



CTIL Organises Panel Discussion on WTO Ruling on Transnational Subsidies in New Delhi

Posted On: 19 APR 2026 3:24PM by PIB Delhi

The Centre for Trade and Investment Law (CTIL), Indian Institute of Foreign Trade, in collaboration with the South Asian International Economic Law Network (SAIELN) and the Indian Society of International Law (ISIL), organised a panel discussion on the WTO Panel Ruling on transnational subsidies in the dispute European Union Countervailing and Anti-Dumping Duties on Stainless Steel Cold-Rolled Flat Products from Indonesia (DS 616) at the Indian Society of International Law, New Delhi.

The discussion focused on the legal and policy implications arising from the WTO Panel Report, particularly in the context of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) and its application to transnational subsidies. The deliberations examined the European Union's approach in attributing financial contributions provided by foreign entities, including state-linked actors, to the Government of Indonesia and treating such contributions as countervailable subsidies.

The panel analysed the WTO Panel's findings, which clarified that the definition of "financial contribution" by a government under Article 1.1(a)(1) of the SCM Agreement constitutes a closed list, thereby excluding government-to-government inducement from its scope. The discussion also addressed issues related to the determination of "public body" status, highlighting the need for a substantive assessment of an entity's characteristics and its relationship with the government.

The broader implications of the ruling for regulating transnational subsidies were also examined, including its potential impact on the interface between international trade law and evolving industrial policies. The session highlighted the growing complexity of cross-border state support mechanisms and the challenges they pose to the existing WTO framework.

Opening remarks were delivered by President, Indian Society of International Law (ISIL) and Vice Chancellor, Dharmashastra National Law University (DNLU), Jabalpur, Prof. (Dr.) Manoj Kumar Sinha (Virtual), who underscored the increasing complexity of international trade regulation in the context of cross-border economic cooperation and evolving industrial strategies.

The panel discussion was chaired by Professor and Head, CTIL, Dr. James J. Nedumpara, and included Managing Partner, ASL Legal, Shri Sharad Bhansali; Adjunct Professor, Centre for WTO Studies, Shri Mukesh Bhatnagar; Partner, Economic Laws Practice (ELP), Shri Parthsarathi Jha; and Research Fellow, CTIL, Mr. Ashutosh Kashyap.

The session concluded with remarks by Director, Centre for Studies in International Trade and Investment Laws and Assistant Professor of Law, Dharmashastra National Law University (DNLU), Jabalpur, Dr. Utkarsh K Mishra (Virtual), followed by an interactive discussion with participants on the implications of the Panel Report for future trade disputes.

Abhishek Dayal/Garima Singh/Anushka Pandey

(Release ID: 2253531) Visitor Counter : 672

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