

DGFT Allows 70 More Days Time to Importers to File LCs to Protect Past Contracts Hit by Steel MIP Crackdown of 5 Feb 2016

03-TN Vide Notification No.38 dated 5th February, 21.04.2016 2016, Government has imposed Minimum (DGFT) Import Prices (MIP) on 173 tariff lines under Chapter 72 (Iron & Steel). The same

Notification also protects imports/shipments after 5th Feb, 2016, which are negotiated and finalised under Irrevocable Letter of Credits (ILCs) before the date of the said Notification under Para 1.05(b) of FTP, provided these ILCs are registered with Jurisdictional RAs within a period of 15 days.

2. Representations have been received from some importers who opened ILCs under Para 1.05 of FTP but missed the deadline of registering ILCs with the RAs within the prescribed time limit (15 days from the date of Notification).

3. The Policy Relaxation Committee (PRC) in its meeting dated 11.4.2016 has considered these representations. It noted that importers had opened ILCs under Para 1.05 of FTP but missed the deadline of registering ILCs with the RAs within the prescribed time limit (15 days from the date of Notification). It further noted that as the ILCs were negotiated and finalised before the date of the



Notification No 38 dated 5th February, 2016 and only on procedural matter of registering within 15 days from the date of Notification, the importers have defaulted, there exists a case of genuine hardship in terms of Para 2.58 of FTP (2015-20). Therefore, it recommended that an opportunity be given to importers who have finalized their ILCs before 5th February, 2016, to register these ILCs with their concerned jurisdictional RAs, by relaxing the provision of registration of ILC's within 15 days as under para 1.05(b) of the FTP (2015-20).

4. Accordingly, under the provisions of para 2.58 of FTP (2015-20), DGFT has relaxed the provision of registration of ILC's within 15 days, for importers who have finalized their ILCs for imports/shipments of items covered under Notification No. 38 dated 5th February, 2016 before the date of notification and grants them the opportunity to register their ILC's with their concerned jurisdictional RAs, by 30th April, 2016. The importers will submit their request along with ANF-2D with prescribed fee of Rs. 2000/- as prescribed for policy relaxation.

5. All RAs may accordingly take necessary action.

China says Cheap Steel is Food for Hungry Industry

Beijing has countered that the steel capacity issue is a global problem and that it is seeking to work together with other international partners to resolve it, with officials noting in Brussels this week the production cuts already being made to the sector.

"China has already done more than enough. What more do you want us to do?" said Chinese Commerce Ministry spokesperson Shen Danyang to reporters, according to comments reported by Reuters.

The Chinese official noted that much of the problem actually relates more to a lack of demand from countries that usually are major steel consumers, which in turn gives the impression of over-supply.

"Steel is the food of industry, the food of economic development. At present, the major problem is that countries that need food

have a poor appetite so it looks like there's too much food," the ministry spokesperson said.

Furthermore, an op-ed published the same day by the state-run Xinhua news outlet warned against "finger-pointing and protectionism," suggesting that this would be "counter-productive."

"It seems understandable to think of China, the world's largest steel producer and consumer, as the source of global market woes. Upon closer inspection, however, it's just a lame and lazy excuse for protectionism," said the piece.

The article also claimed that much of Chinese steel production goes toward domestic consumption, and that cheap exports abroad are actually helpful for EU firms that use it for producing downstream goods. Furthermore, it said, the difficulties plaguing the world economy has made the steel situation a global problem, and that Beijing is "one of the most hard-hit."

"The last thing the world needs is a trade war over this issue. Far more jobs will be lost than gained if protectionism prevails," said the Xinhua article.

OECD figures confirm that global steel capacity has seen a massive uptick over that period, reaching 2.3 billion metric tonnes last year, a 126 percent increase from the year 2000. Meanwhile, demand for steel took a hard hit in the wake of the 2008 financial crisis, and once again suffered last year despite earlier seeing some signs of improvement.

According to an OECD background note prepared for the 18 April meeting, global crude steel demand in 2014 was at 1.663 million metric tonnes – over 600 million metric tonnes below the capacity that year.

"The capacity-demand gap... is expected to have widened significantly in 2015, to a level in excess of 700 [million metric tonnes]," the note says.

Crude Rises to \$41.68

Crude Oil (Indian Basket) from 20 - 26 April 2016

	20 Apr	21 Apr	22 Apr	25 Apr	26 Apr
(\$/bbl)	40.33	42.35	41.94	41.56	41.68
(Rs/bbl)	2671.72	2807.37	2788.89	2771.52	2781.18
(Rs/\$)	66.24	66.29	66.49	66.68	66.73

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas

Commercial Dogs Import for Breeding is not Permitted

Effect of this Public Notice: The procedure for implementation of the Track and Trace system for export of pharmaceutical and drug consignments has been amended.

Subject: Implementation of the Track and Trace system for export of Pharmaceuticals and drug consignments.

