

EU Starts Dumping Investigation on Indian Stainless Steel Bars

Notice of Initiation of an anti-dumping proceeding concerning imports of certain stainless steel bars originating in India

(2010/C 87 A/01) dated 1 April 2010 – EN C 87 A/4 Official Journal of the European Union 1.4.2010)



export price (at ex-works level) of the product under investigation when sold for export to the Union.

In order to complement the above, the allegation of dumping is also based on a comparison of a constructed normal value (manufacturing costs, SG&A and profit) with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

On these bases the dumping margins calculated are significant for the exporting country concerned.

4. Allegation of injury

The complainant has provided evidence that imports of the product under investigation from the country concerned have increased overall in terms of market share.

The *prima facie* evidence provided by the complainant shows that the volume and the prices of the imported product under investigation have, among other consequences, had a negative impact on the quantities sold, the level of the prices charged and the market share held by the Union industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Union industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

The investigation will determine whether the product under investigation originating in the country concerned is being dumped and whether this dumping has caused injury to the Union industry. If the conclusions are affirmative, the investigation will examine whether it is in the Union interest to impose measures.

5.1. Procedure for the determination of dumping

Exporting producers (3) of the product under investigation from the country concerned are invited to participate in the Commission investigation.

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (1) ('the basic Regulation'), alleging that imports of certain stainless steel bars, originating in India, are being dumped and are thereby causing material injury to the Union industry.

1. Complaint

The complaint was lodged on 15 February 2010 by the European Federation of Iron and Steel Industries (Eurofer) ('the complainant') on behalf of producers representing a major proportion, in this case more than 25 % of the total Union production of certain stainless steel bars.

2. Product under investigation

The product subject to this investigation is stainless steel bars and rods, not further worked than cold-formed or cold-finished, other than bars and rods of circular cross-section of a diameter of 80 mm or more ('the product under investigation').

3. 'Allegation of dumping' (2)

The product allegedly being dumped is the product under investigation, originating in India ('the country concerned'), currently falling within CN codes 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81 and 7222 20 89. These CN codes are given for information only.

The allegation of dumping for the country concerned is based on a comparison of domestic price with the

5.1.1. Investigating exporting producers

(a) Sampling

In view of the potentially large number of exporting producers in the country concerned involved in this proceeding and in order to complete the investigation within the statutory time-limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the following information on their company or companies:

- name, address, e-mail address, telephone and fax numbers and contact person,

- the turnover in local currency and the volume in tonnes of the product under investigation sold for export to the Union during the investigation period ('IP') 1 April 2009 to 31 March 2010 for each of the 27 Member States (4) separately and in total,

- the turnover in local currency and the volume in tonnes of the product under investigation sold on the domestic market during the IP 1 April 2009 to 31 March 2010,

- the precise activities of the company worldwide with regard to the product under investigation,

- the names and the precise activities of all related companies (5) involved in the production and/or sales (export and/or domestic) of the product under investigation,

- any other relevant information that would assist the Commission in the selection of the sample.

The exporting producers should also indicate whether, in the event that they are not selected to be in the sample, they would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual dumping margin in accordance with section b) below.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in

order to verify its response ('on-spot verification'). If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that party than if it had cooperated.

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of the exporting country and may contact any known associations of exporting producers. EN C 87 A/2 Official Journal of the European Union 1.4.2010

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the exporting country and associations of exporting producers will be notified by the Commission of the companies selected to be in the sample.

All exporting producers selected to be in the sample will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

Companies that had agreed to their possible inclusion in the sample but were not selected to be in the sample shall be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to section b) below, the anti-dumping duty that may be applied to imports from the non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample.

b) Individual dumping margin for companies not included in the sample

Non-sampled cooperating exporting producers may request, pursuant to Article 17(3) of the basic Regulation, that the Commission establish their individual dumping margins ('individual dumping margin'). The exporting producers wishing to claim an individual dumping margin must request a questionnaire in accordance with section a) above and return it duly completed within the deadlines specified below. The completed

questionnaire reply must be submitted within 37 days of the date of the notification of the sample selection, unless otherwise specified.

However, exporting producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

5.1.2. Investigating unrelated importers (6) (7)

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time-limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties should do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the following information on their company or companies:

- name, address, e-mail address, telephone and fax numbers and contact person,

- the precise activities of the company with regard to the product under investigation,

- the volume in tonnes and value in EUR of imports into and resales made on the Union market during the period 1 April 2009 to 31 March 2010 of the imported product under investigation originating in the country concerned,

- the names and the precise activities of all related companies (8) involved in the production and/or sales of the product under investigation,

- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response ('on-spot verification'). If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission findings for non-cooperating importers are based on the facts available and the result may be less favourable to that party than if it had cooperated.

In order to obtain the information it deems

Dollar-Rupee rate at NSE Futures

| Trade Date | Open Price | High Price | Low Price | Close Price | Daily Settlement Price | Open Interest | No. of Contracts | Value (Rs. lakhs) | RBI Reference rate |
|------------|------------|------------|-----------|-------------|------------------------|---------------|------------------|-------------------|--------------------|
| 26-Apr-10 | 44.3175 | 44.4300 | 44.2300 | 44.3825 | 44.3825 | 364007 | 4500547 | 1996462.04 | 44.3300 |
| 23-Apr-10 | 44.6200 | 44.6225 | 44.4400 | 44.4725 | 44.4725 | 372559 | 4090699 | 1821037.86 | 44.5400 |
| 22-Apr-10 | 44.5700 | 44.6300 | 44.4375 | 44.5925 | 44.5925 | 390299 | 4508908 | 2007199.53 | 44.4500 |
| 21-Apr-10 | 44.5500 | 44.5950 | 44.3700 | 44.5550 | 44.5550 | 411505 | 3995855 | 1776678.22 | 44.4100 |
| 20-Apr-10 | 44.6325 | 44.6550 | 44.4850 | 44.5425 | 44.5425 | 431624 | 4718318 | 2103370.14 | 44.6100 |

[Source: NSE and RBI Website]

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necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The completed questionnaire will contain information on, *inter alia*, the structure of their company(ies), the activities of the company(ies) in relation to the product under investigation and on the sales of the product under investigation.

5.2. Procedure for the determination of injury

Injury means material injury to the Union industry, or threat of material injury to the industry, or material retardation of the establishment of such an industry. A determination of injury is based on positive evidence and involves an objective determination of the volume of dumped imports, their effect on prices in the importing country and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is materially injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

5.2.1. Investigating Union producers

In view of the potentially large number of Union producers involved in this proceeding and in order to complete the investigation within the set time-limits, the Commission may limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all Union producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties should do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the following information on their company or companies:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the precise activities of the company worldwide with regard to the product under investigation,

— the value in EUR of sales of the product under investigation made on the EU market during the period 1 April 2009 to 31 March 2010,

— the volume in tonnes of sales of the product under investigation made on the Union market during the period 1 April 2009 to 31 March 2010,

— the volume in tonnes of the production of the product under investigation during the period 1 April 2009 to 31 March 2010,

— the volume in tonnes imported into the Union of the product under investigation produced in the country concerned during the period 1 April 2009 to 31 March 2010, if applicable,

— the names and the precise activities of all related companies (9) involved in the production and/or sales of the product under investigation (whether produced in the Union or in the country concerned),

— any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response ('on-spot verification'). If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission findings for non-cooperating Union producers are based on the facts available and the result may be less favourable to that party than if it had cooperated.

In order to obtain the information it deems necessary for the selection of the sample of Union producers, the Commission may also contact any known associations of Union producers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information listed above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the Union producers may be selected based on the largest representative volume of sales in the Union which can reasonably be investigated within the time available. All known Union producers and associations of Union producers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The completed questionnaire will contain information on, *inter alia*, the structure of their company(ies), the financial situation of the company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production and the sales of the product under investigation.

5.3. Procedure for the assessment of Union interest

Should the existence of dumping and injury caused thereby be established, a decision will be reached as to whether the adoption of anti-dumping measures would be against the Union interest pursuant to Article 21 of the basic Regulation. Union producers, importers and their representative associations, representative users and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on whether the imposition of measures is in the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

5.4. Other written submissions

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence should reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.5. Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard should be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.6. Procedure for making written submissions and sending completed questionnaires and correspondence

All submissions, including information submitted for the selection of the samples, completed questionnaires and updates thereof, made by interested parties must be made in writing in both paper and electronic format, and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. If an interested party cannot provide its submissions and requests in electronic format for technical reasons, it must immediately inform the Commission.

All written submissions, including the information requested in this notice, completed ques-

tionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' (10).

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

Commission address for correspondence:
Directorate H, Office: N105 04/092
1049 Brussels, BELGIUM
Fax (+32 2) 295 65 05EN 1.4.2010 Official Journal of the European Union C 87 A/5

6. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time-limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

7. Hearing officer

Interested parties may request the intervention of the Hearing Officer of DG Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organize a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among others, to dumping, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the

disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: (http://ec.europa.eu/trade/issues/respectrules/ho/index_en.htm).

8. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be im-

(1) OJ L 343, 22.12.2009, p. 51.

(2) Dumping is the practice of selling a product for export ('the product concerned') at a price below its "normal value". The normal value is usually taken to be a comparable price for the "like" product on the domestic market of the exporting country. The term "like product" is interpreted to mean a product which is alike in all respects to the product concerned or, in the absence of such a product, a product which closely resembles the product.

