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India, China Sign MoUs to Address Concerns on Trade Deficit

- Trade Deficit Increased from USD 1.08 bn in 2001-02 to USD 40.77bn in 2012-13
- Export of Buffalo Meat from India to China
- Cooperation for Import and Export Trade of Fishery Products
- Import and Export of Medicines and Health Products
- Trade, Safety of Feed and Feed Ingredients

India and China today here signed three Memorandum of Understandings (MoUs) on buffalo meat, fisheries and pharmaceuticals; and one agreement on feed and feed ingredients. These MoUs will address the growing trade deficit between the two countries. The trade deficit has increased from USD 1.08 billion in 2001-02 to USD 40.77 billion in 2012-13. The MoUs were signed during the visit of the Premier of the State Council of the People's Republic of China, Mr. Li Keqiang to India.

The Union Minister of Commerce, Industry & Textiles Anand Sharma said that "the signing of the MoUs between India and China is a good beginning to address the issues India is raising with China from time to time. All the sectors are of immense trade importance to India and India has clear price and quality competitiveness in these sectors to compete in the world market."

A MoU for the export of buffalo meat from India to China was signed between Chinese General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) and India's Agricultural and Processed Food Products Export Development Authority (APEDA). The export of buffalo meat is not allowed from India to China and this has been a long pending issue between two countries. With the resumption of trade, India hopes a big merchandise trade that will not only be helpful in reducing trade imbalance of India but also in China's food security by providing quality and hygiene meat products.

The Marine Products Export Development Authority (MPEDA) and AQSIQ signed a MoU on cooperation for import and export trade of fishery products. The MoU aims to institutionalise cooperation in promoting trade of fishery products and healthy

development of trade between India and China. India is expecting more exports from India to China through this cooperation.

A MoU was also signed between Pharmaceuticals Export Promotion Council of India (Pharmexcil) and The China Chamber of Commerce for Import and Export of Medicines and Health Products (CCCMHPIE). India has been finding it difficult to expand its trade with China in the pharmaceutical sector. The

signing of the MoU is expected to facilitate access to the China market in pharmaceuticals. The average imports of medicinal and pharmaceutical products from China during last five years were USD 4332.37 million vis-à-vis exports from India of USD 692.44 million.

An agreement was also signed between Export Inspection Council of India (EIC) and AQSIQ on trade and safety of feed and feed ingredients. India hopes a big merchandise trade for feed & feed ingredients after the resumption of trade as China has sus-

pending import of feed and feed ingredients since January 1, 2012.

A work programme was also constituted on the Working Groups constituted during the 9th Joint Economic Group (JEG). The programme proposes concrete deliverables to constitute and define detailed mandate of the Working Groups as per the spirit of the JEG held on 27th August 2012 in New Delhi.

The bilateral trade between India and China had gone up from USD 2.09 billion in 2001-02 to the high of USD 75.59 billion in 2011-12; which tapered to USD 67.83 billion during the year 2012-13.



Joint Statement on the State Visit of Chinese Premier Li Keqiang to India

1. At the invitation of H.E. Dr. Manmohan Singh, Prime Minister of the Republic of India, H.E. Mr. Li Keqiang, Premier of the State Council of the People's Republic of China, is on a State visit to India from 19 to 22 May 2013. Premier Li held talks with Prime Minister Dr. Manmohan Singh and will call on H.E. Mr. Pranab Mukherjee, President of India. The leaders of the two countries had an in-depth exchange of views on bilateral relations and regional and international issues of mutual interest in a sincere and cordial atmosphere and reached

broad consensus.

2. The two sides reviewed with satisfaction the comprehensive and rapid progress of India-China relations in the 21st century. Over the years, India and China have evolved an effective model of friendly coexistence and common development, which can be an example for relations between big, neighboring countries. The two sides reaffirmed their commitment to abide by the principles and consensus arrived at by leaders of the two countries over the years concerning the

development of India - China relations, and to further consolidate the Strategic and Cooperative Partnership for Peace and Prosperity on the basis of the Five Principles of Peaceful Coexistence and mutual sensitivities for each other concerns and aspirations.

3. India and China have a historic opportunity for economic and social development and the realization of this goal will advance peace and prosperity in Asia and the world at large. The two sides welcome each other's peaceful development and regard it as a mutually reinforcing process. There is enough space in the world for the development of India and China, and the world needs the common development of both countries. As the two largest developing countries in the world, the relationship between India and China transcends bilateral scope and has acquired regional, global and strategic significance. Both countries view each other as partners for mutual benefit and not as rivals or competitors.

4. The two sides hold that the right of each country to choose its own path of social, economic and political development in which fundamental human rights and the rule of law are given their due place, should be respected. The two sides will not allow their territories to be used for activities against the other. The two sides are committed to taking a positive view of and support each other's friendship with other countries.

5. Recognizing the growing bilateral relationship and the increasing global importance of both India and China, the two sides agreed to a regular exchange of visits between the Heads of State/ Government of the two countries. The leaders of the two countries will also continue to meet on the sidelines of important multi-lateral forums.

6. The two sides attached great importance to the active role of the Strategic Economic Dialogue in promoting macro-economic policy co-ordination and pragmatic cooperation in various fields between the two countries and expressed satisfaction over the progress made in the meetings of the Dialogue. They agreed to further strengthen cooperation in the areas of energy and environmental conservation, new and renewable energy and high-technology. The two sides agreed to enhance cooperation in the railway sector including heavy haulage and station development.

