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India Notifies WTO of \$15bn Agri Subsidy in 2003-04

Input subsidy at \$9bn, Food Stocking \$5.5 bn

After going several years without releasing updates, the Indian government recently notified the WTO of increases in its farm subsidies. Agricultural support grew from US\$9 billion to nearly US\$15 billion between marketing year 1998-99 and 2003-04, according to the report from 9 June.

The subsidies reported to the WTO are made up of 'green box' payments (which are supposed to cause only minimal trade distortion), along with another category of support that only developing countries are allowed to use for subsidising agricultural investments and inputs for poor producers.

Under these latter subsidies, by far the largest amount reported was attributed to agricultural input subsidies to "low income or resource poor producers" - including support for fertilisers, irrigation, electricity and seeds. These payments rose from around US\$6.7 billion in the 1998-99 marketing year to over US\$9 billion in 2003-04, according to the government's report.

The lion's share of India's green box payments were allocated to food grain for buffer stock operations, and categorised under WTO rules as "public stockholding for food security

purposes." Support in this category rose from a little over US\$2 billion in 1998-99 to around US\$5.5 billion in 2003-04, the new figures show.

While larger than the amounts of green box support provided by several other developing countries, India's payments in this category are considerably lower than the level of support provided by China, which in 2004 provided around US\$37 billion in green box subsidies to its agricultural sector. It also is lower than the level of green box payments provided by the EU (US\$78 billion in 2007) and by the US (US\$82 billion in 2008) - although both the US and EU also provided trade-distorting support.

No trade-distorting support was provided in India's case, the report indicates.

Post-2004 data had still to be reported to the global trade body. Several WTO members have repeatedly been late in submitting their obligatory regular reports on farm spending to the WTO, sometimes hampering efforts to discuss subsidy commitments under the troubled Doha Round of trade negotiations.



Food Security

WFP Asks for Buffer Stocks to Help 70 Low Income Food Deficit Countries



The United Nations World Food Programme (WFP), along with other international organisations working on food policy, is proposing to the G-20 group of leading economies a system of physical and virtual reserves to tackle extreme cases of hunger. The idea is expected by several experts to be a tangible outcome of meetings this year between the economic superpowers.

A source familiar with early drafts of the proposal described consensus among experts that the current text was "better than the original," which has been under discussion since early May.

The WFP's other collaborators in the recently updated and released report were the Organisation for Economic Co-operation and Development (OECD), the World Bank, and the United Nations Food and Agriculture Organization (FAO), among others.

In language that is distinct from the rest of the collaborative report, the WFP suggests that G-20 governments support "forward positioning," i.e. the purchase of food ahead of crises. They also urge the G-20 to back the creation of a regional reserves system that would provide, under emergency conditions, temporary support to the 70 nations in Africa, Asia,

Central America, Eastern Europe, and Oceania that the FAO has classified as Low-Income Food Deficit Countries.

The WFP took pains to emphasise that the Pre-Positioning for Predictable Access and Resilience (PREPARE) system would not be a buffer stock system intended to influence price movements. Rather, the agency argues, it would use market principles and sound management to ensure that the system recovers money spent on operating costs.

Compliance with WTO rules, particularly Annex 2 of the Agreement on Agriculture, is central for the legitimacy of the reserve system, which will ostensibly be orchestrated by the WFP.

To work around this, the proposed PREPARE system would physically manage 30 days of grains for those most at risk of hunger, while using a system of virtual reserves to make up the difference for an additional 30 days. The actual purchasing mechanism, the price offered to recipients of the reserve, and various other details has yet to be worked out.

Responding to questions on whether such an emergency system would allow countries to evade their domestic responsibilities on food security, Stuart Clark of the Canadian Food Grains Bank told Bridges that such a system should not be seen as "a substitute for a sensible food security policy." Other experts on stocks and reserves admitted that the system does risk carrying a "moral hazard," if funding is plentiful.

EU, Russia Vegetable Spat Comes to Swift Conclusion at Summit

Moscow's well-publicised ban of EU fresh vegetables ended almost as quickly as it began, with Russia promising on Friday to lift the ban pending safety certifications. The import ban, which was the result of health concerns after an E. coli outbreak was deemed responsible for 37 deaths in Europe, had stalled the €600 million annual vegetable trade between the two partners for barely over a week.

Vegetable samples were scheduled to be sent to the European Federal Consumer Protection Service on Sunday or Monday; however, no findings had emerged by the time Bridges went to press on Wednesday.

"We are happy that we have agreed that the ban on vegetables from the European Union will be lifted," European Commission President José Barroso said in a statement released after EU-Russia summit on 10 June. "The system of certification of the vegetables' safety by the European Commission will be put in place without any delay."

The safety certificates will indicate the origin of vegetables coming from Europe. According to the spokesman for the EU's delegation to Moscow, Denis Danillidis, the certificates are simply a technicality and are already used by the EU domestically.

The head of the Russian Consumer Protection Agency, Gennady Onishchenko, has cautioned that the worst might not be over yet. Speaking to Interfax, Onishchenko noted that "the epidemic in Europe is not over, and therefore we will not allow any inappropriate carelessness."

Sharma Asks for Low Tariff of Sensitive Items in SAFTA Meet in Maldives

Announces \$100 mn Aid for each SA Neighbour

The Minister of Commerce & Industry, Government of India Mr. Anand Sharma urged the member states of SAARC to bring down all the protectionist trade barriers to achieve regional economies of scale at a much greater pace. While emphasizing that the serious attempts being made to reduce the sensitive list under the trade liberalization program of SAFTA, should be encouraged, the Indian minister also said the focus should also be to bring down the tariff levels for those items which still remain within the sensitive list. The Minister was speaking at the Fifth Meeting of the SAFTA Ministerial Council in Male' on 13 June.

