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China May Soon Start Yuan Settlement with Asean

China may soon allow companies in its southern provinces of Yunnan and Guangxi to use yuan to settle cross-border trade with Southeast Asia to reduce foreign-exchange risks, an official at a government-run trade fair said.

The scheme will protect exporters from swings in currencies and help promote trade with the 10-nation Association of Southeast Asian Nations, Nong Rong, vice secretary general at the China-ASEAN Expo said on 30 June.

China, the world's third-biggest economy, is seeking to make it easier for overseas companies to do business in yuan and gain a bigger share of trade with the so-called Golden Triangle nations after the global recession choked sales to the U.S. Chinese officials, including President Hu Jintao, have called for reducing its dependence on the dollar and the creation of a new global reserve currency.

The People's Bank of China has agreed to provide 650 billion yuan ($95 billion) to Argentina, Belarus, Hong Kong, Indonesia, Malaysia and South Korea through so-called currency- swaps. On 29 June, the central bank signed an agreement with Hong Kong to allow the settlement of cross-border trade in yuan.

Currency Use

China's State Council said last December that it will allow Guangxi and Yunnan provinces to conduct yuan settlement in a pilot program with Southeast Asian nations. It will also allow the yuan to be used for international trade in Shanghai and four cities in Guangdong province, including Guangzhou and Shenzhen.

The yuan has gained 21 percent against the greenback since a dollar peg was scrapped in 2005, eroding the value of exporters' dollar-denominated profits. The spot rate held at at 6.8328 per dollar, according to China Foreign Exchange Trade System.

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-Jun-09	48.0675	48.1725	47.9375	48.0300	48.0300	227041	801654	385073.6	47.8700
29-Jun-09	48.2600	48.3925	48.1750	48.2225	48.2225	248705	655462	316325.1	48.2000
26-Jun-09	48.6100	48.6875	48.2450	48.2825	48.2825	258984	588885	285597.1	48.5100
25-Jun-09	48.5625	48.8375	48.5625	48.7600	48.7600	248576	143366	69811.29	48.5300
24-Jun-09	48.4650	48.7000	48.4550	48.6475	48.6475	205190	122702	59651.14	48.5300
23-Jun-09	49.1900	49.1900	48.6600	48.6825	48.6825	171380	108961	53292.89	48.9100

[Source: NSE and RBI Website]

China has limited the yuan's advance as a stronger currency makes its exports less competitive at a time when the economy is forecast by the World Bank to expand 7.2 percent in 2009, slowing from 9 percent last year. Exports tumbled a record 26.4 percent in May.

Since 2003, the Beijing-based State Administration of Foreign Exchange has allowed limited use of yuan in border trade in Yunnan, Heilongjiang, Guangxi, Inner Mongolia, Xinjiang, Liaoning and Jilin, according to the currency regulator in a book compiled this year.

Malaysia, Indonesia and other nations involved in the swap agreements have indicated interest in settling transactions in the currency. PT Perusahaan Listrik Negara, Indonesia's state utility, may negotiate to pay its Chinese suppliers and contractors in yuan to cut foreign exchange costs, Finance Minister Sri Mulyani Indrawati said on April 24.

Oil Rises to Eight-Month High on Weaker Dollar, Nigeria Attacks

Crude oil rose to the highest in eight months, set for its biggest quarterly gain since 1990, as the U.S. dollar declined and militant attacks in Nigeria raised concern that supplies may be disrupted.

Oil jumped as much as 2.6 percent in New York, adding to on 29 June 3.4 percent gain, as investors sought commodities on as a hedge against inflation. The dollar fell as much as 0.3 percent against major currencies. Royal Dutch Shell Plc shut a field after an attack by Nigerian rebels, disrupting supply from Africa's largest producer.

Crude oil for August delivery gained as much as $1.89, or 2.6 percent, to $73.38 a barrel on the New York Mercantile Exchange, the highest since Oct. 21. It was at $72.63 a barrel in Singapore.

Oil has risen 64 percent since the beginning of this year. It rebounded from $32.70 a barrel on Jan. 20 on optimism that the global economic recession is easing.

China, the world's second-biggest energy consumer, raised domestic fuel prices on 30 June by as much as 11 percent to encourage refiners to produce more fuels amid higher crude costs.

Gold for immediate delivery gained 0.4 percent to $941.42 an ounce in Singapore, gaining for a third quarter. Copper headed for its best six months in 22 years. The metal for delivery in three months on the London Metal Exchange climbed as much as 1 percent to $5,150 a metric ton.

Inventory Decline

A U.S. government report release on 1 July may show crude oil inventories falling for the seventh time in eight weeks, as refineries ramp up operation rates in anticipation of higher fuel demand during the Independence Day holiday, the second- busiest period for travel in the U.S. apart from Christmas.

Still, the World Bank said June 22 that the recession was deeper than it expected three months ago. The International Energy Agency's Medium-Term Oil Market Report on 29 June cut oil- consumption estimates for every year through 2013 by about 3 million barrels a day. Consumption will average 86.76 million barrels a day in 2012, the first year demand will rise above 2008's level of 85.76 million, the IEA said.