7. Considering the rapid changes in the world economic situation, the two sides tasked the Strategic Economic Dialogue mechanism to consider issues of macro-economic coordination, and to suggest possible responses by the two countries. Both countries share a common interest in preventing protectionism and in an open multilateral trading system. The two sides agreed to continue pushing forward the Doha Development Round, consider the potential for a bilateral Regional Trade Arrangement and review the state of negotiations on the Regional Comprehensive Economic Partnership (RCEP).

8. The first meeting of the India - China CEO's Forum was held during Premier Li Keqiang's visit to India. The Prime Ministers of both countries look forward to the recommendations of the Forum to further enhance bilateral trade and investment.

9. While striving to realize the trade turnover

target of US\$ 100 billion by 2015, the two countries agreed to take measures to address the issue of the trade imbalance. These include cooperation on pharmaceutical supervision including registration, stronger links between Chinese enterprises and Indian IT industry, and completion of phytosanitary negotiations on agro-products. The Indian side welcomed Chinese enterprises to invest in India and participate in India's infrastructure development. Project contracting cooperation between the businesses of the two countries would be enhanced.

10. The two sides expressed willingness to carry out cooperation on establishing industrial zones so as to provide platforms for cluster-type development of enterprises of the two countries.

11. The two sides agreed to strengthen cooperation between their financial regulators, and support their banking institutions in setting up representative offices, branches or subsidiaries, and carrying out business activities subject to relevant laws and regulations. The two sides agree to promote cooperation between their financial institutions to provide funding for bilateral economic cooperation projects.

12. The two sides agreed to focus on areas of mitigation and management of earthquake and natural disasters, astronomy and astrophysics, technology research on climate change, traditional knowledge and medicine within the framework of India - China Committee of Science and Technology Cooperation.

13. To pursue mutual benefit and fulfill their international cooperation objectives, both India and China agreed to consider collaborating on development projects of common interest in third countries.

14. India and China decided to mark the 60th anniversary of the Five Principles of Peaceful Coexistence (Panchsheel) in 2014 by designating it as the "Year of Friendly Exchanges". The two sides noted that youth exchanges play an important role in increasing mutual understanding and decided to continue with the annual exchange of 100 youth. Both sides encouraged Hanban on the Chinese side and CBSE on the Indian side to enhance their cooperation on Chinese language teaching.

15. In accordance with the Agreement to Facilitate Cooperation and Linkages between Indian and Chinese Cities and States/Provinces, the two sides agreed to encourage their cities/provinces to establish twinning relationships.

16. To promote trade, personnel movement and connectivity across the border, the two sides agreed to consider strengthening border trade through Nathu La Pass. The Chinese side shall provide greater facilitation to Indian pilgrims for the Gang Renpoche and Mapam Yun Tso Pilgrimage (Kailash Manasarovar Yatra). The Indian side conveyed appreciation to the Chinese side for the improvement of facilities for the Indian pilgrims.

17. The two sides agreed to enhance media exchanges and cooperation to improve the mutual understanding and friendship of the two peoples, and to hold a India-China High-Level Media Forum. The two Foreign Ministries will work closely together in this aspect. They also decided to complete the compilation of the Encyclopedia of India - China Cultural Contacts in 2014, and agreed to jointly start the project of

List of Documents Signed during the State Visit of Chinese Premier Li Keqiang to India (May 19-22, 2013)

SNo. Name of Agreement/MoU

1. Protocol Between The Ministry of External Affairs of The Republic of India And Ministry of Foreign Affairs of The People's Republic of China on Indian Official Pilgrimage (the Kailash Mansarovar Yatra) to the Tibet Autonomous Region of the People's Republic of China
2. Work Programmes of the Three Working Groups under Joint Economic Group Between Ministry of Commerce & Industry, the Republic of India and Ministry of Commerce, People's Republic of China
3. Memoranda of Understanding on Buffalo Meat, Fishery Products and Agreement on Feed and Feed Ingredients between Agricultural and Processed Food Products Export Development Authority, The Marine Products Export Development Authority and Export Inspection Council of India and the General Administration of Quality Supervision, Inspection and Quarantine of People's Republic of China
4. Memorandum of Understanding between The Ministry of Urban Development of The Republic of India and National Development and Reform Commission of The People's Republic of China on Cooperation in the field of Sewage Treatment
5. Memorandum of Understanding between The Ministry of Water Resources, Government of the Republic of India and The National Development and Reform Commission, Government of The People's Republic of China on Cooperation in the field of Water Efficient Irrigation
6. Memorandum of Understanding between The Ministry of External Affairs of the Republic of India and the State Administration of Press, Publication, Radio, Film and Television of The People's Republic of China on Cooperation in Mutual Translation and Publication of Classic and Contemporary Works
7. Memorandum of Understanding between the Ministry of Water Resources of the Republic of India and the Ministry of Water Resources of the People's Republic of China upon Provision of Hydrological Information of the Yaluzangbu/Brahmaputra River in Flood Season by China to India
8. Agreement between the Ministry of External Affairs, Republic of India and the Ministry of Foreign Affairs, People's Republic of China to facilitate cooperation and linkages between Indian and Chinese cities & states/provinces

translating each other's classic and contemporary works.

18. The two sides appreciated the progress made in promoting cooperation under the BCIM (Bangladesh, China, India, Myanmar) Regional Forum. Encouraged by the successful BCIM Car Rally of February 2013 between Kolkata and Kunming, the two sides agreed to consult

the other parties with a view to establishing a Joint Study Group on strengthening connectivity in the BCIM region for closer economic, trade, and people-to-people linkages and initiating the development of a BCIM Economic Corridor.

19. In view of the expanding trade and commerce and growing people-to-people contacts, it was agreed to work towards simplifying visa procedures.

