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WTO Appellate Body gives OK to EU Airbus Subsidies

The WTO Appellate Body last week confirmed that the EU was paying billions of dollars worth of illegal subsidies to aircraft manufacturer Airbus, but overturned the earlier panel's finding that these payments were export subsidies, which WTO subsidy rules punish most strongly.

EU Trade Commissioner Karel De Gucht applauded the ruling as a great success. "I am particularly pleased with this important result. The US central claim that Airbus received prohibited export subsidies has been dismissed in its entirety," he said in a statement.

While the panel had determined the amount of EU subsidisation to be \$20 billion, the Appellate Body reduced the amount to \$18 billion, finding some research and development and infrastructure subsidies to be legal.

US Trade Representative Ron Kirk also claimed victory, saying that "the WTO Appellate Body has confirmed without a doubt that Airbus received massive subsidies for more than 40 years and that these subsidies have greatly harmed the United States, including causing [US aircraft maker] Boeing to lose sales and market share in key markets throughout the world."

A separate panel ruled earlier this year that the US had been providing \$5.3 billion in illegal subsidies to Boeing - mainly export subsidies. While Washington still argues that the Boeing subsidies are 'dwarfed' by the billions paid to Airbus, the EU now contends that its Airbus subsidies, though higher, are less harmful in terms of distorting production and trade. A press release from the European Commission acknowledged that "certain 'actionable subsidy' findings do remain," but stressed that economic impact of the support on the aircraft market "has been found to be

very limited."

The distinction between export subsidies and other subsidies found to cause injury to overseas competitors is critical: WTO rules require export subsidies to be withdrawn immediately, while actionable subsidies may be maintained for up to six months.

The EU is uneasy about the fact that its own case is running several months behind Washington's case against European aid to Airbus, which means it could potentially be ordered to suspend aid to its aircraft maker - or face retaliatory sanctions - months before its US rival.

While the long-running case has generated considerable employment for trade lawyers, the parties may yet opt to limit its ramifications for the airline industry by resolving the dispute at the negotiation table. In any such negotiation, however, the WTO's findings would be critical for either side's bargaining power.

The recent Appellate Body process underscored a limitation in WTO dispute settlement rules. The Appellate Body found that the panel had failed to collect certain factual information related to export subsidies. However, the WTO's lack of 'remand rules' made it impossible for the appeals court, though notoriously overloaded, to send the case back to the panel with specific instructions. And since appeals are limited to judicial review, the Appellate Body was unable to conduct the search itself. 'Remand' rules are part of negotiations on dispute settlement reform taking place alongside the broader Doha Round talks.



Export and Import Barriers on the Rise, G-20 Puts 122 Restrictions

Protectionist pressures are increasing in the world's leading economies, as members of the Group of 20 introduced more trade-restricting policies over the past six months than in any comparable period since April 2009, according to a new report from the WTO.

The report is part of a joint exercise by the WTO, the Organisation for Economic Cooperation and Development (OECD), and the UN Conference on Trade and Development (UNCTAD) to monitor G-20 countries' adherence to their pledges to refrain from trade and investment protectionism in the financial crisis and its aftermath. The three organisations have issued reports monitoring new trade and investment measures, both restrictive and liberalising, at roughly six-month intervals since September 2009.

According to the new report, between mid-October 2010 and the end of April 2011, WTO members introduced some 122 measures with the potential to restrict or distort trade. The measures included tariff increases, new non-tariff policies, trade

Bangladesh Apparel TRQ Raised to 10 mn Pieces

Ntnf 42 In exercise of the powers conferred by
25.05.2011 sub-section (1) of section 25 of the
(DoR) Customs Act, 1962 (52 of 1962), the
Central Government, on being satisfied
that it is necessary in the public interest so to do, hereby
makes the following amendments in the notification of
the Government of India, in the Ministry of Finance
(Department of Revenue), No. 51/2008-Customs, dated
the 21st April, 2008 which was published in the Gazette
of India, Extraordinary, vide number G.S.R. 297 (E),
dated the 21st April, 2008, namely:-

In the said notification, in the **preamble**, in condition
(a), for the figure and words "8 million pieces", the figure
and words "10 million pieces" shall be **substituted**.

[F. No. 354/154/2007-TRU(Pt.)]

remedy investigation initiations, and export restrictions. Despite the group's reiteration in November 2010 that it was committed to resisting protectionism, this number was substantially higher than the 95 such measures introduced between September 2009 and February 2010, the next highest period. The use of export restrictions, particularly on food and minerals, increased, with the past six months seeing the introduction of almost as many restricting measures as the preceding year.

On the other hand, the report found that measures to liberalise trade were also on the rise over the past six months - some 100 measures were trade facilitating, from import tariff reductions to the streamlining of customs procedures. Nevertheless, new import restrictive measures taken by G-20 economies between October 2010 and April 2011 covered around 0.6 percent of the group's total imports, an increase over the prior six months, when the figure was 0.3 percent (although lower than the 1 percent of G-20 imports affected over the year following October 2008).

Over the past six months, the new trade restrictions most frequently affected sectors including organic chemicals, meat, iron and steel, plastic, machinery, dairy products, electrical machinery and equipment, and vehicles. The bulk of the measures took the shape of tariff increases or non-tariff measures such as non-automatic import licensing requirements, as well as trade remedy investigations.

The report includes an annex with specific details on new trade measures, whether re-

stricting or liberalising, from the EU's initiation of anti-dumping investigations into Chinese steel fasteners and vinyl acetate from the US, to India's elimination of import tariffs on onions in December 2008.

