



SOUTH ASIA INTERNATIONAL ECONOMIC LAW NETWORK (SAIELN)

DECEMBER 11, 2017, 4:00 PM

Classroom No. 2, NTH Complex, A2, Shaheed Jeet Singh Marg, Qutab Institutional Area, New Delhi 110067

Case discussion on European Union – Countervailing Measures on Certain Polythene Terephthalate (PET) from Pakistan

The decision of the WTO Panel in *European Union – Countervailing Measures on Certain Polythene Terephthalate from Pakistan* dated July 6, 2017 relates to the CVD measures imposed by the European Union on imports of certain PET from Pakistan. Under a duty drawback scheme implemented by Pakistan, the import duty paid by a licensed domestic producer/exporter was remitted to the exporter, if documents were presented indicating that such inputs were used in the production of exports. The Agreement on Subsidies and Countervailing Measures (“SCM Agreement”) provides that the remissions in excess of duties actually incurred by the exporter, would constitute revenue foregone by the government and is a subsidy, which could be countervailed. The European Union argued that all duties remitted to Novatex, a producer/exporter from Pakistan, and not merely the excess remissions, constituted a countervailable subsidy since Pakistan lacked a reliable domestic system for verification. The Panel decision in the *EU-PET (Pakistan)* deals with some fundamental issues of what constitutes a ‘subsidy’ under the SCM Agreement and reinforces the requirement on investigating authorities to have an appropriate evidentiary basis for their determinations. This discussion session of the South Asia International Economic Law Network (SAIELN) proposes to engage on the legal nuances of this decision and its consequent impact on practices adopted by Indian and other investigating agencies.

Programme

Chair: Prof. (Dr.) Leila Choukroune, Professor of International Law and University Research and Innovation Professor in Democratic Citizenship, University of Portsmouth (UK).

Discussants:

- Mr. Parthasarathi Jha, Senior Associate, Economic Laws Practice
- Mr. Rishab Raturi, Associate, Economic Laws Practice
- Ms. Tanaya Sethi, Associate, Economic Laws Practice
- Prof. (Dr.) James Nedumpara, Head and Professor, Centre for Trade and Investment Law (CTIL), Indian Institute of Foreign Trade

Floor Discussion

Tea and Coffee



Jindal Global Law School



Knowledge Partner



ECONOMIC
LAWS
PRACTICE



Location



Biography

Prof. (Dr.) Leila Choukroune is a Professor of International Law and University Research and Innovation Professor in Democratic Citizenship, University of Portsmouth (UK). Prof. Choukroune is the co-Chair of SAIELN.

Mr. Parthasarathi Jha is a Senior Associate at the International Trade and Customs Team at Economic Laws Practice. He is a graduate of Hidayatullah National Law University and Harvard University.

Mr. Rishab Raturi is an Associate at the International Trade and Customs Team at Economic Laws Practice. Rishab received his graduate degree in law from Rajiv Gandhi National University of Law and his master's degree in international law and economics from the World Trade Institute at the University of Berne.

Ms. Tanaya Sethi is an Associate at Economic Laws Practice, Delhi. She was previously working with the Competition Commission of India as a Research Associate (Law). Tanaya graduated from Hidayatullah National Law University, Raipur with majors in economics.

Prof. (Dr.) James J. Nedumpara is Professor and Head of CTIL at the Indian Institute of Foreign Trade. He is currently on leave from Jindal Global Law School of which he is a founding faculty. Prof. Nedumpara is the co-Chair of SAIELN.



Jindal Global Law School



UNIVERSITY OF
PORTSMOUTH

Knowledge Partner



ECONOMIC
LAWS
PRACTICE