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Safeguard Duty of 20% on Wide HR Coils Confirmed

- Three Year Duration with Sliding Scale going Down from 20% (Year 1) to 10% (Year 3)
- Global Coverage, All Sources, Specially China and Ukraine in Net
- Turkey (from 5 Feb 2016) and other Developing Countries Excluded
- Advance Licence and SEZ Imports Exempted for Export Production
- Goods Imported above MIP (See WIndex No. 46 (2015), DIndex 6546 and BIG's Easy Reference Customs Tariff 2016-17 Ch. 72) Exempted

DG Safeguard Main Finding of Injury in 15 March 2016 Final Order

In the given circumstances, an attempt was made to analyse the trend in the period after the POI i.e. upto 2nd quarter of 2015-16 to draw a clear inference about the possibility of accentuation of the injury to the domestic industry. The domestic industry vide their post Public Hearing submissions submitted the domestic data pertaining to certain economic parameters for the subject "product under consideration" imported into India. The data analysis is as under:

	2013-14	2014-15	2015-16 (Annualised on the basis of Q1)	2015-16 (Annualised on the basis of Q1+Q2)
Total Imports (MT)	1252441	2644911	3524932	4587168
Production (MT)	17881187	17836937	17827180	16796006
Domestic Sales (MT)	10342565	9949214	10359716	10504640
Total Demand (MT)	22864053	25528003	28157248	30268388
Market Share of Import (%)	5	10	13	15
Market Share of DI(%)	45	39	37	35
Inventory(MT)	636879	648290	657099	871440
Profit/ (Loss) (Indexed)	100	136	(114)	(120)



On scrutiny of the above data it is observed that during the post POI i.e 2015-16(Q1+Q2)(Annualised), between the period Q1 to Q2, there is a increase in the imports by about 30%. The market share of imports have increased by about 2% as against the corresponding decline of the market share of the domestic industry by about 2%. Further, there is a decline of about 6% in production whereas domestic sales increased only by approximately 1% during the post POI. This shows that the industry parameters deteriorated sharply between Q1 and Q2 of 2015-16.

Conclusion:

- There has been a significant increase in imports of the PUC in absolute terms as well as in relation to domestic production over the entire POI. This surge in imports is also quite significant in relation to total demand as well.
- The investigation has indicated that the domestic industry has suffered serious injury, considering overall performance, on the basis of listed economic parameters such as market share, and profitability, which have sharply declined from the base year till 2015-16(Annualised) whereas market share of imports have increased during the same period. This has caused significant overall impairment to the domestic industry. This establishes causal link between the rise in imports and serious injury caused to the domestic industry during the POI.
- The domestic industry has been able to demonstrate that the developments in the market for surge in imports of the PUC

were unforeseen.

- There will be a negative impact on the downstream industry as a result of safeguard duty on the PUC which is a raw-material for them.
- It is also established that imposition of safeguard duty in this case would be in public interest because it will aid in recovery of the domestic industry and ensure that end users get a stable supply of subject goods from the domestic industry.
- From the analysis of post POI data, it has been observed that the position of domestic industry further deteriorated on account of production, sales & market share. Thus, I conclude that serious injury/ threat of serious injury exists and further protection to the domestic industry is required to be extended.

Crude Down to \$36.45

Crude Oil (Indian Basket) from 21 – 29 March 2016

	21 Mar	22 Mar	23 Mar	25 Mar	29 Mar
(\$/bbl)	38.13	38.51	38.15	37.10	36.45
(Rs/bbl)	2535.91	2562.63	2550.80	2480.63	2426.11
(Rs/\$)	66.50	66.54	NA	66.86	66.56

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas

No ME Status for China

• Agreement Requires Status Correction after 15 Years of Entry

The debate over whether to change China's designation as a "non-market economy" in anti-dumping investigations continues on in Europe, with EU Trade Commissioner Cecilia Malmström telling a Brussels audience last week that none of the options available is "cost-free."

When China joined the organisation in 2001, it agreed to terms regarding how to address price comparability when determining subsidies and dumping, among others.

These terms allow for China's fellow WTO members to treat the country as a non-market economy in anti-dumping probes, specifically as it relates to determining price comparability under Article VI of the General Agreement on Tariffs and Trade (GATT) 1994 and the WTO's Anti-Dumping Agreement.

While WTO members are directed to use Chinese prices or costs if the producers being investigated can demonstrate that market economy conditions "prevail" in their industry, according to subparagraph (a)(i) of that section, the next subparagraph provides for an alternative scenario should this not be the case.

Specifically, subparagraph (a)(ii) reads as follows: "The importing WTO Member may use a methodology that is not based on a strict comparison with domestic prices or costs in China if

the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product." (India treats China as NME in practically all anti-dumping cases).

Later in that section, subparagraph (d) notes that the provisions of subparagraph (a) "shall be terminated" once Beijing has established under an importing member's domestic laws "that it is a market economy."

However, the remaining part of that same subparagraph (d) then go on to note that, "In any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession. In addition, should China establish, pursuant to the national law of the importing WTO Member, that market economy conditions prevail in a particular industry or sector, the non market economy provisions of subparagraph (a) shall no longer apply to that industry or sector."

The wording of this section, given that China is approaching its 15th anniversary as a WTO member, has sparked debate as to whether China should automatically be treated as a market economy in such probes from then onward or not.

Meanwhile, various industry groups in the EU, including in the steel and solar sectors, have

argued strongly against revising China's non-market economy designation in European legislation, warning that doing so would hamper the EU's trade defence instruments and could put domestic jobs at increased risk.