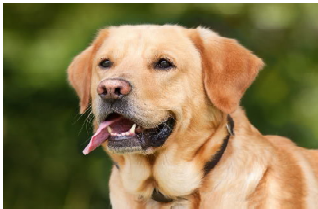
03-Nftn
25.04.2016
(DGFT)

In exercise of the powers conferred under Paragraph 2.04 of the Foreign Trade Policy, 2015-2020, as amended from

time to time, the Director General of Foreign Trade hereby amends Para 2 (v) of the Public Notice No. 52/2015-2020 dated 05.01.2016 to read as under :-

"In case, the Government of the importing country has mandated a specific requirement, the exporter has the option of adhering to the same and in such a case,

it would not be necessary to comply with the stipulation under sub para (i) to (iv) of Para 2 of this Public Notice and if an exporter is seeking to avail such exemption from bar coding prescribed by



the Government of India as above, the exporter is given the option to move an application to the Pharmaceuticals Export Promotion Council of India (Pharmexcil) for this purpose, clearly specifying the nature of such an exemption in the

interest of the exports from the country. Pharmexcil shall dispose of such applications on case to case basis with prior approval of Government. However, the tertiary level of packaging will have additional printing of barcode as per Para 2 (i) (c) of this Public Notice in addition to importing country's requirement, if any".

2. The other terms and conditions mentioned in the Public Notice No. 52/2015-20 dated 05.01.2016 will remain unchanged.

Seven Joins to Attack India on 4G Telecom Tariff

The Committee on the Information Technology Agreement (ITA), at a meeting on 18 April 2016, heard reports about current preparations for implementation of the Nairobi Ministerial Declaration on the Expansion of Trade in IT Products. The declaration established that the first set of tariff cuts were to be implemented on 1 July 2016 and the second set no later than 1 July 2017, with successive reductions taking place on 1 July 2018 and effective elimination no later than 1 July 2019.

The European Union, Switzerland, Norway and Costa Rica emphasized the importance of the ITA expansion and encouraged other members of the Committee to join the Expansion Agreement. In the EU's view, eliminating tariffs in a further set of products will allow industry to reduce the cost of importing the hardware necessary to develop the IT sector, create highly qualified jobs for young people, make other industries more efficient by using IT and enable countries to become part of global value chains.

Seven members of the Committee (United States,

European Union, Japan, Korea, Canada, Norway and Australia) sought justification or clarification from India on a Customs notification that raises duties to 10 per cent ad valorem for several ITA products. These members considered that, according to India's certified WTO schedule of concessions, the duties of the products should be bound to "zero".

India said that it had heard the concerns expressed by members and informed them that the written questions submitted by some had been sent to capital for analysis. Products mentioned in the questions submitted by the European Union, Japan and the United States include telecommunications switches, voice-over internet protocol phones, optical transport equipment and network products.

In addition to reviewing the status of implementation of the ministerial declaration on trade in ITA products and the current work on non-tariff barriers, the Committee also approved on an ad referendum basis the classification of an additional 15 items for which there were classification divergences.

Special Rules of Origin to Help LDC Exports at Zero Duty

WTO members held their first discussions on 22 April regarding implementation of the Ministerial Decision on Preferential Rules of Origin for Least Developed Countries (LDCs). The Ministerial Decision was one of the key outcomes of the WTO's 10th Ministerial Conference in Nairobi last December.

The provisions set out under the Nairobi Decision aim to facilitate least-developed countries' export of goods to both developed and developing countries under unilateral preferential trade arrangements in favour of LDCs. Key beneficiaries will be countries of the LDC Group, the proponent for the Nairobi Decision.

The Nairobi Decision builds on the earlier 2013 Bali Ministerial Decision on preferential rules of origin by providing more detailed directions on specific issues, such as methods for determining when a product qualifies as "made in an LDC", and when inputs from other sources can be "cumulated" - or combined together - into the consider-

ation of origin. The provisions also call on preference-granting members to consider simplifying documentary and procedural requirements related to origin as well as other measures to further streamline customs procedures.

Background

Rules of origin are the criteria used to determine where a product was made. Products that are deemed under such rules to be made in LDCs would qualify for preferential market access schemes for LDCs.

The 2013 Bali Decision set out, for the first time, a set of multilaterally agreed guidelines to help make it easier for LDC exports to qualify for preferential market access. The Bali Decision recognizes that each country granting trade preferences to LDCs has its own method of determining rules of origin, and it invites members to draw upon the elements contained in the Decision when they develop or build on their individual rules of origin arrangements applicable for LDCs.

India Ratifies Trade Facilitation Agreement, We are 76th in the List of Accepting Countries

India has ratified the new Trade Facilitation Agreement (TFA). India's WTO ambassador Anjali Prasad handed over her country's instrument of acceptance to Director-General Roberto Azevêdo on 22 April.

The TFA will enter into force once two-thirds of the WTO membership has formally accepted the Agreement. India is the 76th WTO member to accept the TFA.

In addition to India, the following WTO members have also accepted the TFA: Hong Kong China, Singapore, the United States, Mauritius, Malaysia, Japan, Australia, Botswana, Trinidad and Tobago, the Republic of Korea, Nicaragua, Niger, Belize, Switzerland, Chinese Taipei, China, Liechtenstein, Lao PDR, New Zealand, Togo, Thailand, the European Union (on behalf of its 28 member states), the former Yugoslav Republic of Macedonia, Pakistan, Panama, Guyana, Côte d'Ivoire, Grenada, Saint Lucia, Kenya, Myanmar, Norway, Viet Nam, Brunei, Ukraine, Zambia, Lesotho, Georgia, Seychelles, Jamaica, Mali, Cambodia and Paraguay, Turkey, Brazil, Macao China, the United Arab Emirates and Samoa.

The TFA broke new ground for developing and least-developed countries in the way it will be implemented. For the first time in WTO history, the requirement to implement the Agreement was directly linked to the capacity of the country to do so. In addition, the Agreement states that assistance and support should be provided to help them achieve that capacity.