20. As large developing countries committed to promoting the use of clean energy, India and China believe that expansion of civil nuclear energy program is an essential component of their national energy plans to ensure energy security. The two sides will carry out bilateral cooperation in civil nuclear energy in line with their respective international commitments.

21. The two sides reaffirmed their commitment to promoting multilateral arms control, disarmament and non-proliferation processes. They support the complete prohibition and thorough destruction of all nuclear weapons and reaffirm their opposition to the weaponization of and an arms race in outer space.

22. The two sides agree to further enhance bilateral cooperation on maritime security, searching and rescuing at sea, oceanic scientific research and environment protection, work together to tackle increasingly outstanding non-traditional security threats, and strengthen cooperation in naval escort missions in the Gulf of Aden and waters off the coast of Somalia, earnestly safeguarding security of international sea-lanes and freedom of navigation.

23. The two sides noted that enhanced interaction in the military field was conducive to building mutual trust and confidence. Both sides agreed to hold the next round of joint training exercises later this year. Both sides also decided to increase exchanges between the Army, Navy and Air Force of the two countries.

24. The leaders expressed satisfaction over the work done so far by Special Representatives of the two countries on the Boundary Question and encouraged them to push forward the process of negotiations and seek a framework for a fair, reasonable and mutually acceptable settlement in accordance with the Agreement on Political Parameters and Guiding Principles. Pending the resolution of the boundary question, the two sides shall work together to maintain peace and tranquility in the border areas in line with the previous agreements.

25. The two sides noted with satisfaction that the meetings of the India - China Working Mechanism for Consultation and Coordination on Border Affairs held till date have been fruitful.

26. The Indian side expressed appreciation to China for providing flood-season hydrological data and the assistance in emergency management. The two sides will further strengthen cooperation on trans-border rivers. They agreed to cooperate through the Expert Level Mechanism on provision of flood-season hydrological data and emergency management, and exchange views on other issues of mutual interest.

27. The two sides expressed satisfaction at the enhanced bilateral engagement at the working level on wide-ranging issues of regional and global significance. Bilateral consultations on

Afghanistan, West Asia, Africa and Counter-terrorism have been held recently and those on Central Asia, Maritime affairs and Disarmament, Non-proliferation and Arms Control will be held soon.

28. Both sides agreed that the Afghanistan issue concerns regional security and stability. As two important countries in the region, they reiterated their support for an "Afghan-led, Afghan-owned" reconciliation process and their commitment to working with regional countries and the international community to help Afghanistan achieve its objective of peace, stability, independence and development at an early date.

29. Asia-Pacific region plays an increasingly important role in global affairs. The two sides are of the view that the current priority of this region is to maintain peace and stability of the



region, promote regional common development, as well as to establish an open, transparent, equal and inclusive framework of security and cooperation based on the observance of the basic principles of international law.

30. The two sides support multilateral cooperation mechanisms in Asia, take a positive view of each other's participation in regional and sub-regional cooperation processes, and support each other in enhancing friendly relations with their common neighbors for mutual benefit, and win-win results. Both sides agree to broaden cooperation in the East Asia Summit, the Shanghai Cooperation Organization, the South Asian Association for Regional Cooperation and the

Asia-Europe Meeting.

31. The two sides believe that the 21st century should be marked by peace, security, development and cooperation. The promotion of multipolar world, economic globalization, cultural diversity and information revolution are high on the global agenda. The two sides will make joint efforts to democratize international relations and strengthen the central role of the United Nations in promoting global peace, security and development.

32. Noting their convergence on global issues, both sides agreed to enhance their cooperation in multilateral forums including United Nations. China attaches great importance to India's status in international affairs as a large developing country, understands and supports India's aspiration to play a greater role in the United Nations including in the Security Council.

33. As developing countries, India and China share common interest on several issues of global importance like climate change, Doha Development Round of WTO, energy and food security, reform of the international financial institutions and global governance. This is reflected in the close cooperation and coordination between the two sides within the BRICS and G-20 frameworks. The two sides agreed to enhance coordination in the follow up process of the UN Conference on Sustainable Development and in discussions on the post 2015 development agenda as well as international negotiations on climate change.

34. Both sides reiterated their resolute opposition to terrorism in all its forms and manifestations and committed themselves to cooperate on counter-terrorism. They also emphasized the need to implement all relevant UN resolutions, in particular UNSC resolutions 1267, 1373, 1540 and 1624.

35. Premier Li Keqiang, on behalf of the Chinese government and people, expressed his appreciation to the government and people of India for their warm hospitality. Premier Li Keqiang invited Prime Minister Dr. Manmohan Singh to visit China at a mutually convenient time and Prime Minister Singh accepted the invitation with pleasure. The dates of the visit will be decided through diplomatic channels.

Argentina Lodges New WTO Complaint on EU Biodiesel Policies

The often-strained trade ties between Buenos Aires and Brussels hit another snag this week, with Argentina filing a new WTO challenge against the EU regarding policies over the importation and marketing of biodiesels, as well as the bloc's support of its biodiesel industry.

The implementation of these measures at the member state level could also be in breach of the EU's WTO obligations, Argentina says. The policies at issue are applied by the EU and by member states Belgium, France, Italy, Poland, and Spain, sources familiar with the complaint confirmed to a News agency.

According to Buenos Aires, the measures being cited are in violation of certain provisions in the WTO's General Agreement on Tariffs and Trade (GATT), the Agreement on Subsidies and Countervailing Measures (SCM), the Agreement on Trade-Related Investment Measures

(TRIMS), and Agreement on Technical Barriers to Trade (TBT).

"The Geneva action has the objective of ensuring that the international laws under which Argentina biodiesel is granted the same market access treatment as other providers to the European market be respected," the Argentine Foreign Ministry said in a statement on Wednesday.