Indeed, earlier this month the European Commission released a communication in which it outlined various actions – both existing and forthcoming – that it planned to take in order to address the difficulties that the steel sector is said to face.

These include in the conducting of trade remedy probes, such as by opening investigations in response to threat of injury to domestic industry; registering imports before provisional measures are imposed in order to provide "actual relief" to EU producers earlier in the process; and to use "the available margins to further accelerate the adoption of provisional measures."

For the steel sector alone, the Commission has 37 anti-dumping and anti-subsidy measures in place on imports from abroad, with 16 of these involving Chinese exporting producers. New investigations into several Chinese-made steel products were announced just last month.

She warned that continuing with NME status could lead to China lodging WTO disputes against the EU, which the 28-nation bloc might not necessarily win – a potentially costly move with uncertain implications for investment and other areas.

Text of Safeguard Duty Notification

Ntfn 01-SG 29.03.2016 (DoR) Whereas, in the matter of import of "Hot-rolled flat products of non-alloy and other alloy Steel in coils of a width of 600 mm or more" (hereinafter referred to as the subject goods), falling under heading 7208 or tariff item 7225 30 90 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), the Director General (Safeguard), in his preliminary findings, published vide number G.S.R. 690 (E), dated the 9th September, 2015, in the Gazette of India, Extraordinary, Part II, Section 3, Subsection (i), dated the 9th September, 2015, had come to the conclusion that increased imports of subject goods into India has caused and threatened to cause serious injury to the domestic industry and producers of subject goods, thereby necessitating the imposition of provisional safeguard duty on imports of the subject goods into India;

And whereas, on the basis of the aforesaid findings of the Director General (Safeguard), the Central Government has imposed provisional safeguard duty on import of the subject goods into India for a period of two hundred days with effect from the 14th day of September, 2015 vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 2/2015-Customs (SG), dated the 14th September, 2015 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number GSR 694 (E), dated the 14th September, 2015;

And whereas, in the final findings vide number G.S.R. 308(E), dated the 15th March, 2016, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), the Director

General (Safeguard) has recommended the imposition of safeguard duty on subject goods falling under heading 7208 or tariff item 7225 30 90 of the First Schedule to the Customs Tariff Act for a period of two years and six months from the date of levy of provisional safeguard duty;

Now, Therefore, in exercise of the powers conferred by sub-section (1) of section 8B of the Customs Tariff Act, read with rules 12, 14 and 17 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997 and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 2/2015-Customs (SG), dated the 14th September, 2015 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number GSR 694 (E), dated the 14th September, 2015, the Central Government, after considering the said findings of the Director General (Safeguards) and subject to the provisions of paragraph 2, hereby imposes on subject goods falling under heading 7208 or tariff item 7225 30 90 of the First Schedule to the Customs Tariff Act, when imported into India, a safeguard duty at the following rate, namely:-

- (a) twenty per cent ad valorem minus anti-dumping duty payable, if any, when imported during the period from 14th September, 2015 to 13th September, 2016 (both days inclusive);
- (b) eighteen per cent ad valorem minus anti-dumping duty payable, if any, when imported during the period from 14th September, 2016 to 13th March, 2017 (both days inclusive);
- (c) fifteen per cent ad valorem minus anti-dumping duty payable, if any, when imported during the period from 14th March, 2017 to 13th September, 2017 (both days inclusive); and

- (d) ten per cent ad valorem minus anti-dumping duty payable, if any, when imported during the period from 14th September, 2017 to 13th March, 2018 (both days inclusive).

2. The safeguard duty shall not be imposed on the subject goods which are imported at or above the Minimum Import Price in terms of the notification of the Government of India in the Ministry of Commerce and Industry (Department of Commerce) (Directorate General of Foreign Trade) No. 38/2015-2020, dated the 5th February, 2016 published in the Gazette of India (Extraordinary), Part II, Section 3, Sub-section (ii) vide S.O. 391(E) dated the 5th February, 2016.

3. Nothing contained in this notification shall apply to imports of subject goods from countries notified as developing countries under clause (a) of sub-section (6) of section 8B of the Customs Tariff Act, other than People's Republic of China and Ukraine.

Explanation: The following are not included in the scope of subject goods:

- a) Hot-rolled flat products of steel with nominal width less than 600mm;
- b) API grade steel;
- c) Silicon electrical steel;
- d) Hot-rolled flat products of steel of spring steel quality;
- e) Hot-rolled flat products of steel which are electrolytically plated or coated with zinc;
- f) Hot-rolled flat products of steel otherwise plated or coated with zinc; and
- g) Hot-rolled flat products of stainless steel.

[F.No.354/219/2015-TRU]

WEEKLY INDEX OF CHANGES

Min of Finance Constitutes Sub-Committee of High Level Committee to Submit Report for 1% Excise Duty on Jewellery Imposition

• 1% Duty to Continue but Procedure under Investigation

Subject: Imposition of Central Excise duty on jewellery Constitution of sub-committee of the High Level Committee.

1021-CBEC In the Budget 2016-17, Central
21.03.2016 Excise duty at the rate of 1%
(DoR) (without input tax credit) and
12.5% (with input tax credit)

has been imposed on all articles of jewellery (except for silver jewellery, other than those studded with diamond, ruby, emerald or sapphire).

2. In this regard, it has been decided to constitute a Sub-Committee of the High Level Committee to Interact with Trade & Industry on Tax Laws, chaired by Dr. Ashok Lahiri, which will consist of:

- three representatives of the trade [to be decided by the Government];
- one legal expert [to be decided by the Government];
- officer concerned from the Ministry of Commerce & Industry [MoC&I] to be nominated by the MoC&I; and
- high level officials from the central excise department to be nominated by the Central Board of Excise and Customs.