Export restrictions highlighted

The report pointed to an increasing trend in the use of export restrictions - export taxes, export quotas, and in some cases, outright export bans- imposed mainly on food products and some minerals, in response to rising prices and concerns about resource depletion and adequate domestic supplies.

Noting that WTO disciplines on export restrictions were limited, it warned of "a risk that in the absence of clearer multilateral disciplines, governments may be tempted to use export restrictions to alter to their advantage the relative price of their exports or to expand production of domestic industries at the expense of foreign production." It urged "more self-imposed discipline along the lines of the G-20 standstill commitment, and closer multilateral co-operation and action among all countries" in order to minimise harm to net food importers and countries highly dependent on imported industrial inputs.

The report provided a list of export restrictive measures dating back to October 2008. Restrictions introduced over the past six months include Chinese export quotas on rare earth minerals and coal, the extension of an Indian export ban on pulses, and temporary export bans on wheat imposed by Macedonia, Moldova, and Serbia.

portionate to the tariff and subsidy reforms rich nations have offered. The US, on the other hand, feels that the terms on the table in the Doha Round negotiations are biased against its interests.

G-8 Meet says Commodity Rise Threatens Growth – Oil may Hit \$140 by End 2012

Group of Eight leaders said a strengthening global economy will pave the way to cuts in the debt built up in the recession that followed the 2008 financial crisis.

Europe vowed to fight its fiscal woes with "determination," while President Barack Obama promised a "clear and credible" U.S. deficit-reduction strategy. Japan was allowed to put off savings measures until its economy rebounds from the March earthquake and tsunami.

The harshest economic crisis since the Great Depression drove debt in the U.S., Japan and the 17-nation euro region past the mark of 90 percent of gross domestic product that economists Kenneth Rogoff and Carmen Reinhart say can weigh on long-term growth prospects.

Echoing that assessment, the Organization for Economic Cooperation and Development on May 25 warned that deepening holes in public finances may be a drag on the recovery. It predicted growth of 4.2 percent in the world economy this year and 4.6 percent in 2012.

'Downside Risks'

"Downside risks remain, and internal and external imbalances are still a concern," the G-8 draft said. "Commodity prices and their excessive volatility pose a significant headwind to the recovery."

Leaders of the G-8 – the U.S., Japan, Germany, U.K., France, Italy, Canada and Russia - will release a final text at the end of the meeting hosted by French President Nicolas Sarkozy.

The draft made clear that the wider Group of 20 - including developing countries such as China, India and Brazil - has become the principal forum for steering the world economy. The next G-20 get-together is in November in Cannes, France.

That meeting will try to work out an international radar system that warns of imbalances involving current accounts and budgets, as well as currency misalignments that threaten world growth.

Oil prices reached a 31-month high of \$114.83 on May 2 as the recovery boosted fuel demand and the war in Libya cut supply by 1.5 million barrels a day, according to economists Goldman Sachs Group Inc. Oil has since dropped to \$100.49 on 25 May.

Oil Forecasts

Goldman's economists now expect oil prices to touch \$140 a barrel by the end of 2012, raising

Contemplating Doha Failure, WTO Members Look to Paris Meeting for Way Forward

WTO Director-General Pascal Lamy went to Big Sky, the Montana ski resort where the APEC meeting took place, to brief ministers on the status of the Doha Round and discuss possible next steps. He informed them of his plan to hold a Trade Negotiations Committee (TNC) session on 31 May to take stock of his consultations with governments and "chart a path forward." Lamy said that signals from APEC and the upcoming Paris meeting of ministers on the sidelines of an Organisation for Economic Cooperation and Development (OECD) summit would be "key inputs into that process." The Paris 'mini-ministerial', on 26 May, will be hosted by Australia, and attended by dozens of influential WTO members. Geneva-based trade diplomats from several governments are reportedly

travelling to the French capital for the meeting.

The US trade chief said that optimism early this year about prospects for a Doha agreement had "not been borne out," and intensive discussions had served mainly to clarify "just how far apart we are on the core question of market access ambition - certainly in NAMA [non-agricultural market access], but also with regard to services and agriculture."

The main obstacle in the negotiations is a deep divide between the US and large developing countries over the depth of tariff cuts to result from a Doha accord. China, India, and Brazil have consistently rejected Washington's demands for substantial new concessions in terms of access to their markets, particularly for industrial products, as unrealistic and dispro-

Dollar-Rupee Rate at NSE Futures

Trade Date	Open Price	High Price	Low Price	Close Price	Daily Settlement Price	Open Interest	No. of Contracts	Value (Rs. lakhs)	RBI Reference rate
30-May-11	45.3400	45.3600	45.2600	45.2800	45.2800	933279	1749061	792442	45.1000
27-May-11	45.1925	45.2600	45.1825	45.2125	45.2100	733867	1006914	455300	45.2100
26-May-11	45.2500	45.3350	45.2225	45.3125	45.3125	801194	2689997	1218346	45.2900
25-May-11	45.3200	45.4575	45.2850	45.3600	45.3600	960757	3432552	1557874	45.3800
24-May-11	45.2275	45.3025	45.1550	45.2300	45.2300	966683	3163519	1430932	45.2500

[Source: NSE and RBI Website]

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Anti-dumping Review on Foshan Z&D Ceramics in Vitrified Porcelain Tiles Case

Ntnf 41
23.05.2011
(DoR)