(3) An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via third party, including any of its related companies involved in the production, domestic sales or exports of the product concerned. Non-producing exporters are normally not entitled to an individual duty rate.

(4) The 27 Member States of the European Union are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

(5) In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e)

posed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.

9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (11). EN C 87 A/6 Official Journal of the European Union 1.4.2010

one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (Official Journal L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

(6) Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. For the definition of a related party see footnote 5.

(7) The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

(8) For the definition of a related party see footnote 5.

(9) For the definition of a related party see footnote 5.

(10) This document is a confidential document pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009 p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

(11) OJ L 8, 12.1.2001, p. 1.

EU Launches Anti-subsidy Investigation on Chinese Coated Paper

On April 17, the European Union (EU) decided to launch anti-subsidy investigation into coated paper imported from China. Yao Jian, Spokesman of the Ministry of Commerce (MOFCOM), stated that this was the first time for EU to launch anti-subsidy investigation into Chinese products. The Chinese public and business community are strongly dissatisfied with the investigation. And the Chinese government expressed its grave concerns about it.

Yao said, two months ago, the EU launched an anti-dumping investigation into Chinese coated paper and took the measure of the Surrogate Country, which is discriminatory and unfair. What's worse, the EU launched the anti-subsidy investigation into Chinese coated paper without recognizing China's market economy status. This is another discrimination against Chinese imports and also in violation of the WTO rules.

According to Yao, the EU anti-subsidy investigation into Chinese coated paper was a signal of protectionism, which was wrong. In

recent years, the development of the economic and trade relations between China and the EU was in a sound track in general. China and the EU are always important trade partners. And thus, the two parties should, based on maintaining and stabilizing the international trade environment, observe the guidelines of development, equality, and mutual benefits, properly tackle the economic and trade frictions through consultation and cooperation, and give consideration to each other's concerns so as to reach mutual benefits and win-win outcome. At present, although the international economy begins to recover, but the risks of upward deficit and debt burden, fragile financial system and insufficient market demand still exist. What's worse, trade protectionism is spreading. At this critical moment, China expressed its great concern over the EU investigation and its negative effects. China will, in accordance with WTO rules, keep a close watch on the progress and reserve its right to take further action.

Dumping Investigation Initiated on Azodicarbonamide from China

[Ref: F. No. 14/7/2010- DGA D dated 16th April 2010]

Subject: Initiation of anti-dumping investigation concerning imports of Azodicarbonamide (ADC) originating in or exported from China PR.

Whereas M/s Demaco Polymers Ltd. New Delhi (hereinafter referred to as applicant) has filed an application before the Designated Authority (hereinafter referred to as the Authority), in accordance with the Customs Tariff Act, 1975 as amended in 1995 (hereinafter referred to as the Act) and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the Rules), alleging dumping of Azodicarbonamide (ADC) (herein after referred to as subject goods) originating in or exported from China PR (hereinafter referred to as "subject country") and requested for initiation of Anti Dumping investigation for levy of the anti dumping duties on the subject goods.

1. Product under Consideration

The product under consideration in the present application is Azodicarbonamide (ADC) which is also known as blowing agent or foaming agent. Modified blowing agent which contains 2-5% of ADC is outside the purview of the product under consideration. The subject goods is used as a blowing and foaming agent in PVC industry, Rubber Industry etc.

The subject goods are being imported under Chapter 29 and 38 of the Customs Tariff Act under subheading 29270090, 29420090 and 381200890 under the Indian Trade Classification (based on Harmonized Commodity Description and Coding System). The petitioner has, however claimed that the product under consideration does not have any dedicated customs classification code and are being imported under various other Customs sub-headings. However, the customs classification is indicative only and in no way binding on the scope of this investigation.

2. Domestic Industry Standing

The application has been filed by M/s. Demaco Polymers Ltd., New Delhi. Further, the application has been supported by four other manufacturer namely, M/s. Sri Dwarka Dheesh (Pvt) Ltd., (formerly known as M/s. SAS Polymers Pvt. Ltd.), M/s. Sharma Brothers Pvt. Ltd., M/s. S.S. Blowchem Pvt. Ltd., and M/s. Haryana

Polymers Ltd. On the basis of information available the Authority notes that the applicant company constitutes a major proportion in the Indian production. The Authority, therefore, determines that the applicant constitutes domestic Industry within the meaning of the Rule 2 and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

3. Country Involved

The country involved in the present investigation is People's Republic of China.

4. Like Article

The applicant has claimed that there are no known differences in the subject goods produced by the petitioner and exported from China PR. Both products have comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc. The goods produced by the domestic industry are comparable to the imported goods from China PR in terms of essential product properties. The goods offered by the domestic industry are like article to the goods imported from China PR.

5. Normal Value

The applicant has claimed that China PR should be treated as Non Market Economy and therefore the Normal value should be determined in accordance with Para 7 and 8 of Annex-I of the AD Rules. The applicant has submitted that they have not been able to get the sufficient information regarding market economy third country for determination of Normal value in case of China PR. Thus, the applicant has claimed the Normal value on the basis of constructed cost of production, including selling general and administration expenses and profits. The Authority may however adopt an appropriate third country for the purpose of the above determination and notify the interested parties in due course. There is sufficient prima facie evidence with regard to normal value claimed by the petitioner.

6. Export Price

Export price of the subject goods from the subject country has been estimated by considering transaction-wise import data from IBIS. Adjustments have been made on account of ocean freight, marine insurance, commission, and port expenses in the exporting country to arrive at ex-factory export price. There is sufficient prima facie evidence with regard to export price claimed by the petitioner.

7. Dumping Margin

Normal value and export price have been compared at ex-factory level, which shows significant dumping margin in respect of the subject country. There is sufficient prima facie evidence that the normal value of the subject goods in China PR is significantly higher than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by exporters from the subject country. The dumping margins are estimated to be above *de minimis*.

8. Injury and Causal Link

The applicant has furnished information on vari-

ous parameters relating to material injury. Analysis of the information shows that imports from subject country have increased in the period of investigation in absolute term as also in relation to production and consumption in India. Various economic parameters like the loss in market share, significant decline in the profitability of the domestic industry, significant deterioration in return on investment and cash profit, prima facie, indicate collectively that the domestic industry has suffered material injury on account of dumped imports of subject goods from China PR. In fact, various economic parameters relating to the domestic industry shows that loss in absolute term increased during the injury period

9. Initiation of Anti Dumping Investigations

In view of the above the Authority finds that sufficient prima facie evidence of dumping of the subject goods from the subject country, injury to the domestic industry and causal link between the dumping and injury exist and therefore the Authority, in terms of Rule 5 of the Anti Dumping Rules hereby initiates an investigation into the alleged dumping and consequent injury to the domestic industry, to determine the existence, degree and effect of any alleged dumping and recommend the amount of anti dumping duty, which, if levied, would be adequate to remove the injury to the domestic industry.

10. Period of Investigation (POI)

The period of Investigation for the purpose of the present investigation is 1st October 2008 to 30th September 2009 (12 months). The injury investigation period will, however, cover the period 2006-07, 2007-08, 2008-09 and the POI.

11. Submission of Information

The producers/exporters in the subject country, Government through the Embassy, importers in India known to be concerned with this investigation and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority at the following address:

The Designated Authority,
Directorate General of Anti Dumping & Allied Duties, Ministry of Commerce & Industry,
Department of Commerce, Government of India, Room No. 250A, Udyog Bhavan,
New Delhi – 110011.

Any other interested party may also make its submissions relevant to the investigation within the time limit set out below.

12. Time Limit

Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than 40 (forty) days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are however required to submit the information within forty days from the date of the letter addressed to them separately. If no information is received within the prescribed time limit or the submitted information is incomplete,

the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules .It may be noted that no request, whatsoever, shall be entertained for extension in the prescribed time limit.

13. Submission of Information on Non-Confidential Basis

In terms of Rule 6(7) of the Rules, the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summarization, a statement of reason thereof, is required to be pro-

vided. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Designated Authority may record findings on the basis of facts available and make such recommendations to the Central Government as deemed fit.

14. Inspection of Public File

In terms of Rule 6(7), the Designated Authority maintains a public file. Any interested party may inspect the public file containing non-confidential version of the evidence submitted by the interested parties.

Dumping Investigation on Stainless Steel of HR Flat from EU, US, Korea, South Africa and Taiwan

[Ref: F. No.14/12/2010-DGAD dated 12th April 2010]

Sub: Initiation of Anti Dumping investigation on imports of Hot Rolled Flat Products of Stainless Steel originating in or exported from European Union, Korea RP, South Africa, Taiwan and USA.

JSL Limited, New Delhi have filed an application before the Designated Authority (herein after referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on dumped articles and for determination of injury) Rules, 1995 (herein after referred to as Rules) for initiation of anti dumping investigation concerning alleged dumping of Hot Rolled Flat Products of Stainless Steel of ASTM Grade 304 with all its variants (hereinafter referred to as subject goods) originating in or exported from European Union, Korea, South Africa, Taiwan and USA (hereinafter referred to as subject countries) .

2. AND WHEREAS, the Authority finds that sufficient prima facie evidence of dumping of subject goods by the subject countries, injury to the domestic industry and causal link between the dumping and injury exist, the Authority hereby initiates an investigation into the alleged dumping, and consequential injury to the domestic industry in terms of the Rules 5 of the said Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which if levied would be adequate to remove the injury to the domestic industry.