The composition of the Sub-Committee will be circulated once the names of its members are finalized.

3. All associations will be given an opportunity to submit representation before the sub-committee in writing and the all India associations to state their case in person.

4. Terms of reference of the Sub-Committee will include the issues related to compliance procedure for the excise duty, including records to be maintained, forms to be filled including Form 12AA, operating procedures and any other issued that may be relevant. The Sub-Committee will submit its report within 60 days of its constitution.

5. Till the recommendations of the Sub-Committee are finalized, the following shall be adhered to:

- All payments of central excise duty will be based on first sale invoice value;
- The central excise authorities will not challenge the valuation given in the invoice provided the caratage / purity and weight of the gold/silver with precious stones; and carats of diamond/precious stones are mentioned on the invoice;
- The central excise officers will not visit the manufacturing units/ shops/ place of business/residence of the jewelers;
- No arrest or criminal prosecution of any jeweler will be done;
- No search or seizure of stocks by any central excise official will be effected;
- Exporters will be allowed to export on self declaration and submission of LUT to customs without the need to get LUT ratified by central excise. Prevailing system will continue.

6. The registration of the establishment with the central excise department can be taken within 60 days from 1st March, 2016. However, the liability for payment of central excise duty will be with effect from 1st March, 2016, and as a special case for the month of March, 2016, the assessee jewelers will be permitted to make payment of excise duty along with the payment of excise duty for the month of April, 2016.

7. Any further communications with the regard to the aforesaid Sub-Committee may be addressed to the Office of the High Level Committee (HLC), Suite No. 215, The Janpath Hotel, Janpath Road, Opp. BSNL Building, New Delhi-110001.

8. Wide publicity may be given to this circular. Difficulty, if any, in implementing the circular should be brought to the notice of the Board.

[F.No. 354/25/2016-TRU]

Check Manual Shipping Bills before Registration of Reward Scrips and DFIA, Says CBEC

Subject: Prevention of use of non-genuine transferable duty credit scrips or DFIA (duty free import authorizations)

12-CBEC Instances of unscrupulous
28.03.2016 persons being able to put to use
(DoR) non-genuine transferable duty
credit scrips or duty free import
authorizations (purported to relate to chapters 3/
5 or 4, respectively, of the respective Foreign
Trade Policy) have been noticed in the field
formations. Accordingly, the Board has decided
to sensitize field formations on the issue. This is
based on the extant instructions contained broadly
in Board's Circulars 25/2003-Cus, 5/2010-Cus,
17/2012-Cus and 14/2015-Cus related to duty
credit scrips, the Circulars 16/2006-Cus (read
with 33/2000-Cus & 59/2000-Cus) related to DFIA,
while taking into account the status of, and
developments in, the mechanism of issuing scrips,
the respective notifications issued governing usage
of such scrips and authorizations, common
prudence and balance between trade facilitation
and enforcement.

Pre-registration stage

2. The issuing authority specifies a port/Custom House where the freely transferable varieties of reward duty credit scrips (other than related to SEZ) or duty remission duty credit scrips under post export EPCG scheme or DFIA (duty free import authorizations) are to be registered. The presentation of the scrip/DFIA, along with their annexure/condition sheet, allows registration which, inter alia, involves ruling out existence of any alerts that could cause delay in use of such financial/fiscal instruments.

3. Field formations are to verify the genuineness, of the duty credit scrips/DFIA, from the issuing authority, through fast and reliable means. This verification is not to be done by Custom Houses when scrip/DFIA is simultaneously received online through electronic transmission from DGFT.

4. Where export of goods under specific ship-

Butter, Ghee and Butter Oil Duty of 40% Extended upto 30 Sept 2016

Wheat Duty of 25% Extended upto 1 July 2016

Ntfn 24 In exercise of the powers
28.03.2016 conferred by sub-section (1)
(DoR) of section 25 of the
Customs Act, 1962 (52 of
1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.12/2012-Customs, dated the 17th March, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 185(E), dated the 17th March, 2012, namely:-
In the said notification, after the Table, in the proviso,-
(i) in clause (ac) for the figures, letters and words 1st day of April, 2016, the figures, letter and words 1st July, 2016 shall be substituted;
(ii) in clause (k) for the figures, letters and words 31st day of March, 2016, the figures, letter and words 30th September, 2016 shall be substituted.
[F. No. 354/197/2015-TRU]

ping bills/bills of export (not filed electronically in Customs EDI) shown in annexure/condition sheet of the reward duty credit scrip is involved, the backing shipping bills need to be verified for genuineness. However, if the shipping bills were filed electronically in Customs EDI but scrip was not received simultaneously online through electronic transmission from DGFT, such verification of genuineness of shipping bills shall be restricted to not more than 5% randomly selected scrips for which EDI shipping bill details (irrespective of port of export) shall be viewed in-house using the role *enq_cntry* in ICES v. 1.5, without seeking documents from exporter. The Custom Houses need not verify genuineness of shipping bills when the reward scrip has been simultaneously received online through electronic transmission from DGFT.

4A. It may be seen from the foregoing that in certain situations pertaining to reward scrips the Custom Houses are not required to verify genuineness of the scrip and/or its backing shipping bills (if any). Such situations require only check of absence of alert before registration. Registration, in such cases, should be ensured within 3 hours of presentation of reward scrip. In other cases of registration of reward scrips, a norm of registration within one day, excluding time taken if any at end of the Issuing Authority, should be adopted by Custom Houses.