Whereas, in the matter of import of Vitrified Porcelain Tiles, (hereinafter referred to as the 'subject goods'), falling under Chapter 69 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the 'Customs Tariff Act') and originating in, or exported from the People's Republic of China (China PR) and United Arab Emirates (hereinafter referred to as the 'subject countries'), the designated authority, vide its final findings in notification No.37/1/2001-DGAD dated 4th February, 2003 in the original anti-dumping case published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 4th February, 2003 had come to the conclusion that-



(i) Vitrified/ Porcelain Tiles have been exported to India from UAE and China PR below its normal value resulting in dumping;

(ii) the Indian industry has suffered material injury;

(iii) the injury has been caused cumulatively by the imports from the subject countries;

and had recommended to impose anti dumping duty on all imports of Vitrified/ Porcelain Tiles from subject countries in order to remove the injury to the domestic industry;

And whereas on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on subject goods falling under Chapter 69 of the First Schedule to the Customs Tariff Act, originating in or exported from China PR and imported into India vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 73/2003-Customs, dated the 1st May, 2003, published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary, G.S.R. 376(E) dated the 1st May, 2003;

And whereas, the designated authority, in its final findings notification No. 15/17/2006-DGAD dated 21st April, 2008 in the Sunset Review anti-dumping case published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 21st April, 2008 had come to the conclusion that-

(i) there is no dumping taking place from United Arab Emirates (UAE);

(ii) the subject goods are likely to enter Indian market at dumped prices from China PR, should the present measures be withdrawn;

(iii) in spite of the anti-dumping measures in place, there exists significant current injury to the domestic industry. There is also no evidence on record to suggest that dumping or the injury to the domestic industry would cease to exist or is not likely to recur in case the anti-dumping duties are discontinued;

and had recommended continued imposition of the anti-dumping duty on the subject

goods originating in, or exported from, China PR in order to remove injury to the domestic industry;

And whereas on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on subject goods falling under heading 6907 or 6908 or 6914 of the First Schedule to the Customs Tariff Act, originating in or exported from China PR and imported into India vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. **82/2008-Customs, dated the 27th June, 2008** published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary, G.S.R. 485(E) dated the 27th June, 2008;

And whereas, in the said matter, M/s. Jiangxi Zhengda Ceramics Co. Ltd, China PR (producer) through M/s Foshan Z&D Ceramics Co. Ltd., China PR (exporter) have requested for review in terms of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 in respect of exports made by them, and the designated authority, vide new shipper review notification No. 15/29/2010-DGAD, dated the 21st February, 2011 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 21st February, 2011 has recommended provisional assessment of all exports of the subject goods made by M/s. Jiangxi Zhengda Ceramics Co. Ltd., China PR (producer) through M/s Foshan

Z&D Ceramics Co. Ltd., China PR (exporter) when imported in to India, till the completion of the said review;

Now, therefore, in exercise of the powers conferred by sub-rule (2) of rule 22 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 recommendation of the designated authority, hereby orders that pending the outcome of the said review by the designated authority, export of Vitrified Porcelain Tiles falling under heading 6907 or 6908 or 6914 of the First Schedule to the Customs Tariff Act by M/s. Jiangxi Zhengda Ceramics Co. Ltd., China PR (producer) through M/s Foshan Z&D Ceramics Co. Ltd., China PR (exporter) when imported into India, shall be subjected to provisional assessment till the review is completed.

2. The provisional assessment may be subject to such security or guarantee as the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, deems fit for payment of the deficiency, if any, in case a definitive anti dumping duty is imposed retrospectively, on completion of investigation by the designated authority.

3. In case of recommendation of anti-dumping duty after completion of the said review by the designated authority, the importer shall be liable to pay the amount of such anti-dumping duty recommended on review and imposed on all imports of Vitrified Porcelain Tiles, when exported by M/s. Jiangxi Zhengda Ceramics Co. Ltd., China PR (producer) through M/s Foshan Z&D Ceramics Co. Ltd., China PR (exporter) from the date of initiation of the said review.

[F. No. 354/214/2001-TRU (Pt.IV)]

Chang Chun Plastics Chinese Taipei in Acetone Case

Ntnf 44
27.05.2011
(DoR)

Whereas in the matter of import of Acetone (hereinafter referred to as the subject goods), falling under sub

heading 29141100 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the Chinese Taipei (hereinafter referred to as the subject country) and imported into India, the designated authority vide its final findings, in notification No. 14/04/2006-DGAD, dated 4th January 2008 published in the Gazette of India, Extraordinary, Part I, Section I, dated the 4th January, 2008 had come to the conclusion that-

(i) the subject goods of all types, originating in or exported from the subject country has been exported to India below normal value, resulting in dumping;

(ii) the domestic industry has suffered material injury; and

(iii) material injury has been caused by dumped imports from the subject country,

and recommended imposition of anti-dumping duty on all imports of the subject goods from subject country in order to remove the injury to

the domestic industry;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on the subject goods, vide, notification of the Government of India in the Ministry of Finance (Department of Revenue), No. **33/2008-Customs, dated the 11th March, 2008**, published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary, dated the 11th March, 2008 [G.S.R. 174 (E), dated the 11th March, 2008];

And whereas, M/s Chang Chun Plastics Co. Ltd, Chinese Taipei has requested for review in terms of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 in respect of exports of the subject goods made by them, and the designated authority, vide new shipper review notification No. 15/30/2010-DGAD dated the 20th April, 2011 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 20th April 2011, has recommended provisional assessment of all exports of the subject goods

made by the above stated party till the completion of the review by it;

Now therefore, in exercise of the powers conferred by sub-rule (2) of rule 22 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 recommendation of the designated authority, hereby orders that pending the outcome of the said review by the designated authority, the subject goods, when exported by M/s Chang Chun Plastics Co. Ltd, Chinese Taipei and imported into India, shall be subjected to provisional assessment till the review is completed.

