

**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO. 1723
ANSWERED ON MONDAY, FEBRUARY 13, 2023
MAGHA 24, 1944 (SAKA)**

VIOLATIONS BY TRADE PARTNERS

QUESTION

1723. SHRI VISHNU DATT SHARMA:

Will the Minister of CORPORATE AFFAIRS be pleased to state:

- (a) whether currency manipulation, illegal subsidies, intellectual property violations by trade partners and other countries hurts Indian trade and business;**
- (b) if so, the details thereof along with the corrective measures taken by the Government to reduce these trade distortions in order to promote the ease of doing business; and**
- (c) if no such measures have been taken, the reasons therefor?**

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION; MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS

[RAO INDERJIT SINGH]

(a) to (c):- The Department of Commerce has stated on 09.02.2023 that the illegal subsidies by trade partners and other countries hurt Indian trade and business. At a multilateral forum, the disciplines regulating the provision of subsidies and the use of countervailing measures to offset injury caused by subsidized imports are addressed in the Agreement on Subsidies and Countervailing Measures.

The subsidies whether they are Prohibited (Illegal) or Actionable are determined by following the three major steps:

- (i) Whether it is a subsidy within the meaning of Article 1 of the Subsidies and Countervailing Measures (SCM) Agreement?**
- (ii) Whether it is a prohibited subsidy within the meaning of Article 3 of the SCM Agreement?**
- (iii) Whether the scheme can qualify as an actionable subsidy within the SCM Agreement?**

Based on the above, corrective actions are taken in the form of invoking dispute settlement mechanism.

Further, Central Board of Indirect Taxes and Customs (CBIC), Department of Revenue, has stated on 07.02.2023 that they had issued notification No.51/2010-Customs (N.T.) dated 30.06.2010 as amended vide notification No.57/2018-Customs (N.T.) dated 22.06.2018 to prohibit import of goods for sale or use in India, which are infringing/counterfeit under parent Acts, i.e. Trade Marks Act, 1999, Copyright Act, 1957, Designs Act, 2000 and Geographical Indications of Goods (Registration and Protection) Act, 1999.

The detailed procedure for suspension of such imports are laid down in the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 notified vide notification No.47/2007-Customs (N.T.)_dated 08.05.2007, as amended vide notification No.56/2018-Customs (N.T.) dated 22.06.2018 and Circular No.47/2007-Customs dated 29.10.2007.