5. At present certain reward duty scrips are registered at office of Development Commissioner of an SEZ as that may be the port of export. These offices issue physical release advices to CBEC's field formations for usage of duty credit in relation to these scrips. To illustrate, such a release advice may be received in relation to VKGUY/FPS scrip issued in relation to exports to SEZ units under FTP 2009-14. In the case of FTP 2015-20, an example would be MEIS scrip issued for direct overseas exports made by SEZ units for

which release advice may be received by the field formation. While the Systems Directorate shall examine the feasibility of integrating such scrips/ release advice in Customs EDI, meanwhile, prior verification of genuineness (from issuing authority) of such physical release advice should continue to be done.

6. Verifications beyond that prescribed in the above paragraphs in relation to reward duty credit scrips leading to non-acceptance and/or undertaking of detailed/complete checks before registration should be conducted by field formations only when there is alert or intelligence suggesting misuse or requirement of an investigation. For this, the proper reasons must be recorded in writing in the specific individual cases by officer not below rank of Assistant Commissioner.

7. In the case of duty remission duty credit scrip under post export EPCG duty credit scheme, the checks prescribed in Circular No.10/2013-Customs read with the relevant notification are to be conducted before registration. For transferable DFIA, prior to registration, it is to be verified that the details of exports given along with the DFIA matches the record of exports and is genuine. For both, the discrepancy, if any, found needs to be first referred to Regional Authority of DGFT.

8. In registering duty credit scrip or DFIA which is not simultaneously received online through electronic transmission from DGFT, care should continue to be exercised that correct particulars are entered in the Customs EDI system so that there is no room for mismatch of details.

Clearance stage

9. The respective notifications issued under Customs Act 1962, inter alia, prescribe that the scrip/ authorization shall be presented before the proper officer of customs at the time of clearance for debit. This is, inter alia, for preventing non-genuine usage, for example, arising from difference between scrip/DFIA particulars *vis a vis* particulars shown on bill of entry, or from scrip of one scheme getting used for clearance under another scheme, etc. The absence of dematerialized system for recording issuance and transfer of scrips/DFIA issued by DGFT also necessitates presentation of the scrip for ensuring that use is by a genuine transferee holder-importer.

10. Field formations are directed to align their practices along the above lines. If there are aspects in these Instructions which require a review, they may be immediately brought to the notice of the Board.

i. the subject goods are entering the Indian market from the subject countries at dumped prices;

ii. performance of the domestic industry has deteriorated in the current injury period due to the impact of the dumped imports from the subject countries coupled with decline in demand in the recent years; and

iii. the injury suffered by the domestic industry is significant and material,

and has recommended the imposition of definitive anti-dumping duty on imports of the subject goods originating in, or exported, from the subject country and imported into India, in order to remove injury to the domestic industry;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, the specification of which is specified in column (4), falling under tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (5), exported from the countries as specified in the corresponding entry in column (6), produced by the producers as specified in the corresponding entry in column (7), exported by the exporters as specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate to be worked out as percentage of the landed value of imports of the subject goods as specified in the corresponding entry in column (9) of the said Table as, namely:-

Anti-dumping Duty on Injection Moulding Machines from Taiwan, Philippines, Malaysia and Vietnam

Ntn09-ADD 15.03.2016 (DoR) Whereas, in the matter of imports of all kinds of plastic processing machines or injection moulding machines, also known as injection presses, having clamping force equal to or more than 40 tonnes, and equal to or less than 3200 tonnes, used for processing or moulding of plastic materials (hereinafter referred to as the subject goods) falling under tariff item 8477 10 00 of the First Schedule to the

Customs Tariff Act, 1975 (51 of 1975), hereinafter referred to as the Customs Tariff Act, originating in or exported from Chinese Taipei, Philippines, Malaysia or Vietnam (hereinafter referred to as subject countries) and imported into India, the designated authority in its final findings, published in the Gazette of India, Extraordinary, Part I, Section 1, *vide* notification No. 14/03/2014-DGAD, dated the 7th January, 2016 has come to the conclusion that-

Table

SNo.	Tariff item	Description of goods	Specification	Country of origin	Country of export	Producer	Exporter	Duty as percentage of landed value
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	8477 10 00	Plastic processing machines or Injection moulding machines used for processing or moulding plastic materials	Clamping force equal to or more than 40 tonnes and equal to or less than 3200 tonnes	Chinese Taipei	Chinese Taipei	M/s Chen Hsong Machinery Chinese Taipei Co Ltd	M/s Asian Plastic Machinery Co Ltd	6.06%
2.	-Do-	-Do-	-Do-	Chinese Taipei	Chinese Taipei	M/s Jon Wai Machinery Works Co Ltd	M/s Jon Wai Machinery Works Co Ltd	Nil
3.	-Do-	-Do-	-Do-	Chinese Taipei	Chinese Taipei	Any combination other than the above		27.98%
4.	-Do-	-Do-	-Do-	Chinese Taipei	Any	Any	Any	27.98%
5.	-Do-	-Do-	-Do-	Any country other than the subject countries	Chinese Taipei	Any	Any	27.98%
6.	-Do-	-Do-	-Do-	Philippines	Any	Any	Any	30.85%
7.	-Do-	-Do-	-Do-	Any country other than the subject countries	Philippines	Any	Any	30.85%
8.	-Do-	-Do-	-Do-	Malaysia	Any	Any	Any	44.74%
9.	-Do-	-Do-	-Do-	Any country other than the subject countries	Malaysia	Any	Any	44.74%
10.	-Do-	-Do-	-Do-	Vietnam	Any	Any	Any	23.15%
11.	-Do-	-Do-	-Do-	Any country other than the subject countries	Vietnam	Any	Any	23.15%