A Trade Facilitation Agreement Facility (TFAF) was also created at the request of developing and least-developed country members to help ensure that they receive the assistance needed to reap the full benefits of the TFA and to support the ultimate goal of full implementation of the new agreement by all members. Further information on TFAF is available at www.TFAFacility.org.

Implementation of the WTO Trade Facilitation Agreement (TFA) has the potential to increase global merchandise exports by up to \$1 trillion per annum, according to the WTO's flagship World Trade Report released on 26 October 2015. Significantly, the Report also found that developing countries will benefit significantly from the TFA, capturing more than half of the available gains.

Appellate Body Overrules Panel, says Argentina does not Discriminate against Panama in Financial Services on Account of "Non Co-operation"

The WTO's highest court reversed an earlier panel ruling last Thursday in a dispute filed by Panama (DS453) concerning various Argentine tax measures, along with policies involving access to the reinsurance sectors, the Argentine capital market, the foreign exchange market, and the registration of foreign company branches.

The previous panel ruling, circulated late last year, had found that many of these financial services-related measures were in violation of WTO rules.

A key element of the eight measures challenged by Panama is that they impose different requirements based on the distinction between

Cont'd..40

WEEKLY INDEX OF CHANGES

DGCA Approved Quality Certificate Required for Duty Free Import of Parts for Aircraft Maintenance

- Condition 5 for Manufacture as End Use Omitted
- Consumption Account and Bond Condition with Commissioner Introduced

Ntnf 29
26.04.2016
(DoR)

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central

Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 12/2012- Customs, dated the 17th March, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 185(E), dated the 17th March, 2012, namely:-

In the said notification,-

(i) in the Table, against serial number 448, in column No. (6), for the entry "5 and 73", the entry "73" shall be substituted;

(ii) in the ANNEXURE, against Condition No. 73, for the Conditions, the following shall be substituted, namely:-

"If,-

(A) imported by units approved by Director General of Civil Aviation (DGCA) in the Ministry of Civil Aviation, for maintenance, repair, or overhauling of-

(a) aircraft registered in India; or

(b) aircraft not registered in India, which are brought into India for the purpose of flight to or across India, or for the purpose of maintenance, repair or overhauling and which are intended to be removed from India within six months or for such periods as

19-CE
26.04.2016
(DoR)

In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944),

the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue),

extended by the DGCA, as the case may be; (B) the importer submits documents duly certified by the DGCA approved Quality Managers of aircraft maintenance organisations indicating such parts, testing equipment, tools and tool-kits; (C) the importer maintains a proper account of import, use and consumption of the specified goods imported for the purpose of maintenance, repair or overhauling of aircrafts and submits such account periodically to the Commissioner of Customs in such manner as may be specified by the said Commissioner;

(D) the importer, by the execution of bond, in such form and for such sum as may be specified by the said Commissioner, binds himself to pay on demand an amount equal to the duty leviable,-

(i) on parts, tools and tool kits as are not proved to the satisfaction of the said Commissioner to have been used or consumed for the aforesaid purpose;

(ii) on the testing equipment, as are not proved to the satisfaction of the said Commissioner to have been installed or otherwise used for the aforesaid purposes, within a period of three years from the date of importation thereof or within such extended period as that Commissioner, on being satisfied that there is sufficient cause for not installing, using or consuming as the case may be, for the aforesaid purposes within the said period, allow.;"

[F.No. B-1/6/2016- TRU]

No.12/2012-Central Excise, dated the 17th March, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 163(E), dated the 17th March, 2012, namely:-

In the said notification, against **serial number 305**, the entry in **column (5)** shall be **omitted**.

[F.No. B-1/6/2016- TRU]

Anti-dumping Duty on Barium Carbonate from China Slashed by \$91.18/MT in Review Findings

Ntnf 14-ADD
21.04.2016
(DoR)

Whereas, the designated authority, *vide* notification No. 15/27/2014-DGAD, dated the 19th March, 2015, published in

the Gazette of India, Extraordinary, Part I, Section 1, had initiated a review in the matter of continuation of anti-dumping duty on imports of Barium Carbonate (hereinafter referred to as the subject goods) falling under tariff item 2836 60 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in or exported from People's Republic of China (hereinafter referred to as the subject country), imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 6/2011-Customs, dated the 7th February, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number

G.S.R. 69(E), dated the 7th February, 2011;

And whereas, the Central Government had extended the anti-dumping duty on the subject goods, originating in or exported from the subject country upto and inclusive of the 22nd March, 2016, *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 15/2015-Customs (ADD), dated the 22nd April, 2015, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R 308(E), dated the 22nd April, 2015;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject country, the designated authority in its final findings, published *vide* notification No. 15/27/2014-DGAD, dated the 23rd February, 2016, in the Gazette of India, Extraordinary, Part I, Section 1, has come

All Exporters can Avail of Specific Waivers on Track and Trace Systems by Consumer Countries

Effect of this Public Notice: *The procedure for implementation of the Track and Trace system for export of pharmaceutical and drug consignments has been amended.*

Subject: *Implementation of the Track and Trace system for export of Pharmaceuticals and drug consignments.*

03-PN
21.04.2016
(DGFT)

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

amended from time to time, the Director General of Foreign Trade hereby amends Para 2 (v) of the Public Notice No. 52/2015-2020 dated 05.01.2016 to read as under :-

"In case, the Government of the importing country has mandated a specific requirement, the exporter has the option of adhering to the same and in such a case, it would not be necessary to comply with the stipulation under sub para (i) to (iv) of Para 2 of this Public Notice and if an exporter is seeking to avail such exemption from bar coding prescribed by the Government of India as above, the exporter is given the option to move an application to the Pharmaceuticals Export Promotion Council of India (Pharmexcil) for this purpose, clearly specifying the nature of such an exemption in the interest of the exports from the country. Pharmexcil shall dispose of such applications on case to case basis with prior approval of Government. However, the tertiary level of packaging will have additional printing of barcode as per Para 2 (i) (c) of this Public Notice in addition to importing country's requirement, if any".