On the sidelines of the SAFTA ministerial meeting, Mr. Anand Sharma also had detailed

Russian president Dmitry Medvedev announced the decision after reporters questioned the origin of the vegetables served at the Summit.

WTO accession also brought to the table

The severity of EU officials' initial response to the blanket ban led to speculation that Russia's WTO accession could be in jeopardy. The Russian measure was perceived as ill-founded and inconsistent with World Trade Organization (WTO) rules, an allegation that Russia flatly denied.

Despite the recent tension, the ban seems to have done no permanent damage to Russia's WTO prospects.

"I called upon our partners in the EU to finish the negotiations literally within a month in order to make it to the procedure of signing the documents on Russia's WTO accession by the end of the year," Medvedev proclaimed at the concluding joint news conference.

Russia's confidence was not entirely matched by the EU, as issues such as EU farm goods and car assembly rules in Russia continue to be areas of contention. Both Barroso and EU President Herman Van Rompuy have also expressed unease regarding Russia's human rights record, rule of law, and Moscow's treatment of foreign businesses entering Russian markets.

Trade between the EU and Russia hit €12.4 billion in 2010, making the 27 nation bloc Russia's largest trade partner and origin of foreign investment. Meanwhile, Russia is the EU's main supplier of natural gas.

Africa FTZ from Egypt to SA in Three Years

African leaders met this weekend to renew their push for a free trade zone that would stretch from Egypt to South Africa. The zone would connect 590 million consumers in the 26 member countries of three existing trade blocs: the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), and the South African Development Community (SADC).

The 12 June gathering was only the second major meeting on the subject, with the first one being a summit in October 2008. At this weekend's meeting, South African Trade Minister Rob Davies announced a three-year time frame for developing the trade zone, which is often referred to as the Tripartite Free Trade Agreement, or the Grand Free Trade Area.

The zone's objective is to stimulate intra-African trade, which the UN Economic Commission for Africa estimates at being between 10 and 12 percent.

The road to establishing this new trade zone is likely to have some challenges, however. In his closing remarks at the end of this weekend's summit, South African Prime Minister Jacob Zuma noted that the tripartite agreement would be challenged by "uneven and unequal development between countries and regions, economies of scale, trade integration, supply chain and manufacturing output constraints, as well as infrastructure limitations."

DRI Kolkata Seizes Red Sanders Wood Valued at Rs. 72 Lakhs

Subject: Seizure of 6190 Kg. of Red Sanders Wood Having Total Seizure Value Rs.72.22 Lakh

Acting on a specific intelligence, the DRI officers of Siliguri under Kolkata Zonal Unit effected a seizure of **Red Sanders Wood weighing 6190 kg. valued at Rs. 61.90 lakh** from a truck bearing registration no. HR-38N-4150 on 14.06.2011 at Goaltuli, P.S.-Phansidewa, Dist-Darjeeling. The logs were kept concealed under 123 sacks (6805 kg.) of potato. The goods alongwith concealment materials and the carrier truck were seized under section 110 of the Customs Act, 1962 on reasons to believe that the said Red Sanders Wood (a prohibited item for export as per the EXIM Policy) were meant for illegal export through Moreh border. Total seizure value of the case is **Rs. 72.22 lakh**. The driver of the said truck was arrested. Further investigation is in progress.

[Source: CBEC Press Release dated 15.06.2011]

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
21-Jun-11	45.0000	45.0225	44.9000	44.9175	44.9175	1124383	2448895	1101082	44.9100
20-Jun-11	44.9600	45.1225	44.9175	45.0600	45.0600	1193897	3334609	1502475	44.9900
17-Jun-11	44.9325	45.0375	44.9075	44.9500	44.9500	1248340	3043752	1369119	44.9300
16-Jun-11	44.9500	45.0200	44.9075	44.9850	44.9850	1169935	3030640	1362734	44.9000
15-Jun-11	44.8200	44.8900	44.7725	44.8725	44.8725	1192428	2711755	1215857	44.6800
14-Jun-11	44.9450	45.0125	44.8325	44.8600	44.8600	1177155	2549832	1144454	44.7700

[Source: NSE and RBI Website]

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Three Months Extension for DEPB Scheme

54-PN(RE) In exercise of powers
17.06.2011 conferred under Paragraph
(DGFT) 2.4 of the Foreign Trade Policy
2004-2009, the Director

General of Foreign Trade hereby makes an amendment in Paragraph of 1.1 of the Handbook of Procedures, v1 (RE 2010).

2. The concluding phrase of Para 1.1 of HBP v1 reads ".....except DEPB Scheme, which shall continue to be operative till 30th June, 2011". Government has now decided that the DEPB Scheme would continue to remain operative for another 3 months, i.e. till 30.9.2011. Accordingly, the words "till 30th June, 2011" would get replaced with the words "till 30th

September, 2011".

3. The amended para 1.1 of the Handbook of Procedures, v1 would now read as under:

1.1 "In pursuance of the provisions of paragraph 2.4 of FTP, the Director General of Foreign Trade (DGFT) hereby notifies the compilation known as HBP v.1, HBP v.2 and Schedule of DEPB rates. These compilations, as amended from time to time, shall remain in force until 31st March, 2014, except DEPB Scheme which shall continue to be operative till 30th September, 2011."

4. Effect of the Public Notice:

DEPB Scheme gets an extension of 3 months from 30.6.2011 to 30.9.2011.

Procedure for Registration of Contracts for Fresh 10 Lakh Bales of Cotton Export

Subject: Conditions and modalities for registration of contracts for additional quantity of 10 lakh bales (1,70,000 MTs) of cotton with DGFT.