Note:- The following shall be excluded from the levy of anti-dumping duty imposed under this notification:-

- i. Blow Moulding Machines classified under Customs Tariff sub-heading 8477 30;
- ii. Vertical injection moulding machines;
- iii. All electric injection moulding machines wherein the mechanical movements such as injection, mould closing, mould opening, ejection, screw driver, etc. are controlled by inde-

- pendent servo motors and having digital control system and without Hydraulic Units;
 - iv. Multi-colour / multi-mould machinery for making footwear, Rotary injection moulding machinery for making footwear and footwear sole/strap/heel injection moulding machine classified under the Customs Tariff heading 8453.
2. The antidumping duty imposed under this notification shall be levied for a period of five years

(unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette and shall be payable in Indian currency.

Explanation.- For the purposes of this notification, "landed value" shall be the assessable value as determined under the Customs Act 1962, (52 of 1962) and all duties of customs except duties levied under sections 3, 3A, 8B, 9 and 9A of the Customs Tariff Act.

[F. No. 354/234/2015-TRU]

Anti-dumping Duty of 15% of CIF Value of Imports on Tyre Curing Presses from China

Ntnfn 11-ADD 29.03.2016 (DoR) Whereas, the designated authority, vide notification No. 15/22/2014-DGAD, dated the 7th January, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 7th January, 2015, had initiated a review in the matter of continuation of antidumping duty on imports of Tyre Curing Presses also known as Tyre Vulcanisers or Rubber Processing Machineries for tyres, excluding Six Day Light Curing Press for curing bi-cycle tyres (hereinafter referred to as the subject goods), originating in or exported from the People's Republic of China (hereinafter referred to as the subject country), imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 01/2010-Customs as amended, dated the 8th January, 2010, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 21(E), dated the 8th January, 2010;

And whereas, the Central Government had extended the period of imposition of anti-dumping duty on the subject goods, originating in or exported from the subject country, upto and

inclusive of the 7th January, 2016, vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.06/2015-Customs(ADD), dated the 3rd March, 2015, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, vide number G.S.R 170(E), dated the 3rd March, 2015;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject country, the designated authority in its final findings published vide notification No. 15/22/2014-DGAD, dated the 5th January, 2016, in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5th January, 2016 has come to the conclusion that-

- (a) the subject goods have been exported to India from the subject country below its normal value;
 - (b) the domestic industry has suffered material injury;
 - (c) the material injury has been caused by the dumped imports of the subject goods from subject country;
- and has recommended imposition of the defini-

tive anti-dumping duty on the subject goods, originating in or exported from the subject country.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the said Customs Tariff Act, read with rules 18 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid final findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, falling under tariff item of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4), originating in the country as specified in the corresponding entry in column (5) and produced by the producer as specified in the corresponding entry in column (7), when exported from the country as specified in the corresponding entry in column (6), by the exporter as specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate to be worked out as percentage of the CIF value of imports of the subject goods as specified in the corresponding entry in column (9) of the said Table.

Table

SNo	Tariff Item	Description of goods	Specification	Country of origin	Country of export	Producer	Exporter	% of CIF
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	8477 51 00	Tyre curing Presses except Six Day Light Curing Press for curing bicycle tyres	All sizes upto 130"	People's Republic of China	People's Republic of China	Any	Any	15
2	8477 51 00	-do-	-do-	People's Republic of China	Any	Any	Any	15
3	8477 51 00	-do-	-do-	Any	People's Republic of China	Any	Any	15

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years from the date of publication of this notification in the Official Gazette and shall be paid in Indian currency.

Note.- For the purpose of this notification, "CIF value" means assessable value as determined under section 14 of Customs Act, 1962 (52 of 1962).

[F. No.354/80/2009-TRU(Pt.-I)]

Anti-dumping Duty on 2-Ethyl Hexanol (2EH) from EU, Indonesia, Korea, Malaysia and Others

Ntnfn 10-ADD 29.03.2016 (DoR) Whereas, in the matter of '2-Ethyl Hexanol (2EH)' (hereinafter referred to as the subject goods), falling under tariff item 2905 16 20 of Chapter 29 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from, the European Union, Indonesia, Korea RP, Malaysia, Saudi Arabia, Chinese Taipei and United States of America, and imported into India, the designated authority in its final findings published in the Gazette of India, Extraordinary, Part I, Section 1, vide notification number 14/24/2014-DGAD,

dated the 18th February, 2016, has come to the conclusion that -

- (i) the subject goods have entered the Indian market from the European Union, United States of America, Korea RP, Chinese Taipei, Malaysia and Indonesia at prices less than their normal values and the dumping margins of the dumped imports from these countries are substantial and above de minimis;
- (ii) the dumping margin of the imports of the subject goods from Saudi Arabia is found to be de minimis and therefore, the investigation against this country has been terminated;
- (iii) the domestic industry has suffered material

injury; and

(iv) the material injury has been caused by the volume and price effects of dumped imports from the countries named at (i) above, coupled with disruption in raw material supply during a significant part of the period of investigation,

and has recommended imposition of definitive anti-dumping duty on imports of the subject goods, originating in, or exported from the European Union, Indonesia, Korea RP, Malaysia, Chinese Taipei and United States of America (hereinafter referred to as the subject countries) and imported into India, in order to remove injury to the domestic industry;