Domestic Industry

3. The application has been filed by JSL Limited, New Delhi. This producer has provided information relevant to the present investigation. The production of the applicant company constitutes more than 50 % of total Indian production. The Authority has determined that (a) production of the applicant company constitutes a major proportion in Indian production and ; (b) the application has been made by or on behalf of the domestic industry.

4. The Authority after examining the above, prima facie determines that the petitioner constitutes domestic Industry within the meaning of the rule 2(b) read with 2(d) and the application satisfies the criteria of standing in terms of Rule 5 of the Rules .

Product under consideration

5. The product under investigation in the

present case is Hot Rolled Flat Products of Stainless Steel of ASTM Grade 304 with all its variants including products of equivalent specifications in other standards like UNS, IS, Chinese DIN, JIS, BIS, EN. Etc.

6. The subject goods are used for manufacture of process equipments, re-rolling, reactor vessels, material handling equipments, railways, pipes & tubes, automotive components, rolled formed sections, architecture, building & construction, industrial fabrication etc.

7. The subject goods is classified under Chapter Heading 7219.11, 7219.12, 7219.13, 7219.14, 7219.21, 7219.22, 7219.23, 7219.24, 7220.11 and 7220.12 of Customs Tariff Act. The classification is however only indicative and in no way binding on the scope of the present investigation.

Like Articles

8. The applicant has claimed that the goods produced by them are "like articles" to the goods originating in or exported from the subject countries. The subject goods produced by the domestic industry and imports from subject countries are comparable, technically and commercially substitutable in terms of physical, technical specifications, functions or end-uses. Therefore, for the purpose of investigation, the Hot Rolled Flat Products of Stainless Steel produced by the applicant are being treated as like articles of Hot Rolled Flat Products of Stainless Steel imported from subject countries within the meaning of the Anti Dumping Rules.

Countries involved

9. The countries involved in the present investigation are European Union, Korea RP, South Africa, Taiwan and USA.

Dumping

Normal Value

10. The petitioner has submitted details of the published prices of the subject goods from MEPS Stainless Steel Review for EU, Korea RP, Taiwan & USA. It is also submitted that the prices of plates are little higher than the prices of coils but the domestic industry on conserva-

tive basis has taken the coils prices for the determination of normal value in each of the subject countries (except South Africa).

In the absence of the availability of published information for South Africa, the normal value for South Africa has been constructed on the basis of the cost incurred by the domestic industry after adding reasonable amount of profit @5%.

11. For the purpose of initiation, the Authority has prima-facie considered the normal value of subject goods in subject countries as claimed by the petitioner.

Export Price

12. Since import data from DGCI&S is not available for the whole Period of Investigation, as stated by the petitioner, the export prices have been claimed on the basis of transaction-wise import data obtained from Cybex Exim Solutions Pvt. Limited. Adjustments have been claimed on ocean freight, marine insurance, port handling and commission to arrive at the export price at ex-factory level. The Authority notes that there is sufficient prima facie evidence of the net export price for the subject goods from the subject countries.

Dumping Margin

13. There is sufficient evidence that the normal values of the subject goods in the subject countries are significantly higher than the net export prices indicating prima-facie that the subject goods are being dumped by the exporters from the subject countries. Normal value and export price have been compared at ex-factory level which shows significant dumping margin in respect of subject countries.

Injury and Causal Link

14. The petitioner has furnished information on various parameters relating to material injury. The applicant has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of fall in capacity utilization, return on capital employed and profitability because of increased volume of dumped imports, price undercutting and price underselling on account of dumped imports from subject countries. There is sufficient prima-facie evidence of the material injury being suffered by the domestic industry and the same being caused by dumped imports from subject countries.

Period of Investigation

15. The period of investigation (POI) is 1st April, 2008 to 30th September 2009 (18 months) for the purpose of present investigation. The injury investigation period will however cover the periods April,2005-March,06, April,2006-March,2007, April,2007-March,2008 and the POI.

Submission of information

16. The exporters and importers known to be concerned and domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other party interested to participate in the present investigation may write to:

The Designated Authority,
(Directorate General of Anti-Dumping & Allied
Duties), Government of India, Ministry of
Commerce & Industry, Department of
Commerce, Udyog Bhavan,
New Delhi-110011.

Time limit

17. Any information relating to this investigation should be sent in writing so as to reach the Authority at the above address not later than 40 days from the date of publication of this notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record their findings on the basis of the facts available on record in accordance with the Rules supra.

Provisional Anti-dumping Duty Imposed on Phenol from Japan and Thailand

Ntfn 53 Whereas, in the matter of
19.04.2010 imports of Phenol (hereinafter
(DoR) referred to as the subject
goods), falling under sub-
heading 2907 11 10 or 2707 99 00 of the First
Schedule to the Customs Tariff Act, 1975 (51 of
1975) (hereinafter referred to as the said Customs
Tariff Act), originating in, or exported from,
Thailand and Japan (hereinafter referred to as
the subject countries) and imported into India,
the designated authority in its preliminary find-

Inspection of Public File

18. In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

19. All interested parties shall provide a confidential and non-confidential summary in terms of Rule 7 (2), for the confidential information provided as per Rule 7 (1) of the Rules supra.

20. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Governments as deemed fit.

ings, *vide*, notification No.14/27/2009-DGAD, dated the 3rd February, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 3rd February, 2010, had come to the conclusion that-

(a) the subject goods had been exported to India from the subject countries below its normal value;

(b) the domestic industry had suffered material injury;

(c) the injury had been caused by the dumped imports from subject countries;

and had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in, or exported from, the subject countries;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the said Customs Tariff Act 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, on the basis of the aforesaid 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 sub heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country specified in the corresponding entry in column (4), and exported from the country specified in the corresponding entry in column (5) and produced by the producer specified in the corresponding entry in column (6) and exported by the exporter specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount indicated in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and per unit of measurement as specified in the corresponding entry in column (9) of the said Table.

Table

| SNo | Sub-heading | Description of goods | Country of origin | Country of export | Producer | Exporter | Duty amount | Unit of measurement | Currency |
|-----|--------------------------|----------------------|--|--------------------------|---|---|-------------|---------------------|-----------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| 1. | 2907 11 10 or 2707 99 00 | Phenol | Thailand | Thailand | M/s PTT Phenol Company Limited, Thailand | M/s PTT Phenol Company Limited, Thailand | 150.55 | MT. | US dollar |
| 2. | 2907 11 10 or 2707 99 00 | Phenol | Thailand | Thailand | M/s PTT Phenol Company Limited, Thailand | M/s PTT Public Company Ltd., Thailand | 150.55 | MT. | US dollar |
| 3. | 2907 11 10 or 2707 99 00 | Phenol | Thailand | Thailand | Any combination other than at Sl. no. 1 and 2 above | | 247.25 | MT. | US dollar |
| 4. | 2907 11 10 or 2707 99 00 | Phenol | Thailand | Singapore | M/s PTT Phenol Company Limited, Thailand | Mitsui & Co. Ltd., Japan and Mitsui & Co. (Asia Pacific) Pte. Ltd., Singapore | 43.82 | MT. | US dollar |
| 5. | 2907 11 10 or 2707 99 00 | Phenol | Thailand | Singapore | Any combination other than at Sl. no. 4 above | | 247.25 | MT. | US dollar |
| 6. | 2907 11 10 or 2707 99 00 | Phenol | Thailand | Any other than Singapore | Any | Any | 247.25 | MT. | US dollar |
| 7. | 2907 11 10 or 2707 99 00 | Phenol | Any other than Singapore, United State of America, South Africa, European Union, Republic of Korea, Taiwan and Japan | Thailand | Any | Any | 247.25 | MT. | US dollar |
| 8. | 2907 11 10 or 2707 99 00 | Phenol | Japan | Singapore | M/s Mitsui Chemical Inc., Japan | Mitsui & Co. Ltd., Japan and Mitsui & Co. (Asia Pacific) Pte. Ltd., Singapore | 151.96 | MT. | US dollar |
| 9. | 2907 11 10 or 2707 99 00 | Phenol | Japan | Singapore | Any combination other than at Sl. no. 8 above | | 179.43 | MT. | US dollar |
| 10. | 2907 11 10 or 2707 99 00 | Phenol | Japan | Any other than Singapore | Any | Any | 179.43 | MT. | US dollar |
| 11. | 2907 11 10 or 2707 99 00 | Phenol | Any other than Singapore, United State of America, South Africa European Union, Republic of Korea, Taiwan and Thailand | Japan | Any | Any | 179.43 | MT | US dollar |

2. The anti-dumping duty imposed under this notification shall be effective upto and inclusive of the 18th day of October, 2010 and shall be payable 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 Minis-

try 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.354/23/2010 –TRU]

subject country;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the said Customs Tariff Act 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, on the basis of the aforesaid 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 sub-heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country specified in the corresponding entry in column (4), and exported from the country specified in the corresponding entry in column (5) and produced by the producer specified in the corresponding entry in column (6) and exported by the exporter specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount indicated in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and per unit of measurement as specified in the corresponding entry in column (9) of the said Table.