55-PN(RE) In exercise of the powers
17.06.2011 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 notifies the following procedure for export of 10 lakh bales (1,70,000 MTs) of cotton. Notification No. 57(RE-2010)/2009-2014 dated 9th June, 2011 has now permitted export of 65 lakh bales of cotton during the current Cotton Year 2010-11 (01.10.2010 to 30.09.2011) subject to registration of contracts with Directorate General of Foreign Trade for export of cotton under ITC(HS) Code 5201 & 5203.

2. Out of the above quantity of 65 lakh bales, allocation of 55 lakh bales has already been made by the Textile Commissioner, Mumbai in October, 2010 and subsequently by DGFT in January, 2011. Accordingly, for balance export of 10 lakh bales (1,70,000 MTs) of cotton, applications are invited for grant of registration certificates, as per the procedure prescribed below.

3. Application for registration certificate may be sent (through email only). The address for sending the emails is: cottonexport-dgft@nic.in. Such applications may be sent between 12 noon of Monday 20th June 2011 and 5 pm of Saturday 25th June 2011. The format of email is given in Annexure-I.

4. Allocation will be made as per the following criteria:-

(i) An applicant must have exported cotton in either of the two previous cotton years (1st October to 30th September) 2008-09, 2009-10;

(ii) Allocation will be done on a pro-rata basis with a ceiling of 4,250 MTs per IEC (equal to 25,000 bales) and floor of 100 MTs per IEC. (100 MTs would come to 4 container load; if a standard bale of cotton contains 170 kgs, then 150 such bales would constitute approximately 25 MTs or 1 container load; so 600 bales would be 4 container load);



(iii) An applicant can apply for a quantity which is the higher of its export of cotton in the two previous cotton years (2008-09 and 2009-10) subject to a quantity ceiling of 4,250 MTs. **All applications must be in Metric Tons (MTs) only.**

5. Procedure to obtain registration from Regional Authorities:

After the allocation is made (as described at para 4 above), the applicants shall have to submit the following documents to the concerned Regional Authority of DGFT (RAs) for issue of Registration Certificate:

(a) Copy of Export Contract along with

A copy of confirmed and irrevocable Letter of Credit (LC). **(It may be noted that once LC is opened in the name of a particular firm, the same cannot be transferred or amended in the name of other firm),**

or
FIRC from Bank showing receipt of remittance from the concerned foreign buyer as proof of having received 100% Advance Payment

or
a minimum of 25% Advance Payment and balance Cash Against Delivery (CAD),

(b) Declaration/Undertaking in the format given in Annexure-II, on the letter head of the firm

(c) Copy of IEC

These documents would need to be submitted within period specified in Annexure-III.

6. Issue of Registration Certificate:

After scrutinizing the documents so received, and if found eligible, the applicant shall be issued a Registration Certificate by the concerned Regional Authority (RAs). Export against such registered contracts shall be completed by 15th September 2011.

7. Failure to submit the documents

Applicants who fail to submit the stipulated documents within prescribed time or where docu-

Deemed Export Policy Review Committee Extended Receiving Comments from Trade for 15 Days

Subject: Review of the Deemed Export Policy- inviting comments from Members of Trade.

10-TN Reference is invited to
13.06.2011 Trade No.9 dated 13.5.2011
(DGFT) on the above subject. The
Second Meeting of the

Committee to review the Scheme of the deemed export' was held on 3rd June, 2011. The Committee in this meeting has decided to seek the views of all stakeholders by giving them another opportunity of submitting suggestions in 15 days. Thus, those interested in sending their suggestions may do so by sending an e-mail to vk Gupta99@nic.in with a copy to lb.singhal@nic.in within 15 days from the date of this Trade Notice. It would be appreciated if contact details are also mentioned in the e-mail.

2. Those interested in making presentation to the committee or submitting their views in person are welcome. Necessary date & time for an interactive session will be announced on our website. Individual e-mails can be sent by those interested to attend the session by conveying so at vk Gupta99@nic.in or lb.singhal@nic.in

ments are found to be incorrect, that applicant shall be declared ineligible. They will forfeit their right to seek further allocation.

8. Name of the applicant firm should not be in the DEL

The firms whose name appear in the Denied Entity List (DEL) shall have to get their name removed from DEL before the stipulated date failing which registration certificate will not be issued to them.

9. Failure to Export: penalty:

Failure to export the allocated quantity within the stipulated time would invite debarment from further allocation. In addition, penal action as per Section 11(2) of the Foreign Trade (D&R) Act would also be initiated. For ready reference Section 11(2) is extracted below:-

"11(2). Where any person makes or abets or attempts to make any export or import in contravention of any provisions of this Act or any rules or order made there under or the Foreign Trade Policy, he shall be liable to a penalty of not less than ten thousand rupees and not more than five times the value of the goods or services or technology in respect of which any contravention is made or attempted to be made, whichever is more."

10. Calendar of events

Calendar for process of applications, issue of RC and export is provided in Annexure-III

11. Effect of this Public Notice:

Through Notification No.57 of 09.06.2011, the cap on export of cotton in the current cotton year has been increased to 65 lakh bales from 55 lakh bales. For allocation of this additional quantity of 10 lakh bales, the above procedure has been prescribed.

[Annexure of this Public Notice available on our website www.worldtradescanner.com/]

Another Five Years of Anti-dumping Duty on Pentaerythritol from China Sweden Excluded from Anti-dumping Net

Ntfn 47
14.06.2011
(DoR)

Whereas, the designated authority *vide* notification No.15/3/2010-DGAD, dated the 26th March, 2010, published in Part I, Section 1 of the Gazette of India, Extraordinary, dated the 26th March, 2010, had initiated review in the matter of continuation of final anti-dumping duty on Pentaerythritol (herein after referred to as the subject goods), falling under Sub-heading 290542 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from China PR and Sweden, imposed *vide* notification of Government of India in the Ministry of Finance (Department of Revenue), No. 37/2006-Customs, dated the 20th April, 2006, G.S.R. 235 (E), dated the 20th April, 2006, and extended by notification No. 73/2010-Customs dated 30th June, 2010, G.S.R. 569 (E), dated the 30th June, 2010;

And whereas, the designated authority *vide* notification No. 15/3/2010-DGAD, dated the 25th March, 2011, published in Part I, Section 1 of the Gazette of India, Extraordinary, dated the 25th March, 2011, after conducting Sunset Review has come to the conclusion that-

(a) the subject goods are entering the Indian market at dumped prices and dumping margins of the subject goods imported from China PR are substantial and above de-minimis;

(b) the subject goods are likely to enter the Indian market at dumped prices and the likely dumping margins in respect of imports from China PR is going to be substantial and above de-minimis;

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

(d) the situation of domestic industry continues to be fragile and dumped imports from China PR continue to cause a substantial injury to the domestic industry. Further, should the present anti dumping duties be revoked from China PR, injury to the domestic industry is

likely to continue and intensify;

(e) it is noted that the margins of both dumping and injury are negative so far as imports from Sweden are concerned, besides low volume of imports from Sweden, considering total demand in Indian market;

(f) it can therefore be concluded that in the event the duty is revoked, there is no likelihood of continuation or recurrence of injury from Sweden,

and has recommended that the quantum of anti dumping duty in force needs to be revised so far as China PR is concerned and needs to be discontinued from Sweden.

Now, therefore, in exercise of the powers conferred by sub-section (1), read with sub-section (5) of section 9A of the said Customs Tariff Act, and rules 18 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid final findings of the designated authority, hereby imposes anti-dumping duty at the rate of US \$ 515 per MT on all imports of subject goods originating in or exported from China PR and imported into India.

2. This notification shall be effective for a period of five years from the date of issue of notification, unless revoked, superseded or amended earlier and the anti-dumping duty shall be paid in Indian currency.

Explanation.- For the purpose 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, issued from time to time, in exercise of the powers conferred by sub-clause (i) of clause (a) of sub-section (3) of section 14 of the said Customs Act, 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.354/151/2005-TRU (Pt-I)]

Dumping Investigation Initiated on Digital Offset Printing Plates from China and Japan

[Ref: DGAD Initiation Notification F.No.14/7/2011-DGAD dated 13th June 2011]

Subject: Initiation of anti-dumping investigation concerning imports of Digital Offset Printing Plates originating in or exported from China PR and Japan

M/s Technova Imaging Systems (P) Ltd. has 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 AD Rules) for initiation of anti-dumping duty investigation concerning imports of "Digital Offset Printing Plates" (hereinafter also referred to as subject goods) originating in or exported from China PR and Japan.

Domestic Industry & Standing

2. The application has been filed by M/s TechNova Imaging Systems (P) Ltd, Mumbai (hereinafter referred to as the applicant) on behalf of the domestic industry. The production of the applicant accounts for a major proportion of the total domestic production of the like article and is more 50 % of total Indian production. The applicant thus satisfies the requirements of Rule 2(b) and Rule 5(3) of the AD Rules.

Product under Consideration

3. The product under consideration in the present investigation is Digital Offset Printing

Anti-dumping Duty on Metronidazole from China Extended upto 14 June 2012 Pending Review

Ntfn 48
15.06.2011
(DoR)

Whereas, the designated authority *vide* notification No. 15/18/2010-DGAD, dated the 30th May, 2011, published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 30th, May 2011, has 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 imports of 'Metronidazole', falling under heading 29332920 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the China PR imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 61/2006-CUSTOMS, dated the 15th June, 2006, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R.368(E), dated the 15th June, 2006, and has requested for extension of anti-dumping duty upto one more 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 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. 61/2006-CUSTOMS, dated the 15th June, 2006, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R.368(E), dated the 15th June, 2006, namely:-

In the said notification, at the end, the following shall be added, namely: -

"This notification shall remain in force up to and inclusive of the 14th June, 2012, unless the notification is revoked earlier".

[F.No.354/17/2000-TRU (Pt.III)]

Plates (hereinafter referred to as "Digital Plates" or subject goods). Digital Plates are used in the printing industry for transferring data as an image (dot patterns or text) onto paper or on non-absorbent substrates like tin sheets or poly films, etc. In the printing process using digital plates, the digital workflow enables direct transfer of image from a 'computer to the plate' using lasers unlike the analogue workflow that requires an intermediary film to transfer the image.

Digital plates are made from high-purity litho-grade aluminium coils coated with a chemical

coating. Digital plates may be either positive (non-exposed area forms image) or negative (exposed area forms image) working plates. The coating components, also known as 'sensitizers' vary for different types of plates.

Digital plates may be broadly classified into two categories namely violet and thermal plates based on their application. Digital plates that are exposed using visible and near-visible light energy (violet lasers) are called violet plates. Similarly, digital plates that are exposed using infra-red energy are called Thermal plates. In addition, there are certain types of digital plates known as CtCP Plates ('Computer-to-Conventional Plate') that use ultra violet rays for exposure and transferring image directly from the computer to the plates. All types of digital plates in all dimensions are covered within the scope of the product under consideration.

The subject goods fall under Tariff Item '8442.5020' of the Customs Tariff. However, there have been imports of the subject goods under other headings such as 3701.3000, 3704.0090, 3705.1000, 7606.9191 and 7606.9290 as well. Customs classifications are indicative only and in no way binding on the scope of the present investigation.

Countries Involved

4. The present application has been filed in respect of alleged dumping of the product under consideration from China PR and Japan (hereinafter referred to as subject countries).

Like Goods

5. The applicant has claimed that the subject goods, which are being dumped into India, are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, quality, functions or end uses of the dumped imports and the domestically produced subject goods. The two are technically and commercially substitutable. The applicants have claimed that goods produced and supplied by them and the subject goods imported into India are being interchangeably used by the user industry.

Therefore, subject goods produced by the applicant in India are being treated as 'like article' to the goods being imported from the subject countries for the purpose of the present investigation.

Normal Value

Japan

6. The applicant has submitted that all possible efforts were made to get evidence of the price at which the subject goods are being sold in the domestic market of Japan. However, the applicant has not been able to get any evidence of actual domestic selling price in Japan which can constitute accurate and adequate evidence for the purpose of the present investigation. The normal value has, therefore, been determined based on estimates of cost of production taking international raw material prices. Accordingly, normal value has been determined based on LME prices of aluminium, consumption norms of the domestic industry, utilities prices prevailing in Japan based on publicly available information, other conversion costs including selling, administrative and financial expenses as per domestic industry's experience and a rea-

sonable profit margin.

China PR

7. The applicant has claimed that China PR should be treated as a non-market economy and has determined normal value in accordance with Para 7 and 8 of Annexure I of the AD Rules. The applicant has claimed Constructed Normal Value based on LME prices of aluminium, consumption norms of the domestic industry, conversion costs including selling, administrative and financial expenses as per domestic industry's experience and a reasonable profit margin.

Export Price

8. The applicant has claimed export price of the subject goods from the subject countries based on the transaction wise import data provided by the Eximnet. Adjustments have been claimed on account of ocean freight and marine insurance to arrive at ex-factory export price. There is sufficient evidence of the export price for the subject goods from the subject countries.

Dumping Margin

9. Normal value and export price have been compared at ex-factory level, which shows significant dumping margin in respect of each of the subject countries. It is considered that there is, prima facie, evidence that the normal value of the subject goods in the subject countries is significantly higher than the ex-factory export price indicating, prima facie, that the subject goods are being dumped by exporters from the subject countries.

Injury and Causal Link

10. The applicant has claimed that they have suffered material injury by way of increased losses, increase in inventories, decline in return on capital employed and cash profits, etc. The applicant has also claimed adverse price effects as evidenced by price depression, price suppression, price undercutting and price underselling. The applicant has claimed that the material injury has been caused due to the dumped imports from the subject countries. The Authority considers that there is sufficient evidence of 'injury' being suffered by the applicant caused by dumped imports from subject countries to justify initiation of an anti-dumping investigation.

Initiation of Anti Dumping Investigations

11. The Designated Authority, in view of the foregoing paragraphs, holds that sufficient evidence of dumping of the subject goods originating in or exported from the subject countries, injury to the domestic industry and causal link between the alleged dumping and injury exist to justify initiation of an anti-dumping investigation. The Authority hereby initiates an investigation into the alleged dumping and consequent injury to the domestic industry in terms of Rule 5 of the AD Rules, to determine the existence, degree and effect of any alleged dumping and to recommend the amount of anti-dumping duty, which if levied would be adequate to remove injury to the domestic industry.

Period of Investigation (POI)

12. The Period of Investigation for the purpose of the present investigation is 1st April 2010 to

31st March 2011 (12 months). However, the period for injury examination would cover periods from 1st April 2007 to the end of the POI i.e. 2007-08, 2008-09, 2009-10 and 2010-11 (POI).

Submission of Information

13. The known exporters in the subject countries and their Government through their Embassy 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 relevant information 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 Bhavan, New Delhi – 110011

Time Limit

14. Any information relating to this investigation should be sent in writing so as to reach the Authority at the above address not later than 40 days from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are however required to submit the information within 40 days from the date of the letter addressed to them separately. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record their findings on the basis of the 'facts available' on record in accordance with the AD Rules.

Submission of Information on Non-Confidential Basis

15. All interested parties shall provide a non-confidential summary in terms of Rule 7(2) of the AD Rules for the confidential information provided by them. The non-confidential version or non-confidential summary of the confidential information should be in sufficient detail to provide a meaningful understanding of the information to the other interested parties. If in the opinion of the party providing information, such information is not susceptible to summary; a statement of reason thereof is required to be provided.

Notwithstanding anything contained in the above paragraph, if the 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 a generalized or summary form, it may disregard such information.

Inspection of Public File

16. In terms of Rule 6(7), the Authority maintains a public file. Any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

Non Cooperation

17. 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 facts available and make such recommendations to the Central Government as deemed fit.

Implementation of 'Self Assessment' in Customs

- Finance Act, 2011 which was assented by the President on 08.04.2011
- Re-assessment of duty
- On Site Post Clearance Audit'
- Provisional assessment of duty
- Bill of Entry (Electronic Declaration) Regulations, 2011
- Shipping Bill (Electronic Declaration) Regulations, 2011
- Erstwhile Section 17 or Section 18 of the Customs Act, 1962

The following Public Notice was issued by the Commissioner of Customs (Import) Air Cargo Complex Mumbai on 21 May 2011.

Sub: Implementation of 'Self-Assessment' in Customs

15-PN Attention of Importers/
21.05.2011 Exporters/CHA's and Trade is invited to Board's Circular No. 17/2011 dated 08.04.2011 issued from F. No. 450/26/2011-Cus.IV on the subject of implementation of 'Self-Assessment' in Customs.

2. The Finance Act, 2011 which was assented by the President on 08.04.2011 stipulates 'Self-Assessment' of Customs duty in respect of imported and export goods by the importer or exporter, as the case may be. This means that while the responsibility for assessment would be shifted to the importer / exporter, the Customs officers would have the power to verify such assessments and make re-assessment, where warranted.

3. New Section 17 of the Customs Act, 1962 provides for self-assessment of duty on imported and export goods by the importer or exporter himself by filing a Bill of Entry or Shipping Bill, as the case may be, in the electronic form (new Section 46 or 50). The importer or exporter at the time of self-assessment will ensure that he declares the correct classification, applicable rate of duty, value, benefit of exemption notifications claimed, if any, in respect of the imported / export goods while presenting Bill of Entry or Shipping Bill. This should not pose any new difficulties since the importers / exporters and CHAs have been filing these documents containing the required details regularly in the ICES.

4. Important changes are also made in Section 46 of the Customs Act, 1962 whereby it has been made mandatory for the importer to make entry for the imported goods by presenting a Bill of Entry electronically to the proper officer except for the cases where it is not feasible to make such entry electronically. While this is not a new requirement, it provides a legal basis for electronic filing. Where it is not feasible to file these documents in the System, the concerned Commissioner can allow filing of Bill of Entry in manual mode by the importer. These Bills of Entry would continue to be regulated by Bill of Entry (Forms) Regulations, 1976. However, this facility shall not be allowed in a routine manner and the manual filing of Bill of Entry shall be allowed only in genuine and deserving cases. Similarly, on export side also, Section 50 of the Customs Act, 1962 makes it obligatory for ex-

porters to make entry of export goods by presenting a Shipping Bill electronically to the proper officer except for the cases where it is not found feasible to make such entry electronically. The Commissioner concerned in these cases may allow manual filing of Shipping Bill. Again, this authority shall be exercised cautiously and only in genuine cases.

5. Under the new scheme of self-assessment, the Bill of Entry or Shipping Bill that is self-assessed by importer or exporter, as the case may be, may be subject to verification with regard to correctness of classification, value, rate of duty, exemption notification or any other relevant particulars having a bearing on correct assessment of duty on imported or export goods. Such verification will be done selectively on the basis of the output of the Risk Management System (RMS), which not only provides assured facilitation to those importers having a good track record of compliance but ensures that on the basis of certain rules, intervention, etc. high risk consignments are interdicted for detailed verification before clearance. For the purpose of verification, the Asstt./Dy. Commissioner may order for examination or testing of the imported or export goods. The Asstt./Dy. Commissioner may also require the production of any relevant document or ask the importer or exporter to furnish any relevant information. Thereafter, if it is found that self-assessment of duty has not been done correctly by the importer or exporter, the proper officer may re-assess the duty. This is without prejudice to any other action that may be warranted under the Customs Act, 1962. On re-assessment of duty, the proper officer shall pass a speaking order, if so desired by the importer, within 15 days of re-assessment. This requirement is expected to arise when the importer or exporter does not agree with re-assessment, which is different from the original self-assessment. There may be situations when the proper officer of Customs finds that verification of self-assessment in terms of Section 17 requires testing / further documents / information, and the goods cannot be re-assessed quickly but are required to be cleared by the importer or exporter on an urgent basis. In such cases, provisional assessment may be done in terms of Section 18 of the Customs Act, 1962, once the importer or exporter furnishes security as deemed fit by the

proper officer of Customs for differential duty equal to duty provisionally assessed by him and the duty payable after re-assessment.

6. One of the salient features of self-assessment scheme is that verification of declarations and assessment done by the importer or exporter, except for cases wherein a speaking order has been passed by the proper officer while re-assessing the duty, can also be done at the premises of the importer or exporter. This provision will be applicable as a part of an 'On Site Post Clearance Audit' (PCA) programme, which is likely to be implemented soon. Suitable legal cover has been provided vide Section 17 and Section 157 of the Customs Act, 1962. The programme is being developed and detailed instructions will follow in due course. Till that time, the current Post Clearance Audit will continue.

7. In cases, where the importer or exporter is not able to determine the duty liability / make assessment for any reason, except in cases where examination is requested by the importer under proviso to sub-section (1) of Section 46, a request shall be made to the proper officer for assessment of the same under Section 18(a) of the Customs Act, 1962. In this situation an option is available to the proper officer of Customs to resort to provisional assessment of duty by asking the importer / exporter to furnish security as deemed fit by the proper officer for differential duty equal to duty provisionally assessed and duty finally payable after assessment. In this regard, it is clarified that importer should not resort to this provision in a routine manner and it is expected that this would be done in deserving cases only where importer or exporter is not able to assess the goods for duty for want of certain information / documents etc. As far as possible, steps shall be taken to provide guidance to importers/ exporters so that they are able to self-assess and file the Bill of Entry. However, such guidance will not be legally binding.

8. Hence, in both the cases where no self-assessment is done and when self-assessment is done and reassessment is required under Section 17, the importer or exporter can opt for provisional assessment of duty by the proper officer of Customs. The difference is that when no self-assessment is done, the provisional assessment shall get converted into final assessment and when self-assessment is done, the provisional assessment shall get converted into re-assessment. Consequential changes are being made in the Customs (Provisional Duty Assessment) Regulations, 1963.

9. Bill of Entry (Electronic Declaration) Regulations, 2011 are being framed in supersession of the Bill of Entry (Electronic Declaration) Regulations, 1995. Bill of Entry (Electronic Declaration) Regulations, 2011 shall incorporate changes made vide Finance Act, 2011 and mandate self-assessment by the importer or exporter, as the case may be. While amending the same, requirements of ICES 1.5 shall be taken into account since the migration to ICES 1.5 in respect of locations having ICES 1.0

application is almost complete at all major Customs locations. Similarly, Shipping Bill (Electronic Declaration) Regulations, 2011 are also being framed in tune with statutory provisions of Sections 17, 18 and 50 of the Customs Act, 1962. All these proposed changes viz. formulation of Regulations and amending formats of Bills of Entry / Shipping Bills requires detailed consultation with DG (Systems). Thus, these changes will take some time and till then, the existing Regulations and forms shall continue to apply to the extent these do not conflict with the amended statutory provisions that come into force from the date of enactment of the Finance Bill, 2011.

10. Thus, it is clarified that all Bills of Entry or Shipping Bills which have been presented either electronically or manually before the date of enactment of the Finance Bill shall be governed by provisions of erstwhile Section 17 or Section 18 of the Customs Act, 1962.

11. The aforementioned changes have become effective from the date of enactment of the Finance Bill, 2011.

F. No. S/3-Misc-PRO-195/2010 ACC

Tariff Value on Brass Scrap Down by US\$ 23/MT

38-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), (DoR) the Board, being satisfied that it is necessary and expedient so to do, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Cus (N. T.), dated, the 3rd August 2001, namely: -

In the said notification, for the Table, the following Table shall be substituted namely:-

"Table

S.No.	Chapter/ heading/ sub-heading/ tariff item	Description of goods (Per Metric Tonne)	Tariff value US \$ (4)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	447 (i.e. no change)
2	1511 90 10	RBD Palm Oil	476 (i.e. no change)
3	1511 90 90	Others – Palm Oil	462 (i.e. no change)
4	1511 10 00	Crude Palmolein	481 (i.e. no change)
5	1511 90 20	RBD Palmolein	484 (i.e. no change)
6	1511 90 90	Others – Palmolein	483 (i.e. no change)
7	1507 10 00	Crude Soyabean Oil	580 (i.e. no change)
8	7404 00 22	Brass Scrap (all grades)	4323
9	1207 91 00	Poppy seeds	2520 (i.e. no change)

[F. No. 4672/2011-Cus.V]

Customs Valuation Exchange Rates

June 2011	Imports	Exports	
Schedule I			Rate of exchange of one unit of foreign currency equipment to Indian Rupees
1 Australian Dollar	48.50	47.35	
2 Canadian Dollar	46.95	45.80	
3 Danish Kroner	8.75	8.45	
4 EURO	64.95	63.35	
5 Hong Kong Dollar	5.85	5.75	
6 Norwegian Kroner	8.35	8.10	
7 Pound Sterling	74.80	73.00	
8 Swedish Kroner	7.30	7.10	
9 Swiss Franc	52.80	51.25	
10 Singapore Dollar	36.85	35.95	
11 U.S. Dollar	45.65	44.85	
Schedule II			Rate of exchange of 100 units of foreign currency equivalent to Indian rupees
1 Japanese Yen	56.20	54.65	

(Source: Customs Notification 36(NT)/27.05.2011)

Commodity Spot Prices in India – 14-21 June 2011

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

(Rs.)					
Commodity	Unit	Market	14-Jun	20-Jun	21-Jun
CER (Carbon Trading)	1 MT	Mumbai	800	736.5	720
Chana	100 KGS	Delhi	2499	2530	2522
Masur	100 KGS	Indore	2741	2872	2835
Potato	100 KGS	Agra	547.8	545.8	544.8
Potato TKR	100 KGS	Tarkeshwar	487.6	487.8	489.4
Arecanut	100 KGS	Mangalore	NA	NA	NA
Cashewkern	1 KGS	Quilon	NA	NA	NA
Cardamom	1 KGS	Vandanmedu	734.2	788.6	793.6
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	7100	6800	6800
Guar Gum	100 KGS	Jodhpur	NA	NA	NA
Maize	100 KGS	Nzmbad	1212	1217	1220
Wheat	100 KGS	Delhi	1219.2	1210	1209.9
Mentha Oil	1 KGS	Chandausi	912.2	985.4	983.6
Cotton Seed	100 KGS	Akola	NA	NA	NA
Castorsd RJK	100 KGS	Rajkot	4565	4468	4485
Guar Seed	100 KGS	Bikaner	3253	3270	3324
Soya Bean	100 KGS	Indore	2310	2261.5	2267.5
Mustrdsd JPR	20 KGS	Jaipur	572.95	570.25	573.5
Sesame Seed	100 KGS	Rajkot	4967	4988	5013
Coconut Oil Cake	100 KGS	Kochi	NA	NA	NA
RCBR Oil Cake	1 MT	Raipur	NA	NA	NA
Kapaskhali	50 KGS	Akola	1156.9	1132.5	1147.5
Coconut Oil	100 KGS	Kochi	10296	10400	10348
Refsoy Oil	10 KGS	Indore	641.5	635.05	637.65
CPO	10 KGS	Kandla	507.8	490.4	493.1
Mustard Oil	10 KGS	Jaipur	614.3	612.3	615.4
Gnutoilexp	10 KGS	Rajkot	943	975	970
Castor Oil	10 KGS	Kandla	NA	NA	NA
Crude Oil	1 BBL	Mumbai	4366	4179	4196
Furnace Oil	1000 KGS	Mumbai	NA	NA	NA
Sourcrd Oil	1 BBL	Mumbai	NA	NA	NA
Brent Crude	1 BBL	Mumbai	5314	5087	5025
Gur	40 KGS	Muzngr	NA	NA	NA
Sugars	100 KGS	Kolhapur	2506	2505	2525
Sugarm	100 KGS	Delhi	2830	2807	2796
Natural Gas	1 mmBtu	Hazirabad	208.5	194.3	194.2
Rubber	100 KGS	Kochi	22727	22346	22274
Cotton Long	1 Candy	Kadi	NA	NA	NA
Cotton Med	1 Maund	Sriganganagar	NA	NA	NA
Jute	100 KGS	Kolkata	2963.5	2721.5	2694
Gold	10 GRMS	Ahmd	22075	22435	22489
Gold Guinea	8 GRMS	Ahmd	17731	18021	18063
Silver	1 KGS	Ahmd	51908	53175	53859
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	399.1	406.3	404.05
Nickel	1 KGS	Mumbai	998.1	973.4	980.1
Aluminium	1 KGS	Mumbai	114.95	117.7	112.45
Lead	1 KGS	Mumbai	113.6	113.85	109.65
Zinc	1 KGS	Mumbai	99.8	101.15	97
Tin	1 KGS	Mumbai	1109.25	1123.5	1113

