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Adani in Trouble with DRI again Over Sending out Forex thru Imports Income Tax Enters Picture on Understating Profit



Customs officials are investigating whether Adani Group avoided paying taxes by inflating the cost of imported machinery. Directorate of Revenue Intelligence, sent a show-cause notice on 15 May to three power companies in the Group saying that power plants imported by Adani were over valued at Rs. 5,500 crores (\$940 million) and that the purchase price was lower. (The DRI normally issues a show cause notice under Section 108 of Customs Act 1962 which covers smuggling cases).

DRI alleges that an Adani overseas subsidiary purchased equipment from overseas suppliers at a low price and then transferred these at a higher price to the parent in India. (As an independent unit, it has to keep a margin for its in-house costs and surplus. This is for its own efforts and does not constitute over invoicing to bring in money from India -Ed). The DRI seems to say that Adani is sending out profits from India to its Dubai branch by over invoicing the power plant. (There is a duty of 20.4% on power project import. Over invoicing has a cost. Of course, Export House Status duty credit scrips can be used to save duty. These are a reward for Adani's past export performance. The higher the duty, the more the debit to the scrip. Thus over invoicing is not normal in import cases – Ed)

There is a set procedure for clearance of goods in a related party transaction. In this case, the assessing officer in the port of clearance has seen the purchase and sale invoice of the related Dubai Company, he must have seen to it that the price is that of "arms length" between supplier and buyer. The DRI action is thus

over and above the actions of the jurisdiction Customs Commissioner.

The appraising officer has to see the prices of other power plants imported at the same time to check whether customs duty is being evaded. In this case of over invoicing or higher notional duty is being paid through duty credit scrips hence it cannot be termed as "duty evasion" or "smuggling".

Of late, there are many cases where DRI is poking its nose in normal import transactions to allege smuggling. Revenue is extracted from importers at a gun point of Customs Act Sec.108 smuggling proceedings. The "evasion" so detected (10% of demand raised) is distributed to the DRI officers as tax free reward. The reward scheme was initiated by the then Finance Minister VP Singh in the mid eighties and continues in the books today even though 30 years have elapsed and the economy is liberalised with low tax rates. Thanks to the out moded scheme, revenue officers have become mercenaries in official clothing.

The story does not end here.

The income-tax (I-T) department is now looking into the possibility of tax evasion by Adani Group.

The income tax says that Adani has inflated its expenditure to bring down its taxable income to get a higher depreciation on inflated asset value.

The new entrants in Indian industry are being harassed by those already entrenched old timers. May be the new Government will give them justice.

Mexican Subsidised Sugar Dumped in US

The US Department of Commerce has been given a green light to proceed with its investigations of Mexican sugar being allegedly dumped on the US market, along with claims that the latter's producers are benefiting from unfair subsidies.

Under the North American Free Trade Agreement (NAFTA) – which along with the US and Mexico also includes Canada – Mexican sugar benefits from duty-free, tariff-free export to the United States. American sugar producers say that the access provided by the 20-year-old trade deal does not justify the alleged dumping of underpriced products to the detriment of US businesses, jobs, and economy.

The investigations come in response to petitions filed earlier this year by the American Sugar Alliance, a US-based coalition of sugarcane and sugar beet producers. The group complained that Mexican sugar producers are benefitting from allegedly unfair subsidies, and that the product is being sold below its normal value on the US market – a practice known in trade jargon as dumping.

The industry group contends that the alleged dumping and unfair subsidisation of Mexican sugar could cost US sugar producers upwards of US\$1 billion this year and will cost

American taxpayers US\$278 million to keep the industry afloat.

While the US Department of Commerce had already said in April that it planned to launch countervailing duty (CVD) and anti-dumping investigations into the respective claims, a formal sign-off from the US International Trade Commission was required for the probe to be forward.

The Commerce Department is expected to make a preliminary ruling on the countervailing duty investigation next month and on the anti-dumping investigation in September, at which points preliminary duties may be imposed. Those duties will then either be confirmed, amended, or withdrawn depending on the final results of the investigation.

US sugar producers claim that prices have dropped 50 percent since 2011, blaming the fall on a glut of Mexican-produced sugar crossing their shared border. For instance, they note, the US state of Louisiana saw record-high sugar yields in 2013, while seeing the value of its sugar cane crop drop by US\$250 million that same year.

Philip Hayes, a spokesperson for the American Sugar Alliance, has similarly warned that these losses will only worsen without corrective actions by the US to level the playing field.



Citing estimates by the US Congressional Budget Office (CBO), the group claims that the oversupply in Mexican sugar will lead to an increase of US\$390 million in government expenditures over the 2015-2024 fiscal years.

"Prices have simply returned to historical levels," said Juan Cortina, president of the National Mexican Sugar Chamber, in comments reported

by Reuters. "This has happened the world over, a reality that sugar producers have to grapple with."

In addition, they say, Mexico City has established a programme of sugar cane-based ethanol production with the goal of developing a sustainable market for biofuels, which government officials say will lead to the country increasing its consumption of domestic sugar cane.