Brent crude oil for August settlement rose as much as $2.51, or 3.5 percent, to $73.50 a barrel on London's ICE Futures Europe exchange. On 29 June, it gained $2.07, or 3 percent, to $70.99 a barrel, the biggest gain since June 4.

Royal Dutch Shell Plc, Europe's biggest oil company, shut its Estuary oil field in Nigeria's southern delta region after a militant attack.

The strike targeted two well clusters in the western Niger River delta, Tony Okonedo, a Shell spokesman, said by phone from Lagos on June 29.

The Movement for the Emancipation of the Niger Delta, the main rebel group in Nigeria's oil region, said it attacked the oil field near Shell's Forcados oil export terminal and set it ablaze.

WTO Appoints Ramírez, Van den Bossche to Appellate Body

Ricardo Ramírez Hernández of Mexico and Peter Van den Bossche of Belgium will become the next two members of the WTO's highest court, the organisation announced on Friday. David Unterhalter of South Africa has been appointed to a second term on the seven-member Appellate Body.

The appointments were officially made at a meeting of the WTO's Dispute Settlement Body on 19 June.

Ramírez, who will replace Luiz Olavo Baptista of Brazil, will take up his post as of 1 July, while Van den Bossche's term is set to commence on 12 December of this year. The Belgian national will replace Giorgio Sacerdoti of Italy, whose second and final four-year term will expire that month.

Ramírez works as the Counsel and Head of the International Trade Practice for Latin America in the Mexico City office of the law firm of Chadbourne and Parke. Prior to that post, he spent more than ten years serving as Mexico's deputy general counsel for trade negotiations.

Van den Bossche is currently a professor of economic law and head of the Department of International and European Law at Maastricht University, the Netherlands. From 1997 to 2001, he was a counsellor and subsequently the acting director of the WTO Appellate Body Secretariat.

Unterhalter, who has served on the Appellate Body since 2006, previously worked as a law professor and lawyer in South Africa.

Ramírez and Van den Bossche emerged as likely nominees for the two openings on the Appellate Body after a competitive selection process that included candidates from Argentina, Brazil, Costa Rica and the Netherlands.

According to WTO custom, one place on the high court is reserved for Latin America and one for the EU, a norm that helps preserve a representative composition of the legal systems and geographical origins of the WTO's Members.

Anand Sharma Calls for Rule Based Trading Regime

Mr. Anand Sharma, Union Minister for Commerce and Industry, stated that protectionist tendencies of some developed countries in times of economic downturn would adversely impact developing countries. In his address at the OECD ministerial meeting on 25 June in Paris, he reaffirmed India's commitment to successful conclusion of Doha round, to create a rule based multilateral trading system, which is fair and equitable and addresses aspirations of developing countries. Mr. Sharma was the lead speaker at the Ministerial Session on 'Keeping markets open for Trade and Investment'.

On the margins of the meeting, the IBSA trade ministers (India, Brazil and South Africa) issued a joint declaration that the needs and aspirations of developing countries must remain forefront of the Doha development round. Highlighting the need for a rule based multilateral trading regime, they emphasized that it would be unreasonable and unrealistic to expect further unilateral concessions from developing countries in the present economic crisis.

Mr. Sharma also held bilateral talks with USTR Ron Kirk, EU Trade Commissioner Baroness Catherine Ashton, Canadian Trade Minister Stockwell, Japanese METI Minister Mr. Nikai and Agriculture Minister Mr. Shiba, DG/WTO Pascal Lamy, South African Trade Minister Rob Davies. He shall also be jointly launching the first meeting of Indo- France CEO's Forum with French Minister of Economy, Industry and Employment Christine LAGARDE.

Secretary Gary Locke and USTR Ron Kirk Call on China to Revoke Mandatory Internet Filtering Software

On 24 June, U.S. Secretary of Commerce Gary Locke and U.S. Trade Representative Ron Kirk sent a joint letter to their counterparts in China's Ministry of Industry and Information Technology (MIIT) and Ministry of Commerce (MOFCOM) urging China to revoke a proposed rule (Circular 226) that would mandate that all computers produced and sold in China pre-install a widely-criticized Chinese Internet filtering program called Green Dam. This proposed measure is scheduled to take effect on July 1, 2009.

The letter points out that the proposed new rule raises fundamental questions regarding regulatory transparency and notes concerns

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EU, US Target Chinese Export Restrictions

After months of speculation, the EU and the US on Tuesday launched a WTO case against Chinese export restrictions on a range of raw materials, saying that they intend to level the playing field for their domestic manufacturers. Beijing countered that the export curbs are justified on environmental grounds and that it intends to contest the accusations.

Washington and Brussels have targeted Chinese export quotas, export duties, and other export restraints on nine materials they say are critical to their domestic steel, aluminium, and chemicals sectors: bauxite, coke, fluorspar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus and zinc. China produces 60 percent of the world's supply of coke and is a major supplier of the other materials. Beijing's export restrictions keep prices for those materials unfairly low in China, US and EU officials said Tuesday, while decreasing supply for the rest of the world and causing an increase in their prices on the global market.