"With this decision, the Argentine government maintains its strategy of recurring to the Dispute Settlement Body of the WTO any time it is necessary, in order to defend Argentina producers and exporters in moments when the protectionist European lobby aggressively acts in order to close its markets against more competitive products, as in the case of Argentine biodiesel," the statement continued.

Argentina is currently the world's second larg-

est biodiesel producer, topping international rankings in global soymeal and soyoil exports. Imports of biodiesel from Argentina and Indonesia have skyrocketed in recent years, amounting to 2.5 million tonnes in 2011 - representing over 90 percent of the EU's imports of the product.

Trade rows in the competitive renewable energy sector have become increasingly common over the past few years, as countries question whether subsidies or environment-based trade restrictions are indeed being used for promoting green energy generation, or are instead forms of disguised protectionism. The WTO Appellate Body recently ruled against Canada in a complaint filed by the EU and Japan over local content requirements in the Canadian province of Ontario's feed-in tariff programme; other renewable energy disputes are also ongoing at the global trade arbiter.

The request for consultations is the first stage in the WTO dispute settlement process. Brussels and Buenos Aires will have to undertake discussions for at least 60 days in an effort to resolve their differences without resorting to litigation, before Argentina can request the establishment of a dispute panel to evaluate the case.

US Supreme Court Backs Monsanto in Seed Patent Case

Farmers may not use a patented seed for more than one planting, ruled the US Supreme Court on Monday in a battle between agro-giant Monsanto and a farmer who used the company's patent-protected genetically modified soybeans without compensating it. The US Court of Appeals for the Federal Circuit has ordered Indiana farmer Vernon Hugh Bowman to pay Monsanto close to US\$84,000 in damages.

The farmer regularly purchased the Monsanto bean for his first planting, but wanted a lower-cost option for his riskier second planting. He purchased commodity soybeans - which are commonly used for feed - from a local grain elevator instead of the more expensive seeds from a Monsanto-authorized dealer. Knowing that they were probably Monsanto's herbicide-resistant Roundup Ready beans - estimates say about 90 percent of soybeans in the US are - Bowman proceeded to plant, harvest, and replant those beans.

The farmer argues that he was not violating the company's patent because he had already purchased the progeny seeds and therefore Monsanto no longer held a claim over the product. His defence invoked the commonly-called "first-sale" or "patent exhaustion" doctrine, which states that once a product has been sold companies no longer have control over their products.

"The only way to use the invention...is to plant it and to grow more seeds," said Bowman's attorney Mark Walters in oral arguments in February. However, this argument did not win over the Supreme Court justices, who ruled unanimously that this constituted an infringement of Monsanto's patent rights because Bowman made additional beans that contained the company's technology.

"Bowman planted Monsanto's patented soybeans solely to make and market replicas of them, thus depriving the company of the re-ward patent law provides for the sale of each article," Kagan wrote. "Patent exhaustion provides no haven for that conduct."

Yet Kagan acknowledged the case was particularly tricky because the seeds were self-replicating, which could mean that they could replicate outside of the purchaser's control. However, the court noted that the ruling applies to just this particular case, and that it did not address whether or how the patent exhaustion doctrine would apply in other cases.

Still, some critics say the decision could have far reaching implications. "The court concluded without detailed examination of the markets and technology that the planting of a seed constitutes unauthorised making of the patented germplasm," said Shubha Ghosh, a professor at the University of Wisconsin Law School. "In so doing, the Court has expanded the scope of liability for patent infringement by users of genetically modified seeds and plants on the sole justification that the patent owner will not be able to be adequately compensated."

Bowman's attorney further argues that the ruling is not in line with current farming practices. Speaking to Reuters, Walters said that the ruling "makes infringers out of 95 percent of America's soybean farmers."

Monsanto, however, expressed satisfaction with the decision, noting that it will enable the company to better meet the needs of a changing planet.

"The Court's ruling ensures that longstanding principles of patent law apply to breakthrough 21st century technologies that are central to meeting the growing demands of our planet and its people," the agribusiness giant said in a statement.

Exchange Rates for Customs Valuation

Rupee Falls to Rs. 55.30 for Customs Valuation on Imports w.e.f. 17 May 2013

54-Cus(NT) In exercise of the powers conferred by section 14 of the 16.05.2013 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. 52/

2013-CUSTOMS (N.T.), dated the 2nd May, 2013 vide number S.O. 1121(E), dated the 2nd May, 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 17th 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	55.05	56.85	53.55	55.30
2.	Bahrain Dinar	149.75	147.95	141.35	139.60
3.	Canadian Dollar	54.50	54.25	53.15	52.90
4.	Danish Kroner	9.65	9.65	9.35	9.35
5.	EURO	71.80	71.90	70.00	70.05
6.	Hong Kong Dollar	7.15	7.05	7.00	6.90
7.	Kenya Shilling	67.60	66.80	63.50	62.65
8.	Kuwait Dinar	197.70	196.20	185.95	184.80
9.	Newzeland Dollar	45.65	47.00	44.45	45.75
10.	Norwegian Kroner	9.55	9.45	9.25	9.15
11.	Pound Sterling	84.50	84.85	82.50	82.95
12.	Singapore Dollar	44.70	44.45	43.55	43.40
13.	South African Rand	6.10	6.20	5.75	5.85
14.	Saudi Arabian Riyal	15.05	14.85	14.20	14.05
15.	Swedish Kroner	8.35	8.40	8.10	8.15
16.	Swiss Franc	57.50	58.60	56.05	56.95
17.	UAE Dirham	15.35	15.20	14.50	14.35
18.	US Dollar	55.30	54.65	54.35	53.70