Now, Therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods,

the description of which is specified in column (3) of the Table below, falling under tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), and exported

from the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), exported by the exporters as specified in the corresponding entry in column (7) and imported into India, an anti-dumping duty at the

rate equal to the amount as specified in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and as per unit of measurement as specified in the corresponding entry in column (9) of the said Table, namely:-

Table

SNo.	Tariff Item	Description of Goods	Country of Origin	Country of export	Producer	Exporter(s)	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	2905 16 20	2-Ethyl Hexanol (2-EH) in all forms and grades	Malaysia	Malaysia	BASF PETRONS Chemicals (BPC) Sdn Bhd, Malaysia	BASF PETRONS Chemicals (BPC) Sdn Bhd, Malaysia	53.63	MT	US Dollar
2.	2905 16 20	-do-	Malaysia	Malaysia	Any combination other than above		107.30	MT	US Dollar
3.	2905 16 20	-do-	Any country other than subject countries	Malaysia	Any	Any	107.30	MT	US Dollar
4.	2905 16 20	-do-	Korea RP	Korea RP	M/s LG Chem, Korea	M/s Hyundai Corporation, Korea, M/s Vinmar International, Ltd. USA	Nil	MT	US Dollar
5.	2905 16 20	-do-	Korea RP	Any	Any combination other than above		15.55	MT	US Dollar
6.	2905 16 20	-do-	Any country other than subject countries	Korea RP	Any	Any	15.55	MT	US Dollar
7.	2905 16 20	-do-	European Union	European Union	M/s Oxea GmbH, Germany	M/s ICC Chemical Corporation, USA; M/s Petrochem Middle East FZE, Dubai; M/s Vinmar International, USA	45.47	MT	US Dollar
8.	2905 16 20	-do-	European Union	Any	Any combination other than above		113.47	MT	US Dollar
9.	2905 16 20	-do-	Any country other than subject countries	European Union	Any	Any	113.47	MT	US Dollar
10.	2905 16 20	-do-	Indonesia	Indonesia	M/s P. T. Petro Oxo Nusantara, Indonesia	M/s P. T. Petro Oxo Nusantara, Indonesia; M/s Solitz Asia Pte Ltd. Singapore	45.67	MT	US Dollar
11.	2905 16 20	-do-	Indonesia	Indonesia	Any combination other than above		127.82	MT	US Dollar
12.	2905 16 20	-do-	Any country other than subject countries	Indonesia	Any	Any	127.82	MT	US Dollar
13.	2905 16 20	-do-	United States of America	Any	Any	Any	29.61	MT	US Dollar
14.	2905 16 20	-do-	Any country other than subject countries	United States of America	Any	Any	29.61	MT	US Dollar
15.	2905 16 20	-do-	Taiwan	Any	Any	Any	42.45	MT	US Dollar
16.	2905 16 20	-do-	Any country other than subject countries	Taiwan	Any	Any	42.45	MT	US Dollar

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette and shall be paid in Indian currency.

Explanation.- For the purposes of this notification, rate of exchange applicable for the purpose of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the

Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F. No. 354/264/2015-TRU]

prescribed specifically for export of sugar to USA would continue to be followed.

4. The reporting requirement as notified vide Notification No. 3/2015-2020 dated 20.04.2015 would be required to be followed.

Additional 723 MTs Quota Sugar Exports to USA Notified

Effect of this Public Notice: Additional quantity of 723 MTs (Seven Hundred and Twenty Three metric tons) of raw cane sugar to be exported to USA under TRQ upto 30.09.2016 has been notified.

Subject: Allocation of additional quantity for export of sugar to USA under Tariff Rate Quota (TRQ).

66-PN
21.03.2016
(DGFT)

In exercise of the powers conferred under Paragraphs 2.04 of the Foreign Trade Policy, 2015-2020, the

Director General of Foreign Trade hereby allocates an additional quantity of 723 MTs (Seven Hundred and Twenty Three metric tons) of raw cane sugar (at 98 degree pol), out of non-levy (Free Sale) quota for export under Tariff Rate Quota (TRQ) to USA for the US fiscal year 2016

(October 1, 2015 to September 30, 2016).

2. As per Notification No. 3/2015-20 dated 20.04.2015, export of sugar (HS Code 17010000) to USA under TRQ is 'Free' subject to the conditions notified in the 'Nature of Restrictions' in the above notification.

3. Certificate of Origin, if required, for export of preferential sugar to USA, shall be issued by Additional Director General of Foreign Trade, Mumbai. Other certification requirement, if any,

Banks to Remain Open 30 and 31 March for Duty Receipt

191-ST
29.03.2016
(DoR)

The Reserve Bank of India has issued instructions vide notification RBI/2015-16/342 dated March 17, 2016

wherein it has been decided that all agency banks shall keep the counters of their designated branches conducting government business open for full day on March 30, 2016, and till 8.00 p.m. on March 31, 2016. All electronic transactions would, however, continue till mid-night of March 31, 2016.

2. Thus the assesseees can make e-payment till the mid night of March 31, 2016.

3. It is requested that the trade notice may be issued to publicize the extended e-payment hours as well as the extended banking hours.