2. The other terms and conditions mentioned in the Public Notice No. 52/2015-20 dated 05.01.2016 will remain unchanged.

to the conclusion that,-

(i) there is continued dumping of the subject goods from the subject country;

(ii) the dumped imports from the subject country continue to cause injury to the domestic industry;

(iii) dumping of the subject goods from the subject country is likely to continue and intensify, if the anti-dumping duty is revoked,

and has recommended imposition of the anti-dumping duty on the subject goods, originating in or exported from the subject country;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), exported from

the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), exported by the exporters as specified in the

corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entry in column (8) in the currency as specified in

the corresponding entry in column (10) and as per unit of measurement as specified in the corresponding entry in column (9) of the said Table, namely:-

Table

SNo.	Tariff item	Description of goods	Country of origin	Country of export	Producer	Exporter	Amount	Unit of measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	2836 60 00	Barium Carbonate	People's Republic of China	People's Republic of China	Hunan Wanfeng Chemical Co. Ltd	Hunan Mint Imp & Exp Company Ltd.	96.94	MT	US Dollar
2	2836 60 00	Barium Carbonate	People's Republic of China	People's Republic of China	Any combination above	other than S.No.1	144.82	MT	US Dollar
3	2836 60 00	Barium Carbonate	Any other than People's Republic of China	People's Republic of China	Any	Any	144.82	MT	US Dollar
4	2836 60 00	Barium Carbonate	People's Republic of China	Any other than People's Republic of China	Any	Any	144.82	MT	US Dollar

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

Explanation.- For the purposes of this notification, rate of exchange applicable for the 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 Act. [F.No.354/21/2010-TRU (Pt.-I)]

Anti-dumping Duty on Huawei and others on SDH Transmission Equipments from China and Israel to Continue for Another Five Years

- Duty Slashed on Review
- ECI Telecom Israel Exempted

Ntnf 15-ADD 26.04.2016 (DoR) Whereas, the designated authority, vide notification No. 15/20/2014-DGAD, dated the 6th December, 2014, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 6th December, 2014, had initiated a review in the matter of continuation of anti-dumping duty on imports of Synchronous Digital Hierarchy Transmission Equipment (hereinafter referred to as the subject goods), falling under sub-headings 8517 62 or 8517 70 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in or exported from People's Republic of China and Israel (hereinafter referred to as subject countries), imposed vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 125/2010-Customs, dated the 16th December, 2010, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.981(E), dated the 16th December, 2010; And whereas, the Central Government had extended the anti-dumping duty on the subject goods, originating in or exported from the subject countries, upto and inclusive of the 7th December, 2015, vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.01/2015-Customs(ADD), dated the 5th January, 2015, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 8(E), dated the 5th January, 2015;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject countries, the designated authority in its final findings

published vide notification No. 15/20/2014-DGAD, dated the 5th February, 2016, in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5th February, 2016 has come to the conclusion that-

(i) As far as Huawei China, ZTE Corporation Ltd, China, Alcatel-Lucent Shanghai Bell Co. Ltd., China are concerned, there is continued dumping of the subject goods from these companies in the period of investigation. Dumped imports were causing injury to the domestic industry in the period of investigation;

(ii) As far as HETC, China is concerned, there is negligible dumping in the period of investigation (POI) and in this behalf, the Authority has, therefore, examined the post POI exports to India as well as third countries and found that the same were un-dumped. Therefore, there was no likelihood of dumping;

(iii) As far as ECI Telecom, Israel is concerned, the exports of the subject goods to India in the POI and to India as well as third countries in the post-POI were not at dumped prices and thus there is no likelihood of dumped imports from ECI Telecom, Israel if the duty is revoked;

and has recommended imposition of the definitive anti-dumping duty on the subject goods, originating in or exported from the subject countries.

Now, therefore, in exercise of the powers conferred by sub-section (1), read with subsection (5) of section 9A of the said Customs Tariff Act read with rules 18 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid final find-

CBEC Tells Commissioners not to Delay Re-credit of Bond for Transshipment Goods at Air Cargo Complexes

[CBEC Instruction F.No. 401/69/2016-Cus III dated 22nd April 2016]

Subject: Re-crediting Bond value in online running bond at destination Air Cargo Complex.

Attention is invited to the implementation of module for transshipment of Cargo from Air Cargo location to ICDs/ other Air Cargo Customs Stations which has been made available in Indian Customs EDI System (ICES) 1.5.

2. Representations have been received in the Board regarding problems faced in the debit and recredit of bond value for transshipped Cargo.

3. It has been brought to the notice that while moving bonded truck from one Air cargo complex to another air cargo complex, the bond value of the cargo is debited from the online running bond. However, upon completion of transshipment, there is delay in re-crediting the amount at the destination air cargo complex.