The WTO does not generally regulate its Members' use of export taxes, which can act as indirect subsidies to domestic industries. Roughly a third of the WTO's 153 Member countries currently impose such measures, according to a 2004 report by the WTO's Roberta Piermartini, although some developed countries have proposed an agreement that would eliminate them.

Beijing promised to drop restrictions upon accession

But when China joined the global trade body in December 2001, it promised to do away with "all taxes and charges applied to exports" on all but 84 of its goods. The products that the US and the EU are targeting in their WTO challenge are not included in that list of exceptions, which is outlined in Annex 6 of the country's accession package, the office of the US Trade Representative said Tuesday. The numerous and wide-ranging commitments that countries make when they join the WTO are enforceable under the organisation's dispute settlement system.

But while, in most cases, the WTO does not ban its Members from imposing export taxes, it does regulate – quite strictly – their use of quotas on exported goods. With a few exceptions, such measures are prohibited under Article XI of the General Agreement on Tariffs and Trade (GATT), which bans the implementation of "prohibitions or restrictions other than duties, taxes or other charges" on exports.

The US and EU have reportedly been mulling a case against the Chinese export curbs for many months, but have only now moved forward with the request for consultations, the first step in the WTO's lengthy dispute settlement process. USTR Kirk indicated at a press conference on Tuesday that the launch of the case is in keeping with the Obama administration's tough line on trade enforcement.

China defends policies

But China's Ministry of Commerce has insisted that the export curbs are justified and has said that it will work to defend them.

The goal of the restrictions is to place some limits on the domestic production of the materials since the extraction and processing of the products can cause tremendous amounts of pollution in certain areas of the country, a Chinese official said on Wednesday. Beijing has also argued that the export measures help the country ensure the sustainability of critical domestic resources.

But China took a conciliatory step on Tuesday, with the announcement that it was lifting export duties on wheat, rice, soybeans, vitriol and steel wire, and reducing them on chemical fertilisers and non-ferrous metals. None of those products, however, is targeted in the new case.

Taking an offensive move, the Chinese ministry issued a statement on Wednesday indicating that it is moving forward with a WTO challenge to a five-year-old US ban on imports of Chinese poultry, on the grounds that the restrictions are unfair and have hurt Chinese poultry producers. The US embargo has been in place since an outbreak of bird flu in 2004.

The poultry issue aside, the US and the EU maintain that they have an air-tight case against Beijing's export restrictions. At least one analyst agrees.

There is a measure of irony in the recent challenge, as the US has recently focused its enforcement efforts on stopping Beijing from selling Chinese exports at artificially low prices in the US market, a practice known as 'dumping' in trade parlance. But the current case ultimately aims to bring down the US market prices of the raw materials in question. Some observers say moves such as these will likely become more common as countries looking to shore up domestic industries amid the ongoing economic slowdown pursue their trade disputes at the WTO.

Post Bali WTO Agri Consultations Start Again in July

The new chair of the WTO agriculture talks has told Members that he will restart consultations with a selected group of negotiators in July, following signs of re-engagement from major trading powers such as the US and India. Geneva-based officials welcomed the move, although many privately queried whether progress could be achieved without ongoing involvement at a more senior level.

Chairing his first informal meeting open to all Members, Ambassador David Walker (New Zealand) announced that he aimed to complete a round of consultations with delegations and groups before re-launching in July talks with a few dozen Members from a cross section of negotiating interests – dubbed 'room E' talks at the WTO. The long-awaited move was broadly welcomed by officials at the 18 June meeting, who nonetheless underscored that the talks must respect core principles of transparency, inclusiveness and accountability.

The talks, which had practically ground to a standstill following a setback last December, have been given a new lease of life following fresh promises of engagement by trade ministers at a meeting in Bali earlier this month. The gathering of the Cairns Group of agricultural exporters, attended by guests US Trade Representative Ron Kirk and Indian Minister of Commerce and Industry Anand Sharma, emphasised the importance of concluding the Doha Round – although one sceptical negotiator in Geneva warned that similar ministerial statements in the past had often not been followed by concrete action or new indications of flexibility.

Chair "Still Finding Way Around"

At the meeting, Walker told delegates that the 'room E' meetings would seek to establish which issues were 'technical' and which were 'political' – thus requiring ministerial involvement for decisions to be taken. A third category would cover political issues that could benefit from further technical work, he said. Speaking afterwards, delegates suggested that it remains unclear whether Walker envisioned the discussions would be substantive or procedural.

While the chair also reported briefly on the consultations he had held to date, delegates mentioned that he had provided little detail on whom he had met with or what his discussions had covered. One mentioned that his meetings with groups and delegations seemed not yet to have actually begun substantive discussions on technical issues, suggesting instead that the chair was "still finding his way around."

'Scheduling Workshop' on Tariff

Controversially, the chair also announced plans to hold a 'scheduling workshop' in July, to establish the type of information that Members would need to supply when establishing detailed tariff line level commitments – a process known as 'scheduling' at the WTO. Developing countries in particular have opposed a suggestion from the US and Canada that would have countries move straight to scheduling without agreeing first on 'modalities' – the formulas and figures that govern tariff and subsidy cuts, and exceptions to them.

