the safeguard mechanism in India and how to protect their sector from unfair competition from abroad. More specifically the session will deal with:

- Form, conditions and use of safeguard duty
- Transitional product- and China-specific safeguard laws under the Accession Protocol of China
- Steps and procedures in safeguard investigations
- Meaning and determination of increased imports and serious injury
- Use of market & non-market economy status and public interest during investigations and its consequences for Indian businesses
- Use of and procedures in the conduct of administrative reviews

1600-1630 Break

1630-1800 **Session 7: Overview of Requirements for Filing Applications before the Relevant Authority**
 A. K. Gupta, TPM Consultants

Procedural details involved with filing of AD, CVD and safeguards cases will be discussed in this session. More specifically the session will deal with:

- Information to be given to Department of Commerce when application is filed
- Application proforma for information
- Definition of product under consideration

Day Three: 10th October 2009

0900-1100 **Session 8: Data Compilation for Initiating and Facing Trade Remedial Measures**
 Suhail Nathani, Partner, Economic Laws Practice

Use of data is of critical importance to TRM investigations. This session will deal with data requirements, their uses in different steps during TRM investigations and their resulting economic impacts on the businesses. More specifically the session will deal with:

- Data requirement for AD, CVD, WTO safeguard and bilateral safeguard investigations
- Export data of exporter or the import data of importer to be relied on?

1100-1130 Break

1130-1230 Closing (Participants' Feedback)

1230-1330 Lunch