4. All Chief Commissioners may ensure that the re-crediting of bond is done without any delay at destination Air Cargo Complexes.

ings 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 countries as specified in the corresponding entry in column (4), and produced by the producers as specified in the corresponding entry in column (6), when exported from the countries as specified in the corresponding entry in column (5), by the exporters as specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entry in column (8), and as per unit of measurement as specified in the corresponding entry in column (9), of the said Table

Table

SNo	Heading/ sub-heading	Description of goods	Country of origin	Country of export	Producer	Exporter	Duty amount	Unit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	8517 62 or 8517 70	Synchronous Digital Hierarchy transmission equipment as specified in Notes 1 to 5 below	People's Republic of China	People's Republic of China	M/s ZTE Corporation Ltd.	M/s ZTE Corporation Ltd.	48.42	% of CIF value of imports
2.	Do	Do	People's Republic of China	People's Republic of China	M/s Alcatel-Lucent Shanghai Bell Co. Ltd	M/s Alcatel-Lucent Shanghai Bell Co. Ltd	54.09	Do
3.	Do	Do	People's Republic of China	People's Republic of China	M/s Huawei Technolo- gies Co. Ltd	M/s Huawei Technolo- gies Co. Ltd., China PR or Huawei Tech Investment Co., Ltd., Hong Kong or Huawei International Pte Ltd., Singapore	37.73	Do
4.	Do	Do	People's Republic of China	People's Republic of China	Hangzhou ECI Telecom munication Co. Ltd	M/s ECI Telecom Ltd., Israel	Nil	Do
5.	Do	Do	People's Republic of China	People's Republic of China	Any other than SI.No. 1,2,3 and 4 above	Any	86.59	Do
6.	Do	Do	People's Republic of China	Any country other than People's Republic of China	Any	Any	86.59	Do
7.	Do	Do	Any	People's Republic of China	Any	Any	86.59	Do
8.	Do	Do	Israel	Israel	M/s ECI Telecom Ltd.	M/s ECI Telecom Ltd.	Nil	Do
9.	Do	Do	Israel	Israel	Any other than SI.No. 8 Above	Any	9.42	Do
10.	Do	Do	Israel	Any Country other than People's Republic of China or Israel	Any	Any	9.42	Do
11.	Do	Do	Any country other than People's Republic of China	Israel	Any	Any	9.42	Do

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

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.354/204/2009-TRU (Pt.-I)]

[Full text available at worldtradesscanner.com]

Saudi Arabia Going Bankrupt?

Almost eight decades after oil was first found in Saudi Arabia, the government has unveiled a blueprint for an economy less reliant on crude sales to fuel growth and fund infrastructure. Four charts show the challenges the kingdom faces and the probable impact of the new policy.

The government has cut spending to shore up its public finances while seeking an alternative source of revenue. Deputy Crown Prince Mohammed bin Salman says authorities want to generate \$100 billion per year in additional non-oil revenue by 2020. Reducing subsidies for gasoline, electricity and water will account for \$30 billion of that amount, while a new value-added tax will generate \$10 billion a year.

But while investors are likely to welcome the plan, Saudi Arabia won't be able to escape some pain as it's implemented. Economists in a Bloomberg survey predict growth will slow this

year as cuts to government spending – the engine of growth in recent years – take a toll on the private sector.

Non-oil growth will slow to 1.6 percent this year from 3.6 percent in 2015, according to International Monetary Fund forecasts.

Even with \$100 dollar oil filling public coffers, Saudi Arabia typically overspent by an average of 25 to 30 percent a year as budget planners looked first at revenue before deciding how much to spend, Minister of State Mohammad Al-Sheikh said in an interview last month.

Future budgets will face more scrutiny and the process has been revamped to consider actual spending needs before funds are allocated, he said. As a result, Saudi Arabia will be able to sustain spending growth of 3 to 5 percent a year, with the budget balanced by 2020.

No Registration for Goods not in Consumer Packs

Do Not Go Beyond Legal Metrology Act, Orders CBEC

[CBEC Instruction F.No. 401/69/2016-Cus III dated 22nd April 2016]

Subject: Insistence on documents of registration where not required.

Representations have been received in the Board regarding problems faced by importers on the clearance of products not specified under the Legal Metrology Act, 2009.

2. It has been brought to notice that Customs officers are insisting on registration documents from importers on products which do not fall under the purview of the Legal Metrology Act, 2009 and rules made thereunder. Insistence on such documents has been reported to cause undue delay in the clearance of such consignments.

3. It is requested that all officers are sufficiently sensitized not to insist on registration documents under Legal Metrology Act, 2009 wherever it is not required.

4. Difficulty faced, if any, may be brought to the notice of the Board.

Five Member Sub-Committee to Hear Industry Views of Jewellery Excise Notified

Personal Hearing to All India Associations

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

1025-CBEC In continuation to the Circular
22.04.2016 No. 1021/9/2016-CX dated
(DoR) 21.03.2016, issued vide F. No.
354/25/2016-TRU, the

composition of the Sub-Committee referred to therein would be as under:

- (i) Dr. Ashok Lahiri, Chairman.
- (ii) Shri Gautam Ray, Member.
- (iii) Shri Rohan Shah, Legal expert [Managing Partner, Economic Laws Practice].
- (iv) Shri Manoj Kumar Dwivedi, Joint Secretary [Department of Commerce].
- (v) Shri Alok Shukla, Joint Secretary [Tax Research Unit, Central Board of Excise and Customs, Department of Revenue].