In a statement last month, Lamy encouraged Members to consider a 'two-track approach', in which further work on modalities would be accompanied by 'outcome testing' to provide "greater clarity on the use of flexibilities and through it, on the value of the deal". The US has suggested that it would be unable to accept a Doha deal unless it had further clarity on new market access opportunities for its exporters, especially in the larger developing countries.

G-20 Principles

In a thinly-veiled response to the US, the G-20 developing country group put forward a set of five principles that they argued should be observed as negotiations resume.

The group argued that the draft modalities text currently on the table should serve as the basis for further talks, and opposed 'a selective re-opening of the package'. It also argued that no one WTO Member is worse off than another in the negotiations; underscored the importance of the 'development dimension' of the talks; and insisted that the negotiating process "must remain multilateral."

Metal Scrap Import – Separate Contract on Specifications between Buyer and Seller Adequate, Commercial Contract Not Necessary

Sub: Import of metal scrap – submission of copy of contract between buyer and seller.

96-Pol.Cir 24.06.2009 (DGFT)

As per paragraph 2.32 of HBPv1 and as per Public Notice No. 163 (RE-2008)/ 2004-09 dt. 23.3.09, import of metal scrap in shredded /unshredded form is subject to, interalia, condition that the importer shall submit a copy of contract between the importer and exporter stipulating that the consignment does not contain any type of arms, ammunitions, mines, shells, cartridges , radioactive contaminated, or any other explosive material in any form either used or otherwise,

2. Representations have been received in this office stating that, in case they submit the original sales contract stipulating the above condition to Customs, there are chances of their commercially sensitive information being divulged. The matter has been examined in the Deptt. and accordingly it is clarified that import contract mentioned at Para 2.32 of HBPv1 and in the above mentioned Public Notice shall also include a separate contract(other than the original sales contract) between importer and exporter stating the above cited provisions.

3. This issues with the approval of Competent Authority.

Anti-dumping

Provisional Anti-dumping Duty Imposed on Front Axle Beam and Steering Knuckles from China

Ntfn 65 15.06.2009 (DoR)

Whereas, in the matter of import of Front Axle Beam and Steering Knuckles meant for *heavy* and medium commercial vehicles, (hereinafter referred to as the subject goods), falling under tariff items, 73261910, 73261990, 73269099, 87085000 or 87089900 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, China PR (hereinafter referred to as the subject country), the designated authority, in its preliminary findings vide notification No. 14/19/ 2008-DGAD dated the 24th April, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 24th April, 2009, had come to the conclusion that –

(a) the products under consideration had been exported to India from China PR below associated Normal values;

(b) the domestic industry had suffered material injury in both the products under consideration. Besides, there appears to be threat of a material injury as well;

(c) the material injury and threat thereof had been caused by the dumped imports from China PR; and

had recommended imposition of provisional anti-dumping duty on all imports of the subject goods originating in, or exported from, the subject country;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the said Customs Tariff Act, read with rules 13 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid preliminary findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, falling under the said tariff items of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), and produced by the producers as specified in the corresponding entry in column (6), when exported from the countries as specified in the corresponding entry in column (5), by the exporters as specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty which shall be equal to the amount specified in the corresponding entry in column(8), in the currency as specified in the corresponding entry in column (10) and per unit of measurement as specified in the corresponding entry in column (9) of the said Table.

Table

S No.	Tariff Items	Description of goods	Country of Origin	Country of Exports	Producer	Exporter	Duty amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	73261910 73261990 73269099 87085000 87089900	Front Axle Beam for Medium or heavy commercial vehicle	People's Republic of China	People's Republic of China	Hubei Tri-ring Auto Axle Co. Ltd.	Hubei Tri-ring Auto Axle Co. Ltd.	0.50	Per Kg	US$
2	-do-	Front Axle Beam for Medium or heavy commercial vehicle	People's Republic of China	People's Republic of China	Any other than at s. no. 1 above	Any other than at s. no. 1 above	0.50	Per Kg	US$
3	-do-	Front Axle Beam for Medium or heavy commercial vehicle	People's Republic of China	Any	Any	Any	0.50	Per Kg	LS$
4	-do-	Front Axle Beam for Medium or heavy commercial vehicle	Any other than People's Republic of China	People's Republic of China	Any	Any	0.50	Per Kg	US$
5	-do-	Steering Knuckles for Medium or heavy commercial vehicle	People's Republic of China	People's Republic of China	Hubei Tri-ring Forging Co. Ltd.	Hubei Tri-ring Forging Co. Ltd.	0.63	Per Kg	US$
6	-do-	Steering Knuckles for Medium or heavy commercial vehicle	People's Republic of China	People's Republic of China	Any other than at s. no. 5 above	Any other than at s. no. 5 above	0.69	Per Kg	US$
7	-do-	Steering Knuckles for Medium or heavy commercial vehicle	People's Republic of China	Any	Any	Any	0.69	Per Kg	US$
8	-do-	Steering Knuckles Medium or heavy commercial vehicle	Any other than People's Republic of China	People's Republic of China	Any	Any	0.69	Per Kg	US$

2. The anti-dumping duty imposed under this notification shall be effective upto and inclusive of the 14th day of December, 2009, and shall be payable in Indian Currency.