WTO Members Ask Updation of Customs Valuation Software



The Committee on Customs Valuation, on 12 May 2014, discussed a proposal by Uruguay to update a 30-year-old decision that has allowed members

to value, for customs purposes, software and data on the basis of the cost of the carrier media (such as magnetic tapes, CDs and DVDs in which they are transported from one country to the other).

Uruguay proposed updating the 1984 Decision on the "Valuation of Carrier Media Bearing Software for Data Processing Equipment", which allowed members, for customs purposes, to value software according to the cost of its carrier media (e.g. CD-ROM or magnetic tapes). Uruguay said that under the current decision, customs may value software in a CD-ROM at \$5, while the same software imported using a USB key could be valued at \$1,000. It said the decision must be extended to USB keys or flash drives because of their growing popularity as carrier media for software.

Argentina and Mexico supported Uruguay's proposal. The United States, Canada, the European Union, Japan and the Philippines said they are open to the proposal and are reviewing the issue. China said it has no objection to the proposal but noted that the Decision excludes songs and movies from this kind of valuation. It also asked for data on the trade volumes involved.

The chair, Mr Pierre-Emmanuel Brusselmanns (Belgium), noted the positive attitude of delegations to the proposal and that there is a need for further discussions. He requested the WTO Secretariat to prepare a study on the trade volumes involved, as requested by China.

Uruguay also proposed the rectification of the Spanish and English versions of Article 8:(1)(b)(iv) of the Agreement on Customs Valuation, which it

said has a different meaning than the French version. The issue had already been discussed last year by the WCO's Technical Committee on Customs Valuation. The Committee agreed on the existence of the linguistic divergence and that it could be corrected as proposed by Uruguay. After giving delegations a month to consult capitals, the Director-General will be requested to issue the proposal for rectification to members.

The Committee reviewed notifications of national legislation on customs valuation from the following members: Bahrain, Belize, Cabo Verde, China, Chile, Costa Rica, Ecuador, The Gambia, Japan, Laos, Lesotho, Macao China, Mali, Moldova, Nicaragua, Nigeria, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Tunisia, Uruguay and Ukraine. It agreed to conclude the review of China; Japan; Macao, China; and Lao PDR.

The Committee discussed a proposal by Australia, Canada, Chinese Taipei, EU and the US to hold in October an informal seminar on the possible misuse of databases to set reference or minimum prices. A number of members supported the proposal but also made suggestions on the format and content of the seminar. Because some delegations required more time to consult with their capital, a formal meeting will be exceptionally held next June on this issue.

India requested that the item on implementation-related issues concerning customs cooperation remain on the agenda of the Committee. It was supported by Argentina and Ecuador. The US, EU, Canada, Australia and the Philippines supported the removal of this item as they said the matter had been successfully dealt with in Bali with the agreement on trade facilitation.

At the end of the meeting, the Committee elected by acclamation Ms. Joanna K.Y. Cheung (Hong Kong, China) as the new chair.

Sakthivel Writes to Raghuram on Rupee Gain



The Rs 17,800 crore knitwear industry in Tirupur on 19 May urged RBI Governor to intervene in the currency market and arrest the Rupee gains for the interest of country's exports.

In a letter to the RBI Governor Raghuram Rajan, Tirupur Exporters Association (TEA's) President A Sakthivel said that after the Lok Sabha results, the Rupee has been gaining against Dollar on a daily basis and on Monday morning it touched Rs 58.57 per dollar and is widely expected that the Rupee gain will continue in the coming days also, which may not overall augur well for the knitwear exporters of Tirupur.

He said that, India's main competing country China is maintaining its competitive advantage by calibrating their currency and other country Bangladesh, being a least developed country, has an advantage as zero customs tariff in the European market.

According to Sakthivel, in 2013-14, the industry exported \$2.95 billion worth of goods, as compared to \$2.52 billion in 2012-13.

Mr. Sakthivel said that the reasons for growth include, increased manufacturing cost in China, which went up around 15-18%, non compliances factories in Bangladesh as compared to more than 95% compliances factories in Tirupur, fall in Rupee value, increased purchasing power in EU market, revival of US market and penetration into new markets.

World Bank's figure for agricultural land (including livestock, crops, and fallow), this would mean biotech crops are grown on about 9% of the world's farmland.

Russia-China Signs \$400bn Gas Deal after Decade of Talks

Russia reached a \$400 billion deal to supply natural gas to China through a new pipeline over 30 years, a milestone in relations between the world's largest energy producer and the biggest consumer.

President Vladimir Putin is turning to China to bolster Russia's economy as relations sour with the U.S. and European Union because of the crisis in Ukraine. Today's accord, signed after more than a decade of talks, will allow state-run gas producer OAO Gazprom (GAZP) to invest \$55 billion developing giant gas fields in eastern Siberia and building the pipeline, Putin said.

It's an "epochal event," Putin said in Shanghai after the contract was signed on 21 May. Both countries are satisfied with the price, he said.

Gazprom Chief Executive Officer Alexey Miller signed the deal with Zhou Jiping, chairman of China National Petroleum Corp. The agreement is for 38 billion cubic meters of gas annually over 30 years, Miller said. While he declined to give a price, he said the total value would be about \$400 billion.