2. Names of the trade representatives in the Sub-Committee would be decided in consultation of with Dr. Ashok Lahiri, Chairman of the Sub-

Committee.

3. Terms of reference of the Sub-Committee will include the issues related to compliance procedure for the excise duty, including records to be maintained, operating procedures and any other issues that may be relevant.

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

5. Any further communications with the regard to the aforesaid Sub-Committee may be sent through e-mail to highlevelcommittee@gmail.com or by post addressed to the Office of the High Level Committee (HLC), Suite No. 215, The Janpath Hotel, Janpath Road, Opp. BSNL Building, New Delhi-110 001.

6. Wide publicity may be given to this circular. [F.No. 354/25/2016-TRU]

Three Year Amortisation of Service Tax for Spectrum Licence Allowed, One Year in Sale Cases

24-CE(NT) In exercise of the powers
13.04.2016 conferred by section 37 of
(DoR) the Central Excise Act, 1944 (1
of 1944) and section 94 of the
Finance Act, 1994 (32 of 1994), the Central
Government hereby makes the following rules
further to amend the CENVAT Credit Rules, 2004,
namely:-

1. (1) These rules may be called the CENVAT Credit (Fifth Amendment) Rules, 2016.

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

2. In the CENVAT Credit Rules, 2004 (hereinafter referred to as the said rules), in rule 4, in sub-rule (7), -

(i) in the fifth proviso, after the words "documents specified in sub-rule (1) of rule 9", the words "except in case of services provided by Government, local authority or any other person, by way of assignment of right to use any natural resource" shall be inserted;

(ii) for the sixth, seventh and eighth proviso, the

following provisos shall be substituted, namely :-

"Provided also that CENVAT Credit of Service Tax paid in a financial year, on the onetime charges payable in full upfront or in instalments, for the service of assignment of the right to use any natural resource by the Government, local authority or any other person, shall be spread evenly over a period of three years:

Provided also that where the manufacturer of goods or provider of output service, as the case may be, further assigns such right assigned to him by the Government or any other person, in any financial year, to another person against consideration, such amount of balance CENVAT credit as does not exceed the service tax payable on the consideration charged by him for such further assignment, shall be allowed in the same financial year."

3. In the said rules, in rule 6, in sub-rule (1), in Explanation 3, after the figures "1994", the words "provided that such activity has used inputs or input services" shall be inserted.

[F. No. 334/8/2016 -TRU]

Service Tax Exemptions on Specified Government Services

22-ST In exercise of the powers
13.04.2016 conferred by sub-section (1)
(DoR) of section 93 of the Finance
Act, 1994 (32 of 1994), the

Central Government being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.25/2012-Service Tax, dated the 20th June, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 467 (E), dated the 20th June, 2012, namely:-

In the said notification, in the first paragraph,-
(i) in entry 39, after the words Services by, the words Government, a local authority or shall be inserted;

(ii) after entry 53, the following entries shall be

inserted, namely:-

"54. Services provided by Government or a local authority to another Government or local authority: Provided that nothing contained in this entry shall apply to services specified in sub-clauses (i),(ii) and (iii) of clause (a) of section 66D of the Finance Act, 1994;

55. Services provided by Government or a local authority by way of issuance of passport, visa, driving licence, birth certificate or death certificate;

56. Services provided by Government or a local authority where the gross amount charged for such services does not exceed Rs. 5000/- :

Provided that nothing contained in this entry shall apply to services specified in sub-clauses (i), (ii) and (iii) of clause (a) of section 66D of the Finance Act, 1994:

Provided further that in case where continuous supply of service, as defined in clause (c) of rule

Time Limit for Excise Registration by Jeweller Extended 70 Days to 1 July 2016

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

1026-CBEC Kindly refer to the Circular
23.04.2016 No. 1021/9/2016-CX dated
(DoR) 21.03.2016 issued vide F.
No. 354/25/2016-TRU.

2. In this regard, the time limit for taking central excise registration of an establishment by a jeweller is being extended up to 01.07.2016. Though, the liability for payment of central excise duty will be with effect from 1st March, 2016, the assessee jewelers may make the payment of excise duty for the months of March, 2016; April, 2016 and May, 2016 along with the payment of excise duty for the month of June, 2016.

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

2 of the Point of Taxation Rules, 2011, is provided by the Government or a local authority, the exemption shall apply only where the gross amount charged for such service does not exceed Rs. 5000/- in a financial year;

57. Services provided by Government or a local authority by way of tolerating non-performance of a contract for which consideration in the form of fines or liquidated damages is payable to the Government or the local authority under such contract;

58. Services provided by Government or a local authority by way of-

(a) registration required under any law for the time being in force;

(b) testing, calibration, safety check or certification relating to protection or safety of workers, consumers or public at large, required under any law for the time being in force;

59. Services provided by Government or a local authority by way of assignment of right to use natural resources to an individual farmer for the purposes of agriculture;

60. Services by Government, a local authority or a governmental authority by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution;

61. Services provided by Government or a local authority by way of assignment of right to use any natural resource where such right to use was assigned by the Government or the local authority before the 1st April, 2016:

Provided that the exemption shall apply only to service tax payable on one time charge payable, in full upfront or in instalments, for assignment of right to use such natural resource;

62. Services provided by Government or a local authority by way of allowing a business entity to operate as a telecom service provider or use radiofrequency spectrum during the financial year 2015-16 on payment of licence fee or spectrum user charges, as the case may be;

63. Services provided by Government by way of deputing officers after office hours or on holidays for inspection or container stuffing or such other duties in relation to import export cargo on payment of Merchant Over-time charges (MOT)."