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

Provisional Anti-dumping Duty Imposed on Phosphoric Acid from Korea

Ntfn 74
22.06.2009
(DoR)

Whereas in the matter of imports of Phosphoric Acid of all grades and all concentration (excluding Agriculture or Fertiliser grade) [hereinafter referred to as the subject goods], falling under sub-heading 2809 20 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, Korea RP (hereinafter referred to as the subject country) and imported into India, the designated authority in its preliminary findings *vide* notification No.14/7/2007-DGAD dated the 24th April, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 24th April, 2009, has come to the conclusion that-

a. the subject goods have been exported to India from the subject country at prices less than their normal values in the domestic market of the exporting country;

b. the dumping margins of the subject goods imported from the subject country are substantial and above de minimis; and

the domestic industry has suffered material injury and the injury has been caused to the domestic industry mainly by price effect of dumped imports of the subject goods originating in or exported from the subject country;

and has recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in, or exported from, the subject country;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the said Customs Tariff Act, 1975 read with rules 13 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, falling under sub-heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4) of the said Table, originating in the country specified in the corresponding entry in column (5), and exported from the country specified in the corresponding entry in column (6) and produced by the producer specified in the corresponding entry in column (7) and exported by the exporter specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate equal to the amount indicated in the corresponding entry in column (9), in the currency as specified in the corresponding entry in column (11) and per unit of measurement as specified in the corresponding entry in column (10) of the said Table.

Table

SNo	Sub-heading	Description of goods	Specification	Country of origin	Country of export	Producer	Exporter	Amount	Unit of measure-ment	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	2809 20	Phosphoric Acid	All grades and concentrations (excluding Agricultural or Fertiliser)	Korea RP	Korea RP	Any	Any	218.63	MT	US dollar
2	2809 20	Phosphoric Acid	All grades and concentrations (excluding Agricultural or Fertiliser)	Korea RP	Any	Any	Any	218.63	MT	US dollar
3	2809 20	Phosphoric Acid	All grades and concentrations (excluding Agricultural or Fertiliser)	Any country other than country (ies) attracting anti-dumping duty.	Korea RP	Any	Any	218.63	MT	US dollar

3. The anti-dumping duty imposed under this notification shall be effective upto and inclusive of the 21st December, 2009, and shall be payable in Indian currency.

Explanation. - For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act 1962 (52 of 1962), and th**e** 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.354/108/2009 –TRU]

Anti-dumping Duty Imposed on Diethyl Thio Phosphoryl Chloride from China

Ntfn 73
22.06.2009
(DoR)

Whereas, in the matter of imports of Diethyl Thio Phosphoryl Chloride, commonly known as DETPC (hereinafter referred to as the subject goods), falling under heading 2930 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from, the People's Republic of China (hereinafter referred to as the subject country) and imported into India, the designated authority in its preliminary findings *vide* notification No.14/18/2008-DGAD dated the 25th May, 2009 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 25th May, 2009, had come to the conclusion that-

a. the subject goods had been exported to India from subject country below its normal value, thus resulting in dumping of the product;

b. the domestic industry had suffered material injury due to dumping of the subject goods; and

c. the material injury had been caused by the dumped imports from subject country;

and had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in, or exported from, the subject country;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the said Customs Tariff Act, read with rules 13 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, falling under heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country specified in the corresponding entry in column (4), and exported from the country specified in the corresponding entry in column (5), and produced by the producer specified in the corresponding entry in column (6), and exported by the exporter specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount indicated in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and per unit of measurement as specified in the corresponding entry in column (9) of the said Table.

Table

SNo.	Heading	Description of goods	Country of origin	Country of export	Producer	Exporter	Amount	Unit of measure-ment	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	2930	Diethyl Thio Phosphoryl Chloride (DETPC)	People's Republic of China	People's Republic of China	Yangxin Chentian Chemical Industry Co., Ltd.	Yangxin Chentian Chemical Industry Co., Ltd.	0.925	Kilogram	US dollar
2	2930	-do-	People's Republic of China	People's Republic of China	Lianyungang Liben Agro-chemical Co., Ltd.	Lianyungang Liben Agro-chemical Co., Ltd.	0.734	Kilogram	US dollar
3	2930	-do-	People's Republic of China	People's Republic of China	Xingtai Pesticide Co., Ltd.	Xingtai Pesticide Co., Ltd.	0.478	Kilogram	US dollar
4	2930	-do-	People's Republic of China	People's Republic of China	Zhejiang Xinnong Chemical Co., Ltd.	Zhejiang Xinnong Chemical Co., Ltd.	0.770	Kilogram	US dollar
5	2930	-do-	People's Republic of China	People's Republic of China	Any combination other than the above		1.362	Kilogram	Per Kg
6	2930	-do-	People's Republic of China	Any country other than People's Republic of China	Any	Any	1.362	Kilogram	US dollar
7	2930	-do-	Any country other than People's Republic of China	People's Republic of China	Any	Any	1.362	Kilogram	US dollar

2. The anti-dumping duty imposed under this notification shall be effective upto and inclusive of the 21st December, 2009, and shall be payable in Indian currency.