2. The provisional assessment may be sub-

ject to such security or guarantee as the proper officer of customs deems fit for payment of the deficiency, if any, in case a definitive anti-dumping duty is imposed retrospectively, on completion of investigation by the designated authority.

3. In case of recommendation of anti-dumping duty after completion of the said review by the designated authority, the importer shall be liable to pay the amount of such anti-dumping duty recommended on review and imposed on all imports of subject goods exported by, M/s Chang Chun Plastics Co. Ltd, Chinese Taipei and imported into India, from the date of initiation of the said review.

[F. No. 354/ 65/2007-TRU] (Pt-1)

Anti-dumping Investigation Initiated on Casting Balls from Thailand and China

[Ref: F.No. 14/34/2010-DGAD dated 23rd May 2011]

Subject: Initiation of anti-dumping investigation concerning imports of 'Grinding Media Balls' (excluding Forged Grinding Media Balls) originating in or exported from Thailand and China PR



Whereas M/s AIA Engineering Ltd and M/s Welcast Steels Limited, (hereinafter referred to as the Applicants) have jointly filed an application

before the Designated Authority (hereinafter referred to as the Authority), in accordance with the Customs Tariff Act, 1975, as amended from time to time, (hereinafter referred to as the Act) and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time, (hereinafter referred to as the AD Rules), alleging dumping of 'Grinding Media Balls' (excluding Forged Grinding Media Balls) (hereinafter also referred to as the subject goods) originating in or exported from Thailand and China PR (hereinafter also referred to as the subject countries) and has requested for initiation of anti-dumping investigation and levy of anti dumping measures.

Product under consideration

2. The product under consideration is 'Grinding Media Balls' (also known as 'Casting Balls') excluding Forged Grinding Media Balls (hereinafter also referred to as the 'Subject goods'). 'Grinding Media Balls' (in short, 'GM Balls') are produced in different sizes, shapes and compositions for use in diverse applications. Further, it is available in different hardness depending upon varying requirements of the customers.

3. The product under consideration is extensively used in cement build materials, metal mine, coal slurry, thermal power plant, chemical engineering, ceramic industry, dope industry, light industry such as papermaking and magnetic material etc for powder preparation. The subject goods are classified under Customs sub-heading 7325 9100 of Chapter 73 of the Customs Tariff Act, 1975. However, the cus-

tom classification is indicative only and in no way binding on the scope of this investigation.

Domestic Like Article

4. The Applicants have claimed that there is no known significant difference in the subject goods produced by the Indian industry and the subject goods exported from the subject countries. The subject goods produced by the Indian industry and imported from the subject countries are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably.

5. Thus, the subject goods produced by the Applicants are being treated as like article to the product under consideration imported from the subject countries within the meaning of the AD Rules for the purpose of this investigation.

Domestic industry & 'Standing'

6. The application has been filed by M/s AIA Engineering Ltd and M/s Welcast Steels Limited on behalf of the domestic industry. M/s Welcast Steels Limited is subsidiary of M/s AIA Engineering Ltd. As per the application, there are two more known producers of product concern in India.

7. As per information available on record, the Applicants account for over 90% of the total Indian production of the subject goods and thus the production of the Applicants account for a major proportion of the domestic production. It is evident from the above that the Applicants account for 'a major proportion' of total Indian production. The applicants therefore satisfy the 'Standing' requirement and constitute 'domestic industry' according to the AD Rules.

Countries involved

8. The countries involved in the present inves-

Anti-dumping Duty on Silk Fabrics from China – Classification Clarified

Ntfn 43 In exercise of the powers
27.05.2011 conferred by sub-section
(DoR) (1) and sub-section (5) of
section 9A of the Customs
Tariff Act, 1975 (51 of 1975) read with rules
18 and 20 of the Customs
Tariff (Identification, Assessment and Collection of
Anti-dumping Duty on
Dumped Articles and for
Determination of Injury)



Rules, 1995, the Central Government, hereby makes the following further amendment in the notification of Government of India in the Ministry of Finance(Department of Revenue) No. 121/2006-Customs dated the 26th December, 2006, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide G.S.R.769 (E), dated the 26th December, 2006, namely:-

In the said notification, in the Table, in column (2), for the figure '50079000' wherever it occurs, the figure and words "50079010 or 50079090" shall be substituted.

[F.No.354/64/2006-TRU (Pt.)]

tigation are China PR and Thailand (hereinafter also referred to as the subject countries).

Normal value

China PR

9. The Applicants have claimed that China PR is a non market economy country. It has been further claimed that in the instant case Normal Value could not be determined by them on the basis of price or constructed value in a market economy third country as the relevant information is not publicly available and that the Normal value as described under the Statute is the "comparable price in the ordinary course of trade for the like article when meant for consumption in such market economy third country". It has been claimed by them that they have not been able to procure such information from a producer in market economy third country. It has been further contended that price from market economy third countries to other countries could not be adopted as (a) the information is not available; (b) the price so adopted must be a price in the ordinary course of trade; (c) such information would also require co-operation from a producer in such third country. Also, prices from such third countries to India could not be adopted as the same might be influenced by the prices from the subject countries; and the product concerned involves a number of grades, which differs significantly in terms of associated cost as well as price. The Applicants have further claimed that India is an appropriate surrogate country for the producers in China PR.