Provisional Anti-dumping Duty Imposed on R-134A Refrigerant from China and Japan

Ntfn 52
19.04.2010
(DoR)

Whereas, in the matter of imports of 1, 1, 1, 2-Tetrafluoroethane or R-134a of all types (hereinafter referred to as the subject goods), falling under sub heading 2903 3919 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act), originating in, or exported from, People's Republic of China and Japan (hereinafter referred to as the subject countries) and imported into India, the designated authority in its preliminary findings, *vide*, notification No.14/24/2009-DGAD, dated the 19th February, 2010, pub-

lished in the Gazette of India, Extraordinary, Part I, Section 1, dated the 19th February, 2010, had come to the conclusion that,-

(a) the subject goods had been exported to India from the subject countries below its normal value;

(b) the domestic industry had suffered material injury;

(c) the injury had been caused by the dumped imports from subject countries;

and had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in, or exported from, the

Table

| SNo. | Sub Heading | Description of Goods | Country of Origin | Country of Export | Producer | Exporter | Duty Amount | Unit of Measurement | Currency |
|------|-------------|-------------------------------------|---|---|--|--|-------------|---------------------|-----------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| 1. | 2903 39 19 | 1,1,1,2-Tetrafluoroethane or R-134a | People's Republic of China | People's Republic of China | Sinochem Environmental Protection (Taicang) Co. Ltd. | Sinochem Environmental Protection (Taicang) Co. Ltd. | 1.04 | Kilogram | US Dollar |
| 2. | 2903 39 19 | -do- | People's Republic of China | People's Republic of China | Sinochem Environmental Protection (Taicang) Co. Ltd. | Du-Pont Trading (Shanghai) Co. Ltd. | 1.19 | Kilogram | US Dollar |
| 3. | 2903 39 19 | -do- | People's Republic of China | People's Republic of China | Sinochem Environmental Protection Chemicals (Xian) Co. Ltd. | Sinochem Environmental Protection Chemicals (Xian) Co. Ltd. | 0.99 | Kilogram | US Dollar |
| 4. | 2903 39 19 | -do- | People's Republic of China | People's Republic of China | Any Combination of producer and exporter other than Sl. No. 1 to 3 | Any Combination of producer and exporter other than Sl. No. 1 to 3 | 1.41 | Kilogram | US Dollar |
| 5. | 2903 39 19 | -do- | People's Republic of China | Any country other than People's Republic of China | Any | Any | 1.41 | Kilogram | US Dollar |
| 6. | 2903 39 19 | -do- | Any country other than People's Republic of China | People's Republic of China | Any | Any | 1.41 | Kilogram | US Dollar |
| 7. | 2903 39 19 | -do- | Japan | Japan | Any | Any | 1.63 | Kilogram | US Dollar |
| 8. | 2903 39 19 | -do- | Japan | Any | Any | Any | 1.63 | Kilogram | US Dollar |
| 9. | 2903 39 19 | -do- | Any | Japan | Any | Any | 1.63 | Kilogram | US Dollar |

3. The anti-dumping duty imposed under this notification shall be effective upto and inclusive of the 18th day of October, 2010 and shall be payable 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, 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.354/24/2010 –TRU]

BoA Approval not Required for Broad-Banding from Software to Hardware in IT Park

[Instruction No.52 – No. D-12/20/2010-SEZ dated 20th April 2010]

Subject: Clarification on broad- banding in IT/ITES Sector SEZ

52-SEZ Cir
20.04.2010

This Department have been receiving a number of requests from Developers in IT/ITES sector to broad-band their product profile by

including electronic hardware. This is to inform you that no approval of BoA is required for broad-banding as IT/ITES includes both Hardware and Software.

DEPB of 7.67% on Cotton Yarn Withdrawn

57-PN(RE) In exercise of powers
21.04.2010 conferred under Paragraph 2.4
(DGFT) of the Foreign Trade Policy,
2009-2014 and Paragraph 1.1
of the Handbook of Procedures (Vol.I), the
Director General of Foreign Trade hereby makes
the following amendments in the "Schedule of
DEPB Rates" (as amended from time to time).

1. Product Group: Textiles Product Group: 89

Export of "Cotton yarn including Melange Yarn"
appearing at DEPB entry Sl. No. 78 of the
Product Group "Textiles" shall not be entitled for
DEPB benefit from immediate effect.
This issues in the public interest.

Cap Value of US \$2.85/kg on Dried Fish Announced

56-PN(RE) In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade
20.04.2010 Policy, 2009-2014 and Paragraph 1.1 of the Handbook of Procedures (Vol.I),
(DGFT) the Director General of Foreign Trade hereby makes the following amendments
in the "Schedule of DEPB Rates" (as amended from time to time) with
immediate effect.

1. Product Group: Fish and Fish products: Product Group: 66

| S.No. | Description | DEPB Rate | Value Cap |
|-------|--|--------------|---|
| 1 | Fish, Crustaceans, Molluscs, Aquatic, Invertebrates and any Aquatic Animal product of marine or fresh water origin in live or chilled or dried form, including Ornamental Fish and any Aquatic Animal product of marine or fresh water origin not covered under S.No. 2 below. | 4 | US \$ 2.85 per Kg. (when in dried form) |

This issues in the public interest.

Sports Weapons Import Through RLA

Sub: Import of sports weapons by 'Renowned Shooters'.

31-Pol.Cir In the Policy Circular No.
26.04.0201 2/2009-2014 dated 27.8.2009
(DGFT) it was stipulated that the
authorization for import of
sports weapons by 'Renowned Shooters' will be
issued by the concerned RAs on the recom-
mendation of Ministry of Youth Affairs & Sports.
Ministry of Youth Affairs & Sports vide their
O.M. No. 52-37/2009-SP-I dated 28th January,
2010 have recommended that "the present prac-
tice of routing import licence applications through
MYAS may be dispensed with and renowned
shooters may be allowed to approach the Re-
gional Authorities of DGFT directly after obtain-
ing recommendations of National Rifle Associa-
tion of India". This has been done with a view to
liberalize and rationalize the procedures. Ac-
cordingly, it has been decided to amend para 2

(ii) (iii) and (iv) of the above Policy Circular as
follows:

"(i) On receipt of application, concerned RA
shall send a copy of the application to National
Rifle Association of India for their comments.
After receipt of comments from the National
Rifle Association of India, RA shall issue licence
to the applicant.

(ii) After issue of licence, RA shall forward a
copy of licence to National Rifle Association of
India with reference to their written recommen-
dation for information.

(iii) In such cases, there would be no need to
seek approval of DGFT Headquarters once
written recommendation from National Rifle
Association of India has been received."

2. This issues with the approval of DGFT.

Fixation of Brand Rates of Drawback

Subject: Brand Rate of Duty Drawback - References received in the Board regarding old claims.

10-CBEC I am directed to refer to
26.04.2010 Board's Circular No. 14/2003-
(DoR) Cus dated 6.3.03 whereby the
work related to fixation of
Brand rates of Duty Drawback was decentral-
ized. Para 5 of the said Circular stated that *the
Ministry would continue to consider and dis-
pose off all residual pendency relating to the
Brand rate applications.* More than 7 years have
passed since the issue of this Circular, but still
at times requests are received in the Board
relating to brand applications filed by the export-
ers prior to the decentralization of this work in
2003.

2. The Trade may be informed that the Board
is no longer handling cases relating to fixation of

Brand rates of Duty Drawback. Hence all refer-
ences in this regard should henceforth be made
to the jurisdictional Commissionerate of Central
Excise with complete set of documents who
shall deal with such references on the basis of
the facts available of record.

3. The receipt of this Circular may please be
acknowledged. The instructions may be brought
to the notice of the trade by issuing suitable
Trade / Public Notices. Suitable Standing Or-
ders / Instructions may be issued for the guid-
ance of the field officers.

4. Difficulties faced, if any, in implementation
of this Circular may be brought to the notice of
the Board immediately.

F.No. 609/46/2010-DBK

Zero Duty on Integrated Guided Missile Development Programme Extended by Another One Year

Ntnfn 51 In exercise of the powers
16.04.2010 conferred by sub- section (1)
(DoR) of section 25 of the Customs
Act, 1962 (52 of 1962), the
Central Government, on being satisfied that it
is necessary in the public interest so to do,
hereby makes the following further amend-
ment in the notification of the Government of
India in the Ministry of Finance (Department
of Revenue), No.39/96 -Customs, dated the
23rd July, 1996, published in the Gazette of
India, Extraordinary, Part II, Section 3, Sub-
section (i) vide number G.S.R.291 (E) dated
the 23rd July, 1996, namely:-

In the said notification, in the Table, against
S.No.14, in Column(3), in the Explanation, for
the words, letters and figures, "the 31st day of
December, 2009", the words, letters and fig-
ures, "the 1st day of January 2011" shall be
substituted.

[F.No.354/12/2008-TRU]

Classification of Handicrafts

*The following Public Notice was issued by the
Commissioner of Customs (Import) Jawaharlal
Nehru Custom House on 12th April 2010.*

*Sub: Classification of Artware / Handicraft items
and composite goods in the Drawback schedule.*

48-PN It is for the information of all
12.04.2010 Exporters, Custom House
Agents & the Trade that it was
brought to the notice of the Board that difficul-
ties were being faced by exporters in classifica-
tion of articles declared as handicraft/artware
items. It was also brought to the notice that
divergent practices were being followed in clas-
sifying the goods made of different constituent
materials in the Drawback Schedule and apply-
ing Note 14 of the Drawback Schedule Notifica-
tion No.103/2008-Cus (N.T) dated 29.08.2008
in this regard.