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

[F. No.354/127/2009-TRU]

Excise Exemption not Applicable to Pipe Fittings Used for Supply of Drinking Water

Subject: Eligibility of exemption Notification No. 6/2006-C.E. to pipe fittings (joints, sleeves, elbow, couplings, etc.).

891-CBEC 15.06.2009 (DoR) It has been brought to the notice of the Board that the manufactures of pipe fittings (joints, sleeves, elbow, couplings, etc.) are claiming the benefit of the SI.No. 7 of the Notification No. 6/06-C.E. It is also reported that some units are manufacturing pipes and pipe fittings and claiming benefit of notification for pipe fittings which are cleared alongwith pipes. The issue is whether the 'pipe fittings' in the water supply network are also exempted.

2. The matter has been examined. It has been argued that in view of decision of the Supreme Court in case of *M/s. Bharat Forge [1990 (45)* E.L.T. 525 (S.C.)], the pipe and pipe fittings should be considered same. Therefore, the benefit of the notification No. 6/2006-C.E. would also be available to pipe fittings. However, a careful reading of the said judgment revealed that it was delivered in the context of item No. 26AA(iv) of the erstwhile Tariff, and in the said judgment, it was also observed that as the entries in the erstwhile Tariff and present Tariff are different, the entries in the present Tariff cannot be used to interpret the entries in the old Tariff. Therefore, the said judgment is not applicable to the present Tariff, where pipes and pipe fittings are classified under different Tariff items.

3 .Secondly, the intention behind the notification is to provide exemption only to pipes as understood in the common parlance and not to fittings which is a separate commodity and known differently in the market.

4. Further, even though the Tariff heading in which the pipes fall is not specified in the notification but they are covered under the description given in the notification in column 3. The description only specifies 'Pipes needed...'. There is no mention of any pipe fittings. Further, pipe fittings are a separate commodity and cannot be subsumed under the generic terms 'Pipes'. A glance at the Tariff shows that the pipe fittings are classified separately from pipes. This clearly implies that the two commodities are different. Even the HSN classifies them separately.

5. Therefore, Board is of the view that exemption at Sl. No. 7 of the Notification No. 6/06-C.E. is not available to 'pipe finings' used in the pipe network for supply of drinking water.

6. Trade & industry as well as field formations may please be informed suitably.

Adjudicating Powers of DGFT Officers

102-Ntfn(RE) 17.04.2009 (DGFT) In exercise of the powers conferred by section 13 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) and in supersession of Notification S.O.24(E) dated 20th January 1999 as amended vide Notification S.O. 194(E) dated 6th March 2000 and Notification S.O.1534 (E) dated 14th September 2006, except as respects things done or omitted to be done before such supersession, the Central Government hereby authorizes the officers specified in column 2 of the table below for the purposes of exercising powers under Section 13 read with Section 11, subject to the limits specified against such officers in the corresponding entry in column 3 of the said Table , namely:-

Table

SNo.	Designation of Officer	Value of the goods in relation to which the power may be exercised
1	2	3
1	Additional Director General of Foreign Trade	Without limit
2	Zonal Jt. Director General of Foreign Trade/ Export Commissioner	Up to Rs. 50 crores
3	Joint Director General of Foreign Trade	Up to Rs. 25 crores
4	Deputy Director General of Foreign Trade	Up to Rs. 10 crores
5	Assistant Director General of Foreign Trade	Up to Rs. 2 crores
6	Foreign Trade Development Officer	Up to Rs. 1 crore
7	Development Commissioner, Special Economic Zones	Without limit in respect of Export Oriented Units and units in Special Economic Zones

This issues in public interest

Exchange Rates for Customs Valuation

IMPORTS and EXPORTS

The current notification No. 68-Customs(NT) dated 26[8h] June 2009 supersedes notification 54-Customs(NT) dated 27[8h] May 2009.

68-Cus(NT) 26.06.2009 (DoR) In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) **No.54/ 2009-CUSTOMS (N.T.), dated the 27 May, 2009** *vide* number S.O. 1358(E), dated the 27th May, 2009, 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 July, 2009** 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.

		Imprted Goods		Exported Goods	
SNo	Currency	Current	Previous	Current	Previous
Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees					
1	Australian Dollar	39.40	37.50	38.20	36.45
2	Canadian Dollar	42.60	42.70	41.50	41.60
3	Danish Kroner	9.25	9.05	8.95	8.75
4	EURO	68.55	67.20	66.90	65.45
5	Hong Kong Dollar	6.30	6.20	6.20	6.05
6	Norwegian Kroner	7.60	7.60	7.35	7.35
7	Pound Sterling	80.80	76.30	78.80	74.40
8	Swedish Kroner	6.25	6.40	5.35	6.25
9	Swiss Franc	44.95	44.25	43.70	43.15
10	Singapore Dollar	33.70	33.15	32.85	32.35
11	US Dollar	48.95	47.90	48.05	47.00
Schedule II – Rate of exchange of 100 units of foreign currency equivalent to Indian rupees					
1	Japanese Yen	51.20	50.85	49.80	49.45

[F.No.468/10/2009-Cus.V]

New Issues Arise in EU-US Beef Trade Dispute

In May, the US and the EU struck a deal promising to end a long-standing feud over trade in beef. But that agreement came under fire last week, when several other beef-producing countries said that the deal would unfairly discriminate against their exports.