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

1.	Japanese Yen	54.40	56.05	53.00	54.60
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[F.No.468/03/2013-Cus.V]

Tariff Value of Oil, Brass Scrap, Gold and Silver Fall as Global Prices Crash

53-Cus(NT) In exercise of the powers conferred by sub-section (2) 15.05.2013 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/ heading/ sub-heading/tariff item (Per Metric Tonne)	Description of goods	Tariff value US \$
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	831
2	1511 90 10	RBD Palm Oil	836
3	1511 90 90	Others – Palm Oil	834
4	1511 10 00	Crude Palmolein	840
5	1511 90 20	RBD Palmolein	843
6	1511 90 90	Others – Palmolein	842
7	1507 10 00	Crude Soyabean Oil	1075
8	7404 00 22	Brass Scrap (all grades)	3910
9	1207 91 00	Poppy seeds	4395 (i.e. no change)

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WEEKLY INDEX OF CHANGES

Oil Exploration Clarifications against Entry Nos. 356, 358, 359 and 360 in 12/2012

- Transfer of Exempted Goods from Project to Project Allowed
- Re-export
- Companies in Consortium can Import Individually
- Sub-contractor Name in Essentiality Certificate Not Required

Subject: Difficulties being faced in availing exemption relating to the Oil Exploration Sector.

21-CBEC Representations have been received from the trade and (DoR) the field formations regarding difficulties being faced in availing/extending exemption relating to the Oil Exploration Sector under Sl. Nos 356, 358 and 359 of notification No.12/2012-Customs, dated 17-03-2012.

2. Board has examined the issues raised and the clarifications thereon are as under:

2.1 Whether the goods imported for petroleum operations can be diverted from one eligible project to another without payment of duty on the basis of EC issued by DG, Hydrocarbons.

2.1.1 Field formations are not allowing transfer of imported goods from one eligible project to another in the absence of a specific provision to this effect in the notification. As a result, the contractors/sub-contractors are first re-exporting the goods and then re-importing the same for use in another eligible project by the same or another contractor(s)/sub-contractor(s).

2.1.2 As a measure of trade facilitation, it has been decided to allow the imported goods to be transferred from one eligible project to another project, subject to certain safeguards to prevent any misuse of this facility. In this regard, notification No.28/2013-Customs, dated the 16th May, 2013 amending the Condition Nos.41, 43 and 44 of notification No.12/2012-Customs, dated 17-03-2012, may be referred to for details.

2.2 Whether it is necessary to furnish a re-export bond for goods imported under this exemption.

2.2.1 Notification No.12/2012-Customs, dated 17.03.2012 does not stipulate any condition for execution of re-export bond. The requirement under the notification is that of an undertaking only. Once the goods are used for the eligible project, the requirement of re-export is optional. In case of any un-authorized diversion, action could be initiated in terms of the conditions of the exemption notification.

2.2.2 It is, therefore, clarified that execution of re-export bond shall not be insisted upon at the time of clearance of goods under the said notification.

2.3 Whether individual member companies constituting a Consortium are eligible to import goods under the aforesaid exemption even though the contract has been

signed by the Consortium.

2.3.1 "Consortium" unlike a "Joint Venture" is not a distinct legal entity capable of importing the goods by themselves. Hence, the duty-free import facility extended to a Consortium under the said notification can be made use of only if the individual constituents of the Consortium are allowed to import. Therefore, it appears that the option to import by individual constituents was always available implicitly under the impugned condition.

2.3.2 It is, therefore, clarified that an individual constituent of a Consortium with its name as importer on the Essentiality Certificate (EC) is allowed to import and avail of the exemption.

2.4 Whether each sub-contractor (of a contractor) is required to enter into a contract with the GOI or his name should figure in the contract agreement signed between the contractor and GOI for availing the benefit of this exemption.

2.4.1 Field formations are not allowing the benefit of exemption to imports made by the sub-contractor if his name does not figure in the



Transfer of Exempted Goods from Project to Project Allowed

Ntfn 28 In exercise of the powers 16.05.2013 conferred by sub-section (1) of section 25 of the Customs (DoR) 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* G.S.R.185 (E), dated the 17th March,2012, namely:-

In the said notification, in the **ANNEXURE**,- (I) against **Condition No.41**, in clause (c), in sub clause (iv), after the proviso, the following shall be **inserted**, namely:-

"(d) where the goods so imported by the licensee or a sub-contractor of the licensee are sought to be transferred, the importer produces to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, at the time of such transfer, the following, namely:-

- (i) a certificate from a duly authorised officer of

contract signed between the GOI and the Contractor on the ground that as per the condition of the exemption, the importer is required to produce a certificate from DG, Hydrocarbons, that the imported goods have been imported under a contract signed under the New Exploration Licensing Policy, and containing the name of such sub-contractor.

2.4.2 The condition (c)(i) in all the Sl. Nos. of the said notification requires that the importer should produce an EC, which should indicate that the goods have been imported under a contract entered between the Government and the contractor; and it should also contain the name of the sub-contractor. The requirement of containing "the name of the sub-contractor" is in the EC issued by the DG Hydrocarbons and not in the original contract entered into by the contractor with the GOI. If the sub-contractor is required to enter into a contract with the GOI, then the condition viz an affidavit to the effect that such sub-contractor is a bona-fide sub-contractor of the contractor would be superfluous. Moreover, at the time of entering into contract, the contractor normally does not know the name of his sub-contractor. Hence, it is not possible to include his name in the original contract.

2.4.3 It is, therefore, clarified that non-mention of the name of sub-contractor in the agreement signed between the contractor and GOI cannot be a ground for denying the benefit of the exemption and that the exemption should be allowed based on the EC issued by the DG, Hydrocarbons.