2. It may recalled that the Board vide Circular
No.128/39/95-CX dated 25.05.1995 had clar-
ified that since the office of Development Com-
missioner (Handicraft) has treated imitation or
real zari as handicraft the same may be treated
as handicrafts by the Customs and Central
Excise authorities. However, the Board vide
circular no.280/114/96-CX dated 19.12.1996
modified this guideline by stating that the follow-
ing criteria laid down by the Supreme Court in
the case of Louis Shoppe [1996(10) CXL (SC)
CE-277-(1996)(13) RLT 507 (SC)] for treating
any goods as handicrafts may also be followed:-

(i) It must be predominantly made by hand;
it does not matter if some machinery is also
used in the process.

(ii) It must be graced with visual appeal in
the nature of ornamentation or in-lay work or
some similar work lending it an element of
artistic improvement. Such ornamentation must
be of substantial nature and not a mere pre-
tence.

3. The Board reiterated these guidelines vide circular No.32/99-Cus dated 04.06.99. The Board vide subsequent circular No.56/99-Cus dated 26.08.99 advised the field formations that they can accept the certificates issued by either the Development Commissioner (Handicrafts) or by the Export Promotion Council for Handicrafts (EPCH).

4. It is hereby clarified that the assessing authorities should normally accept the certificates issued by the Development Commissioner (Handicrafts)/EPCH. A decision to reject the certificate issued by the Development Commissioner (Handicrafts)/EPCH certifying the goods as artware/handicraft should be taken only with the approval of the Commissioner of Customs / Central Excise and after discussions with the certificate issuing authority. The exports should not, in the mean time, be held up.

5. Doubts have also been expressed relating to interpretation of note and condition (3) of the Drawback Schedule Notification No.103/2008-Cus (N.T) dated 29.08.2008. The note and condition provides as follows :-

"Notwithstanding anything contained in the said Schedule, all artware or handicraft items shall be classified under the heading of artware of handicraft (of constituent material) as mentioned in the relevant Chapters."

The essence of this condition is that while the Drawback Schedule is aligned with the Customs Tariff at the 4 digit level, this alignment is not applicable to Artware/Handicraft items. Artware/handicraft item made of a particular constituent material has to be classified under the heading of Artware/Handicraft (of that constituent material) as mentioned in the Chapter relevant to that constituent material. It may be noted that according to this note, the artware/handicraft items may fall in a heading/sub-heading in a chapter other than the chapter in which they fall according to Harmonized System of classification. To illustrate, a handicraft table made of stainless steel would fall under CTH 9403 as per HSN. It would, however, fall under Drawback Schedule heading 732606 (Handicraft/Artware of Stainless Steel) as per the above note. It may also be noted that if the artware or handicraft item is made of more than one constituent material, it should be classified as if it is made of that constituent material which predominates in it by weight. For example, an artware/handicraft item made of brass, iron and wood, consisting, say, 40% by weight of brass, 35% by weight of iron and 25% by weight of wood, should be classified as artware/handicraft or brass under Drawback Schedule heading 741903 and granted drawback at the rate and cap prescribed there under.

6. Further, it is also clarified that the relevant headings/sub-headings in the Drawback Schedule for handicraft/artware items include handicraft/artware items with coating / plating unless specifically provided otherwise.

7. Problems have also been reported in classification of composite articles. Note and condition No.14 of the Drawback Schedule Notification ibid, provides that whenever a composite article is exported for which any specific rate

has not been provided in the said Schedule, the rates of drawback applicable to various constituent materials can be extended to the composite article according to net content of such materials. It may be noted that this Note is applicable only to composite articles for which no specific rate has been provided in the Drawback Schedule and not to articles which fall in one or the other headings/sub-headings of the Drawback Schedule (which could be a residuary heading 'others') and have a drawback rate. Therefore, it is clarified that articles made of more than one constituent material should be classified under a heading/sub-heading of the Drawback Schedule in accordance with conditions (1) and (2) of the Drawback Schedule or if the goods are artware or handicraft items in accordance with condition (3) of the Drawback Schedule as discussed in Para 5 above. Once, classification of an article (whether artware/handicraft or other) in a heading/sub-heading of the drawback schedule has been determined,

then the drawback rate and cap prescribed against that heading/sub-heading should be applied to the whole article irrespective of the value or weight of different constituents.

8. Note and condition 14 of the Drawback Schedule notification ibid should be invoked only if it is found that an article cannot be classified in any of the headings/sub-headings of the Drawback Schedule (not even in residuary heading/sub-heading "others"), in accordance with the above principles. However, such cases may be immediately brought to notice of the Board so that suitable headings/sub-headings may be created in the Drawback Schedule for future.

9. Any difficulty faced in implementing this Public Notice may be brought to the notice of Addl./ Asstt.. Commissioner of Drawback Section, JNCH or the undersigned, if not resolved.

F.No.: S/12-Gen-87/09 DBK JNCH

Drawback Clearance Months from 17 April to 16 June 2010

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Custom House on 16th April 2010.

Sub: Observance of Drawback Clearance Months from 17th April to 16th June 2010.

47-PN It is for the information of all
16.04.2010 Exporters, Custom House
Agents & the Trade that in
pursuance to the directions from the Ministry this Custom House is observing Drawback Clearance Months from 17th April to 16th June, 2010 to liquidate the pendency of drawback claims. The pendency position of drawback claims in various queues under EDI System as on 16-04-2010 is as below:

| Current Queue | Description | Total S/Bills |
|---------------|-----------------------|---------------|
| Brand | Brand rate fixation | 19173 |
| DBK-AC | With DBK AC | 1613 |
| DBK-Supdt. | With DBK Supdts. | 27551 |
| Exporter | Queries Raised | 6073 |
| Sample | Sample Drawn | 777 |
| EGM | EGM not filed | 14864 |
| EGM Error | EGM filed with errors | 2902 |

Following measures are being initiated to liquidate pendency of drawback claims in various categories mentioned above :-

1. Brand Rate Claims

The exporters who opted for brand rate are not coming forward with brand letters issued by Central Excise Commissionerate concerned. Under the Drawback Rules an exporter has to apply for brand rate fixation within 60 days of the export. Therefore, the Brand Rate claims which are pending for several years could be owing to not making of an application by the exporter for Brand Rate fixation or rejection of the application by the C.Excise authorities. In this regard the exporters are called upon to submit the Brand Rate letters from concerned Central Excise Commissionerate on or before 15-05-2010.

2. Claims under Query

A large number of drawback claims are lying under "Query raised" from time to time since

introduction of EDI System in 1998. These are technically not pending with the department and are shown pending with exporters for reply as per Rule 13(3) of the Drawback Rules 1995. In this connection the exporters and their associations in some instances have contended that the exporters are unable to reply to the queries as these are not communicated to them.

It is to mention that under the EDI system the drawback claims are processed online in paperless manner and queries are raised online. As per Para 18.9 of the Public Notice No.39/97 dated 12.11.97, the status of the Shipping bills and sanction of drawback claim under EDI System has to be ascertained from the service centre. A printout of the query/deficiency has to be obtained from the service center and the replies to such queries shall be entered in the EDI system at the service center. There is no provision or practice under the EDI or Manual System to suo-motu intimate queries to the exporters through individual official letters. However, to facilitate the exporters in this regard a Drawback Help Desk was created vide Public Notice No. 47/2005 dated 27/09/2005 and vide Public Notice No. 08/2007 and it was requested to make full use of this facility. Further, this office vide Facility Notice No.10/08 dated 18.1.08 has introduced a system of automatic e-mail based response to enquiries made by the exporters regarding status of their drawback claims by using internet. Apart from Facility Notice No.10/08, the procedure for availing this facility is also explained in the JNCH website www.jawaharcustoms.gov.in. This facility can be accessed by anyone, from anywhere, any-time, free of cost. The query status is also informed to the exporters on receipt of letters from them. In addition, this office had compiled 12787 queries pending as on 30-06-2008, on CD and had forwarded to various exporters

associations for circulation amongst their member exporters vide Public Notice No. 87/2009. It appears very few exporters responded to the Public Notice. There is a possibility that the cases which are pending for replies to queries for a long time could be owing to the exporters being fictitious/ non traceable or where export proceeds have not been realized.

The exporters whose shipping bills are pending for want of replies to the queries raised as on 31-12-2008 are requested to submit the replies latest by 15-05-2010. It has been decided to process such shipping bills pending under Query raised before 31-12-2008 on merit, subject to production of BRC and the cases where BRC is not produced at zero drawback, without affecting the right of the exporter to claim the drawback amount by filing supplementary claim subsequently within three months from the date of issue of this Public Notice.

3. Samples drawn, EGM not filed and EGM filed with errors.

Drawback Section has no control over the samples drawn, EGM not filed and EGM Errors. The exporters are requested to approach the Asstt./ Dy. Commissioner of the concerned CFS from where the goods were exported, with necessary documents for feeding of stuffing reports/ test reports, rectification of EGM errors and taking action against the steamer agent for

non submission of EGM in terms of the Public Notices/ Standing orders issued from time to time. Superintendents posted for Stuffing supervision in CWC Dronagiri have been given charge for liquidation of drawback claims pending on account of EGM Errors.