Under the memorandum of understanding that Washington and Brussels agreed 'in principle' last month, the EU would get to maintain its ban on imports of beef from cows treated with growth hormones. But the 27-nation bloc would also create a new tariff-free import quota for high-quality hormone-free beef, providing increased commercial opportunities for American ranchers. Meanwhile, the US would limit and possibly reduce retaliatory duties levied on EU exports after WTO dispute panels ruled against Brussels' import ban.

Officials in the administration of US President Barack Obama have described the deal as an example of a "practical, problem-solving approach to trade barriers."

Uruguay, Argentina, Australia, Brazil, and some other WTO Members disagree.

These countries, most of them beef exporters, fear that the US-EU memorandum of understanding deliberately defines 'high-quality' beef in a way that privileges the kind of meat produced in the US at the expense of that produced elsewhere. Grain-fed beef would qualify for the new import quota, while grass-fed beef would not.

They voiced their concerns at a 19 June meeting of the Dispute Settlement Body, seeking confirmation that the EU's new tariff rate quota (TRQ) would truly provide equal access for all beef exporters.

Commodity Spot Prices in India – 26-29 June 2009

These commodity prices are taken from Multi Commodity Exchange of India (Mumbai) at 6 pm every day. The weekly prices of commodities from different cities of India will be given in the order of Harmonized System classification.

Commodity Spot Prices covers price movements of 55 commodities (agricultural products and metals) provided on Multi Commodity Exchange of India on a daily basis. This Commodity Spot Prices Table focuses on price movements from 26-29 June.

(Rs.)

Commodity	Unit	Market	26-Jun	27-Jun	29-Jun
CER (Carbon Trading)	1 MT	Mumbai	797	799	799
Chana	100 KGS	Delhi	2175	2168	2190
Masur	100 KGS	Indore	4582	4572	4631
Potato	100 KGS	Agra	980.8	989.5	998.1
Potato TKR	100 KGS	Tarkeshwar	1065	1066	1067.4
Arecanut	100 KGS	Mangalore	7782	7747	7823
Cashewkern	1 KGS	Quilon	293	295	295
Cardamom	1 KGS	Vandanmedu	792.5	792	795
Coffee ROB	100 KGS	Kushalnagar	62.9	61.6	61.7
Jeera	100 KGS	Unjha	11252	11298	11275
Pepper	100 KGS	Kochi	12881	12923	12879
Red Chili	100 KGS	Guntur	5571	5571	5542
Turmeric	100 KGS	Nzmbad	5350	5350	5320
Guar Gum	100 KGS	Jodhpur	3777	3820	3823
Maize	100 KGS	Nzmbad	892.5	892.5	892
Mentha Oil	1 KGS	Chandausi	524.2	520.8	528.9
Cotton Seed	100 KGS	Akola	1420	1426	1454
Castorsd RJK	100 KGS	Rajkot	2415.5	2420.5	2431.5
Guar Seed	100 KGS	Jodhpur	1786	1806	1802.5
Soya Bean	100 KGS	Indore	NA	NA	NA
Mustrdsd JPR	20 KGS	Jaipur	520	521.15	519
Sesame Seed	100 KGS	Rajkot	6338	6363	6275
Coconut Oil Cake	100 KGS	Kochi	1014	1014	1014
RCBR Oil Cake	1 MT	Raipur	5020	5040	5100
Kapaskhali	50 KGS	Akola	587.1	592.3	599
Coconut Oil	100 KGS	Kochi	4628	4628	4628
Refsoy Oil	10 KGS	Indore	476.3	473.15	470
CPO	10 KGS	Kandla	348	347	338.6
Mustard Oil	10 KGS	Jaipur	480.8	482.7	483.6
Gnutoilexp	10 KGS	Rajkot	568	574	577.9
Castor Oil	10 KGS	Kandla	495	495	500
Crude Oil	1 BBL	Mumbai	3408	3355	3355
Furnace Oil	1000 KGS	Mumbai	25765	25765	25186
Sourcrd Oil	1 BBL	Mumbai	3410.5	3410.5	3369.5
Brent Crude	1 BBL	Mumbai	3379	3313	3313
Gur	40 KGS	Muzngr	1076.5	1076.9	1081.4
Sugars	100 KGS	Kolhapur	2354	2355	2358
Sugarm	100 KGS	Delhi	2515	2515	2510
Natural Gas	1 mmBtu	Hazirabad	193.6	199.1	199.1
Rubber	100 KGS	Kochi	9993	9961	9946
Cotton Long	1 Candy	Kadi	23460	23420	23440
Cotton Med	1 Maund	Abohar	2426.5	2422.5	2445
Jute	100 KGS	Kolkata	2775.5	2775.5	2775
Gold	10 GRMS	Ahmd	14710	14641	14617
Gold Guinea	8 GRMS	Ahmd	11768	11713	11694
Silver	1 KGS	Ahmd	22573	22428	22445
Sponge Iron	1 MT	Raipur	13910	14025	14015
Steel Flat	1000 KGS	Mumbai	28460	28420	28450
Steel Long	1 MT	Bhavnagar	22655	22675	22820
Copper	1 KGS	Mumbai	246.25	245.3	245.3
Nickel	1 KGS	Mumbai	770	770	760.5
Aluminium	1 KGS	Mumbai	79.85	79.85	77.9
Lead	1 KGS	Mumbai	83.3	83.3	82.35
Zinc	1 KGS	Mumbai	77.1	77.1	74.5
Tin	1 KGS	Mumbai	725.25	725.25	712.75

(Source: MCX Spot Prices)

Hazardous Waste – Import

The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Custom House, Maharashtra on 19th June 2009

F. No.:S/22-GEN-154/09-10 AM (I)

37-PN 19.06.2009 Attention of all importers, CHA, trade and all others concerned, is invited to the Hazardous Wastes (Management, Handling and Trans-Boundary Movement) Rules, 2008 (hereinafter referred to as "HWR" for the sake of brevity). These Rules have been enacted by the Ministry of Environment and Forests, Government of India, in exercise of powers conferred under Section 6, 8 and 25 of the Environment Protection Act, 1986 (29 of 1986) and in supersession of the Hazardous Waste (Management and Handling) Rules, 1989.

2. Chapter IV of the said Rules, provides in detail the procedure for import and export of Hazardous Waste. Salient features of HWR are:

(i) All the items listed in Part A of the Schedule-III are restricted and require *Prior Informed Consent* as well as permission from Ministry of Environment & Forest and DGFT Licence.

(ii) For all Items listed in Part B of the Schedule III, *Prior Informed Consent* is not required. Further, various items listed in the Part B have been categorized into 4 categories, with the attendant conditions attached to each item, which are as under:

Category	Requirement
With two astrics**	Import permitted in the country without any license or restriction
With three astrics***	Import permitted in the country for recycling/reprocessing by units registered with MOEF/CPCB and having DGFT license.
With four astrics****	Import permitted in the country by the actual user with MOEF permission and DGFT license.
With no astrics	All other wastes listed in Schedule-III (Part-B) having no "Star/s" (*…) can only be imported in to the country with the permission of MOEF.

3. All provisions of HWR will be strictly adhered to, notwithstanding the earlier practice followed in this Custom House or other Custom Houses.

4. In case of non-compliance of any of the conditions, as per the provisions of Rule 17(2) of the HWR provides "the importer shall re-export the waste in question at his cost within a period of ninety days from the date of its arrival into India and its implementation will be ensured by the concerned State Pollution Control Board".

In case such goods are not cleared within 30 days of unloading, the matter would be referred to the State Pollution Control Board for necessary action at their end in terms of the aforesaid provision.

5. The importer(s) may apply for availing the option to keep the goods in Public Bonded Warehouse with adequate infrastructure under Section 49 of the Customs Act'1962, to avoid detention and demurrage charges, till the time it is re-exported or cleared, as per the provisions of the HWR.

WORLD TRADE SCANNER

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about compliance with World Trade Organization (WTO) rules, such as notification obligations. Locke and Kirk also listed for MIIT Minister Li Yizhong and MOFCOM Minister Chen Deming numerous concerns raised by global technology companies, Chinese citizens, and the worldwide media about the stability of the software, the scope and extent of the filtering activities and its security weaknesses. All of these problems have serious implications for consumers and businesses

Both U.S. government officials offered China an opportunity to exchange views with U.S. and Chinese government and industry officials on ways in which parental control software can be promoted in the market consistent with the goals of user choice, system reliability, freedom of expression, and the free flow of information.

Guillermo Valles Galmes, Uruguay's ambassador to the WTO, said that the EU-US agreement "defined as high-quality meat only that of the type exported by the US," without any justification for doing so.

He claimed that the agreement could potentially cause the US' share in EU imports of high-quality beef rise from 19 percent to 54 percent. Other exporters, including Uruguay, would continue to face the 20 percent in-quota tariff within the existing TRQ, and would be displaced.

EU-US agreement

The memorandum of understanding signed by the US and the EU in May provides for a potential multi-phase expansion in EU market access for high-quality beef, accompanied by reductions in retaliatory duties levied by Washington on certain EU exports.

In the first phase, the EU would open a new, tariff-free import quota of 20,000 tonnes by 3 August. The US would refrain from applying increased retaliatory duties it announced in January.

In early 2011, the two governments would have the option of proceeding to a second phase, under which the EU would expand the new quota to 45,000 tonnes, and the US would suspend all retaliatory duties related to the beef hormones dispute. Under a potential third phase, the EU would maintain the larger quota level, and the US would formally cease the increased duties.

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