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Committee on Safeguards

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**NOTIFICATION UNDER ARTICLE 12.1(A) OF THE AGREEMENT ON
SAFEGUARDS ON INITIATION OF AN INVESTIGATION AND
THE REASONS FOR IT**

INDIA

The following communication, dated and received on 11 July 2023, is being circulated at the request of the delegation of India.

Pursuant to Article 12.1(a) of the WTO Agreement on Safeguards (Safeguards Agreement), India notifies that a safeguard investigation has been initiated as follows:

1. Specify the date when the investigation was initiated

India initiated the investigation on 30th June, 2023. A copy of Notice of Initiation of the investigation, as published in Part-I Section I of the Gazette of India Extraordinary is attached.¹

2. Period of Investigation

The Period of investigation (POI) considered for the purpose of present investigation is from April 2019-March 2023. The Investigating Authority has considered April 2022-March 2023 as the most recent period for the purpose of the present investigation.

3. Product under Consideration

The product under consideration (PUC) is Low Ash Metallurgical Coke, that is, Metallurgical Coke having ash content below 18%. It is commonly known as Met Coke or Coke in the market parlance. Metallurgical Coke with high ash content, that is, ash content above 18% is outside the scope of the product under consideration. For more details, kindly see the copy of the attached Notice of Initiation of investigation.

Met Coke is used as a primary fuel in industries where a high and uniform temperature is required in furnaces or kilns. It is used majorly in steel plants, chemical plants, ferro alloy plants, foundries and pig iron plants.

The product is classified under Chapter 27 of Schedule I to the Customs Tariff Act under the HS Code 2704 0030. The product under consideration is also being imported under various other HS Codes including 2704 0010, 2704 0020, 2704 0030 and 2704 0090. The customs classification is only indicative and not binding on the scope of the product under consideration.

¹ See <https://egazette.gov.in/WriteReadData/2023/246939.pdf> . In addition, a PDF version of the gazette and its corrigendum have been submitted electronically. To consult them, please contact Ms Anne Richards of the Rules Division (anne.richards@wto.org).

4. Reasons for initiation of investigation

- There is a sudden, sharp and recent significant increase in the imports of the product under consideration in April 2022-December 2022 both in absolute terms as well as relative to domestic production.
- The imports have increased primarily due to a number of unforeseen factors, including the (i) global increase of prices of raw material due to Russia-Ukraine conflict (ii) Increase in prices of coal due to sanctions imposed by various countries on imports from Russia (iii) Increase in freight rates post COVID-19 lockdowns.
- The significant increase in the import of the product under consideration in substantial quantity in recent times has started causing serious injury to the domestic industry. The increased imports also pose a further threat of serious injury.

Hence, it has been decided to initiate the safeguard investigation under Rule 5 of the Safeguard Measures (Quantitative Restrictions) Rules, 2012.

5. Point of contact for the investigation

All interested parties have been requested to make their views known within a period of 30 days from the date of the notice issued (i.e. 30th June, 2023) to the Investigating Authority on email addresses adg16-dgtr@gov.in, adv13-dgtr@gov.in, jd15-dgtr@gov.in and jd16-dgtr@gov.in.

All known interested parties have been addressed separately. It may be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Investigating Authority or transmitted to the appropriate diplomatic representative of the exporting country.

If no information is received within the prescribed time limit or the information received is incomplete, the Investigating Authority may record its findings on the basis of the facts available on record in accordance with the Rules.