3. The above position may be brought to the notice of formations under your charge. Difficulties, if any, faced in the implementation of the instructions may be brought to the notice of the Ministry at an early date.

F.No.B1/20/2013 -TRU

the Directorate General of Hydro Carbons in the Ministry of Petroleum and Natural Gas, Government of India, to the effect that the said goods may be transferred in the name of another sub-contractor of the licensee or another licensee or a sub-contractor of such licensee (hereinafter referred to as the "transferee") and that the said goods are required for petroleum operations to be undertaken under petroleum exploration or mining leases referred to in clause (a);

(ii) undertaking from the transferee to comply with all the conditions of the notification, including that he shall pay duty, fine or penalty that may become payable, if any of the conditions of the notification are not complied with by himself, where he is the licensee or by the licensee of the transferee, where such transferee is a sub-contractor;

(iii) a certificate, in the case of a petroleum exploration license or mining lease, as the case may be, issued or renewed after the 1st of April, 1999, by the Government of India or any State Government on nomination basis, that no foreign exchange remittance is made for the transfer of such goods undertaken by the transferee on behalf of the licensee or lessee, as the case

may be:

Provided that nothing contained in this sub-clause shall apply if such transferee is an Indian Company or Companies.”;

(II) against **Condition No.43**, in clause (c), in sub clause (iv), after the proviso, the following shall be **inserted**, namely:-

“(d) where the goods so imported by the contractor or a sub-contractor of the contractor are sought to be transferred, the importer produces to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, at the time of such transfer, the following, namely:-

(i) a certificate from a duly authorised officer of the Directorate General of Hydro Carbons in the Ministry of Petroleum and Natural Gas, Government of India, to the effect that the said goods may be transferred in the name of another sub-contractor of the contractor or another contractor or a sub-contractor of such contractor (hereinafter referred to as the “transferee”) and that the said goods are required for petroleum operations to be undertaken under a contract referred to in clause (a);

(ii) undertaking from the transferee to comply with all the conditions of the notification, including that he shall pay duty, fine or penalty that may become payable, if any of the conditions of the notification are not complied with by himself, where he is the contractor or by the contractor of the transferee, where such transferee is a sub-contractor;

(iii) a certificate, in the case of a contract entered into by the Government of India and a Foreign Company or Companies or, the Government of India and a consortium of an Indian Company or Companies and a Foreign Company or Companies, that no foreign exchange remittance is made for the transfer of such goods undertaken by the transferee on behalf of the Foreign Company or Companies, as the case may be:

Provided that nothing contained in this sub-clause shall apply if such transferee is an Indian Company or Companies.”;

(III) against **Condition No.44**, in clause (c), in sub clause (iv), after the proviso, the following shall be **inserted**, namely:-

“(d) where the goods so imported by the contractor or a sub-contractor of the contractor are sought to be transferred, the importer produces to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, at the time of such transfer, the following, namely:-

(i) a certificate from a duly authorised officer of the Directorate General of Hydro Carbons in the Ministry of Petroleum and Natural Gas, Government of India, to the effect that the said goods may be transferred in the name of another sub-contractor of the contractor or another contractor or a sub-contractor of such contractor (hereinafter referred to as the “transferee”) and that the said goods are required for such petroleum operations or coal bed methane operations, as the case may be, to be undertaken under a

contract referred to in clause (a);

(ii) undertaking from the transferee to comply with all the conditions of the notification, including that he shall pay duty, fine or penalty that may become payable, if any of the conditions of the notification are not complied with by himself, where he is the contractor or by the contractor of the transferee, where such transferee is a sub-contractor;

(iii) a certificate, in the case of a contract entered into by the Government of India and a Foreign Company or Companies or, the Gov-

ernment of India and a consortium of an Indian Company or Companies and a Foreign Company or Companies, that no foreign exchange remittance is made for the transfer of such goods undertaken by the transferee on behalf of the Foreign Company or Companies, as the case may be:

Provided that nothing contained in this sub-clause shall apply if such transferee is an Indian Company or Companies.”.

[F. No. B1/20/2013-TRU]

DGFT Notifies EPCH as Certifying Agency for Wood Procurement from Legal Sources

Subject: Nomination of Export Promotion Council for Handicrafts (EPCH) as nodal agency for certificate on due diligence adopted by the exporters in procuring wood from legal sources for manufacture of Handicraft articles.

13-Ntfn(RE) In exercise of the powers
14.05.2013 conferred by Section 5 of the
(DGFT) Foreign Trade (Development &
Regulation) Act, 1992 (No.22

of 1992) read with Para 2.1 of the Foreign Trade Policy, 2009-2014 (as amended from time to time), the Central Government hereby adds, with immediate effect, a new Note 3 in Chapter 44 of Schedule 2 of ITC(HS) Classification of Export & Import Items for nominating Export Promotion Council for Handicrafts (EPCH) as nodal agency for certificate on due diligence adopted by the exporters in procuring wood from legal sources for manufacture of Handicraft articles.

2. Accordingly, **Note 3 of Chapter 44 of Schedule 2 of ITC(HS) Classification of Export & Import Items** will read as under:

“Note 3

Export Promotion Council for Handicrafts (EPCH) is authorized to issue certificate, on demand, on the due diligence adopted by the exporters in procurement of wood from legal sources”.

3. Effect of this notification

In case of request by the foreign buyer or any other agency on showing due diligence in procurement of wood from legal sources for manufacture of handicraft articles, Export Promotion Council for Handicrafts (EPCH) will be authorized agency to issue such certificate.

Tablet Computers Classified in 8471 30

Subject: Classification of the machines commercially referred to as “Tablet Computers”.