Provisional Anti-dumping of \$1.37 per sqm Slapped on China Tiles again

• Previous Duty of Rs. 155 per sqm Expired on 26.06.2013

Ntnf 12-ADD Whereas, in the matter
29.03.2016 of 'Glazed/Unglazed Porcelain/
(DoR) Vitrified tiles in polished or
unpolished finish with less than
3% water absorption' (hereinafter referred to as
the subject goods) falling under heading 6907,
6908 or 6914 of the First Schedule to the Customs
Tariff Act, 1975 (51 of 1975), originating in or
exported from the China PR, (hereinafter referred
to as the subject country), and imported into
India, the designated authority in its preliminary
findings published in the Gazette of India, Extraordinary,
Part I, Section 1, vide notification No. 14/14/2014-DGAD
dated the 11th March, 2016, has come to the conclusion that –

- (a) the subject goods have been exported to India from the subject country below normal value;
- (b) the domestic industry has suffered injury on

account of import of the subject goods from the subject country;

(c) the injury has been caused by the dumped imports of the subject goods from the subject country.

and has recommended imposition of provisional anti-dumping duty on the subject goods, originating in or exported from the subject country and imported into India, in order to remove injury to the domestic industry;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the Customs Tariff Act, 1975 (51 of 1975), read with rules 13 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, af-

ter considering the aforesaid preliminary findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country as specified in the corresponding entry in column (4), produced by the producer as specified in the corresponding entry in column (6), when exported from the country as specified in the corresponding entry in column (5), by the exporter as specified in the corresponding entry in column (7), imported into India, an anti-dumping duty at the rate equal to the amount as indicated in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and as per unit of measurement as specified in the corresponding entry in column (9) of the said Table, namely:-

Table

SNo.	Heading	Description of goods	Country of origin	Country of export	Producer	Exporter	Duty amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	6907, 6908, 6914	Glazed/Unglazed Porcelain/Vitrified tiles in polished or unpolished finish with less than 3% water absorption	China PR	China PR	Any	Any	1.37	Square Meter	US Dollar
2.	6907, 6908, 6914	-do-	China PR	Any country other than those subject to anti dumping duty	Any	Any	1.37	Square Meter	US Dollar
3.	6907, 6908, 6914	do-	Any country other than those subject to anti dumping duty	China PR	Any	Any	1.37	Square Meter	US Dollar

2. The anti-dumping duty imposed under this notification shall be levied for a period not exceeding six months (unless revoked, amended or superseded earlier) from the date of publication of this notification in the Gazette of India and shall be paid in Indian currency.

Explanation. - For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be

the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, under section 14 of the Customs Act, 1962 (52 of 1962) and the relevant date for determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Act.

[F. No. 354/24/2016 – TRU]

FPS Benefit for Other – Brakes and Servo Brakes and Parts under HS Code 87083000 – HS Code Corrected

Subject: Error correction in Focus Product Scheme (FPS) for export of "Other -Brakes and Servo Brakes and Part thereof" mentioned at Sl. No. 608 of Appendix 37D as notified vide Public Notice 3 dated 05.06.2012 of Foreign Trade Policy 2009-2014.

65-PN In exercise of powers conferred
18.03.2016 under paragraph 2.4 of the
(DGFT) Foreign Trade Policy(FTP)
2009-14, the Directorate

General of Foreign Trade hereby makes the following amendment in the Appendix 37D of Handbook of Procedure Vol.I (2009-14).

2. ITC(HS) Code 87082900 was wrongly mentioned for "Other – Brakes and Servo Brakes and

Part thereof" at Sl. No. 608 of the Appendix 37D HBP Vol.I (2009-14), as notified vide Public Notice No. 3(RE2012)/2009-14 dated 05.06.2012. The matter was reviewed and HS code was corrected to 87083000 vide Public Notice No. 52 dated 25 February 2014 at Sr. no. 637 of FPS table. The HS Code at Serial Number 608, as notified vide Public Notice No. 3(RE2012)/2009-14 dated 05.06.2012 is now corrected as under:-

Existing Entry

SNo.	FPS Product Code	ITC(HS) Code	Description	Rate Percent	Corrected ITC HS Code
608	608	87082900	Other – Brakes and Servo Brakes and Part Thereof	2%	87083000

This correction is necessitated as it was noticed that HS code 87082900 was wrongly mentioned prior to 25.2.2014 which was rectified in

Public Notice No.52 dated 25.2.2014 for "Other-Brakes and Servo Brakes and Part thereof". However, as the intention was to incentivise

"Other-Brakes and Servo Brakes and Part thereof", the matter was reviewed and it has been decided that FPS benefit can be granted for export of item with description "Other-Brakes and Servo Brakes and Part thereof" either under ITC HS code 87083000 or 87082900, as per FPS Sr. No. 608 of Appendix 37D of HBP Vol.I (2009-14), if exported prior to issuance of Public Notice No.52 dated 25.2.2014. However, if FPS benefit has been granted by any RA on the basis of ITC HS code 87082900 alone, where the description is other than "Other-Brakes and Servo Brakes and Part thereof", such cases need to be reviewed by RA any if it is found that the same has been wrongly granted, recovery should be made by Regional Authorities.

Effect of Public Notice

The item under description, "Other – Brakes and Servo Brakes and Part thereof" has been incentivized irrespective of the ITC(HS) codes (87082900 or 87083000) mentioned against the product description, exported under Foreign Trade Policy 2009-14 between 05.06.2012 and 24.02.2014. From 25.02.2014 onwards both description and ITC (HS) code should match for grant of incentives under FPS (FTP 2009-14) to the said item mentioned at Sl. No. 637 of Public Notice No. 52 dated 25.02.2014. Items incentivised under ITC(HS) code 87082900, which did not meet the description "Other – Brakes and Servo Brakes and Part thereof" are clarified to have been non-entitled, as apparent from the description.

US Settles for Arbitration and More Time in Tuna Dispute with Mexico

The US-Mexico dispute over “dolphin-safe” tuna labelling (DS381) has now advanced to arbitration, in the next stage of the long-running case.