Advance Payments

China may make as much as \$25 billion in advance payments under the contract to invest in the

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Bio Tech Takes Over US Agri

The modern biotech industry is the product of a 60-year evolution of science, 40 years of research, and 30 years of business. (Watson & Crick worked out the DNA molecule's structure in the spring of 1953; Cohen & Boyer produced the first 'recombinant' DNA cell in 1972; medical biotechnology launched commercially in 1982 with insulin produced by genetically engineered *E. coli*; and the agricultural biotechnology of the sort referenced in the law with the 1994 sale of a since-discontinued tomato known as the 'Flavr Saver'.) The U.S. biotech industry has by now grown to 147,000 researchers and (by the OECD's count), 8,974 companies responsible for 66 percent of developed-world biotech research. Results include about 150 biotech medicines covering about 322 conditions (using a private-sector source for the total approvals and the FDA for the conditions); 140 biotech plant applications; and two species of aquarium fish.

As to farming and food products: American farmers now grow eight biotech crops, including alfalfa, canola, corn, cotton, papaya, soybeans, summer squash, and sugar beets. By the count of a pro-biotech research group, the International Service for the Acquisition of Agri-biotech Applications (ISAAA), planting has risen from 4 million acres in 1995 to 175 million acres in 2013. Three ways to put this in perspective:

World planting: The U.S. is the largest biotech producer, accounting for about a third of world biotech planting. Latin American countries - Brazil and Argentina in particular - combine for about half of the world's acreage; Canada, India, and China are also large biotech producers. ISAAA's worldwide estimate for 2013 has 18 million farmers in 27 countries planting 430 million acres of land (converting from their 175 million hectares) with biotech crops in 2013. This is up from 17 countries and 167 million acres in 2003. Using the

WEEKLY INDEX OF CHANGES

MPEDA to Issue Origin Certification for All RTA, in addition to EIC

Textiles Committee for Empowered under Indo-Japan

Subject: Agencies Authorised to Issue Certificate of Origin.

59-PN(RE) In exercise of powers conferred under paragraph 2.4 of 15.05.2014 the Foreign Trade Policy 2009 2014, the Director General (DGFT) of Foreign Trade hereby makes the following changes in Appendix 4D of Handbook of Procedure Vol. I (Appendices and Aayat Niryat Forms) 2009-2014, as described in para 2 below.

2. The structure of Appendix-4D is being changed. The Bilateral/Regional Preferential Trade Agreements signed by India are being included along with their respective agencies authorized to issue Certificate of Origin (Preferential). While, the Export Inspection Council (EIC) is mandated to issue Certificate of Origin (Preferential) for all goods under all trade agreements; Marine Products Export Development Authority (MPEDA) is also now being authorized to issue Certificate of Origin (Preferential) for Marine products under all trade agreements. In addition, with respect to textiles and made ups, the Textiles Committee is being authorized to issue Certificate of Origin (Preferential) under India-Japan Comprehensive Economic Partnership Agreement (IJCPEA).

3. With these amendments, Appendix 4D would read as under:

The list of Agreements with respective agencies authorized to issue Certificate of Origin (Preferential):

SNo.	Name of the Agreement	Authorized Agencies
1	Global System Of Trade Preferences (GSTP)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
2	India Sri Lanka Free Trade Agreement (ISLFTA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
3	ASEAN-India Free Trade Agreement (ASEAN-India FTA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
4	India-Korea Comprehensive Economic Partnership Agreement (IJCPEA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
5	India-Malaysia Comprehensive Economic Cooperation Agreement (IMCECA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
6	India-Japan Comprehensive Economic Partnership Agreement (IJCPEA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products (iii) Textiles Committee –for textiles and made ups
7	India-Afghanistan Preferential Trading Agreement (India-Afghanistan PTA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
8	South Asia Free Trade Area(SAFTA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
9	India-Chile Preferential Trading Agreement (India-Chile PTA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
10	India-Mercosur Preferential Trading Agreement (India-Mercosur PTA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
11	Asia-Pacific Trade Agreement (APTA)	As per Appendix 4B of Handbook of Procedure Vol. I (Appendices and Aayat Niryat Forms) 2009-14
12.	SAARC Preferential Trading Arrangement (SAPTA)	As per Appendix 4B of Handbook of Procedure Vol. I (Appendices and Aayat Niryat Forms) 2009-14
13.	India-Thailand Early Harvest Scheme	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products

14.	India-Singapore Comprehensive Economic Cooperation Agreement (CECA)	(i) Export Inspection Council (EIC)-for all goods (ii) Marine Products Export Development Authority (MPEDA)-for Marine products
15.	Generalized System of Preferences (GSP) Scheme	As per Appendix 4A of Handbook of Procedure Vol. I (Appendices and Aayat Niryat Forms) 2009-14.

Effect of Public Notice

The structure of Appendix-4D of Handbook of Procedure Vol. I (Appendices and Aayat Niryat Forms) 2009-2014 has been changed and all Bilateral/Regional Trade Agreements in operation have been included along with their respective agencies authorized to issue Certificates of Origin (Preferential). Two new agencies have also been authorized to issue Certificate of Origin (Preferential), namely Marine Products Export Development Authority (MPEDA) for marine products under all trade agreements and Textiles Committee for textiles and made ups under India-Japan Comprehensive Economic Partnership Agreement (IJCPEA).