For the purpose of liquidation of the pendency of drawback claims, during the period of Drawback Clearance Months from 17th April to 16th June, 2010, a "Special Drawback Cell" headed by Shri. Sudhakar Mishra, Deputy Commissioner of Customs (Office Telephone no. 27244837, Mobile No. 9967957461) with exclusive set of officers has been set-up to attend to all the related work. For liquidation of pendency it has been decided to keep Drawback section working on Saturdays and till 7 PM on all working days. All concerned exporters having pending drawback claims are requested to approach the "Special Drawback Cell" to expeditiously finalise all such claims.

4. All Public Notices / Standing Orders issued in this regard stand modified or aligned with this Public Notice.

5. Any difficulty faced in implementing this Public Notice may be brought to the notice of Addl./ Asstt. Commissioner of Drawback Section, JNCH or the undersigned, if not resolved.

F.No.: S/12-Gen-87/09 DBK JNCH

in mind, so that the same shall not go undetected.

3. Wherever the weight of the consignment is found to be grossly mis-declared at the time of container scanning by the CSD staff, the same shall be communicated in writing to the AC/DC of the concerned Group through AC/DC CSD. The concerned group shall assess such consignments on 'First Check Basis'. Further, while giving the examination order for such consignments, the Assessing Group shall incorporate suitable instructions in the examination order so that any attempted duty evasion arising out of gross mis-declaration of weight may be averted. The Docks examination staff shall report the discrepancies observed, if any, to the concerned group and the group in turn shall initiate adjudication proceedings depending upon the mis-declaration/ discrepancies observed.

4. In case of furniture following needs to be kept in mind:-

(a) If the value/Kg is 150% or more of the base/floor price, any variations of weight shall be ignored.

(b) In other cases, a variation upto +/-1% in weight shall be ignored and in case of variation is in the range of above+/-1% to +/- 10% in weight, value shall be loaded without any adjudication and if the variation in weight beyond +/- 10% is noticed, value shall be loaded with adjudication with appropriate Redemption Fine and Personal Penalty.

5. In case of Marble Slab/Blocks/ Tiles (polished and rough) following needs to be kept in mind:-

(a) The variation upto +/-2% in terms of weight or surface area, shall be ignored and;

(b) above +/-2% to +/- 10% variation in terms of weight or surface area, value shall be loaded without adjudication and;

(c) and if the variation in weight or surface area beyond +/-10% is noticed, value shall be loaded with adjudication with appropriate Redemption Fine and Personal Penalty.

F.No. SG/Misc-80/2010 CIU JNCH

Direct Refund Amount to Importers Accounts at Nhava Sheva Compulsory – No Cheques Now

The following Facility Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Custom House on 15th April 2010.

Sub: Introduction of new facility for payment of refund amount directly to Importer's Bank Accounts instead of by way of issuing of cheques.

45-FN Attention of all concerned is
15.04.2010 drawn to the Facility Notice
No. 16 /2010 dated 16.02.2010

on the abovementioned subject wherein it was mentioned that the said facility is optional and the claimants who do not want to avail the facility will receive the refund amount through cheque as per the existing procedure.

2. The response to the said PN has not been found encouraging so far This issue was discussed in the PTFC meeting held on 08.04.10 and the members presents there wanted/ con-

Decision on Cases where the System Indicates Duty Paid is Less by Re. 1

The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Custom House on April 2010.

44-PN It has been noticed several
15.04.2010 times that while taking Out of Charge at JNCH, the System indicates that duty paid is less by Re.1/-. Since the Bills of Entry are being cleared under Risk Management (RMS), challan being generated by the System and the Custom duty is paid accordingly. Therefore, in such cases Bill of Entry is recalled and after re-appraisal, differential amount is paid. In such cases, on scrutiny it was found that TR6 is being generated by squaring differential part of rupee towards lower side, whereas at the time of Out of Charge the system indicated after squaring on the higher side. Whenever any Bill of Entry is being recalled for re-appraisal it goes for

examination, although initially it has been assessed under RMS.

It has been decided that, henceforth in cases where the System indicates that duty paid is less Re.1/- at the time of Out of Charge, the Bill of Entry would be recalled by the Group and the additional duty will be paid by the importer. If Order for examination of the goods was not given by the RMS System, no Order for examination will be given after re-assessment. After the re-appraisal of the goods and payment of duty, the out of charge of the goods shall be granted without examination, if no Order of examination was given in the first place.

F.No. S/22-Gen-79/2010 AM(I)

Guidelines for Assessment and Examination of Goods on Weight Basis under the Provisions of the Customs Act, 1962

The following Standing Order was issued by the Chief Commissioner of Customs, Jawaharlal Nehru Custom House on 16th April 2010.

02-SO Attention of all the assessing
16.04.2010 and examining officers/staff working at Jawaharlal Nehru Custom House, Sheva, Uran is invited towards assessment and examination of all goods whose standard unit of measurement i.e Unit Quantity Code (UQC) is mentioned in terms of weight as per the Customs Tariff Act, 1975 as amended from time to time. For assessment of such goods, examination order shall necessarily con-

tain verification of total gross/net weight of the goods during examination and the same shall invariably be endorsed by examining staff in the examination report of the subject goods.

2. Where UQC is not in terms of weight but the weight of the consignment is found grossly mis-declared, a possibility of mis-declaration in terms of quantity also exists. In such cases, the examining staff of Docks shall examine the cargo keeping the aspect of quantity mis-declaration

sent to make the system compulsory. Therefore, in partial modification of the above referred Facility Notice No.16/2010, it has now been decided that the said facility will be compulsory for all type of refund claims. There is no change in the rest of the procedure under the Facility

Notice No. 16/2010.

3. The contents of this Facility Notice may be brought to the notice of all the members of the trade, importers and their agents.

F. No. S/26-Misc-37/2009-10 CRC IIA JNCH

Amendments in Hazardous Wastes Rules, 2008

[Ref: Ministry of Environment and Forests Notification dated 30th March 2010]

In exercise of the powers conferred by sections 6,8, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, namely:-

1. (1) These rules may be called the Hazardous Wastes (Management, Handling and Transboundary Movement) Third Amendment Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 (hereinafter referred to as the said rules), in **rule 3, sub-rule (1), after clause (r)**, the following clause shall be **inserted**, namely,-

“(ra) other wastes:- wastes specified in Part D of Schedule III shall not be Hazardous waste unless they possess any of the Hazardous characteristics specified in Part C of the Schedule in respect of import or export of such wastes in accordance with rules 12,13 and 14”.

3. In the said rules, in **Chapter III, in rule 8**, after sub-rule (7), the following sub-rules shall be **inserted**, namely.-

“(8) Every trader desirous of import of Metal scrap, paper waste and other wastes as listed in Schedule III (Part D) may make an application in Form 16 to any of the State Pollution Control Boards or Pollution Control Committees.

(9) The State Pollution Control Boards or Pollution Control Committees will register the trader on a one time basis and registration would be considered as deemed if not objected to within a period of 30 days.

(10) The registered trader shall be required to submit details of such import and particulars of

the actual users along with quantities to the concerned State Pollution Control Board or Pollution Control Committees on a quarterly basis and registration would be liable for cancellation on failure to furnish these details to the State Pollution Control Boards or Pollution Control Committees:

Provided that the registration granted to the trader shall not be cancelled unless he has been given a reasonable opportunity of hearing.

(11) An appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Member-Secretary of the State Pollution Control Board or Pollution Control Committees or any other officer designated by the State Pollution Control Boards or Pollution Control Committees as laid down in rule 26 of the said rules.

(12) The appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be made within period of thirty days from the date of passing of the order”.

4. In the said rules, in **rule 16**,-

(a) in the **proviso to sub-rule (5)**,

(i) for the words “hazardous waste”, the words “Metal scrap, paper waste and other wastes”;

(ii) for the word and letter “Part B”, the word and letter **“Part D”** shall be substituted;

(b) in **sub-rule (6A)**,

(i) for the words “hazardous waste”, the words “Metal scrap, paper waste and other waste”;

(ii) for the word and letter “Part B”, the word and letter “Part D” shall be substituted.

5. In the said rules, in **schedule III**, for the existing table under **Part ‘B’**, the following table shall be **substituted**, namely;-

“Part B

List of Hazardous Wastes applicable for Import and Export not requiring Prior Informed Consent

[Annex IX of the Basel Convention]

| Basel No. | Description of Wastes |
|-----------|---|
| B1 | Metal and metal-bearing wastes |
| B1010 | Metal and metal-alloy wastes in metallic, non-dispersible form: - Thorium scrap - Rare earths scrap |
| B1020 | Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plates, beams, rods, etc.), of: - Antimony scrap**** - Cadmium scrap |

| | |
|-------|--|
| | - Lead scrap (excluding lead acid batteries) - Tellurium scrap**** |
| B1030 | Refractory metals containing residues**** |
| B1031 | Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding such wastes as specified in list A under entry A1050, Galvanic sludges**** |
| B1060 | Waste selenium and tellurium in |

| | |
|-------|---|
| | metallic elemental form including powder**** |
| B1070 | Waste of copper and copper alloys in dispersible form, unless they contain any of the constituents mentioned in Schedule 2 to the extent of concentration limits specified therein *** |
| B1080 | Zinc ash and residues including zinc alloys residues in dispersible form unless they contain any of the constituents mentioned in Schedule 2 to the extent of concentration limits specified therein**** |
| B1090 | Waste batteries conforming to a standard battery specification, excluding those made with lead, cadmium or mercury. **** |
| B1100 | Metal bearing wastes arising from melting, smelting and refining of metals: Slags from copper processing for further processing or refining containing arsenic, lead or cadmium**** - Wastes of refractory linings, including crucibles, originating from copper smelting Tantalum-bearing tin slags with less than 0.5% tin**** |
| B1110 | Electrical and electronic assemblies - Electronic assemblies consisting only of metals or alloys**** - Waste electrical and electronic assemblies scrap (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with constituents such as cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the constituents mentioned in Schedule 2 to the extent of concentration limits specified therein **** - Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse and not for recycling or final disposal. |
| B1120 | Spent catalysts excluding liquids used as catalysts, containing any of: Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A: Scandium Titanium Vanadium Chromium Manganese Iron Cobalt Nickel Copper Zinc Yttrium Zirconium Niobium Molybdenum Hafnium Tantalum Tungsten Rhenium Lanthanides (rare earth metals): Lanthanum Cerium |

| | | |
|-------|--|---|
| | - Zirconium scrap** | (batch) (>92% Zn) |
| | - Manganese scrap** | - Zinc skimmings (>900/0Zn) |
| | - Germanium scrap* | - Slags from precious metals processing for further refining** |
| | - Vanadium scrap** | - Aluminium skimming's (or skims) excluding salt slag** |
| | - Hafnium scrap** | B1230 Mill scaling arising from manufacture of iron and steel** |
| | - Indium scrap** | B3020 Paper, paperboard and paper product wastes** |
| | - Niobium sera** | The following materials provided they are not mixed with hazardous wastes: |
| | - Rhenium sera** | • Waste and scrap of paper or paperboard of: |
| | - Gallium sera** | • Unbleached paper or paper board or of corrugated paper or paperboard |
| | - Magnesium scrap** | • Other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass |
| | - Copper scrap** | • Paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter) |
| | - Chromium sera** | • Other, including but not limited to 1) laminated paperboard 2) unsorted scrap |
| B1040 | Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous** | This list is based on Annex. IX of the Basel Convention on Transboundary Movement of Hazardous Wastes and comprises of wastes not characterized as hazardous under Article - I of the Basel Convention; |
| B1050 | Mixed non-ferrous metal, heavy fraction scrap, not containing any of the constituents mentioned in Schedule II to the extent of concentration limits specified therein** | 7. In the said rules , after Form 15 , the following Form shall be inserted , namely.- |
| B1100 | Metal bearing wastes arising from melting, smelting and refining of metals except: | |
| | - Hard Zinc Spelter** | |
| | - Zinc containing drosses** | |
| | - Galvanizing slab zinc top dross (>90% Zn) | |
| | - Galvanizing slab zinc bottom dross (>92% Zn) | |
| | - Zinc die casting dross (>85% Zn) | |
| | - Hot dip galvanizers slab zinc dross | |

"Form 16

Form for Registration of Traders for Schedule III, Part (D).

[To be submitted by trader to the State Pollution Control Boards/Pollution Control Committees]

- 1 Name and Address of the Trader with Telephone and Fax Numbers (With proof):
- 2 TIN/VAT Number/Import Export Code:
- 3 Description of the waste to be imported:
- 4 Details of storage, if any:

Signature of the authorized person."

Place:

Date:

[F. No. 23-27/2006-HSMD]

Concluding Doha is 'Top Priority': Cairns Ministers

An ambitious and balanced outcome to farm trade talks in the WTO's troubled Doha Round must be "top priority" for the organisation's members, said trade ministers from the Cairns Group of countries, a 19-member bloc that supports far-reaching farm trade reform.

The ministers, who met from 19 to 20 April in Punta del Este, Uruguay, also underscored the role of the WTO's rules-based system in helping countries to emerge from recession. "As the recovery gets underway, the WTO remains the right platform for trade to grow strongly once again," they declared in a communiqué issued after the meeting.

Ministers from Argentina, Australia, Canada, Chile, New Zealand and Paraguay were at the

gathering, as well as from host country Uruguay. However, ash from a volcanic eruption in Iceland disrupted travel plans for officials from Costa Rica, Malaysia, Pakistan, South Africa and Thailand, who were unable to attend as a result. Other countries were represented by senior officials or Geneva-based ambassadors.

Although not Cairns Group members, the US, the EU and Japan joined discussions as "special guests," along with Mexico and Egypt. The US was represented by its chief agriculture negotiator, Isi Siddiqui, although the recently confirmed US ambassador to the WTO, Michael Punke, was also marooned in Geneva due to the air traffic chaos.

China Releases Anti-dumping Ruling on Grain-oriented Electrical Steel (GES) from US and Russia

Ministry of Commerce of China (MOFCOM) released on April 10 final ruling on anti-dumping and anti-subsidy investigations on the Grain-oriented Electrical Steel (GES) imported from the U.S. and anti-dumping investigation on the GES imported from Russia in No.21 Announcement.

According to the final ruling, dumping existed in GES imports originated from the U.S. and Russia and imports from U.S. were subsidized, and the Chinese steel industry were damaged. The final ruling stated that from April 11 of 2010, China would levy relevant anti-dumping and anti-subsidy duties on GES products from the U.S. and Russia. The margin of dumping of the two responded US companies is 7.8 percent and 19.9 percent respectively while others that did not respond face the duties of 64.8 percent. And the two responded U.S. companies face the anti-subsidy duties of 11.7 percent and 12 percent respectively, others face 44.6 percent. The margin of dumping of the two responded Russian companies is 11.7 percent and 12.0 percent respectively, and for those companies that did not respond is 25 percent.

According to relevant responsible person of the Bureau of Fair Trade of MOFCOM, this is the first time for China to launch anti-dumping and anti-subsidy investigation on imports. During the investigation, our working group abide by China's laws and rules of the WTO, adhered to the principles of equity, reasonableness, fair procedures and transparency, and then made the final ruling according to the laws and facts.

Tariff No. of the product is 72251100 and 72261100 under *Import and Export Tariffs of the People's Republic of China*.

Multilateral process

"Maintaining the primacy of the multilateral process in Geneva is critical," said the ministers, who nonetheless emphasised that "negotiations in other formats and configurations should support this process." Farm trade talks have tended to involve both small-group consultations and larger meetings with the full WTO membership - although developing countries in particular have argued that negotiations must be transparent and inclusive.

The ministers also underscored that efforts "at both the technical and political level" were needed - a pointed reference to the slow progress in talks recently, which many officials have blamed on a lack of high-level US engagement.

More ministerial meetings would be needed to bring the Doha negotiations to a successful conclusion, the group said - including on the

margins of forthcoming meetings of the Asia-Pacific Economic Cooperation (APEC) group and the Organisation for Economic Cooperation and Development (OECD). However, the communiqué stopped short of calling for a gathering of all WTO ministers, reflecting a widely shared consensus that another high-profile failure could be damaging for the faltering Doha round.

Weighing in on the sidelines, the Cairns Group Farm Leaders - an umbrella group that represents the agriculture associations of the Cairns member countries - stressed that the group's trade ministers should "not allow a lowering of ambition" in the Doha Round talks. "Any additional trade distorting mechanisms within the negotiations must be strongly resisted," the group added, "including the possible misuse of the Special Safeguard Mechanism (SSM)." Disagreement over the SSM - a tool intended to protect developing country farmers from large swings in prices and trade volumes - has been widely blamed for the collapse of major trade talks in July 2008.

Geneva: chair plans 'ice-breaker'

Meanwhile, sources reported that the chair of the farm trade talks was planning further meetings in Geneva to discuss next steps with WTO members. The chair of the agriculture negotiations, Ambassador David Walker (New Zealand), reportedly intends to convene trade officials on 3 May for an 'ice-breaker' discussion that delegates said was meant to initiate a debate on the rationale and timetable for further technical-level work.

The chair is planning a "twin-track process," said officials, with discussions likely to take place both on the outstanding negotiating issues in the farm trade talks and also on the data that WTO members will need to provide to finalise an eventual Doha deal.

If negotiators agree, technical talks would begin again around 17 May, said sources, although members would need first to concur that this would be useful. The chair "won't force people to talk," said one official, noting that there is "no point in calling meetings in which people sit round the room and look at each other." Recently, stalemate in the talks at a political level has made many negotiators reluctant to move beyond established established positions.

Paris: five-party talks

Five major trading powers are due to meet in Paris at ministerial level next week, said sources, at what is believed to be the initiative of US ambassador Punke. Consensus amongst the countries concerned - Brazil, China, the EU, India and the US - is seen as a critical condition for achieving a Doha deal. "If they can crack something, there's some progress to be made," said one trade source, who nonetheless expressed scepticism that the talks would lead to any significant breakthrough.