10. In absence of sufficient information regarding the other methods as are enshrined in para

7 of Annexure I of the AD Rules, the Normal value has been determined by adopting the method "any other reasonable basis". Normal Value is thus has determined on the basis of the cost of production of product concerned in India, including selling, general and administrative expenses and profit.

Thailand

11. The Applicants have claimed that efforts were made by them to get evidence of prices of product concerned in the domestic market of Thailand and that efforts were also made to get any evidence of prices from published sources. However, despite making all reasonable efforts to procure authentic evidence with regard to actual transactions prices of sale of the subject goods in the domestic market of Thailand as well as the actual transaction prices at which the subject goods are being exported from Thailand to other countries, they could not procure adequate and accurate evidence in this regard. Therefore, they have determined Normal Value on the basis of estimated cost of production of GM Balls in Thailand.

12. However, the Authority collected the data in respect of exports of GM balls to third countries from Thailand. Although the data is not available on grade-wise basis, yet it has been considered as a prima facie evidence for determining the Normal value, on alternative basis, for the purposes of initiating this investigation.

Export Price

13. The Applicants have determined export prices based on the data compiled by IBIS, Mumbai. The export prices have been adjusted for Ocean freight, Marine insurance, Commission, Inland transportation in the country of export, Port expenses, and Bank Charges etc to arrive at net export price at ex-factory level.

Dumping margin

14. The applicants have provided sufficient evidence that the normal values of the subject goods in the subject countries are significantly higher than the net export prices, prima-facie indicating that the subject goods originating in or exported from the subject countries are being dumped, to justify initiation of an antidumping investigation.

'Injury' and causal link

15. The Applicants have claimed material injury as a result of the alleged dumping of the subject goods from the subject countries. It has been claimed that the imports have increased in absolute terms and in relation to consumption in India and that the imports are significantly undercutting the prices of the domestic. The Applicant has further claimed deterioration in performance of the domestic industry in terms of market share, sales, Cash Profit, return on capital employed and inventories etc.

16. There is sufficient evidence of the 'injury' being suffered by the domestic industry caused by the dumped imports from the subject countries to justify initiation of an antidumping investigation in terms of the AD Rules.

Initiation of Anti Dumping Investigation

17. In view of the foregoing, the Authority finds that sufficient evidence of dumping of the sub-

ject goods from the subject countries, 'injury' to the domestic industry and causal link between the dumping and 'injury' exists to justify initiation of an anti-dumping investigation. Accordingly, the Authority hereby initiates an investigation into the alleged dumping, and consequent 'injury' to the domestic industry in terms of the Rules 5 of the AD Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of anti-dumping measure, which, if levied, would be adequate to remove the injury to the domestic industry.

Period of investigation

18. The applicants have proposed October 2009 to September 2010 as period of investigation. While adopting this period as POI only for the purpose of initiation, the Authority has considered **January 2010 to December 2010 as the POI for the purpose of present investigation.** The injury investigation period will, however, cover the periods April 2007-March 2008, April 2008-March 2009, April 2009-March 2010 and the Period of Investigation (POI) viz. January 2010 to December 2010. For threat of material injury, the data beyond the POI may also be examined.

Submission of information

19. The known exporters in the subject countries and their Governments through their Embassies in India, importers and users in India known to be concerned and the domestic industry are being informed separately to enable them to file all information relevant in the form and manner prescribed. Any other interested party may also make its submissions relevant to the investigation within the time-limit set out below and write to:

The Designated Authority,
Directorate General of Anti-Dumping & Allied Duties, Ministry of Commerce & Industry,
Department of Commerce Room No.243, Udyog Bhawan, New Delhi -110107.

20. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.

Time limit

21. Any information relating to this investigation and any request for hearing should be sent in writing so as to reach the Authority at the above mentioned address, not later than forty days (40 Days) from the date of publication of this notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the 'facts available' on record in accordance with the AD Rules.

Submission of information on Confidential basis.

22. In case confidentiality is claimed on any part of the questionnaire's response/ submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information sup-

Guar Gum Exports to EU – Zero Penta Chlorophenol Content Decision Reversed

Subject: Export of Guar gum.

49-Ntfn(RE) In exercise of powers
26.05.2011 conferred by Section 5 of
(DGFT) the Foreign Trade
(Development & Regulation)
Act, 1992 (No. 22 of 1992) read with Para 2.1
of the Foreign Trade Policy, 2009-2014, the
Central Government **rescinds** Notification
No. **47(RE-2010) /2009-2014 dated
18.05.2011** with immediate effect.

2. Effect of this notification:

Notification No. 47 of 18.05.2011 stipulating export of Guar gum to EU to be allowed only if it does not contain Penta Chlorophenol (PCP) in any proportion, has been rescinded. Thus, the earlier stipulation of Notification No. 50 of 06.07.2010 of allowing presence of upto 0.01 mg/Kg. of Penta Chlorophenol (PCP) in the consignments of Guar gum when exported to EU will continue to be valid.

plied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.

23. Information supplied without any mark shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies each of the confidential version and the non-confidential version must be submitted.

24. For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

25. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out / summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, party submitting the confidential information may indicate that such information is not susceptible of summary, a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Designated Authority.

26. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Designated Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.

27. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Designated Authority. The Designated Authority on

being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

Inspection of Public File

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

Regularisation of Customs Duty not Paid on Metallised Plastic Films

35-Cus(NT) Whereas it appears that the
26.05.2011 goods imported by manufac-
(DoR) turers of metallised plastic
films were allowed to be

imported at concessional rates of duty by virtue of Notification No.25/99 - Customs dated the 28th February,1999 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 261 (E) dated the 28th February,1999 and Notification No.25/2002 - Customs dated 1st March, 2002 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 122 (E) dated the 1st March, 2002, (as amended by Notification No.8/2004-Customs dated 08th January, 2004 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 21 (E) dated the 8th January, 2004 and Notification No. 71/2004 - Customs dated 9th July, 2004 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 413 (E) dated the 9th July, 2004) when imported for use in or for the manufacture of metallised plastic films, subject to the procedure laid down under the Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules,1996;

And Whereas such goods have been rendered liable to higher rate of duty of customs by virtue of the judgment of the Supreme Court in Civil appeal Nos.3224-3225 of 1998 with C.A.No.5716 of 1998 decided on the 12th Feb-

Use of 'facts available'

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

February 2004, in the case of Meltex (India) Pvt. Ltd. Vs. Commissioner of Central Excise, New Delhi, holding the process of metallisation of plastic film as not amounting to manufacture;

And Whereas the Central Government is satisfied that according to a practice that was generally prevalent regarding levy of duty (including non-levy thereof), the said goods were being allowed to be imported at concessional rate of duty under the said notifications and that such goods have been rendered liable to higher rate of duty of customs than what was levied according to the said practice;

Now, Therefore, in exercise of the powers conferred by section 28A of the Customs Act, 1962 (52 of 1962), the Central Government, hereby, directs that the duties of customs in excess of that payable but for the said practice, shall not be required to be paid in respect of the said goods on which the duty was short-levied in accordance with the said practice, notwithstanding the said judgment of the Supreme Court subject to following conditions, namely:-

(a) the said goods were imported prior to 12th February, 2004;

(b) the said goods have been used in or for production of final products on which duty of excise has been paid;

(c) no refund of duty of excise paid on the said final products has been availed by the said manufacturer.

[F.No.528/24/2010 - STO (TU)]

10,000 MT Quota Sugar to EU under CXL Concessions Sugar

Sub: Allocation of 10,000 MT of raw/white sugar for the fiscal year 2010-11 (October- September) for export to EU under CXL Quota.

49-PN(RE) In exercise of the powers
25.05.2011 conferred under Paragraph 2.4
(DGFT) of the Foreign Trade Policy,
2009-14, as amended from



time to time, the Director General of Foreign Trade hereby allocates a total quantity of 10,000 MTs (Ten thousand metric tonnes) of raw/white Sugar for export of CXL Concessions Sugar to European Union (EU) for the period October, 2010 to September, 2011.

2. As per HS Code 1701 00 00 in the Schedule-2 of ITC(HS) Classification of Export and Import Items, as amended, M/s Indian Sugar Exim Corporation Limited, New Delhi is the designated agency for export of Sugar to EU under Preferential Quota

3. As per Article 10 of European Union Regulation (EC) No. 891/2009 of 25.9.2009 "release for free circulation for the quotas of CXL concession sugar with order no.09.4321 shall be subject to the presentation of a certificate of origin issued by the competent authority of the third country concerned in accordance with articles 55 to 65 of Regulation (EEC) No. 2454/93". Accordingly, the entries to be made in the export authorization document EUR and GSP are as follows:-

(i) CXL Concessions Sugar

"[Application of Regulation (EC) No. 891/2009 under Schedule CXL (European Communities). CXL Concessions Sugar Serial No. 09.4321]"

4. GSP Certificate as per details given in para (3) above shall be issued by Export Inspection Agency/Directorate General of Foreign Trade and EUR Form is to be endorsed by Customs at the Port of Shipment.

Silk Carpets under FPS – Drawback Code also Eligible to Benefit

Subject: Bonus benefit to silk carpets under ITC HS code 57019090 and drawback code 570102.

50-PN(RE) In exercise of the powers
27.05.2011 conferred under Paragraph
(DGFT) 2.4 of the Foreign Trade
Policy, 2009-14, the

Director General of Foreign Trade hereby makes an amendment in Public Notice No:2(RE2010)/2009-14 dated 23rd August 2010.

2. Public Notice No: 2 dated 23rd August 2010 had added table 7 in the Product Category under the Focus Product Scheme for granting bonus benefit to certain sectors for export made with effect from 1.4.2010. Sr no 156 of this table stipulated bonus benefit to silk carpets exported under ITC HS codes 57023920, 57024920, 57025032, 57029920 and 57050011. In pursuance of the intention of the Government to grant bonus benefit to silk carpets, ITC HS code 57019090 having drawback code 570102 is deemed to have been added to this list for grant of bonus benefits for exports made with effect from 1.4.2010.

3. Bonus benefit for ITC HS code 57019090 will be granted only if the Shipping bill also mentions the corresponding drawback code 570102. This is to ensure that bonus benefit is availed only for silk carpets.

Effect of this Public Notice:

Bonus benefit under Focus Product Scheme available to silk carpets would also include such silk carpets exported under ITC HS code 57019090 with drawback code 570102 duly endorsed on the respective shipping bills. This will be with effect from 1.4.2010.

Job Work or Commission Agency for Agro Processing like Tobacco, Rice and Cashew not under Service Tax Regime

Subject: processing for or on behalf of client, in relation to agriculture – causing sale or purchase of agricultural produce.

143-ST Representations have been
26.05.2011 received that client processing
(DoR) of tobacco involving threshing
and drying of tobacco leaves

and client processing of raw cashew involving roasting/drying, shelling and peeling of raw cashew to recover kernel, are considered by the field formations as not falling within the meaning of the expression "in relation to agriculture" appearing in notification 14/2004-ST (as amended) dated 10th September, 2004, resulting in avoidable disputes and litigation.

2. These representations have been examined. In the cases represented, the agricultural produce namely tobacco or raw cashew, which

Exchange Rates for Customs Valuation

Euro, Dollar Falls Against Rupee

The current notification No. 36-Customs(NT) dated 27th May 2011 supersedes notification 32-Customs(NT) dated 27th April 2011.

36-Cus(NT) In exercise of the powers conferred by section 14 of 27.05.2011 the Customs Act, 1962 (52 of 1962), and in (DoR) supersession of the notification of the Government of India in the Ministry of Finance (Department of

Revenue) **No. 32/2011-CUSTOMS (N.T.), dated the 27th April, 2011** vide number S.O. 841(E), dated the 27th April, 2011, except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II annexed hereto into Indian currency or *vice versa* shall, **with effect from 1st June, 2011** 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	48.50	48.25	47.35	47.05
2	Canadian Dollar	46.95	47.35	45.80	46.15
3	Danish Kroner	8.75	8.85	8.45	8.55
4	EURO	64.95	65.65	63.35	64.05
5	Hong Kong Dollar	5.85	5.80	5.75	5.70
6	Norwegian Kroner	8.35	8.45	8.10	8.15
7	Pound Sterling	74.80	74.35	73.00	72.55
8	Swedish Kroner	7.30	7.40	7.10	7.15
9	Swiss Franc	52.80	51.25	51.25	49.75
10	Singapore Dollar	36.85	36.50	35.95	35.60
11	US Dollar	45.65	45.00	44.85	44.15

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

1	Japanese Yen	56.20	55.40	54.65	53.85
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[F.No.468/7/2011-Cus.V]

are subject to client processing retains their essential characteristics at the output stage and therefore the processes undertaken on or behalf of client should be considered as covered by the expression 'in relation to agriculture'. Client processing which falls under business auxiliary service undertaken on the primary agricultural produce namely tobacco or raw cashew, does not result in any change in their essential character of tobacco or cashew. In the light of the above principle (i) process of threshing and drying of tobacco leaves and thereafter packing the same and (ii) processing of raw cashew and recovering kernel, undertaken for, or on behalf of, the clients by processing units are covered by the expression "... processing of goods for, or on behalf of, the client.....and provided in relation to agriculture,..." appearing in the said notification.

3. Also where the commission agents stationed abroad provide business auxiliary service to promote the export of rice, said business auxiliary service is covered by notification 13/2003-ST(as amended) because, the word 'rice' is mentioned under the explanation to the term 'agricultural produce', in the inclusive portion along with other items like cereals, pulses, etc.

4. Trade Notice/Public Notice may be issued to the field formations accordingly.

F.No.332/37/2010-TRU

Commodity Spot Prices in India – 27-30 May 2011

These commodity prices are taken from Multi Commodity Exchange of India (Mumbai) at 6 pm every day.

(Rs.)					
Commodity	Unit	Market	27-May	28-May	30-May
CER (Carbon Trading)	1 MT	Mumbai	787	823.5	823.5
Chana	100 KGS	Delhi	2439	2433	2410
Masur	100 KGS	Indore	2835	2843	2833
Potato	100 KGS	Agra	571.9	571.7	570.4
Potato TKR	100 KGS	Tarkeshwar	522.3	516.2	508.3
Arecanut	100 KGS	Mangalore	NA	NA	NA
Cashewkern	1 KGS	Quilon	NA	NA	NA
Cardamom	1 KGS	Vandanmedu	731.5	718.9	650
Coffee ROB	100 KGS	Kushalnagar	NA	NA	NA
Jeera	100 KGS	Unjha	NA	NA	NA
Pepper	100 KGS	Kochi	NA	NA	NA
Red Chili	100 KGS	Guntur	NA	NA	NA
Turmeric	100 KGS	Nzmbad	8383	8383	7755
Guar Gum	100 KGS	Jodhpur	NA	NA	NA
Maize	100 KGS	Nzmbad	1147	1152.5	1159
Wheat	100 KGS	DELHI	1229.6	1228.8	1230
Mentha Oil	1 KGS	Chandausi	1024.8	1016.4	1003.5
Cotton Seed	100 KGS	Akola	NA	NA	NA
Castorsd RJK	100 KGS	Rajkot	4729	4733	4626
Guar Seed	100 KGS	Bikaner	3315	3290	3217
Soya Bean	100 KGS	Indore	2370	2375	2342
Mustrdsd JPR	20 KGS	Jaipur	569.7	571.2	570
Sesame Seed	100 KGS	Rajkot	5075	5075	5088
Coconut Oil Cake	100 KGS	Kochi	NA	NA	NA
RCBR Oil Cake	1 MT	Raipur	NA	NA	NA
Kapaskhali	50 KGS	Akola	1149.6	1155	1145
Coconut Oil	100 KGS	Kochi	10296	10306	10296
Refsoy Oil	10 KGS	Indore	648.8	651	651
CPO	10 KGS	Kandla	534.7	535.7	535.9
Mustard Oil	10 KGS	Jaipur	624	627.3	634.3
Gnutoilexp	10 KGS	Rajkot	850	852	850
Castor Oil	10 KGS	Kandla	NA	NA	NA
Crude Oil	1 BBL	Mumbai	4539	4548	4548
Furnace Oil	1000 KGS	Mumbai	NA	NA	NA
Sourcrd Oil	1 BBL	Mumbai	NA	NA	NA
Brent Crude	1 BBL	Mumbai	5211	5201	5201
Gur	40 KGS	Muzngr	NA	NA	NA
Sugars	100 KGS	Kolhapur	2625	NA	2600
Sugarm	100 KGS	Delhi	2888	2885	2875
Natural Gas	1 mmBtu	Hazirabad	197.5	204.3	204.3
Rubber	100 KGS	Kochi	21609	21513	21810
Cotton Long	1 Candy	Kadi	NA	NA	NA
Cotton Med	1 Maund	Sriganganagar	NA	NA	NA
Jute	100 KGS	Kolkata	3290	3301.5	3321.5
Gold	10 GRMS	Ahmd	22425	22535	22500
Gold Guinea	8 GRMS	Ahmd	18012	18100	18072
Silver	1 KGS	Ahmd	56950	57105	57055
Sponge Iron	1 MT	Raipur	NA	NA	NA
Steel Flat	1000 KGS	Mumbai	NA	NA	NA
Steel Long	1 MT	Gobindgarh	NA	NA	NA
Copper	1 KGS	Mumbai	410.45	417.25	417.25
Nickel	1 KGS	Mumbai	1045.4	1045.4	1045.4
Aluminium	1 KGS	Mumbai	117.45	117.45	117.45
Lead	1 KGS	Mumbai	114.95	114.95	114.95
Zinc	1 KGS	Mumbai	101.45	101.45	101.45
Tin	1 KGS	Mumbai	1222.5	1222.5	1222.5

(Source: MCX Spot Prices)

JMDC become Regular EPC

Subject: Inclusion of the Jute Products Development and Export Promotion Council (JPDEPC) in Appendix 2 (List of Export Promotion Councils/ Commodity Boards/ Export Development Authorities) of the Handbook of Procedures Vol.I, 2009-2014.

48-PN(RE) In exercise of powers Export Promotion Councils/ Commodity Board
25.05.2011 conferred under Paragraph 2.4 of the Handbook of Procedures, Vol.I, 2009-
(DGFT) of the Foreign Trade Policy 2014:
2009-2014, the Director
General of Foreign Trade hereby makes the 2. The following entry is **substituted at**
following amendments in Appendix 2 (List of **Sl.No.17** in **Appendix 2** of Handbook of Proce-
dures, Vol.I, 2009-2014:

SNo.	Name of Export Promotion Councils/ Commodity Boards	Registered Office/ head Office	Regional Office	Details of products falling within their jurisdiction
17.	Jute Products Development and Export Promotion Council - (JPDEPC)	1, B.K. Paul Avenue, Kolkata - 700005	North India: A-47, Sector-83, Noida Phase-II, U.P.-201305 C/O Maharaja Carpets South India: Mayithara Market Post Office, Alappuzha Dist. Kerala – 688539. C/o Koncherry International	All types of jute, jute blended and jute union products made from jute fibre, yarn, twine and fabric for conventional, technical and new & diversified uses and products.

3. RCMC issued by Jute Manufacturers Development Council (JMDC) from 1st April, 2006 till the date of issue of this Public Notice shall remain valid till their expiry.

4. Effect of Public Notice

Earlier, JMDC was issuing RCMC for exporters

of jute and jute products. Henceforth, JPDEPC will issue RCMC for exporters of jute and jute products in place of JMDC. Listing of JPDEPC in Appendix 2 of the Handbook of Procedures Vol. I has been done.

Forex Derivative Contract Limit Raised to 10% from 2%

Sub: Forward cover for Foreign Institutional Investors – Rebooking of cancelled contracts

AP(DIR Srs) Attention of Authorised
Cir.67 Dealer Category - I (AD
20.05.2011 Category - I) banks is
(RBI) invited to Regulation 5 of
Notification No.FEMA.25

RB-2000 dated May 3, 2000, as amended from time to time regarding the permission to a person resident outside India to enter into a foreign exchange derivative contract, read with A. P. (DIR Series) Circular No. 32 dated December 28, 2010 in the matter.

2. Currently, in terms of Section C (i) (d) of the A. P. (DIR Series) Circular No. 32 dated December 28, 2010, Foreign Institutional Investors (FIIs) are permitted to cancel and rebook upto two percent of the market value of the portfolio as at the beginning of the financial year. On a review, it has been decided to enhance the existing limit of two per cent as above to ten per cent with immediate effect. Other operational guidelines as also terms and conditions of the circular shall remain unchanged.

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

4. 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.

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an earlier forecast of \$120 a barrel, the bank said in a research note on 25 May.

Fiscal woes loomed over the discussions, with Europe preparing a second aid package to save Greece from default and the OECD forecasting debt of 107 percent of GDP in the U.S. and 218.7 percent in Japan by the end of 2012.

The G-8 draft called for a "clear and credible medium-term fiscal consolidation framework" from Obama, who is bargaining with Congress over long-term deficit cuts as part of plans to raise the legal debt limit from \$14.294 trillion.

30 US Agencies Slash Red Tape

The White House announced on 26 May that 30 U.S. agencies are seeking to repeal or modify regulations in an effort to reduce reporting requirements and save businesses and individuals billions of dollars in compliance costs.

Among the revisions the Obama administration is proposing is elimination of a requirement in some states for vapor recovery systems at gas stations and changes in labeling mandates for hazardous materials, according to a fact sheet prepared by the White House.... <See www.worldtradesScanner.com for Full Text>

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