Rice Par-boiling Machine and Dryer are not Composite Machine Classified in Central Excise Heading 8419

Subject - Classification of rice par-boiling machinery.

982-CBEC I am directed to draw your attention to Circular No. 924/15.05.2014 14/2010-CX dated 19.05.2010 on the subject of (DoR) classification of rice par-boiling machinery under the

Central Excise tariff. References have been received from trade and field to re-examine the circular consequent to the judgement of the Hon'ble Tribunal in case of M/s Jyoti Sales Corporation [2011(272) E.L.T. 689 (Tri-Del) & 2011 - TIOL - 1498 - CESTAT-DEL]. The circular has since been re-examined.

2. The classification of rice par-boiling machinery would be guided by Note 2 to Chapter 84 read with Note 3 to Section XVI. The par-boiling machine and dryer are self-contained machines which are designed to be installed independently and which perform their respective functions independently. Therefore, though they may be installed in a rice mill to work in conjunction with the milling machinery, the par-boiling machine and dryer do not appear to satisfy the requirements of Section Note 3 to be called composite machines/multi-function machines meriting classification under CETH 8437. Further, par-boiling machinery does not constitute grain dampening machine as the end result of par-boiling of rice is reduction in the moisture of paddy. In view of the above, rice par-boiling machine and dryer would merit classification under CETH 8419 as per Note 2 to Chapter 84.

3. Circular No. 924/14/2010-CX dated 19.5.2010 is rescinded and it is directed that classification of rice par-boiling machine and dryer may be made under CETH 8419. Necessary action to protect the revenue interest in respect of past clearances may also be taken.

F. No. 167/42/2009-CX.1

Anti-dumping Duty on Nylon Tyre Cord Fabric from China Extended upto 28 April 2015 in Review

Ntfn 21-ADD Whereas, the designated authority vide notification No. 16.05.2014 15/32/2013-DGAD dated 17th April, 2014, published in (DoR) Gazette of India, Extraordinary, Part I, Section 1, dated the 17th April, 2014, had initiated review, in terms of sub section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) and in pursuance of 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 "Nylon Tyre Cord Fabric (NTCF)", falling under Chapter 59 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the People's Republic of China, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 41/2009-Customs, dated the 29th April, 2009, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 291 (E), dated the 29th April, 2009 and has requested for extension of anti-dumping duty for a further period of one year, in terms of sub-section (5) of Section 9A of the said Customs Tariff Act;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the said Customs Tariff Act and in pursuance of rule 23 of the said rules, the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 41/2009-Customs, dated the 29th April, 2009, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number

G.S.R. 291 (E), dated 29th April, 2009 namely: - In the said notification, after paragraph 2 and before the Explanation, the following shall be inserted, namely: -

“3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 28th day of April, 2015, unless revoked earlier”.

[F.No.354/63/2004-TRU (Pt.-III)]

Anti-dumping Duty on Persulphates from Taiwan, Turkey and USA for Five Years Notified

Ntn 22-ADD 16.05.2014 (DoR) Whereas, in the matter of “Peroxisulphates’ also known as ‘Persulphates’ (hereinafter referred to as the subject goods), falling under Chapter 28 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from the Taiwan, Turkey and the United States of America (hereinafter referred to as the subject countries), and imported into India, the designated authority in its final findings published in the Gazette of India, Extraordinary, Part I, Section 1, vide notification number 14/9/2012-DGAD dated the 4th March, 2014, had come to the conclusion that—

(a) The subject goods have been exported to India from the subject countries except Turkey below its normal value;

(b) The domestic industry has suffered material injury on account of subject imports from the United States of America and Taiwan;

(c) The material injury has been caused by the dumped imports of subject goods from the United States of America and Taiwan.

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

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, specification of which is specified in column (4), falling under tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (5), and exported from the countries as specified in the corresponding entry in column (6), and produced by the producers as specified in the corresponding entry in column (7), and exported by the exporters as specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entry in column (9) in the currency as specified in the corresponding entry in column (11) and as per unit of measurement as specified in the corresponding entry in column (10) of the said Table.

Table

SNo.	Tariff Item	Description of goods	Specifications	Country of origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	2833 40 00	Peroxisulphates or Persulphates	Ammonium Persulphates, Potassium Persulphates or Sodium Persulphates	United States of America	United States of America	Any	Any	62	MT	US Dollar
2	2833 40 00	-do-	-do-	United States of America	Any country other than United States of America	Any	Any	62	MT	US Dollar
3	2833 40 00	-do-	-do-	Any country other than United States of America and Taiwan	United States of America	Any	Any	62	MT	US Dollar
4	2833 40 00	-do-	-do-	Taiwan	Taiwan	Any	Any	94	MT	US Dollar
5	2833 40 00	-do-	-do-	Taiwan	Any country other than Taiwan	Any	Any	94	MT	US Dollar
6	2833 40 00	-do-	-do-	Any country other than United States of America and Taiwan	Taiwan	Any	Any	94	MT	US Dollar

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

Explanation.- For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F.No.354/195/2013-TRU]