[F. No. 334 / 8 /2016 -TRU]

CBEC Accepts Bagasse, Dross and Skimmings of Non-ferrous Metals by Products or Wastes

- These are Non Excisable Goods are Exempted Goods
- Past Instructions Withdrawn Following SC Judgement in DSCL Sugar Case

Subject:-Withdrawal of Circulars/Instruction on excisability of bagasse, aluminium/ zinc dross.

1027-CBEC 25.04.2016 (DoR) Excisability of bagasse and similar other by-products or wastes arising during the course of manufacture of an excisable product has been an issue under dispute. Following circulars/instruction have been issued from time to time on the subject:-

- Circular No. 904/24/2009-CX dated 28.10.2009,
- Circular No. 941/02/2011-CX dated 14.02.2011,
- Instruction F.No.17/02/2009-CX (Pt.) dated 12.11.2014.

2. The issue came before the Hon'ble Supreme Court in a case of M/s Union of India and Ors vs M/s DSCL Sugar Ltd - dated 15.07.2015. Hon'ble Supreme Court examined the issue and reaffirmed that bagasse is not a manufactured product. The Judgement applies to both periods, before and after the insertion of explanation in Section 2(d) of the Central Excise Act, 1944 by the Finance Act, 2008. It may also be noted that Hon'ble High Court of Bombay in case of M/s Hindalco Industries Ltd. vs. Union of India [2015

(315) E.L.T. 10 (Bom.)] came to similar conclusion in relation to dross and skimming of aluminium, zinc or other non-ferrous metal.

3. In the light of the above judgments, circulars of the Board on the subject viz 904/24/2009-CX dated 28.10.2009, 941/02/2011-CX dated 14.02.2011 and instruction issued vide F.No.17/02/2009-CX(Pt.) dated 12.11.2014 have become non-est and are hereby rescinded. Cases kept in Call Book on the above issue may be taken out and adjudicated.

4.1 It may also be noted that rule 6 of the Cenvat Credit Rule (CCR), 2004 was amended with effect from 01.03.2015 by inserting explanation 1 and explanation 2 in sub-rule (1) of rule 6. These explanations continue in the present rule 6 also and are reproduced below for ease of reference :-

"Explanation 1. For the purposes of this rule, exempted goods or final products as defined in clauses (d) and (h) of rule 2 shall include non-excisable goods cleared for a consideration from the factory.

Explanation 2. Value of non-excisable goods for the purposes of this rule, shall be the invoice value and where such invoice value is not available, such value shall be determined by using reasonable means consistent with the principles of valuation contained in the Excise Act and the rules made thereunder."

4.2 Consequently, Bagasse, Dross and Skimmings of non-ferrous metals or any such by product or waste, which are non-excisable goods and are cleared for a consideration from the factory need to be treated like exempted goods for the purpose of reversal of credit of input and input services, in terms of rule 6 of the CENVAT Credit Rules, 2004.

F. No. 96/115/2015-CX.1

Tariff Value Rises on Palm Oil \$49; Palmolein \$48; Soyabean Oil \$35; Brass Scrap \$66; Areca Nuts \$18

Gold \$6 and Silver \$18

54-Cus(NT) 13.04.2016 (DoR) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, being satisfied that it is necessary and expedient so to do, hereby makes

the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S.O. 748 (E), dated the 3rd August, 2001, namely:-

In the said notification, for TABLE-1, TABLE-2, and TABLE-3 the following Tables shall be substituted namely:-

"Table-1

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	747
2	1511 90 10	RBD Palm Oil	754
3	1511 90 90	Others – Palm Oil	751
4	1511 10 00	Crude Palmolein	759
5	1511 90 20	RBD Palmolein	762
6	1511 90 90	Others – Palmolein	761
7	1507 10 00	Crude Soyabean Oil	802
8	7404 00 22	Brass Scrap (all grades)	2964
9	1207 91 00	Poppy seeds	2533

Table-2

(1)	(2)	(3)	(4)
1	71 or 98	Gold, in any form, in respect of which the benefit of entries at serial number 321 and 323 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	408 per 10 grams
2	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 322 and 324 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	520 per Kilogram

Table-3

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value (US \$ Per Metric Tons)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	2617

[F. No. 467/01/2016-Cus-V]

Exchange Rates for Customs Valuation

Rupee Gains 60 paise against Dollar to Rs. 66.90 w.e.f 22 April 2016; Rs. 1.30 against Euro to Rs. 75.95

55-Cus(NT) 21.04.2016 (DoR) In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in super session of the notification of the Central Board of Excise & Customs No. 48/2016-CUSTOMS (N.T.), dated the 7th

April, 2016, except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II annexed hereto into Indian currency or vice versa, shall, **with effect from 22nd April, 2016**, be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SNo.	Currency	Imported Goods		Exported Goods	
		Current	Previous	Current	Previous
Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees					
1.	Australian Dollar	52.50	51.60	51.20	49.70
2.	Bahrain Dinar	181.45	182.65	170.95	171.10
3.	Canadian Dollar	53.10	51.80	51.95	50.15
4.	Danish Kroner	10.20	10.40	9.95	10.00
5.	EURO	75.95	77.25	74.10	74.70
6.	Hong Kong Dollar	8.65	8.70	8.50	8.45
7.	Kuwait Dinar	226.40	228.30	213.90	213.70
8.	Newzeland Dollar	47.00	46.40	45.60	44.60
9.	Norwegian Kroner	8.30	8.15	8.05	7.85
10.	Pound Sterling	96.35	95.65	94.20	92.60
11.	Singapore Dollar	49.95	50.10	48.80	48.55
12.	South African Rand	4.80	4.55	4.55	4.25
13.	Saudi Arabian Riyal	18.20	18.35	17.20	17.20
14.	Swedish Kroner	8.25	8.30	8.05	8.05
15.	Swiss Franc	69.15	70.85	67.55	68.55
16.	UAE Dirham	18.60	18.75	17.60	17.55
17.	US Dollar	66.90	67.50	65.85	65.80
18.	Chinese Yuan	10.35	10.45	10.15	10.15

Schedule II – Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

1.	Japanese Yen	61.15	62.05	59.75	60.05
2.	Kenya Shilling	67.50	67.95	63.75	63.55

[F.No.468/01/2016-Cus.V]

US-China Ink “Out of WTO” Deal over Subsidy to Settle Dispute

Washington and Beijing have reached a deal in their dispute (DS489) over China’s allegedly export-contingent subsidy programme, according to the Office of the US Trade Representative (USTR).

The news, announced on Thursday 14 April, comes over a year after the US filed a WTO complaint challenging the “Demonstration Bases-Common Service Platform” programme. At the time, the US claimed that these were tantamount to export subsidies, which are prohibited under global trade rules.

While a dispute panel was established in April 2015 to hear the case, talks between the two sides continued in an effort to find a mutually acceptable solution, according to US officials.

The WTO website notes that while the DSB has agreed to create a panel, the panellists have not yet been chosen.

The Office of the USTR has also released a copy of the “memorandum of understanding” reached by the two trading giants, as well as a table outlining the various “instruments” that had been challenged in the original case, with updates on their individual statuses.

From agriculture to textiles

The dispute had specifically targeted demonstration bases – in other words, clusters of enterprises – which the US claimed were eligible for incentives should they fulfil certain export-related criteria.

Cont’d..34

“cooperative” and “non-cooperative” countries for tax transparency purposes, which was established under an Argentine Decree.

According to this Decree, for a country to be considered “cooperative,” it must have a deal with Argentina for effective exchange of tax information, or fulfil necessary requirements for initiating talks on the subject.

The Appellate Body said that the “treatment no less favourable” concept under the GATS is about “a measure’s modification of the conditions of competition,” and that this legal standard does not include further investigation into a measure’s regulatory objective or underlying regulatory concerns.

Where a measure violates non-discrimination

Nine New Pre-shipment Inspection Agencies (PSIA) Notified

Effects of this public notice: *Nine Pre-shipment Inspection Agencies have been approved under the heading “New PSIA’s recognised in terms of FTP 2015-20” in Appendix 2G.*

02-PN In exercise of powers
08.04.2016 conferred under paragraph
(DGFT) 2.04 of the Foreign Trade Policy, 2015-20, the

Directorate General of Foreign Trade hereby makes the following additions in Appendix 2G of Appendices and Aayat Niryat Forms of Foreign Trade Policy, 2015-20 with immediate effect:-

The following Pre-shipment Inspection Agencies (PSIA) will be placed under the heading “New PSIA’s recognised in terms of FTP 2015-20”:-

[List available at worldtradesScanner.com]

provisions, the WTO judges said that regulatory concerns that could potentially justify it should be reviewed in line with the relevant exceptions.

Furthermore, it found that the panel’s review of “regulatory aspects” was not for evaluating how these measures affect competitive opportunities, but actually used an incorrect legal standard under which the regulatory aspects could justify the harm caused by Argentina’s increased burden on non-cooperative countries’ services and service suppliers.

Overall, the Appellate Body reversed the panel’s conclusion that the Argentine measures violate the GATS’ non-discrimination obligations.

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Customs Valuation Exchange Rates			
8 April 2016		Imports	Exports
Schedule I [Rate of exchange of one unit of foreign currency equipment to Indian Rupees]			
1	Australian Dollar	51.60	49.70
2	Bahrain Dinar	182.65	171.10
3	Canadian Dollar	51.80	50.15
4	Danish Kroner	10.40	10.00
5	EURO	77.25	74.70
6	Hong Kong Dollar	8.70	8.45
7	Kuwaiti Dinar	228.30	213.70
8	New Zealand Dollar	46.40	44.60
9	Norwegian Kroner	8.15	7.85
10	Pound Sterling	95.65	92.60
11	Singapore Dollar	50.10	48.55
12	South African Rand	4.55	4.25
13	South Arabian Riyal	18.35	17.20
14	Swedish Kroner	8.30	8.05
15	Swiss Franc	70.85	68.55
16	UAE Dirham	18.75	17.55
17	U.S. Dollar	67.50	65.80
18	Chinese Yuan	10.45	10.15
Schedule II [Rate of exchange of 100 units of foreign currency equivalent to Indian rupees]			
1	Japanese Yen	62.05	60.05
2	Kenyan Shilling	67.95	63.55

(Source: Customs Notification 48(NT)/07.04.2016)