Customs Valuation Exchange Rates

| April 2010 | Imports | Exports | |
|---------------------|---------|---------|--|
| Schedule I | | | |
| 1 Australian Dollar | 41.90 | 40.75 | |
| 2 Canadian Dollar | 45.15 | 43.90 | |
| 3 Danish Kroner | 8.30 | 8.00 | |
| 4 EURO | 61.40 | 59.75 | |
| 5 Hong Kong Dollar | 5.90 | 5.80 | |
| 6 Norwegian Kroner | 7.65 | 7.35 | |
| 7 Pound Sterling | 68.55 | 66.75 | |
| 8 Swedish Kroner | 6.35 | 6.15 | |
| 9 Swiss Franc | 43.00 | 41.90 | |
| 10 Singapore Dollar | 32.80 | 31.90 | |
| 11 U.S. Dollar | 45.90 | 45.00 | |
| Schedule II | | | |
| 1 Japanese Yen | 49.90 | 48.45 | |

Rate of exchange of one unit of foreign currency equipment to Indian Rupees

Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

(Source: Customs Notification 26(NT)/29.03.2010)

Commodity Spot Prices in India – 23-26 April 2010

These commodity prices are taken from Multi Commodity Exchange of India (Mumbai) at 6 pm every day. The weekly prices of commodities from different cities of India will be given in the order of Harmonized System classification.

Commodity Spot Prices covers price movements of 55 commodities (agricultural products and metals) provided on Multi Commodity Exchange of India on a daily basis. This Commodity Spot Prices Table focuses on price movements from 23-26 April.

| (Rs.) | | | | | |
|----------------------|----------|-------------|--------|--------|--------|
| Commodity | Unit | Market | 23-Apr | 24-Apr | 26-Apr |
| CER (Carbon Trading) | 1 MT | Mumbai | 784 | 791 | 791 |
| Chana | 100 KGS | Delhi | 2205 | 2208 | 2162 |
| Masur | 100 KGS | Indore | 3704 | 3709 | 3748 |
| Potato | 100 KGS | Agra | 524.5 | 524.7 | 525.4 |
| Potato TKR | 100 KGS | Tarkeshwar | NA | NA | NA |
| Areca nut | 100 KGS | Mangalore | 7815 | 7833 | 7700 |
| Cashewkern | 1 KGS | Quilon | 299 | 300 | 300 |
| Cardamom | 1 KGS | Vandanmedu | 1268.3 | 1274.9 | 1272.2 |
| Coffee ROB | 100 KGS | Kushalnagar | 57.3 | 57.8 | 56.8 |
| Jeera | 100 KGS | Unjha | 11995 | 12073 | 12175 |
| Pepper | 100 KGS | Kochi | 15225 | 15428 | 15780 |
| Red Chili | 100 KGS | Guntur | 4792 | 4792 | 4789 |
| Turmeric | 100 KGS | Nzmbad | 12500 | 12500 | 12850 |
| Guar Gum | 100 KGS | Jodhpur | 4975 | 5075 | 5250 |
| Maize | 100 KGS | Nzmbad | 886 | 885 | 885.5 |
| Wheat | 100 KGS | Delhi | 1157.1 | 1162.8 | 1187.1 |
| Mentha Oil | 1 KGS | Chandausi | 774.2 | 801.9 | 840.2 |
| Cotton Seed | 100 KGS | Akola | 1178 | 1186 | 1195 |
| Castorsd RJK | 100 KGS | Rajkot | 3063.5 | 3071 | 3077 |
| Guar Seed | 100 KGS | Jodhpur | 2420 | 2457 | 2520 |
| Soya Bean | 100 KGS | Indore | 1964 | 1973 | 1998 |
| Mustrdsd JPR | 20 KGS | Jaipur | 498 | 500.5 | 497 |
| Sesame Seed | 100 KGS | Rajkot | 5275 | 5313 | 5306 |
| Coconut Oil Cake | 100 KGS | Kochi | 1170 | 1170 | 1171 |
| RCBR Oil Cake | 1 MT | Raipur | 5770 | 5773 | 5773 |
| Kapaskhali | 50 KGS | Akola | 1000.8 | 1003.1 | 1010 |
| Coconut Oil | 100 KGS | Kochi | 5148 | 5148 | 5148 |
| Refsoy Oil | 10 KGS | Indore | 445.45 | 446.6 | 449.4 |
| CPO | 10 KGS | Kandla | 360 | 362.5 | 365 |
| Mustard Oil | 10 KGS | Jaipur | 463.8 | 466.2 | 470.2 |
| Gnutoilexp | 10 KGS | Rajkot | 681.8 | 685 | 688.3 |
| Castor Oil | 10 KGS | Kandla | 671 | 677.5 | 680 |
| Crude Oil | 1 BBL | Mumbai | 3720 | 3791 | 3791 |
| Furnace Oil | 1000 KGS | Mumbai | 30953 | 30953 | 30712 |
| Sourcrd Oil | 1 BBL | Mumbai | 3752 | 3752 | 3775.5 |
| Brent Crude | 1 BBL | Mumbai | 3765 | 3838 | 3838 |
| Gur | 40 KGS | Muzngr | 956.3 | 961.1 | 962.8 |
| Sugars | 100 KGS | Kolhapur | 2619 | 2618 | 2605 |
| Sugarm | 100 KGS | Delhi | 2995 | 2985 | 2968 |
| Natural Gas | 1 mmBtu | Hazirabad | 183.5 | 189.6 | 189.6 |
| Rubber | 100 KGS | Kochi | 16786 | 16773 | 16890 |
| Cotton Long | 1 Candy | Kadi | 27570 | 27510 | 27660 |
| Cotton Med | 1 Maund | Abohar | 2842 | 2832.5 | 2820 |
| Jute | 100 KGS | Kolkata | 3160 | 3159.5 | 3179 |
| Gold | 10 GRMS | Ahmd | 16583 | 16745 | 16765 |
| Gold Guinea | 8 GRMS | Ahmd | 13266 | 13396 | 13412 |
| Silver | 1 KGS | Ahmd | 27350 | 27675 | 27810 |
| Sponge Iron | 1 MT | Raipur | 20250 | 20250 | 19130 |
| Steel Flat | 1000 KGS | Mumbai | 36680 | 36740 | 36450 |
| Steel Long | 1 MT | Bhavnagar | 29260 | 29060 | 28610 |
| Copper | 1 KGS | Mumbai | 341.65 | 344.95 | NA |
| Nickel | 1 KGS | Mumbai | 1192.6 | 1192.6 | 1210.9 |
| Aluminium | 1 KGS | Mumbai | 100.9 | 100.9 | 101.65 |
| Lead | 1 KGS | Mumbai | 100.35 | 100.35 | 102.4 |
| Zinc | 1 KGS | Mumbai | 104.9 | 104.9 | 106.45 |
| Tin | 1 KGS | Mumbai | 844.25 | 844.25 | 843.5 |

(Source: MCX Spot Prices)

Brazil Scraps Ethanol Tariff as US Considers Extending Its Own

Brazil has eliminated its 20 percent tariff on ethanol imports until 2012, the country's Chamber of Foreign Trade announced earlier this month. The temporary measure is widely seen as an attempt to pressure the United States into lowering or even removing its own trade barriers on ethanol imports.

Under existing US policy, ethanol imports are subject to a 2.5 percent ad valorem tax plus a tariff of 54 cents per gallon. Additionally, a tax

credit for ethanol blenders of 45 cents per gallon - the Volumetric Ethanol Excise Tax Credit or VEETC - supports US ethanol consumption. As these policies are set to expire at the end of 2010, a new bill has been introduced in Congress to extend them for five more years.

The US is the world's largest producer of ethanol, but Brazil, the second-largest producer, is the largest exporter of the biofuel, with 1.365

billion gallons sold abroad in 2008. The countries produce two different types of ethanol - corn-based in the US and sugarcane-based in Brazil - but both kinds may be used interchangeably. Because cane-ethanol is cheaper to produce than corn-ethanol, the Brazilian ethanol industry is highly competitive.

The VEETC is not restricted to domestically produced US ethanol but can be paid to ethanol blenders using imported fuel. But because the tariff on imports is higher than the tax credit, Brazilian ethanol producers operate at a disadvantage to US producers, according to analysis by Robert Rapier, Chief Technology Officer for Merica International, a bioenergy holding company.

Lowering the cost of ethanol consumption would encourage use of the alternative fuel. "Consumers win when industries compete," said Joel Velasco, the chief North American representative of the Brazilian Sugarcane Industry Association (UNICA). "Brazilian ethanol producers are willing to compete for consumers. What about American producers?"

The American Farm Bureau supports the continuation of the tax credit and tariff as a way to secure energy security for the United States, move away from fossil fuels and develop a domestic industry.

The US corn-ethanol lobby group Growth Energy has launched a major push for the tax benefits to be extended. The group's campaign includes a US\$2.5 million series of ads broadcasting the benefits of ethanol. UNICA came out with an ad campaign to end the subsidies, calling cane-ethanol a "sweeter alternative." UNICA has often allied with the US lobby in the past to promote consumption of ethanol, but it is now acting in the interests of Brazilian ethanol.

WTO members who enact large-scale policies to reduce greenhouse gas emissions without also lowering tariffs on clean technologies that would help reach reduction goals are acting nonsensically, said Marcos Jank, President and CEO of UNICA, in a presentation to WTO Director-General Pascal Lamy, who visited Brazil's largest sugarcane-growing region on 17 April. Ethanol ought to be included in the "list of environmental goods for which import tariffs must be abolished," added Jank.

Jank emphasised the importance of keeping legally binding sustainability criteria in line with WTO trade rules. "Sustainability must be a given and we all want to ensure that it is always a vital consideration, but any binding criteria must be science based and measurable in practice," said Jank. "Otherwise, we will be opening doors to a serious risk of creating new trade barriers."

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