Provisional Anti-dumping Duty Imposed on Phenol from USA and Taiwan

Ntn 23-ADD 16.05.2014 (DoR) Whereas, in the matter of Phenol (hereinafter referred to as the subject goods), falling

under Chapter 29 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from Chinese Taipei and the United States of America (hereinafter referred to as the subject countries), and imported into India, the designated authority in its preliminary findings published in the Gazette of India, Extraordinary, Part I, Section 1, vide notification No. 14/17/2012-DGAD dated the 5th March, 2014, had come to the provisional conclusion that –

(a) the subject goods have been exported to India from the subject countries below their nor-

mal value thus resulting in the dumping of the product;

(b) the domestic industry has suffered material injury on account of subject imports from the subject countries;

(c) the material injury has been caused by the dumped imports of the subject goods from subject countries;

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

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 13 and 20 of the Customs Tariff (Identification, Assessment

and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid preliminary findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under tariff item of the First Schedule to the Customs Tariff

Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), and exported from the countries as specified in the corresponding entry in column (5), and produced by the producers as specified in the corresponding entry in column (6), and 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 (9) and as per unit of measurement as specified in the corresponding entry in column (10) of the said Table.

Table

SNo.	Tariff Item	Description of goods	Country of origin	Country of export	Producer	Exporter	Amount	Currency	Unit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	2907 11 10	Phenol	Chinese Taipei	Chinese Taipei	Formosa Chemicals & Fibre Corporation	Formosa Chemicals & Fibre Corporation	79.63	US Dollar	MT
2	2907 11 10	Phenol	Chinese Taipei	Switzerland	Formosa Chemicals & Fibre Corporation	Kolmar Group AG	79.63	US Dollar	MT
3	2907 11 10	Phenol	Chinese Taipei	Chinese Taipei	Taiwan Prosperity Chemical Corporation	Taiwan Prosperity Chemical Corporation	46.07	US Dollar	MT
4	2907 11 10	Phenol	Chinese Taipei	Switzerland	Taiwan Prosperity Chemical Corporation	Kolmar Group AG	46.07	US Dollar	MT
5	2907 11 10	Phenol	Chinese Taipei	Chinese Taipei	Any combination other than S.No 1 and 4		193.9	US Dollar	MT
6	2907 11 10	Phenol	Chinese Taipei	Any country other than Chinese Taipei and the countries attracting anti-dumping duties	Any	Any	193.9	US Dollar	MT
7	2907 11 10	Phenol	Any country other than Chinese Taipei and the countries attracting anti-dumping duties	Chinese Taipei	Any	Any	193.9	US Dollar	MT
8	2907 11 10	Phenol	United States of America	United States of America	Any	Any	146.09	US Dollar	MT
9	2907 11 10	Phenol	United States of America	Any country other than United States of America and the countries attracting anti-dumping duties	Any	Any	146.09	US Dollar	MT
10	2907 11 10	Phenol	Any country other than United States of America and the countries attracting anti-dumping duties	United States of America	Any	Any	146.09	US Dollar	MT

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

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

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

[F.No.354/64/2014-TRU]

the conditions as under:

a) Firm irrevocable supply orders should be in place. The contract with the overseas party/buyer should be vetted and clearly specify the nature, amount and delivery timelines of products over the years and penalty in case of non-performance or contract cancellation. Product pricing should be in consonance with prevailing international prices.

b) Company should have capacity, systems and processes in place to ensure that the orders over the duration of the said tenure can actually be executed.

c) The facility is to be provided only to those entities, who have not come under the adverse notice of Enforcement Directorate or any such regulatory agency or have not been caution listed.

d) Such advances should be adjusted through future exports.

e) The rate of interest payable, if any, should not exceed LIBOR plus 200 basis points.

f) The documents should be routed through one Authorized Dealer bank only.

g) Authorized Dealer bank should ensure compliance with AML / KYC guidelines and also undertake due diligence for the overseas buyer so as to ensure it has good standing / sound track record.

Exporters Allowed Long Term Export Advance of USD 100mn for Supply Contracts

Sub: Export of Goods - Long Term Export Advances.

AP(DIR Srs) Cir.132 21.05.2014 (RBI)

Attention of Authorised Dealer Category - I (AD Category I) banks is invited to the sub-regulation (2) of Regulation 16 of the Foreign Exchange

Management (Export of Goods and Services) Regulations, 2000, notified vide Notification No.FEMA.23/RB- 2000, dated 3rd May 2000, as amended from time to time, in terms of which prior approval of the Reserve Bank is required to be obtained by an exporter for receipt of advance where the export agreement provides for shipment of goods extending beyond the period of one year from the date of receipt of advance payment.

Further, in terms of A.P. (DIR Series) Circular No.81 dated February 21, 2012 AD Category- I banks have been permitted to allow exporters to receive advance payment for export of goods which would take more than one year to manufacture and ship and where the 'export agreement' provides for the same.

2. In view of requests received from exporters, it has been decided to permit AD Category- I banks to allow exporters having a minimum of three years' satisfactory track record to receive long term export advance up to a maximum tenor of 10 years to be utilized for execution of long term supply contracts for export of goods subject to

h) Such export advances shall not be permitted to be used to liquidate Rupee loans, which are classified as NPA as per the Reserve Bank of India asset classification norms.

i) Double financing for working capital for execution of export orders should be avoided.

j) Receipt of such advance of USD 100 million or more should be immediately reported to the Trade Division, Foreign Exchange Department, Reserve Bank of India, Central Office, 5th Floor, Amar Building, Mumbai under copy to the concerned Regional Office of the Reserve Bank of India as per the format given in Annex – I.

3. In case Authorized Dealer banks are required to issue bank guarantee (BG)/ Stand by Letter of Credit (SBLC) for export performance, the following guidelines may also be adhered to:

a) Issuance of BG / SBLC, being a non-funded exposure, should be rigorously evaluated as any other credit proposal keeping in view, among others, prudential requirements based on board approved policy. Such facility will be extended only for guaranteeing export performance.

b) BG / SBLC may be issued for a term not exceeding two years at a time and further rollover of not more than two years at a time may be

allowed subject to satisfaction with relative export performance as per the contract.

c) BG / SBLC should cover only the advance on reducing balance basis.

d) BG / SBLC issued from India in favour of overseas buyer should not be discounted by the overseas branch / subsidiary of bank in India.

e) Authorised Dealer bank should duly evaluate and monitor the progress made by the exporter on utilisation of the advance and submit an Annual Progress Report to the Trade Division, Foreign Exchange Department, Reserve Bank of India, Central Office, 5th Floor, Amar Building, Mumbai under copy to the concerned Regional Office of the Reserve Bank of India in format as per Annex - II within a month from the close of each financial year.

4. AD Category - I banks may bring the contents of this circular to the notice of their constituents and customers concerned.

5. The directions contained in this circular have been issued under Sections 10(4) and 11 (1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any law.

Details of BG/SBLC issued, if any:

Place:

Date:

Authorised Signatory:

Authorised Dealer Bank:

Address:

Seal:

Annex II

Progress Report to be submitted by Authorised Dealer Bank on utilization of Long term export Advances

(For the year ended March 31,)

Name and Address of the Exporter:

Name and address of the overseas supplier from whom long term advance has been availed of:

Name of the Regional Office of Reserve Bank of India to which Report is being submitted:

Details of utilization of long term export advance:

Total export advances received:

Projected export performance for the year ended 31.3....:

Actual exports performed:

Comments/ reasons for shortfall:

Export outstanding as on 31.3....:

Details of export advance used to adjust the domestic loan, if any

Details of bank guarantee / SBLC issued:

Total amount for which BG has been issued:

Whether invoked:

Reasons for invocation:

Place:

Date:

Authorised Signatory:

Authorised Dealer Bank:

Address:

Seal:

Annex I

Reporting of Long term Advance of USD 100 million & more

Name and Address of the Exporter:

PAN of the exporter:

Name, address and relationship with the overseas supplier from whom long term advance has been availed of:

Company review:

Nature of business:

Number of years the party has been dealing with the bank:

Details of existing facilities with the Bank:

Export to total domestic sales ratio (last three years average):

Details of long term advance:

Total amount of contract/orders placed & period:

Total advance to be received:

Date of receipt of Advance:

Tenor:

Rate of Interest, if any:

Limited Liability Partnership (LLP) as Indian Party Notified

Sub: Overseas Direct Investments – Limited Liability Partnership (LLP) as Indian Party

AP(DIR Srs) Cir.131 19.05.2014 (RBI) Attention of the Authorised Dealers (AD) is invited to Foreign Exchange Management (Transfer or Issue of any Foreign Security) Regulations, 2004

notified by the Reserve Bank vide Notification No. FEMA.120/RB-2004 dated July 07, 2004 and amended from time to time.

2. On a review, it has been decided to notify a Limited Liability Partnership (LLP), registered under the Limited Liability Partnership Act, 2008 (6 of 2009), as an "Indian Party" under clause (k) of Regulation 2 of the Notification *ibid*. Accordingly, an LLP, may henceforth undertake financial commitment to / on behalf of a JV / WOS abroad in terms of the extant FEMA provisions under Regulation 6 (and regulation 7, if applicable) of the Notification *ibid*.

3. Necessary amendment to the Notification *ibid* has been issued vide Notification No. FEMA.299/2014-RB dated March 24, 2014 (copy enclosed), which is effective from the date of publication in the Gazette i.e. May 07, 2014.

4. The AD banks shall report the financial commitment/s undertaken by an LLP in Form ODI Part I and II and also other reporting (APR,

disinvestments, etc.) as per the extant reporting requirements.

5. AD - Category I banks may bring the contents of this circular to the notice of their constituents

Banks given Powers to Approve ECB from Foreign Equity Holders

Sub: External Commercial Borrowings (ECB) from Foreign Equity Holder - Simplification of Procedure

AP(DIR Srs) Cir.130 16.05.2014 (RBI) Attention of Authorised Dealer Category – I (AD Category – I) banks is invited to the A.P. (DIR Series) Circular No. 05 dated August 01, 2005 as

amended from time to time relating to the External Commercial Borrowings (ECB). Attention is also invited to A. P. (DIR Series) Circular No. 11 dated September 07, 2011, A.P. (DIR Series) Circular No. 29 dated September 26, 2011, and A.P. (DIR Series) Circular No. 31 dated September 04, 2013.

2. As per the extant ECB policy, ECBs from direct foreign equity holders (FEHs) are considered both under the automatic and the approval routes, as the case may be. ECBs from indirect equity holders and group companies and ECBs from direct FEH for general corporate purpose are, however, considered under the approval route.

and customers concerned.

6. The directions contained in this circular have been issued under Sections 10(4) and 11(1) of the Foreign Exchange Management Act (FEMA), 1999 (42 of 1999) and are without prejudice to permissions/approvals, if any, required under any other law.

Further, any request for change of the ECB lender in case of FEH requires RBI's approval.

3. As a measure of simplification of the existing procedure, it has been decided to delegate powers to AD banks to approve the following cases under the automatic route:

i. Proposals for raising ECB by companies belonging to manufacturing, infrastructure, hotels, hospitals and software sectors from indirect equity holders and group companies.

ii. Proposals for raising ECB for companies in miscellaneous services from direct / indirect equity holders and group companies. Miscellaneous services mean companies engaged in training activities (but not educational institutes), research and development activities and companies supporting infrastructure sector. Companies doing trading business, companies providing logistics services, financial services and

Tariff Value of Palmolein and Crude Palm Oil Falls \$15/MT; Crude Soyabean Oil \$34/MT

Brass Scrap Tariff Value Up by \$20/MT; Silver \$18/kg and Gold \$2/10 gms

42-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, being satisfied that it is necessary and expedient so to do, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S.O. 748 (E), dated the 3rd August, 2001, namely:-

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

"Table-1

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	905
2	1511 90 10	RBD Palm Oil	938
3	1511 90 90	Others – Palm Oil	922
4	1511 10 00	Crude Palmolein	946
5	1511 90 20	RBD Palmolein	949
6	1511 90 90	Others – Palmolein	948
7	1507 10 00	Crude Soyabean Oil	946
8	7404 00 22	Brass Scrap (all grades)	3891
9	1207 91 00	Poppy seeds	3255

Table-2

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1	71 or 98	Gold, in any form, in respect of which the benefit of entries at serial number 321 and 323 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	424 per 10 grams
2	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 322 and 324 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	650 per Kilogram

Table-3

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value (US \$ Per Metric Tons)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	1908

[F. No. 467/01/2014-Cus-5]

consultancy services are, however, not covered under the facility.

iii. Proposals for raising ECB by companies belonging to manufacturing, infrastructure, hotels, hospitals and software sectors for general corporate purpose. ECB for general corporate purpose (which includes working capital financing) is, however, permitted only from direct equity holder.

iv. Proposals involving change of lender when the ECB is from FEH – direct/ indirect equity holders and group company.

4. All other terms and conditions stipulated in the relative circulars shall continue to be applicable.

5. Other aspects of the ECB policy such as eligible borrower, recognised lender, permitted end-use, amount of ECB, all-in-cost, average maturity period, pre-payment, ECB liability:equity ratio, refinance of existing ECB, reporting arrangements, etc. shall remain unchanged.

6. These changes will come into force with immediate effect.

7. AD Category - I banks may bring the contents of this circular to the notice of their constituents and customers.

8. The directions contained in this circular have been issued under sections 10(4) and 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

BIG's Weekly Index of Changes No 09/21-27 May 2014

Exchange Rates for Customs Valuation

Rupee Gains to 60.10 from 60.85 for Imports w.e.f. 16 May 2014

41-Cus(NT) In exercise of the powers conferred by section 14 of the 15.05.2014 Customs Act, 1962 (52 of 1962), and in super session of the notification of the Government of India in the (DoR) Ministry of Finance (Department of Revenue) No.38/2014-CUSTOMS (N.T.), dated the 1st May, 2014 vide number S.O. (E), dated the 1st May, 2014, 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 16th May, 2014** 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
(1)	(2)	(3)		(4)	
		(a)	(b)		

Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees

1.	Australian Dollar	56.50	56.75	55.10	55.35
2.	Bahrain Dinar	162.70	164.70	153.70	155.65
3.	Canadian Dollar	55.55	55.70	54.10	54.40
4.	Danish Kroner	11.15	11.35	10.80	11.00
5.	EURO	82.80	84.30	80.85	82.30
6.	Hong Kong Dollar	7.75	7.85	7.60	7.70
7.	Kuwait Dinar	217.90	220.85	205.45	208.40
8.	Newzeland Dollar	52.30	52.35	51.00	51.05
9.	Norwegian Kroner	10.20	10.20	9.90	9.90
10.	Pound Sterling	101.15	102.70	98.85	100.40
11.	Singapore Dollar	48.20	48.60	47.10	47.50
12.	South African Rand	6.00	5.90	5.60	5.55
13.	Saudi Arabian Riyal	16.35	16.55	15.45	15.65
14.	Swedish Kroner	9.25	9.35	8.95	9.05
15.	Swiss Franc	67.90	69.15	66.25	67.45
16.	UAE Dirham	16.70	16.90	15.80	16.00
17.	US Dollar	60.10	60.85	59.10	59.85

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

1.	Japanese Yen	59.25	59.70	57.80	58.25
2.	Kenya Shilling	70.35	71.55	66.30	67.55

[F.No.468/01/2014-Cus. V]

Trade Promotion Council of India, New Delhi Authorized to Issue Certificate of Origin (Non-Preferential)

Subject: -Enlistment under Appendix 4C- Agencies Authorized to issue Certificate of Origin (Non-Preferential).

60-PN(RE) In exercise of powers conferred under paragraph 2.4 of 15.05.2014 the Foreign Trade Policy 2009 2014, the Director (DGFT) General of Foreign Trade hereby authorizes Trade Promotion Council of India to issue Certificate of Origin (Non-Preferential):

Trade Promotion Council of India
JA-24C Khirki Extension, Malviya Nagar, New Delhi-110 017.
Tel: 011-41024340; Fax: 011-41018109, E-mail: info@tpci.in
Homepage: www.tpci.in.

2. Accordingly, name of the above agency is added at Serial No. 12 (Delhi) of Appendix 4C (List of Agencies Authorized to issue Certificated of Origin-Non-Preferential) to Handbook of Procedure Vol.I, 2009-2014 (Appendices & ANFs).

3. Effect of this Public Notice

Trade Promotion Council of India is enlisted for issuing Certificate of Origin (Non Preferential).

Kiranpani in Maharashtra Notified for Loading and Unloading of Coal, Sulphur, Sugar, Bauxite, Iron Ore and Mill Scale

39-Cus(NT) 07.05.2014 (DoR) In exercise of the powers conferred by clause (a) of sub-section (1) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.62/1994- Customs (N.T.) dated the 21st No-

vember, 1994, vide S. O. 829 (E) dated the 21st November, 1994, namely:-

In the said notification, in the TABLE, against serial number 8, relating to the State of Maharashtra, in columns (3) and (4), after item (15) and entries thereon the following item number and entries relating thereto shall be inserted, namely: -

(1)	(2)	(3)	(4)
		"(16) Kiranpani	(a) Unloading of imported goods, namely, Coal Sulphur, Bauxite, Mill Scale, Iron Ore and Sugar. (b) Loading of export goods, namely, Coal Sulphur, Bauxite, Mill Scale, Iron Ore and Sugar."

[F. No. 574/11/2013-LC]

Cont'd..58

necessary infrastructure, Russian Energy Minister Alexander Novak told reporters on 21 May.

Russia will invest \$55 billion in the pipeline and the Siberian fields to feed it, Putin said, while China, responsible for a pipeline on its territory, will spend at least \$20 billion, he said.

Russia and China will start talks on a second

pipeline to the west of the initial route, Miller said.

Before Putin's trip, Russian officials had said the gas-supply agreement was closer than it had ever been. Talks, which started more than 10 years ago, repeatedly foundered on the issue of price.

Gazprom's average price in Europe was \$380.5 per thousand cubic meters last year. The price in today's contract is more than \$350, Interfax reported, citing a person it didn't identify.

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DG Inspection Issues Notice for CHA Examination

[DGICCE Notice]

Applications are invited to appear in the written examination for issuance of license to act as a Customs Broker under Customs Brokers Licensing Regulations, 2013 (CBLR, 2013) published by the CBEC vide Notification No. 65/2013-Customs (N.T.) dated 21.06.2013. A copy of the regulations is available at www.cbec.gov.in or <http://dgicce.nic.in>.

1. Last Date of receipt of application form: 14.11.2014
2. Date of Written Examination: 28.01.2015
3. Conditions to be fulfilled by the applicants:- See regulation 5 & 6 of CBLR, 2013 etc.
4. Syllabus of written exam: See regulation 6(7) of CBLR, 2013 etc.
5. Application to be submitted in format: Form-A (available in the notification) along with two passport size photos attested by a Gazetted officer (on the front side) & attested documents on citizenship, educational qualification & financial requirements as per regulation 5 CBLR, 2013 etc.
6. Where to submit the application: Commissioner of Customs having jurisdiction over the area where the applicant intends to carry on his business. [Regulation 4 of CBLR, 2013]. A ready list of where application may be submitted will be available on site <http://dgicce.nic.in> by September, 2014.
If inadvertently any small Customs station (Notified Port/ Airport/ Land Customs Station/ Inland Container Depot/ Container Freight Station etc) is not shown under the jurisdiction of a Commissioner of Customs, the application may be made to any other Commissioner of Customs. An applicant who is granted license is eligible to work at other Customs station as per regulation 7 of CBLR, 2013 etc.
7. Incomplete applications shall be summarily rejected. By 10.12.2014 information regarding allotted roll numbers & exam venue/ time shall by speed post be communicated by the concerned Commissioner of Customs where application is submitted. Decision of the Commissioner shall be final.
8. The candidates who successfully pass written examination shall be called for an oral exam. A candidate needs to pass both written & Oral examination to qualify for issuance of license.
9. The candidates have the option to answer either in English or in Hindi. The date of written exam shall not change even if it is declared a holiday.
10. In case declarations made by the applicant are found to be incorrect, the application is liable to be rejected or license is liable to be cancelled.
11. For any query, please contact the nearest Office of the Commissioner of Customs or this Directorate General or visit the website.