20-CBEC Doubts have been raised
14.05.2013 regarding classification of
(DoR) products commercially referred
to as Tablet Computers under

the Customs Tariff which is harmonised with the Harmonized Commodity Description and Coding System, commonly known as “HS Nomenclature”. The two major competing headings are 8517 and 8471.

2. The issue has been examined by the Board. The classification is to be determined by application of the General Rules for the Interpretation (GRIs) of the First Schedule to the Customs Tariff Act (CTA), 1975. GRI 1 requires that, “in classifying articles, for legal purpose it shall be determined according to the terms of the headings and any relative Section or Chapter Notes...”. Hence, all relevant legal texts must be considered. Note 5.(A) to Chapter 84 states that, “For the purposes of heading 8471, the expression “automatic data processing machine” means machine capable of : (i) storing the processing programme or programmes and at least the data immediately necessary for the execution of the programme; (ii) being freely programmed in accordance with the requirements of the user; (iii) performing arithmetical computations specified by the user; and (iv) executing, without human intervention, a processing programme

which requires them to modify their execution, by logical decision during the processing run”. In addition to the above relevant Note 3 to Section XVI stipulates that, “unless the context otherwise requires, composite machines consisting of two or more machines fitted together to form a whole and other machines designed for the purpose of performing two or more complementary or alternative functions are to be classified as if consisting only of that component or as being that machine which performs the principal function”.

3. A Tablet Computer is designed to be primarily operated by using its touchscreen. It can process data, execute programs, and connect to the Internet via a wireless network in order to, for example, exchange and manage e-mails, exchange or download files, download software applications, conduct video or VoIP (“Voice over Internet Protocol”) communications, etc. In addition, it can also be connected to a cellular network to make voice calls.

4. It is seen that “Tablet Computers” can be programmed in a variety of ways thereby qualifying as machines capable of being freely programmed in accordance with the requirements of the user, as required by Note 5 (A) (ii) to Chapter 84. It is also held that the products at issue have essentially the same functionality as a laptop. The function as an Automatic Data



Processing Machine (ADP) is the **main function** of the product, while **other functionalities** of said machines are not different from the **auxiliary functions** that could be seen on any computer, such as desktop or laptop computers. The mobile phone calling function could be provided by the products only as a supplementary function because it could not be activated without running an operating system of the "Tablet Computer", and in order to use the function a headset had to be used. The size of such machines when exceeding the dimensions mentioned in Note 8 to Chapter 84 relating to the "pocket-size" machines of heading 8470, is too big to be used principally for making voice calls. The tablet computers are not intended to be a substitute for a mobile phone to make voice calls, but, according to its main technical features is designed as a substitute for laptops. The difference between a "Smartphone" and a "Tablet Computer", is not based on whether the product has a voice calling function or not, but

on the principal features that a producer has intended for the device when designing and developing it.

5. In view of the foregoing, it is held that products at issue meet all the requirements stipulated in Note 5 (A) to Chapter 84. Therefore, it is decided that machines commercially referred to as "Tablet Computers" are more appropriately classifiable in heading 8471, sub-heading 847130, by application of General Rules for Interpretation (GRI) of Import Tariff, 1 (Note 3 to Section XVI and Note 5 (A) to Chapter 84) and 6. This decision is consistent with WCO HSC decision to classify certain machines commercially referred to as "Tablet Computers" in heading 8471, subheading 847130.

6. Accordingly, pending classification may be finalized, and difficulties, if any, faced in the implementation of this circular, may be immediately brought to the notice of the Board.

F.No. 528/102/2011-STO (TU)

DGFT Notifies Form ANF-3F for 2% Incremental Export Incentive Scheme

- CA Certificate with Proofs of Payment, Landing Required
- 50 Europe, 41 Asia and USA as Destinations Listed for Q1 2013 Scheme

Subject: Format of ANF 3F (for Incremental Export Incentivisation Scheme).

13-PN(RE) In exercise of the powers conferred under Paragraph 2.4 (DGFT) of the Foreign Trade Policy, 2009-14, the Director General of Foreign Trade hereby makes an amendment in the Handbook of Procedures, Vol.I, (Appendices and Aayat Niryat Forms).

2. Paragraph 3.8.3 (b) of Public Notice 41(RE 2012)/2209-14 dated 28.12.2012 had mandated filing of applications for incremental export dur-

ing the period 1.1.2013-31.3.2013 vis-à-vis 1.1.2012-31.3.2012 in ANF 3F.

3. This Aayat Niryat form (ANF 3F) as given in annexure to this Public Notice will be required to be filled up for claiming benefits of Incremental Export Incentivisation Scheme.

Effect of Public Notice

ANF3F for claiming benefit of Incremental Export Incentivisation Scheme is being notified.

Annexure to Public Notice No.13 dated 17.5.2013 ANF 3F

For Incremental Export Incentivisation Scheme applications

(for exports during 1st Jan-31st March 2013 vis-a-vis 1st Jan-31st March 2012)

(Please note that export shipments from all EDI ports can be filed in one application while for export shipments from each Non-EDI ports, separate application is required to be filed. Such applications have to be filed in same RA.)

