

23 February 2026

Trade Remedies Authority

Subject: Tariff rate quota review Case No. TQ0077- Submission on behalf of Government of India

INTRODUCTION

1. The Government of India (“GOI”) submits the present comments in connection with the Statement of Intended Final Determination (“SIFD”) issued by the Trade Remedies Authority (“TRA”) in Case TQ0077 concerning the review of the tariff rate quotas (“TRQs”) applicable to Category 4 (Metallic Coated Sheet) and Category 7 (Non-alloy and Other Alloy Quarto Plates).
2. At the outset, the GOI thanks the TRA for providing interested parties, including the GOI, an opportunity to comment on the SIFD. The safeguard TRQ measures on certain steel products was imposed by the UK in response to global developments affecting trade flows in steel products. GOI submits that its steel exports are driven by commercial considerations, established supply relationships and market demand. Indian steel producers are operating under market disciplines, and they do not engage in unfair trade practices, nor do they benefit from distortive mechanisms that would justify the continued application of TRQ measures.
3. The GOI respectfully submits that the continuation of TRQs for Categories 4 and 7 must be assessed based on the applicable legal standards, necessity, and demonstrated serious injury under the WTO Agreement on Safeguards.
5. The legal basis for the continuation or variation of a safeguard measure must be consistent with Articles 2, 4 and 5 of the WTO Agreement on Safeguards. A safeguard measure may be maintained only where increased imports of a “like or directly competitive product” cause or threaten to cause serious injury to the domestic industry. The measure must be applied only to the extent necessary to prevent or remedy serious injury and to facilitate adjustment.
6. The determination of a “like product” or “directly competitive product” requires a comprehensive assessment. It is submitted that likeness cannot be presumed from tariff classification alone or the supply of the other material under the same tariff classification by the domestic producer. An evaluation of physical characteristics, end uses, consumer preferences, commercial substitutability, and price relationships is must. The analysis must establish genuine and meaningful competition in the marketplace, not merely theoretical or technical similarity. Furthermore, there must be causal link between increased imports and serious injury for the safeguard measures to be maintained.

PRELIMINARY SUBMISSIONS

7. At the outset, the GOI submits that the Agreement on Safeguards (“SG Agreement”) imposes a strict obligation on authorities to ensure that any safeguard measures are applied “only to the extent necessary” to prevent or remedy serious injury and must be progressively liberalised. In particular, Article 5.1 of the SG Agreement provides that,

“A Member shall apply safeguard measures only to the extent necessary to prevent or remedy serious injury and to facilitate adjustment.”
8. The necessity test in Article 5.1 is not a pro forma requirement but a must requirement, with positive evidence that why the measure remains necessary at the time of review, not merely at the time of original imposition. The SIFD states that the TRA found low utilisation of quotas and concludes that this means the measure is “sufficiently liberal”. However, the TRA fails to address the threshold requirement of whether there is any necessity to continue the TRQs to remedy the serious injury or threat of serious injury caused to the domestic industry.
9. The TRA does not assess serious injury to the domestic UK producers of Categories 4 and 7 based on the current facts and circumstances. The TRA fails to conduct assessment whether there is any serious injury or threat thereof continues to exist and that the TRQ continues to prevent or remedy serious injury caused to the domestic producers. In other words, the SIFD does not discuss injury, does not examine the condition of the domestic producer, and does not analyse whether the safeguard itself remains necessary under Article 5.1 of the SG Agreement. Any determination on continuation of the TRQ measures, without the assessment of present state of injury to the domestic industry, would be contrary to the obligations under the SG Agreement.
10. Separately, the GOI respectfully submits that the SIFD states that the TRA ‘has concluded’ in various determinations, prior to receiving comments from interested parties. These phrases suggests that the Authority has already reached its conclusions on the central issues in this review, and that the opportunity to comment on the SIFD may therefore operate as a procedural formality rather than a genuine opportunity for the parties to make comments which may aid the TRA in the decision-making process. The GOI respectfully submits that TRA considers the submissions made before it in the final determination.

CATEGORY 4 – METALLIC COATED SHEET

9. In respect of the goods falling under commodity codes 7210 6100 20 and 7210 6900 80, the SIFD concludes that there are like or directly competitive goods produced by UK domestic producers and therefore should remain subject to the TRQ. The GOI respectfully submits that the analysis of the TRA underlying this conclusion does not sufficiently address and evaluates all the necessary the factors that are provided under WTO law.

10. For instance, the SIFD recognises that there are differences in the prices of the products manufactured by the UK producers and those that are imported into the UK. There exists a premium price for these products, which ranges from £30–40 per metric tonne for Aluzinc and £110–130 per metric tonne for aluminised steel¹. These premiums are in fact indicative of product differentiation and reflect specific performance characteristics required by end users.
11. The GOI submits that the TRA must evaluate all the parameters before arriving at a conclusion that the competitive like products are indeed manufactured by the UK manufacturers.
12. In addition, it is submitted that the quota utilisation for Category 4 during the period of review is between 18% to 34%². Significant portions of the quota (for India as well as other countries) remained unutilised. With unused quota for India and other countries, it is evident that imports are not causing any injury to the domestic producers. the exports from India for the category 4 steel is substantially below the designated quota assigned. This clearly establishes that the Indian exporters are not indulging in any unfair trade practice and causing serious injury to the UK's producers.
13. In circumstances where overall quota utilisation remains low and domestic producers are not facing demonstrable displacement by imports, the continuation of the TRQ for Category 4 products, particularly those products which are not manufactured in the UK, must be discontinued and not necessary within the meaning of Article 5 of the Agreement on Safeguards.
14. Without prejudice to the above, should the TRA decides to continue to the TRQ on the category 4 of the steel products, the GOI requests for the continuation of the quota provided to the Indian exporters.

CATEGORY 7 – NON-ALLOY AND OTHER ALLOY QUARTO PLATES

17. With respect to Category 7, the SIFD finds that like or directly competitive goods are produced in the United Kingdom across the relevant commodity codes and therefore declines to recommend removal of these products from the scope of the TRQ.
18. The SIFD acknowledges that certain technical requirements sought by domestic users are not produced in the United Kingdom, particularly S-grade flatness requirements. Further, the SIFD also recognises that there is limited direct competition between plates wider than 2050 mm and those narrower than 2050 mm³.
19. The GOI submits that where additional processing alters characteristics and incurs significant cost, the products cannot be considered readily interchangeable. If product substitution requires material alteration and cost, the products are not commercially interchangeable necessitating safeguard measure.

¹ Para 60 of the SFID

² Para 63 (Table 4) of the SFID

³ Para 79 of the SFID

20. Furthermore, there is low quota utilisation for Category 7⁴ as well which evinces that imports of the category 7 products are not made in increased quantities causing serious injury to the domestic producers.
21. In view of the above, the continuation of the TRQ does not appear to be justified.

REQUESTS OF THE GOVERNMENT OF INDIA

23. In light of the foregoing, the GOI respectfully submits that the TRA should reconsider its intended recommendation to maintain the TRQs for Categories 4 and 7. The low import volumes (before the designated quotas) establish that continuation of the measures is not necessary. Accordingly, the GOI requests that the present TRQ measure must be terminated for categories 4 and 7 with immediate effect.
24. Without prejudice, should the TRA determine to maintain the TRQs, the GOI respectfully requests that India's existing country-specific allocation under Category 4 be continued in full. In addition, the GOI requests that the TRA consider granting India an individual country-specific quota allocation under Category 7, over and above the residual quota.

CONCLUSION

25. The Government of India reiterates its commitment to fair and open trade consistent with WTO principles. Safeguard measures must be applied strictly when the industry is suffering serious injury on account of increased imports. The continuation of TRQs for Categories 4 and 7, in the circumstances provided in the SIFD, does not appear necessary due to the low volume of imports and heavy underutilization of the import quota. Accordingly, the GOI requests that the present TRQ measure must be terminated for categories 4 and 7 with immediate effect.
26. The GOI respectfully requests that the TRA give due consideration to these submissions prior to issuing its final determination and remains available for any further clarification the Authority may require.

⁴ See, Para 81 (Table 5) of the SFID – overall quota utilization remain between 47% - 61% during the period of review.