Prior to DSB meeting, Mexico had circulated a request for authorisation to suspend tariff concessions and other related obligations in goods under the General Agreement on Tariffs and Trade (GATT) 1994 against the US.

Specifically, Mexico has asked for authorisation to suspend concessions on a list of goods worth US\$472.3 million annually, noting that it would establish such a list “in due course.” The US subsequently objected to this figure in a 22 March communication, asking that the matter be referred to arbitration.

The tuna dispute has been ongoing since 2008, with the WTO’s Appellate Body confirming in 2012 an earlier panel ruling which deemed the US’ dolphin-safe label to discriminate against imported tuna products from Mexico – and therefore being a violation of international trade rules.

Following changes by the US made in July 2013, a WTO compliance panel ruled that the revision of the labelling measure was insufficient to bring it in line with global trade rules – a finding of non-compliance which was later confirmed by the Appellate Body in late 2015.

Under a common understanding reached between the parties in August 2013, both sides have agreed that Mexico can request authorisation for suspending concessions or other obligations under the covered agreements. While the US cannot object to the authorisation request itself – under the terms of their joint understanding – it can object to the level of concessions being sought.

Meanwhile, citing the need to comply with WTO

obligations, the US’ National Oceanic and Atmospheric Administration (NOAA) issued a new interim final rule on 22 March, which it said will address the problems raised in last year’s Appellate Body ruling.

The new interim final rule was issued without advance notice or the opportunity for public comment, effective immediately, in order to avoid delay that may “adversely affect US trade as well as the federal government’s ability to respond to Mexico’s request for authorisation to suspend the application to the US of WTO concessions or other obligations”.

Russia takes Neighbour Ukraine to WTO on Ammonium Nitrate Anti-dumping Duty Extension

Also on Wednesday, WTO members heard Russia’s request – circulated in late February – for the establishment of a panel to hear its dispute with Ukraine over the latter’s definitive anti-dumping measures on ammonium nitrate, a product which is often used as fertiliser (DS493).

The request was rejected by Ukraine at the meeting. Under WTO rules, a respondent to a dispute can reject a first panel request. However, upon a second request from a complainant, a panel is automatically established.

The disagreement between the two countries dates back to 2014, when Ukraine decided to extend an existing anti-dumping measure initially imposed in 2008 for an additional term of five years. The measure, which resulted from interim and expiry reviews, allegedly also raised the customs duty on imports of ammonium nitrate from Russia from 11.91 to 36.03 percent.

Form – B
Particulars About the Newspaper
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		Dindex*	WIndex
Foreign Trade Policy			
65-PN/18.03.2016	FPS Benefit for Other – Brakes and Servo Brakes and Parts under HS Code 87083000 – HS Code Corrected	6691	7
66-PN/21.03.2016	Additional 723 MTs Quota Sugar Exports to USA Notified	6692	6
Customs			
Ntfn 24/28.03.2016	Butter, Ghee and Butter Oil Duty of 40% Extended upto 30 Sept 2016	6697	3
Ntfn 09-ADD/15.03.16	Anti-dumping Duty on Injection Moulding Machines from Taiwan, Philippines, Malaysia and Vietnam	6679	4
Ntfn 10-ADD/29.03.16	Anti-dumping Duty on 2-Ethyl Hexanol (2EH) from EU, Indonesia, Korea, Malaysia and Others	6698	5
Ntfn 11-ADD/29.03.16	Anti-dumping Duty of 15% of CIF Value of Imports on Tyre Curing Presses from China	6699	5
Ntfn 12-ADD/29.03.16	Provisional Anti-dumping of \$1.37 per sqm Slapped on China Tiles again	6700	7
Ntfn 01-SG/29.03.16	Safeguard Duty of 20% on Wide HR Coils Confirmed	6696	1
CBEC Circular			
12-CBEC/28.03.2016	Check Manual Shipping Bills before Registration of Reward Scrips and DFIA	6701	3
1021-CBEC/21.03.16	Min of Finance Constitutes Sub-Committee of High Level Committee to Submit Report for 1% Excise Duty on Jewellery Imposition	6693	3
Service Tax			
191-ST/29.03.2016	Banks to Remain Open 30 and 31 March for Duty Receipt	6702	6

**See details in www.worldtradesScanner.com*

Customs Valuation Exchange Rates

18 March 2016	Imports	Exports
Schedule I [Rate of exchange of one unit of foreign currency equipment to Indian Rupees]		
1 Australian Dollar	51.60	50.30
2 Bahrain Dinar	182.85	172.35
3 Canadian Dollar	51.65	50.60
4 Danish Kroner	10.20	9.95
5 EURO	76.05	74.20
6 Hong Kong Dollar	8.70	8.55
7 Kuwaiti Dinar	229.00	216.35
8 New Zealand Dollar	46.00	44.65
9 Norwegian Kroner	8.00	7.80
10 Pound Sterling	96.60	94.45
11 Singapore Dollar	49.50	48.45
12 South African Rand	4.40	4.15
13 South Arabian Riyal	18.35	17.35
14 Swedish Kroner	8.25	8.05
15 Swiss Franc	69.35	67.60
16 UAE Dirham	18.75	17.70
17 U.S. Dollar	67.45	66.40
18 Chinese Yuan	10.40	10.20
Schedule II [Rate of exchange of 100 units of foreign currency equivalent to Indian rupees]		
1 Japanese Yen	60.15	58.80
2 Kenyan Shilling	67.90	64.10

(Source: Customs Notification 41(NT)/17.03.2016)