1. Applicant Details [Company /firm]

- IEC Number
- Name
- Address
House Number/Site Number/Block Number:
Locality/Street Detail/Area Detail:
District Detail:
Indicate State and PIN Code:
- Telephone No.:

Alternate telephone no:

v. Email id.:

Alternate email id:

2. Export Performance [In US\$]

Export during FY 2011-12:

Export during FY 2012-13:

Incremental growth absolute terms:

Growth In % terms:

3. Export Eligibility (To eligible destinations i.e. USA, Europe & Asia) – detailed list is inserted in the last which is part of the form)*

2011-12 (1 st Jan-31 st March 2012)	2012-13 (1 st Jan-31 st March 2013)	Incremental growth	Entitlement @ 2%
in US Dollar			
In Rupees			This is for reference

4. Port of Registration (for purpose of Imports):

5. In case, split certificates are required, then please indicate number of Split Certificates required (in multiples of Rs 5 lakhs each):

Declaration/Undertaking

1. I hereby declare that particulars and statements made in this application are true and correct and nothing has been concealed or held therefrom. I fully understand that any information furnished in application if found incorrect or false will render my firm / company and me liable for any penal action or other consequences as may be prescribed under FTDR Act or under any other law or otherwise warranted.

Place:

Date:

Telephone No. (Personal):

e-mail (personal):

Signature:

Name:

Designation:

Telephone No. (Official):

e-mail (Official):

Documents to be submitted

CA Certificate certifying the exports for 2011-12 and 2012-13 to specified markets. CA will also certify incremental exports for each quarter as per annexure to ANF 3F

*List of countries in the eligible destinations:

Destination	Destination (Europe)	Destination (Asia)
USA	(i) Albania (ii) Andorra (iii) Armenia (iv) Austria (v) Azerbaijan (vi) Belarus (vii) Belgium (viii) Bosnia & Herzegovina (ix) Bulgaria (x) Croatia (xi) Cyprus (xii) Czech republic (xiii) Denmark (xiv) Estonia (xv) Finland (xvi) France (xvii) Georgia (xviii) Germany (xix) Greece (xx) Hungary (xxi) Iceland (xxii) Ireland (xxiii) Italy (xxiv) Kosovo (xxv) Latvia (xxvi) Liechtenstein (xxvii) Lithuania (xxviii) Luxembourg (xxix) Macedonia (xxx) Malta (xxxi) Moldova (xxxii) Monaco (xxxiii) Montenegro (xxxiv) The Netherlands (xxxv) Norway (xxxvi) Poland (xxxvii) Portugal (xxxviii) Romania (xxxix) Russia (xl) San Marino (xli) Serbia (xlii) Slovakia (xliii) Slovenia (xliv) Spain (xlv) Sweden (xlvi) Switzerland (xlvii) Turkey (xlviii) Ukraine (xlix) United Kingdom (l) Vatican City (Holy See)	(i) Afghanistan (ii) Bahrain (iii) Bangladesh (iv) Bhutan (v) Brunei (vi) Cambodia (vii) China (viii) East Timor (ix) Indonesia (x) Iran (xi) Iraq (xii) Israel (xiii) Japan (xiv) Jordan (xv) Kazakhstan (xvi) Korea North (xvii) Korea South (xviii) Kuwait (xix) Kyrgyzstan (xx) Laos (xxi) Lebanon (xxii) Malaysia (xxiii) Maldives (xxiv) Mongolia (xxv) Myanmar (Burma) (xxvi) Nepal (xxvii) Oman (xxviii) Pakistan (xxix) Palestine (xxx) The Philippines (xxxi) Qatar (xxxii) Saudi Arabia (xxxiii) Sri Lanka (xxxiv) Syria (xxxv) Taiwan (xxxvi) Tajikistan (xxxvii) Thailand (xxxviii) Turk- menistan (xxxix) Uzbekis- tan (xl) Vietnam (xli) Yemen

Table-2

SNo.	Chapter/ heading/ 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	466 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	761 per kilogram"

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

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*See details in www.worldtradesScanner.com			

Annexure to ANF 3F

(Annexure needs to be certified by a Chartered Accountant)

1. Details of export made during the period 1st Jan-31st March 2012

- S No:
- SB no:
- SB date:
- Date of Let Export:
- BRC No:
- BRC date:
- Destination country:
- ITC(HS) code:
- Item Description:
- FOB Value in free foreign exchange (Inclusive of commission):
- Exchange Rate on date of let export:
- FOB Value (in Rs):

2. Details of export made during the period 1st Jan-31st March 2013

- S No:
 - SB no:
 - SB date:
 - Date of Let Export:
 - BRC No:
 - BRC date:
 - Destination country:
 - ITC(HS) code:
 - Item Description:
 - FOB Value in free foreign exchange (Inclusive of commission):
 - Exchange Rate on date of let export:
 - FOB Value (in Rs):
 - Incremental growth 2(10) – 1(10) (in US \$):
 - Incremental growth 2(12) – 1(12) (in Rupees):
 - Entitlement (2%)(without cut) (in Rupees):
 - Cut applicable (if any) (in %):
 - Entitlement(in Rupees):
- Signature of applicant:
Name: Designation:
Address, Tel no &email: Date:

Certificate

(To be issued by Chartered Accountant)

This is to certify that:

- I am the official auditor of the firm / not the official auditor of the firm.
 - I have personally verifiedno. of shipping bills / _____ Let Export Date/.....BRC details / destination country and the item description as annexed to ANF3F.
 - The IEC holder has an incremental growth in exports (in free foreign exchange) during the year 2012-13 with respect to total exports eligible as compared to the year 2011-12 to specified markets.
 - I have verified the destinations which are eligible for benefit under Incremental Export Incentive Scheme from the shipping bills and also I have examined the proof of landing of each export consignment in specified market as per the documents prescribed under para 3.8.2 of Handbook of Procedures Vol. I.
 - Based on these I hereby certify that there is an incremental exports of (%) in free foreign exchange, under this Scheme and the firm is entitled for incentive under this scheme.
- Signature: Name:
Registration No.: Address:
Seal: Place: Tel. No.:
Email: Date: