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India Calls Domestic Food Subsidy Margins in AoA Talks for Bali

Governments should explore "alternative approaches" to a developing country proposal for more flexible WTO rules on subsidised food stockholding, the chair of the organisation's farm talks said this week.

New Zealand Ambassador John Adank told a meeting of around 30 senior officials on Tuesday, 30 April that the bid to amend current rules in this area was "not likely to be acceptable" to delegations in the run-up to the global trade body's ministerial conference, set to be held in Bali, Indonesia this December.

US calls for a WTO work programme on trade and food security

A statement from US Ambassador Michael Punke called for WTO members to agree on a work programme on trade and food security "that can examine the full range of trade-related government measures that can contribute to that goal."

Punke told other senior officials that "work can and should include examination not only of the role of public stockholding and administered prices in addressing food security concerns, but also how to improve food security through better-functioning markets, including further liberalisation in agricultural trade, reductions in trade-distorting support, elimination of export restrictions, improved transparency, and efficient distribution systems."

Along with several other developed countries and a number of developing ones, the US has been vocal in expressing concern that the G-33 proposal could potentially allow developing countries to reverse progress towards reducing trade distortions in global agricultural markets.

India, along with some other large developing countries, has argued that developing countries should be allowed to purchase food at administered prices from resource-poor or low-income farmers, without having to count these purchases towards the WTO's maximum-permitted ceiling on trade-distorting farm support.

G-33 members present new "non-paper"

Adank met again yesterday with a small informal group of around a dozen trade officials that he has convened repeatedly

in recent weeks, sources said. Ambassadors have been attending these discussions, accompanied by a maximum of one technical official each.

The group includes developed countries with reservations about the G-33 proposal, such as the US, EU, and Australia, as well as developing country proponents, such as China, India, and Pakistan.

On 1 May meeting, the group circulated a "non-paper" for discussion, a copy of which has been seen by Bridges. The document identified four elements that could be negotiated in order to provide developing countries with additional flexibility.

Trade facilitation link

Trade sources also told that India was linking progress on a trade facilitation deal - which would be the centrepiece of any Bali package - to further concessions on the G-33 proposal.

"The Indians were signalling their desire that the G-33 proposal be taken seriously, if they were to be more constructive in the trade facilitation discussions," one negotiator said.

The parliament in New Delhi is set to review proposals that would dramatically expand subsidised food provision to eligible households, under India's new Food Security Bill. These would extend food subsidies to up to 75 percent of the rural population, and up to 50 percent of the urban population.

In Geneva, India has warned that current rules on trade-distorting support could bring the country close to agreed limits on "de minimis" payments - set at ten percent of the country's value of production. While food purchases at administered prices would normally be seen as trade-distorting "amber box" payments, New Delhi has argued that these should be relaxed for purchases from low-income or resource-poor farmers - considered by the government to be those producers with fewer than 10 hectares.

While developed countries have claimed that current WTO rules place no constraint on subsidising poor consumers, India and other G-33 countries have argued that a change in the global trade body's rules is needed in order for countries to also support the livelihoods of poor producers.



Geneva Debates Energy Trade Rules



The WTO is in need of a constructive and forward-looking discussion on trade and energy issues, Director-General Pascal Lamy said on Monday, 29 April. Such an approach, he explained, is necessary if the 159-member body wishes to participate effectively in the future of global energy governance.

Lamy, who was speaking at a workshop on trade and energy held at the WTO's Geneva headquarters, was one of several

presenters to emphasise the crucial role of renewables in helping supply the planet's growing demand for energy while reducing adverse environmental impacts.

However, the Director-General cautioned that countries urgently need to begin discussing the trade implications of ramping up renewable energy in order to ensure success.

"A discussion on the trade-related aspects of measures to promote clean energy, which is both rooted in political reality and informal, remains almost completely absent from the WTO in spite of the existence in the organisation's institutional

structure of dedicated fora for such discussions," Lamy said.

With this in mind, the workshop - organised by Brussels-based Energy Charter Secretariat - aimed to generate discussion on the subject, while helping clarify the system of trade regulation in the energy sector and finding ways to improve it. A range of experts from around the world attended the meeting and discussed issues ranging from international regulation to investment rules to adaptation of current trade law.

With the accession of several fossil fuel-rich countries in recent years - including Saudi Arabia, Ukraine, and Russia - and an array of other energy giants such as Kazakhstan, Libya, Iran, and Iraq in the process of joining the WTO, discussion of energy-related issues at the global trade body will certainly increase.

Workshop participants discussed the possible development of an individual WTO agreement on energy, such as that seen for agriculture or textiles, but generally agreed that such a move would be unlikely. Both the complexity of achieving consensus on such a sensitive issue and the potential fragmentation of the multilateral trading system would make such a move undesirable, several experts said.

A more likely scenario, experts indicated, is to rely on the use of the WTO's dispute settlement

system and to agree to specific terms at the point of a country's accession.

Maxim Medvedkov, Russia's Head of Trade Negotiations, noted that while many of the provisions of the General Agreement on Tariffs and Trade (GATT) are applicable to energy exports - particularly relating to transit - these rules do not sufficiently address pertinent issues, such as trade with countries within regional trading blocs, like the EU.

Medvedkov stressed that, although the existing multilateral rules are too vague to be relied on exclusively, they could be more useful and effective if ambiguities are clarified.

The lack of clear global rules in energy trading is an opportunity to begin a conversation on the establishment of a system of rules for trade in fossil fuels and clean energy technologies, according to Ricardo Meléndez-Ortiz, Chief Executive of ICTSD, the publisher of Bridges.

He said that an important contribution to the development of a multilateral approach should be a dialogue on Sustainable Energy Trade Initiatives between energy and trade policy makers. The lack of such an agreement - even at the national level - demonstrates the need for such discussions in order to ensure energy objectives are in sync with the goals of sustainable development.

China Names Yuan Convertibility Plan as Goal This Year



China signaled it will propose plans this year to allow freer flows of its currency in and out of the nation as part of measures to loosen control over the yuan and interest rates.

The plan on yuan capital-account convertibility will also include a way to let individuals make overseas investments, the State Council said in a statement on 6 May after a meeting led by Premier Li Keqiang on the focus of economic reforms in 2013. Other measures include improving controls on risks from local-government debt, expanding trials of value-added taxes on companies and pushing forward changes to the country's household-registration system.

Future changes may include raising or removing quotas on foreign investment in the nation's bond and stock markets and giving Chinese companies more freedom to borrow overseas, said Chen Bingcai, a former official with the nation's foreign-exchange regulator. Li in March pledged to open the economy to more market forces and strip power from the government as part of efforts to restructure growth.

China needs to sacrifice short-term economic growth for structural adjustments, central bank Governor Zhou Xiaochuan said last month after the nation reported slower-than-forecast first-quarter expansion.

Ex Citi Banker Michael Froman for USTR



US President Barack Obama is said to be close to completing his economic team for his second term, with reports indicating that he planning to nominate Michael Froman - currently the Deputy National Security Advisor for International Economic Affairs - as his choice for US Trade Representative (USTR) in the coming days.

Froman is said to be in the final vetting process for becoming the US' top trade negotiator. Once nominated, he will need to be confirmed by the Senate before he can take on the role, which has been vacant since previous USTR Ron Kirk stepped down in mid-March. Deputy USTR Demetrios Marantis has been serving as Acting USTR in the interim.

TPP, EU-US pacts in the background

The nomination of a new USTR comes at a time when the Obama Administration is taking on an increasingly ambitious trade agenda, in line with the president's stated goal of doubling exports from their 2009 levels by 2015.

For instance, the US is planning talks on a bilateral trade and investment deal with the EU, which are likely to launch this summer. The proposed deal is aimed at expanding the world's largest trading relationship, at a time when both sides are struggling with maintaining - and speeding up - a fragile economic recovery. The two sides have said that they aim to conclude the negotiations within as little as two years.

The US is also one of 11 countries - soon to be 12 with the addition of Japan - that is negotiating the Trans Pacific Partnership (TPP) Agreement. The group is hoping to conclude negotia-

tions for the so-called "21st-century" deal by the end of this year, with the aim of it eventually serving as a possible platform for a broader deal among the 21 Asia-Pacific Economic Cooperation (APEC) countries.

Froman is no stranger to the intricacies of trade talks, having played a key role in the final stages of the US' trade negotiations with South Korea. He has also worked closely with Obama at all major international economic events, having served as the US Sherpa for the G-20 and G-8 summits, and assisting the president at the APEC Leaders' Meetings.

Prior to joining the Obama Administration, Froman acquired substantial experience in both the private and public sectors. After being a Senior Fellow at the Council of Foreign Rela-

WIPO Conference on Genetic Resources to Discuss Draft Law

A draft text for a legal instrument on the protection of traditional knowledge will continue to make its way towards a potential diplomatic conference, members of the World Intellectual Property Organization (WIPO) decided last week in Geneva.

The Intergovernmental Committee on Genetic Resources, Traditional Knowledge, and Folklore (IGC) was created in 2000 in response to concerns by biodiversity-rich countries and indigenous communities about the misappropriation of their genetic resources and associated traditional knowledge.

The committee is currently working toward developing text(s) for an international legal instrument(s) aimed at ensuring the effective protection of genetic resources, traditional knowl-

edge, and traditional cultural expressions. The work has been divided into three thematic sessions to deal with the respective topics, with the last of these slated for July. The document

considered last week is expected to be transmitted to the organisation's General Assemblies in September, which will in turn decide whether to convene a diplomatic conference on the subject - the UN body's highest level of negotiations.

Text sees progress, though brackets remain

The 22-26 April meeting saw delegates work in informal and small drafting groups in order to whittle down a text fraught with brackets. For the

WEEKLY INDEX OF CHANGES

Last Date for Use of SAD Credited DEPB Extended to 30 Sept Disposal of SAD Refund Cases Thru DEPB to be Cleared by 30 June

Subject: Refund of 4% CVD (SAD)-Extension of time upto 30th September 2013, for using re-credited 4% CVD (SAD) amount in DEPB.

18-CBEC Your kind attention is invited
29.04.2013 to the Circular No.27/2010-
(DoR) Customs, dated 13.08.2010,
regarding procedure on refund
of 4% Special Additional Duty (SAD). The above
Circular provides the facility of manual filing of
Bill of Entry for utilizing the amount of re-credited
4% SAD refunds for payment of duty in case of
re-credited DEPB/ Reward Scheme scrips upto
31-03-2012. Circular No. 10/2012-Customs dated
29.03.2012 further extended the time upto
30.06.2012 utilizing the amount of re-credited
4% SAD refunds for payment of duty in case of
re-credited DEPB/ Reward Scheme scrips.

2. References have been received from trade
in the Board that importers have not been able
to utilize the re-credited amount of 4% SAD. The
matter has been examined in consultation with
Director General of Foreign Trade (DGFT) and
it has been decided to extend time limit for using
re-credited DEPB scrips/ Reward Scheme scrips
in case of 4% SAD upto **30.09.2013**.

3. Board also directs all Chief Commissioner
of Customs to ensure that all pending applica-

tion for refund of 4% SAD paid through DEPB/
reward scrips are disposed of by **30-06-2013**.
The Chief Commissioner may constitute a special
team to liquidate these refund claims. The
report in this regard should be sent to Board by
04-07-2013.

4. Board also reiterates Para 8 of Board's
Circular No. 27/2010-Customs, dated 13-08-
2010 wherein it was mentioned that in the
interest of ensuring expeditious grant of refund
of 4% SAD, the importers may be advised to
make the initial payment of 4% SAD in cash.
DGFT has also informed that no re-crediting
shall be done if such payment is made by
means of scrips. In other words, in future export-
ers should pay SAD component in cash if they
want a refund.

5. It is emphasized that this is the **final** exten-
sion of time limit for reusing re-credited DEPB
Scrips/Reward Scheme Scrips.

6. A suitable Public Notice and Standing Or-
der may be issued for the guidance of the trade
and staff.

F.No.401/16/2012-Cus.III

Anti-dumping Duty on Carbon Black Hiked in Review, Measure Valid till July 2014

Ntnf 09-ADD WHEREAS in the matter
26.04.2013 of import of Carbon Black used
(DoR) in rubber applications

(hereinafter referred to as the
subject goods), falling under the tariff- item
28030010 of the First Schedule to the Customs
Tariff Act, 1975 (51 of 1975) (hereinafter re-
ferred to as the said Customs Tariff Act), origi-
nating in, or exported from the People's Repub-
lic of China, Thailand, Russia and Australia
(hereinafter referred to as the subject coun-
tries), on the basis of the findings of the desig-
nated authority made vide notification No. 14/
21/2008-DGAD, dated the 24th December, 2009,
published in the Gazette of India, Extraordinary,
Part I, Section 1, dated the 24th December,

2009, the Central Government had imposed
definitive anti-dumping duty on the subject goods
vide notification of the Government of India in
the Ministry of Finance (Department of Rev-
enue), No. 6/2010-Customs, dated the 28th
January, 2010, published in the Gazette of India
Extraordinary, Part II, Section 3, Sub-section (i)
vide number G.S.R. 50 (E), dated the 28th
January, 2010;

AND WHEREAS, the designated authority
vide notification No. 15/41/2010-DGAD, dated
the 30th August, 2011, published in the Gazette
of India, Extraordinary, Part I, Section 1, dated
the 30th August, 2011, had initiated review in
terms of sub-section (5) of section 9A of the said

Customs Tariff Act read with rule 23 of the
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 said rules),
in the matter of continuation of anti-dumping
duty on imports of subject goods, originating in,
or exported from, the subject countries, im-
posed vide notification of the Government of
India, in the Ministry of Finance (Department of
Revenue), No. 06/2010-Customs, dated the 28th
January, 2010, published in the Gazette of
India, Extraordinary, Part II, Section 3, Sub-
section (i), vide number G.S.R.50 (E), dated the
28th January, 2010, and vide notification No.
15/41/2010-DGAD, dated the 28th February,
2013, published in the Gazette of India, Extraor-
dinary, Part I, Section 1, dated the 28th Febru-
ary, 2013, had recommended for continuation
of the anti-dumping duty at the specified rates;

Now, therefore, in exercise of the powers
conferred by sub-sections (1) and (5) of section
9A of the said Customs Tariff Act, read with
rules 18 and 20 of the said rules, 1995, and in
supersession of the notification of the Govern-
ment of India in the Ministry of Finance (Depart-
ment of Revenue), No. 06/2010-Customs, dated
28th January, 2010, published in the Gazette of
India Extraordinary, Part II, Section 3, Sub-
section (i) vide number G.S.R. 50 (E), dated the
28th January, 2010, except as respects things
done or omitted to be done before such super-
session, the Central Government, on the basis
of the aforesaid findings of the designated au-
thority, hereby imposes on the goods, the de-
scription of which is specified in column (3) of
the Table below, falling under tariff-item of the
First Schedule to the said Customs Tariff Act as
specified in the corresponding entry in column
(2), 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 ex-
ported from the country as specified in the
corresponding entry in column (5), by the ex-
porters as 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 corre-
sponding entry in column (10) and per unit of
measurement as specified in the corresponding
entry in column (9) of the said Table.

Table

SNo.	Tariff item	Description of goods	Country of origin	Country of Export	Producer	Exporter	Duty Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	28030010	Carbon Black used in rubber applications*	Australia	Australia	Any	Any	0.330	KG	US Dollar
2	28030010	-do-	Australia	Any	Any	Any	0.330	KG	US Dollar
3	28030010	-do-	Any	Australia	Any	Any	0.330	KG	US Dollar
4	28030010	-do-	People's Republic of China	People's Republic of China	Any	Any	0.423	KG	US Dollar
5	28030010	-do-	People's Republic of China	Any	Any	Any	0.423	KG	US Dollar
6	28030010	-do-	Any	People's Republic of China	Any	Any	0.423	KG	US Dollar
7	28030010	-do-	Russia	Russia	Any	Any	0.391	KG	US Dollar
8	28030010	-do-	Russia	Any	Any	Any	0.391	KG	US Dollar
9	28030010	-do-	Any	Russia	Any	Any	0.391	KG	US Dollar
10	28030010	-do-	Thailand	Thailand	Any	Any	0.186	KG	US Dollar
11	28030010	-do-	Thailand	Any	Any	Any	0.186	KG	US Dollar
12	28030010	-do-	Any	Thailand	Any	Any	0.186	KG	US Dollar

*Note: - Thermal Black and Carbon Black grade meant for semi conductive compound applications are excluded from the scope of the product under consideration.

2. The anti-dumping duty imposed under this notification shall be levied from the date of publication of this notification in the Official Gazette and valid up to the 29th July, 2014 and shall be payable in Indian currency.

Explanation. - For the purposes of this notification, rate of exchange applicable for the pur-

poses of calculation of 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 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.354/130/2009 –TRU (Pt.I)]

Five More Years of Anti-dumping Duty on Soda Ash from Russia and Turkey – Final Findings

Ntfn 08-ADD 18.04.2013 (DoR) Whereas, in the matter of Soda Ash (hereinafter referred to as the subject goods), falling under sub-heading

283620 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, Russia and Turkey (hereinafter referred to as the subject countries) and imported into India, the designated authority vide its final findings No. 14/3/2011-DGAD dated the 9th February, 2013, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 9th February, 2013, had come to the conclusion that-

(a) the subject goods have entered the Indian market from the subject countries below associated normal values, thus resulting in dumping of the subject goods;

(b) the domestic industry has suffered material injury in respect of the subject goods; and

(c) the material injury to the domestic industry has been caused due to dumped imports of

the subject goods from the subject countries, and had recommended imposition of definitive 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 (1) of section 9A of the Customs Tariff Act, 1975, 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, on the basis of the aforesaid findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, falling under 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 exported from the countries as specified in the corresponding entry in column (5), and produced by the producers as specified in the corresponding entry in column (6), and

Table

SNo.	Sub-heading	Description of goods	Country of origin	Country of exports	Producer	Exporter	Amount	Unit of measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	283620	Disodium Carbonate (Soda ash)	Russia	Russia	Any	Any	35.99	MT	US\$
2	283620	-do-	Russia	Any country other than those subject to antidumping duties	Any	Any	35.99	MT	US\$
3	283620	-do-	Any country other than those subject to antidumping duties	Russia	Any	Any	35.99	MT	US\$
4	283620	-do-	Turkey	Turkey	Soda Sanayii A.S	Soda Sanayii A.S	18.39	MT	US\$
5	283620	-do-	Turkey	Turkey	Soda Sanayii A.S	Vincom Commodities Limited, UK	18.39	MT	US\$
6	283620	-do-	Turkey	Turkey	ETI Soda	ETI Soda	21.00	MT	US\$
7	283620	-do-	Turkey	Turkey	ETI Soda	Vincom Commodities Limited, UK	21.00	MT	US\$
8	283620	-do-	Turkey	Turkey	Any combination other than mentioned in Sl. No.4 to 7 above	Any	75.16	MT	US\$
9	283620	-do-	Turkey	Any country other than those subject to antidumping duties	Any	Any	75.16	MT	US\$
10	283620	-do-	Any country other than those subject to antidumping duties	Turkey	Any	Any	75.16	MT	US\$

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, amended and super-

seded earlier) from the date of publication of this notification in the Official Gazette and shall be payable in Indian currency.

Anti-dumping Duty on Barium from China – Corrections in Exporters Name

Ntfn 07-ADD 18.04.2013 (DoR) In exercise of the powers conferred by sub-section (1) and (5) of section 9A of the Customs Tariff Act,

1975 (51 of 1975), 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 hereby makes the following amendments in notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 06/2011-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, namely:-

In the said notification, in the Table, against S. No. 5, for the existing entries in column (7), the entries "M/s Guangzhou Chemicals Import and Export Co. Ltd, People's Republic of China" shall be substituted.

[F. No.354/21/2010-TRU (Pt.I)]

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

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

shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, under section 14 of the Customs Act, 1962, (52 of 1962), and

the relevant date for 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.354/30/2013-TRU]

Another Five Years of Anti-dumping Duty on Plain Gypsum Plaster Boards from China, Indonesia, Thai and UAE

Ntnf 06-ADD Whereas in the matter of 12.04.2013 imports of Plain Gypsum (DoR) Plaster Boards of all thicknesses and dimensions, (hereinafter referred to as the subject goods), falling under the heading 6809 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, China People's Republic, Indonesia, Thailand, and United Arab Emirates (hereinafter referred to as the subject countries) and imported into India, the designated authority in its preliminary findings *vide*, notification No. 14/45/2010-DGAD, dated the 19th March, 2012, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 19th March, 2012, had come to the conclusion that-

(i) the product under consideration has been exported to India from the subject countries below associated normal values, thus resulting in dumping of the subject goods;

(ii) the domestic industry has suffered material injury;

(iii) the material injury to the domestic industry has been caused by the dumped imports from subject countries,

and had recommended imposition of provi-

sional anti-dumping duty on the imports of the subject goods, originating in, or exported from, the subject countries;

And whereas on the basis of the aforesaid preliminary findings of the designated authority, the Central Government had imposed provisional anti-dumping duty, *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 32/2012-Customs (ADD), dated the 7th June, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 434 (E), dated the 7th June, 2012;

And whereas the designated authority *vide* its final findings *vide* notification No. 14/45/2010-DGAD, dated 15th January, 2013, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 15th January, 2013 had come to the conclusion that –

(i) the subject goods have entered the Indian market from the subject countries below associated normal values, thus resulting in dumping of the subject goods;

(ii) the dumping margins of the subject goods imported from the each of the subject countries are above *de-minimis*;

(iii) the domestic industry has suffered material injury in respect of the subject goods; and

(iv) the dumped imports of the subject goods from the subject countries have caused material injury to the domestic industry.

and had recommended imposition of definitive anti-dumping duty on all imports of subject goods, originating in or exported from the subject countries in order to remove the injury to the domestic industry;

Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (5) of section 9A of the said 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, on the basis of the aforesaid final findings of the designated authority, hereby imposes definitive anti-dumping duty 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 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

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
SNo.	Sub-heading	Description of goods	Country of origin	Country of export	Producer	Exporter	Duty amount	Unit	Currency
1	680911 00, 680919 00	Plain Gypsum Plaster Board	China People's Republic	China People's Republic	Any	Any	32.85	Cubic Metre (M3)	US dollar
2	do	-do-	China People's Republic	Any	Any	Any	32.85	-do-	US dollar
3	do	-do-	Any	China People's Republic	Any	Any	32.85	do	US dollar
4	do	-do-	Indonesia	Indonesia	Any	Any	24.11	do	US dollar
5	do	-do-	Indonesia	Any	Any	Any	24.11	do	US dollar
6	do	-do-	Any	Indonesia	Any	Any	24.11	do	US dollar
7	do	-do-	Thailand	Thailand	Siam Gypsum Industry (Saraburi) Co. Ltd.	Siam Gypsum Industry (Saraburi) Co. Ltd.	54.46	do	US dollar
8	do	-do-	Thailand	Thailand	Siam Gypsum Industry (Songkhla) Co. Ltd.	Siam Gypsum Industry (Songkhla) Co. Ltd.	54.46	do	US dollar
9	do	-do-	Thailand	Thailand	Any other combination other than 7 and 8 above	Any other combination other than 7 and 8 above	73.80	do	US dollar
10	do	-do-	Thailand	Any	Any	Any	73.80	do	US dollar
11	do	-do-	Any	Thailand	Any	Any	73.80	do	US dollar
12	do	-do-	United Arab Emirates	United Arab Emirates	M/s Gypsemna Co. (L.L.C.), Dubai	M/s Gypsemna Co. (L.L.C.), Dubai	12.30	do	US dollar
13	do	-do-	United Arab Emirates	United Arab Emirates	Any Other Combination other than 12 above	Any Other Combination other than 12 above	20.15	do	US dollar
14	do	-do-	United Arab Emirates	Any	Any	Any	20.15	do	US dollar
15	do	-do-	Any	United Arab Emirates	Any	Any	20.15	do	US dollar

Note 1: For the purposes of this notification Gypsum Boards having water absorption up to and including 5% (Moisture Resistant Boards), Gypsum Boards having a minimum breaking load of 24 newtons in the transverse direction and 50 newtons in the longitudinal direction per millimeter of thickness (Impact Resistant Boards or Fire Resistant Board), Fire Boards, Fire Heat Boards, Impact Boards, Gypsum Ceiling Boards with Moisture Barrier, ECHO Boards, Heat Boards, Anti-mold Boards or Weather Boards, Thermal Boards, Gypsum Ceiling Boards with Aluminium Edges Sealed in White Film and Ceiling tiles shall not be liable to pay anti-dumping duty.

Note 2: The anti-dumping duty imposed shall

be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of the provisional anti-dumping duty, that is, the 7th June, 2012.

Note 3: The anti-dumping duty shall be imposed on the landed value and shall be payable in Indian currency.

Note 4: Landed value of imports shall be the assessable value as determined by the Customs Authority under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties levied under sections 3, 3A, 8B, 9 and 9A of the Customs Tariff Act, 1975 (51 of 1975).

[F.No.354/70/2012 –TRU]

No TED Refund under Deemed Exports when *ab initio* Exemption Available

Subject: Amendments in Paragraph 8.3 (c) and Paragraph 8.4 of the FTP pertaining to deemed exports scheme.

04-Ntfn(RE) In exercise of the powers 18.04.2013 conferred by Section 5 of the (DGFT) Foreign Trade (Development & Regulation) Act, 1992, as amended, read with paragraph 1.3 of the Foreign Trade Policy, 2009-2014, the Central Government hereby makes the following amendments in Foreign Trade Policy, 2009-2014.

2. The existing paragraphs 8.3 (c) and 8.4 in the FTP are substituted by amended paragraphs 8.3(c) and 8.4 as given below:

(i) Existing Paragraph 8.3 (c)

“Exemption from terminal excise duty where supplies are made against ICB. In other cases, refund of terminal excise duty will be given. Exemption from TED shall also be available for supplies made by an Advance Authorisation holder to a manufacturer holding another Advance Authorisation if such manufacturer, in turn, supplies the product(s) to an ultimate exporter.”

Amended Paragraph 8.3 (c)

“Refund of terminal excise duty will be given if exemption is not available. Exemption from TED is available to the following categories of supplies:

- Supplies against ICB;
 - Supplies of intermediate goods, against invalidation letter, made by an Advance Authorisation holder to another Advance Authorisation holder; and
 - Supplies of goods by DTA unit to EOU / EHTP / STP / BTP unit
- Thus such categories of supply which are

exempt *ab initio* will not be eligible to receive refund of TED”.

(ii) Existing Paragraph 8.4

“Following table shows the benefits available to different categories of supplies as mentioned in Para 8.2 above. In respect of such supplies supplier shall be entitled to the benefits listed in paragraphs 8.3 (a), (b) & (c) of the Policy, whichever is applicable.”

Relevant sub-para of 8.2	Benefit available as given in Para 8.3, whichever is applicable		
	(a)	(b)	(c)
(a)	Yes (for intermediate supplies)	Yes (against ARO or Back to Back letter of credit)	Yes (Against ARO or Back to Back letter of Credit)
(b)	Yes	Yes	Yes
(c)	Yes	Yes	Yes
(d)	Yes	Yes	Yes
(f)	Yes	Yes	Yes
(h)	No	Yes	Yes
(i)	Yes	Yes	No
(j)	Yes	Yes	Yes

Amended Paragraph 8.4

“Following table shows the benefits available to different categories of supplies as mentioned in Para 8.2 above. In respect of such supplies supplier shall be entitled to the benefits listed in paragraphs 8.3 (a), (b) & (c) of the Policy, whichever is applicable.”

Relevant sub-para of 8.2	Benefit available as given in Para 8.3, whichever is applicable		
	(a)	(b)	(c)
(a)	Yes (for intermediate supplies against an invalidation letter)	Yes (against ARO or Back to Back letter of credit)	(i) Exemption in case of invalidation (ii) Refund in case of ARO or back to back letter of credit
(b)	Yes	Yes	Exemption
(c)	Yes	Yes	Refund
(d)	Yes	Yes	Exemption
(f)	Yes	Yes	(i) Exemption (ii) Exemption, if ICB. Refund, if without ICB.
(h)	No	Yes	Refund
(i)	Yes	Yes	No
(j)	Yes	Yes	Refund

DGFT Gets Personal Hearing Powers as Last Stage Resort Authority to Redress Grievances in Move to Clear Bottlenecks

(DGFT should clear old cobwebs of long pending cases under this by one time amnesty with reasonable penalty. Other Departments may learn from DGFT experience – Ed.)

Subject: Grievance Redressal.

08-Ntfn(RE) In exercise of powers 22.04.2013 conferred by Section 5 of (DGFT) the Foreign Trade (Development &

Regulation) Act, 1992 (No. 22 of 1992), read with paragraph 2.1 of the Foreign Trade Policy, 2009-2014, as amended from time to time, the Central Government hereby substitutes the contents of the existing Para 2.49.2 of Foreign Trade Policy 2009-14 as under;

“2.49.2 Personal Hearing by DGFT

a) Paragraph 2.5 of FTP contains the provision for relaxation of Policy and Procedures on grounds of genuine hardship and adverse impact on trade. DGFT may consider such request after consulting respective Norms Committee, EPCG Committee and Policy Relaxation Committee (PRC).

b) As a last resort to redress grievances of Importers/Exporters, DGFT may provide an opportunity for Personal Hearing (PH). For such PH, a specific request has to be made to DG if following conditions are satisfied:

i. If an importer/exporter is aggrieved by any decision taken by Policy Relaxation Committee (PRC), or a decision/order by any authority in the Directorate General of Foreign Trade, and

ii. a request for review before the said Committee or Authority has been filed,

iii. such Committee or Authority has considered the request for a review, and

iv. the exporter/ importer continues to be aggrieved.

c) The decision conveyed in pursuance to the personal hearing shall be final and binding.

d) The opportunity for Personal Hearing will not apply to a decision/order made in any proceeding, including an adjudication proceeding, whether at the original stage or at the appellate stage, under the relevant provisions of F.T.(D&R) Act, 1992, as amended from time to time”.

2. Effect of the Notification

The existing grievance redressal mechanism stands revised.

3. Effect of this amendment

When *ab initio* exemption is available, benefit of TED refund will not be given.

Tariff Value of Brass Scrap and Palm Oil Down Gold and Silver Tariff Value Up by US\$5/10 gms and US\$26/kg Respectively

51-Cus(NT) In exercise of the powers conferred by sub-section (2)
30.04.2013 of section 14 of the Customs Act, 1962 (52 of 1962),
(DoR) 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 and TABLE-2, the following Tables
shall be substituted namely:-

"Table-1

SNo.	Chapter/ sub-heading/ tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	824
2	1511 90 10	RBD Palm Oil	851
3	1511 90 90	Others – Palm Oil	838
4	1511 10 00	Crude Palmolein	858
5	1511 90 20	RBD Palmolein	861
6	1511 90 90	Others – Palmolein	860
7	1507 10 00	Crude Soyabean Oil	1103
8	7404 00 22	Brass Scrap (all grades)	3942
9	1207 91 00	Poppy seeds	4395 (i.e. no change)

Table-2

SNo.	Chapter/ sub-heading/ tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1	71	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	477 per 10 grams
2	71	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	788 per kilogram

[F. No. 467/01/2013-Cus. V]

Clubbing of Advance Licences Issued between 1 April 2002 and 31 May 2012 Allowed

02-PN(RE) In exercise of powers conferred under Paragraph 2.4
18.04.2013 of the Foreign Trade Policy, 2009-2014, the Director
(DGFT) General of Foreign Trade hereby notifies the following
amendments in Chapter 4 of the Handbook of

Procedures (Volume I). This shall come into force from 18th April, 2013.
(1) In order to facilitate disposing of pending requests of the exporters by
RAs, it has been decided to amend Para 4.20.5 of HBP v1 which reads
as under:-

No clubbing of authorisations issued on or before 31st March, 2004 shall be allowed. Further, no clubbing of authorisations covered under Appendix 30A of the HBPv1 or authorisations with less than 18 months EOP shall be allowed.

The amended Sub-para shall read as under [new portion in bold letters]:-

"No clubbing of authorisations issued on or before 31st March, 2004 shall be allowed. Further, no clubbing of authorisations covered under Appendix 30A of the HBPv1 or authorisations with less than 18 months EOP shall be allowed. However, requests for clubbing of Advance Licences/Authorisations, issued between 1.4.2002 and 31.5.2012, and received by RAs on or before 4.6.2012 may be disposed of as per the provisions of HBP-v1 prior to issue of Revised Edition/Annual

BIG's Weekly Index of Changes No 07/08-14 May 2013

Exchange Rates for Customs Valuation

Rupee Falls to Rs. 54.65 for Customs Valuation on Imports w.e.f. 3 May 2013

52-Cus(NT) In exercise of the powers conferred by section 14 of the
02.05.2013 Customs Act, 1962 (52 of 1962), and in supersession of
(DoR) the notification of the Government of India in the
Ministry of Finance (Department of Revenue) No. 40/
2013-CUSTOMS (N.T.), dated the 18th April, 2013 vide number S.O.
993(E), dated the 18th April, 2013, except as respects things done or
omitted to be done before such super session, 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 3rd May, 2013** 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	56.85	56.70	55.30	55.15
2.	Bahrain Dinar	147.95	147.50	139.60	139.20
3.	Canadian Dollar	54.25	53.55	52.90	52.10
4.	Danish Kroner	9.65	9.70	9.35	9.40
5.	EURO	71.90	72.10	70.05	70.25
6.	Hong Kong Dollar	7.05	7.05	6.90	6.90
7.	Kenya Shilling	66.80	66.35	62.65	62.25
8.	Kuwait Dinar	196.20	195.60	184.80	184.25
9.	Newzeland Dollar	47.00	46.35	45.75	45.10
10.	Norwegian Kroner	9.45	9.60	9.15	9.25
11.	Pound Sterling	84.85	83.95	82.95	81.90
12.	Singapore Dollar	44.45	44.30	43.40	43.25
13.	South African Rand	6.20	6.10	5.85	5.75
14.	Saudi Arabian Riyal	14.85	14.85	14.05	14.00
15.	Swedish Kroner	8.40	8.60	8.15	8.35
16.	Swiss Franc	58.60	59.25	56.95	57.70
17.	UAE Dirham	15.20	15.15	14.35	14.30
18.	US Dollar	54.65	54.50	53.70	53.55

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

1.	Japanese Yen	56.05	55.75	54.60	54.30
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[F.No.468/03/2013-Cus. V]

Supplement dated 5.6.2012, provided conditions stipulated in Public Notice No. 79 dated 13.10.2011 are adhered".

(2) To rectify the omission under Appendix 21 C relating to PROCEDURE OF ELECTRONIC FUND TRANSFER in NOTE 3, the word 'DFIA' is being inserted after the words "Advance Authorisation" in the 1st sentence of the NOTE.

Effect of this Public Notice

This would facilitate disposal of pending requests the exporters for clubbing of advance authorisations where applications have been received upto 4.6.2012. The second para would facilitate issue of duplicate authorisation in lieu of cancelled authorisation after payment of only Rs.200/- as additional application fee as in case of other authorisations.

Sub Contracting for IT Units Allowed

Subject: Enabling employees to work from a place outside the EOU/ EHTP/STP/BTP.

05-PN(RE) In exercise of powers conferred under Paragraph 2.4
18.04.2013 of the Foreign Trade Policy, 2009-14, as amended from
(DGFT) time to time, Director General of Foreign Trade hereby
makes following amendments by inserting a new Para
i.e. Para 6.7.5 in the Handbook of Procedures Vol. I, after the existing
Para 6.7.4 as below:

“6.7.5 Person(s)/employee(s) authorized by a unit of (i) IT related EOU or (ii) STP or (iii) EHTP or (iv) BTP may work from a place outside the said unit, subject to the following conditions:

(a) There must be an Authorisation from the unit specifying the duration of such authorization.

(b) Responsibility for carrying out the work and supervision, if any, be that of the unit, which

will be liable for any misuse.

(c) Export of the resultant products/ services would take place only from the premises of the unit.”

2. Effect of this Public Notice

Authorized person(s)/employee(s) of the IT related EOU; STP; EHTP; BTP are being permitted to work from home and/or a place outside the unit.

Eicosapentaenoic Acid (EPA) and Docosapentaenoic Acid (DHA) Standard Revised to not Less than 5% by Weight Content in Refined Fish Body Oil

Subject: Amendment in the Import Policy of Fish Body Oil (Refined).

11-Ntnf(RE) In exercise of powers
22.04.2013 conferred under Section 5
(DGFT) of the Foreign Trade
(Development and Regulation)
Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy, 2009-2014, as amended from time to time, the Central Government hereby makes the following amendment in Chapter 15 of ITC (HS) 2012, Schedule 1 (Import Policy):

2. The Quality Parameter (iv)-Eicosapentaenoic Acid EPA + Docosapentaenoic Acid DHA of Fish Body Oil (Refined) under Exim Codes 1504 20 10 and 1504 20 20 as prescribed in Policy Condition 5 at the end of Chapter 15 of ITC (HS) 2012, Schedule 1 (Import Policy) is revised from the present ‘5-15% by weight’ to ‘Not less than 5% by weight’. After the revision, the Quality Parameters in Policy Condition 5 of Chapter 15 shall be as under:

SNo.	Quality Parameter	Value
(i)	Free fatty Acids:	<0.10% (as Oleic Acid)
(ii)	Moisture:	<0.5%
(iii)	Perozone value (PV):	<10 milli equivalent/kg of oil
(iv)	Eicosapentaenoic Acid EPA + Docosapentaenoic Acid DHA:	Not less than 5% by weight
(v)	Trans fat:	<0.1%

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3. Effect of this Notification

The prescribed standard of EPA & DHA content in Fish Body Oil (Refined) has been revised to ‘Not less than 5% by weight’ without any upper limit.

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most part, members focused on trying to resolve some of the remaining kinks in the areas of the subject matter, beneficiaries, and scope of protection, as well as exceptions and limitations to the instrument.

Though some parts of the text - such as the definition of traditional knowledge - appear to have fewer brackets than before, the document still reflects important disagreements between countries on core issues.

One particularly contentious issue under “scope of protection” continues to be a mandatory disclosure requirement in patent applications regarding the origin of genetic resources and associated traditional knowledge. Proponents say that such a measure would prevent erroneous patents from being granted and ensure that adequate access and benefit-sharing provisions are in place. Opponents say such a requirement would be burdensome for patent applicants and may not ensure the adequate protection of traditional knowledge.

Members are also still at odds over exceptions and limitations in the potential instrument, and agreed that most countries needed more time to thoroughly assess the options on the table.

Public domain issue heats up

Another issue that turned heated during the discussions was whether traditional knowledge found in the public domain or that is known and used outside the community is eligible for protection. The African Group, for one, noted the intellectual property (IP) system already has a difficult time defining what is meant by the public domain, and it is not up to traditional knowledge negotiations to resolve this problem.

Other texts reignite controversy

One of the documents is a joint recommendation that sets non-binding general guidelines for the protection of genetic resources and associated traditional knowledge, which was submitted by the US, Canada, Japan, Norway, and South Korea.

Another one features a proposal for the terms of reference for a WIPO study on measures related to the avoidance of the erroneous granting of patents. The third suggests that a joint recommendation be made on the use of databases for the defensive protection of genetic resources and the associated traditional knowledge. These last two were tabled by the same group of countries as the first proposal, with the exception of Norway.

Many developing countries expressed concern that reopening these previously acknowledged texts would bring up “parallel discussions” that would significantly hinder the existing process on the current draft text.