(Source: MCX Spot Prices)

Board Constitutes Chief Commissioners to Write Off Irrecoverable Arrears of Revenue, Fine and Penalty

Sub: Writing off of arrears of Central Excise duty and Customs duty - Constitution of Committees to advise the authority for writing off of arrears

946-CBEC I am directed to invite
01.06.2011 reference to the instructions
(DoR) contained in Board's Circulars
F.No. 290/4/85-CX.9 dated
22.3.85 and F.No. 290/20/90-CX.9 dated
21.9.1990, on the subject of write off of arrears
of irrecoverable dues.

2. In the context of revision of the delegated powers to write off irrecoverable tax arrears, most of the Chief Commissioners did not recommend any enhancement of the existing monetary limits prescribed vide Board's Circular dated 21.9.1990. On the other hand, the Chief Commissioners suggested adoption of a Committee system for deciding cases of write off of arrears as followed by the CBDT. It is seen that CBDT, while revising the delegated powers to write off arrears, has prescribed constitution of Committees at different levels for taking a decision to write off arrears in deserving cases.

3. It has, therefore, been decided by the Board to constitute three - member Committees of Chief Commissioners and Commissioners, which will examine the proposals for write - off of irrecoverable arrears and recommend deserving cases to the authority competent to order such write - off in terms of the Board's Circular dated 21.9.1990. While the Committee of Chief Commissioners shall be constituted by the Board, as and when necessary, on the basis

of the request of the Zonal Chief Commissioner, the Committee of the Commissioners shall be constituted by the Zonal Chief Commissioner, as and when necessary, on the basis of request of the jurisdictional Commissioner. The Chief Commissioner (TAR) shall be an ex-officio Member of each Committee of Chief Commissioners to ensure uniformity in approach and decision making by such Committees. Similarly, one of the Commissioners (TAR) to be nominated by the Chief Commissioner (TAR), shall be a Member of each Committee of Commissioners. Whenever a proposal for write - off of irrecover-

able arrears is submitted by the Deputy/Assistant Commissioner in the prescribed format (Annexure A), the Zonal Chief Commissioner or the jurisdictional Commissioner, depending on the amount of duty/tax proposed to be written off, shall examine the proposal and if prima - facie satisfied, request the Board or the Zonal Chief Commissioner, as the case may be, for constitution of an appropriate Committee. The Committee so constituted shall examine the proposals and on the basis of the recommendation of the Committee, the competent authority shall write - off arrears in deserving cases, in accordance with the powers delegated for the purpose.

4. The constitution of the Committees and the powers to write off, delegated to the competent authorities are as under:-

Sl.No.	Competent Authority Committee	Constitution of the Committee	Powers delegated
1.	Chief Commissioner of Customs & Central Excise/ Central Excise/ Customs	Committee of two Chief Commissioners of Customs & Central Excise/ Central Excise/ Customs and the Chief Commissioner (TAR)	(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under Customs Act, 1962, and Central Excise Act, 1944. (b) To write off irrecoverable amounts of Customs/Central Excise duties upto Rs. 15 lakh subject to a report to the Board.
2.	Commissioner of Customs & Central Excise / Commissioner of Customs / Commissioner of Central Excise	Committee of two Commissioners of Customs & Central Excise/ Central Excise/ Customs and one Commissioner (TAR) nominated by CC(TAR))	(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under Customs Act, 1962, and Central Excise Act, 1944. (b) To write off irrecoverable amounts of Customs/Central Excise duties upto Rs. 10 lakh subject to a report to the Chief Commissioner.

5. As regards write off of interest amount, it is clarified that once duty involved is written off, the interest due thereon would get automatically written off. It is also clarified that the duty/ tax involved in the case would determine the level of authority/Committee competent to write off the amount involved.

6. As for writing off of arrears of service Tax, action is being initiated for suitable amendment of DFPR before proceeding with the writing off.

7. The field formations are, therefore, directed to take action on the above lines. If any difficulty is faced, the same should be brought to the notice of the Board.

[Annexure of this Circular available on www.worldtradesScanner.com]

F. No. 296/10/2009-CX-9

Corrigendum dated 10 Jun'11 to Notification 46-Customs dated 01 June 2011 –[Indo-ASEAN FTA]

In the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 46/2011-Customs dated the 1st June, 2011 published in the Gazette of India, vide number G.S.R. 423 (E), dated the 1st June, 2011, in proviso for "Appendix I" read "Appendix I or Appendix II, as the case may be"

[F. No. 354/64/2003-TRU (Pt.I)]

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